

# CONTRIBUTORS

This research will bring together experts in the field of Aboriginal law, colonial history, and Aboriginal studies to investigate historical agreements with the Metis, and current treaties processes. Much of the research on current Metis issues may be in partnership with Metis educational institutions and organizations.

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In Memoriam  
Dr Raoul McKay



This research project is dedicated to professor Raoul McKay.

# MÉTIS TREATIES IN CANADA

PAST, PRESENT, FUTURE



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# METIS TREATIES RESEARCH PROJECT



Social Sciences and Humanities  
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Conseil de recherche en  
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# OBJECTIVES

**Standard historical accounts of indigenous-settler relations in Canada do not refer to treaties involving the Métis. The basic aim of this project is to challenge this common understanding and to show that Métis-settler relations in Canada, from the 19th century to the current times, have been marked by the conclusion of treaties.**

- ▶ **Document** historical and contemporary Metis-Canadian governmental, political, socio-economic and social agreements.
- ▶ **Determine** the legal status of past treaties and other constructive agreements.
- ▶ **Determine** the degree of social organization necessary for a community to qualify for nation to nation treaty negotiations .
- ▶ **Appreciate** the legal impact of the scrip process in the prairies for the resolution of Metis interests through treaty.
- ▶ **Understand** the legal position of Metis peoples today in relation to a treaty model
- ▶ **Document** the contemporary Metis – Canadian governmental political, social and economic agreements .
- ▶ **Identify** the relevant legal principles concerning the doctrine of Aboriginal rights as applied to Metis “rights-bearing communities”.
- ▶ **Analyze** the issue of individual qualification as a beneficiary of a Metis – Canadian treaty.



## SUMMARY OF RESEARCH

This research project will look at past and present treaties and agreements with Metis peoples and the Crown as context and background for an examination of the future potential for Metis specific treaties.

Treaties with First nations and Inuit peoples have been a well-established practice since early contact. Modern land claims with First Nations and Inuit are ongoing. There is much information on treaties with First Nations, but little to no attention paid to treaties with Metis communities specifically. Some of the lack of attention to Metis specific treaties is historical because of the difference between land allocation policies in the Prairies post 1870 between Metis, who were denied treaty and First Nations that did benefit treaty process. Are there outstanding constitutional obligations that required the Crown to have entered into treaty in the past? However, as a result of recent constitutional developments in the field of Aboriginal rights generally and Metis rights more specifically, the issue of Metis specific treaties is likely to become of much greater interest.

## CONTEXT AND PROBLEMATIC

It is anticipated that as a result of recent legal developments that treaty negotiations will become increasingly relevant and determinative of Metis – Crown relations and gain greater prominence as a model for resolving and reconciling Metis-Crown interests. However, significant questions remain. How will this process unfold? What legal principles ought to guide this process given the unique ethnogenesis of Metis communities and the different historical relationship between Metis and Colonial authorities as compared to other Aboriginal peoples' experiences? What historical and contemporary Metis specific treaty precedents exist?

## METHODOLOGY

Research methodology will largely be interdisciplinary, including historical review and archival research. In addition, interviews with participants involved in treaty or agreement negotiations in the recent past and those involved in ongoing land claim or agreement negotiations may be conducted. Coexistent with this data collection, extensive legal research on the nature of treaties both internationally and within an English colonial framework will be undertaken involving, in part, comparative legal analysis of Indigenous treaties within the United States and New Zealand.

“ The research project aims at developing a distinct critical Metis theory approach to Metis/Colonial legal relations ”

**THIS RESEARCH PROJECT WILL INVOLVE FOCUSING ON BOTH METIS STUDIES AND TREATY STUDIES AND THEIR INTERCONNECTIONS; A FOCUS THAT HAS NOT YET BEEN UNDERTAKEN IN ANY SERIOUS WAY IN CANADA BEFORE**

