

FIRST MINISTERS' CONFERENCE
ON
ABORIGINAL CONSTITUTIONAL MATTERS

Metis National Council Draft Constitutional
Accords on Metis Self-Identification
and Enumeration

Metis National Council

Ottawa
March 8 and 9, 1984

1984 CONSTITUTIONAL
ACCORD ON METIS
SELF-IDENTIFICATION

Whereas pursuant to Section 37 of the Constitutional Act, 1982, a constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces was held on March 15 and 16, 1983, to which representatives of the aboriginal peoples of Canada and elected representatives of the governments of the Yukon Territory and the Northwest Territories were invited;

And whereas the said constitutional conference agreed, *inter alia*, to convene another constitutional conference which was held March 8 and 9, 1984;

And whereas it was agreed at this conference that it was important to identify the Metis under Section 35(2) of the Constitution Act, 1982;

And whereas from the earliest contact between Indians and Europeans, it was government policy to legally recognize persons of mixed ancestry as Indians if they lived with and like the Indians and as non-Indians if they lived in the non-Indian community;

And whereas in the Northwest of Canada where the fur trade was carried, on a separate people emerged who established themselves in separate communities, identified themselves as Metis and asked to be dealt with as an aboriginal people separate from Indians;

And whereas the Government of Canada agreed in 1870 and 1879 to legally recognize these people who elected to identify themselves as Metis as a separate aboriginal people while still recognizing other persons of mixed ancestry in the Northwest of Canada as Indians;

And whereas since one century has elapsed during which a number of additional persons of aboriginal ancestry have come to identify themselves as Metis and have been accepted by the Metis community;

NOW THEREFORE the Government of Canada and the provincial governments hereby agree as follows:

1. That the term "Metis" in Section 35(2) of the Canada Act, 1982 is identified as follows:

Firstly, all persons who are descendants of those Metis who received land grants and/or Scrip under the provisions of the Manitoba Act, 1870 or the Dominion Lands Act, 1879.

Secondly, other persons of aboriginal descent who identify themselves as Metis and who have been or are accepted by the Metis community.

2. A Metis community is any group of Metis people who can trace their ancestry to those Metis who were legally identified and dealt with as Metis under the two Acts referred to in subsection 2 above.
3. That the parties to this agreement undertake not to in any way alter the identification of the term "Metis", except by agreement reached at a subsequent constitutional conference.
4. In the event of a Court challenge, the parties of this Accord agree to present this Accord as evidence of the identity of the term "Metis" under section 35(2) of the Constitution Act.
5. The Prime Minister of Canada will lay or cause to be laid before the Senate and House of Commons, and the first ministers of the provinces will lay or cause to be laid before their legislative assemblies, prior to December 31, 1984, a resolution in the form set out in the Schedule to authorize a proclamation to be issued by the Governor General under the Great Seal of Canada to amend the Constitution Act, 1982.

SCHEDULE 1

Motion for a Resolution to authorize his Excellency the Governor General to issue a proclamation respecting amendments to the Constitution of Canada:

Whereas the Constitution Act, 1982 provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in section 38 thereof;

And whereas the Constitution of Canada, reflecting the country and Canadian society, continues to develop and strengthen the rights and freedoms it guarantees;

And whereas, after a gradual transition of Canada from colonial status to the status of an independent and sovereign state, Canadians have, as of April 17, 1982, full authority to amend their Constitution in Canada;

And whereas historically and equitably it is fitting that the early exercise of that full authority should relate to the rights and freedoms of the first inhabitants of Canada, the aboriginal peoples:

NOW THEREFORE the (Senate) (House of Commons) (legislative assembly) resolves that His Excellency the Governor General be authorized to issue a proclamation under the Great Seal of Canada amending the Constitution of Canada as follows:

PROCLAMATION AMENDING THE
CONSTITUTION OF CANADA

1. Paragraph 35(2) of the Constitution Act, 1982, as amended, is repealed and the following substituted therefor:

"35(2) (a) In this Act, 'aboriginal peoples of Canada' includes the Indian, Inuit and Metis peoples of Canada."

"35(2) (b) A Metis is a person as identified by the Prime Minister and the first ministers pursuant to a Constitutional Accord signed at Ottawa on the 9th day of March, 1984 by the Government of Canada, the provincial governments, and the Metis National Council."

2. This Proclamation may be cited as the Constitution Amendment Proclamation, 1984.

1984 CONSTITUTIONAL
ACCORD ON METIS
ENUMERATION

Whereas pursuant to Section 37 of the Constitution Act, 1982, a constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces was held on March 15 and 16, 1983, to which representatives of the aboriginal peoples of Canada and elected representatives of the governments of the Yukon Territory and the Northwest Territories were invited;

And whereas the said constitutional conference agreed, *inter alia*, to convene another constitutional conference which was held March 8 and 9, 1984;

And whereas the identity of the term "Metis" was agreed upon at that conference;

And whereas it was agreed upon at that conference to enumerate the Metis under Section 35(2) of the Constitution Act, 1982.

NOW THEREFORE the Government of Canada and the provincial governments hereby agree as follows:

1. An enumeration process will be carried out jointly by the federal and provincial governments and a representative of the Metis people with dispatch.
2. The enumeration process will include provisions for application, certification, registration and appeals.

3. The criteria which will be used to identify the membership for the purpose of establishing a charter register will include:
 - (a) a declaration by the applicant that he/she is a Metis; and
 - (b) proof that he/she is a descendant of those Metis who received a land grant and/or Scrip under the provisions of the Manitoba Act, 1870 or the Dominion Lands Act, 1879; or
 - (c) proof of aboriginal ancestry for those persons who have been or are accepted into the Metis community.
4. Statistics Canada will be contracted to be the administrative arm to undertake and implement the enumeration process.
5. The federal government will finance the cost of the enumeration process pursuant to its responsibility under the Statistics Act.
6. The potential register of charter members and the register of charter members produced by this process will be public information.