

"OUR LAND AND OUR CULTURE IS OUR FUTURE" STRATEGIES AND IMPLICATIONS OF DEVELOPMENT ON THE METIS SETTLEMENTS OF ALBERTA

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The eight Metis Settlements (Colonies) of Alberta are the only lands in Canada set aside for the exclusive benefit of Metis people. Established under the authority of the Metis Population Betterment Act of 1938, the settlements were intended to provide the Metis, who have been victimized by horrors of the Depression years, with a land base upon which viable communities could be built. The many Metis leaders who had fought for nearly a decade to have land set aside for the exclusive benefit of their people had envisaged the Settlements as a means by which the Metis would gain control of their own destiny. After forty-two years of existence, the Settlements have yet to fully realize that goal. Attempts have been made by previous governments to acculturate the Metis Settlers. These attempts failed, but in the meantime, progress towards the original goal was lost because of government meddling in the affairs of the Settlements. However, through the constant efforts of the various leaders, the Settlements have gradually taken over increasing control of their own affairs. Their goal is to create self-reliant, secure, and prosperous communities built on the strengths of Land and Culture. However the manner in which this goal is eventually achieved is perhaps more important than the goal itself.

Local self-government is certainly a key factor in this goal. However it is not a goal in itself. More importantly, it is a means through which the Settlements' goal can be realized. Local government on the Metis Settlements is a means of channelling resources and human energy in an organized and constructive fashion. Outside resources are a necessary part of settlement growth, however it is

essential that the application of these resources be controlled and directed by the community through their local government framework.

In discussing local government, one inevitably faces the danger of being misunderstood. Local government is most often associated with Municipal government. Municipal government in turn is an administrative decision-making framework structured by provincial legislation. However, Metis Settlements are unique and face unique challenges. The Municipal government model is not the type of local government which will allow the Settlements to effectively deal with their unique needs and challenges. Metis Settlement local government must remain flexible and relatively uncluttered by the inevitable administrative systems which are inherent in Municipal Governments. The challenge of the Settlement is not to create a local government but to use local government as a means of achieving wider community goals.

In the process of achieving their goals, the settlements have drawn on their strengths: Land and Culture. Land is the secure base upon which viable communities can be built. Effectively utilizing the resources of the land can provide the community with its basic needs. Culture, on the other hand, is the way things are done, based upon past experiences and knowledge. It inevitably influences the type of solution created to overcome a problem or challenge. It is essentially the Metis way of doing things. This way is often contrary to the ways of the predominate culture. However, the achievement of the Settlements' goals will depend more on the efforts made by their residents, than the efforts of outside advisors. This goal will be achieved through the methods chosen by the communities.

The Metis Settlements of Alberta were created by provincial legislation in 1938. The Metis Betterment Act empowered the then Minister of Public Welfare to set aside public lands for the exclusive use and benefit of the province's Metis population. These lands were intended to provide the Metis with the opportunity to improve their socio-economic position, by utilizing the resources of the settlement lands. These resources provided the original settlers with a reasonably good standard of living. However, increasing government intervention in settlement affairs and an expanding northern economy left the Settlements behind the economic boom of the

past war years. The resources of Settlement lands generally proved to be incapable of totally supporting a local economy. However, in spite of the depressed local economy and the difficulty of earning an income, most settlement residents stayed. It was their home, they liked living on the settlement, and they expected things to improve. Through the efforts of a strengthening leadership, the government influence in the settlements began to diminish and settlement councils took more responsibility for deciding on local issues. Moreover, they began to take the government to task and questioned its actions. As a result, in 1975, the Settlements federated and formed an organization through which they could share ideas and express concerns. The issue of the rights to revenues derived from the sale of oil and gas extracted from Settlement land was seriously addressed and a legal action against the government of Alberta for their failure to deposit oil and gas royalties into the Metis Population Betterment Trust Fund was launched.

As a result of this legal action, the attitude of the Government of Alberta towards the Settlements began to change. Any programs or proposal put forward by the Settlements had to be put through a lengthy legal analysis to ensure that the government position in the litigation would not be compromised. Attempts by the Federation to develop various programs were frustrated by a government that was unsure of the legal effects of the proposed programs. As evidence of this apparent unsureness and confusion, a report published by Alberta Social Services & Community Health had this to say about Metis Settlements:

The Department will continue its work in developing the self-sufficiency of Metis Settlements and their growth towards self-government. It will be necessary for additional legal steps towards the latter objective to be postponed until resolution of the sub-surface right issue, which is presently before the Courts.

Although the goal in the first sentence sounds good, the second sentence portrays the realities that have effectively blocked any significant progress towards this goal.

The litigation also brought into focus another issue which has effectively blocked the settlement councils' abilities to deal effectively with local concerns. The government maintains that Settlement Councils are not legal entities and are therefore incapable

of handling their own funds or of entering into any contracts. Basically the provincial government's position is that in the eyes of the law, Settlement Councils are like children. The problem is partially created by the Act and regulation which does not clearly identify the Settlement Associations as legal entities. This thus leaves the question of the Settlement Associations' legal status open to interpretation. Regrettably the government of Alberta has chosen not to treat the Settlements as legal entities.

The Settlements, on the other hand, have persistently pointed to a section in the legislation which empowers the local council to decide solely on new membership applications as well as the fact that Federal Government Departments and some private industries treat the Settlements as legal entities. The question, however, is unresolved and the provincial government refuses to provide the Settlement Councils with direct funding or to enter into a contractual agreement which name the Settlement Association as a party.

While these blockages have created some frustrations, there have been some advantages. The reduced involvement of government agencies in settlement affairs has given the local councils an opportunity to develop their own potential by working on specific development areas, like the Settlement housing program.

However, the recent transfer in the responsibility for the Metis Betterment Act from the Minister of Social Services and Community Health to the Minister of Municipal Affairs has presented the Settlements with a new challenge. The transfer, which was initiated by the government, was not at first well received on the Settlements. There was some concern that the Settlements would be turned into Improvement Districts. However, government assurances that the Metis Betterment Act would not be changed resulted in a more constructive response. As a result of the government initiative, the eight Settlement Councils developed and approved an extensive Statement of Position. This document outlines the Settlements' objectives and the government assurances necessary for these objectives to be eventually realized. For the most part, the Minister of Municipal Affairs responded positively to the document. Hopes for greater local autonomy on the Settlements have been renewed, however there is a strong realization that new pitfalls now exist.

The transfer to Municipal Affairs offers definite advantages in terms of the availability of local government development

information, assistance and resources. The Settlements will require these outside resources to obtain their goal. However, the way in which the goal is eventually achieved will depend greatly on the balance between the communities' 'way of doing things' and the 'usual way of doing things'.

The communities' 'way of doing things' is a reflection of their cultural uniqueness. An essential element of this culture is the cooperative community spirit. In other words, a tendency to do things as a group and share the resources so that every individual receives equal benefits. A prime example of this 'way of doing things' is the distribution of movies from the Metis Population Betterment Trust Fund. The Trust Fund was initially established by the government as an account into which movies obtained from the sale of Settlement resources could be placed. This money is used for various settlement improvement projects. The amount of money contributed to the Trust Fund by each settlement varies widely. However, in a landmark decision, the Settlement Councils recently decided that the yearly Trust Fund income should be divided on an equal basis. Seventy percent of the income is divided equally among each Settlement and the remaining thirty percent is divided on a per capita basis. This system ensures that each settlement, no matter how small its population or contribution to the Trust Fund will receive an equitable share of Trust Fund revenues. While the yearly trust fund income does not amount to much money, it does ensure that each settlement will have some funds to meet community needs. This revenue sharing scheme creates a strong bond between the Settlements. It is a demonstration of the cultural attitude towards sharing limited resources for the benefit of all.

The Settlements have formalized this bond by creating their own representative organization. The Alberta Federation of Metis Settlements Association was formally incorporated in 1975. Each Settlement is represented on the Federation's Board of Directors by the Council Chairman. It is an organization through which all the Settlements can negotiate with the provincial government to ensure secure and stable growth. The Settlements support the operation of the Federation with their own Trust Fund revenues.

Since its inception, the Federation has expanded beyond a purely representative role to that of program development. It has acted as a catalyst and information gathering organization for the

development of Settlement infrastructure. Initially, the Federation established a program for assisting local settlement councils to obtain more control of Settlement affairs. Under the general heading of Local Government Development, the Federation arranged workshops and conducted research work. This program paid dividends in developing a consistent procedure for the local elections, defining the powers of council with the Metis Betterment Act, and creating a generally stronger local government.

More recently, the Federation has become involved in establishing a mechanism for facilitating the growth and development of the Settlement economies. Once again, this mechanism draws upon cultural strengths to provide the necessary resources for economic development. Under the plan a settlement owned financing corporation will be established. The goal of the Settlement Sooniyaw Ltd. is to provide Settlement entrepreneurs with sufficient initial capital to leverage further financing from traditional lending sources. The unique aspect of this company is that it will be wholly owned by the Settlements. Money obtained by way of the province wide Municipal Debt Reduction program will be used by the Settlements to purchase shares in the company. Instead of using this \$500 per capita grant on local projects, the Settlements have decided to invest it in, their long term development. By pooling all of the funds together, they have drastically increased the effectiveness of the grant money.

The Settlements are by no means wealthy. What limited funds they do have control of are used to benefit all Settlement residents. This 'way of doing things' has proven to be the strength of the settlements. By continuing to use this strength, in face of differing attitudes, the Settlements can expect to move more quickly towards the realization of their original goal.

THE AMENDMENT
(as of February 13, 1981)

CONSTITUTION ACT, 1981

PART I

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

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General

25. The guarantee in this charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

- (a) any rights or freedoms that have been recognized by the Royal proclamation of October 7, 1763; and
- (b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

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PART II

RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA

33. (1) The aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, 'aboriginal peoples of Canada' includes the Indian, Inuit and Metis peoples of Canada.

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