Understanding Métis Rights within Mi’kma’ki

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Over the years, Mi’kmaq people have been living on the landscape of Atlantic Canada and the North, becoming more multicultural and reflective of the cultures of people who have originated from various parts of the world. Constitutionally recognized as Aboriginal peoples of Canada, the Métis are a distinct group that have historic recognition in Ontario, the Prairie Provinces, and territorial areas (Northwest) where they have historically lived. This article is meant to explain what the Crowns and Métis Organizations have stated in regards to Métis rights and their traditional territory.

The rights of the Métis have as an Aboriginal group, differ from that of First Nations/Indians because of their unique culture, history, and traditional status in Canada. The history of the Métis is tied with the Fur Trade in Western and Central Canada. At a time when trap- pers began to start families with women of First Nations descent, the Métis population began to grow in number and in the 1870s there were different Métis communities established. Over the years, the Métis population continued to grow and began to move into many areas west of Ontario, especially throughout Manitoba.

According to the Métis National Council, “a new Aboriginal people emerged - the Métis people - with their own unique culture, traditions, language (Michif), way of life, collective consciousness and nationhood.”

Many questions continue to arise from the Mi’kmaq of Nova Scotia as they begin to ask how this group of people could impact Mi’kmaq rights in their traditional territory of Mi’kma’ki. At Kwilmk’aw Maw-klu-squat Negotiation Office (KMWNO) we hope to shed light on what the courts, National Métis Organizations and our leadership have to say about the Métis of the Atlantic.

At the Daniels & Manitoba Métis Federation conference in the spring of 2013, the Manitoba Métis Federation Chair, Jeann Teillet, was also the lead council in Powley stated. “A progress change in language has meant that if you are not accepted by a First Nation, you use Métis. This is the wrong definition of Métis... so Métis is about distinct peoples, not a historical genealogy.” At the conference, Jean Teillet went on to highlight examples of people with mixed European-First Nation ancestry who continue to define themselves wrongly as Métis. Presentations were given by a number of key leaders, academics, and advocates who all stated that unless an individual has a connection to Métis homeland of the Northwest, they are not Métis. They had felt that there is yet to be confirmed evidence of the existence of Métis in the Atlantic.

The courts have also weighed in on the subject of the Métis of the Atlantic in the case of R. v. Vanier, where the court could find no solid historical indicators in the evidence that pointed to the existence of a separate Métis community in the Atlantic. The Courts would appear to affirm what Grand Keptin Andrew Donny has consistently stated, “There was a marriage between Mi’kmaq and Europeans especially the French, however, these individuals either became the Mi’kmaq community or Acadian community.” This acceptance was very different for the people here seeing how this was not the case for the Métis of the Northwest, who were often discriminated against by the First Nations communities or the Canadian communities and they went onto create their own separate communities and culture. It is in this inclusion in the East and exclusion in the Northwest that we have seen the significant distinction between Mi’kmaq of the Atlantic (Mi’kma’ki) and the Métis homeland of the Northwest. The Supreme Court of Canada in Van Der Peet has recognized that a collective Aboriginal right of a nation or group is specific to their territory, for the Mi’kmaq it was notably noted in the Marshall treaty right decision in 1999. As Mi’kmaq, we do not have the Aboriginal Right to hunt the buffalo of the plains, just as a Métis would not have the Aboriginal Right to take part in the moose or salmon harvests in Nova Scotia.

So while we encourage people in the Atlantic, who have moved to this region from the Métis homeland, to celebrate their Métis identity and connections to their friends and relations in the Métis communities of the Northwest, the Métis who claim to originate from the Atlantic have not been recognized by the Métis nationally or the Canadian Courts as having any rights within Mi’kma’ki.

Kwilmk’aw Maw-klu-squat Negotiation Office works on behalf of the Assembly of Nova Scotia Mi’kmaq Chiefs in negotiations and consultations between the Mi’kmaq of Nova Scotia, the Province of Nova Scotia and the Government of Canada. KMKNM was developed by the Mi’kmaq for the Mi’kmaq. The purpose of these negotiations and consultations is to implement our Aboriginal and Treaty rights from the treaties signed by our ancestors in the 1700’s.