

# **Final Report Metis Nation of Alberta Association**

## **Royal Commission on Aboriginal Peoples**



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01 April, 1995

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**Metis Nation of Alberta Association**  
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## 1. Introduction

In the time since this study was initiated, the Metis Nation of Alberta has lost two leaders. One through disability and the other through sudden death. In the wake of this loss, 75,000 Metis in this province have been involved in extensive consultations and discussions on the nature, form and type of government they want. Thousands of meetings have been held, in school gymnasiums and around kitchen tables. Sometimes the issues discussed were painful for participants, especially the subjects of child and family support systems. Other times, heated discussions about policing and financial monitoring issues demonstrated large differences among individuals and communities about what type of government was most equitable and appropriate.

The Alberta Metis "Otipemisiwak" Commission (AMOC) was established following the orders of the general membership at the 66th annual assembly in Fort McMurray and presented its final report to the membership of the Metis Nation of Alberta on 28-29 January, 1995. The report detailed recommendations that touch on virtually every aspect of life as a Metis in Alberta. Notably, a Constitutional Commission has been formed and is currently soliciting input from the widest possible cross-section of Metis society on the form and content of a new constitution for the Metis Nation of Alberta. When this process is completed, a much clearer picture of the type of government Metis want will exist.

This report to the Royal Commission on Aboriginal Peoples has essentially been overtaken by events. In consideration of, and out of respect for, the on-going consultations mentioned above, this document can only be considered as a work in progress. The people have spoken. They will define for themselves what it means to be "Metis" and will design, incrementally, the structures of governance they feel are most appropriate to the task. Further, they have stated clearly that they shall reject any attempt made to govern them from the centre to the periphery, or from the top down. They will choose their own path.

Metis Nation of Alberta  
01 April, 1995



## **2. Use of Terms: Governance vs. Self-Governance**

Early in the research for this project the Local Guidance Committee determined that this study was not about governance, but about "self-governance". The difference is important. As most Aboriginal people in Canada know it, "governance" refers to an outside management system imposed on Aboriginal communities at either the federal or provincial level. Examples of such management systems being; the Indian Act, the Metis Settlements Act or a provincial Societies Act.

"Self-governance" is understood to define a system of management directed by Aboriginal communities themselves and is enforced, ultimately, by the community for which it was designed.

Under the direction of the Local Guidance Committee, we have assumed that for the purposes of this paper, governance means self-governance.

### **General vs Specific**

In the report that follows, the Metis Nation of Alberta will attempt to explain the essential features of self-governance from two perspectives. First from the perspective of Aboriginal people generally and second, from a uniquely Metis point of view.

## **3. Limitations**

The following discussion of issues relevant to Aboriginal self-governance will, through necessity, be cursory in nature. A full discussion of the self-governance needs and aspirations of all the Aboriginal peoples in western Canada would require substantially more time and money than is available for this project.

This study is limited in respect to information regarding Inuit models of self-governance. For the most part, the authors operated under the assumption that Inuit specific aspirations for self-governance would fall into one or more of the general models discussed. Wherever possible, however, the Inuit will be referred to by way of example.



#### **4. Format**

This document was formatted to reflect the Terms Of Reference provided by the Royal Commission.

#### **5. Background**

##### **Decline of Self-Governance**

Self-government has existed in the minds of Canada's Aboriginal people, in both a real and abstract sense, since the beginning of time. It has only become a preoccupation since it was taken away.

Since the Aboriginal peoples of Canada first encountered their European colonizers, the legal, structural, spiritual and ritual indicia of their methods of self-government have been stripped away. The Iroquois were forbidden to use Wampum Belts or to engage in their own religion or longhouse ceremonies. The plains Indians saw their Sundance ceremony outlawed. And the west coast Indians saw the disappearance of the Potlatch ceremony. These are just a few examples of a concerted official policy to destroy the very essence of a peoples spirit, and as a result, their ability and will to govern themselves.

With the advent of the United Nations and the United Nations Charter in the latter half of this century, Aboriginal issues have finally been recognized as issues relevant to all Canadians. Canada's determination to be seen by other members of the international community as a leader in advocating constitutional entrenchment of basic human rights has created a double edged sword.

Over the last several years Canada has been very vocal in criticising South Africa and areas of the southern United States for lagging behind the rest of the world in delivering and protecting the basic human rights of their respective peoples. Recently, however, the shoe has been on the other foot. Canada has recently been criticized by several members of the international community for failing to live up to the same standards they attempt to hold the rest of the world to. Partly through embarrassment and partly



through introspection, Canadians have slowly come to grips with the reality, and systemic effects, of the injustices done the Aboriginal people of this country.

## **6. Tacit Recognition of Aboriginal Self-Governance**

With the repatriation of the Constitution in 1982, the government of Canada now affirms and recognizes that the Indian, Inuit and Metis peoples of Canada have certain inalienable rights that must be both respected and protected. From 1982 to present, however, the majority of Canada's First Ministers have consistently rejected the notion that self-governance is one of the rights contemplated in section 35 of the Constitution Act, 1982 and have chosen instead to stall the implementation of the terms of section 35 by redundant debate and filibustering. This has occurred in spite of overwhelming popular support for entrenchment of provisions for self-governance in the Constitution. The 1989 Penner Report, the 1990 Canadian Bar Association Report and most recently, the Royal Commission on Aboriginal Peoples, 1993 have all clearly stated that the vast majority of Canadians are in support of the notion of self-governance for Aboriginal peoples.

## **7. Acknowledging a Third Order of Government**

With or without the support of the Canadian First Ministers, a "third order of government" is emerging from within this country. It is not yet clear, however, how this third order will manifest itself or whether it will be accepted by the mainstream Canadian population. While self-governance has been tacitly accepted in a temporal or normative sense, the physical realization of the necessary pragmatic elements of self-governance depends on whether there is enough political will on all sides to allow the issue to move forward.



## **8. Methodology**

### **Overview**

This study was conducted by the Metis Nation of Alberta, commencing June 30, 1993. Oversight for the project was provided by a Local Guidance Committee composed of four members of the Metis Nation of Alberta Senate. Research and drafting of the initial report was done by a Brant & Brant Native Development Consultants Ltd.. The final report was written by professional staff of the Tripartite Division of the Metis Nation of Alberta.

### **Research**

The research phase of the study required 12 weeks to complete. Primary and secondary sources of information were utilized concurrently.

### **Primary**

Primary research consisted almost exclusively of observing the day to day operations of the Metis Nation of Alberta over the 12 week study period, and included meetings and interviews with key personnel within the Metis Nation of Alberta Association and the Metis National Council.

During the primary research component of the study, the research team depended heavily on the knowledge and assistance of Gerald Thom, President of the MNAA and Bill Haineault, Federal/Provincial Relations Department of the MNAA. The research team also attended the 65th Annual Assembly of the MNAA in Valleyview, Alberta (20-21 August, 1993), a Metis Lawyers Conference in Calgary (1-2 September, 1993) and a Metis National Council meeting in Yellowknife (10-11 September, 1993) for the purposes of gathering information relevant to this study.

### **Secondary**

The MNAA and the research team jointly developed a study plan to assist in achieving research objectives. This study plan focused on four principal subject areas directly relevant to the issue of self-governance. They were; documentary, statutory, common-law and Metis-specific.



## **Local Guidance Committee**

The Local Guidance Committee provided significant input into the terms of reference, focus and objectives of the research project through out the entire research period.

## **Drafting Process**

The initial drafting process took approximately four weeks to complete and involved collaboration between the research team and the Director Federal/Provincial Relations for the MNAA. The Local Guidance Committee reviewed and made comments on the initial draft before presentation to the Board of the MNAA and subsequent submission to the Royal Commission.

## **9. Emerging Models of Aboriginal Governance**

### **Generic Models**

During the course of this study, several emerging models of Aboriginal governance were identified, each with varying degrees of "self-government" attached to them. The most obvious, or generic, forms of self-governance might be described as being based upon local, tribal or regional aspirations. There are, in addition, two additional emerging models referred to in this study as the "public governance" and "nation state" models.

It is important to note here that long established models, such as Indian Band Councils and Metis Settlement Councils, are given only cursory attention within the context of this study. It was felt that, owing to the amount of time they have been in existence, they could not be considered as "emerging" models.

## **10. Local Governance Model**

Local models for self-governance usually address the need to manage human activity with the relatively narrow confines of a given piece of geography. They are essentially geocentric in nature and rarely involve the consideration of the needs of more than one



community at a time. They usually consist of a local Council presided over by a Chief or President and their principal method of decision making is by way of simple majority resolution. These governing Councils usually receive their authority for local law making powers in the form of by-laws. They often have at their disposal a group of administrative officials who work, in varying capacities, for the Councils and who serve community members directly on behalf of the Council and its members.

Indian Band Councils and Metis Settlement Councils are historical examples of this type of local governance model. While each of these mechanisms enjoyed some degree of local governing power, their powers were largely restrictive in nature and were ultimately subordinate to the powers of a federal or provincial official. These officials controlled the allocation and distribution of funding and reserved the authority to approve or reject decisions made at the local level. Communities managed by this type of regime are marked by excessive control and an overall lack of progress in advancing the economic, social or political aspirations of the affected communities.

Variations of the Local Governance Model have been developed over the last several years that substantially reduce the negative effects of outside authority and control. The Sechelt Band in British Columbia is an example. They are among a number of Bands that have chosen to essentially "opt out" of the Indian Act by negotiating alternative legislation that provides them with a greater degree of authority and control over local affairs. Each of these alternative legislative arrangements represents a specific legislative framework negotiated separately with the Federal Government and is tailor-made to suit the circumstances of each Band. In many respects these alternative arrangements represent little more than the setting up of municipal style governments. The Bands, however, appear to be satisfied with the increase in authority and control that these arrangements allow them. In particular, the Sechelt Band is moving ahead of other Bands in their area in such key areas as economic development, social development, taxation and regulation of residential, commercial and industrial land use.



## **11. Tribal Governance Model**

In the latter part of the 1970's and the early 1980's, tribal governance models first began to appear in Western Canada. Today they are found throughout the country. These models are characterised by the participation of Indian Bands sharing a common language, culture and historical alliances. They also share common concerns and aspirations in regards to socio-economic development and self-governance. A principal reason for their formation was the collective belief in the need to pool resources in the face of steadily diminishing assistance from federal sources. Shortly after their formation, and eventual consolidation, they became a desirable vehicle for the Department of Indian Affairs to devolve programs and services. This devolution was part of the Department's decade-long policy of "down-sizing".

The majority of the examples of this model were of a manageable size, usually involving no more than four or five Bands. Decision making at the tribal council level is usually accomplished by simple majority of the Band Chiefs present, but only in respect to decisions that shall affect all Band members alike. The tribal councils do not interfere with local decision making. A traditional respect for local decision making systems does, however, often dictate decision making at the tribal council level. There is some question, therefore, whether the sensitivity of the tribal council model to localized community concerns can short circuit decisions that need to be made for the good of the council and it's members as a whole. Simple majority is often not enough to get the job done.

## **12. Regional Governance Model**

In the past 20 years, regional governance models have become increasingly popular among Canadian Aboriginal groups. Indian Bands have joined together on the basis of treaty affiliation. Treaty 3 and Treaty 9 in Ontario and Treaty 6, 7 and 8 (predominantly Alberta) are notable examples. Other Bands without treaties, per se, have joined together on the basis of cultural and/or historical alliances. The Association of Iroquois and Allied Indians in Ontario and the Giksan-Carrier in British Columbia are examples.

The Metis people of Canada have also established strong regional alliances. Provincial Metis associations are well established in the provinces of Ontario, Manitoba,



Saskatchewan, Alberta, British Columbia and the Northwest Territories with local and regional representation in the form of Metis Regional Councils throughout each of the provinces.

The Inuit have also formed strong alliances to protect their cultural diversity and to strengthen their voice in negotiating land claims in the north.

As models of regional governance, all of the above examples are characterized by their larger number of representatives at regional meetings than would be associated with the smaller local and tribal models of governance. As a result, the degree of actual governance enjoyed by the regional models is somewhat less than that enjoyed by the local and tribal models. This is due largely to the much larger and diverse geographical areas, and populations, that have to be represented. Decisions arising from regional models must be general enough to satisfy often diverse conditions existing in different parts of the region. Thus, these decisions are often lacking in the kind of detail needed to guide specific activity. Some observers have opined that coordinated political action on the part of regional governance models represents a greater threat to municipalities and other regional governments in Canada than the smaller, and more traditional, local and tribal governance models.

With less ability to exercise governance directly, regional organizations tend to focus less on governance and more on the delivery of programs and services. Many rely on cooperative arrangements with federal and provincial governments to support themselves. They structure their contribution agreements to obtain core funding for their offices and staff directly or build the operational costs of their organizations into the funds they receive for the delivery of programs and services.

### **13. Public Governance Model**

In the Northwest Territories, Aboriginal people represent the majority of residents. As such, they are able, through simple force of numbers, to elect their own leaders to public government. Unique in Canada, Aboriginal people are representing both Aboriginal and non-Aboriginal citizens in a constitutionally sanctioned government. As both a concept and a model, this situation has sparked a desire among the Indian and Inuit people of the Eastern Arctic to create the Territory of Nunavut.



In the view of mainstream Canadian society, public government is by far the most legitimate of all the models for self-governance discussed this far. No other mechanism has a greater claim to govern than a group of people elected by the entire population of a region -- the public being represented by the majority. This is the basis for both federal and provincial governments in Canada and in most governments around the world. It is conceivable that other areas in Canada may one day identify this model as an alternative form of governance. The Yukon Territory, Saskatchewan and Northern Quebec are areas where the proportion of Aboriginal to non-Aboriginal may make such an arrangement possible.

#### 14. Nation State Model

Since repatriation of the Constitution in 1982, there has been a growing movement among Aboriginal people toward reaffirmation of their status as nations. This is due largely to the advent of constitutional recognition of Aboriginal rights under section 35 of the Constitution Act 1982 and the tacit understanding among Aboriginal organizations that this includes the right to self-government. This understanding is buttressed by recent proclamations of the United Nations that indigenous people have an inherent right to exist as first peoples and should have the right to an autonomous land base where they can exercise self-determination and self-government.

The Mohawk People, residing on six reserves in Canada and several in the United States, have consistently adopted the nation state model. Characteristic of nationhood, the Mohawk have their own flag, land base, language and culture. They also have their own rules of law (the Law of the Great Peace) and their own standing army (Mohawk Warriors Society). The Mohawk model of the nation state permits Mohawk people the right of citizenship in any Mohawk territory they choose to reside in. As a further indication of their nationhood; the Mohawk People insisted on representing themselves at the Constitutional talks and refused to be represented by the Assembly of First Nations.

The Metis People of Canada are also beginning to reaffirm their nationhood pursuant to section 35 of the Constitution Act, 1982. Metis leaders have adopted the nation state model for both the national body (Metis National Council) and the provincial and territorial bodies (The Metis Nation of Alberta Association).



## 15. Alberta Metis Nation State Model

The Metis Nation of Alberta has been working to establish itself as a nation state, in various ways, for decades. The principal representative body of the Metis people of Alberta is undergoing continual change in order to realize this ambition, including changing its name. Originally the organization was known as the Metis Association of Alberta, then several years ago the name was legally changed to the Metis Nation of Alberta Association. While this remains the official name today, popular usage has shortened it to the Metis Nation of Alberta. This truncating of the official moniker for the organization does not only reflect an interest in economy of words -- it represents a very real awareness among Alberta Metis regarding the image they have of themselves, now and in the future.

A greater emphasis has also been placed on other indicia of nationhood. The Metis Sash has been revived as a cultural icon, and its uses and functions revised to transcend traditional gender biases. The Metis Council of Elders has played an important role in the operation of the organization since its inception. This group's scope and focus has recently been revised and is now referred to as the Metis Nation Senate, following resolutions passed in the annual assembly of 1991.

Methods of electing representatives to the apex body of the Metis Nation of Alberta have also changed significantly over the years -- and are expected to continue to change through the operation of an electoral commission currently consulting with community members across the province. A ballot box system, with 40 polling stations across the province, has replaced the annual assembly as the preferred method of electing representatives. More changes are expected to occur within the next year.

Within the Metis Nation of Alberta several important changes have been introduced. A portfolio system has been introduced, with each of the members of the Board of Directors being assigned a specific sector for which they are responsible as Ministers. They then deal directly with government officials, with the support of the professional staff at the Metis Nation of Alberta main office in Edmonton.

The Metis Nation of Alberta nation state model is a dynamic one, subject to continual development and evolution. To some extent, this fact of progress has been recognized, in pragmatic terms, by both provincial and federal levels of government in Canada.



## **The Framework Agreement**

The Framework Agreement was signed between the Metis Nation of Alberta and the Province of Alberta in 1987. It has since been extended to 1998.

The Agreement signalled the commitment of both the Provincial Government of Alberta and the Metis Nation of Alberta Association to work toward achieving self-sufficiency for the Metis people of Alberta. Under the Framework Agreement the following sector sub-committees have been established:

1. Education
2. Social Services
3. Municipal Government and Housing
4. Environment
5. Economic Development

Each sector sub-committee has developed Memorandums of Understanding with their respective line departments within the Provincial Government of Alberta. The Memorandums of Understanding call for both the Provincial Government and the Metis Nation of Alberta to work in concert in addressing Metis specific issues and concerns.

## **The Tripartite Agreement**

On August 31, 1992, and in effect until 1997, the Metis people of Alberta entered into a Tripartite Agreement with both the governments of Alberta and Canada. The objectives of the Agreement are as follows:

1. Promote exploratory discussions in a number of agreed upon areas such as health and welfare, education, social services and justice.
2. Identify opportunities for negotiated arrangements furthering self-management and self-reliance among the Metis of Alberta.

3. Strengthen multi-departmental coordination within the government of Canada, Alberta and the Metis Nation of Alberta.
4. Increase Metis participation in decision making and the administration of government programs, policies and services directly affecting Metis.

The Tripartite Joint Committee has been operationalizing several aspects of the Agreement over the last two year period. Notably, each of the parties to the Agreement have given tacit recognition to the concept of an incrementalist approach to self-governance; that the delivery of essential social services to it's population represents, de facto, the actions of a legitimate government.

At time of writing, the Metis Nation of Alberta has submitted a plan for the delivery of Metis specific social services in Alberta. This program has been designed to compliment the province of Alberta's current policy of devolving as many child and family support services top the community level as is possible. The transition period for the implementation of this program is three years.

## **16. Alberta Metis Local, Regional and Provincial Representation**

A significant aspect of the continuing development of the Metis Nation of Alberta's model for self-governance is the way in which it allows for local, regional and provincial representation.

### **Current System -- Locals**

The Metis Nation of Alberta recognizes Metis Locals at the level of individual communities. Currently, a recognized Local and be made up of as few as five members of the Metis Nation of Alberta Association, provided they have made an application to the Metis Nation Board of Directors fro recognition. In the past, Locals have organized themselves in order to gain representation through their elected Presidents at the Regional Council Level. In addition to representation, Locals sought to establish offices to serve as a base for the delivery of programs and services at the level of their own communities.



Some locals, having relatively higher skilled members, have been able to access federal and provincial financial support for a wide number of local, community based, initiatives. Others have taken another route and engaged in private sector ventures as a way to generate the resources needed to define and deliver the services most needed in their respective communities. In some cases, owing to the corporate nature of provincial legislation, the Metis Nation of Alberta has been forced to assume the responsibility for several unsuccessful business ventures. This has created immense pressure on the financial resources of the apex body in a time of government restraint and down-sizing.

Representation at the local level is currently being re-structured to separate the political from the developmental; to define more clearly the roles and responsibilities of elected officials and to establish the human resource base needed to effectively design and manage community development projects. The Metis Nation of Alberta is currently undergoing a consultation process with the Locals in an attempt to better define the roles and responsibilities of the Locals at the community level. This process may eventually result in the re-structuring of both Locals within the community as well as the Zones within the province. As for the establishment of local community development initiatives, the Metis Nation of Alberta is consulting with Locals and Regional Councils to pave the way for the creation of Service Delivery Boards. These Boards will be described in greater detail later in this report.

### **Current System -- Regions**

Regionally, the Metis Nation of Alberta will continue to rely on the input it receives from each Zone Regional Council in defining its priorities and direction. Each Zone Regional Council is made up of the Presidents of each Local within the Zone. This system of representation is expected to continue. The Metis Nation of Alberta will continue, however, to consult with each Zone at the Local and Regional level to determine how the Zone boundaries within the province can be re-drawn to facilitate a more equitable distribution of Locals throughout the province.

Regional representation at the provincial level of the Metis Nation of Alberta will continue to be reflected in two mechanisms. One being the elected Vice-Presidents, who shall sit on the Board of Directors of the Metis Nation of Alberta and who also



form the Executive Committee. The other being the elected Zone Directors who also sit on the Board of Directors. Both these representatives are elected from the population at large in their respective Zones, which in many respects serve as the electoral districts found in mainstream society.

As in the past, the President is responsible for the operation of the provincial office and the Vice-Presidents are responsible for the operation of their respective Zone offices. The only time the Board operates collectively is when it sits as a Board and passes resolutions in accordance with the by-laws of the organization. According to the current By-Laws, the Board of Directors is required to meet a minimum of six times each calendar year.

### **The Future**

The nation state model emerging from within the Metis Nation of Alberta will be considerably different from that of the past. It will be more parliamentary in nature and will provide for the direct election of a President, similar to the existing system in the United State of America.

### **Community Organization**

Individual citizens of the Metis Nation of Alberta will group themselves into community based constituencies, each of which will include outlying areas to allow representation from residents of rural communities. Each constituency will elect a delegate to represent them at the Metis Nation of Alberta "parliament" or "legislature" which will sit twice each year for approximately two to three weeks at a time. Elected delegates will be responsible for advancing issues and concerns of their respective constituencies during debates in the parliament. They will also be responsible for keeping their constituencies up to date on happenings in the Metis Nation of Alberta legislature.



## **Zone Organization**

Constituency representatives will appoint individuals from among their peers in the parliament to sit on the Metis Nation Treasury Board as Trustees. Although appointed by Parliament as a whole, each Treasury Board appointment will reflect the need for Zone representation at this level. As a result, the number of Trustees will be set using a multiple of six, i.e. six, twelve, eighteen or twenty-four.

It is considered essential to have extensive involvement of the Zones at the Treasury Board level of the organization. This will be the centre of the allocative/budgetary process. As such, proper representation of each of the Zones is essential if allocation of available resources is to occur equitably. It is equally important to have Parliament, as a whole, select the Trustees. This will ensure that each Constituency Representative stands an equal chance of being selected on the basis of consistent and objective criteria, reducing concern among community members regarding patronage appointments and the inequity they bring to the allocative process.

Between sittings of the Parliament, the Treasury Board will meet every six weeks. Budgets will be presented to the President based on recommendations from the Cabinet. Once budgets are approved, the Treasury Board will monitor the President and the Cabinet in the administration of approved expenditures through regular reporting and periodic independent evaluations/audits.

## **Provincial Organization**

The President, elected at large by all Metis in the Province of Alberta, will perform an executive function. S/he will be responsible for establishing the Metis Nation Cabinet which will in turn will be selected from among the Trustees of the Treasury Board. Each member of the Cabinet will hold the title of Minister and shall, under the direction of the President, oversee the operation of the Metis Nation of Alberta on a sectoral or department-by-department basis.

The President shall be responsible for assigning portfolios to the Ministers of the Government and shall instruct them individually in the direction and management of their respective departments. He will be assisted in this capacity by Treasury Board



Trustees as needed.

The Metis Nation of Alberta Parliament will be responsible for reviewing proposals for new and/or revised legislation arising from any and all levels of the Metis Nation. All legislative proposals will become law by a majority vote of the Constituency Representatives after third reading in the Legislature. At the moment it is proposed that no proposal can become law until it receives a two-thirds majority vote following third reading in the Legislature.

#### **17. Metis Nation of Alberta Parliament**

The Parliament will hold constitutional authority to enact laws of both a general and specific application for the citizens of the Metis Nation of Alberta. It is envisioned that this authority will include, but not be limited to, the following areas of jurisdiction:

1. Metis justice and the judiciary;
2. Metis lands and lands reserved for Metis;
3. Metis citizenship;
4. Metis taxation;
5. Metis education;
6. Metis economic development, trade and commerce;
7. Metis health and welfare;
8. Metis culture;
9. Metis housing;
10. Metis social services;
11. Metis nation public service.



## **18. Metis Nation of Alberta Senate**

The Senate of the Metis Nation of Alberta will be the principal advisory body to the Parliament. Parliament shall, however, retain the right to appoint its own Parliamentary Committees to review issues and make recommendations on matters falling within their respective mandates. The Senate shall, as a matter of right, have the authority to review all bills and proposals before the Parliament and to make its own recommendations.

In addition, the Senate will continue to have inherent jurisdiction to resolve disputes between:

1. Parliament and the President;
2. Parliament and the Treasury Board;
3. The President and the Treasury Board;
4. Individual Members of the Parliament.

The Senate will continue to be comprised of Metis elders having demonstrated a commitment to the Metis Nation and who have made a significant contribution to the betterment of the Metis people during their lifetime. The Senate will have the inherent authority to be self-regulating in terms of qualifications of its members and the procedural manner in which it conducts its own business.

## **19. Metis Nation of Alberta Government**

The actual administration of the government of the Metis Nation of Alberta will be conducted by line departments. Each department will be run by a Minister appointed by the President to be an Executive Officer of the Metis Nation of Alberta. Departments will be staffed as required and will conform to Metis Nation Public Service legislation. This legislation will define departmental employment structures. Department heads will be accountable directly to the President and indirectly to the



Treasury Board for expenditures made by each of their respective departments. They will also be responsible for administering any legislation enacted by the Parliament to which their departmental mandate applies and enforcing those laws to the full extent of the powers granted to them by Parliament. Departments will be permitted, upon approval of the President, to develop their own administrative policies and procedures in relation to their internal operations and the delivery of their mandate from Parliament.

## **20. Metis Nation of Alberta Programs and Services**

Departments, in the administration of programs and services, will receive funding from one of two sources:

1. Metis Nation of Alberta Treasury;
2. Contributions from Intergovernmental Cooperative Agreements.

The actual funds received by the Treasury Board will come from one of the following sources:

1. Transfer Payments from either the Federal or Provincial Governments, or both;
2. Parliament's taxation authority.



## **21. Impediments to Full Realization of Self-Government**

### **Lack of Federal/Provincial Recognition of Jurisdiction and Responsibility**

Many Aboriginal organizations have struggled, and succeeded, in achieving a degree of self-government. At least in terms of having the requisite agreements in place with provincial and federal governments. They have, however, moved very little in any pragmatic sense. Agreements, offerings and handshakes mean nothing if they are not followed up with a commitment to action. The action these groups now request is that federal and provincial levels of government in Canada come to the table prepared to negotiate and recognize Aboriginal jurisdiction and responsibility as elements integral to self-government. There can be no further movement forward without this occurring.

### **Lack of Political Will**

The overwhelming majority of Canadians are in favour of some form of self-government for Aboriginal peoples. The question then, is not "if" but "when" and "how much"?

If a clear consensus on the future of Aboriginal government is going to be reached, the issue must be put solidly in front of the Canadian body politic. This would be best done in the form of a clear and definitive question to be asked of Canadians in a national referendum. Unlike the situation in the referendum of November 1992, the question of Aboriginal self-government should not be lumped together with questions of Quebec sovereignty, constitutional amendments or any other issue that may serve to dilute the central issue.

### **Lack of Access to Land and Resources**

The lack of a significant, freely held, land base is the single most important factor in the under-development of the Metis people of Western Canada. Without freehold title to land there can be no access to credit. Without credit there can be no investment, and thus, no development.

Land, and the resources associated with land, are prerequisites to the establishment of any meaningful form of self-government. Together they form the basis upon which any



government is able to sustain itself over the long term.

### **Lack of Direct Financial Support**

Most Aboriginal groups depend on several different sources for the funds they need to operate. Common mechanisms are core expense contributions, contracts for the delivery of programs and services, fee for service payments from community members and profits from economic development initiatives. Most do not receive transfer payments from either the provincial or federal levels of government. A few of the more fortunate Aboriginal communities receive royalties on oil & gas, timber and mineral extraction operations.

Aboriginal groups believe they should be entitled to transfer payments calculated on a per capita basis. These transfers should be considered as discretionary funds and should not be encumbered with restrictions.

### **Lack of Federal/Provincial Recognition of Jurisdiction and Responsibility**

The Metis Nation of Alberta is continuing to work toward developing its own model of self-governance. For the time being, it has elected to work toward this goal through cooperative agreements aimed at developing programs and services for the Metis people. Both the Tripartite Process Agreement and the Framework Agreement are touted as "paving the way for self-government". However, when pressed to make specific fiduciary commitments to the realization of self-government, officials from both the provincial and federal levels of government deny these processes are actually designed for that purpose. Instead they say that whether or not self-government is ever to occur will depend ultimately on resolution and final interpretation in the courts of section 35 of the Constitution Act.

### **Lack of Autonomy**

In order to exist as legal entities in Canada, Aboriginal organizations are required to conform to provincial legislation defining the forms and functions of organizations. In Alberta, the Metis are forced to design a management system based exclusively on the provisions of the Societies Act. Under the Act, the province has the power to approve



or reject by-laws made by the organization for its own benefit. This is widely considered to be an unreasonable level of control and acts to inhibit the evolutionary process of trial and error upon which intelligent design is based.

### **Lack of a Proper Enumeration**

Statistics Canada says that there are approximately 45,000 Metis in the Province of Alberta. The Metis Nation of Alberta believes there are at least 75,000 Metis in Alberta, possibly more. Without a proper door-to-door enumeration, negotiations with local, provincial and federal levels of government for an equitable share of available development resources will continue to end in deadlock.

### **Diversity Among Communities**

There is no such thing as a "typical" Metis Community. Of the more than 60 Metis communities in the province of Alberta, some are predominantly Metis, others are mixed Metis and White, Metis and Indian or Metis, White and Indian. Some are located in isolated areas while others are located in large urban areas. Some have little or no access to programs and services while others are ideally located to take advantage of economic opportunities. As a result, the process of conducting extensive consultations with all members of the Metis Nation is a daunting one. Identifying a clear consensus among diverse communities is a difficult and time consuming task.

### **Access to Post-Secondary Education and Training**

To see the failure of the Canadian education system to prepare young people for the jobs of the future one need look no further than the Alberta Metis community. 70% of Metis have no education past high school and less than 2% have ever attended university. 1996 population projections indicate that more than 50% of Metis will be under 25 years of age. Education is not just crucial for our development, it is essential for our survival.



The denial of federal financial assistance comparable to that enjoyed by Status Indians is another major impediment to Metis gaining a post-secondary education. The significant gap between the percentage of Indian and Metis students attending university can be attributed directly to the absence of federal assistance for Metis education. While First Nations have access to federal funding to focus on the development of "special" projects to address their needs, Metis do not.

Federal funds channelled through the provinces are directed to the "population at large". As such, the benefits of education funding become diffused through the entire population, ignoring the fact that the Metis have needs for special projects above and beyond those of the general population.

### **The Liberal "Red Book"**

The Liberal party Red Book contains some 39 references to Aboriginal people. While most of them are insubstantial in the sense that they do not assign timelines or specific fiduciary responsibilities to the federal government, others are specific in identifying the intent of the Liberal party -- now in power. In particular, the federal government has repeatedly stated its recognition of the Inherent Right to Self-Government for Aboriginal people. Implicit in this recognition is the need to develop decision making bodies and delivery systems appropriate to that task.

The Metis of Alberta are committed to realizing both the conceptual and practical aspects of Self-Government. This commitment is currently manifested in several ways; through the organization of decision and income generating bodies at the grassroots level; through political organization and lobbying federal and provincial governments on issues related to justice, natural resource management and economic development and through the setting up and training of Community Service Delivery Boards to deliver essential services traditionally provided by the provincial government. Integral to this process of developing appropriate systems for Self-Government is the need to exert control, and respond to demands for, labour market training, education and Unemployment Insurance; including mechanisms to manage it's developmental uses.