

Metis rights: The road ahead

By Sarah Vance

IF YOU DON'T BELIEVE culture is measurable, think again. As First Peoples are only too aware, culture is as much a designation as it is a legal and political tool.

With voting privileges allocated a mere 56 years ago, the constitution has become the often opaque lens through which the rights and responsibilities of indigenous peoples are viewed.

Thus, despite the fact that Metis communities represent more than 30 per cent of First Nations people in Canada (nearly half a million people), these many distinct and different communities have fallen into a jurisdictional grey area.

This has allowed both levels of government to effectively shake off any important claims or grievances that Metis Canadians might want to bring to the table.

Ostensibly, there hasn't actually been a table, until now.

It is an issue that the MP for Hastings-Lennox and Addington, Mike Bossio, put before the Auditor General in April,

“In the 2011 audit report, the Office of the Auditor General set out four structural impediments that limit the delivery of public services to First Nations communities: the lack of clarity of service levels; a lack of legislative base; a lack of appropriate funding mechanisms; and a lack of organizations to support local service delivery.”

Bossio's question to the Auditor General comes on the heels of the Daniels case, in which the Canadian Supreme Court recently endorsed the full native status of Metis.

This is a decision poised to make a difference, even though it does nothing other than allocate federal responsibility for their well-being.

“A roadblock has been removed and we are optimistic,” said Gary Lipinski, president of the Metis Nation of Ontario. “Metis people have been caught in a limbo where the federal government has been able to ignore us, directing us to the province, who has in turn directed us back to the feds.”

While an advance has been made, the direct impact is limited.

Judicial decisions have the capacity to set out recommendations, timelines and action steps, but the Daniels decision has done none of this, leaving MPs like Bossio asking, “what changes in practices and approaches should the federal government take to address these structural impediments?”

“This is simply the first step – the establishment of a proper framework for the Metis people to move forward,” said Lynn Haines, of the Painted Feather Woodland Metis – a community of over 10,000 whose head office is located in Bancroft. “In these early days, it's hard to truly estimate the depth of impact this decision will have over the long term.”

Traditionally, many people identifying culturally with the native community – not just Metis – have been excluded from programs for First Nations peoples.

For example, up until the 1980s, a status woman who married a non-indigenous man would be legally and politically stripped of her cultural identity.

Have times changed?

Up until now, being Metis has meant exclusion from certain health care and education benefits. This is on top of the geographic gaps that exist in rural communities – as in North Hastings, where significant distances exist between service providers and clients. It's even worse elsewhere.

“In Northern Ontario (where I live), patients are sometimes required to travel out of province to Winnipeg for medical care,” said Lipinski. “Geography is really an obstacle when you have to cross provincial boundaries.”

Also, as a direct result of being partially European in heritage, Metis lack aboriginal benefits when they pursue post-secondary education.

“We encourage our children to pursue advanced education. But where programs exist for other native communities, the Metis are no such beneficiaries,” said Lipinski. “I know of people who have sought Indian status simply to advance access to education, despite the fact that they identify as Metis.”

In 2004, the Powley decision provided criteria upon which Metis cultural identity could be measured. The decision stated that the term “Métis” refers to distinctive peoples of mixed ancestry who developed their own customs, practices, traditions and recognizable group identities separate from their Indian, Inuit and European ancestors.

Twelve years later, the Daniels decision has stated only who needs to show up to talk about the rights that should associate with that

heritage.

For despite being a jurisdictional gain, the decision leaves a bitter taste in the mouths of many. It involves a painful revisiting of Section 91 (24), which assigned responsibility for 'Indians' and their lands to the federal government. This section is really nothing but an instrument of colonialism 'sealed and stamped during a time when land was appropriated and culture dismantled through systematic genocide.

'To me, once again, it's that whole paternalistic notion that 'we know how best to spend their money' rather than indigenous communities setting their own priorities,' stated Mike Bossio, on May 5, in the House of Commons. 'We have to really start looking at the whole funding mechanism, to lead toward self-determination and self-government.'

Amen to that.