

**Brief for Federal Electoral Boundaries Commission for the
Province of Saskatchewan**

June 27, 2022

- **By Métis Legal Research and Education Foundation**
 - **Clément (Clem) Chartier QC**
 - **Kathy Hodgson-Smith, M.Ed., J.D.**
 - **Duane Favel, Board Member**

The Foundation was established in 2001 and has a Board of Directors composed of Métis Nation citizens from northwest Saskatchewan. The Foundation was set up to continue the pro bono work provided primarily to the Métis of northwest Saskatchewan.

The first significant case defended was *Morin and Daigneault* (QB 1997) which established the right of the Métis in northern Saskatchewan to continue their harvesting practices for food which is recognized and affirmed by s.35 of the

Constitution Act, 1982. The provincial government subsequently adopted a policy establishing that the area covered by *Morin and Daigneault* was bounded geographically by the Northern Administration District (NAD).

The Foundation was also involved in providing pro bono services to the Ile a la Crosse Boarding School Committee between 2007 and 2018, as well as services to the North West Saskatchewan Métis Council (NWSMC) on a number of subject matters, including traditional resource use interviews and mapping from 1996 to 2018.

This work by the Foundation enabled it to deal with social, economic, cultural, linguistic and traditional lifestyle matters, along with legal issues faced by the northwest Saskatchewan Métis community. This work also addressed its history, including the land and money scrip applications taken at Green Lake in the late 1800s and at Ile a la Crosse and La Loche in 1906/07.

By virtue of this work, it is clear that northern Saskatchewan, as identified in your Proposal for electoral boundaries change, has a high Métis and First

Nations population, with a significant number of Métis villages and First Nations Reserves within the proposed riding.

This was not lost on the government of Saskatchewan which in 1939 adopted *The Northern Saskatchewan Conservation Board Act* aimed at dealing with conservation matters, while at the same time taking into account the northern Indigenous population and reality. In particular, its traditional way of life and the need to protect and enhance their livelihood which was centered around hunting, trapping and fishing. Basically, living off the land, as they had done for centuries. (Attached to this presentation is a Report by the Northern Fur Conservation Area Trappers Association presented to the Royal Commission on Aboriginal Peoples in 1993 which captures the way of life of many traditional resources users in northern Saskatchewan.)

In 1946, the provincial government established the Fur Block system and subsequently, the creation of the Northern Administration District. This was coupled with different social and economic services provided to the northern Indigenous population, as compared to those services provided in the rest of the province.

As recently as the early 1970s, this reality was again reflected through the establishment of the Department of Northern Saskatchewan (DNS) with targeted social and economic programs. This was coupled with the creation of the Northern Municipal Council (NMC) as a form of increased participation by the Indigenous population in the governance of northern Saskatchewan, in particular in the Métis villages.

Following that process, the province passed *The Northern Municipalities Act* which provided for direct engagement in the governance of the Métis villages in the Northern Administration District which is still in place today.

Over the past several decades the provincial government also divided the NAD into two provincial constituencies, which has enabled the Métis and First Nations to continue dealing within their communities of interest.

For the Métis community of northern Saskatchewan, we have been organized administratively within the Métis Nation – Saskatchewan for the past several decades within four Regions: two on the west side and two on the east side.

The two on the west side joined in the mid-1990s to form the North West Saskatchewan Métis Council.

The municipal governments in our Métis villages have also formed New North as a collective body to promote and enhance their responsibilities.

Another reality is that our Métis villages and First Nations Reserves are in close proximity and in some cases abut, whereby there has been major interaction over the past 100 years and more. Due to the negative effects of the *Indian Act* whereby Indian women who married outside of the *Indian Act* lost their Status, and with their consequent movement to our Métis villages, they and the children and future generations also lost their rights under the *Indian Act*. The ensuing result was that the children of these unions were raised in the villages of their Métis fathers and became steeped in Métis culture.

Beginning in 1985 with amendments to the *Indian Act* hundreds of individuals in northern Saskatchewan regained Status or gained status over the years since.

With the most recent amendments to the *Indian Act*, hundreds more of previously self-identifying Métis are applying for, and getting, *Indian Act* status.

This has resulted in many of our Métis villages losing significant numbers of their former Métis citizens. The opposite is also true where many Métis women from our villages married Status Indian men from nearby Reserves since the late 1800s until 1985 when gaining status by marriage to an Indian male was discontinued.

This has led to a situation where, at least in northwest Saskatchewan, our collective Indigenous community has a lot in common, and the proposed boundary change would accommodate this Indigenous community of interest and identity. As noted in the Commission's Proposal, this would enable the riding constituents to elect a representative to Parliament who could devote full time to the myriad of issues confronting them and their communities.

Given this background, and the reasons listed above, it is the preference of those northern Saskatchewan residents consulted to encourage the Commission to utilize the Northern Administrative District as the new boundary for the Desnethé – Missinippi - Churchill River constituency.

This also finds support in the newly released Annual progress report on the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (June 2022) by the government of Canada. Underpinning this federal initiative is the need for advancing reconciliation with Indigenous peoples “based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change”, including the implementation of the UN Declaration through “transformative change in the Government of Canada’s relationship with Indigenous peoples”. (page 9)

What better way can this reconciliation and transformative change be accommodated or accomplished then through a constituency redistribution which provides the First Nations and Métis Nation citizens in northern Saskatchewan a direct opportunity to be included in the House of Commons where decisions affecting their lives and rights are decided.

In conclusion, there is considerable merit in reducing the size of the constituency boundary as proposed, but we would encourage going further and redefining it as the northern administrative district. Certainly, doing so is more

than justified and would enable the Indigenous peoples in the newly bounded riding to have a greater say in the near future; for their future.

In this period of seeking reconciliation between Indigenous peoples and the State, an accommodation such as the proposed boundary change would be of great significance to both the constituency residents and the country as a whole.

We thank you for your thoughtful and principled approach in addressing this most critical decision which has the potential of substantively addressing the life of the Métis and First Nations citizens and their non-Indigenous neighbors in northern Saskatchewan.

Marsi, Thank you, Merci.