“Just Do It!”
Self-Determination for Complex Minorities

By

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A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy
Department of Political Science
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Abstract

This thesis explores how Indigenous and linguistic communities achieve self-determination without fixed cultural and territorial boundaries. An examination of the governance practices of Métis, Francophones and First Nations in Saskatchewan reveals that these communities use innovative membership and participation rules in lieu of territorial and cultural criteria to delineate the boundaries within which to exercise political power. These practices have allowed territorially dispersed communities to build institutions, adopt laws and deliver services through province-wide governance structures. In addition to providing an empirical basis to support non-territorial models of self-determination, this study offers a new approach to governance that challenges state-centric theories of minority rights by focusing on the transformative power communities generate through stories and actions.
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List of Abbreviations

Aboriginal Affairs and Northern Development Canada (AANDC)
Agreement-in-Principle (AIP)
Assemblée communautaire fransaskoise (ACF)
Assembly of First Nations (AFN)
Association of Saskatchewan Indians (ASI)
Association culturelle franco-catholique (ACFC)
Association of Métis and Non-Status Indians of Saskatchewan (AMNSIS)
Association provinciale des parents fransaskois (APPF)
Central Urban Métis Federation Inc. (CUMFI)
Court Challenges Program of Canada (CCPC)
Canadian Parents for French (CPF)
Clarence Campeau Development Fund (CCDF)
Conseil des écoles fransaskoises (CÉF)
Conseil scolaire fransaskois (CSF)
Co-operative Commonwealth Federation Party (CCF)
Court Challenges Program of Canada (CCPC)
Fédération des Francophones hors Québec (FFHQ)
Fédération des Francophones de Saskatoon (FFS)
Fédération canadienne franco-canadienne (FCFA)
Federation of Saskatchewan Indians (FSI)
Federation of Saskatchewan Indian Nations (FSIN)
Gabriel Dumont Institute (GDI)
Gabriel Dumont Technical Institute (GDTI)
Indian and Northern Affairs Canada (INAC)
Indian Government Commission (IGC)
Institute on Governance (IOG)
Language Rights Support Program (LRSP)
Manitoba Métis Federation (MMF)
Meadow Lake Tribal Council (MLTC)
Métis Addictions Council of Saskatchewan Incorporated (MACSI)
Métis Association of Alberta (MAA)
Métis Association of Saskatchewan (MAS)
Métis Electoral Consultation Panel (MECP)
Métis Family and Community Justice Services (MFCJS)
Métis National Council (MNC)
Métis Nation Legislative Assembly (MNLA)
Métis Nation-Saskatchewan (MN-S)
Métis Society of Saskatchewan (MSS)
National Aboriginal Friendship Centres (NAFC)
Native Council of Canada (NCC)
Northern Municipalities Act (NMA)
Office of the Treaty Commissioner (OTC)
Prince Albert Grand Council (PAGC)
Provincial Métis Council (PMC)
Saskatchewan First Nations Veteran’s Association (SFNVA)
Saskatchewan Métis Society (SMS)

SaskMetis Economic Development Corporation (SMEDCO)

Treaty Land Entitlement Framework Agreements (TLEFA)
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Preface

At the end of the field where stands the Saint-Antoine-de-Padoue church, the South Saskatchewan River wraps around the edge of a hill. South of the river bend across from the church is where the Métis captured the Northcote, a ship carrying soldiers of the North-West Mounted Police during the historic Battle of Batoche in 1885. Along the riverbanks, behind the hill and on the fields north of the bend, the Métis fought the Canadian military with First Nations and French-Canadians at their flanks. These groups were not natural allies, but shared a common goal: resist the colonial state to protect their way of life.

The alliance of these groups was spurred by despair as well as defiance towards the Canadian government. With the disappearance of the buffalo in the 1870s, many First Nations were starving. The terms of their treaties, which included the protection of their hunting practices and aid in times of famine, were not being honoured. Under the guidance of leaders such as Mistahimaskwa (Big Bear), Pitikwahanapiwiyin (Poundmaker) and Kapapamahchakwew (Wandering Spirit), some First Nations took up arms in opposition to the colonial policies being imposed by the federal government. For their part, French-Canadians protested the federal government’s imposition of power in the prairies, standing alongside the Métis to form the Provisional Government of Saskatchewan in 1885, but few of them participated in the actual battle, heeding the influential clergy’s condemnation of violence. The Métis mounted and led the resistance

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1 The preface is based on the following works: Barkwell, 2007; Dempsey, 1984; Friesen, 2002; Hildebrandt, 1989; Huel, 1989; Payment 1986, 2009; Pelletier, 1985a; Stonechild, 1986, 1997; Weinstein, 2007.
efforts in Batoche; guided by their military leader, Gabriel Dumont, it was here in the
capital of Louis Riel’s provisional government that the Métis took up arms to defend their
right to govern their land and their lives.

Outnumbered four to one by General Middleton’s troops of the North-West
Mounted Police, those who fought in the trenches around the village of Batoche
persevered for three days against superior weaponry. As one Métis resistance fighter
remembers,

> Finally our ammunition gave out and we were making our own bullets, but could
not make them fast enough…I said to those around me, “I am not going to stay here to be killed,” and jumping out of the trench, headed down the hill, keeping close to the edge of the river bank...As long as you are fighting you are not afraid, but as soon as you start to run your courage fails completely.”

The resistance movement at Batoche was eventually defeated. However, its legacy
continues to inform contemporary struggles. With its tall steeple, the Saint-Antoine-de-
Padoue church now stands at the centre of the Batoche National Historic Site of Canada.
The bullet holes in the presbytery are a reminder of the violence that took place on this
field in 1885. Just as the church provides a physical reminder of these events, Elders and
community members from Canada’s historic minorities continue to recount the story of
the Battle of Batoche as a story of resistance where individuals were willing to take
action to protect their right to the land and to their way of life.

> The events of the 1880s were more than a struggle against oppression. In the
words of Joe Sawchuk, they signalled “a statement of pride and the staking out of a claim

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2 See Métis Museum Archives, 1886.
to a special identity.”

Fundamentally, the resistance efforts of the 1880s embodied a struggle by communities to maintain control over their political, territorial, economic and cultural boundaries.

In the mid-nineteenth century, the federal government adopted policies that fundamentally challenged the boundaries of First Nation, Métis and Francophone communities and transformed their relationship with the land as well as with each other. In particular, a discriminatory scrip process forced the Métis to abandon their lands. Similarly, a square-grid landholding pattern was imposed to encourage farming and assert the federal government’s control over the land. As part of this strategy, First Nations were coerced to abandon their traditional economies and live on reserves despite the promises to protect their way of life through treaties. Minorities’ demands for greater control over their lives were met with inherent opposition by a colonial political system built on the idea of property rights and territorial exclusion.

Colonization, as James Tully argues, rests on “the appropriation of the land, resources, and jurisdiction of the Indigenous peoples, not only for the sake of resettlement and exploitation..., but for the territorial foundations of the dominant society itself.” The exclusive control over land was seen as a necessary condition for the exercise of the British Crown’s power throughout the country. In the years that followed Canada’s Confederation, the federal government aimed to acquire and control land to ensure the triumph of the “civilized” European way of life. As part of this mission,

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4 Scrip was a certificate given to the Métis that could be redeemed for a land grant or cash settlement in exchange for the extinguishment of title. See discussion in chapter two.
Canada sought to create a culturally homogenous society over which its power would be exercised. It thus began “educating” Aboriginal children and imposing governance systems in such a way that they could learn about, and conform to, the European way of life. Underlying Canada’s colonial history is the idea that a culturally defined group exercises political power over a contiguous territory. This dissertation tells the story of how Métis, Francophone and First Nation communities are challenging this idea and regaining control over their own future. With an attitude of “just do it,” they are reconfiguring the political, economic and cultural boundaries of their communities and achieving self-determination, one step at a time.
Chapter 1: The Puzzle of Complex Minorities

Unlike culturally cohesive groups that form significant majorities in a given territory, many minorities in contemporary societies are territorially dispersed and culturally diverse. This is the case of several Métis, Francophone and First Nation communities in Canada, which are made up of individuals from a diversity of backgrounds scattered across vast territories. These communities occupy a murky middle ground insofar as they are not culturally and territorially cohesive enough to constitute national minorities for which the right to self-government is reserved in liberal democratic accounts of minority rights but are more politically ambitious than ethnic groups that seek to integrate the dominant society. To capture their intermediary status, I refer to these groups as “complex minorities.”

Although complex minorities are not confined within clear territorial or cultural boundaries over which political power can be exercised, they nevertheless seek to govern some or all aspects of the lives of their members; they aspire to varying degrees of self-determination. This study reveals that, despite the philosophical and practical challenges posed by their cultural and territorial organization, some complex minorities are achieving self-determination, albeit in nascent and limited ways.

The question at the heart of this study asks: how are complex minorities achieving self-determination and what implication does this have for the way in which governance
is practiced in contemporary societies? This question, unaddressed in the theory and practice of minority rights, is motivated by two principal objectives.

First, I am interested in how complex minorities constitute themselves as self-determining communities. In contrast with liberal democratic theory’s concern for the juridical aspects of self-determination, which revolve around the question of who governs what where, this study uses three cases to explain how self-determination can be achieved in the absence of fixed territorial and cultural boundaries. Self-determination is understood to encompass the formal and informal ways in which communities govern their own affairs. Second, I seek to understand how relationships of power are transformed through complex minorities’ pursuit of self-determination. In particular, I aim to explain how the governance processes and structures developed by complex minorities challenge state-driven understandings of political power as exercised over fixed territorial and cultural boundaries. Bridging theory and practice, these two explanatory goals animate the central argument of this dissertation.

The Argument

By explicitly questioning the relationship between territorial and cultural exclusivity and the exercise of political power, this study engages with a contested area of philosophical and empirical inquiry: the nature and the legitimacy of political boundaries. I argue that self-determination is not normatively or practically contingent on the existence of fixed

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6 While some scholars use self-determination to describe the ability of a group to autonomously make decisions regarding their own affairs and reserve the term self-government for the institutional manifestation of autonomy, the communities that take part in this study do not make this distinction. For this reason, I use self-determination to refer to the formal and informal ways in which communities govern their own affairs.
cultural or territorial boundaries, but is instead achieved through the construction of imaginary boundaries that communities legitimize and give shape to through their stories and actions. This argument has both an empirical and a theoretical dimension.

Through an examination of the lived experience of Métis, Francophone and First Nation communities in Saskatchewan, I argue that complex minorities use innovative membership and participation rules in lieu of territorial and cultural criteria to delineate the boundaries within which to exercise political power. These practices have allowed territorially and culturally dispersed communities to build institutions, adopt laws and deliver services to varying levels of success through community-driven governance structures.

In addition to providing an empirical basis to support models of self-determination that meet the political aspirations of complex minorities, this study lays the theoretical foundation for a bottom up approach to governance grounded in the transformative power complex minorities generate through their struggles for self-determination. In contrast with the view that minorities are constrained by what Foucault refers to as the disciplinary power of the state (Adams et al., 2005; Morrison, 1995; Kulchyski, 2005; Scott, 1998; Nadasdy, 2003; Sawchuk, 1998; Stasiulis, 1980; Fanon, 1961), I argue that political power is produced through the actions and discourse that shape the political boundaries and the governance outcomes of complex minorities.

Fundamentally, this study demonstrates that territorially dispersed and culturally diverse communities find creative ways of asserting their right to self-determination through evolving governance structures that meet the collective aspirations of their
members. In short, they “just do it.” Described as the “Nike school of self-government” by the late Indigenous scholar Patricia Monture, this slogan drives the empirical and theoretical argument of this dissertation.  

Situating the Project

Identifying the boundaries within which political communities exercise power has been a perennial preoccupation amongst political philosophers and policy-makers alike. The nature of these boundaries lies in the interplay between the demos and the polis, where the idea of a “people” takes on an institutional form and thereby becomes politically relevant. As Rogers Smith argues,

> Human beings have never successfully pursued any of their many aspirations and endeavors […] without being organized into particular political peoples. These peoples have come in an ever-changing variety of forms, to be sure; but some such political organizations may have always been and may always be essential to human fulfillment and human flourishing. (2003: 8-9)

Modernity’s answer to the problem of boundary-drawing, the invention of the sovereign nation-state, associates the exercise of political power with homogeneous national units defined by territorial borders. In the fifteenth and sixteenth century, the modern state emerged as the organizational unit *par excellence*, wielding the power to adopt techniques and strategies intended to make society “governable” (Foucault, 1991).

> Over the last quarter century, minority groups throughout the world have challenged the Westphalian idea that the legitimate exercise of political power is

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7 The phrase “just do it” was used by the former president of the Indigenous bar association of Saskatchewan Don Worme to refer to the developments occurring in the province during a seminal conference on self-determination (Worme, 1994: 81).
associated with the territorial and cultural boundaries of the nation-state by seeking greater control over their social, political and economic future. Appealing to the imaginative capacity of groups to govern their political community, demands for the recognition of cultural distinctiveness and the recognition of self-government emerged as legitimate expressions of self-determination (Coulthard, 2007; Kohn and McBride, 2011; Smith, 2003; Taylor, 2004). Denied the right to govern themselves under the modern Westphalian system of nation-states, sub-state groups called for the decolonization of relations between “nations within” and settler states through the drawing of new boundaries within which to exercise political power.

The dominant academic discourse of minority rights that transpired in response to minority demands for self-determination provides a normative foundation for the reallocation of power within the state. Starting from liberal principles of justice, scholars like Charles Taylor (1994) and Will Kymlicka (1995) argue that, unlike ethnic or religious minorities that generally seek to integrate the structures of the dominant society, minorities like the Québécois and Indigenous peoples that were unjustly incorporated into the state will only flourish as self-determining entities if they are afforded cultural recognition and institutional accommodation by the state. The sharing of power through federal arrangements and rights to self-determination is presented as a necessary form of recognition to ensure these groups have access to a “background” or “context” of
meaningful choices in contemporary societies (see also Margalit and Raz, 1990; Miller, 1995; Tamir, 1993; Walzer, 1983).  

By providing a normative justification to devolve power to sub-state groups in a newly defined *multination* state, scholars of minority rights undermine modernity’s association of political power with the boundaries of the nation-state. Yet, they make self-determination contingent on two assumptions that reproduce the cultural and territorial logic of the nation-state by articulating recognition as a top-down process determined by the state. The first assumption submits that self-determining minorities form substantially cohesive cultural units. Whether the right to self-determination is justified as a way to access one’s societal culture (Kymlicka, 1995), to respect difference (Galston, 1995; Kukathas, 1992), or to protect cultural groups (Taylor, 1994), it is generally reserved for culturally distinct collectivities. The second assumption suggests that political communities are defined by sovereign control over a geographically bounded territory. As Will Kymlicka writes, “territorially bounded national communities will, and indeed should, continue to serve as the primary locus for the exercise of collective autonomy and self-government” (2001a: 270). Insofar as political power is reserved for culturally and territorially defined groups, the dominant discourse on minority rights has been unable to escape the assumption that membership, identity and

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8 As Kymlicka writes, “we need to take seriously the importance of membership in societal cultures, and [reject] any proposal that makes it impossible for people to have freedom and equality within viable societal cultures” (2001b: 54).  
9 While cultural homogeneity is often perceived as a precondition for self-government, it is not presented as a sufficient condition. For valuable critiques of the monolithic portrayal of culture, see Young, 1990 and Jung, 2008. I do not offer a precise definition of culture in this dissertation. I share Joseph Carens’ view that “such definitions are rarely helpful, in part because they sometimes exclude things that are morally and theoretically relevant, in part because the limiting implications of the precise definition are often lost sight of in subsequent arguments” (2000: 14).
political authority are territorially and culturally determined (see Nootens, 2006: 35).\textsuperscript{10}

The Westphalian view of power as exercised within fixed cultural and territorial boundaries therefore remains unchallenged.

The exercise of power is limited to culturally and territorially defined groups not only in theoretical debates, but is also presented as such in legal discourse and political practice. In particular, the devolution of self-government rights in Canada presupposes the existence of territorially defined boundaries. This is evident in the devolution of rights to the country’s French-language minority on a territorial basis to the province of Quebec.\textsuperscript{11} Alain-G. Gagnon (2006) attributes this power distribution to Canada’s adoption of a territorial conception of federalism.\textsuperscript{12} In keeping with this logic, the country’s most popular examples of Indigenous self-determination, such as those resulting from the Nisga’a Treaty, the autonomy initiatives with the James Bay Cree and the creation of the territory of Nunavut were all preceded by the resolution of land claims (Papillon, 2008; Hicks and White, 2001).\textsuperscript{13} Referring to the Nisga’a case, Dan Russell argues that it is unclear that an agreement would have been reached had negotiations begun exclusively with self-government, which the state is reluctant to discuss, instead of

\begin{itemize}
  \item \textsuperscript{10} See James Tully’s discussion in 2009: 276. A notable exception is found in Allen Buchanan’s (2003) work on secession.
  \item \textsuperscript{11} As will be shown in chapter four, francophone minorities outside of Quebec are only afforded self-government rights in the domain of education.
  \item \textsuperscript{12} In contrast with territorial views of federalism, scholars like Kiera Ladner (2003) and James [Sakej] Youngblood (1994) use the concept of “treaty federalism” to emphasize the relationship between peoples as opposed to territories.
  \item \textsuperscript{13} For a discussion of the role of territory in legal approaches to Aboriginal self-government, see Otis, 2006.
\end{itemize}
with a land claim (2000: 50). While the government has a legal obligation to negotiate land title, the negotiation of self-government depends in large part on political will.

Negotiations between the federal government and Aboriginal peoples therefore tend to focus on land title, leaving the issue of self-determination as a secondary consideration. This is illustrated by the fact that fifteen of the eighteen Indigenous self-government agreements currently in place in Canada are associated with a comprehensive land claim (Canada, 2011a: 41). In addition, of the seventy active self-government negotiation tables, fifty are related to comprehensive land claims (Canada, 2011a: 42). As Brad Morse notes, “[n]o non-Indigenous government in Canada has ever been prepared to provide significant space in which governments created by and for Aboriginal peoples can flourish – unless these governments have a recognized, exclusive land base” (2010: 1).

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14 Since the recognition of Aboriginal title as a legally enforceable right in the 1973 Supreme Court of Canada Calder decision, the federal government has had a legal obligation to negotiate land claims. In a study that traces the political discourse of cabinet members, Christa Scholtz (2006) shows that the federal government’s willingness to negotiate title with Aboriginal groups was not solely a result of the Calder decision, but was instead the result of an incremental process whereby cabinet members came to recognize the legitimacy of land claims. Insofar as the right to self-government is a political commitment derived from the Constitution Act, 1982, the federal government’s performance of its obligation to negotiate self-government depends in large part on political will.

15 The federal government did not formally recognize the right to self-government until its inclusion in section 35 of the Constitution Act, 1982. Even then, a policy recognizing the inherent right of Aboriginal self-government was not adopted until 1995. While some scholars argue that the federal government has an ongoing legal obligation to negotiate self-government with treaty First Nations, Indigenous peoples’ right to self-government has not been formally recognized as legally binding by Canada’s Supreme Court (Macklem, 1995; Russell, 2000). In the case of the Tlicho Agreement signed in 2003, the Government of Canada negotiated self-government and a comprehensive land claim as part of the same process.

16 Two are stand-alone agreements resembling municipal-style power devolution with no constitutional protection (Westbank First Nation Self-Government Agreement and Sechelt Self-Government Agreement) and one is a sectorial agreement that essentially devolves decision-making powers over education (Mi’kmaq Education Agreement) (Canada, 2011a).
In addition, the existence of identifiable cultural characteristics has become a precondition for the recognition of rights for francophone and Indigenous communities. For example, the extension of political rights to Quebec is justified on the grounds that Quebeckers form a “distinct society” (Gagnon, 2001; McRoberts, 2004; Taylor, 1997).\textsuperscript{17} Moreover, the Supreme Court of Canada tied Aboriginal rights to “distinctive” and “defining” characteristics of Indigenous cultures in its 1996 \textit{Van der Peet} decision (\textit{Van der Peet}, [1996] 2 S.C.R. 507). The latter outlines a “distinctive culture test” that reinforces the idea that rights are reserved for members of an identifiable cultural group. The most controversial part of this test requires that a practice find its origin prior to the arrival of Europeans to be protected as an Aboriginal right (\textit{Van der Peet}, [1996] 2 S.C.R. 507, at paras. 60-1).\textsuperscript{18}

By insisting on the existence of fixed territorial and cultural boundaries as preconditions for the exercise of political authority, theoretical, political and legal debates surrounding minority rights reproduce the cultural and territorial logic of the nation-state and thereby overlook the claims of complex minorities. This study illustrates how attempts to cast sub-state groups into the fixed categories imposed by the state has led complex minorities to engage in what James Scott (1990) has called the “arts of resistance.” Working outside of the dominating power of the state, complex minorities are finding innovative ways of defining for themselves how self-determination can be achieved beyond cultural and territorial boundaries.

\textsuperscript{17} While Quebec’s status as a distinct society is contested, the discourse surrounding differentiated rights for Quebec evokes the idea of “distinct society” (Laforest, 2004; Behiels, 1989).

\textsuperscript{18} John Borrows argues that Indigenous identities are essentialized by the emphasis on pre-contact practices that overlook “what is central, significant and distinctive to the survival of these communities today” (1997-8: 43).
Methodology

In contrast with most theory-building exercises, I ground my analysis in empirical observations, thereby attempting to bridge the often sizeable gap between theory and practice.\(^\text{19}\) By anchoring normative theorizing in observable reality, this dissertation borrows from Joseph Carens’ contextual approach to political theory, which uses unfamiliar cases to inform the consideration of questions that are philosophical in nature.\(^\text{20}\) The philosophical questions addressed in this study revolve around the nature and the legitimacy of political boundaries and explore how these boundaries relate to the exercise of political power. Drawing on a Foucauldian understanding of power as capable of producing knowledge and discourse and on David Held’s idea that “power is shared, bartered and struggled over” within as well as beyond the boundaries of the state, this study investigates how governance takes shape through the stories and actions of community members (1999: 447; Foucault, 1980; Dryzek, 2006). The latter are viewed not only as positioning minorities in relation to the state but also as producing new forms of power and legitimacy.

\(^{19}\) The growing literature on the changing reality of minorities has not been accompanied by sustained discussions about how complex diversity affects these groups’ claim as well as their ability to become self-governing. For instance, the movement of Aboriginal peoples off-reserves towards urban centres has become an established object of research (see Christie, 2003; Peters, 2005), yet the implication of this trend for self-government has received little attention (notable exceptions are Hylton, 1999 and Belanger, 2008). Similarly, the small size and territorial dispersion of Francophones outside Quebec has been widely acknowledged (Aunger, 1996; Denis, 1992), but the impact of these features on self-government arrangements is rarely discussed.

\(^{20}\) Five interrelated elements characterize Carens’ (2004) approach. First, it is grounded in examples that clarify theoretical formulations; second, concerns related to theory are elucidated by the normative exploration of cases; third, the researcher is led to grapple with the compatibility of her normative positions and theoretical formulations; fourth, it encourages the study of cases that challenge the researcher’s theoretical position; fifth, it promotes the consideration of a wide range of unfamiliar cases that are especially useful because of their unfamiliarity.
Instead of looking to normative theories of justice, equality or democracy to assess how complex minorities achieve self-determination in contemporary societies, this study starts with practices of governance, that is to say the discourse and actions through which members of a community imagine, assert and negotiate the collective exercise of political power (see Tully, 2009). This empirically-driven approach looks at the ways in which members of a community conceive of and work towards common objectives; through the speeches of political leaders and initiatives of community members, I observe how a community’s political aspirations acquire legitimacy and take on an institutional character through structures of governance. As such, this study does not attempt to apply theoretical concepts or tend towards universalizations; instead, practice is taken as prior to theory in a bottom up approach that situates the actions and stories of communities at the heart of their aspirations for self-determination.

To deepen the relationship between practice and theory, this study offers an empirical analysis of the governance arrangements that have been developed by three distinct groups: First Nation, Métis and Francophone communities in the Canadian province of Saskatchewan. Unfamiliar to many, the experience of these complex minorities provides useful theoretical insights regarding how political power is exercised in territorially and culturally diverse societies. By limiting the study to a cross-temporal comparison of three case studies situated in the same province, I control for some exogenous variations such as federal and provincial policies and focus on possible endogenous factors to each case, most notably the strategies used to pursue self-determination and the institutional configuration of political authority.
Why Saskatchewan?

Three arguments justify limiting the cases to the province of Saskatchewan. First, given the small size of the province’s overall population, First Nation, Francophone and Métis minorities constitute relatively visible (i.e. observable) groups (see the discussion in chapter two). Second, Saskatchewan provides the ideal conditions for a natural experiment insofar as the policy context and institutional limits are held relatively constant thereby allowing for the observation of factors endemic to each community that affect self-determination outcomes. While each of the communities examined is a distinct “subject” of government policy, they all interact within a similar policy framework and often with the same government officials. In fact, from 1997 to 2004, the same department – Saskatchewan Intergovernmental & Aboriginal Affairs, renamed Government Relations and Aboriginal Affairs in 2002 – dealt with programs and policies for Métis, Francophone and First Nation communities. As a result, it is possible to look to the communities themselves to explain how self-determination takes shape. Third, many of the self-government models that emerged in Saskatchewan are avant-garde in comparison to those that have surfaced in other Canadian provinces. To highlight this fact, I provide a brief sketch of the elements that set these case studies apart from other instances of self-determination in Canada.

Métis

In comparison with other Métis communities, the Métis in Saskatchewan have the most developed province-wide governance structure in the country (Madden et al., 2005;

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21 In 2004, a Francophone Affairs Division was set up under the Office of the Provincial Secretary and a separate Department of First Nations and Métis Relations was created.
Saunders, 2013). Their representative body, the Métis Nation-Saskatchewan (MN-S) was the first provincial Métis organization to adopt a constitution and to introduce a province-wide “one person, one vote” electoral system, which contribute to further their self-determination objectives (Weinstein, 2007: 66). The Government of Saskatchewan formally recognized the MN-S as a self-governing body in 2002 with the passage of The Métis Act, the only legislation of its kind in Canada (Madden et al., 2005; Dubois, 2013). Representing a growing proportion of the provincial population (see chapter two), the Métis – through their governance arrangements – will play an important role in the province’s future. Chapter three examines the evolution of the MN-S and considers the extent to which the Métis have achieved self-determination through the creation of this governance body.

Fransaskois

Despite its small population, the francophone minority in Saskatchewan, also called the Fransaskois, has developed a unique governance structure. The Fransaskois community is the only francophone group in the country to have a province-wide democratically elected council of representatives similar to a provincial government. Chapter four illustrates how this governance body, the Assemblée communautaire fransaskoise (ACF), has developed a unique relationship with federal and provincial governments by basing its legitimacy on democratic representation.

First Nations

Dispersed across small – and often resource poor – reserves with limited governance capacity, First Nations in Saskatchewan have found ways to aggregate into larger units of
decision-making, setting the foundation for a complex and innovative governance framework across the province. First Nations in Saskatchewan were the first in Canada to develop a province-wide political organization. Chapter five looks at the negotiation of the first ever province-wide First Nation government that proposed to revolutionize the political, legal and institutional framework governing First Nation individuals in Saskatchewan.

Curious as to why Saskatchewan has produced such innovative governance structures, I asked some of the participants in this research why, in their view, minorities in Saskatchewan have been so creative with respect to governance. Most respondents remark that minorities in Saskatchewan are so small that members of the community have to talk with one another and find creative ways of “surviving.” Some leaders argue that their small size is an advantage that has allowed them to conduct their business without attracting too much attention from provincial and federal governments until the latter are directly called upon to acknowledge the transformations that have taken place. Others point to the spirit of entrepreneurship and the belief in “self-sufficiency” in Saskatchewan; no matter how small the gain or how much energy required, minorities cannot afford to let opportunities pass them by. With a culture of civic engagement and grassroots participation, individuals in Saskatchewan have been willing to mobilize and fight for causes in which they believe. While there is no agreement as to why minorities in Saskatchewan have been so productive as compared to their counterparts in other

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22 Interviews with F23, F06 and F27.
23 Interviews with F06, F16 and F14.
24 Interviews with M02, F27 and F06.
25 Interviews with M12 and M02.
provinces, the chapters that follow confirm that these groups have found innovative ways to pursue their self-determination objectives.

**Comparing Unique Communities: Limits and Benefits**

Rather than providing a comprehensive review of models applicable to territorially dispersed and culturally diverse groups, the consideration of these cases allows for the extrapolation of general conclusions about the way in which complex minorities are pursuing self-determination and about the structures that accommodate their demands. Although the similarities in the self-determination experiences of Métis, Francophones and First Nations are discussed, the divergence in their self-determination agendas is acknowledged. Each of these communities seeks collective rights for distinct historical and political reasons. In particular, the self-government demands made by the Fransaskois are more limited than those of First Nation and Métis communities and are not grounded on a claim to land. Although political objectives differ across these groups and are often contested by their members, each community is both territorially dispersed and culturally diverse and seeks to achieve some level of self-determination.

In addition, these communities interact with one another in interesting ways. For instance, some of their founding narratives make mention of the same heroes: First

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26 Differences between these groups can be attributed to their varying views of the state as well as their perceived relationship with the latter. As an example, the Fransaskois and the Métis generally seek to work with the state whereas many First Nations (and some of the Métis) reject the very sovereignty of the state. While First Nations and the Métis commonly claim an inherent right to autonomously govern all aspects of their lives, often independently from other governments, the Fransaskois seek to participate in provincial and federal governance structures except when these structures cannot adequately address their needs, in areas of language and culture for example. Given their divergent starting points, Indigenous peoples chiefly ground their demands for rights in justice and freedom from foreign rule whereas the Fransaskois’ demands revolve around linguistic and education rights.
Nations and the Métis stories speak of *Mistahimaskwa* (Big Bear) and *Pitikwahanapiwiyin* (Poundmaker) whereas Louis Riel appears in Fransaskois and the Métis stories. The portrayal of these leaders differs between as well as within groups. This is most evident in the figure of Louis Riel, whom First Nations hold responsible for undermining efforts to re-negotiate treaties, Fransaskois praise as the defender of linguistic and cultural rights, and the Métis extol as their spiritual and political leader (Payment, 1999: 54). Similarly, First Nations remember *Pitikwahanapiwiyin* as a warrior who fought for the respect of treaties whereas the Métis remember him as an ally who fought for peace.

**Notwithstanding** the connections between the Métis, the Fransaskois and First Nations, many members from these communities would object to being compared alongside one another in light of the tensions that have historically characterized their relationships and, in some cases, the animosity that exists between them (Payment, 1999; Lussier, 1981: 75; Harrison, 1985: 124). My objective here is not to prescribe a *rapprochement* between these communities; instead, I seek to show how each community has found innovative ways to pursue self-determination. I chose to focus on the experience of the Métis, the Fransaskois and First Nations because they constitute complex minorities and therefore face similar challenges in making demands for and implementing their respective self-determination objectives without an exclusive cultural or territorial base. I follow J.R. Miller’s advice that researchers should not let their agendas be shaped by “obsolete statutory distinctions that were developed in Ottawa in

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27 This sentiment was made evident during a series of round tables jointly organized by *the Institut français* and the MN-S. See Métis Museum Archives, 2009.
Data Gathering

At the outset, my intention was to rely on published and unpublished documents related to the self-determination initiatives studied in chapters three, four and five and to conduct interviews to supplement this information. In particular, I intended to speak with government officials and individuals that formed the “elite” of each community, that is to say members who had been directly involved in pursuing political autonomy. However, as I travelled to communities – often in remote areas – throughout Saskatchewan, I came to understand that the self-determination experience of communities has resulted from the leadership of (a large number of) individuals. While research ethics guidelines tend to distinguish between “leaders” or the “elite” and the larger community, for the purposes of this project, the political elite was often indistinguishable from the larger community given the small size and the level of involvement of a large number of individuals.

In order to gain a nuanced understanding of the three case studies, I spent time speaking with community members, attending meetings and having coffee in local restaurants. While these informal encounters enrich the analysis in this dissertation, I also rely on the information gathered through non-structured interviews with individuals involved in the pursuit and development of self-determination as well as with provincial and federal government representatives. Most of these interviews occurred in informal settings and were presented as an opportunity for sharing and learning. In some of these encounters, I did not ask a single question but simply listened to stories or, in a few
instances, reflected in silence for long periods of time. It is through the process of meeting these individuals and building honest relationships with them that I gathered the most valuable information for this study.

The 29 individuals who have agreed that their words be shared in the written text of this study provide informed perspectives on the political development of these communities. Their interventions focus primarily on their involvement in self-determination initiatives as well as on the governance practices and arrangements of each community. In order to provide an enriched ethno-history of the case studies, I also make use of interviews that were conducted with key First Nation and Métis leaders who have since passed away that are available through the Gabriel Dumont Institute’s Métis Museum Archives and the First Nation University of Canada’s Oral History Project.

Amongst the interview participants were representatives from provincial and federal governments. Many individuals who were previously involved in one of the self-determination experiences studied in chapters three, four and five on behalf of the provincial or federal government provided invaluable information – in narrative and document form – about the intentions and the results of the governance initiatives. Yet, those individuals who have been or are involved in these initiatives and who are still employed by these governments were unable to actively participate in this study because both levels of government have been conducting reviews of their self-government and treaty policies, thus preventing them from publicly commenting on these matters.

Interviewees noted that when self-government initiatives were launched, there was often no master plan, and those individuals who led these initiatives were unsure of
what the end result would look like. Although driven by a clear desire to govern their own affairs, the form self-determination would take in the three cases was often unclear and was largely influenced by the individuals involved. As a result, narrative-based accounts were invaluable for describing the three case studies insofar as they took into consideration intentions in addition to outcomes. In listening to the stories of contemporary Métis, Francophone, and First Nation leaders, it became apparent that the past informs the contemporary governance achievements. Participants in this project emphasized that history is central to understanding contemporary phenomena. For this reason, stories like the Battle of Batoche and the signing of historic treaties are emphasized throughout the dissertation.

In keeping with culturally appropriate methodologies, narrative-based accounts of events are given significant weight in the analysis of the evolution of self-determination throughout this dissertation (Kovach, 2009; Smith, 2006). In addition to providing vital contextual lessons, historical, autobiographical and fictional writings also help to unveil the political strategies communities use to pursue self-determination and illustrate how these strategies evolve over time. As Kohn and McBride observe, although storytellers shape stories, stories also have a transformative power of their own; “they also shape what is to come” (2011: 20). I therefore pay special attention to the leaders who have lent their voice to the demands of minorities, and, in so doing, have contributed to shaping these political communities. I focus not only on renowned historical leaders like *Mistahimaskwa* and Riel, but also on those individuals who made significant – albeit often under-emphasized – contributions to their communities, those one Elder calls “forgotten doers” (Métis Museum Archives, 2004a). Their stories not only play a large
role in shaping the self-understanding individuals have of their political communities, but
have helped me understand the self-determination objectives of First Nation,
Francophone and Métis communities.

Woven into the narrative account provided by interviewees, archival research of
newspapers, community-based organization correspondence documents, position papers
and policy documents helped to trace a discursive map of each case. Given that the cases
studied are recent and still evolving, academic, government and non-government
publications are scarce. Where these documents do exist, they are often not widely
available; this is especially true in the case of First Nations and the Métis. For this reason,
I rely on copies of documents provided by individuals who were directly involved in their
respective community’s self-determination initiatives and on documents found in private
collections in various archives. Access to documents is complicated by the fact that
Francophone, Métis and First Nation governance bodies all have rather tumultuous pasts
marked by several institutional restructurings and frequent changes in political
leadership. Coupled with the fact that these bodies receive much of their funding for
program-specific – rather than administrative – activities, it is unsurprising that
significant sections of their archives are incomplete, obscured or altogether lost.

Beyond presenting an empirical analysis of the governance structures developed
by First Nation, Métis and Francophone minorities, this dissertation tells the story of
resilient communities who are carving out a space for themselves in Canada’s cultural,
political, institutional and legal landscape. I undertake this task from the perspective of a
non-Indigenous person. My understanding of minority rights stems in large part from my
own experience as a member of the francophone minority in Saskatchewan who has grown up in close contact with Métis and First Nations peoples. The academic learning I have been afforded has been largely informed by the liberal democratic tradition that dominates political thought on minority rights in Canada as well as by the original scholarship of Indigenous leaders that emphasize identity, community and self-determination. In conscious and unconscious ways, this study merges dominant and alternative sources of scholarship that have collectively informed my own thought process. My aim is to propose an approach to governance in the theoretical realm while also ensuring its practical applicability in the hope that academics, policy-makers and community leaders alike will find use in my work.

**Breakdown of chapters**

Chapter two provides an overview of the demographic and institutional organization of the three case studies in this dissertation. This chapter illustrates the permeability of the boundaries of First Nation, Métis and Francophone communities in Saskatchewan by showing how the interaction and organization of these territorially dispersed and culturally diverse groups has shifted over time.

In chapters three, four and five, I present the stories and actions that have shaped the political boundaries of Métis, Fransaskois and Métis communities in Saskatchewan. By describing their respective struggle for self-determination, I focus on the evolution of their governance structures and also draw attention to what Rogers Smith calls “ethically constitutive” stories, that is to say narratives that sustain these communities’ self-understanding through discourses of membership and individual worth. Underlying the
discussion of these chapters is an explanation of how governance structures were formed, sustained and transformed by the stories and actions of leaders and members.

Chapter six examines some of the lessons learned through the three case studies and reflects on the way in which the experience of complex minorities affects the way in which we understand governance in contemporary societies.
Chapter 2: Complex Minorities

*Boundaries matter... But it is the boundaries around people, not boundaries around territories, that really matter morally.*

- Goodin, 1988: 686

This dissertation takes the view that political communities do not emerge organically from a set of economic, territorial, demographic or cultural circumstances, but are instead constructed through the interaction between leaders and members. Articulated through what some have called *stories of peoplehood* (Smith, 2003), *narratives* (Lessard et al., 2011) or *imaginings* (Anderson, 1983; Taylor, 2004), the matrix of interactions that define the political, cultural, territorial and economic allegiances between individuals also contribute to the construction of the boundaries of a shared political community.

In order to understand the way in which First Nations, the Métis and the Fransaskois have organized themselves politically and to contextualize the interactions that have shaped these communities, this chapter presents an overview of their contemporary demographic composition as well as their social and political organization. Emphasizing the permeability of boundaries, the discussion below demonstrates that the territorial and cultural character of First Nation, Métis and Francophone communities in Saskatchewan has evolved according to changes in the demographic and political organization of these communities.

Métis
The Métis as a Distinct People

Born from the union of European settlers and First Nations peoples, the Métis are inherently diverse. From the Latin root *mixtus*, which means mixed, the word “Métis” has often been used to refer to individuals with some First Nation blood or ancestry. “Métis” formally replaced “Half-Breed,” a derogatory term that was used in federal legislation until the 1970s, but that the Métis rejected as early as the late nineteenth century (Teillet, 2011: 4). With ancestors that came from a variety of tribes and European cultures, the Métis did not form a unified group, some associating more closely with their First Nations relatives, others with their European ancestors.

Although the Métis carry with them certain qualities of their ancestors, they have long sought to distinguish themselves from their First Nation and European relations and assert their identity as a group with its own culture and traditions (Payment, 2009: 21). The first signs of a distinct sense of nationhood amongst the Métis date back to 1816 with the Battle of Seven Oaks during which the Métis led an armed protest against the Hudson’s Bay Company’s economic sanctions on the sale of pemmican in what is now Manitoba (Sawchuk, 2000; Morton, 1956; Giraud, 1986). The victory of the Métis at

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29 Some, like Gregg Dahl (2013), are reviving the term Halfbreed. Other terms that were historically employed to refer to the Métis: the English used “country-born”, “freemen” and “mixed-blood”; the Sioux used the “flower bead work people”; the French used “bois brulé” (burnt-wood), “gens libres” (free people) and “chicot” (half burnt stumps); the Ojibwe used “wissakodewinmi” (half-burnt woodsmen), and the Cree used “âpihtawikosisân” (half people) and “otipéyimisowak” (independent ones) (Teillet, 2011: 4; Devine, 2004).

30 Scholars like Olive Dickason (1985), Larry Chartrand (2004), John Foster (2007), Jacqueline Peterson and Jennifer Brown (1985), and Darren O’Toole (2013) have helped illuminate the differences and relationships between Half-breeds and the Métis. For the purposes of this project, I do not distinguish between these groups.

31 Pemmican, a high protein mixture of dried meat and fruit made by many Métis, was a valued commodity for fur traders.
Seven Oaks fueled a sense of nationalism that would continue to thrive through the Métis’ pursuit of political and economic rights (Weinstein, 2007).

Historically, the federal government denied the existence of the Métis as a distinct people and consequently refused them rights to self-determination (Teillet, 2011). The federal government only recognized two cultural groups: whites and Indians. But as Joyce Green writes, “we [the Métis] know in our psyches, in our families, that we do not – cannot – choose ‘either/or’ identities and be true to all that shapes us” (2011: 169). Neither one nor the other, the Métis occupied an ambiguous position in Canada’s political and cultural landscape until they gained legal recognition as a distinct, rights-bearing peoples in the Constitution Act, 1982 (Canada, 1982). Even after their constitutional recognition as one of Canada’s three Aboriginal groups alongside the Inuit and First Nations, federal and provincial governments continue to reject the existence of distinct rights for the Métis (Saunders and Dubois, Forthcoming 2013). This is most obvious in the denial by provincial and federal governments of a Métis right to hunt and harvest, a right recognized for First Nations and the Inuit (Teillet, 2007: 60; R. v. Powley, [2003] 2 SCR 2007, 2003 SCC 43).

**Defining the Métis**

As the Métis continue to pursue the recognition of their rights, they are continually faced with the challenge of defining membership in the Métis Nation (see Grammond, 2009). There is no consensus from governments, academics or amongst the Métis themselves.

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32 Prime Minister John A. Macdonald’s statement following the Métis’ 1885 defeat in Batoche captures the historical dichotomy from which the Métis were excluded: “If they are Indians, they go with the tribe; if they are half-breeds they are Whites” (cited in Brown, 2002: 142-43).
over the political or territorial boundaries of the Métis community. The Métis National Council (MNC) – the national body that represents the Métis – describes the Métis as a distinct people with, “a shared history, a common culture (song, dance, dress, national symbols, etc.), a unique language (Michif with various regional dialects), extensive kinship connections from Ontario westward, a distinct way of life, a traditional territory and a collective consciousness” (MNC, 2011b: 1). Efforts to assert the “distinctness” of the Métis is in large part a rejection of their association with “mixedness.” Métis scholar Chris Andersen argues that,

if Métis identity is “caught between two worlds,” it isn’t because it somehow reflects the “core” of our identity. Rather, it is because Métis identity carries the freight of more than a century of official Canadian attempts to impose binary “truths” (“Indian or Canadian”) onto Indigenous social orders. (2011: 164)

Echoing this sentiment, the current MNC president, Clément Chartier, remarks that, “being Métis is more than being of mixed blood: there is language, heritage and way of life” (1994: 82). Although some Métis reject attempts to set definitional rules that would create a distinct Métis “status,” others argue that some sort of guidelines are needed to prevent Métis identity from becoming what Andersen calls a “soup kitchen” for disenfranchised or opportunistic individuals looking to fit in (2011: 165; see Green, 2011; Sawchuk, 1998; Eberts, 2010). These guidelines could prove useful as the Métis move forward with their self-determination agenda, but as chapter three illustrates, the very fluidity of Métis membership has also been key in moving their governance objectives forward.

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33 In Alberta (Aboriginal Affairs and Northern Development) v. Cunningham, 2011 SCC 37, [2011] 2 SCR 670, at para. 54, the Supreme Court of Canada recognized that the Métis have the right to exclude other Aboriginal peoples in defining who they are given that, “an essential part of their identity is that they are ‘not Indian’ and ‘not Inuit.’”
Just like its history, Métis identity is complex, contested and above all “confusing” (Teillet, 2011: 4; see Andersen, 2008). Demographic data regarding the Métis reflects this fact. In 2006, the self-identified Métis population in Canada (389,780) almost doubled that recorded in 1996. While this unprecedented growth can partially be attributed to high birth rates, Teillet argues that the past invisibility of the Métis is a result of several factors:

(1) the fact that, historically there were only two identity options in Canada – white or Indian – because no one wanted to recognize the existence of a mixed-race people; (2) the erasure of historic aboriginal geographic boundaries; (3) the hidden language of the Métis; (4) the fact that the Métis are not a distinct phenotype; (5) a general disinclination to publicly identify following the events of 1870 and 1885; and finally (6) their mobility. (2011: 4)

Given Canada’s history of colonialism, individuals who did not live on reserves and did not visibly share characteristics ascribed to the Métis often chose not to publicly identify as Métis. However, as Emma LaRocque argues “cultural erosion does not mean cultural amnesia” (2001: 391). Changes in public attitudes towards the Métis, evident in the constitutional recognition of the Métis as an Aboriginal group in 1982, contributed to an unprecedented growth of individuals self-identifying as Métis.

**Métis’ Title to Land**

Basing itself on the definition adopted in principle by the Métis at the 2002 MNC annual general meeting, the Supreme Court of Canada describe the Métis as “a distinctive peoples who, in addition to their mixed ancestry, developed their own customs, and recognizable group identity separate from their Indian and Inuit and European forbearers” (*R. v. Powley*, 2003 SCC 43, [2003] 2 SCR 2007, at para. 10). However, the Métis’ claim
of constituting a distinct community is undermined by the lack of recognition of a Métis homeland (see Chartrand, 1991; Préfontaine and Dorion, 2003; Dobbin, 1981). As early as 1872, the Métis living in what is now Saskatchewan petitioned the federal government for an inalienable tract of land covering 1.8 million acres (Weinstein, 2007: 12; Pelletier, 1985a). In fact, title to the land was the key demand made by Métis leaders throughout the Northwest in the nineteenth century; in her autobiography, Métis author Maria Campbell explains, “[the Métis] wanted assurance from Ottawa of their right to keep the land before the incoming white settlers encroached on them by using homestead laws” (1973: 4).

The federal government ignored petitions demanding the recognition of the Métis’ title to lands (Weinstein, 2007: 14). In 1885, the Secretary of State denied ever having received petitions from the Métis, writing that, “[i]f the Halfbreeds had serious complaints against the Canadian Government, the ordinary methods of petition was open to them as to every free citizen. They have not availed themselves of it” (cited in Fergus, 1913: 263). Ottawa insisted that the Métis, like settlers, could apply for title to land as homesteaders according to the provisions of the 1872 Dominion Lands Act; in response, the Métis argued that the requirements of this Act, which mandated settlers wait three years before filling a claim, was “outlawing the Métis way of life” by denying their historical title to their lands (Chartier, 1994: 85).

By the late 1870s, Métis claims to land were preventing the peaceful settlement of newcomers across the prairies (Weinstein, 2007: 14; see chapter five). The threat of disorder in the Northwest led Prime Minister Macdonald to amend the Dominion Lands
Act in 1879 to grant the Métis scrip, a certificate that could be redeemed for a land grant or cash settlement, in exchange for the extinguishment of their title to lands. Some of the lands to which the Métis were entitled through the so-called scrip process were far from their settlements and required that claimants travel to distant dominion lands offices, making the redemption process onerous (Weinstein, 2007: 15; Payment, 1986: 180-2). In addition, Métis families facing dire economic circumstances often sold money scrip to speculators for a fraction of its value (Tough, 1996). Confirming the widespread failure of the scrip system, John Weinstein explains that, “Ottawa’s collusion with [land] speculators extended to every step of the scrip distribution and redemption process” (2007: 17).34 Warnings from Northwest officials and missionaries of the failings of the scrip process went unheeded by the federal government until 1885 when a commission to review and settle Métis claims was finally established (Augustus, 2008: 95-97; Hatt, 1986; Miller, 1991: 251). By then, the Métis had already sought the help of Louis Riel and were consolidating their resistance efforts (Weinstein, 2007: 14).

In the aftermath of the 1885 Battle of Batoche (see preface), many Métis families were forced to live as squatters along road allowances, which refers to land reserved by the government for public roads. Since they did not hold title to the land and paid no taxes, many Métis families were denied basic services such as public schooling and medical care (Campbell, 1973; Shore, 2001: 77). The social and economic marginalization that resulted from the absence of recognition of Métis title to land combined with the denial of their legal and political status in Canada led to the Métis’

34 This is addressed in a 2013 ruling (Manitoba Metis Federation Inc. v. Canada (Attorney General), 2013 SCC 14).
position as “Canada’s forgotten people” (Sealey and Lussier, 1975; Lischke and McNab, 2007).

Today, the Métis insist that they still hold title to land and deny that the scrip process extinguished this title (Tough, 1996: 141; Weinstein, 2007). In a historic 2013 ruling, the Supreme Court of Canada confirmed that the Crown had failed to respect the land rights of the Métis in Manitoba (Manitoba Metis Federation Inc. v. Canada (Attorney General), 2013 SCC 14, at para. 128). The Court found the federal government had made “repeated mistakes” in awarding land to the Métis as promised in the Manitoba Act, 1870 (Manitoba Metis Federation Inc. v. Canada (Attorney General), 2013 SCC 14). While there is an increased acknowledgment that the Métis are entitled to land, there are disagreements within the Métis Nation regarding the lands to which the Métis have a claim. The MNC describes the Métis Nation’s homeland as:

the traditional territory upon which the Métis people have historically lived and relied upon within west central North America. This territory roughly includes the 3 Prairie provinces (Manitoba, Alberta and Saskatchewan), parts of Ontario, British Columbia and the Northwest Territories, as well as, parts of the northern United States (i.e. North Dakota, Montana). (MNC, 2011b: 1)

This vague description of the homeland reflects the lack of consensus regarding its location, size and breadth. The difficulty of determining objectively verifiable borders of the Métis homeland is unsurprising given that the Métis travelled across vast areas as they followed buffalo herds and the fur trade (Teillet, 2011: 7). While broad-stroke descriptions of the Métis homeland are historically accurate, they fail to provide much guidance on practical matters of boundary-drawing.

Identifying the borders of the Métis homeland has become increasingly
controversial following the Supreme Court of Canada’s *Powley* decision, which made Métis rights contingent on an individual’s connection to a historic Métis community (*R. v. Powley*, [2003] 2 SCR 2007, 2003 SCC 43, at para. 23). As Teillet argues,

> it is a peculiar and most unwelcome twist of logic that a highly mobile hunter/gatherer/trader society that never lived in small, stable, continuous, localized communities is now required to prove the existence of just such a ‘community’ in order to exercise harvesting rights in the near vicinity (2011: 22).

While the Métis maintain that they lived in, occupied and used vast areas of land, this expansive interpretation of the Métis homeland has not (yet) been upheld in law.

In the last decade, legal rulings have moved away from the idea that a fixed settlement constitutes the boundaries of a Métis community, but have nonetheless interpreted the boundaries of a Métis community in a restrictive way (Teillet, 2011; Peach, 2013). Highlighting the challenge of defining the scope of a Métis community, the British Columbia Supreme Court of Canada admits in *R. v. Willison* that,

> If the Métis are characterized by mobility, a requirement that one find a Métis settlement before an aboriginal right to hunt can be established is to put a significant obstacle in the way of any finding of a Métis right. It is difficult to conclude that the framers of the Constitution intended that mobility, which is a key characteristic of Métis people, should at the same time be a bar to them exercising their s. 35 rights. (*R. v. Willison* 2005 BCPC 131, [2005] 3 CNLR 278; 2006 BCSC 985, [2006] 4CNLR 253, at para. 28)

Although settlements were important trading and freighting points, a broader Métis identity evolved from the extensive fur trade and growing kinship connections between settlements (Madden et al., 2005: 12-13). In *Laviolette*, the trial judge acknowledged that the Métis were a highly mobile people with extensive trade and family relations and consequently ruled that Métis communities should be defined regionally (*R. v. Laviolette*...
This approach was upheld in Belhumeur and Goodon (R. v. Belhumeur 2007 SKPC 114; [2008] 2 CNLR 311; 301 Sask R 292; R. v. Goodon 2008 MBCP 59, [2009] 2 CNLR 278). Although still evolving, the case law to date shows that the “site-specific” nature of Métis rights is to be interpreted as extending over a regional, non-contiguous geographical area (Teillet, 2011: 20).  

Despite recent decisions recognizing a regional and increasingly expansive territory as constitutive of Métis communities, most provinces have interpreted the scope of Métis communities in a narrow geographic sense. On the one hand, these governments insist on the existence of a site-specific Métis community as a precondition for the exercise of Aboriginal rights. On the other hand, these same governments have been unwilling to recognize the existence of Métis title to land. Ironically, the current legal and political framework in Canada requires that the Métis prove they have an ancestral connection to a specific piece of land to which they are denied title. As a result, the Métis have had to provide evidence of the existence of an individual Métis rights-bearing community through extensive archival evidence in court, one case at a time (Teillet, 2011: 21).

While this case-by-case land-use mapping will continue to expand Métis rights by recognizing their use and occupation of the land in various areas, some Métis are hoping to resolve the issue of title through land claims processes. In particular, the Métis Nation-Saskatchewan filed a land claim in the Court of Queen’s Bench in 1994. The plaintiffs

35 The only case to date that does not presuppose a specific or regional territory is R. v. Baker [2005] 2 C.N.L.R. 295, which acknowledges that the rights-bearing entity is the larger society even though smaller units were established from time to time (Teillet, 2011: 21).
are seeking a declaration that the title was not surrendered through scrip and that the Métis have an Aboriginal title to land (Morin v. Canada & Saskatchewan (Q.B. File No. 619-1994)). Currently stayed, the outcome of this case will likely be influenced by the recent Supreme Court of Canada ruling on the Manitoba Métis Federation’s (MMF) longstanding case (Manitoba Metis Federation Inc. v. Canada (Attorney General), 2013 SCC 14). This ruling upheld that the Métis did not receive the 1.4 million acres of land that had been negotiated by Louis Riel’s provisional government as a condition of Manitoba’s entry into Confederation.

Since the federal government denies the very existence of Métis title to land, the Métis (with the exception of those in the Northwest Territories) cannot pursue land claims through the political channels established for the resolution of First Nations and Inuit land claims. Instead, they must bring their claim through the courts, which are called upon to decide whether title to land is an Aboriginal right under Section 35 of the Constitution Act, 1982 (Weinstein, 2007: 21). While the content of these rights were supposed to be defined through four constitutional conferences between 1983 and 1987, the failure to come to a political agreement has left this task to the courts (see discussion in chapter three). In an address to the Senate of Canada, the president of the MNC testified that the exclusion of the Métis from the federal land claims resolution process is a consequence of “Ottawa’s persistent refusal to accept historical, constitutional and moral responsibility for dealing with the Métis people as a distinct Aboriginal people and nation” (Chartier, 2011a).
Métis Governance Structures

It is against this backdrop, marked by denial and ambiguity, that the Métis have developed governance structures to meet their needs and aspirations. Today, the Métis represent five percent of the population of Saskatchewan according to Census data (Canada, 2006a). Nation-wide, seven out of ten Métis live in urban areas (Canada, 2006a). Like urban First Nations peoples, many Métis participate in the activities of a growing number of community organizations such as Friendship Centres (see discussion above). In addition, the Métis govern themselves through two competing structures: municipal/town councils and Métis locals. The competition between these entities is a product of their political marginalization, which led some Métis to work within the structures of the dominant society while others created separate Métis-specific organizations.

As chapter three will discuss, the primary political unit for Métis peoples are “locals” – cultural and political bodies that provide programs and services to members. Throughout the province, there are over 130 locals that are part of a province-wide Métis organization, the Métis Nation-Saskatchewan (MN-S). One of the most successful locals is the Central Urban Métis Federation Incorporated (CUMFI) in Saskatoon. With approximately 6,000 members, CUMFI works to develop partnerships and alliances to help Métis thrive in urban areas (CUMFI, 2008). Focusing particularly on the challenges in the city’s core, CUMFI works closely with shelters and has established transitional housing programs to help reunite children in foster care with their families.  

36 Interview with M11.
In a number of small towns and communities, Métis locals take on a more encompassing governance role by providing economic as well as cultural opportunities for their members. This is especially true in the north of the province where Métis and First Nations account for 86 percent of the population (Saskatchewan, 2008). The governance entities that make up the Northern Saskatchewan Administration District include 39 First Nation reserves, 11 settlements (with fewer than 30 people) and 27 municipalities (2 towns with over 500 people, 13 villages with fewer than 100 residents, 9 hamlets with a minimum population of 30) (Garcea, 2005: 83; Saskatchewan, 2007: 4; Stickland, 1994: 405). While Métis locals have always had a strong presence in northern Saskatchewan, reserves, settlements and municipalities constitute the governance bodies formally recognized by provincial and federal governments.37

The structures governing northern Saskatchewan have adapted – in some cases – to the reality of these communities. For instance, there is an acknowledged need for “revenue supplement” as well as provincial government involvement in the administration of communities given the limited tax base and the need for infrastructure development in the north. However, as the data show, the challenges faced by northern communities are not only economic, but also political.

37 In contrast with their southern counterparts that are governed by The Urban Municipalities Act, northern communities are governed by the Northern Municipalities Act (NMA) since 1983. The NMA takes into consideration the unique northern circumstances – with almost fifty percent of the province’s land mass but only three percent of population (33,919 in 2006), Northern Saskatchewan has a limited tax base but a large economic potential with the vast majority of the province's energy as well as mineral and forest resources (Saskatchewan, 2007: 4). Unlike in the south of the province where villages provide basic municipal services, northern municipalities are responsible for providing a wide range of services ranging from building roads to identifying job creation activities (Stickland, 1994: 406-07; Garcea, 2005).
A product of a complicated history, there is a palpable tension in northern communities between formal governance entities such as municipalities and the political and cultural structures developed by the Métis (i.e. locals).\(^{38}\) The political and legal recognition of Métis rights over the last decades has made the latter contingent on the existence of an identifiable historic Métis community and the ability of the Métis to establish a distinct historical character (\textit{R. v. Powley}, [2003] 2 SCR 2007, 2003 SCC 43). The \textit{Powley} decision has led the Métis to seek to differentiate themselves (and their governance structures) from other northern residents in order to assert the distinctiveness of the Métis community for the purposes of rights recognition.

The “Métis versus other” dynamic was illustrated in a recent controversy in the northern community of Buffalo Narrows. Shortly after a sign saying “Welcome to the Métis community of Buffalo Narrows” was erected on the outskirts of the town centre, it was taken down with a chain saw (Smith, 2004). Representatives of the Métis local argued that the sign would help assert the “Métisness” of the community thereby helping to meet the \textit{Powley} test for rights as members of a historical Métis community (P. Chartier, in Smith, 2004, see discussion above). To this end, Buffalo Narrows followed other northern municipalities like Green Lake and Ile-à-la-Crosse in erecting a sign explicitly recognizing the Métis character of the community. However, some members of the community objected to this characterization, wanting instead for the sign to read “Welcome to the \textit{municipality} of Buffalo Narrows.”

What may appear as a simple dispute over the wording of a sign between a Métis local and a municipal council speaks not only to the historical ambiguity regarding the

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\(^{38}\) Interviews with M02 and M29.
boundaries of the Métis Nation but illustrates the way in which diverging constructs of Métisness are being appropriated, internalized and used to pursue a variety of ends. Contentious debates in northern Saskatchewan about how to define the Métis culturally, politically and territorially capture the challenges of drawing boundaries around culturally and territorially diverse groups.

**Fransaskois**

The Fransaskois represent the second case study of this dissertation. In order to highlight the complex character of the Fransaskois, I provide a brief overview of the historical origins of this community and discuss its demographic and political organization.

The first French speakers arrived in what is now Saskatchewan as part of the fur trade in the mid-eighteenth century (Lapointe and Tessier, 1986: 1; Marshall, 2005: 1050). Between 1763 and 1821, these *voyageurs* helped to establish more than half of the region’s eighty-six trading posts along the main river systems (Anderson, 1985). Although the fur trade contributed to the growth of Saskatchewan’s French-speaking population, the most significant factor that accounts for its growth is the emergence of Métis communities in the early nineteenth century (Anderson, 1985). Established across the southern prairies, French-speaking Métis communities principally grew around permanent trading posts in the north, notably Ile-à-la-Crosse, La Loche, Buffalo Narrows (Lac-de-Boeufs), Green Lake (Lac-Vert), Beauval and Meadow Lake (Lac-des-Prairies).

Map 1: Saskatchewan Métis Settlements
Marking a new wave of settlement in the region, French-speaking immigrants from Quebec, Europe and the United States arrived in the prairies in the late nineteenth century lured by the promise of prosperity and the Canadian government’s offer of land (Friesen, 2002: 243-73). At the same time, the influx of immigrants from a diversity of linguistic backgrounds confirmed that the French language would not be the *lingua franca* of the West as the clergy had hoped; the proportion of French speakers in the
prairies declined even though the absolute number of French speakers increased (Anderson, 1985; Lapointe and Tessier, 1986).

At the time of the creation of the province of Saskatchewan in 1905, it was clear that French speakers, who represented six percent of the overall population, had already lost their political and demographic advantage.\(^{39}\) Although French and English were official languages in the territories that would later become Saskatchewan and Alberta in 1905, the status of the French language declined as the demographic weight of French speakers declined (Marshall, 2005: 1050).\(^{40}\) This trend continued after the events of 1885, which instilled reluctance to pursue linguistic rights – one of Riel’s key demands – as French speakers integrated the anglo-dominant society.

Since first settling in the prairies, Saskatchewan’s French-speaking community has continuously had to contend with the challenge of defining its unique character in the face of an increasingly diverse society (Allaire, 1999: 163, cited in ACF, 2006: 8). Unable to sustain a relative population growth through immigration and birth rates, French speakers became increasingly marginalized in the socio-political landscape of the prairies. At the same time, their survival was overtly threatened by racism and the adoption of policies against the use of French (Denis, 1998: 427-30; Huel, 1969: 103;

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\(^{39}\) Like Manitoba, its eastern provincial neighbour, where French language protection was a key demand in the province’s founding in 1870, French speakers in Saskatchewan sought to protect their language at the time of Saskatchewan’s entry into Canada. As an example, French speakers objected to Frederick Haultain’s proposal to abolish the French production of proceedings of the territorial Assembly (Denis, 1983). Despite efforts by the government and the Church to increase French immigration, Francophones never represented more than five or six percent of the total population of the province (Lapointe and Tessier, 1986: 101).

\(^{40}\) The adoption of the Saskatchewan Act, which created the Province of Saskatchewan in 1905, called for the respect of provisions in the Northwest Territories Act, including those that gave French and English official status in the legislature and official government documents (Denis, 1983; Aunger, 1989; Savoie, 1991: 13).
Société historique, undated; Magosci, 1999: 577). Vulnerable to what Wilfrid Denis (1998) calls the “anglo-hegemony” of this period, French speakers began to mobilize politically in the early decades of the twentieth century to protect their language and culture, primarily by demanding rights to French education (see chapter four).

By the 1950s, urbanization and the spread of mass communication made it easier for dispersed French-speaking communities to consolidate their demands for the protection of their language, faith and culture (Hébert and Vaillancourt, 1971; Allaire, 1993; Warren, 2007). In the wake of the Commission on Bilingualism and Biculturalism in 1963 (hereafter B & B Commission), the adoption of the *Official Languages Act* in 1969 and the Quiet Revolution in Quebec, French-speaking communities across Canada asserted their identity not only as linguistic minorities but as distinct political and cultural communities with common traditions as well as shared objectives (Cardinal, 2003; Thériault, 2007). As a result of a rise in political consciousness, “Fransaskois” replaced identifiers such as French-Canadians or Franco-canadiens in 1973.  

Previously isolated communities increasingly mobilized at the provincial level where their demands for rights were gaining political attention.  

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41 The name “Fransaskois” was adopted following a contest in the provincial weekly newspaper, *L’Eau Vive* in 1972. For a discussion of the emergence of francophone identities outside Quebec, see Martel, 1997.

42 This period, which Lafontant (1993) calls the “incidence de l’État,” contributed to the “provincialization” of francophone identities (see also Cardinal, 1994). Joseph-Yvon Thériault contends that, “[t]hese changes in identities are not a trivial modification of the borders of the community. It is, for minority communities, a true mutation of their very ‘nature,’ a true identity trauma that profoundly redefines the terms of their integration in the world and their capacity for collective action” (1994: 25, author’s translation). The trend to provincialize identities was echoed across the country with the emergence of Franco-Manitobans, Franco-Albertan, Franco-Ontarians, etc. Factors that influenced the provincialization of identities in Saskatchewan are discussed in chapter four.
(Manipulating?) The Demographic Profile

Today, less than two percent of Saskatchewan’s population identifies French as a mother tongue and approximately four percent of the population understands French (Canada, 2011c). This demographic reality reflects a population that is increasingly mobile and culturally diverse. In contrast with the past when French speakers lived in small isolated communities, more than a third of mother tongue French speakers live in the province’s two largest urban centres – Regina and Saskatoon, – while the rest are spread out across the province with some concentration around the villages of Bellevue and Gravelbourg (Canada, 2006b). The majority (82 percent) of French speakers live in municipalities where they constitute less than ten percent of the population (Canada, 2011c). As shown on the map below, mother tongue French speakers are geographically scattered across more than thirty communities (Viau, 1999: 81, 90; Denis, 1994).

Map 2: Percentage of the population with French as the first official language spoken (with random distribution of the English-French category) by census divisions, Saskatchewan, 2006
The demographic weight of French speakers has been in decline since the 1950s.

(Canada, 2006d)
(Denis, 2008b). In 1951, French speakers made up 4.4 percent of the provincial population; this number fell to 3.4 percent in 1971, 2.9 percent in 1991 and 1.7 percent in 1996. The number of mother tongue French speakers is particularly low amongst youth under 25. This trend can be partially explained by the high level of assimilation with only 29 percent of parents whose first language is French passing the language to their children as seen on the chart below (FCFA, 2005; Canada, 2011c). It can also be explained by high rates of exogamous couples\textsuperscript{43} leading to a decline of the use of French as the primary language spoken in the home, which fell 12 percent between 2001 and 2006 (Statistics Canada, 2006c).

Figure 1: Proportion of children under 18 years of age living in a family where at least one parent is of French-mother tongue, by mother tongue of parents, Saskatchewan, 1971 and 2006

\textsuperscript{43} Exogamous couples refers to spouses (married or in a common-law union) that do not have the same mother tongue.
These statistics paint a bleak portrait of the future of Saskatchewan’s francophone community. Some academics go so far as to argue that, “in Saskatchewan, French is collapsing” (Archibald, cited in Gignac, 2007, author’s translation). Such pessimistic conclusions have aroused vivid reactions from the Fransaskois who argue that these statistics only capture part of their changing demographic reality (see Gauthier, cited in Gignac, 2007). In fact, given that most Fransaskois families are exogamous and speak English at home, sometimes alongside French, privileging variables other than the mother tongue or the language spoken at home offers a different portrait of the Fransaskois. For instance, the population triples – to a proportion similar to Saskatchewan’s Métis population – when one uses data related to those who understand French as opposed to those who have French as a mother tongue. Although the Fransaskois ultimately represent a small and declining portion of the provincial population, without a census question similar to that which allows individuals to self-identify as First Nation or Métis, the statistical definition of the Fransaskois community will continue to be shaped by
census data related to language use and ability rather than by a measure of political consciousness.44

Political Organizations

Individuals who self-identify as Fransaskois are often active in the various cultural, social, educational, economic, and political francophone organizations in the province. The longest standing French-speaking bodies in Saskatchewan are local organizations such as the Auvernois de Ponteix and the Comité culturel de Debden that organize various events from employment training workshops to Christmas parties in over thirty communities. Today, local organizations are grouped into twelve regional councils, which are represented in a province-wide governance structure, the Assemblée communautaire fransaskoise (ACF). Guided by democratically elected representatives from each of the regions, the ACF is the political body that speaks on behalf of the Fransaskois (ACF, 1999, see chapter four). In addition to protecting the rights and aspirations of the Fransaskois, the ACF’s mandate includes developing a collective consciousness of the French language and of the Fransaskois culture (ACF, 2011). This is accomplished through partnerships with local, regional and provincial organizations that offer a variety of programs and services in French. For instance, the Association des parents fransaskois, the Association jeunesse fransaskoise, the Fédération des aînés

44 Government officials generally focus on two definitions gathered from four Census questions (13 to 16 in 2006) related to linguistic use and ability to determine funding for programs and services for the Fransaskois. The first refers to mother tongue French speakers, which includes people for whom French is the first language learned and still understood. The second, called First Official Language Spoken, is based on a variable derived from data about knowledge of both official languages, mother tongue, and language most often spoken at home. Forgues and Landry argue that, “it would be unwise to propose one single variable or combination of variables to statistically define a Francophone because the relevance of the definitions selected depends on the context of the research and the resulting intervention” (2006: 13).
fransaskois, and the Fédération provinciale des Fransaskoises each provide programs and services for parents, youth, the elderly and women respectively. In addition to sectorial and interest-based organizations, the Fransaskois’ governance structure also includes a publication company, the Éditions de la nouvelle plume, as well as a capital corporation, the Fondation fransaskoise.45

Today, there are over eighty francophone organizations that are affiliated in various ways with the ACF and make up the governance structure of the Fransaskois community (see chapter four). While many of these organizations emerged at the local level in the early 1900s, others were created in the 1970s and 1980s as the federal government made funding available to linguistic minorities following the adoption of the Official Languages Act and the Constitution Act, 1982 (see discussion in chapter four). The influx of resources during this period gave a notable boost to the organizations that provide a range of services to the Fransaskois. However, the most significant change in the community’s governance structure occurred in the mid-1990s with the creation of Fransaskois schools.46

For decades, the Fransaskois had mobilized politically around the idea of creating and governing their own schools (Behiels, 2004). Joseph-Yvon Thériault goes so far as to argue that education has structured the collective existence of French language minorities in Canada (2007: 1991). In 1967, the province reversed legislation that had previously banned French language instruction in the province. Amendments made to the School Act between 1967 and 1978 paved the way for a series of reforms that eventually saw the

45 Some of these interest-based organizations function on a province-wide basis, often with local chapters.
46 Interviews with F16 and F08.
creation of French and bilingual programs in Saskatchewan. In spite of these developments, the Fransaskois continued to demand the authority to govern their own schools, arguing that the newly established programs – the implementation of which was often resisted by the provincial ministry for education – did not meet their needs insofar as they focused on French as a second language.\footnote{Interview with F14.}

The Fransaskois’ efforts eventually led to the creation of a Fransaskois school board in 1994 following a series of legal rulings confirming that francophone communities have the right to self-determination in matters related to education. In \textit{Mahé}, the Supreme Court of Canada ruled that communities like the Fransaskois should govern their own schools since they are in a better position to respond to the territorial and cultural realities of their members (\textit{Mahé v. Alberta}, [1990] 1 S.C.R. 342; \textit{Reference re Public Schools Act (Man.)}). In a unanimous decision, the court ruled that educational institutions in the language of the minority were essential not only for the preservation of the French and English languages in minority situations, but also for the preservation of their respective cultures (\textit{Mahé v. Alberta}, [1990] 1 S.C.R. 342). Referring to the Royal Commission on Bilingualism and Biculturalism in its ruling, the court stated that protecting languages is vital to cultural development,

\begin{quote}
Language and culture are not synonymous, but the vitality of the language is a necessary condition for the complete preservation of a culture. […] These schools are essential for the development of both official languages and cultures; […] the aim must be to provide for members of the minority an education appropriate to their linguistic and cultural identity. (cited in \textit{Mahé v. Alberta}, [1990] 1 S.C.R. 342)
\end{quote}
The implication of this ruling was that French education, which was prohibited by law in Saskatchewan until 1967, was to be made available to the Fransaskois, who were consequently legally entitled to govern their own schools (see discussion in chapter four).

Who is Fransaskois?

As the end goal of political mobilization for decades and the only institution autonomously governed by the Fransaskois with legally assured funding, the Fransaskois school division, the Conseil des écoles fransaskoises (CÉF), embodies cultural, linguistic and, to some degree, political intentions and has thus played a pivotal role in narratives that have defined the Fransaskois. To be sure, other institutions such as churches, local community associations and regional councils contribute to the development of the Fransaskois identity. Yet, despite the growing network of French service organizations across Saskatchewan in the private and public sector, the CÉF occupies a singular position in light of the fact that it constitutes the only institution governed by the Fransaskois with legally mandated educational, recreational and financial resources. As a result, many francophone organizations partner with the CÉF to deliver their programs and services. For instance, the Fédération des francophones de Saskatoon, which represents thirteen francophone organizations in Saskatoon, hosted the 2011 Christmas event, Franco-Noël, at one of the CÉF’s schools. Attesting to the involvement of various partners in the event, the local parish, Saints-Martyrs-Canadiens, organized the greeting and coat check, the local francophone African association, Communautés des Africains

[48 Interview with F08.]
francophones, prepared the food and teachers lead students in Christmas carols as part of the evening’s entertainment.

Through the security and resources offered by schools, the CÉF plays a significant role in the development of the community as a whole. At the same time, only an estimated seventeen percent of children of parents whose first language learned and still understood is French or who have been instructed in French attend one of the CÉF’s fifteen schools in the province (Denis, 2008c, note 11). While the Fransaskois community extends beyond institutions such as the CÉF, there is an unsettled question in Saskatchewan about the boundaries of the Fransaskois community. The latter became a source of contentious debate in 2005 when the youth organization, the Association jeunesse fransaskoise (AJF), invited students from immersion schools to participate in the 2005 edition of the Jeux Fransaskois, an annual track and field competition organized in collaboration with the CÉF. The AJF’s intention was to reach out to French speakers beyond the Fransaskois school system; however, without the mandate to offer services to students from other school boards, the CÉF pulled out of the event. Without the support of the CÉF, which contributes an estimated $35,000 dollars and brings some 300 participants to the competition, the number of participants fell to 53 in 2005, 30 in 2006, and 25 in 2007. Today, the Jeux fransaskois no longer exist; the CÉF organizes its own province-wide track and field event for its students.

The events surrounding the Jeux fransaskois stirred a debate that had been brewing for some time regarding the boundaries of the Fransaskois community. To contextualize this debate, it is pertinent to remark that access to Fransaskois schools is determined by section 23 of the Charter of Rights and Freedoms which states that,
Citizens of Canada

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

In practice, those who are not entitled under section 23, but who want to attend a Fransaskois school can make a claim for admission that is evaluated by the elected members of the school council. Yvan Lebel, the current president of this council, explains that exceptions have been made for refugees and immigrants as well as for children of parents who do meet the above criteria but who are fluent in French and can thus actively participate in the child’s education.\(^49\) As such, while section 23 of the Charter identifies the rules determining who can attend a Fransaskois school, the decision to attend one of these schools ultimately rests with parents.

The AJF’s decision to invite students outside the CÉF raised debate as to whether the ability to speak French is a sufficient criterion for membership and whether membership is affected by an individual’s choice or willingness to participate in the institutions of the community. To resolve this debate, members of the community turned to their democratically elected representative body, the ACF. With the intention of widening the debate beyond the particular circumstances surrounding the Jeux fransaskois, the ACF established an independent body, the Commission on Inclusion, to address more general questions of inclusion and exclusion in the Fransaskois community.

\(^49\) Interview with F13.
(Denis, 2008a; 2008b). Fundamentally, the Commission’s mandate was to provide a definition of the “Fransaskois.” Who does it include? Who does it exclude? What is the place of Francophiles, bilingual Anglophones and immigrants? Who is entitled to services destined for the Fransaskois?

Guided by seven commissioners from the community and academia, the Commission organized a series of public consultations to help answer these questions. Drawing on briefs submitted by community organizations, opinions expressed at public hearings and academic literature, the Commission provided recommendations as to how to navigate the tension between accommodating the diverse French-speaking population in Saskatchewan and protecting the institutions, organizations and traditions of this distinct community. Attempting to reconcile the diversity that characterizes Saskatchewan’s French-speaking population, the Commission’s final report offered an inclusive and broad definition that reflects the community’s dynamic history of intercultural relations:

A Fransaskois is someone who identifies him or herself with the Saskatchewan Francophone community, today or in the past, whether through birth, marriage or adoption or by identifying with the Fransaskois community, who contributes to the vitality of the French language as well as the growth and development of the French-speaking communities in Saskatchewan, while acknowledging that there are many ways to make a contribution. (ACF, 2006: 11)

In addition to acknowledging the importance of the French language in Saskatchewan, this definition suggests that the identification with, and participation in, the community constitute the key criteria for membership. Underlining the role of cultural construction in its final report, the Commission rejects primordial or existentialist definitions that rely solely on linguistic use or ancestry. Instead, the Commission contends that it is possible
to “become Fransaskois” by contributing to the development of the community (see Denis, 2008b). Fundamentally, the proposed definition suggests that the boundaries of the Fransaskois community are shaped by the sense of belonging that members develop through their participation in the community and their willingness to contribute to the vitality of the French language in Saskatchewan (Denis, 2008a).

In its final report, the Commission on Inclusion argues that the traditional boundaries of the Fransaskois community have been challenged by high intermarriage rates between Francophones and non-Francophones and the migration from French towns to predominately English urban areas. Like other French-speaking communities across the country, the Fransaskois community is being called upon to redefine itself in light of these changes. The recent experience with the Commission on Inclusion challenges arguments that territorial or cultural characteristics can, in and of themselves, adequately define the boundaries of the Fransaskois community. Rather, through this commission, the Fransaskois affirmed that membership is defined by the actions and imagination of those who contribute to and identify with this political community.

**First Nations**

**The Historic Diversity of Saskatchewan’s First Nation Populations**

Indigenous peoples in Saskatchewan have a long history of complex relations amongst one another (Mandelbaum, 1994; Pettipas, 1994). The territory now covered by the province of Saskatchewan is home to the Denesuline (*Dene/Chipewyan*), Cree (*Nehiyawak*), Assiniboin (*Nakota*), Sioux (*Dakota and Lakota*), and Saulteaux (*Nahkwabininiwak*), which are loosely dispersed across the province from north to south.
(Saskatchewan, 2011b). The largest of these nations, the Cree, arrived on the territory in the 1740s (McLeod, 2000: 44; Milloy, 1990). Moving west from the Hudson and James Bay with the fur trade, the Cree displaced tribes already in the region with their military, economic and political strength. They became trade partner and competitor, making friends and enemies of other Indigenous peoples.

As the fur trade expanded, the Cree served as middlemen and relied on military and trade alliances with the Blackfoot (Siksika) to protect their economic system (Milloy, 1990). While the Cree developed alliances with other nations such as the Saulteaux and the Assiniboin, the disappearance of the buffalo led to several intertribal conflicts as resources became scarce and each group sought to strengthen its position in the fur trade economy (McLeod, 2000: 439; Miller, 2009; Milloy, 1990; Sharrock, 1974; Albers, 1980). The battle between the Cree and their former ally turned enemy, the Blackfoot, at Oldman River in 1870 was a devastating conflict, leaving several hundred Cree warriors dead (Dempsey, 1994: 70-71; Stonechild, 1991: 262). The military strength of the Cree, like that of many Indigenous peoples, was further devastated by the decrease of its population with the smallpox epidemic of 1874, which forced the Cree to withdraw from the north, dominated by the Dene – an enemy – to parkland south of the North Saskatchewan River where the trading routes were expanding (Pettipas, 1994: 43; Ray et al. 2000: 94; Milloy, 1990: xiv).

The forced migration of Indigenous peoples because of conflict and disease led many First Nations to the plains in search of the buffalo. However, the scarcity of the buffalo and the transformation of traditional ways of life with the arrival of horses and
rifles in the nineteenth century led to more conflicts. Facing political, economic and military pressure, First Nations began asserting their control over various territories, declaring vast areas as their territory. John Milloy argues that, in the wake of the arrival of Europeans and the spread of the fur trade, the identity of Indigenous peoples became associated with a “specific place” (1990: xvi). Breaking with past practices, First Nations started to expand what they claimed as their territory near the end of the nineteenth century. Prior to this, Indigenous peoples tended to frequent their own hunting and gathering territory, but none possessed exclusive ownership of resources or land; there were no strictly defined boundaries (Mandelbaum, 1994; Carter, 1991; Pettipas, 1994).50 As Usher et al. write, “[t]he key to survival was access to, and control of, resources, rather than the control of land per se” (1992: 112).

New found territorially-informed divisions contrast with historical practices where relationships between Indigenous peoples were fluid and constantly changing. Historically, these relationships were based on clans, heritage as well as matrilineal and patrilineal kinship (AFN-INAC, 2008: 3-4; Miller, 2009: 9-10). Similarly, membership could be determined by birth, marriage, adoption, or by living with the community over time. Anthropologist Patricia Albers argues that First Nations in the prairies did not follow what some might consider “typical” tribal models where territories are divided, appropriated and defended by particular ethnic groups, nor did they define political allegiances in exclusive terms (1996: 91; Milloy, 1990). For instance, the Cree were historically and are still divided politically as well as linguistically between the

50 First Nations also had a history of sharing the land with their Métis relatives in the eighteenth century according to agreements and alliances in much the same way that land sharing had already been established between Indigenous nations.
Woodland, Swampy and Plains Cree in Saskatchewan as well as between the Moose and Atikamekw Cree in Ontario and Quebec respectively (Okimasis, 2004: 1). While some Indigenous peoples became divided as their population grew, others became united as a result of geographic proximity, family relations or military alliances. In some cases, hybridization led to the creation of new peoples such as the Assiniboin-Cree (Nêhiyawêpiwâtak) (McLeod, 2000: 444). Driven by the need for resources to survive, the boundaries of Indigenous communities shifted according to alliances and agreements between nations seeking economic, military and political power (AFN-INAC, 2008: 4; Pettipas, 1994: 46).

Despite the historic overlap among Indigenous peoples across Saskatchewan, the 1980s revealed a growing trend to “simplify” identity (Albers, 1980). Indigenous scholar Neal McLeod contends that First Nations in Saskatchewan are increasingly identifying with the Plains Cree whose language has greater prevalence and whose culture is most revered in academic and popular literature (2000: 439). As Indigenous individuals abandon ambiguous and multi-layered genealogies, McLeod observes that, “[i]t seems as though many Indigenous people in Canada have internalized the ideas that have been imposed by the Indian Act and the mainstream society” (2000: 447). His observation illustrates that the contemporary emphasis on a singular identity marker breaks with past practices where Indigenous peoples spoke several languages and intersected with one another in important ways.

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51 Cree was the most widely spoken language of the allied confederation of the Cree, Saulteaux and Assiniboins (Mandelbaum, 1994; McLeod, 2000: 446).
Contemporary Categories of First Nations Peoples

Today, membership in First Nation communities largely depends upon the criteria of the *Indian Act*. First Nation individuals who are registered under this federal legislation are known as “status Indians.” Some First Nation individuals who are status Indians are also “treaty Indians,” that is to say they are party to a treaty. In Saskatchewan, the Cree, Saulteaux, Assiniboin and Dene peoples signed treaties and are therefore both status and treaty Indians whereas the Dakota did not sign treaties and are therefore only status Indians (see chapter five). Since the 1980s, the term “First Nation” has largely replaced identifiers such as status and treaty. Notwithstanding this move away from classifying First Nation individuals in relation to their position within the *Indian Act*, the latter still plays a key role in determining membership in First Nation communities.

Despite several revisions made since its adoption in 1876, the *Indian Act* continues to undermine Indigenous conceptions of membership (Chabot, 2007; Lawrence, 2003; RCAP, 1996b). In particular, it ignores the historical practices of membership and disregards the fact that Indigenous peoples participated in economic and political systems long before the arrival of Europeans (Friesen, 2002: 17; Pettipas, 2004: 43; Grammond, 2009). Since its enactment, First Nation leaders have objected to the membership rules of the *Indian Act* insisting on the respect of their treaties, which contain promises irrespective of status (see discussion in chapter five). Without the recognition of First Nations’ right to determine their own membership rules, they are forced to continue to

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52 There are three Dakota (Standing Buffalo, Whitecap, Wahpeton) and one Lakota (Wood Mountain) First Nation in Saskatchewan that have never negotiated treaties or adhesions to treaties with the Government of Canada (OTC, 2006: 14).
operate within the *Indian Act* structure since it offers the only protection of First Nations’ rights recognized by the federal government (Cardinal, 1999: 119).

Given the central role of the *Indian Act* in the lives of First Nations peoples, contemporary demographic assessments of First Nations depend, in large part, on the criteria set out in this legislation (i.e. “registered” population). Other sources of population estimates include the Census, which reports the self-identified First Nation population, as well as data collected for health and funding purposes by the federal Department of Aboriginal Affairs and Northern Development. In 2009, Saskatchewan’s registered First Nation population was 129,138 (Canada, 2009). Although the province only accounts for three percent of the overall national population, it is home to more than 13 percent of the country’s First Nation population (Canada, 2006a). Based on 2011 population estimates, First Nation individuals represent over 12 percent of the province’s population, up 2.5 percent from the 2006 Census (Canada, 2006a; Saskatchewan, 2011a). In reality, First Nations probably represent a larger percentage of the population, but the difficulties in enumerating populations off-reserves and the underreporting of Indigenous identity preclude a more accurate assessment (Lendsay et al., 1997; Hanselman, 2001). Given the young age and high birth rates of Indigenous peoples in Saskatchewan, economist Eric Howe predicts that more than half of the province’s population will be Indigenous by 2050 (2006: 4).

Of the 91,400 Saskatchewan residents who self-identified as First Nation in 2006, approximately half 47,765 (52 percent) live on reserve, another 35,465 (39 percent) live in urban areas and the remaining nine percent live in non-reserve rural regions (Canada, 2006a). There are 118 reserves in Saskatchewan that cover less than two percent of the
province’s land base (Nester, 2011). Reserves thus constitute isolated communities spread across the province with relatively small populations (see Map 3 below). Lac LaRonge First Nation is the largest band in Saskatchewan with a registered population of 9,390. Half of this population is dispersed across 19 reserves/settlements whereas the rest live on other First Nation reserves or in rural/urban areas. Likewise, the second largest band, Peter Ballantyne Cree Nation, has a population of 9,134, approximately half of which lives on reserves that are spread across 36 reserves/settlements (Canada, 2011b). These two nations are amongst the few bands in the province that have a registered population above 2,500 members. Across Saskatchewan, the average registered population for each band is 2,000, but less than half of this population lives on reserve (Canada, 2011d). With on reserve populations ranging from seven to 5,615 people, many First Nation individuals in Saskatchewan live in small and dispersed communities.

Map 3: First Nations in Saskatchewan
Over the last few decades, many First Nation individuals have moved to urban areas. While only seven percent of Canada’s Indigenous population lived in cities in 1951, that number is now above 50 percent (Peters, 2007). Saskatchewan’s largest cities – Saskatoon, Regina and Prince Albert – boast First Nation populations of 5.37 percent, 5.17 percent and 17.94 percent respectively (Saskatchewan, 2006). These cities all have First Nations reserves located within municipal boundaries. For instance, Wahpeton Dakota Nation and Peter Ballantyne Cree Nation are located within the boundaries of the city of Prince Albert and Whitecap Dakota/Sioux First Nation is located within Saskatoon’s boundaries.

The demographic overview offered here depicts a diverse and dispersed First Nation population. While there are concentrations of First Nation individuals in certain
areas, some of which coincide with reserves, much of the First Nation population lives in small communities interspersed with non-First Nations people as well as First Nations from a variety of bands and tribal groups. Without a contiguous territory over which laws can apply and with a diversity of tribal, linguistic and treaty origins, First Nations in Saskatchewan constitute complex minorities.

Accommodating the Territorial Distribution of Saskatchewan’s First Nations

Although federal legislation states that First Nations are officially governed by the Indian Act band structure, alternative contemporary governance structures have emerged to accommodate the territorially dispersed and cultural diverse character of First Nation communities in Saskatchewan. Consistent with the historical conceptions of First Nation membership, these governance structures span reserve, tribal, linguistic, and treaty groups, and thereby illustrate the fluidity and the permeability of the boundaries that define Saskatchewan’s First Nation population. The matrix of institutional and political structures that govern this population responds to the cultural and territorial diversity of First Nation communities. Below, I briefly describe the way in which these various and overlapping governance structures respond to the challenge faced by complex minorities.

In urban areas, various organizations have emerged to meet the needs of a growing First Nation population (Peters and Newhouse, 2003). Especially important has been the multiplication of Friendship centres across Canada, which grew from three in 1960 to 117 in 2011 (Peters and Newhouse, 2003: 244; NAFC, 2011a). Friendship centres, like many community organizations in urban areas, provide a variety of services, including health, housing, employment, counseling, and training programs. As David Newhouse contends,
The experience of urban Aboriginal life is mediated through community institutions. Participation in them gives a sense of community, a sense of history and a sense of shared values. They connect people to each other, both in the cities and in rural/reserve communities. They also give people a sense of influence and control as well as providing opportunities for employment, volunteer work, and leadership. They provide a way in which one can begin to shape the contours of everyday life. (2003: 252)

In offering services in urban areas, these organizations do not distinguish between band, tribal, linguistic or treaty group and provide programming regardless of ethnic or cultural background (NAFC, 2011b).

Along with the emergence of a variety of community organizations dedicated to providing services and opportunities for urban Indigenous peoples, the governance landscape in cities throughout Saskatchewan witnessed a particularly critical transformation beginning in the late 1980s with the creation of urban reserves. In 1988, Muskeg Lake Cree Nation established Canada’s first urban reserve in Saskatoon, Asimakaniseekan Askiy. Urban reserves like this one are created as a result of specific claims and Treaty Land Entitlement settlements, which provide First Nations with funds to purchase land (Canada, 2008). The latter follow from Canada’s legal obligation to settle outstanding land debts owed to First Nations (Dubois, 2011; Garcea, 2008; Peters, 2007; Sully and Emmons, 2004). With a tall tipi to mark its territory, Asimakaniseekan Askiy has become a commercial hub filled with Indigenous businesses and corporate offices in Saskatoon’s east side (Canada, 2008). In addition to offering prospects for economic development, this urban reserve has attracted various First Nations

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53 Treaty Land Entitlement Framework Agreements (TLEFA) are provincial protocols developed by federal, provincial and First Nation governments to settle land debts owed to bands that have not received the acreage to which they are entitled according to the treaties signed between 1874 and 1906 (Sully and Emmons, 2004: 4). In 1992, the Saskatchewan TLEFA was reached through negotiations between federal and provincial governments and 25 bands, with 4 additional bands signing later. For a discussion of First Nations strategic use of TLEFAs, see Major, 2010.
organizations, such as the head offices of the Federation of Saskatchewan Indian Nations (FSIN) and the Saskatchewan Indian Gaming Authority. Originally intended for economic development, urban reserves have taken on a larger governance role by meeting the needs of First Nations peoples in an array of areas (Dubois, 2011).

Saskatchewan is one of the rare places where the expansion of First Nation reserves has happened in an urban setting (Barron and Garcea, 1999). Joseph Garcea argues that urban reserves in Saskatchewan are unique inventions, different from what is found elsewhere:

> [u]nlike reserves of earlier times, which were created largely at the behest of federal government officials to segregate, isolate, marginalize, and subordinate Aboriginal communities and to circumscribe the land holdings and mobility of their members, the new satellite reserves are being created at the request of First Nations leaders who see them as a means to advance their economic, social, cultural, and political development objectives. (2008: 287)

Coupled with the emergence of a variety of Indigenous organizations, the creation of urban reserves has transformed the physical as well as the political, economic, social, and cultural landscape in Saskatchewan’s cities.\(^{54}\)

These landscapes have also been transformed by the creation of Tribal Councils. The latter were established pursuant to the federal Tribal Council Funding Program Policy adopted in 1984 amidst funding cuts to devolve services delivered by Indian and Northern Affairs district offices to First Nations-controlled organizations (Canada, 1984). Tribal Councils are created by the voluntary grouping of bands. The original intent in creating Tribal Councils was to allow bands to aggregate, primarily according to

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\(^{54}\) Almost thirty percent of reserves created as a result of TLEFAs were established in urban areas including Saskatoon, North Battleford, Prince Albert, and Yorkton (Saskatchewan Chamber of Commerce, 2008).
geographical location, in order to more efficiently deliver programs and services
(Canada, 1984: 2).

The largest Tribal Council in Saskatchewan is the Prince Albert Grand Council. Preceded by the Prince Albert District Chiefs, a political alliance created in 1977 between central and northern First Nations to protect and implement treaties (PAGC, 2011), it is now formally incorporated as a Tribal Council under the PAGC. Guided by a Grand Chief, the PAGC’s mandate is to support member First Nations through political, social and economic strategies (PAGC, 2011). Through partnerships with various public and private actors, the PAGC facilitates the delivery of a wide variety of programs and services ranging from sports and recreation leagues to child and family services (PAGC, 2007). With a member population of 33,786, almost half of which is under the age of 20, the activities of the PAGC affect First Nation individuals from twelve bands dispersed over a vast territory. As Map 3 illustrates above, member First Nations are located in the northeast of the province, across treaties two, five, six and ten. They vary in size – with some members such as Wahpeton First Nation with a population of 481 and other like Peter Ballantyne Cree Nation with a population of 9,134 – and also represent different tribal and linguistic groups including Denesuline (Chipewyan), Dakota, Plains Cree, Swampy Cree and Woodland Cree (Canada, 2011b; PAGC, 2007: 28-29).

Although the original intent of the federal legislation that created Tribal Councils was to facilitate the delivery of programs and services, some Tribal Councils have

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55 Member nations include: Wahpeton Dakota Nation, Sturgeon Lake Cree Nation, James Smith Cree Nation, Montreal Lake Cree Nation, Lac La Ronde Indian Band, Peter Ballantyne Cree Nation, Cumberland House Cree Nation, Shoal Lake Cree Nation, Red Earth Cree Nation, Lac La Hache Dene Nation, Black Lake Dene Nation and Fond du Lac Dene Nation.
become important players in First Nations politics. This came about in part because the federal government made funding available to those bands that were part of a Tribal Council in the mid-1980s, preferring to deal with aggregated structures.\textsuperscript{56} But First Nation communities themselves also played a role in elevating these structures. For instance, in 1982, Tribal Councils were given a seat on the executive council of the FSIN. At the time, First Nation leaders felt that the eight existing Tribal Councils across the province could serve as decision-making bodies to deal with issues in between the legislative assemblies that were held three to four times a year.\textsuperscript{57} With the ability to sustain partnerships across First Nations, with other government and non-government actors, Tribal Councils offer a platform through which individual First Nations can pursue economic, cultural, social, and political goals. While some Tribal Councils have helped empower First Nation communities scattered across a vast territory with a limited governance capacity, others have largely failed or remain inactive. Viewed by some as an unstable union bound by a dependency on federal funding, Tribal Councils are not a one-size fits all model for First Nations governance in Saskatchewan.

Friendship centres, urban reserves and Tribal Councils are amongst the panoply of governance structures being developed and used by First Nations to achieve their self-determination objectives. Moving between various governance structures, the boundaries of First Nation communities are constantly evolving to meet changing demographic, economic and political realities. Consistent with historic First Nation conceptions of membership, these structures overlap between tribal, treaty, band and linguistic groups. With a relatively fluid conception of membership determined through partnerships, need

\textsuperscript{56} Interviews with F18 and F20.
\textsuperscript{57} Interview with F20.
and agreements between individual First Nations, emerging governance structures in the province reflect the complex social, political and economic relationships that continue to govern First Nations peoples.

**Displacing Unitary Conceptions of Membership**

None of the groups described in this chapter are easily defined. Culturally and geographically diverse, the boundaries of each of these case studies are almost always ambiguous and often contested. Yet, as I argue in chapter one, modern political theory and contemporary policy too often hold that the boundaries of self-determining political communities are determined by identifiable cultural and territorial categories. In light of the demographic profile and governance arrangements of Métis, Francophone and First Nation communities in Saskatchewan, none of these groups adequately satisfy the cultural and territorial requirements upheld in the theoretical and policy approaches to self-determination described in chapter one.

Despite the fact that they constitute territorially dispersed and culturally diverse groups, Métis, Francophone and First Nation communities in Saskatchewan are nevertheless pursuing self-determination. By tracing the shifts in the political organization of these communities, the following chapters argue that the boundaries of these political communities are shaped not by cultural or territorial requirements but by *actions* and *stories*. Promulgated by leaders and echoed throughout the community, the latter give life to political structures and give meaning to the boundaries of their respective communities. Thus, the following chapters demonstrate that boundaries matter
not because they coincide with a particular place or cultural group; they matter because they resonate with, and are meaningful to, members of these communities.
Chapter 3: The Métis Nation Knows No Boundaries

Having experienced physical and political conflict and dispossession in the late 1800’s, we [the Métis Nation and People] are still engaged in a continuing struggle to rebuild our social case and revive our cultural heritage and pride. As such, we are striving for the political, legal and constitutional recognition and guarantees of the rights of our People, including the right to a land and resource base, self-government and self-government institutions.

- Constitution of the Métis Nation-Saskatchewan (MN-S, 1993)

The Battle of Batoche of 1885 is often cited as the pinnacle of Métis resistance. Led by Louis Riel and Gabriel Dumont, the Métis took up arms in Batoche to protest the federal government’s colonial policies and assert their right to govern their lands and their lives. This same motivation led the Métis to fight in the Battle of Duck Lake, the Frog Lake Massacre, the Battle of Fort Pitt, the Battle of Fish Creek and the Battle of Cut Knife in the months that preceded the resistance in Batoche. The violence of these events followed fruitless attempts by Métis leaders to secure rights to land and autonomy through political agreements. The political aspirations that led to the battles of the nineteenth century continue to inform the Métis’ contemporary struggle for self-determination.

In this chapter, I argue that the Métis in Saskatchewan are carving out a space for themselves and their governance structures through a bottom up approach to self-determination that overcomes challenges posed by territorial and cultural diversity. Building on the history of Métis political mobilization, the first section illustrates that the political boundaries of the Métis community in Saskatchewan have been historically shaped by narratives about shared political objectives. In the second section, I show how
the Métis challenge conventional relationships of power through grassroots-driven governance structures that transform the legal and institutional landscape within which they operate. The third section presents the province-wide governance structure adopted by the Métis and discusses the challenges of accommodating the cultural and territorial diversity of the community within the processes and institutions of Métis governance. In the final section, I contend that, by using democratically developed governance structures in their day-to-day lives, the Métis are producing new forms of power that increasingly meet the political aspirations of the community. Despite the obstacles the Métis continue to face in achieving their self-determination objectives, I conclude that the future of Métis governance in Saskatchewan will depend on the community’s ability to foster a strong sense of peoplehood that can sustain their governance structures.

**Constructing the Boundaries of a Political Community**

After the creation of the province of Manitoba in 1870, many of the Red River Métis who were dispossessed of their land settled on the South Saskatchewan River, founding the communities of St. Laurent, Duck Lake, Batoche and St. Louis. This area forms the core of what Donald Purich calls “Saskatchewan’s Métis belt” (1988: 7). On December 10, 1872, the Métis of the South Saskatchewan settlements gathered for a meeting outside the St. Laurent de Grandin Church to form the St. Laurent Council (Payment, 2009: 124; Sprague, 1988; Métis Museum Archives, 1873). With Gabriel Dumont as president, the Council served as the administrative, military and judicial body for the settlement.⁵⁸

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⁵⁸ Diane Payment describes the St. Laurent Council as “a formally constituted local self-government ... based on the natural right of Aboriginal peoples to govern themselves and initiate any form of civil authority” (2009: 342, note 8).
In its first two years of existence, the Council adopted a constitution and codified twenty-eight laws addressing a range of concerns, such as Sunday observance, respect for private property, and the prevention and control of prairie fires (MECP, 2005: 8, Woodcock, 2003: 110-13). Amongst the first formal Métis governmental bodies in Saskatchewan, the St. Laurent Council based its governance system on the Law of the Buffalo Hunt. Given that Métis ways revolved around the buffalo, the Red River Métis adopted this law in 1840 as a way to ensure the political and economic survival of camps through rules for the biannual hunt (Chartrand, 2008: 152; Pelletier, 1985b; Saunders, 2011). In addition to determining when and how the buffalo could be hunted, this law identifies common objectives, determines procedures to elect leaders and outlines penalties for failing to respect the community’s rules. As the Métis transitioned from hunting to farming and developed more permanent communities like those in Saskatchewan’s Métis belt, they relied on the collective principles of the Law of the Buffalo Hunt as the basis for their constitutions and governing structures (Chartrand, 2008: 152).

The Métis decided to formalize the governance structures of the Saskatchewan settlements with the arrival of growing numbers of non-Aboriginal settlers in the 1880s. Given that the Métis were politically and economically dominant in the St. Laurent region, most settlers integrated into Métis society, filling gaps among professionals and workers (Payment, 2009: 41). Wanting to secure title to the lands in which they were living, the Métis and white settlers petitioned the government in Ottawa to settle land

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59 At the beginning of the hunting season, Métis communities elected ten captains, one of whom would become the Chief of the Hunt. With ten soldiers and ten guides under his command, each captain was responsible for enforcing the rules of the hunt, which included punishing those who violated the terms of the hunt (see Saunders, 2011; Pelletier, 1985b).
The federal government, preoccupied with the expansion of the railway and the exploitation of the West, ignored the Métis’ petitions to secure title over the lands in which they were living.60 As Murray Dobbin writes, “[b]y the spring of 1885 the settlers had exhausted all hope in petitions and they looked to the leader who had once before inspired the Métis” (1981: 24). During a secret meeting in March 1885, Louis Riel and a group of prominent Métis leaders signed an oath to “save our country from a wicked government by taking up arms if necessary” (cited in Woodcock, 2003: 169). A few weeks later, the “little” Provisional Government of Saskatchewan was declared.61

Preceded by years of political activism, the creation of the Provisional Government of Saskatchewan marked a momentous development in Métis political history. Through this government, the Métis demanded parliamentary representation, responsible government, and local control of public lands (Weinstein, 2007: 15). The federal government at the time responded to Métis demands with military force, which culminated in the Battle of Batoche and ended in Riel’s eventual arrest, trial, and execution on the charge of high treason (Weinstein, 2007: 21).

Riel’s execution and the hostile political environment that followed the events in Batoche led to the dissolution of Métis governance structures in the mid-1880s. The discourse of a distinct political community with shared political goals was replaced with calls for integration, many of which were interiorized by members of the community.

60 In addition to petitions for land, the Métis also petitioned for Riel’s pardon; the protection of fishing, hunting, trading and trapping rights; the protection of religious freedoms; surveys to be conducted using the river lot system; and surveys of townships (see MECP, 2005: 7). “Between 1878 and 1884, the Métis submitted 84 petitions to Ottawa requesting better conditions and better services. Not one was answered” (Adams, 1989: 77).

61 It was also called le petit Provisoire by many Métis to distinguish it from Riel’s Red River Provisional Government in 1869 (Woodcock, 2003: 175).
Métis leader Howard Adams remembers that, “[e]ach Indian reserve and halfbreed colony was encouraged to think that it was alone in its struggle, that problems were unique to each community and of their own creation” (1989: 34). The story he tells below speaks to the process of internal colonization that many Métis experienced after the Battle of Batoche:

My mother died in 1948 at the age of 52. When I visited her in the hospital in Prince Albert, I knew it was the last time I would see her alive. In the previous couple of years I had discarded my parents; I had even given up visiting them. They reminded me of everything that was halfbreed. I was making it in the white world and I didn’t want anything holding me down. All my friends were white, especially girl friends. I had a car and an apartment in the city; I had shaken off the ugliness of Indianness. I couldn’t afford the albatross of a halfbreed heritage. One bad move could destroy years of cautious progress into mainstream society. My mother was completely halfbreed. All you had to do was look at her – her appearance, her manners, her clothes, her speech – everything gave her away as a halfbreed, yet she was still the most precious person in the world to me…Now I hated myself for what I had done – discarding my mother so that I could pretend to be white, free, and happy in mainstream society. I realized for the first time what the whitesupremacist system had done to me, how it had perverted my sense of values and twisted the most beautiful relationship between two people. (1975: 141-42)

By outlawing political mobilization and disbanding Métis settlements, the federal government consolidated the dominance of settlers in the region.

Métis life changed dramatically in the early twentieth century. Without access to their traditional territory, many Métis abandoned hunting to seek new opportunities in farming. However, the drought and the Great Depression of the 1930s contributed to the destitution of numerous Métis families. In her autobiography, renowned Métis author, Maria Campbell, explains:

[t]hat generation of my people was completely beaten. Their fathers had failed during the Rebellion to make a dream come true; they failed as farmers; now there was nothing left. Their way of life was a part of Canada’s past and they saw no place in the world around them, for they believed they had nothing to offer. They
felt shame, and with shame the loss of pride and the strength to live each day. I hurt inside when I think of those people. (1973: 8)

The Métis had become a small minority with little economic and political power. The aftermath of the Battle of Batoche had silenced Métis political aspirations, albeit temporarily.

**Formalizing Emergent Political Structures**

In the land from which they came, in the land they helped to build.
They found themselves the alien, found their vision unfulfilled.
And despite their valiant effort, to defend what they believe.
When at last the battle ended, they were only left to grieve.

- Métis Anthem,62 1991

The Métis’ commitment to self-determination did not disappear after the Battle of Batoche. Members of the community hoped to further their political demands by creating formal political structures that could help improve their socio-economic situation. As Maria Campbell describes, the desire for political autonomy remained latent in the political discourse of community members:

My people have always been very political. They get involved in political campaigns for local white politicians. As a child I remember listening to them talk and argue far into the night about why this party or that was the best. They talked about better education, a better way of life, but mostly about land for our people. However, when one of our own people said to hell with white politicians – let’s get our own men in, that was something else. Uncle Miles used to say often that we had to do it ourselves, because no one would do it for us, and then he’d explain why, but no one really listened until Jim Brady and Malcolm Norris came to our country. (1973: 72)

Campbell explains that the Métis needed strong leaders to give a voice to their common

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62 “Métis Anthem” is a popular song written by Clint Buehler and Dennis Charney in 1991. A new version of the song was written by Andrea Menard, Karen Shmon and Clint Buehler in 2010 as part of the 125th anniversary of the 1885 Resistance.
struggle. One of the leaders who took on this role was Jim Brady. Like many Métis, Brady believed that, “[t]he Metis have no other weapon except organization” (cited in Dobbin, 1981: 67).

Brady worked alongside Malcom Norris to promote the economic and political independence of the Métis (Dobbin, 1981: 221). Prior to becoming active in Saskatchewan, Norris and Brady played an important role in furthering Métis rights in Alberta. They believed that economic and political autonomy could be achieved through a provincial organization that “would start in the north and base its independence among north Metis” (Dobbin, 1981: 215). Norris believed that he had a responsibility to organize the Métis and resist the colonial system under which they lived. After a grave illness in 1956 that brought him near death, Norris recounted the following dream:

I dreamed I was entering a pass in the mountains. An Indian chief with his warriors in full regalia sat mounted on their ponies waiting for me. When I approached and raised my hand in greeting, the chief looked at me, and with great sadness said: “You must go back. You have dwelt too long in the land of the white man. You are no longer eligible for the happy hunting ground.” (Cited in Dobbin, 1981: 190)

Like many Métis at the time, Norris believed that political mobilization was the key to achieving self-determination.

In Saskatchewan, the Métis had started to create community councils through which to pursue common objectives in the 1930s. Under the leadership of people like Joseph Ross, Joe McKenzie, J.Z. LaRocque, Thomas Major and Fred DeLaronde, these councils were organized as “locals,” a representative structure borrowed from labour organizations. Created to demand the recognition of rights to land, locals multiplied as

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63 For a discussion of the relationship between the CCF and the Métis, see Barron, 1997.
Métis leaders travelled throughout the province to speak about their rights. Maria Campbell remembers attending one of these meetings with her father:

We arrived about eight-thirty and I followed Daddy around and listened while the men visited and talked about what was happening. I grew tingly all over with excitement. The meeting finally started with…Jim Brady as the speaker…He talked about a strong united voice that would demand justice for our people – an organization that government couldn’t ignore. He said many people were poor, not just us, and maybe someday we could put all our differences aside and walk together and build a better country for our children…On the way home I lay in the back of the wagon with my head on Cheechum’s knee and while she stroked my hair I thought of all I’d heard that night. Cheechum had told me that someday a man like Jim Brady would come, and she said when he came many more would follow. I felt something new inside me. It was an emotion that is hard to describe – almost like happiness, pride and hurt all at once. The feeling was all knotted up in my guts and made me feel very lonely for something I couldn’t see or understand. (1973: 65-66)

The message of a common struggle that Métis leaders carried from one community to the next led to a greater sense of political awareness and social activism amongst the Métis. Locals subsequently emerged in rural and urban centres like Estevan, Yorkton, North Battleford, Saskatoon, Prince Albert, Baljennie, Swift Current, Maple Creek, Fort Qu’Appelle, Torquay, Indian Head, Lestock and Rocanville (MECP, 2005: 9). By 1940, there were 38 locals throughout the province, representing over 2,500 members (Dobbin, 1978c: 10).

In order for government representatives to take their demands for rights seriously, Métis leaders sought to develop formal governance bodies with constitutions and bylaws. Consistent with the principles of the Law of the Buffalo Hunt and the practices of the Saskatchewan settlements, the Métis adopted a constitution to formalize the creation of an aggregative governance structure for southern Métis in 1937, the

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64 Cheechum was the name Campbell gave to her great grandmother.

65 As Ross explains, “[w]e wanted to see first where we stood and how we could present ourselves. We held off until we knew we were going to be a chartered organization” (cited in Dobbin, 1978a: 17).
Saskatchewan Métis Society (SMS) (Dobbin, 1978a: 18). As Dobbin writes, “the SMS began the first efforts to tie together the Métis Nation since 1885” (1978a: 18). Echoing and in many ways rivaling this initiative, the Saskatchewan Métis Association was created in 1943 to represent the Métis in the north of the province (Barron, 1997). These newly created governance bodies were built from the grassroots and encouraged the founding of more Métis locals.

Division and turmoil over political party affiliation and the general political paralysis in light of the war led to the slow dissolution of Métis political organizations in the 1940s (see discussion in Dobbin, 1978a-c; Barron, 1997; Weinstein, 2007: 27). In 1944, Saskatchewan elected the first socialist government in North America, the Cooperative Commonwealth Federation (CCF), with the mandate to address social, economic and political inequalities in the province. The climate of heightened political mobilization that followed the war led the Métis to renew their commitment to self-determination. A new aggregative Métis organization, the Métis Society of Saskatchewan (MSS), was established to represent the Métis in the south and centre of the province. To unify their political demands, Métis organizations throughout the province amalgamated, taking the MSS’ name in 1967 (Dobbin, 1981: 241).

Through the efforts of their leaders, the Métis in Saskatchewan developed a shared commitment to self-determination. However, members of the community disagreed on how to best achieve collective rights. This can be seen in the political restructuring that took place in the 1970s under the leadership of Jim Sinclair, a Non-

66 Speaking about this period, Métis leader Frank Tomkins says, “And those of us that were left home there was all kinds of work, more work than, than you can handle. And a lot of them say, ‘Aw we don’t need the organization now. Times are good.’” Métis Museum Archives. 2004b.
Status Indian. Sinclair wanted to include Non-Status Indians within Métis political organizations insofar as they faced similar challenges due to their ambiguous position in Canada’s political and legal landscape. Arguing that their political demands would be stronger under joint political leadership, the MSS widened the scope of membership to Non-Status Indians under a newly named organization, the Association of Métis and Non-Status Indians of Saskatchewan (AMNSIS) in 1975.

Under the leadership of charismatic individuals, AMNSIS played a key role in lobbying for Aboriginal rights and the inclusion of the Métis as an Aboriginal people in Constitution Act, 1982. Paying special attention to the strategies of leaders, the following section illustrates how the Métis used their governance bodies to revive the struggle that had been taken up by their predecessors in the Saskatchewan settlements and transform relationships of power in Canada’s institutional, legal and political landscape.

**Carving Out a Space for Métis Rights**

As John Weinstein deftly illustrates in *Quiet Revolution West*, the Métis sought a political solution to their ambiguous status in Canada through the constitutional process of the 1980s. There was no master plan as to how they would have their rights recognized in the Canadian Constitution: however, the Métis were firm in asserting that their inherent rights must be recognized. Capturing the political sentiment leading up to the constitutional negotiations, the Métis magazine *Newbreed* published the following passage:

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67 The restrictive criteria of the *Indian Act* for First Nation membership generated a growing population of Non-Status Indians, many of whom were First Nation women who had married outside of their community or children of First Nation women and non-First Nation men.

68 Interview with M02.
Riel, Dumont and hundreds of other Métis and Indian people fought at Batoche for the same things we are fighting for today. They wanted recognition as a Nation...Our leaders then, as the ones today, knew that the key to their independence was a land settlement and recognition of the Métis Nation. We must not lose sight of their struggle. (Unauthored, 1978: 11)

Insofar as Métis demands for constitutional recognition challenge the territorial and cultural categories of the state, the events surrounding the adoption of the *Constitution Act, 1982* offer insight into how the Métis negotiate their political existence and assert the legitimacy of their governing bodies.

**Fighting for the Constitutional Recognition of Métis Rights**

Under the national leadership of Harry Daniels in the early 1980s, the Métis adopted pressure tactics that led to a Liberal Party resolution guaranteeing the inclusion of Aboriginal peoples at all levels of the constitutional reform discussions (Weinstein, 2007: 41). With the support of the federal New Democratic Party, Indigenous leaders succeeded in having Aboriginal and treaty rights recognized in the January 1981 draft of the constitution through what is referred to as the “Aboriginal rights clause.” The Métis were also recognized as one of Canada’s Aboriginal peoples alongside Indians and the Inuit. After being denied their territorial and cultural integrity for centuries, this marked a monumental triumph for the Métis (Weinstein, 2007: 45). It also provided a source of motivation and pride in Métis communities throughout the country. Métis leader Jim Sinclair remembers that more than one hundred Métis locals in Saskatchewan came alive during the constitutional process. At the grassroots level, the Métis mobilized to take on political roles in addition to addressing what he refers to as “bannock and lard issues,” delivering services and programs to a growing number of members (Métis Museum
It was during this period that the term “Métis Nation” began to be used to describe the increasingly politically aware Métis population across the country.69

Expectations that the Métis right to self-determination would be recognized in the final draft of the constitution were put into question when then Minister of Indian Affairs and Northern Development, Jean Chrétien, addressed a letter to the national organization representing the Métis at the time, the Native Council of Canada (NCC), in April 1981, declaring that Métis rights had been extinguished by the scrip process (Weinstein, 2007: 50). The letter suggested that there simply was no political or legal space for a category of Métis rights. This position was enforced when the Aboriginal rights clause was dropped from the draft constitution during a secret bargaining session where resource-rich provinces made their support for the Charter of Rights and Freedoms conditional on its elimination (Weinstein, 2007: 52). Leading the opposition to this clause, Alberta Premier Peter Lougheed claimed that he could not support Aboriginal rights since the latter were “undefined” (Weinstein, 2007: 52).

In subsequent meetings, Métis leaders engaged with the logic of provincial and federal governments and subverted this discourse to further their demands. During a meeting between Premier Lougheed and the Métis Association of Alberta (MAA) in November 1981, the Métis’ constitutional lawyer at the time, Clément Chartier, directly responded to Lougheed’s concern that the proposed clause would create new “undefined” rights. Chartier argued that insofar as Aboriginal rights, specifically Aboriginal title,

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69 Mike Mercredi explains that after Prime Minister Mulroney used the term in a speech, Métis organizations took it up. Métis Museum Archives, 2004d.
70 Interview with M02.
already *exist* in case law, common law and statute law, there was no risk that this clause would create anything “new” or “undefined.”\(^{71}\) The Alberta-MAA accord that ensued restricted Aboriginal and treaty rights to those rights *existing* prior to the coming into force of the new constitution (Weinstein, 2007: 53). This accord provided the basis for the text eventually agreed to in the final draft of the *Constitution Act, 1982*: “The *existing* aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed” (Canada, 1982: Section 35, my emphasis).

While the parties had accepted to include “existing” Aboriginal rights into the Constitution, there was no agreement concerning the content of these rights. For the Métis, existing rights encompassed their inherent right to self-determination; however, as Weinstein argues, some provinces intended to “use the new wording to restrict the courts’ interpretation of Aboriginal and treaty rights” (2007: 53). Through a series of First Ministers’ Conferences between 1983 and 1987, the parties sought to define the content of Aboriginal rights. As Chartier explains, “we [the Métis] took the position that we were going forward on the basis of self-determination as a people, a nation…as part of that was the right to a land base and self-government.”\(^{72}\) However, the Non-Status Indians, with whom the Métis shared a seat at the constitutional table through the NCC, focused on treaties and, like First Nations, were more interested in legally defining Aboriginal title and sovereignty. Given their diverging political agendas, the Métis seceded from the NCC to form a Métis-specific national representative body, the Métis National Council (MNC), three months prior to the first Ministers’ Conference (Weinstein, 2007: 68-72; MNC, 2011c). As Chartier (2013) explains, the MNC was “an expression of Métis

\(^{71}\) Interview with M02.

\(^{72}\) Interview with M02.
nationalism and our identity. Not as off-reserve mixed-bloods, but as a distinct people and nation with a common history, culture, territory, language and political will to be self-governing.” The MNC’s first political act was to demand an invitation to participate in the constitutional conferences on behalf of the Métis (Métis Museum Archives, 2004c).

The federal government refused to give the Métis a seat at the First Ministers’ Conferences arguing that their interests would be represented by the NCC (Weinstein, 2007: 79). Tensions escalated when Métis land base and self-government were taken off of the constitutional agenda despite past agreements that the latter would be included. With the breaking of this promise and the marginalization of the Métis from the constitutional talks, Métis leaders sought legal action to prevent the constitutional conferences from being held without their participation.

In a curious and bold move, the Métis prepared to sue the Government of Canada on the grounds that Section 37(2) of the amended Constitution Act, 1982 required the invitation of Aboriginal representatives to the constitutional conference to deal with matters directly affecting Aboriginal peoples (Canada, 1982: Section 37). When the Federal Court in Regina refused to file any documents to this effect, claiming it had no jurisdiction over the Constitution Act, 1982, the Métis prepared to sue Prime Minister Trudeau personally for failing to respect his obligations under Section 37(2) of the Act (Weinstein, 2007: 83). Days before the first conference was to be held, the case was dropped when the Prime Minister agreed to an out-of-court settlement that granted the MNC a seat at the constitutional conferences and guaranteed the return of Métis land base 73

73 Interview with M02.
and self-government on the agenda (Weinstein, 2007: 87). The unrolling of these events attests to the willingness of Métis leaders to take whatever actions were needed to secure their rights.

The events surrounding the patriation of the Constitution Act, 1982 exemplify the political struggles fought by Métis leaders to define their rights. Chartier has been a part of this struggle for over four decades. A lawyer and activist from the small community of Buffalo Narrows in northern Saskatchewan, Chartier served in political and administrative capacities with numerous Métis organizations, including as President of the MN-S (1998-2003), the MNC (2003-present) and the World Council of Indigenous Peoples (1984-87). The commitment he shows towards Métis rights is shared by many individuals throughout the Métis Nation and lies at the core of the Métis political consciousness. As he explains, “[s]ince 1816, and the Battle of Seven Oaks to the Red River Resistance and the Battle of Batoche our people have never wavered in our vision to have our existence and rights recognized in Canada” (cited in unauthored, 2003: 3). The struggle for self-determination that began in the 1800s with leaders like Cuthbert Grant, Louis Riel and Gabriel Dumont continues through contemporary Métis leaders who seek to secure political rights for the Métis Nation (Weinstein, 2007: 209).

In the end, the right to self-government and to a land base was not resolved through the constitutional process. Nevertheless, Métis leaders remark that this process

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74 The constitutional process also excluded other groups that fought for their inclusion, notably Aboriginal women and the Inuit.

75 The four constitutional conferences that followed focused explicitly on the right to self-government, but the parties failed to reach an agreement on the content of this right. Conference discussions culminated with the 1987 Meech Lake Accord, which was rejected by many Aboriginal peoples, who had been excluded from the drafting of the document. With the failure of the Meech Lake Accord, another process was initiated to settle Canada's constitutional crisis leading to the 1992
allowed communities to mobilize locally, regionally and provincially, awakening political consciousness across the country (Métis Museum Archives, 2004c). Reflecting on this period, Sinclair, who represented the Métis during the constitutional conferences, remembers that, “our communities came alive. They […] came […] to help each other and they threw aside their differences, even the political party you belonged to didn’t matter” (Métis Museum Archives, 2004a, 2004c). With a reinvigorated political consciousness, the Métis were in a position to pursue their agenda for self-determination through renewed governance structures emboldened by the actions of community leaders during the constitutional process (see Madden et al., 2005: 15; Métis Museum Archives, 2004c).

**Exercising Rights Through a Métis Government**

Strengthened by the events that surrounded the constitutional process, the Métis in Saskatchewan renewed their commitment to aggressively pursue self-determination. They abandoned the joint Non-Status Indians and Métis structure in 1988 for a Métis-only organization reverting back to the MSS (Métis Museum Archives, 2004a). As part of their renewed quest for self-determination, the Métis sought to restructure the MSS to better address their needs and aspirations. At the heart of this process was a proposal to operationalize the political vision of the community through a Métis constitution. As one community leader remembers, “people felt that developing our own constitution was a

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Charlottetown Accord. Correcting the mistakes of 1987, the Charlottetown Accord was negotiated between the federal, provincial and territorial governments as well as representatives of the MNC, the Inuit Tapirisat of Canada, the Native Council of Canada and the Assembly of First Nations. However, the commitment to realize Aboriginal self-government included in this accord was defeated in a national referendum in 1992 (Chartier, 2011b).
process that the nation needed...everyone was excited.”

Although the federal government recognized the MNC as the federal representative of the Métis for the purpose of the constitutional conferences, the political authority of the MNC and its Governing Members like the MSS was not recognized in any legally significant manner (Teillet, 2008: 92). Without the formal recognition of provincial and federal governments, the Métis had to incorporate their political organizations under not-for-profit or societies legislation (Madden et al., 2005: 23; Madden, 2008: 347-48). Otherwise, they would not be eligible to apply for funding from government agencies, nor would they be able to hold title to land. The MNC and the MSS were therefore recognized as not-for-profit organizations that delivered services and programs to their members, not as governments.

Taking action to change this situation, the Métis in Saskatchewan organized consultations and conferences throughout the province. One of the key leaders of this process, Gerald Morin, maintained that, “it was the people who were driving the agenda, …they had their input, and … they were driving the organization” (Saskatchewan Archives Board, 1993a). Following the lead of their predecessors, the Métis in Saskatchewan adopted a new constitution in 1993 that would guide the transformation of the MSS as a not-for-profit service delivery agency to a governing entity for Métis

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76 Interview with M12.
77 The MNC serves as the umbrella organization for provincial Métis organizations, which are referred to as Governing Members. The latter include the Métis Nation British Columbia, Métis Nation of Alberta, Métis Nation-Saskatchewan, the Manitoba Métis Federation, and Métis Nation Ontario.
78 The Métis differ from First Nations in this respect. First Nation bands are recognized as legal entities under the Indian Act, whereas the Métis are incorporated under not-for-profit legislation (Madden et al., 2005: 23; see also Madden, 2008).
79 Provincial legislation states that title to land can only be held by natural persons or corporate bodies. Other reasons that lead to the incorporation of organizations include to formalizing a governance structure and protecting members from personal liability.
citizens. The three principal objectives outlined in the constitution were to: “bring more power to presidents of MSS locals, remove the society from the jurisdiction of the Non-Profit Corporations Act, and set up a Métis Legislature” (J. Campbell, 1994: 13). Through this newly established governing entity, renamed the Métis Nation-Saskatchewan (MN-S), the Métis have achieved these three goals.

Although built on the leadership of earlier Métis and on the experience of previous Métis organizations, the MN-S departs from its predecessors in its explicit focus on exercising rights to self-determination rather than seeking the recognition of those rights. As Sinclair (Métis Museum Archives, 2004c) explains, the idea of having the Métis live by their own rules according to their rights was a radical one at the time:

some people still think I’m a radical and I go up and say, “Let’s exercise our treaty rights, let’s exercise these rights.” “Oh geez that’s too radical. We can’t do that.” Well goddamn it, you know, Canadians live by a Constitution. Why can’t we live by a Constitution we developed, that clearly recognizes our rights?

Through a process of self-recognition, the Métis declared themselves citizens of the Métis Nation, took control of their agenda for self-determination and established the MN-S as a Métis government through the adoption of the 1993 constitution. In the words of Larry Chartrand, Métis people in Saskatchewan went ahead and “just did it” (Dubois and Saunders, Forthcoming 2013).

According to the governance framework outlined in the 1993 constitution, the MN-S now answers to its citizens through the governance institutions that have been established pursuant to its constitution instead of answering to the provincial or federal

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80 The MN-S is the first Governing Member of the MNC to adopt a constitution. Other Governing Members are at various stages of their own constitutional reform processes (MNC, 2011a).
government through a board of directors as dictated by not-for-profit legislation. The actions of community leaders have produced new sources of power that are outside of the category of powers delegated by the state. This is evidenced by the Métis’ ability to push the limits of the Saskatchewan *Non-Profit Corporations Act* to shape their own approach to governance. This legislation constrained the Métis’ objectives for political autonomy by mandating that any constitution or bylaw adopted by a corporation be subject to the approval by the province (Saunders, 2013; IOG, 2000: 24-25). Métis leaders were aware that the relationships of power defined by state policies undermined their political aspirations. As Métis leader Mike Mercredi (Métis Museum Archives, 2004d) explains:

> One of the things that really annoyed me, […]was that when a…] Métis organization was incorporated, [it was] incorporated the same as a non-profit corporation. In a non-profit corporation act, which made you the same as a golf club or a curling club, you had a similar constitution and if you had the two or three dollars you could buy a membership and, and I always spoke against that. I said, “No we need something more than that.”

It was not until the adoption of the 1993 constitution that the Métis dissociated themselves from these foreign corporate structures, establishing a political body that is separate from its administrative secretariat. This necessary first step allowed the Métis to pursue their objectives by creating an expressly political body while continuing to administer programs and services through a distinct corporate entity.

When the Métis in Saskatchewan adopted expressly political goals, the provincial government acknowledged that the MN-S could no longer be incorporated under not-for-profit legislation and recognized the need to develop new legislation that could regulate the province’s relationship with the MN-S’ political body as well as its secretariat. A series of consultations, put in motion by the signing of a bilateral process agreement by
the Government of Saskatchewan and the MSS in 1993, led the parties to agree that new legislation should recognize “the right of Métis to govern themselves […], the Métis right to determine their membership, […and recognize] a process to resolve the outstanding land rights of Métis people” (Saskatchewan Archives Board, 1996, 1993b) This initiative was a direct response to the actions taken by Métis leaders and attests to the formation of a new relationship of power between the province and the Métis Nation. Although the Government of Saskatchewan did not go as far as initial discussions intended, the passage of *The Métis Act* by Saskatchewan’s Legislative Assembly in 2002 was a significant step towards Métis self-determination.

The only one of its kind in Canada, *The Métis Act* furthers the division of governance functions from administrative duties and builds on the MN-S’ agenda for self-determination in three important ways (Madden, 2008: 348; Dubois, 2013). First, the Act recognizes “the important contribution of the Métis Nation-Saskatchewan in representing the needs and aspirations of the Métis people” (Saskatchewan, 2002: II, 2i). Second, it outlines the general terms for a bilateral relationship between the MN-S and the provincial government:

The *Act* commits the province and the Métis Nation to collaborate on practical non-rights based issues including: working toward developing a framework for devolution of provincial programs and service delivery; discussion of access to land and opportunities for economic development; harvesting opportunities (for example fishing, mushroom and berry picking); and enhanced governance and accountability for Métis communities and institutions. (Saskatchewan, 2009a)

Third, the Act recognizes the MN-S’ secretariat outside the legislation designed for not-for-profits.
Consistent with the MN-S Constitution, *The Métis Act* therefore acknowledges the division of the MN-S’ governance body, cited in the Act as “the Métis-Nation Saskatchewan” from its administrative entity, “the Métis-Nation Saskatchewan Secretariat Inc.” Although *The Métis Act* does not explicitly recognize the MN-S as self-governing, its content and language acknowledge its governance role.\(^{81}\) In the words of then Justice Minister, Chris Axworthy, “[the adoption of *The Métis Act*] is a symbolic gesture, but it is one under which lies a great deal of respect and commitment to moving forward” (cited in Kyle, 2002). As one community leader states, “it took time for the government to present an Act that was acceptable to the Métis…words matter.”\(^{82}\)

The adoption of *The Métis Act* attests to the fact that, in actively pursuing their rights to self-determination, the Métis are making it inevitable that governments respond to their demands. In so doing, the Métis create space for these rights within the structures of mainstream society. To keep up with these developments, Madden et al. argue that federal and provincial policies that deny Métis rights and only recognize Métis governance structures as “organizations” in lieu of “governments” will have to be revisited (2005: 28).

*The Métis Act*’s acknowledgment of the MN-S as the political body for the Métis of Saskatchewan was well received by the Métis, but the Act does not go as far as they had hoped in recognizing the Métis’ right to self-determination (Métis Museum Archives, 2004c). Those who participated in crafting the Act on behalf of both the provincial and

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\(^{81}\) The MN’S authority to act on behalf of Métis people of Saskatchewan as a governance body is recognized in Part III of the Act, which deals with the bilateral relationship. In addition, Part IV alludes to aspects of the MN-S Constitution and mentions the Provincial Métis Council, further acknowledging the governance structures Métis citizens have created through their constitution. **\(^{82}\)** Interview with M12.
Métis government admit it falls short of what could have been; *The Métis Act* offers a watered-down recognition of the Métis’ right to govern themselves, and only provides a narrow and limited framework to sustain this right (Métis Museum Archives, 2004a, 2004c). Members of the Métis community flagged the shortcomings of *The Métis Act* during community consultations that preceded its adoption arguing that the Act did not have “enough substance” or “go far enough” (Saskatchewan Archives Board, 1997). During a consultation process following the MN-S’ 2004 elections, Métis citizens identified two major problems with *The Métis Act*:

The first problem is that many Métis people are unaware of its existence and/or relevance for either the operation of the Métis Nation-Saskatchewan Secretariat Inc. or the legal rights of *bona fide* MN-S members. The second problem identified by those who were aware of its existence is that it is not sufficiently detailed. More specifically, it does not contain sufficient provisions to ensure that the board and members of the Métis Nation-Secretariat Inc. (i.e. the members of the Provincial Métis Council) operate under adequate checks and balances. (MECP, 2005: 49)

The shortcomings of *The Métis Act* are compounded by the fact that the MN-S Constitution has not yet evolved to fill governance gaps (see MECP, 2005). As it now stands, the constitution includes some of the principles according to which the MN-S will be governed. However, it also includes specific provisions and appendices outlining procedural and organizational details. As the constitution evolves, some of its principles of governance will likely be supported and more thoroughly developed in statutes as well as rules and regulations. In particular, the adoption of statutes and regulations would contribute to clarifying the respective responsibilities of the MN-S’ political and corporate bodies and their relationship with provincial and federal governments. Building a more comprehensive body of laws and rules that complement the MN-S Constitution
would help reinforce adequate checks and balances within the Métis’ governance structure and clarify the mechanisms of accountability that govern Métis citizens (MECP, 2005).

Despite their lacunae, The Métis Act and the MN-S Constitution are nevertheless tools that can be amended and reformed to better serve the Métis’ self-determination agenda. Made possible by the awakening of political consciousness and the development of governance structures by Métis leaders, these contemporary documents provide a political and legislative foundation for the Métis to continue their pursuit of self-determination. In the words of Métis leader Jim Sinclair, all of these efforts allowed the Métis to get a “foot in the door” (Métis Museum Archives, 2004c). By using the MN-S Constitution in its internal affairs and by sitting at the constitutional and negotiation table alongside other government representatives, Métis leaders have already altered the political and legislative landscape in Canada.

**The Evolving Structures of the Métis’ Government**

Greatly influenced by the history of political mobilization throughout the Métis Nation, the 1993 constitution proposes the development of a governance structure built on individual Métis communities. Although the MN-S governance framework resembles that of other contemporary governments with the division of executive, legislative and judicial powers, its uniqueness lies in the way membership is defined; not by territorial or cultural requirements, but by the self-identification of individuals and their connection to the Métis Nation. Below, I show how the MN-S is built through a grassroots-driven
structure that privileges the shared identity and aspirations of individual Métis communities rather than their territorial or cultural organization.

Figure 2: The Foundation of Métis Governance

As evidenced in the MN-S organizational chart, locals form the base of the Métis governance structure. In describing the MN-S governance structure, local president Helen Johnson notes that, “it’s really important to understand that the people have the power.”

Representing the grassroots, locals have long been the primary unit of political organization amongst the Métis in Saskatchewan (see discussion above). The 1993 Constitution outlines the rules governing locals and their role within the MN-S (MN-S, 1993: Art. 7). Locals, which are in charge of the governance of Métis communities, can be created anywhere in Saskatchewan as long as there is a minimum of nine members (MN-S, 1993: Art. 7.2). In order to be incorporated either under The Métis Act or the Non-Profit Corporations Act, locals must elect a board or executive (usually a chair,

83 Interview with M12.
vice-chair, and secretary-treasurer) which serves on a voluntary basis for an average three-year term, and are also required to adopt a constitution and bylaws to guide their activities (Saunders, 2013). To maintain an active status, locals must hold public meetings, call regular elections and be held financially accountable to the membership.

The relationship between locals and the MN-S is mediated by Regional Councils, which are composed of the presidents of all the locals in a given region. The MN-S is divided into twelve regions, identified on the map below.

Figure 3: Map and Listings of Métis Regions and Locals
Regional Councils allow the MN-S to decentralize programs and services (MN-S, 1993: Art. 5.5) while also ensuring the representation of regional interests in the central governance bodies (MN-S, 1998a: Art. 5.10). One of their main tasks is to “assist their Local Communities in preparing to assume Métis self-government, which includes land, where this is an objective” (MN-S, 1993: Art. 5.9). The type of political powers sought
by locals range from organizing community events to managing programs such as child and family services.

Although locals are geographically grouped into regions to facilitate the relationship between the MN-S and local communities, they are not territorially determined in the sense that a claim to a particular place is not a precondition for the creation of a local. In fact, there is no limit to the number of locals that can be established in the same geographical area; individuals can choose to create and participate in locals where there is a desire to acquire some level of autonomy over their community regardless of where this community is situated, provided there is a minimum of nine members (MN-S, 1993: Art. 7).

Although Métis individuals are encouraged to join the local nearest to their residence (unless they are creating a new local), the primary determinant for membership in locals is not where individuals reside but the collective goals of the group (MN-S, 2004: Art. 10.3). This is illustrated by the fact that there are four locals registered in the city of Saskatoon. Each of these locals has its own constitution and determines its own collective objectives. For instance, the Central Urban Métis Federation Inc. (CUMFI) was registered as a local in 1993 with the primary goal of helping members overcome socio-economic challenges associated with living in Saskatoon’s urban environment. To this end, CUMFI provides transitional housing for single mothers and runs family reunification programs for children who have been in state care. Members of this local are from diverse personal, social and economic backgrounds but share in the collective goals reflected by the local’s programs and services. As the president of the local
remarks, “the community determines the priority of programming.” While individuals tend to get involved in the local closest in proximity to their residence, membership in locals is not defined by a particular geographic place, but by the shared objectives of members.

The way in which locals determine membership for the purposes of their own programs and services is significant insofar as locals also register members for the Métis Nation as a whole. Accordingly, they work with the central MN-S registry to jointly administer an application process through which an individual’s claim to the Métis Nation is assessed according to the provisions outlined in the Citizenship Act, adopted by the Métis Nation Legislative Assembly in 1999 (MN-S, 2004: Art. 10). The application process requires that individuals who self-identify as Métis prove their connection to an historical ancestor who is recognized as Métis by completing a family tree and using supporting documents from various records such as the Census as well as church and government archives (MN-S, 2011c). Given that the cultural and territorial boundaries of the “historic Métis Nation” are both fluid and contested (see the discussion in chapter two), membership in locals, and by extension in the Métis Nation, is determined not by strict territorial or cultural characteristics but by the self-identification of individuals and their connection to “an Historical Ancestor who is recognized as Métis/Half-breed in the historical Métis homeland” (MN-S, 2011c).

Likewise, the foundation of the MN-S governance structure is built on the existence of a community of individuals who share a common identity as Métis and who aspire to exercise some level of autonomy. The political consciousness of the Métis is at

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84 Interview with M11.
the heart of their agenda for self-determination; through the self-understanding they have of themselves, the Métis legitimate their collective aspirations. The challenge lies in building sustainable governance structures that can accommodate the way in which the Métis Nation in Saskatchewan imagines its political existence.

The Structure of Métis Governance

The 1993 Constitution proposed to accommodate Métis political objectives from the ground up by placing power in the hands of Métis citizens through their locals. Today, there are over 130 locals in Saskatchewan that vary in size, capacity and level of activity. As the basic units of the MN-S structure, locals are represented in the executive and legislative bodies of the MN-S, the Provincial Métis Council (PMC) and the Métis Nation Legislative Assembly (MNLA). The PMC and the MNLA are the principal decision-making bodies of the MN-S. However, their activities are overseen by the Senate, which is the judicial authority of the MN-S as well as the General Assembly, which acts as an advisory body that can be attended by any Métis who is a member of a local. While the Senate and the General Assembly existed prior to the 1993 constitution, the PMC and the MNLA were created in 1994 as part of the Métis’ renewed governance structure.

As an elected cabinet responsible for the administration of Métis affairs throughout the province, the PMC acts as the executive body for Métis citizens (MN-S, 1993: Art. 3). The cabinet is made up of an executive council (President, Vice-President, Secretary and Treasurer) elected province-wide as well as of one Minister elected from each of the twelve regions in the province; ministers are also called Regional Directors. To complete this eighteen-member body, the PMC also includes two unelected members
appointed by the Métis women and youth associations respectively. Whereas the PMC is the executive body for Métis citizens, the governing authority holding the most power under the MN-S Constitution is the MNLA. With the authority to enact legislation, regulations, rules and resolutions, the MNLA governs the affairs and conduct of the Métis in Saskatchewan (MN-S, 1993: Art. 2). Some of the key legislation adopted by the MNLA since its first Assembly in 1994 includes the *Wildlife and Conservation Act*, the *Citizenship Act* and the *Senate Act*. The MNLA is composed of members of the PMC, presidents of all MN-S locals, and four representatives of each the Métis Women of Saskatchewan and the Métis Youth Council (MN-S, 1999: Art. 3).

The MN-S’ legislative and executive bodies receive guidance from the Senate and the General Assembly. Originally established in 1991 to provide Elders with greater opportunities to lead Métis activities, the Senate has “the quasi-judicial role of dispute resolution at the regional and local levels” (MN-S, 2009). 85 Made up of one Elder selected from each of the twelve regions to serve for life, the Senate carries out significant managerial, administrative and judicial functions, especially with respect to elections. For its part, the General Assembly meets once a year to offer guidance to the MNLA (MN-S, 1993: Art. 11). One of its most significant role is to “discuss, clarify, amend, vote on and ratify amendments to the Constitution” (MN-S, 1993: 11.2). Although the Senate and the General Assembly have taken on a more active role in practice, they have an advisory role within the MN-S according to the Constitution.

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85 The Senate's responsibilities are outlined in the *Senate Act* adopted by the MNLA in 1999 (MN-S, 2008).
The Challenges of Building a Government from the Bottom up

The decision to decentralize power in the governance structure adopted in 1993 was a reaction to the centralization that had taken place leading up to and throughout the period of constitutional reform.\textsuperscript{86} Seen as necessary to unify and strengthen their voice during what Peter Russell (1993) describes as a period of mega constitutional politics, individual Métis communities were ready to reclaim power through the MN-S. The concerns of individual Métis are now represented in the PMC by Regional Directors from each of the twelve regions and in the MNLA by their local president. Although the MN-S is structured as a representative and democratic body, it has faced challenges in establishing itself as a Métis government over the last two decades. Below, I address some of the structural as well as political challenges that the Métis in Saskatchewan encounter in their attempt to build a government from the ground up.

While there is a strong sentiment amongst the Métis in Saskatchewan that political autonomy must be built from the grassroots, the legitimacy of locals has been a source of controversy. Some are accused of being “paper locals” that have been inactive for a long time, whereas others have been unilaterally created or dissolved by a regional or provincial body, often without ratification of the MNLA as required in the MN-S Constitution (Poitras, 2001: 34).\textsuperscript{87} The lack of consistency across locals stems from the fact that each of the approximately 130 locals in Saskatchewan is incorporated independently and has the authority under its own bylaws to make decisions affecting

\begin{footnotes}
\item[	extsuperscript{86}] Interview with M09.
\item[	extsuperscript{87}] A study conducted in 1998 shows that the vast majority of locals did not have a constitution or membership list and did not keep minutes of their meetings (MN-S, 1998b). The Lampard report, which assesses the democratic legitimacy of the 2004 MN-S elections, argues that problems with locals will continue to plague Métis politics until the MNLA adopts and enforces stronger guidelines regarding the admittance and/or dissolution of locals (Lampard, 2004: 59).
\end{footnotes}
Métis governance that range from the administration of membership to the delivery of child and family services (MN-S, 2002: 2). The multiplication of locals and the lack of mechanisms to account for their activities makes it difficult to have uniform decisions across the Métis Nation (Madden et al., 2005: 23). Despite controversies surrounding locals, Métis leaders agree that individual Métis communities constitute the core of the Métis Nation; as one interviewee remarked, “it’s all about the grassroots.”

During informal conversations with community members, there was a general sentiment that locals must continue to play an active role in the MN-S governance structure but that they should work in better harmony with the executive and judicial bodies of the MN-S. Power struggles between different actors within the MN-S governance structure have stifled this outcome. Tensions between some local presidents and members of the executive council led the MN-S President Robert Doucette to admit in 2011 that, “over the last year we have not been able to transact any business” (cited in Wernikowski, 2011).

The weaknesses of the MN-S governance structure became especially publicized in the wake of the controversial 2004 MN-S elections. The absence of legitimate voter lists, allegations of forgery and other “significant irregularities … invalidated most, if not all the results,” thus culminating in the suspension of the MN-S funding by provincial and federal governments (MECP, 2005: v). The Senate was the source of much controversy given that it acts as both an arbiter and a mediator, which has led to proposals to limit its role to ceremonial functions (MECP, 2005: 43).

Internal political struggles led some Métis citizens to turn away from the MNLA,
the PMC and the Senate in recent years, pushing instead to reinvigorate the General Assembly to allow individual Métis to directly participate in decision-making processes as was the case prior to 1993. This push adds to the current trend whereby various actors in the MN-S are pulling power in all directions. The problem, as one observer remarks, is that there is simply “not enough power to go around.”

In reaction to these problems, a number of reports put forward recommendations to improve the democratic legitimacy of the MN-S (Poitras, 2001; Lampard, 2004; MECP, 2005). These recommendations include establishing an Electoral Commission to oversee the administration of elections, developing an up-to-date citizenship registry (which is in development) and improving the regulatory framework of the *The Métis Act*. While initial progress has been made in implementing some of these recommendations, internal squabbling over power continues to undermine the MN-S’ legitimacy both within and outside the Métis community.

In the past, struggles for power between factions within the Métis Nation and organizations in the north and south of the province were resolved through the creation of a stronger, more unified political vision for the community. Rallying behind leaders like Gabriel Dumont, Malcom Norris and Clément Chartier, the Métis in Saskatchewan reaffirm the commitment to collective political goals. In my encounters with members of the community, several of them mentioned the need for the Métis leadership and individual communities to rebuild their relationship and strengthen their shared vision of the Métis Nation in order to move their political agenda forward.

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90 Interview with F19.
91 This message has also surfaced at the national level where the MNC is undertaking consultations to develop a national Métis constitution. Conversations and speeches surrounding this initiative refer to the need to build a common understanding of the Métis Nation in order to press for political rights.
Structural reforms such as clarifying *The Métis Act* and the Constitution, increasing the accountability of locals, and developing a legitimate voter list and registry of Métis citizens will provide valuable clarifications regarding the roles and responsibilities of various actors in the MN-S. However, the ultimate success of the MN-S and of the achievement of Métis self-determination will depend on the political will of the grassroots and the elected leadership to address the struggle for power and resources within the Métis Nation.

**Building Self-Determination from the Bottom up**

Despite their shortcomings, the various bodies that make up the Métis’ current governance framework in Saskatchewan have provided a basic structure through which Métis citizens have moved forward in their pursuit of self-determination. Evidence that the Métis are increasingly becoming self-determining can be seen at the level of everyday governance, where Métis businesses are flourishing and Métis citizens are receiving diplomas from Métis-run educational institutions. As the discussion below illustrates, the MN-S is furthering Métis self-determination by adopting legislation in key areas, formalizing its relationship with the affiliates that deliver program and services to Métis citizens and by positioning itself as an economic partner.

**Through Legislation**

The 1993 Constitution describes the MNLA as the “governing authority” of the MN-S. The intention was to create a democratically representative governance body capable of adopting laws and legislation in key areas to govern the MN-S and its citizens (MN-S,
Although the MN-S’ Constitution and the legislation it has adopted through the MNLA have been upheld as being binding internal governance documents in a number of judicial rulings in Saskatchewan (Card v. Western Region 2A Regional Council Inc., 1997 CanLII 10971 (SK QB); Metis Nation of Saskatchewan (Western Region III) v. Metis Nation of Saskatchewan (Appeal Commission), [1999] S.J. No. 78, 179 Sask.R. 149; Hammersmith v. Metis Society of Saskatchewan Inc., 1995 CanLII 5784 (SK QB)), the relationship between the MN-S’ legislation and provincial or federal legislation is not (yet) clear. For instance, on the issue of hunting, the Government of Saskatchewan does not currently acknowledge a general Métis right to hunt and harvest (see discussion chapter two) nor does it recognize the Wildlife and Conservation Act adopted by the MNLA in 1994 as a binding piece of legislation. From the provincial government’s perspective, Métis rights to harvest are contingent on the discretion of wildlife officers according to the provisions of provincial government policies. For the Métis, rights to hunt and harvest as well as the laws, processes and mechanisms governing these rights, were never extinguished.

The MN-S argues that Métis citizens already have the right to hunt and harvest and therefore adopted rules and regulations to govern this right. The MNLA’s first piece of legislation, the Métis Wildlife and Conservation Act, provides Métis harvesters with license insurance, and also establishes safety and conservation standards. For example, it forbids the Métis to hunt within 500 yards of a building, with the aid of artificial light or in any manner that endangers the public (MN-S, 1994). Some of the rules about the hunt are found in the 1998 Saskatchewan Wildlife Act, but – unlike provincial legislation – the MN-S does not limit the hunt by region and reserves the right to set its own hunting
season. Those who violate the Act can be brought before a tribunal and, if found guilty, sentenced to a penalty that they have the right to appeal through the Métis Senate. The rules and regulations surrounding the hunt and harvest suggest that – through their government – the Métis govern this right.

Despite the absence of an explicit recognition by provincial or federal governments of the Métis’ authority to adopt laws that would supersede or stand alongside provincial or federal laws, the Métis in Saskatchewan have nonetheless been adopting legislation and developing structures to exercise their rights. At the same time, the Métis acknowledge that the scope and legitimacy of their own laws will depend on their relationship with other levels of government. For this reason, the MN-S has been working to have its laws recognized by provincial and federal governments. For instance, the MNLA adopted a resolution in 2009 that mandates the MN-S to negotiate a province-wide harvesting agreement with the Saskatchewan Ministry of Environment (MN-S, 2009: 7). As a result, the MN-S signed a Memorandum of Understanding with the Government of Saskatchewan on Métis Food Harvesting Rights in November 2010, which establishes the terms for negotiating harvesting rights as provided for in The Métis Act. Preceded by community consultations and ratified by the MNLA, the MN-S expects the agreement will recognize and accommodate Métis-made harvesting laws within provincial fish and game legislation (MN-S, 2009: 7-8).

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92 For a discussion of harvesting rights, see Teillet, 2011. While the signing of this document signifies that initial progress is being made, the negotiation of the scope and authority of Métis governments will be a long and contentious process.
The advances made by the Métis through legislation resonate with community members who seek to participate in the internal processes that the Métis have set out for themselves.

**Through Affiliates**

In an attempt to further establish the legitimacy of the MN-S as a Métis government, the 1993 Constitution formalized the relationship between the MN-S and affiliates, which are organizations that deliver programs and services to Métis people throughout the province (Dubois, 2013). There are currently eight affiliates that work in partnership with the MN-S to meet the needs of Métis citizens: the Métis Addictions Council of Saskatchewan Incorporated; the Gabriel Dumont Institute of Native Studies and Applied Research; Métis Family and Community Justice Services Incorporated; the Clarence Campeau Development Fund; the Saskatchewan Native Economic Development Corporation; Métis Employment and Training of Saskatchewan Incorporated; the Provincial Métis Housing Corporation; and Metis Sports, Culture, Recreation and Youth (MN-S, 2002: 5). These affiliates have played a large role in advancing the Métis’ political agenda by exercising the functions of government agencies and departments, delivering a wide range of programs and services related to health, education, children and families, justice and economic development. As an example, the Métis Addictions Council of Saskatchewan Incorporated, whose mission is to “empower individuals to make healthy choices in our communities through a continuum of addictions services, including education, treatment and aftercare to restore a balanced, harmonious, productive lifestyle,” runs treatment programs in Regina, Saskatoon and Prince Albert (MACSI,
Similarly, the Métis Family and Community Justice Services Incorporated has established a variety of programs that have allowed the Métis to more effectively address issues related to justice on a local level through partnership with government, community and professional organizations (MFCJS, 2011).

The 1993 Constitution aimed to enhance the accountability of affiliates toward Métis citizens by increasing the MN-S presence and responsibilities vis-à-vis affiliates. Most notably, the Constitution includes provisions to have Ministers of the PMC automatically sit as the chairperson of the affiliate(s) that falls under their portfolio (Art. 14.2). Further formalizing the relationship between the MN-S and affiliates, the Legislative Assembly Act adopted by the MNLA in 1999 states that, “[a]ny decision ratified by the Métis Nation Legislative Assembly shall be binding on all Métis Nation-Saskatchewan citizens, subsidiary bodies and Affiliates” (MN-S, 1999: Art. 4.5). This Act also mandates affiliates to be held accountable to the Assembly through annual reports submitted via their Minister (1999: Art. 15.2).

Insofar as they constitute independent corporate bodies that can freely determine their relationship with the MN-S through their own bylaws, affiliates have to choose to allow the MN-S to play a larger role in their internal governance. Affirming their desire to remain accountable to Métis citizens and testifying to the legitimacy they give to the MN-S, many affiliates have chosen to integrate the MN-S in their governance structure. For instance, the Gabriel Dumont Institute (GDI), a Métis post-secondary institution, has the twelve regions of the MN-S represented on its board of governors, which is chaired
by the Minister of Education for the MN-S in concordance with Article 14.2 of the MN-S Constitution.

Despite attempts to increase the presence of the MN-S amongst affiliates, Métis organizations like the GDI have been hesitant to move away entirely from the legal protections afforded by not-for-profit legislation and become a subsidiary of, or partially controlled by, the MN-S. Consultations with the GDI faculty and staff attributed this reluctance to concerns related to timing and principle:

This is an issue of timing (the current [Métis] government viewed as lacking an entrenched and effective governance model, experience and stability, and thus a discussion of a change in the relationship being premature) and principle (training and education institutions needing to have governance that is autonomous from political bodies). (Ekos Research Associates 2008, vi)

Fundamentally, affiliates – on which the Métis depend for vital services – fear that the MN-S does not have the capacity or the stability to sustain more robust governance responsibilities. The former director of the GDI, Murray Hamilton, acknowledges the recent instability of the MN-S, but nevertheless argues that it is the only institution available to ensure that affiliates are accountable to Métis citizens. He admits that, “there are problems…but it’s what we have to work with.”\(^9^3\) Like many of the Métis in Saskatchewan, Hamilton contends that the MN-S has an important role to play as an advocate for Métis services such as education, economic development, and health at the political level. While he suggests that affiliates should integrate the MN-S in its decision-making structures, he recognizes that affiliates want to protect themselves from the

\(^9^3\) Interview with M09.
political instability of the MN-S.94

Until the MN-S becomes more politically stable and its legitimacy is more firmly established, affiliates will remain reluctant to subordinate their governance structures to the authority of the PMC and the MNLA. At the same time, affiliates are demonstrating a commitment to strengthen their accountability to Métis citizens by working more closely with the MN-S. This is especially evident in the increased interaction between affiliates and MN-S Ministers and the presence of members of the PMC on affiliates’ boards of directors. As affiliates work alongside the MN-S to provide services such as housing, health and education, Métis citizens increasingly exercise their right to self-determining at the level of everyday governance. In describing the various interactions they have with affiliates in their day-to-day lives, Métis individuals with whom I spoke informally referred to the MN-S as their “government.” Their hope is that the effectiveness and legitimacy of this government will increase as the MN-S and its affiliates mature politically.

**Through Economic Development**

One of the key ways in which the Métis are becoming self-governing on a day-to-day basis is by expanding their avenues for economic self-sufficiency. As a result of partnerships with the public and private sector, the Métis in Saskatchewan are increasingly taking control of their economic future by fostering business development and creating governance structures for economic management and accountability. Métis leaders argue that, as the province continues to develop economically, notably through

94 This was also stated in an interview with M12.
the extraction of natural resources in geographic areas dominated by Aboriginal peoples, and as the Métis grow as a potential work force, economics will make it inevitable for society to develop governance structures better able to integrate the Métis.\footnote{Interview with M09.}

To foster the economic integration of the Métis, the SaskMetis Economic Development Corporation (SMEDCO), an Aboriginal Capital Corporation owned by the MN-S corporate body, finances the “start-up, purchase and/or expansion of viable Metis-controlled small businesses based in Saskatchewan” (SMEDCO, 2012: 1). Since its creation in 1987, SMEDCO has provided over $31 million in loans to set up more than 600 Métis-owned businesses in the province (SMEDCO, 20012: 1).\footnote{SMEDCO received an initial five million dollars federal capital contribution in 1987 through the Native Economic Development Program.} With a similar mandate, the Clarence Campeau Development Fund (CCDF), established in 1997 through an agreement between the Government of Saskatchewan and the MN-S to improve the economic circumstances of the Métis in Saskatchewan, helped negotiate the establishment of a six million dollar Métis Energy and Resource Program in 2010 designed to help Aboriginal businesses integrate the energy sector (CCDF, 2010: 2-3). As affiliates of the MN-S, SMEDCO and CCDF collaborate with the MN-S and have a member of the PMC chair their respective board of directors. Through these arm’s-length organizations, the MN-S is increasingly positioning itself as a partner in business development.

To help Métis citizens integrate the workforce and participate in economic development initiatives, the MN-S also participates in a number of education and skills programs, most notably through the Gabriel Dumont Institute (GDI), which offers a
variety of university-level programs as well as certificates and diplomas to Métis students (GDI, 2011). For instance, the Dumont Technical Institute offers adult skills training programs and works in partnership with enterprises such as SaskEnergy to help Métis people across Saskatchewan find work opportunities (GDTI, 2011). Members of the PMC represent the MN-S in the GDI’s governance structure, further extending its presence in Métis governance bodies throughout the province.

Through its role in these diverse initiatives, actors in the public and private sector recognize the MN-S as a legitimate representative of Métis citizens and are engaging with the MN-S as a governance partner. Although more work needs to be done to improve the legitimacy and capacity of the MN-S, notably by increasing the resources and services offered through its affiliates, the MN-S is helping the Métis achieve their self-determination objectives by taking on additional responsibilities as a legislator, a government and an economic partner. These roles undertaken by the MN-S and its affiliates correspond to the self-determination objectives the Métis have given themselves as a political community.

**Conclusion**

While the Métis continue to face challenges in achieving their self-determination objectives, much progress has been made. In an unprecedented move, Métis citizens chose to adopt a representative government structure that divides legislative, executive and judicial powers through the MNLA, the PMC and the Senate respectively. Some have criticized the choice of this structure suggesting that the idea of Métis Ministers and Senators replicate the structures of the dominant society rather than building on Métis
traditional governance. At the root of this criticism is an ongoing debate that has forever plagued Métis politics regarding the extent to which the Métis should participate in the affairs of the dominant society (Adams et al., 2005; Morrisson, 1995; Sawchuk, 1998). The fear, which is shared by many minorities, is that by accepting funding, developing agreements and collaborating with the representatives of the dominant society, the Métis will inevitably be shaped by the latter and lose their independence (Coulthard, 2009; Fanon, 1963). While this fear is legitimate and grounded in history, the evidence in this chapter suggests that the MN-S’ current governance structure is the result of decades of leadership by Métis individuals who have carved out a space for themselves and their governance bodies within the contours of the dominant society. While the constant interaction between the Métis and the dominant society has inevitably affected the outcome of Métis governance, rather than being shaped by the provincial and federal governments, the Métis have forced these governments to undergo changes to accommodate the political structures they have developed for themselves.

From the humble beginnings of political organizations in St. Laurent, the Métis have adopted legislative tools and developed governance bodies to exercise their inherent right to self-determination. As was the case in St. Laurent with individuals such as Gabriel Dumont, Pierre Parenteau, Charles Nolin, Maxime Lepine, and Moïse Ouellet, Saskatchewan’s Métis political organizations are supported by strong leaders. Sinclair argues that, “no one person in our day […] has […] been responsible for leading the movement. We all were there. We all were there. And my role was only to be a spokesperson. That role would have never happened without the support of the people” (Métis Museum Archives, 2004c). Echoing this sentiment, Thomas Pocklington contends
that the exclusive focus on Louis Riel as ‘the’ Métis leader detracts from the fact that the Métis as a whole were – and continue to be – a political force to be reckoned with (1991: 4).  

The vision and the actions of leaders have carried the Métis’ self-determination agenda. Although imperfect, and at times contested, the governance structures that the Métis have developed for themselves are an expression of this vision and of the Métis’ commitment to self-determination. As Métis leader Wayne McKenzie stated in 1986, “[w]e are determined that we will become a self-determining people. Whether the process is smooth or rough, supported or opposed, is not relevant from our point of view. It will happen” (McKenzie, 1986: 305-6). The Métis’ commitment to self-determination is grounded in a vision of who they are as a people, a nation and a citizenry.

With an attitude of “just do it,” Métis citizens in Saskatchewan have demonstrated that the political boundaries of the dominant society can be adapted to the laws and governance structures they develop for themselves. As Yale Belanger writes, “notwithstanding the popular belief that Canada controls the self-government agenda, we often lose sight of the fact that aboriginal self-government began in the communities sparked by leaders seeking to create healthy and stable governments to foster community well being” (2008, viii). The experience of the Métis in Saskatchewan suggests that boundaries are meaningful only insofar as there is a people with a political imaginary to

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97 As Kelly Saunders (2013: 348) writes, “Pocklington's concern is not that this preoccupation with this extraordinary man is unwarranted, nor the fact that it tends to overshadow other great Métis leaders such as Cuthbert Grant and Gabriel Dumont; rather, the focus on Riel and his political accomplishments leads one to assume that the majority of ‘average’ Métis were politically unsophisticated and passive.”

98 This sentiment is captured in the lyrics of the Métis National Anthem: “As we build the Métis nation, as we watch it rise again, our past lost is motivation, to inspire our future gain.”
support them. Not only an observation about the past, but a warning of things to come, Clément Chartier’s argues, “the Métis Nation knows no boundaries.”

99 Interview with M02.
Chapter 4: The Fransaskois’ Political Struggle for Self-Determination

Entre la nation et l’ethnie, il existe un vaste champ peuplé de groupes nationalitaires, c’est-à-dire des communautés de destin qui ont un niveau d’historicité plus fort que l’ethnie mais plus faible que la nation.¹⁰⁰

- Thériault, 1994: 22

Like the Métis, the Fransaskois are taking a bottom up approach to self-determination. Although they do not see themselves as a nation, the Fransaskois share what Joseph-Yvon Thériault describes as the desire to faire société, which is to say they seek to assert their place not as a mere aggregation of individuals, but as a community with common objectives (2007: 11). This chapter examines the governance bodies that the Fransaskois have created to meet their collective aspirations. I contend that, instead of structuring their governance institutions according to territorial or cultural criteria, the Fransaskois developed a democratic province-wide governance body that adapts to the fluid and changing understanding the community has of itself. This chapter is divided into four parts.

The first section describes the historical founding of the Fransaskois political community. I argue that the emergence of this distinct political community flows from the Fransaskois’ expressed desire to resist the anglo-hegemony being imposed in the province at the end of the nineteenth century. Focusing on the second half of the twentieth century, the second section describes how the Fransaskois articulated a common political project through education. In contrast with scholarship that examines

¹⁰⁰ Between nation and ethnicity, there is a vast field populated by nationalist groups, that is to say communities of shared fate that have a level of historicity stronger than ethnicity but weaker than nation (author’s translation).
the role of policies and laws on the development of rights for linguistic minorities, I highlight the way in which the Fransaskois assert their rights through political and legal action. Looking beyond education, the third section considers the events that led to the creation of a province-wide Fransaskois governance body. In particular, I show how the establishment of the Assemblée communautaire fransaskoise (ACF) was a direct rejection of the state’s control over the community. The final section explains how the ACF accommodates the territorial dispersion and cultural diversity of the Fransaskois. I argue that, despite ongoing challenges, the ACF is increasingly fulfilling the Fransaskois’ self-determination objectives by asserting itself as the governing entity of the community.

**Building a Political Community**

French speakers arrived in present-day Saskatchewan in the mid-nineteenth century (see chapter two). For decades, they integrated into Métis communities and participated in the local fur trade economy (Payment, 2009; Giraud, 1945; Allaire, 1991). However, the arrival of large numbers of settlers of non-French origin threatened to undermine the pre-eminence of the French language and Catholic faith in the region (Lapointe and Tessier, 1986: 44). Seeing their demographic advantage wane, Francophones began mobilizing politically with the support of the clergy. Below, I trace the evolution of political mobilization amongst French-Canadians, highlighting the way in which they constructed a common political community.
Finding a Common Denominator

Given the significant role of the Catholic Church in the social and political organization of Francophones in the nineteenth century, it comes as no surprise that the first instances of political mobilization amongst Saskatchewan’s French-speaking community were led by the *Société St. Jean Baptiste* (SSJB), a movement that emerged in Montreal in 1834 to protect the interests of the French Catholic population of Lower Canada. At the time, the protection of language and faith were indistinguishable. This is reflected in the slogan “Notre foi! Notre langue!” (Our Faith! Our Language!) of the first Francophone newspaper in Saskatchewan, *Le Patriote de l’Ouest* (ACF, 2006: 8; Lapointe and Tessier, 1986: 188). During this period, “to be French-Canadian was to be Catholic” (Frenette, 2002: 50).

The Catholic Church provided a common denominator between French-Canadians and the Métis. United through the Church, these communities were viewed by leaders such as Louis Riel as part of a single family (Stanley, 1965; Howard, 1974; Giraud, 1945; de Tremaudan, 1935; Painchaud, 1978; University of Saskatchewan Archives, ca. 1984). In addition to mediating social relations between French-Canadians and the Métis, the Church fostered their political alliance. Arguing that neither group was sufficiently strong in number to ensure its own collective security, the Archbishop of Saint-Boniface, Mgr. Taché, advocated for the collaboration of French-

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102 Riel wrote, “The French Canadian Métis of the north are a branch of the French Canadian tree, they want to grow like this tree, with this tree, without letting go of it, suffering and rejoicing with it” (cited in Martel, 1985, author’s translation).
Canadians and the Métis in the events that led to the creation of the province of Manitoba in 1870. Their joint efforts were seen as essential to the protection of the French language and the Catholic faith against the growing presence of anglo-protestants (Huel, 2003; Stanley, 1965). Members of the clergy encouraged similar cooperation in the South Saskatchewan settlements (University of Saskatchewan Archives, ca. 1984; Hébert, 2004; Stanley, 1965). The first instances of political mobilization amongst Francophones therefore took place with the support of the Catholic Church.

French-Canadians and the Métis grew apart in the years that preceded the Battle of Batoche due to disagreements over public appointments, political representation, land and fiscal policies (Payment, 1990, 1999). The differences in their political objectives became more evident as the Métis turned their attention to protecting their title to land while French-Canadians focused on cultural and linguistic protections. Although certain members of the clergy and the French-Canadian community were sympathetic to the demands being made by the Métis in 1885, with some participating in the resistance efforts, the clergy publicly denounced the call to arms that led to the Battle in Batoche (Lapointe and Tessier, 1986: 27-41; Huel, 1989: 29). The events surrounding the Battle of Batoche contributed to widening the gap between the Métis and French-Canadians (Payment, 1999).

Under the guidance of the clergy, French-Canadians dissociated themselves from the Métis after 1885 (Huel, 1969; Stanley, 1965). The growing distance between

103 Even Riel, who was a devout catholic, resisted Gabriel Dumont’s military plan against the Royal Mounted Police until armed conflict appeared inevitable (Stanley, 1965; Charlebois, 1975).

104 Despite growing distance between the Métis and the French clergy, Gabriel Dumont and other Métis leaders continued to court French-Canadians to support their cause after the armed resistance.
French-Canadians and the Métis after 1885 led many francophone villages across the province to designate neighbourhoods where the Métis lived with pejorative names like Bannock Town and Red Fort (Payment, 1999: 65). In an attempt to escape the repressive policies being imposed on groups affiliated with the events in Batoche, French-Canadians largely dissociated themselves from the Métis and remained outside of the political spotlight.  

Defining a Distinct Political Community

It was not until the beginning of the twentieth century that French-Canadians openly identified themselves as a political community distinct from the Métis. Their political mobilization was spurred by the desire to protect their language, faith and culture within the changing political climate that followed the creation of the Province of Saskatchewan in 1905. At the time of the province’s creation, English was the only language of instruction with the exception of a primary French class. The subsequent adoption of laws asserting the dominance of the English language in the province reversed the language protections of the former North-West Territories. These laws also undermined

The Métis gained sympathizers in Quebec where Riel’s French-Canadian ancestry was heavily emphasized in news reports of his trial. Over time, Riel’s hanging as well as the resistance movement that he represented came to be viewed in historical records as an affront on French-Canadians. Complicated by a history of tenuous relations, there is a palpable sentiment amongst some Métis today that the selective choice of historical facts has led to a misguided appropriation of the 1885 Resistance by French-Canadians (Lussier, 1981; St-Onge, 1990; Chartrand, 1991). Although language and faith certainly influenced the political events that took place in 1885, the primary grievance that led to the confrontation in Batoche was the protection of a distinct way of life, in which land occupies a central role (see preface). To this day, many Métis seek to distinguish their history from that of French-Canadians. This sentiment was made evident during a series of round tables that were organized by the University of Regina’s Institut français, the Assemblée communautaire fransaskoise, the Métis Nation-Saskatchewan and various Métis locals (Métis Museum Archives, 2009).

105 Interview with F08. For a discussion of the relationship between the Métis and French-Canadians, see Payment, 1999.

106 The definition of primary class was unclear and contested. See discussion Denis, 1984: 6.
the power French speakers had historically exercised over social, political and educational institutions in various communities. To resist the threat of assimilation, the Francophone newspaper, the *Patriote de l’Ouest*, issued a “call to unification” in 1911.107

Responding favourably to this call, more than 450 delegates from across the province met in *Lac-aux-Canards* (Duck Lake) in 1912 to discuss the fate of the French language and the Catholic faith in Saskatchewan. While education was at the top of the agenda, delegates also voiced concerns related to immigration and economic development; they encouraged one another to speak up for their grievances to be heard (Gareau, 2012; Huel, 1969). There was a clear sentiment that the Fransaskoisk could no longer remain silent in the face of provincial policies that threatened their existence. As the former president of the Fransaskoi’s governance body Paul Heppelle explains, these events “were the first manifestation of a collective will to survive and to thrive – a plan destined for a Fransaskois community” (Heppelle, 2012, author’s translation).

Delegates concluded that their rights would be better protected with the creation of a governance body that could protect their collective aspirations. They founded the *Société du bon parler français de la Saskatchewan*, that would soon be renamed the *Association catholique franco-canadienne de la Saskatchewan* (ACFC) (ACFC, 1962: 32; Lapointe and Tessier, 1986: 188-217).108 With the help of the Catholic clergy, which provided financial and human resources, forty-four local chapters of the ACFC were established in its first two years of existence. Although the protection of language and faith continued to inform the collective aspirations of French-Canadians, the protection of

107 Feeding these discussions, the editor of the *Patriote de l’Ouest*, Father Auclair, published outlines of political program in weekly columns (Gareau, 2012).
108 The name adopted at the 1912 meeting was the *Société du parler français de la Saskatchewan*, which was replaced by the *Association franco-canadienne* of Saskatchewan, before becoming the *Association catholique franco-canadienne de la Saskatchewan* in 1913 (ACFC, 1962: 32).
education became the main vehicle for political mobilization in many French-speaking communities throughout the country (Landry, 2009; Warren, 2007).

In spite of laws prohibiting instruction in languages other than English, the ACFC began providing local communities with French education (Denis, 1998; Lapointe & Tessier, 1986: 215-22; FCFA, 1992: 40).\textsuperscript{109} To ensure that French would be taught in schools throughout the province, many of which were predominantly attended by French-speaking children, the ACFC recruited French instructors, distributed books and administered exams (Denis, 1983; Huel, 1969: 175).\textsuperscript{110} In addition, lobbying efforts led to some positive developments like the 1918 amendment to the School Act, which allowed French to be taught in the first grade and for one hour a day in other grades (Denis, 1984: 7; Denis, 1999: 185). However, the ACFC’s attempts to reverse policies that favoured the English language had limited success. By the 1930s, French education rights had reached their lowest point: the provincial government was not only hostile to the demands of the ACFC, but actively sought to impose what Denis (1998) describes as “anglo-hegemony” throughout the province.

The Fransaskois viewed the imposition of anglo-dominant laws as a threat to their political existence. The political aspirations of the Fransaskois set them apart from the various ethnocultural communities who made up the multicultural fabric of the province. This is most evident in the events that surrounded the Tait Commission established by the provincial government in the mid-1960s following a heated conflict between a number of

\textsuperscript{109} Under the direction of the clergy, immigration also became a key issue for the ACFC. Members of local chapters were encouraged by the clergy to invite friends and families to settle in Saskatchewan (ACFC, 1962). An amendment to the School Act in 1918 provided for French to be taught in the first grade, and for one hour a day in other grades (Denis, 1984: 7; 1999: 185).

\textsuperscript{110} It took three years for the provincial government to approve the ACFC’s curriculum. The Ministry of Education did not award credits for the ACFC’s French class until 1961 and, in 1965, provided modest funding for this program (Denis, 1984: 10-11).
parents and Saskatoon’s Catholic School Board. The Tait Commission’s mandate was to examine the question of language in education. In contrast with the views expressed by Ukrainian, German and British groups that preferred retaining English as the language of instruction, the Fransaskois saw the need for significant changes to the School Act. In addition to demands for the delivery of education in French, the Fransaskois also expressed a desire to govern French education in the province. As Denis and Li (1980: 359) explain, two thirds of the briefs received by the Commission were submitted by the Fransaskois. Moreover, almost all of the letters received by the Commission supported French as a language of instruction. Unlike ethnic communities that sought to integrate the dominant society, the Fransaskois demanded educational rights that were consistent with the self-determination objectives of the community.

The willingness of parents to confront hostile school boards and to demand French education rights is informed by their shared vision of the Fransaskois as a self-determining community. While the Fransaskois do not seek the same level of rights as First Nations or the Métis, they nevertheless seek to exercise control over their own political future. The understanding the Fransaskois have of themselves as members of a political community finds echo in other minority francophone communities in Canada. The explicitly political understanding they have of themselves is reflected in the following political manifesto that was issued in 1977:

We the Francophones outside Quebec are a distressed people but we will no longer delude ourselves with the illusion that has for so long been fed to us: that we are the reason for this country’s existence and that we have a special vocation to take an active part in the development of the two founding nations. These words are meaningless for people who no longer feel at home.
We have been manipulated without our knowledge. This was done so cleverly that we actually believed for a while that any opposition would be useless.

We know now why we are where we are. We, the French-speaking people of the Anglophone provinces, know now who we are. Actually, we suspected it for a long time but the dignity of silence now gives way to the dignity of speaking out. We want to make known our plight and explain why we refuse to be treated as pawns in a national chess game.

We are through with the deceitful words which cover up the wrong, through with the short-lived policies in which we so naively believed. We are also through with hiding our situation from everyone, afraid of admitting what we knew about ourselves. Finally, we are through with the thanks extracted from us by making us feel guilty.

The situation is clear now, the die is cast: if we survive, it will be because we have dared to speak out about ourselves and the injustice we suffer. (FFHQ, 1978: 19)

Like other francophone communities in Canada, the Fransaskois refer to themselves as a people (*un peuple*) with a common history and a shared vision for the future.

Fransaskois demands for rights to education ask for a reallocation of power so that members of the community can live a life that is consistent with the understanding that they have of themselves as a political community. Even though they do not form a majority on a given territory and are internally diverse, the Fransaskois seek to have access to “meaningful choices” in their day-to-day lives. The political struggle for self-determination in education exemplifies this goal.

**Shaping their own Political Existence**

A new generation of visionary francophone leaders – rising like the phoenix from the ashes of the traditional Catholic French Canada – developed modern provincial organizations, buttressed by a national Fédération, in order to rebuild their communities, in the process redefining their provincial and national identities and spaces within an evolving Canadian federation.

- Behiels, 2004: 325
Demands for language rights were met by a more sympathetic political and legislative climate in the second half of the twentieth century. As Michael Behiels argues, the decline of the Catholic Church, the rise of neo-nationalism in Quebec, the breakdown of the Estates General of French Canada, the Royal Commission on Bilingualism and Biculturalism, the election of Prime Minister Pierre Elliot Trudeau, and the subsequent adoption of the *Official Languages Act* contributed to greater openness to the protection of the French language in Canada (Behiels, 2004: 4; Gilbert, 1994). Scholars of political science, law and sociology have examined how contemporary policies and laws have reversed, or at least slowed, the assimilationist tendencies of the early 1900s. However, the new political and legislative context of the 1960s did little to redistribute power to the Fransaskois. In fact, at the end of the 1970s, Francophones living outside Québec continued to face significant socio-economic disadvantages in relation to Anglophones and continued to fair poorly in educational outcomes, especially in Saskatchewan (FFHQ, 1978).

111 The Estates General of French Canada were a series of meetings where francophone communities from across Canada gathered to talk about their common experience. The meetings of 1967 saw the distancing between Quebec and other French-Canadian communities and eventually led to the breakdown of this association (Martel and Choquette, 1998).

112 As the Catholic homogeneity of the French-speaking community waned, the *Association catholique franco-canadienne* was renamed *l'Association culturelle franco-canadienne de la Saskatchewan* (keeping the same acronym, ACFC) in 1964 to emphasize its secular and cultural dimension. As Michael Behiels argues, the rise of francophone communities across the country was the result of the collapse of the idea of a French-Canadian nation in the 1960s.

113 Academic reflections on the fate of francophone communities outside Quebec generally revolve around the equality of French and English in the 1969 *Official Languages Act* and the protections afforded to linguistic minorities in the 1982 *Charter of Rights and Freedom*. For instance, various studies examine the impact of public policies on language rights protection (Cardinal and Juillet, 2005; Heller, 2011; Léger, 2012), the constraints of government funding and programs on linguistic minorities (Allaire, 1993; Forgues, 2007a; Savard and Chiasson, 2001) and the role of laws and the Charter on protecting minority language rights (Bastarache, 2004; Behiels, 2004; Braënn, 2005; Foucher, 1986a; 1986b; 2008; A. Martel 1991; 2001). More recent scholarship has taken into consideration the interactions between francophone communities, the state and other social actors in assessing the self-determination outcomes of linguistic minorities (Forgues, 2012; Cardinal et al., 2008; Behiels, 2004).
In contrast with contemporary research that considers the fate of linguistic minorities in relation to state laws and policies, this section draws attention to the role the Fransaskois played in shaping their political future. Without denying the relevance of institutional and policy changes of the 1960s, I argue that the Fransaskois regained control over their own affairs through resistance efforts against assimilative policies related to education.¹¹⁴

Creating Change through Political and Legal Action

The 1960s provided the Fransaskois with the social and political capital to pursue their self-determination objectives, especially those related to education. Reversing provincial policies that had effectively banned French language instruction since the 1930s, the Government of Saskatchewan reinstated French as a language of instruction in a 1967 amendment to the School Act (Denis and Li, 1988: 359). Subsequent broadenings of this provision in 1973 and again in 1978 led to the creation of designated French immersion schools and government support for French education.¹¹⁵ Despite these advancements, community leaders argued that these changes did not go far enough insofar as “French language instruction…depends entirely on the willingness to fight of the Francophone parents.”

¹¹⁴ This argument builds on a 1988 article in which Wilfrid Denis and Peter S. Li show how the militancy of some francophone parents helped regain the limited linguistic rights of Francophones since the 1960s.
¹¹⁵ In Saskatchewan, this eventually led to the establishment of Type “A” schools that could teach as much as 80 percent in French, and Type “B” schools that offered a variable amount of teaching time in French (about 50 percent). This system did not fulfill the needs of the francophone community; Denis argues that “[w]ithout adequate funding and resources, and especially without direct control over the education of their children, francophone parents often had to engage in endless lobbying, even resorting to court actions to force recalcitrant school boards to comply with the law” (Denis, 1999: 190). It was not until school governance was obtained in 1993 that French education was a viable option for the community. See Gareau, 1992.
community. It is purely a privilege which can be withdrawn or denied” (FFHQ, 1978: 46).  

The Fransaskois especially objected to the fact that the provincial government, which had accepted, in principle, to teach both languages in schools did not carry out this commitment in practice. At the same time, the government was not (yet) willing to give this responsibility to the Fransaskois and continued to deny them the right to govern their own schools.  

Denis, one of the few scholars to have studied the Fransaskois explains that, “[t]he positive evolution of the situation since the 1960s is in part due to a larger openness with respect to the French fact, but also in part because of the rise in the political activism of the Fransaskois who now have access to more radical means of political pressure” (1983: 23, author’s translation). As one Fransaskois leader remarks, “when you have access to the media, to the cameras, to the microphone, it gives you the possibility to start to mobilize and take control and that’s exactly what we did.”  

Not wanting to leave the fate of French education in the hands of historically hostile governments that had failed to meet the needs of Francophones in the past, the ACFC passed a resolution in 1979 to “regain control of educational institutions” (Saskatchewan Archives Board, 1980, author’s translation).  

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116 Interviews with F14 and F07.  
117 Fransaskois demands for the right to govern their own schools were often met with resistance and, at times, discrimination. The remarks of former Member of the Legislative Assembly of Saskatchewan, Jack Goohsen, in reaction to the proposal to establish a francophone school board attests to the persistence of discrimination despite the positive developments in the 1960s and 1970s: “to support another school board system is an absolute and total, complete waste of money. [...] I strongly advise the government to pull this Bill off of the order paper to ignore the noises of a handful of loud lobby people [...] because they're going to go back to Quebec when they see they're defeated” (Hansard, 1993).  
118 Interview with F14, author’s translation.  
119 It is important to note that the pursuit of self-government in education did not gather the support
Francophone communities brought several cases to courts throughout Canada in the 1980s to demand self-government in education (Denis, 1998). One of the most influential decisions was Mahé v. Alberta, where the Supreme Court of Canada ruled that section 23 of the Charter of Rights and Freedoms recognizes the right to education in both official languages and further acknowledges the right of Francophones living in a minority situation to govern their own schools (Mahé v. Alberta, [1990] 1 S.C.R. 342). In a unanimous decision, the Court affirmed that, “[t]hese schools are essential for the development of both official languages and cultures; […] the aim must be to provide for members of the minority an education appropriate to their linguistic and cultural identity” (B & B Commission, bk II: 8 and 19, cited in Mahé v. Alberta, [1990] 1 S.C.R. 342, see discussion in chapter two). This ruling confirmed that parents could avail themselves of the right to govern schools for their children. Parents therefore became the “guarantors” of this right; in the words of a Fransaskois leader, “Article 23 [recognizes] our right, the right of parents.”

In Saskatchewan, a 1988 ruling by the Court of Queen’s Bench had already confirmed that the Fransaskois have the right to control their own schools according to the Charter of Rights and Freedom (Commission des Écoles fransaskoises Inc. v. Saskatchewan, [1988] 3 W.W.R. 354, 48 D.L.R. (4th) 315). Despite this decision and subsequent Supreme Court of Canada rulings (Mahé v. Alberta, [1990] 1 S.C.R. 342; Public Schools Act, 1993), the Government of Saskatchewan refused to amend the School Act to allow the establishment of a francophone school board (see Denis, 1998). As the

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of all members of the community. One interviewee noted that the minority mentality of some individuals prevented them from thinking that they would be capable of supporting a separate school system. Interview with F14.

120 Interview with F14, author’s translation.
description of events below illustrates, this change would only unfold after intense mobilization efforts on the part of Fransaskois leaders.

In the wake of the Mahé ruling, the New Democrats in Saskatchewan made campaign promises in 1991 to amend the School Act to allow the Fransaskois to govern their own schools during the first legislative session. When they entered into office, a bill was tabled and successfully passed first and second reading. While the New Democrats had the ability to pass this bill into law with its majority, it died on the order paper in August 1992. During this time, the newly elected New Democratic Premier, Roy Romanow, was championing linguistic protections for Quebec as part of the negotiations of the Charlottetown Accord. Through their provincial lobbying entity, the Association provincial des parents fransaskois (APPF), Fransaskois parents met with various organizations and political leaders in Quebec to pressure Romanow to honour his campaign promise. To further compel the provincial government to act, the Fransaskois also drafted amendments to the School Act and prepared an action plan for the creation of francophone school boards (Denis and Li, 1988). In the three days leading up to the referendum, the APPF published a third, a half and a full page advertisement declaring that “Romanow is Irresponsible” in the principal newspapers in the province. The APPF’s objective was to shame the Romanow government into recognizing their rights by leveraging their political alliances in Quebec and relying on allies in the province.

The day following the referendum in which Saskatchewan voters joined the country in defeating the Charlottetown Accord, the Premier’s office convened a meeting
with the APPF. At this meeting, the Premier promised to adopt a bill that responded to the demands of the Fransaskois in the following parliamentary session. This commitment was honoured and the Fransaskois’ right to govern their own schools was recognized in June 1993. The political strategy devised by Fransaskois leaders to achieve their objectives eventually led to the creation of Fransaskois school boards in 1995 (Levasseur-Ouimet & al., 1999: 484; Martel, 2001: 10; Denis, 1998: 435).

Roger Lepage, a lawyer and community leader who has worked to defend the Fransaskois’ rights for over two decades, argues that the governments’ willingness to respect policies and court decisions that address Francophone education is not politically guaranteed. He contends that, “we take for granted in a democratic country like Canada that if the legal wing of the government says ‘you must do this,’ the executive wing will immediately respect this directive, but that is dreaming in colour” (author’s translation). In a systematic study of political actions that led to advances in French education in Saskatchewan, Denis and Li show that, “the evolution of the last 20 years did not occur purely out of the good will of the governments in place. In fact, these are two decades of political and legal confrontations by the Francophone minority” (1988: 358).

**Self-Determination Beyond Schools**

The sustained political actions of leaders and community members alike have led the courts as well as governments to acknowledge the Fransaskois’ right to govern their own schools. As Angéline Martel argues, “[t]he use of rights legislation represents a true

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121 Interview with F14.
122 Subsequent efforts were made at the federal level to ensure funding for these schools.
123 Prior to the development of francophone school boards, existing francophone schools were usually governed by Catholic school boards.
social movement of demand, encouraged by some of the tangible results that have been attained: unprecedented gains as far as policy and laws are concerned, increased services, a larger student population” (2001: 14). Legal rulings related to education for linguistic minorities are often presented in the literature as the “creators” and “guarantors” of minority rights (Bastarache, 2004; Foucher, 1987). In turn, communities like the Fransaskois are characterized as a pressure group that lobbies for their interest. However, the Fransaskois see themselves as a political community that guarantee their own rights. While the Fransaskois have historically focused political energy on the education file, they maintain a larger goal of achieving greater autonomy over the institutions that affect the lives of their members. This goal was first expressed at the 1912 meeting in Lac-aux-Canards that led to the founding of the first Fransaskois political body (see discussion above). As Paul Heppelle (2012) remarks, the founding of the ACFC embodied the Fransaskois’ desire to achieve a political existence that is distinct from the anglo-dominant society.

Over the last hundred years, the Fransaskois have developed a variety of programs and services and have partnered with various organizations to achieve this goal. This section offers an overview of the governance structures that the Fransaskois have adopted to pursue their collective objectives. To illustrate the self-determination goals of the Fransaskois, I trace the evolution of the community’s governance in the wake of the political and legal transformations of the 1960s. I argue that the Fransaskois’ efforts to resist state dominance culminated in the creation of a democratic and representative governance structure that accommodates the territorial dispersion and cultural diversity of the Fransaskois community.
A Fransaskois Government

Today, the Fransaskois are governed by the *Assemblée communautaire fransaskoise* (ACF). Structured as a democratic governance body accountable to individual Fransaskois citizens, the ACF is made up of fourteen representatives, called *députés*, elected by the Fransaskois for a two-year term from thirteen regional districts (ACF, 1999: Art. 26). These *députés* sit as equal members in the *Assemblée des députés*, the central body that determines the priorities and policies for the development of the community (ACF, 1999: Art. 10). To foster collaboration amongst elected representatives and to ensure that the *Assemblée des députés* serves the interests of the Fransaskois as a whole, a president elected province-wide guides deliberations, which address the political, budgetary and procedural affairs of the community (ACF, 1999: Art. 12).

The ACF relies on its relationship with the numerous organizations that act as affiliates to provide programs and services to the community. Currently, over thirty affiliates are partners with the ACF, many of which represent several organizations. For instance, the *Fédération des francophones de Saskatoon* represents thirteen local francophone organizations. Through affiliates, over eighty Fransaskois organizations throughout the province partner with the ACF. To ensure the liaison between these various organizations and the ACF, each *député* is responsible for a sector, such as immigration, the economy or education, and participates in meetings and activities related to their assigned sector (ACF, 1999: Art. 23).

The ACF describes itself as the governing entity of the Fransaskois community.

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124 Larger urban centres, Saskatoon and Regina, are represented by two elected representatives.
Its governance role extends not only to individual Fransaskois citizens but also to those organizations that contribute to the community’s development. Insofar as it does not have legislative powers outside of the community, federal and provincial governments do not recognize the ACF as self-governing but nevertheless acknowledge its governance role. For members of the community, the ACF serves a dual purpose in achieving self-determination: internally, it allows the Fransaskois to set common objectives and articulate their demands, and externally, it acts as a political body through which the Fransaskois can interact with provincial and federal governments.

While the ACF acts as the governing entity of the Fransaskois since 1999, the Fransaskois pursued common objectives through other governance structures prior to its creation. To illustrate how the ACF responds to the self-determination aspirations of the Fransaskois, the discussion below traces the events that led to the ACF’s creation. In particular, I argue that the creation of this democratically accountable governance body was a consequence of the Fransaskois’ rejection of state dominance.

**Federal Funding: Blessing or Curse?**

Prior to the adoption of the ACF, the Fransaskois made collective decisions through the *Association culturelle franco-canadienne* (ACFC), a governance body that was structured around not-for profit organizations. In the 1970s, a number of province-wide organizations emerged such as the *Conseil de la coopération de la Saskatchewan*, the *Commission culturelle fransaskoise*, the *Fédération des femmes francophones*, the *Fédération des aînés fransaskois* and the *Association jeunesse fransaskoise* to deliver programs in the areas related to the economy, culture, women, the elderly and youth.
respectively. Their creation followed the adoption of the *Official Languages Act* in 1969, which led the federal government to make funding available for the delivery of programs and services to members of Canada’s linguistic minorities. Insofar as these organizations depended on government funding, the state played a significant role in shaping governance in the Fransaskois community.\(^{125}\)

Funding for these organizations was initially negotiated through Canada-community agreements (Denis, 1998: 434). In 1988, the ACFC was the first provincial francophone organization in the country to sign such an agreement (Denis, 1994; Schneider, 1995: 7).\(^{126}\) The discourse that led to the conclusion of this agreement revolved around reparations for past wrongs.\(^{127}\) Mounting evidence in Canadian jurisprudence had established that federal and provincial governments had unjustly sought to assimilate Francophones. In Saskatchewan, a 1988 decision from the Court of Queen’s Bench acknowledged that the Fransaskois were denied rights to a French education (*Commission des Écoles fransaskoises Inc. v. Saskatchewan*, [1988] 3 W.W.R. 354, 48 D.L.R. (4th) 315). That same year, the Supreme Court of Canada ruled in *Mercure* that the adoption of the *Saskatchewan Act*, which created the Province of Saskatchewan in 1905, failed to respect the provisions in the *North-West Territories Act* that gave French and English official status in the legislature and official government documents (*R. v. Mercure*, [1988] 1 S.C.R. 234). This ruling confirmed that

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\(^{125}\) For a discussion of the state’s involvement in the governance of francophone communities, see Cardinal, 2007. See also Léger, 2012.

\(^{126}\) Alberta was poised to sign such an agreement but made demands that the federal government considered too onerous. While some argue that Saskatchewan did not make sufficient demands, they made significant gains by reaching an agreement, which led to an influx of funding in the community, a situation that did not happen in Alberta.

\(^{127}\) Interviews with F07 and F16. This discourse was also present in legal interpretations of section 23 of the Charter, see Foucher, 1989.
Saskatchewan had been officially bilingual in law since its creation and thus had failed to respect its obligations to French speakers in the province.\footnote{128} Government support for francophone organizations was therefore seen as a means to reverse assimilationist policies.

The first Canada-community agreement provided the ACFC and its affiliates with $17,000,000 dollars over five years to deliver services to their members. The ACFC grew from having twenty-five to seventy member organizations (Denis, 1994: 141-42). However, to take advantage of Canada-community agreement funding, the Fransaskois had to adapt their organizations to the requirements imposed by the federal bureaucratic structure (Lafontant, 1993: 55). As reflected in the chart below, member organizations of the ACFC were divided between province-wide organizations (associations accréditées/les provinciaux) that were essentially interest groups and local/regional councils (conseils régionaux) that delivered programs to their communities. An Executive Council, elected at the annual general assembly by presidents of all member organizations, guided the ACFC’s activities.\footnote{129}

Figure 4: Structure of the ACFC

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\footnote{128}{However, rather than requiring the Government of Saskatchewan to translate all provincial laws since 1905, the Court argued that these provisions could be unilaterally changed by the province since they were part of the internal constitutions of the province, rather than of the Canadian Constitution. Although the provincial government moved quickly to abolish all linguistic rights that were contained in Article 110 of the Northwest Territories Act within weeks of the ruling, there was a clear sense that the province had underestimated and failed to respect its legal obligations towards Francophones. The Caron case, which will be heard by the Alberta Court of Appeal in 2013 challenges the argument that the Northwest Territories Act can be unilaterally changed by suggesting that it is indeed part of the Canadian Constitution (R. v. Caron, 2009 ABQB 745).}

\footnote{129}{Prior to 1991, provincial organizations did not have the right to vote. See Denis, 1994: 148.}
The ACFC’s structure was essentially divided between elected regional councils, which came to be known as *les régionales*, and interest-based provincial associations, or *les provinciaux*. Although they collaborated on certain issues, there were few mechanisms of communication and information sharing between these groups, which led them to work independently from one another (Denis, 1974; 1983). In fact, a few years after signing the first Canada-community agreement, the only commonality between local and province-wide organizations was their parallel relationship with the State Secretariat, the predecessor to the Department of Canadian Heritage, which administered their
funding (ACFC, undated: 77; Cardinal and Hudon, 2001). As one community leader remarked, “we were created in the image of government.”

Previously accustomed to functioning on volunteerism and community service, the organizations that made up the Fransaskois governance structure became increasingly divided as a consequence of the financial support provided by the state. In particular, the bureaucratization of the funding distribution process exacerbated tensions between *les régionaux* and *les provinciaux* that were competing for resources (Denis, 1994). As the depth of government’s commitment to linguistic minorities wavered under the fiscal pressures of the 1990s, the funds available to the Fransaskois through the Canada-community agreements diminished to $10,000,000 in 1993 and $5,775,000 in 1996, each over 3 years (Schneider, 1995: 15; ACF, undated). The reduction in funding intensified disputes within the community about how to distribute these limited funds. Community members expressed concern that their governance bodies were being dictated by state funding and managed by interest-driven provincial organizations at the expense of communities and individual Fransaskois (Denis, 1994: 142). This led to the dissolution

130 Interview with F05, author’s translation.
131 Interview with F23.
132 In theory, *les régionaux* and *les provinciaux* were equally represented in the ACFC insofar as presidents of all affiliate organizations sat together on the administration council. In practice, the Executive Council, elected by and amongst the presidents on the administration council, was dominated by a growing number of provincial organizations that had more human and financial resources than regional councils (Schneider, 1995: 22). Interview with F23.
133 Today, this amount is 2.38 million per year. Interview with F28.
134 Concerns about government funding were first expressed at the national level in FFHQ, 1977 [1978]. For a discussion of concerns in Saskatchewan, see Schneider, 1995.
of the executive council at the annual general meeting of the ACFC in November 1995.135

Similar to the case of the Métis, there was a tension between the community’s character as an agglomeration of not-for-profit organizations and its identity as a political, social and cultural community. The state’s interference in the governance of the Fransaskois community through funding culminated in an internal crisis. Concerns that organizations had replaced citizens led the Fransaskois to reflect on the role of the ACFC and the future of the Fransaskois community. A province-wide consultation revealed that, although members acknowledged that state-funded organizations provided important services to the Fransaskois, they wanted a Fransaskois government with the authority to make decisions and distribute funding according to priorities established by the community (ACFC, 1997). Community members agreed that their aspirations not only involved providing services to a membership, but also aimed to allow the community to govern itself (ACFC, 1998). To this end, the Fransaskois adopted the following mandate:

The Fransaskoisie is committed to eliminating assimilation by assuming the mandate to build a democratic and efficient governance, to develop organizations and institutions that respond to the needs of the collectivity, to implement strategic goals and annual action plans for the collectivity to nullify assimilation and to obtain the full application of our constitutional rights. (ACFC, 1997, author’s translation)

135 The decline of the political weight of local and regional councils within the ACFC’s structure was magnified by the recognition of the Fransaskois’ right to govern their own schools. Given the small size and limited capacity of many communities, the advent of self-government in education meant that there were fewer experienced individuals willing and able to work with the ACFC on a volunteer basis in certain regions. Many of those who had previously been involved in the ACFC at the local and regional level became involved with school boards, each of which elected five commissioners from the community. This contributed to the eventual amalgamation of school boards in 1999. Interviews with F16, F07 and F06.
Discarding the ACFC’s former structure dependent on government-funded not-for-profit organizations, the Fransaskois adopted a new representative and democratic structure in 1999. Built from the grassroots, the Fransaskois named their province-wide governance body the Assemblée communautaire fransaskoise to highlight its deliberative and communitarian character.

**Governing from the Bottom up**

The ACF was created as a result of the Fransaskois’ rejection of state attempts to dictate the terms of their existence. The decision to adopt a governance body that is democratically accountable to Fransaskois citizens reflects the community’s desire to control its political future. Consistent with the vision expressed by community members, the Fransaskois have adapted their governance body to respond to the needs and aspirations of community members. In this section, I examine the ways in which the Fransaskois’ governance entity meets the challenges posed by territorial dispersion and cultural diversity. I begin with a discussion of how the ACF democratised membership by privileging participation and belonging over territorial and cultural criteria. Second, I identify some of the practical challenges that arise from this fact and show how the Fransaskois have responded to challenges of membership by revising the ACF’s governance structure. Through an examination of the ACF’s initiatives related to fiscal management, the final section illustrates how the ACF negotiates the tension between its mandate to govern the Fransaskois and the absence of government recognition to carry out this responsibility. In addition to raising some of the ongoing challenges faced by the ACF, this discussion shows how the Fransaskois governance entity responds to the challenges posed by the community’s changing territorial and cultural character.
Establishing a Democratic Membership

In the restructuring process of the mid-1990s, the Fransaskois expressed a clear desire to democratize their governance body (ACFC, 1997). The challenge consisted in developing a structure capable of giving direction to the community as a whole while also representing the particular needs of small and dispersed communities. Under the previous structure, membership was mediated through the various not-for-profit organizations that constituted the ACFC. As such, in order to participate in the decision-making process that affected the Fransaskois community, an individual had to be a member of an affiliate organization. The restructuring committee tasked with renewing the community’s governance body proposed a structure founded on the grassroots, thereby fundamentally shifting the membership of the organization. Consistent with the understanding that the community has of itself, the underlying objective was to make individuals, as opposed to state-funded organizations, guarantors of the community’s governance.

Shifting the balance of power towards individuals as opposed to organizations affected membership in the Fransaskois community. The ACF gives the right to vote to anyone who understands French, is over 16 years of age, has lived in Saskatchewan for at least six months, respects the ACF’s fundamental goals and is interested in promoting French (ACF, 1999: Art. 7). This last criterion – interest in promoting French – was taken up by the Commission on Inclusion in its quest to provide a definition of a Fransaskois (see discussion in chapter two). The Commission found that an individual’s desire to participate in the development of the community and her willingness to contribute to its development constitute significant requirements for membership (ACF, 2006). As such,
membership is not determined by an individual’s ability to speak French but by her
willingness to participate in the Fransaskois community and promote its development.

This notion is also reflected in the ACF’s goals, which aim not only to defend the
rights and aspirations of the Fransaskois community, but also to develop a collective
consciousness related to the French language and the Fransaskois culture (ACF, 1999:
Art. 3d). Membership in the ACF, just like membership in the Fransaskois community as
a whole, is not defined by fixed cultural criteria or territorial organization but is instead
informed by the willingness of members to contribute to the development and to share in
the collective aspirations of the community (see discussion in chapter two).

Responding to the Challenges of Small, Dispersed and Changing Communities

Although shifting membership to the grassroots democratized the Fransaskois’
governance body, it raises two challenges that speak to the difficulty of developing
governance structures able to accommodate small communities dispersed over vast
territories: How can small communities with limited capacity sustain complex
governance structures? How are the Fransaskois represented in the governance structure?
I address these questions in turn, highlighting the way in which the ACF has responded to
these challenges.

1) How can small communities with limited capacity sustain a complex governance
structure?

Under the ACFC model, affiliates were directly involved in the decision-making process
of the Fransaskois community. This was no longer the case in the ACF’s renewed
structure. Insofar as citizens replaced affiliates as the source of legitimacy in the Fransaskois’ post-1995 governance body, the restructuring process of the 1990s created distance between the ACF and affiliates. Recognizing the need to build alliances with affiliates in order to meet the needs of the community, the ACF developed mechanisms to increase its relationship with affiliates. This was done in three notable ways.

First, the ACF began to hold a monthly teleconference meeting where affiliates and the ACF inform one another of any relevant developments and discuss ways to work towards the common goals of the community. Although not all organizations choose to participate, this forum aims to increase the dialogue between the ACF and affiliates.136 Second, the députés are encouraged to attend meetings and activities of affiliates involved in their sector of responsibility as well as their region. This has worked more effectively in some sectors than others.137 Third, the table des élus, composed of elected members from affiliates (for instance, the President of the Fédération des francophones de Saskatoon and the President of the Association jeunesse fransaskoise) was established in 2008 as a forum to set collective goals, address conflicts and build relationships between the various organizations that work towards the development of the Fransaskois community. As an example, the table des élus met prior to the last provincial election to

136 Approximately 70 percent of affiliates participate in these monthly meetings. Interview with F10.
137 Different levels of success can be explained by a variety of factors, including the personal rapport between the député and members representing affiliates, the level activity of the affiliates and the effectiveness of ACF’s role in particular domains. For instance, in the area of education where the ACF has established networks through which to lobby for the interest of the organizations, the député tends to be quite involved.
discuss the community’s electoral priorities and develop a strategy to ensure the representation of their interests.¹³⁸

The accommodations made to increase the ACF’s liaison with affiliates have not been without challenges. Their success depends on the willingness of affiliates to participate in monthly meetings, to invite the députés to their activities and to work with each other in developing collective goals. While power struggles between affiliates and the ACF have not been eliminated, initiatives have been taken to strengthen cohesion amongst the various actors that participate in the governance of the community. These initiatives attest to the adaptability of the ACF’s governance structure, which has sought to put mechanisms in place to meet the needs of the community.

2) How are the Fransaskois represented in the governance structure?

In addition to developing mechanisms to liaise with affiliates, the ACF has made particular efforts to increase its democratic legitimacy by ensuring the representation of members. At the time of the ACF’s creation, the Fransaskois identified twelve regions that would serve as the electoral districts for the community. While some of these regions encompass one geographically located community (i.e. Saskatoon or Regina), others include several communities. This is the case of La Trinité, which includes the towns of Vonda, Saint-Denis and Prud’homme.

However, to keep up with the changes in the demographic composition of the Fransaskois community, the ACF has had to modify the way in which regions are represented in its governing structure. For instance, Moose Jaw was added as a thirteenth

¹³⁸ Interview with F10.
region in 2009 to address the needs of the growing Fransaskois population in the area.\textsuperscript{139} At the same time, the ACF is currently exploring ways to meet the needs of their growing community members in urban areas like Lloydminster and Estevan, while finding appropriate ways to address the concerns of the declining population in communities like Ponteix and Willow Bunch.\textsuperscript{140} The ACF’s response to demographic changes reinforces the notion that governance is not geographically determined. Conversations with various members of the community reveal that there is a general acknowledgment of the need to create aggregative structures in light of the small size and limited capacity of individual communities. The practices of the community suggest that this aggregation is not territorially determined; rather, aggregation occurs where individuals choose to mobilize as Fransaskois (see discussion above).

For this reason, community members maintain that the ACF’s governance structure will continue to change as the community evolves. This sentiment was also expressed at the time of the ACF’s creation (ACFC, undated: 89). Former ACF President, Michel Dubé acknowledges that, “[the demographic] changes that are occurring are huge and the Assemblée communautaire fransaskoise, as a governing entity, must keep up with the pace of change and adapt” (Hansard, 2010). Over the last fifteen years, the ACF has altered, and continues to adapt, its structure in collaboration with local and provincial organizations to meet the needs of the Fransaskois. Underlining these changes is the understanding that the grassroots – Fransaskois citizens – constitute the core of the community.

\textsuperscript{139} Interview with F28.
\textsuperscript{140} Interview with F10.
Acting like a Government

Since its creation, the ACF has sought to increase its legitimacy as the governance entity for the Fransaskois. One of the ACF’s key priorities at the time of its creation was to position itself as a government partner in the sector that had most significantly affected the development of the Fransaskois’ governance structure: funding. Responding to concerns identified during community consultations, the ACF established a Committee for Budgetary Evaluation (Comité d’évaluation et de recommandation sur le financement) to review all funding applications from francophone organizations in the province destined for the Ministry of Canadian Heritage.141 The intention was for the ACF to decide how to distribute funding by subjecting applications to a rigorous community-led budgetary evaluation process, which I describe below.

Composed of three to four elected députés as well as the ACF’s Executive Director and Community Development Agent, the Committee for Budgetary Evaluation reviews funding applications from organizations throughout the province.142 Its main role is to assess whether projects meet the objectives determined by the community in addition to the criteria set out by the federal government as part of its funding requirements. After an initial evaluation that identifies projects eligible for funding, organizations are invited to contest/debate the first round of recommendations at a public meeting. These deliberations inform the second round of evaluation after which the Committee’s final recommendations are made public to the community during a press conference and passed on to the Minister of Canadian Heritage. Attesting to the ACF’s

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141 Interview with F06.
142 In 2012, the available funding was approximately a third of the sum applied for by various organizations throughout the province. Interview with F10.
leadership in this area, Dubé explains, “We are the only French-Canadian community outside Quebec to have a governance structure that allows us to do this kind of work, as the governing entity” (Hansard, 2010). This claim is largely based on the fact that the ACF is the only provincially-based francophone governance entity in Canada that has abandoned the affiliate-centred model.  

While this unique process reinforces the ACF’s role as a decision-making body for the Fransaskois, its impact is limited in two significant ways. First, the final decision regarding the distribution of funds remains in the hands of the Canadian Heritage Minister. Dubé argues that the level of consultation, evaluation and diligence of the process makes it difficult for the ministry to ignore the committee’s recommendations on moral grounds, but politics can always affect the final outcome. The second limit lies in the fact that the Committee for Budgetary Evaluation only administers funds provided by the Department of Canadian Heritage. With changes in the relationship between Francophone communities and the federal government as well as the Fransaskois’ insertion into various initiatives such as health and immigration, the Department of Canadian Heritage provides less than half of the funding for francophone organizations in

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143 The ACF is the only provincial organization to have this type of structure. Some provincial organizations like the Société de l’Acadie du Nouveau-Brunswick moved towards democratizing its structure by adopting a forum for citizens in 2008 and others like the Fédération acadienne de la Nouvelle-Écosse and the Fédération Franco-Ténoise are exploring similar options.

144 Interview with F01.

145 Interview with F06. Since the establishment of this process, the Minister has only declined to accept two of the ACF’s recommendations, both in 2011.
the province.\textsuperscript{146} The rest comes from different government ministries with whom this arrangement is not in place, from other umbrella organizations or private investments.

To overcome their dependency on state funding, the Fransaskois are seeking alternative ways of funding their activities (see the discussion in chapter six). In the meantime, the ACF is pushing to increase its role in the community’s financial management by seeking a greater role in the administration of funding to the community. Dubé argues that the ACF has the capacity to distribute funds and meet the needs of the community more effectively.\textsuperscript{147} Under the current funding structure, each of the approximately eighty organizations or affiliates in the province is responsible for applying, administrating and evaluating the programs that receive government funding. The administrative burden of this arrangement is significant for many affiliates, some of which do not have a full time staff.\textsuperscript{148} To lessen the administrative burden on individual organizations and increase the autonomy of the ACF, the suggestion was made in 2009 that a single cheque be issued to the ACF and distributed to affiliates through the Committee on Budgetary Evaluation.\textsuperscript{149} When asked about the ACF’s proposal, the Minister for Canadian Heritage replied that “[w]e have to comply with certain requirements and regulations set by Treasury Board regarding the way we provide funding to each organization” (Hansard, 2010).\textsuperscript{150} This ambiguous message has remained

\textsuperscript{146} Interviews with F01 and F28. Based on 2010-2012 date, the percentage of funding from the Department of Canadian Heritage was 47 percent on average. This number is twice as high for local organizations than it is for province-wide organizations.
\textsuperscript{147} Interview with F06.
\textsuperscript{148} Interviews with F10 and F23.
\textsuperscript{149} Interview with F06.
\textsuperscript{150} Similarly, the Director General for Official Languages Support Programs explained that, “[w]e have to ensure that, when these groups make an application, that it is complete and includes financial information regarding results; so, the simplified process that Mr. Dubé hopes to see is not possible” (Hansard, 2010).
constant for more than a decade as Canadian Heritage and other ministries rebuff proposals to have the community administer the allocation of funding to affiliates.\textsuperscript{151} The Fransaskois’ ability to autonomously decide how to govern themselves will ultimately depend on their ability to become economically self-reliant. This is discussed in chapter six.

The ACF’s governance structure aims to accommodate the needs of the grassroots. At the same time, it depends on partnerships with affiliates. Although not without challenges, the ACF has adapted its structure and developed mechanisms to work towards these goals. This has allowed the ACF to increase its legitimacy within as well as outside the community. Dubé remarks that the transparency of the structure and the clarity of the ACF’s mandate have helped the Fransaskois to position themselves alongside federal and provincial governments.\textsuperscript{152} By taking the initiative to develop a democratic process for funding distribution, establishing inclusive criteria for membership and building partnerships with affiliates, the ACF is carving out a space for itself as the governing entity for the Fransaskois.

\textbf{Conclusion}

The Fransaskois’ collective aspirations have shifted over time. Originally intertwined with the objectives of the Métis, the Fransaskois eventually asserted distinct political aspirations as a community in the early 1900s. The Fransaskois’ collective consciousness was largely shaped around the question of education. Seen as fundamental to the survival of the community, education became the primary vehicle through which the Fransaskois

\textsuperscript{151} Interview with F16.

\textsuperscript{152} Interview with F06.
voiced collective goals. Over time, the Fransaskois reviewed their common objectives and developed the institutional capacity to exercise more autonomy over the decisions that affect them.

Today, the Fransaskois are seeking greater control over various aspects of their lives. Through their provincial governance body, the ACF, the Fransaskois are making demands for greater control in terms of funding as well as in other sectors such as health. The Fransaskois’ self-determination objectives are not as far reaching as the Métis or First Nations. However, like these communities, the Fransaskois are seeking greater control over their own affairs. Central to this objective is a rejection of state control. Fundamentally, the Fransaskois aspire to govern those aspects that will ensure their ability to achieve common objectives or in Thériault’s words: faire société.
Chapter 5: Building a Province-Wide First Nation Government

*My culture thinks about government in terms of land. We have a Government of Canada that has jurisdiction over land that you can see on a map...My government has jurisdiction over a province called Saskatchewan, and that is defined in great detail in an annex to the Constitution...When my culture talks about Aboriginal government, we have a tendency to think in terms of a land-based government. For my Indian friends who are treaty Indians living on reserves that may be of some comfort, but for all of the Aboriginal people in this country who do not live on reserves, it is a matter of no comfort at all, and yet we in the majority culture have a hard time imagining a government that is not directly related to a plot of land. I don’t know why this is so.*

- Bob Mitchell, 1994: 309

In 1996, the Federation of Saskatchewan Indian Nations, the Government of Canada and the Government of Saskatchewan challenged the view that power is territorially and culturally determined by grounding self-government negotiations in treaties. Basing discussions on the nation-to-nation relationship embodied in treaties, a “made in Saskatchewan” approach proposed to develop governance outside the territorial confines of reserves and the cultural restrictions of the *Indian Act*. Although the parties succeeded in negotiating a tripartite (Canada-Saskatchewan-First Nations) socio-economic development strategy to institute a province-wide system of Aboriginal governance representing over 115,000 members and over seventy communities, the “made in Saskatchewan” process never materialized.

Unlike Métis and Francophone minorities in Saskatchewan who were able to achieve some level of autonomy over the decision-making structures that govern their members, First Nations in Saskatchewan continue to be officially “governed” by federal legislation through the *Indian Act*. This chapter argues that despite the promise of the
“made in Saskatchewan” dream, the failure to implement a non-territorial model of First Nations governance in Saskatchewan is a result of the inability of the parties to collectively imagine the boundaries of First Nations governance beyond the cultural and territorial confines of the colonial state structure.

Given the role of treaties in understanding First Nations’ political aspirations, this chapter begins with an overview of treaty-making in Saskatchewan. The second section describes the evolution of First Nation political bodies in the province to illustrate how First Nations have developed aggregated governance structures to represent their interests and protect their rights in the absence of a commitment to treaties by federal and provincial governments. The third section discusses the success and challenges of the “made in Saskatchewan” process. In spite of advancements that have allowed First Nations to become increasingly autonomous, the “made in Saskatchewan” experience suggests that self-determination will continue to fail in the province without a renewed vision of the treaty relationship and a commitment to this vision from First Nation and non-First Nation people.

A Brief History of Treaty-Making

The self-determination demands of First Nations in Saskatchewan are grounded in treaties. Between 1874 and 1906, five treaties were signed in present-day Saskatchewan. Each First Nation that signed one of these treaties received a medal and a flag as symbols of the parties’ commitment to live in peace, friendship and alliance with one another “as long as the sun shines, the grass grows and the rivers flow” (OTC, 1998: 61).
Elder Peter Waskahat explains that treaties express a lasting relationship of co-existence between First Nations and settlers:

Elders from many different tribes say they knew about the coming of the White man long before he arrived. They say that Elders and holy men among them prophesied that men would come with different ways, that these men would want to live among them. Long before the arrival of the White man, the First Nations discussed how they would live with the White man. There were extensive discussions to determine how the First Nations could peacefully co-exist with the newcomers. The Elders say that they knew the White man was coming across the sea from places where there was much bloodshed. On the island of the new world created by Wisahkêcâhk, that way of life could not prevail. The island of North America was created so that peace could prevail. When the newcomers arrived, peace treaties would need to be negotiated. It was decided long before the White man arrived that the First Nations would treat the newcomers as relatives, as brothers and sisters. The First Nations had decided that they would live in peace and that they would share the land with these newcomers. The sacred earth could never be sold or given away, according to the principles of the First Nations, but it could be shared. (cited in Cardinal and Hildebrandt, 2000: 31)

In this first section, I present a brief history of treaty-making and highlight the role of treaties not as cultural or territorial documents, but as political covenants between self-determining nations. Relying on historical records and perspectives from Elders, I draw

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153 *Wisahkêcâhk* is a character who appears in various Cree stories, especially in the Creation stories. He is sometimes referred to as “big brother.”
attention to the spirit and intent of treaties, which recognize self-determination as protecting First Nations’ way of life regardless of where they live or what tribal, ethnic or linguistic group they belong to. Throughout this chapter, I argue that First Nations’ approach to governance is informed by an understanding of treaties as relationships between autonomous iyiniwak or peoples that stand to mutually benefit from sharing the land and its resources.

**Treaty-Making in Saskatchewan**

At the end of the nineteenth century, First Nations in what is now Saskatchewan were facing difficult economic conditions. In addition to disappearing buffalo herds, declining fur prices and disease, First Nations were becoming suspicious of the growing interest in land development by settlers (Ray et al., 2000: 97). Like their relatives to the east, they expressed the desire to sign treaties and grew restless as government promises to negotiate were continually postponed (Friesen, 2002: 143). The Canadian Prime Minister at the time saw no use in negotiating treaties in the Saskatchewan District until the government needed the land (Ray et al., 2000: 100). However, Prime Minister Macdonald revisited this position when First Nations threatened to prevent the federal government from surveying the land; in 1874, a group of Cree interrupted a geological survey and the construction of a telegraph line across their territory arguing that such trespassing would not be tolerated until a treaty was made (Friesen, 2002: 143). As James R. Miller writes, “[b]y actions, gestures, and words, [First Nations] made it clear that the territories in
which they resided were theirs, and that the Crown had to take action to secure their agreement before strangers could use their resources” (2009: 153).

The Crown’s decision to negotiate treaties with First Nations in present-day Saskatchewan was largely informed by the political and economic instability in the region. In addition to tense relations between First Nations and the Crown, alliances amongst First Nations were also strained. Government officials on the ground became concerned that further delaying treaties would undermine colonial expansion (Miller, 2009: 145-156). In particular, they worried that the government’s stalling tactics would give the Métis – who were critical of land expansion policies and of treaties – the opportunity to persuade First Nations not to negotiate with government representatives (Ray et al., 2000: 100; see discussion below). Federal officials feared that the growing tensions in the region would lead to a joint Métis-First Nation uprising, open war amongst First Nations or violent conflict with the Crown. As historian Gerald Friesen (2002: 137) explains:

Indians were a sufficiently powerful military force in the early 1870s to evoke fears in official circles and, if nothing more, to threaten immigration prospects for a generation. The fact that there were 25-35,000 Indians in the western interior in 1870, and another 10,000 métis, and fewer than 2,000 Europeans or Canadians reinforced the government’s concern [that First Nations would threaten settlement in the region].

Lacking the human and financial resources to settle the West without the collaboration of First Nations, treaties were more than a mere formality for the federal government, they were essential to its long term goals (Miller, 2009: 156).

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154 In chapter two, I discuss how First Nations began to identify with specific places with the arrival of settlers. Despite their assertion of control over specific places, First Nations continued historical practices of negotiating the terms under which the resources contained within territories would be shared.
When First Nations in the prairies began treaty talks with representatives of the Crown in the nineteenth century, their approach was largely informed by their long-standing relationship with the Hudson’s Bay Company (HBC) (Ray et al., 2000: 3; Tobias, 1986: 243). In its early years of operation, the HBC realized that its success in the Northwest depended on alliances with First Nations and the Métis (Miller, 2009: 12-21). In fact, as Ray et al. write, “the practice of negotiating with First Nations before entering and utilizing their lands was so firmly established in central Canada as to be almost unavoidable” (2000: 34-5; see also Miller, 1989: chapters 4-5). First Nations attached importance to maintaining good relations with Europeans who brought goods and wealth to their communities. Given their interdependent relationship, First Nations and the HBC had historically sought to accommodate each other’s economic and political traditions (Ray et al., 2000: 5; Miller, 2009: 123-140).

However, when the Crown entered treaty talks, it did not stand in an interdependent relationship with First Nations (RCAP, 1996a). Unlike the HBC, which relied on First Nations to hunt, trap and trade, the Crown had diversified its economy beyond the fur trade. In this context, previous practices of obtaining First Nations’ consent before authorizing political or economic development were disfavoured. The Crown’s primary objective was to control the land to allow for colonial expansion regardless of First Nations’ consent (Ray et al., 2000). As described below, First Nations fundamentally disagreed with the idea that land could be taken or sold by the Crown; rather, they maintained that the terms according to which land would be shared had to be negotiated between the parties:
For the first four and a half days of negotiations for Treaty Four, the Saulteaux leaders refused to enter into substantive negotiations because they were upset that land, which they considered as their territory, was ‘sold’ to the Dominion of Canada by the Hudson’s Bay Company without their consent. Once negotiations were underway, Treaty Four Elders state that their forefathers agreed to share the land ‘to the depth of a plow.’ In exchange, the Queen would see that their needs were met and would protect them from the encroachment of settlement. (OTC, 2013a)

In exchange for the protection of their well-being, First Nations agreed to share land and resources with settlers through treaties. In various stories, Elders Alma Kytwayhat, Peter Wakahat and Norman Sunchild allude to the idea that the commitments contained within treaties were ongoing: “treaties were to last forever…[they] can only be broken through the will of the Creator…these promises were forever” (cited in Cardinal and Hildebrandt, 2000: 20-28). Between 1874 and 1906, Treaties Four, Five, Six, Eight and Ten were negotiated with the Chiefs and Headmen of the Cree, Saulteaux, Assiniboin and Dene in the territory now covered by Saskatchewan. The entire province has thus been “treaty territory” since 1906, one year after its creation (OTC, 2007: 1).155

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155 Although the content and form of each treaty varies, all the numbered treaties in Saskatchewan provide socio-economic provisions as well as the protection of hunting and fishing rights to compensate for the right to use and access First Nation lands. The written text of the five treaties that span the present-day territory of Saskatchewan contain three basic terms: 1) First Nations surrendered to the Government of Canada all their rights, titles, and privileges to the lands covered by the treaty, 2) First Nations obtained the right to hunt, trap, and fish throughout the territory covered by the treaty except on tracts required for settlement, mining, or other purposes, and 3) the Government of Canada was to provide reserves based on population for those bands desiring them (Whyte, 1984: 106). Other rights provided for in the treaties include annuities, tools, animals, seeds, ammunition and twine for hunting and fishing as well as schools.
Implementing Treaties or Legislating Indians?

Through the signing of treaties, First Nations believed they were establishing a special relationship between two equal parties that stood to benefit mutually from the agreement (Friesen, 1986; RCAP, 1996a; Stonechild and Waiser, 1997: 28). Although representatives of the Crown acknowledged treaties as sacred relationships through handshakes and pipe ceremonies, government actions were inconsistent with the

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156 This map does not reflect that treaty boundaries in the Southwest corner of the province around Cypress Hills is contested. This area of the province is discussed in Treaties 4, 6 and 7 as well as in treaties in the United States.
principles of treaty-making (Tobias, 1986: 241; OTC, 2007). In the years that followed the signing of the first treaties in present-day Saskatchewan, treaty promises were replaced with legislation that asserted the power of the state over First Nations peoples (RCAP, 1996a: 163-64). When they signed treaties, many First Nations in present-day Saskatchewan were unaware of the existence of the Indian Act, which was adopted by the federal government in 1876 (Cardinal, 1977: 92). However, they became familiar with the Act as the federal government used this legislation – instead of treaties – to mediate its relationship with First Nations (Tobias, 1991: 132-33).

Arguing that treaty promises were not being upheld, some leaders like Payipwat (Piapot) and Minahikosis (Little Pine) objected to being denied the reserves they requested as provided for in 1874 Treaty Four discussions, but were nevertheless forced to move to territories chosen by the federal government (Carter, 1990; Miller, 1991: 245). Others like Kamoyistowesit (Beardy) insisted that the Crown recognize the reserve his people had chosen as promised in treaty negotiations, but the federal government refused, designating a different territory for this reserve. Stonechild and Waiser contend that although First Nations “made a genuine effort to adapt to their new life,” the federal government ignored appeals for assistance, some of which had been guaranteed through treaties (1997: 36-37; Carter, 1991). Attesting to the fact that treaties were sidelined by

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157 For example, the promise of Treaty Six to “lay aside reserves... after consulting with the Indians thereof as to the locality which may be found to be most suitable for them” was translated into a legislated policy in the 1876 version of the Indian Act, which gave individual bands the power to allot reserve land. Three years later, the Indian Act was amended to place the power of choosing reserves in the hands of the Department of Indian Affairs (Tobias, 1991: 133-35). Even though the federal government had already legislated its own power to assign reserves, it led First Nation leaders to believe that they would not be forced onto reserves and would be given the chance to select their reserve in the negotiation of Treaty Eight in 1899. The commissioners for the Treaty Eight negotiation admitted that, “[i]t would have been impossible to have made a treaty with [First Nations] if we had not assured them that there was no intention of confining them to reserves” (Laird et al, 1899).
the federal government, the *Indian Act* does not “recognize, affirm or otherwise acknowledge treaties” (RCAP, 1996a: 164).

Once seen as tools through which to build nation-to-nation relationships of mutual benefit, treaties took on a different character by the end of the nineteenth century. The federal government sought to establish its territorial dominance in the region by adopting federal policies that made it virtually impossible for First Nation leaders to refuse treaties. One of the principal negotiators for Treaty Six, *Mistahimaskwa*, argued that the treaty did not provide enough land and rights for his people and encouraged other First Nations to join him in rejecting treaties that the Crown was not honouring.\(^{158}\) Despite *Mistahimaskwa*’s reluctance to sign the treaty, measures imposed by the Crown on non-treaty First Nations and increasing discontent amongst his tribe forced him to adhere to the treaty in 1882 (Dempsey, 1984: 85; McLeod, 2007; Stonechild and Waiser, 1997: 40-45; Tobias, 1983: 523). By denying rights and resources such as food rations to non-treaty First Nations, the federal government effectively coerced First Nations into signing treaties that did not live up to promises of mutual co-existence.

The deteriorating conditions of First Nations across the prairies and the failure of the Crown to live up to treaty promises led First Nation leaders to call a council in 1884. Consistent with past practices of creating alliances to secure their wellbeing, First Nations of various bands, treaty groups and tribes gathered in Duck Lake.\(^{159}\) Despite the

\(^{158}\) *An article in the* Saskatchewan Herald dated March 8, 1884 states that, “Big Bear has come to the conclusion that there is something wrong in the management of Indian affairs.” University of Saskatchewan Archives, 1984.

\(^{159}\) *Duck Lake is the same place where the Fransaanks held their inaugural meeting in 1912. It is also the place where the First Nation Chiefs held the 1884 council discussed in chapter five. The French name is Lac-aux-Canards.*
animosity that existed between some of them, First Nation leaders from twelve bands worked together under the leadership of Kamoyistowesit to present a list of eighteen grievances, including complaints about inadequate rations as well as the lack of education and medical assistance (Pettipas, 1994: 70; Stonechild, 1991: 263; Goodwill and Sluman, 1984: 46-8; Tobias, 1983: 525). In spite of the Crown’s unfavourable response to petitions demanding the respect of treaty promises, First Nation leaders decided that another council would take place in the summer of 1885 to collectively renegotiate treaties (Stonechild and Waiser, 1997: 62; Friesen, 2002: 151). This meeting, like other forms of Indigenous political mobilization in the prairies, was shelved by the events that took place in Batoche in the spring of 1885 (see the preface).

Métis Influence

First Nations’ relationship with the Crown differed greatly from that of their Métis relatives. The spiritual and political leader of the Métis, Louis Riel, ridiculed treaties, advocating instead for an Aboriginal confederacy that would unite First Nations and the Métis. However, First Nation Chiefs who were “committed to pursuing their own nonviolent solution to their problems” through treaties rejected Riel’s call for unification (Stonechild and Waiser, 1997: 41). Kamoyistowesit, one of the movers for the 1885 council, worried that Riel’s advocacy and his call to arms would undermine diplomatic efforts to renegotiate treaties and threaten the summer’s meeting as well as the possibility of a renewed Cree-Blackfoot alliance. Just as Kamoyistowesit feared, the federal government responded to word of an impending Aboriginal alliance with military might (Stonechild and Blair, 1997).
Testifying to their commitment to uphold treaty promises, many First Nation Chiefs pledged their allegiance to the Canadian government when confrontations erupted between the federal government and the Métis to allay rumours that First Nations were preparing to join Riel. Although historical accounts such as George Stanley’s 1936 *The Birth of Western Canada* portrayed First Nations as allies of the Métis, this interpretation of events has been challenged, if not wholly dismissed, by comprehensive academic research (Carter, 1990; Dempsey, 1984; Beal and Macleod, 1984; Miller, 1991; Stonechild, 1986; Tobias, 1983). Relying on oral history and archival evidence, Stonechild and Waiser characterize First Nations’ involvement in the events of 1885 as “isolated and sporadic, not part of a grand alliance with the Métis” (1997: 4). They argue, along with others (Goodwill and Sluman, 1984; Friesen, 2002; Tobias, 1983), that First Nations favoured peaceful resolution to conflict and sought accommodation with the Crown through treaties.

The events at Batoche and their aftermath froze all hope of renegotiating treaties. The grand council scheduled for the summer of 1885 did not take place. Stonechild and Waiser argue that First Nations had never been more vulnerable in their relations with Ottawa in the months that followed the battle (1997: 192). The loss of the Battle of Batoche gave the Government of Canada leverage to enforce coercive policies against First Nation and Métis communities. Stonechild goes so far as to suggest that, “[t]he government saw the rebellion as an opportunity to achieve a goal which had eluded it since 1870 – that of gaining control over Indians” (1991: 273; Friesen, 2002: 153). The troops sent to suppress the Métis’ political aspirations would also be used to destroy First Nation political alliances (Tobias, 1983: 542; Friesen, 2002: 155). Many of the leaders
who had advocated for First Nation autonomy in the 1870s and 1880s were either dead or imprisoned after 1885, calming the Crown’s fear that First Nations would unite to oppose settlement across the prairies (Tobias, 1986: 245). For this reason, the events of 1885 are referred to in Cree as ê-mâyakhikakahk or “where it all went wrong” (McLeod, 2007: 82).

Although less than five percent of the First Nation population was involved in the events at Batoche, the effects were far-reaching on all First Nation communities in the prairies. Of the 81 First Nation individuals – all Cree except for two Stoney – sent to trial for their participation in the battle, 44 were convicted and eight were hanged (Dickason, 1992: 311; 2002: 205; Friesen, 2002: 155; Pettipas, 1994: 71; Stonechild, 1991: 274). As part of the federal government’s efforts to control First Nations, added restrictions were put in place with the introduction of a pass system, which prevented First Nation individuals from leaving their reserve without permission from a federal Indian agent (Carter, 1990; Jennings, 1986). As such, First Nations’ marginalization was not only social and political, but also physical. As McLeod writes, “[the events of 1885] radically altered our ability to govern ourselves and to perpetuate our stories. The British attempted systematically to alienate us from our land – and, in turn, from our collective traditions” (2007: 55). In this hostile environment, First Nations’ political

160 In comparison, only two whites and 46 Métis were taken into custody, 19 of which were convicted and one (Riel) hanged. Stonechild and Waizer (1997: 198) explain why First Nations faced a harsher plight than the Métis: “The Métis had political clout with the Roman Catholic clergy and francophone members of Parliament – at Louis Riel’s trial, this political pressure was evident. The First Nations though did not have counsel, did not understand the system.”

161 The marginalization of First Nations was especially pronounced with the proliferation of residential schools. Introduced in 1883, these institutions adopted new restrictions between 1895 and 1914, banning or regulating ceremonies, dance, song, and dress for First Nations (Pettipas, 1994; Tobias, 1991: 135). While assimilative policies can be traced at least as far back as the 1820s, coercive policies aimed at assimilation became widespread across the prairies in the aftermath of 1885 (Miller, 1991: xiv).
demands quieted as the threat of repression deterred open confrontation against the federal government.

(Re)Building a First Nation Political Community

One of the most painful lessons that Indian peoples are learning is the need for organization through which they can articulate their needs and their alternatives to the Canadian society and its government…The work of creating stable and representative organizations has been one of the most difficult challenges faced by our people.


In the first quarter of the twentieth century, First Nation communities were isolated on reserves where they lived not according to treaty promises, but under the rules of the Indian Act.\textsuperscript{162} Restrictions on their movement with the enforcement of the pass system meant that First Nations interacted little with members outside of their community, with the exception of those children who were removed from their reserves to attend residential schools. This changed with the onset of World War One as some First Nation individuals (voluntarily) enlisted in the Canadian military despite the fact that treaties exempted many of them from having to serve in battle. For most of those who enlisted, service overseas was their first experience of life beyond the Indian Act (Meijers Drees, 2002: xiii). During the war, First Nation veterans were not only exposed to the problems of inequality abroad, but were also made aware of the injustices faced by Indigenous peoples across the country. As Berton Baptiste from Little Pine First Nation remembers,

\textsuperscript{162} Alfred Billette from the Buffalo River Dene Nation in northern Saskatchewan remembers how the federal laws changed his way of life: “When I was young, I remember trapping and hunting with people in the Primrose Lake area west of Dillon. We were free to do what we wanted within our traditional hunting areas. That changed in the 1950s when the military took that land from us and changed it into a restricted area to be used for the sole purpose of military exercises...Now, we can't even hunt there without fearing serious charges. What happened to the treaty when it was supposed to protect us?” (cited in Cardinal and Hildebrandt, 2000: 60).
The government said we had to go to war, but we all volunteered and when we came home we were promised things. I heard we were supposed to be given things. I wouldn’t understand and I didn’t know, but Indian Affairs was handling everything for us. We were given much less than our White buddies. We couldn’t start farming. We had no land because it belonged to others. I didn’t take my grant right away because we were having trouble over the land, even though I was in the army for 9 years and 8 months, and fought in two wars…I knew things weren’t going very well for the Veterans grants. I got a hold of Ivan Ahenakew, Tom Sapp, Solomon Mosquito and a few guys like that. We slowly made progress. (cited in SFNVA, 2009)

The exposure of war led to a growing sense of “pan-Indian consciousness” that helped mobilize First Nations and revive treaties in Saskatchewan (Titley, 1984: 54; Meijers Drees, 2002: xiii).

The mobilization of First Nations in the twentieth century is often portrayed in academic circles as a consequence of the world wars as well as a reaction to discriminatory federal and provincial policies (Barron, 1997; Innes, 2000; Pitsula, 1994; Titley, 1984; Tennant, 1982; Morrison, 1995; Sawchuk, 1992, 1998). However, little attention is paid to the way in which First Nations themselves influenced political outcomes.163 Below, I situate the evolution of First Nation political structures in Saskatchewan by focusing not only on the historical and political context in which they emerged, but also on the vision and actions of First Nation leaders. Building on the discussion in part one, I argue that First Nation political structures in Saskatchewan were shaped by leaders who united dispersed communities in a common struggle for collective rights as iyiniwak, that is as self-determining peoples. By grounding their political demands in treaties, First Nation leaders sought to replace state-imposed structures with aggregative governance bodies that upheld the collective treaty rights of First Nations,

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163 An exception is found in recent scholarship by Laurie Meijer Drees (2002). In her study of the Indian Association of Alberta, Meijer Drees contends that the local interests of First Nations themselves accounts for the evolution of this organization.
irrespective of which Indigenous group they belong to and of the territory on which they live.

**Uniting First Nations in A Common Struggle: Treaty Rights**

In a recent study of First Nation activism in Saskatchewan, Bonita Beatty writes that,

> After World War II, emerging generations with family names like Tootoosis, Spence, Cuthand, Dreaver, Dieter, Ahenakew, Venne, Cook, Bird, among many, continued the political struggle [of Chiefs such as Poundmaker, Big Bear, and Piapot for political sovereignty] through organized political institutions and an extensive array of political, social and economic arrangements with all levels of government. (2008: 201)

In Saskatchewan, the first provincial political body for First Nations was founded as part of the Indian League of Canada. Created after World War One under the leadership of Lieutenant Frederick Loft, a Mohawk Indian, the League sought to protect the rights of First Nations peoples throughout the country. To legitimize itself as a political organization, members of the League adopted a constitution in 1919 and outlined their priorities, which included the absolute control of Indian land, the well-being of Indians and the right to be consulted in dealings with governments (Goodwill and Sluman, 1984: 129). In 1921, the annual congress of the League was held at the Thunderchild Reserve in Saskatchewan. For many of the Saskatchewan delegates, this was their first experience with organized politics on a broad scale. Attending the meeting with his father on behalf of the Poundmaker Reserve, John Tootoosis was greatly influenced by discussions of First Nation political activism (Goodwill and Sluman, 1984: 135; Saskatchewan Archives Board, 1976-77).
Tootoosis would become a key political organizer for First Nations peoples and an adamant supporter of the creation of a nation-wide organization, which he saw as an avenue for protecting treaties. In 1929, he worked with First Nations who had signed Treaty Six to create the League of Indians of Western Canada (Thompson, 2004: xv). Concerned about the conditions of residential schools and the right to land, this organization made a number of requests to the federal Department of Indian Affairs in its early years of existence. At a 1931 meeting attended by thirteen hundred First Nations party to Treaty Six from thirteen reserves in Alberta and Saskatchewan, eighteen resolutions ranging from land for hunting to parliamentary representation were adopted, all of which were dismissed by the federal government (Goodwill and Sluman, 1984: 148-49).

The federal government’s rejection of First Nation demands did not slow Tootoosis’ commitment to promote and seek the fulfillment of treaties. Influenced by the history of his people, especially by Canada’s post-1885 treatment of Pitikwahanapiwiyin after whom his reserve is named, Tootoosis travelled to communities such as Little Pine, Sweet Grass, Red Pheasant, Mosquito, Moosomin, Thunderchild, Onion Lake, Waterhen Lake and Meadow Lake to talk to First Nations about their treaty rights and encourage them to exact better treatment and the respect of

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164 In an interview, Walter Deiter explains that Tootoosis was not especially well liked by First Nations at first because his ideas were unfamiliar. Over the years, he became a respected leader (First Nations University of Canada Archives, 1977).
165 Although separate branches of the League emerged in each province over time, Saskatchewan and Alberta held joint meetings given that Treaty Six covered areas in both provinces (Goodwill and Sluman, 1984: 172). In 1936, the Saskatchewan and Alberta divided into two branches but continued to hold joint meetings since Treaty Six covered areas in both provinces.
166 Tootoosis eventually went to Ottawa to follow-up on the League’s resolution (Saskatchewan Archives Board, 1976-77).
167 Pitikwahanapiwiyin was imprisoned for his 1885 participation in Batoche and died of illness in prison.
treaties from the federal government (Goodwill and Sluman, 1984: 157). He often spoke of how difficult it was to mobilize First Nations because, as he recalls: “Indians weren’t organized before. They were so damn dominated by the government” (cited in McLeod, 2007: 86). However, under the leadership of Tootoosis, treaties became a central element of the stories told about First Nations in Saskatchewan in the first half of the twentieth century – much like those told in the nineteenth century (see Cardinal and Hildebrandt, 2000; Funk and Lobe, 2008; Dodson et al., 2006). As McLeod argues, the revival of “[s]tories and language led some [Cree people] back to their true identities” (2007: 86)

Tootoosis’ focus on treaties differed from that of his counterparts in other provinces. For instance, Alberta First Nation leader Johnny Callihoo advocated for the equal status of Aboriginal and non-Aboriginal people alongside non-status Indians and the Métis. However, Tootoosis resisted such alliances favouring instead local treaty-level unions or a national organization that focused explicitly on treaty rights (Meijer Drees, 2002: 179-182). For First Nations in Saskatchewan, treaties defined their political existence: the spirit and intent of treaties had historically informed relationships amongst First Nations and continued to guide First Nations in their political relations.

The mobilization efforts of First Nations in the Treaty Six area were echoed in the south amongst Treaty Four nations where Pasqua, Piapot, and Muscowpetung formed a new organization, the Allied Bands, in 1921 (Pitsula, 2001: 354; Thompson, 2004: xv). This alliance, with grievances revolving around the Soldier Settlement Act, expanded into

\[168\] Referring to Tootoosis’ spirit of resistance against colonial policies, McLeod (2007: 86) compares Tootoosis to Mistahimaskwa who had fought to resist taking treaty and demand better outcomes for his people in the 1880s.
the Fort Qu’Appelle area to form the Saskatchewan Treaty Protection Association in 1930. Under the leadership of Andrew Gordon and John Gambler, the organization again changed its mandate to focus explicitly on defending treaty rights in 1933 under a new name, the Protective Association for Indians and their Treaties (Goodwill and Sluman, 1984: 177).

The creation of a northern and a southern First Nation organization built around treaties was made possible by the growing political consciousness across the province as First Nation leaders travelled to various reserves to rally the support of First Nations in a common cause. During this time of political activism, McLeod notes that, “people would help each other, stay at each other’s houses and feed travellers. They would share what little they had and collect money to help activists attend meetings. Leaders back then had a lot of support because they truly did represent the people” (2007: 87). In contrast with the Indian Act logic that dominated First Nation communities in the first half of the twentieth century, treaties once again occupied a central role in First Nations’ collective imagination.

One of the key mobilisers at the time, Joe Dreaver, was adamant in his view that First Nations’ relations with other governments did not live up to treaty promises. During a meeting attended by leaders of various First Nation communities, he argued that, “[t]he Indian Department has gone to work without consulting the Indians; they never asked us where our grievances might originate. This is not the treaty” (cited in McLeod, 2007: 88). As previously isolated First Nation communities began to work together to protect their

169 Adopted in 1917, the Soldier Settlement Act provided World War I veterans with $2,500 interest-free loans and a quarter-section of land (see Carter, 1999).
treaty rights, they established a body that had a more province-wide mandate in 1943 under the name of the Association of Saskatchewan Indians (ASI). Under Dreaver’s leadership, the ASI quickly became the largest First Nation organization in the province, establishing the base of what would eventually become the Federation of Saskatchewan Indian Nations.

The federal government largely dismissed demands made by First Nations through these various political organizations and actively sought to discourage their activities. For example, a 1927 amendment to the Indian Act made it illegal to provide funds that supported First Nation legal action until the Act was again amended in 1951. Although such policy provisions discouraged First Nations from publicly defying the federal government, it did not deter them from pursuing their political objectives. Examples of First Nation political mobilization can be found in the events that led to the creation of a national representative organization to champion their rights in 1944. To discourage First Nations from participating in the meetings that led to the establishment of this organization, the Department of Indian Affairs issued the following statement: “the Department is at all times willing to consider with care and sympathy any reasonable representations that the Indians may wish to make in the proper way which is through their Indian Agents” (cited in Goodwill and Sluman, 1984: 178). First Nation leaders who had repeatedly tried to use diplomatic channels without success founded the North American Indian Brotherhood to champion their rights.

Echoing initiatives at the national level, sixty representatives of the Cree, Sioux, Saulteaux and Assiniboin discussed the establishment of a province-wide organization
during a 1946 meeting of the League of Indians of Western Canada at which Henry John of the Protective Association and Dreaver of the ASI were both invited through the support of then Premier of Saskatchewan, T.C. Douglas of the Co-operative Commonwealth Federation party (CCF). The CCF’s intervention in First Nations politics was a “mixed blessing” (Pitsula, 2001: 354-57). Although Douglas helped to coalesce First Nations in Saskatchewan, the province-wide political organization was accused of being a puppet of the CCF that did not reflect authentic First Nation interests (Pitsula, 2001, 1994).

However, accusations that the state was structuring the political activities of First Nations was rejected by leaders of the community who insisted they were the ones who pushed for an amalgamated organization and that they controlled the political agenda (Saskatchewan Archives Board, 1976-77). Conducting much of their business in Cree, First Nation leaders recognized the need to create an aggregated organization to overcome the isolation of First Nations and achieve their collective goals. With a steadfast commitment to treaties, Tootoosis was elected as president of the unified provincial organization. As he recalls, “[i]t was time to strengthen unity. I asked that we be given a new name. [First Nations] agreed and we called it, ‘The Federation of

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170 The minutes from the meeting are recorded in Saskatchewan Archives Board, 1946. See also Unauthored, 1995a: 15; Unauthored, 1946.

171 The role of T.C. Douglas can be ascertained from documents in the University of Saskatchewan Archives, Barron fonds, files 20-34-36.

172 This is illustrated in a 1947 article that states, “Members of the Union of Saskatchewan Indians, meeting in Saskatoon last week, effectively refuted charges that the Union is dominated by non-Indians. The 60 delegates, representing almost every reserve and agency in Saskatchewan, spent two days in clause-by-clause discussion of the brief which they will present to the joint parliamentary committee on Indian Affairs, conducting most of the debate in the Cree language” (Saskatchewan Archives Board, 1947).
Saskatchewan Indians” (cited in Beatty, 2008: 210). During a 1958 meeting attended by all but two reserves in the province, the Federation of Saskatchewan Indians (FSI) renewed its commitment to unite First Nations in a common struggle for treaty rights.

Responding to demands of rejuvenated First Nation political organizations in the 1950s, the federal government reversed laws banning Indigenous customs such as potlatches and pow-wows and also dropped restrictions on political organizations. In any event, these restrictions had not been wholly effective; First Nations continued to conduct their ceremonies and organize politically throughout the first half of the twentieth century, albeit in a clandestine fashion (Pettipas, 1994; Dickason, 2006: 234). Particularly significant was the 1951 revisions of the Indian Act that reversed the prohibition of funding to First Nations for legal objectives thereby allowing First Nations to pursue land claims. Remembering this change, one Elder remarked that, “[t]oday, things have changed. We even hire lawyers today. Way back in the beginning our people did not have access to these sources. The lawyers would not help because they were afraid” (Tootoosis, 1998/1999: 17).

Described by former First Nation leader David Ahenakew as a “Quiet Revolution” (cited in Pitsula, 2001: 359), this period of intense political mobilization led to what Sally Weaver (1990) calls a “paradigm shift” as First Nation activism forced the federal government to abandon its policy based on individual rights and integration for one founded on collective rights and self-determination. Cardinal argues that the

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173 The organization was initially called the Union of Saskatchewan Indians in 1946 and was renamed the FSI in 1958.
Canadian government began to shift its policy towards First Nations as a “direct result of the increased activity of Indian organizations” (1999: 85).

Treaty Rights or Service Delivery?

Although the mobilization efforts that led to the creation of the FSI revolved around treaties, the FSI’s activities were primarily directed towards service delivery in the 1960s. The FSI took on a formal role as a service delivery organization when the federal government made core funding available to political associations representing Aboriginal groups in response to opposition to the 1969 White Paper on Indian Policy. As Yale Belanger argues, the White Paper acted as a “catalyst galvanizing Native leaders to unprecedented levels of political opposition and activism, and led to a subsequent period of organizing calculated to ensure the protection of what were now being described as Aboriginal rights” (2008: vii). Under Canada’s new political climate, the FSI’s budget increased from $70,000 in 1969 to $1.5 million in 1972 (Pitsula, 2001: 359). Today, this budget stands at $20 million.

During the FSI’s growth as a service delivery organization, constraints related to funding and operations began to undermine its role as a governance body dedicated to respecting treaty rights. By the 1980s, weaknesses in the FSI’s political and organizational structure became apparent in two significant ways. First, to more effectively work with state partners, the FSI had centralized programs and services at the provincial level at the expense of band council autonomy. Second, similar to the Mètis, the FSI had been incorporated as a non-profit organization under provincial legislation.

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174 The 1969 and 1972 amounts are equivalent to approximately $425,276 and $8 million respectively today.
As a result, it was limited in pursuing political objectives like treaty rights and self-determination (FSIN, historical formation; Thompson, 2004: xv). There was a growing sentiment amongst individual First Nations that they had relinquished too much power to the FSI. First Nations therefore sought to regain control over their own affairs. At the same time, they wanted to increase the legitimacy of the FSI as a political representative body for First Nations. The desire to strengthen the role of individual bands and legitimize the collective political aspirations of First Nations within an aggregated representative body led to a restructuring of the organization in the 1980s.

**A First Nation Federative Governance Structure**

In April 1982, First Nation Chiefs of Saskatchewan signed a political convention outlining the structure of the newly named Federation of Saskatchewan Indian Nations (FSIN) (FSIN, 2011b). First Nations in Saskatchewan were the first in the country to abandon the government-directed not-for-profit structure and establish what Saskatchewan Chiefs described as a “true federation of nations” with a province-wide First Nation Legislative Assembly (Beatty, 2008: 212). Restoring the centrality of treaties in Indigenous governance, the first stated goal of the FSIN is: “The protection of Treaties and Treaty Rights” (FSIN, 2011a). In order to achieve this goal, First Nations sought to strengthen the internal authority of bands by reinvigorating chieftainships and establishing a strong governance structure.

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175 Not-for-profit legislation precludes the creation of “political bodies.” For a discussion of its limits see chapter three.
The *Saskatchewan Indian*, a First Nation magazine published by the FSIN, describes this process as a natural transition that is consistent with historical attempts to establish First Nation alliances:

Unlike the noisy constitutional battles of last year between the federal and provincial governments, the Federation of Saskatchewan Indian Nations (FSIN) is quietly and methodically transforming itself into an Indian Government. The reason for this quiet and co-operative re-organization is that, it has been in the works for a long time – at least 400 years. (H.K., 1982: 8)

By renewing their commitment to treaties, First Nations rejected hierarchical structures that subject their members to the rule of external bodies. Instead, they created a federative structure outside of Saskatchewan’s societies legislation through which to pursue collective goals. Ultimately, power was restored to First Nations.

*The Contemporary Structure of the FSIN*

Today, the FSIN is made up of 74 First Nations, 10 tribal councils and approximately 130,000 First Nation citizens in Saskatchewan (FSIN, 2011d; AAND, 2009). Consistent with the changes made in 1982, the FSIN’s structure is built on the autonomy of individual First Nations. As the former Chief of the FSIN, Sol Sanderson explains, “we have designed an Indian government constitution to accommodate the broadest objectives possible, but the main objective is to protect individual band autonomy” (1984: 158). Each First Nation\textsuperscript{176} signatory to the FSIN Convention elects a Chief and

\textsuperscript{176} All but one of the 75 First Nations in Saskatchewan are members of the FSIN. Big Island Cree Nation is the only non-member in the province. Recent political turmoil has led to the public questioning of membership by other First Nations, notably by the nine Chiefs of the Meadow Lake Tribal Council (Warrick, 2011b).
headmen/councillors to sit as Chiefs-in-Assembly. These Chiefs represent individual First Nations’ interests at the Legislative Assembly, alongside the Executive (made up of the FSIN Chief and four Vice-Chiefs), Tribal Agencies/Grand Council Chiefs, Senators and representatives from the Veterans’ Association and the First Nations Women’s Council.

Figure 6: Legislative Assembly

![Legislative Assembly Diagram](image)

(FSIN, undated-LA)

The first of its kind in Canada, the Legislative Assembly has powers to pass laws, ordinances, statutes, regulations and codes, and also supervises the activities of the Executive. Since its first sitting on October 19, 1983, the Assembly meets three times a year with optional special sessions (Thompson, 2004: xv).

While the Legislative Assembly provides a forum for discussion for First Nations across the province, it is the Executive – made up of the elected Chief and Vice-Chiefs – that are the spokespersons for the various portfolios mandated by the Assembly. They are aided in their day-to-day political work by other members of the Executive Council, commonly referred to as the Indian Government.
Commission (IGC). The IGC consists of Tribal Council representatives, one elected member from each independent First Nation, the FSIN Chief of Staff, two FSIN Senate members and an appointee from the Saskatchewan Treaty Women’s Secretariat. The Indian Government Commission is responsible for much of the policy work of the FSIN.

Figure 7: The FSIN Organizational Structure

The FSIN’s governance structure also includes an Auditor General, a Treasury Board, and six major Commissions: Lands and Resources, Economic and Community
Development, Education and Training, Health and Social Development, Gaming, and Justice (FSIN, 2011b). These commissions play an important role in furthering treaty rights insofar as they allow First Nations to develop all aspects of governance in specific areas. For instance, the Saskatchewan Indian Education Commission establish in 1985 led to the creation of a First Nation-controlled post-secondary institution and continues to work with various partners to further treaty rights to education (Beatty, 2008: 214).

Today, the FSIN is the longest standing and most developed province-wide First Nation governance structure in the country (Beatty, 2008: 208).\textsuperscript{177} It has allowed First Nations to work towards the fulfillment of their treaty rights through an aggregative structure. Although sometimes perceived as a First Nation government, the FSIN has no political authority over First Nations in Saskatchewan; rather, it derives power and legitimacy from member nations. The FSIN governance structure is consistent with historical alliances that were maintained through consensus-based decision-making. While it reflects traditional First Nation values of relationship-building, the FSIN is pulled in different directions in its day-to-day activities with actors that do not share traditional First Nation governance principles. As I argue below, the co-existence of traditional and contemporary governance principles creates tensions that undermine the alliances First Nations have built to pursue treaty rights.

\textsuperscript{177} Although there are aggregative bodies in other provinces, none match the historical or political development of the FSIN. Divisions between north and south in Manitoba and between treaty groups in Alberta have prevented First Nations from developing similar bodies. In Ontario, the strong presence of tribal/national identities and the political strength of the Six Nations structure the political climate despite the existence of a province-wide coordinating body since 1975.
The Co-Existence of Traditional and Contemporary Governance

Throughout this chapter, I make the case that strong First Nation leaders contributed to the creation of a bold, innovative and complex governance structure grounded in treaty rights. However, a counter-narrative has surfaced in recent years as the FSIN has become embroiled in a number of controversies. Internal power struggles and conflicting views of power between First Nation and federal/provincial governments undermine First Nations’ pursuit of treaty rights. To draw attention to the way in which First Nation governance principles have come under stress in contemporary societies, I describe some of the events that inform this counter-narrative.

In recent years, the FSIN has been the site of divisive power struggles. In September 2011, former FSIN Chief Guy Lonechild resigned. As events unfolded, allegations were made that a handful of powerful Chiefs tried to fire Lonechild in large part to prevent him from addressing issues of accountability within the FSIN. Columnist John Gormley (2011) suggests that the events surrounding Lonechild’s dismissal confirmed that “certain powerful Indian Chiefs and their supporters were more concerned with hounding Lonechild from political office than respecting procedural fairness, natural justice or even the rule of law.”

178 Chiefs argued that Lonechild should be fired for concealing an impaired driving charge when he had run for office, but political motivations were also at play. In an article published in the Regina Leader-Post, Aboriginal free-lance journalist Chris Tyrone (2011) wrote, “the first thing [Lonechild] did when he became Chief, was dismantle the FNUniv (First Nations University of Canada) board and overhaul its entire operations possibly saving the institution from a corrupt past five years of misspending (but some of those board members were Chiefs that voted him in power and they got angry too). Then this summer, he also wanted to “professionalize” other institutions, like SIGA (Saskatchewan Indian Gaming Authority) and those people got angry as well, so you can see where all this lead to...he got a lot of people angry.” Contributing to negative perceptions of First Nations politics, Lonechild also came under fire for accepting a lucrative settlement package for his resignation.
Weeks later, Kirk Goodtrack, who had also initiated a series of reforms as the new chair of the Saskatchewan Indian Gaming Authority, a profitable entity owned by the FSIN that operates casinos on First Nation lands, was fired. Respected Aboriginal columnist Doug Cuthand writes that the “powers that be” would not accept the downsizing and streamlining that Goodtrack was leading by cutting per diems, board expenses and the frequency of meetings. Cuthand argues that, in contrast with the visionary leadership of the 1980s, parochialism and internal power struggles are sending a clear message: “if you are bright, well-educated, experienced and have a vision, stay away from the FSIN” (2011a). Coupled with the much-publicized crisis of the First Nations University in Regina in 2010179, these recent events have tarnished the reputation of the FSIN.

The counter-narrative informed by recent controversies clashes with the narrative of strong and innovative political activism presented in the rest of this chapter. At the core of these conflicting narratives are competing principles of governance. Prior to the adoption of the Indian Act, First Nation governance was informed by the Cree principle of *miyowicēhtowin* (possessing good relations). This principle requires that individuals and nations conduct themselves in such a way as to create positive or good relationships individually and collectively. As Cardinal and Hildebrandt write, “[t]he doctrine of ‘good relations’ is an essential and integral component of the teachings of all the Treaty First Nations in Saskatchewan” (2000: 14).

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179 The federal and provincial government withdrew funding from the First Nation University of Canada in 2010 in response to allegations of fraud and fiscal mismanagement. The university’s board, which was composed of a large number of First Nation Chiefs had politicized the institution; it was eventually reformed.
In contrast, colonial policies such as the *Indian Act* are informed by a hierarchical view of governance where power is not shared but instead delegated from the top down. Under the *Indian Act*, First Nations do not stand in a relationship of co-existence with the federal government. Instead, First Nations depend on the federal government for funding as well as for the approval of many their internal governance processes. The messy coexistence of traditional and contemporary principles of governance has led First Nations to operate in a political environment that is reminiscent of the traditional values expressed in the FSIN’s founding documents while also being constrained by colonial conceptions of power and authority.

While a full assessment of the impact of colonial policies on First Nations governance is beyond the scope of this study, it is relevant to note that First Nation governance structures have been shaped in interaction with colonial policies designed to undermine First Nation autonomy. As such, contemporary developments occur against a backdrop that longtime policy advisor to the FSIN Murray Long describes as “Indian Act politics” where stories of weak, corrupt and dependent communities undermine the narrative of strong, visionary and autonomous First Nation leadership.

The chaos left behind by the messy coexistence of traditional and contemporary governance principles too often overshadows the fact that the governance bodies First Nations in Saskatchewan have developed for themselves represent bold and ambitious achievements. In a period of a few decades, leaders
have united over seventy nations from various linguistic, tribal and treaty groups representing more than a 130,000 individuals in a common political structure. As a forum for collective decision-making, the FSIN has worked in partnership with its members as well as with the provincial and federal governments on a number of files such as education, health and justice that have had an important impact of the lives of First Nation individuals in Saskatchewan.

One of the most ambitious undertakings of the FSIN was to propose the creation of a province-wide First Nation governance framework that would not be bound by the Indian Act, but would instead be grounded in treaties. Through negotiations with federal and provincial governments, First Nations proposed to fundamentally reconfigure Saskatchewan’s governance landscape. The following section articulates the dream of building a First Nation governance framework in Saskatchewan grounded in treaties. While this dream is consistent with the narrative of strong and bold leadership that informed First Nation political mobilization throughout the nineteenth and twentieth century, it did not materialize. I argue that a governance framework built on the treaty relationship cannot be fulfilled without abandoning colonial worldviews that privilege unitary cultural and territorial categories. Fulfilling treaties requires calming the tension between First Nation and non-First Nation approaches to governance and embracing treaties as relationships between iyiniwak, self-determining peoples.

**The Dream Versus The Reality**
Building on the treaty relationship, the “made in Saskatchewan” process aimed to remove First Nations from the Indian Act by developing a province-wide First Nation governance framework that would replace the FSIN. Through negotiations between First Nations, the Government of Canada and the Government of Saskatchewan, the parties agreed to develop a province-wide First Nation government with a number of regional governments based on tribal or treaty areas in which over seventy First Nations could choose to participate through a process of “delegating forward.” Despite the proposal to develop governance outside of the territorial confines of reserves and the cultural restrictions of the Indian Act, the “made in Saskatchewan” process never materialized. In discussing the development and the outcome of the “made in Saskatchewan” process, this section attributes the failure of this exercise to the inability of all parties to move away from the cultural, political and territorial categories that currently govern First Nations peoples and fulfill the spirit of the numbered treaties.

The Process

Established in 1996, the “made in Saskatchewan” process was initiated with the creation of the exploratory table, later named the treaty table, which provided a forum for bilateral discussions between the federal government and the FSIN to develop a common understanding of historic treaties.\textsuperscript{180} To facilitate this objective, the Office of the Treaty Commissioner (OTC), originally established in 1989 as an impartial arbiter to deal with treaty land entitlements still owed to First Nations, was given a renewed mandate in

\textsuperscript{180} The provincial government held observer status.
1996. The OTC oversaw treaty table meetings that addressed the interpretation of jurisdiction in areas such as child welfare, education, shelter, health, justice, treaty annuities, hunting, fishing, trapping and gathering, and lands and resources (Hawkes, 2005: 123). The discussions at this table were unique: oral history was valued as much as the written record, prayers were held and Elders occupied pre-eminent positions at the table alongside lawyers and politicians. In many ways, the treaty table re-created the conditions of initial treaty-making.

The first task of this table was to develop a common understanding of the treaty relationship to guide negotiations. To this end, a series of community consultations as well as discussions between representatives of the parties culminated in the publication of the Statement of Treaty Issues: Treaties as a Bridge to the Future in 1998, which was intended to inform negotiations. This document emphasizes that the objective was not to renegotiate treaties, but to explore the requirements and implications of implementing the treaty relationship. It states that,

We are charting a new course for relations between Treaty First Nation governments and other people in Saskatchewan, a course which requires us to take three steps: to acknowledge the mistakes and injustices of the past…; to reaffirm our commitment to the historic treaties in Saskatchewan; and to build practical, forward-looking arrangements based on existing treaty relationships. (OTC, 1998: 1)

The terms of this relationship were discussed at the treaty table, commonly referred to as the “boss table” by Elders such as Alma Kytwayhat. However, federal and provincial governments – particularly concerned with what self-determination would actually look like

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181 Under the guidance of the OTC, Saskatchewan became the first province to sign a TLEFA under Canada’s Specific Claims process in 1992.
182 Interviews with F22 and F21.
like under a renewed treaty relationship – placed much of their attention on a parallel, but distinct, process: the “common table.”

The common table addressed the more technical aspects of governance, such as jurisdiction and fiscal arrangements. Established by the signing of a Protocol Agreement in 1996, it provides a trilateral process for regular meetings between the Chief of the FSIN, the federal minister of Indian Affairs and Northern Development and the provincial minister of Intergovernmental and Aboriginal Affairs (now First Nations and Métis Relations) (Protocol, 1996). In order to negotiate and implement First Nations governance, the parties agreed that negotiations would be interest-based and thus that they would only address those areas where a common interest could be agreed upon. The intention was to use the discussions of the treaty table to help develop common objectives in areas of joint interest. Given the lack of trust between parties, the need to establish a common interest before pursuing negotiations was viewed as integral to the success of the process.

At the same time, the idea of interest-based negotiations was at odds with the fact that provincial and federal governments already had set policy frameworks within which to work (Rasmussen, 2006). With policies related to land claims and self-determination already approved by their respective governments, federal and provincial officials were absorbed in the work of the common table. In contrast, none of the parties had a treaty policy, leaving negotiators with a limited ability to discuss the parties’ understanding of

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183 Interviews with F22 and F21.
184 Interviews with F18, F22 and F27.
185 Interview with F27.
186 Interview with F21.
the treaty relationship. Although crucial to the overall success of the “made in
Saskatchewan” process, the discussions of the treaty table were eventually superseded by
negotiations at the common table, which focused on more tangible policy outcomes.\footnote{187}

To help the parties come to grips with what governance would look like in the
day-to-day life of people living in Saskatchewan under a renewed treaty relationship, the
common table discussed potential models and partnerships on a sector-by-sector basis
starting with two key areas of common interest: education as well as children and
families. To this end, the work of the common table was divided between two tripartite
entities, the governance table and the fiscal relations table. The governance table
addressed the implementation of treaty governance by outlining the parties’ roles and
responsibilities with respect to governance, jurisdiction and programming. For its part,
the fiscal table explored fiscal relations among First Nation, federal and provincial
governments. Discussions addressed questions such as: What taxing and spending
authorities would First Nations exercise? What fiscal relations would these three orders
of government have? This gave rise to discussions of a socio-economic strategy that
would include resource revenue sharing and own-source revenues for First Nation
governments (FSIN, 2009; OTC, 1998: 5).\footnote{188}

**The Agreement-in-Principle**

After years of discussions, the negotiators of the three parties proposed an Agreement-In-
Principle (AIP) in 2003. Founded on First Nations’ inherent right to self-determination,
\footnote{187 Interview with F21.}
\footnote{188 The three parties signed a Work Plan setting out the means by which to fiscally manage First Nations governance in 1997 (OTC, 1998: 5; FSIN, 2009).}
the AIP recognized First Nations’ jurisdictional and law-making powers over education, family and child services, membership, and financial management (AIP, 2003). Various proposals as to how to develop self-determination in these sectors were discussed in the AIP. Underlying these proposals was the idea that a First Nation governance system would be based on a single province-wide government, with a number of regional governments (based on tribal or treaty areas) governing more than seventy First Nation communities (Hawkes, 2005).

Recognizing that individual First Nation communities hold the right to self-determination, all First Nations signatory to the agreement would have to choose whether and how to delegate their authority to community governments or to a province-wide government that would carry out the responsibilities outlined in the various chapters of the AIP. Although legislation would apply province-wide, the idea of “delegating forward” allowed First Nations to choose the level at which to develop governance structures. As the AIP explains,

First Nations shall delegate Jurisdiction to the Province-wide First Nation Government so that legislation in relation to the matters for which Jurisdiction is provided in this Chapter may be enacted and First Nation Laws will apply on a province-wide basis, while providing for implementation by Community First Nation Governments, Regional First Nation Governments or the Province-wide First Nation Government, as First Nations may determine. (2003: 8.4)

Just as individual First Nations were signatory to treaties, the AIP recognizes that each First Nation has the authority to choose whether or not to delegate jurisdiction to regional, tribal, treaty or other types of governments in accordance with their constitutions (AIP, 2003: chapter six). In practice, this would have allowed First Nations

189 Interviews with F22 and F27.
to participate in a treaty-wide First Nation education system such as the one being
developed between Treaty Four bands, in regional school boards like the Northern Lights
School Division #113 in northern Saskatchewan, or to develop their own educational
system as has been done by the Onion Lake First Nation. Regardless of how First Nations
would eventually choose to organize education, there was a general agreement that all
First Nations in Saskatchewan would work with a single community-driven First Nation
Education Act.

Consistent with historical practices of building alliances, First Nations recognized
the need for aggregation and unity. As one Elder explains:

To Treaty First Nations, when we operate as Bands, we are like the lame buffalo
of old. We lose the protection of the herd and easily fall prey to the wolves. And
the vision is clear today – the full realization of coming to the edge of the Buffalo
Jump, in hand with our future generations, if and when we continue to over-graze
in one area of the Federal Government’s buffalo pound of regional pilot projects,
proposals and transfer agreements, etc., which decays our sacred trust of the
Treaties. (Cited in unauthored, 1995b: 6)

Elders maintain that any treaty process that is divided on a region-specific or First
Nation-specific basis would be inconsistent with historical principles of governance as
the outcome would depend on the relationships between nations and could thus not be
pre-determined according to treaty or regional boundaries. They emphasize that their
spiritual traditions involve inter-nation relations, especially between the Cree, Assiniboin,
Saulteaux and Dene. For example, individuals from these different nations can actively
participate in the ceremonies of other treaty nations. The only requirement is that
Indigenous peoples build good relations in order to work together toward common goals.

Although it would not be an easy achievement, negotiators believed that the
“made in Saskatchewan” process could replace the Indian Act system that governs First
Nation communities and be implemented throughout the province (FSIN, 2002).
the AIP was drafted, the timeline in the diagram below projected the course towards First Nations governance (Leask et al., 2003: 25).

Despite the promise of the AIP and the work of the negotiation teams, the latter was never ratified by any of the parties. For all intents and purposes, the “made in Saskatchewan” process was put in abeyance in 2003 and was officially terminated in 2008.  

**Making Sense of the Standstill**

The “made in Saskatchewan” process purported to develop a governance framework that would overcome the cultural and territorial divisions that characterize the organization of First Nations in Saskatchewan under the *Indian Act*. While there are several factors that contributed to the failure of the “made in Saskatchewan” process, the inability of the

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190 In 2008, the treaty table was revived to discuss education but the common table and the “made in Saskatchewan” process were officially ended.
parties to work outside of the categories of the *Indian Act* guided its demise. Below, I discuss some of the more contentious issues that contributed to the failure of this process.

*Defining Jurisdiction*

One of the core arguments made by the FSIN throughout negotiations was that jurisdiction applied to all First Nation people, regardless of where they live and irrespective of the tribal, treaty or linguistic group they belong to. In the treaty table discussions about education as well as child and family services, the FSIN argued that jurisdiction applied to individuals and people, not to a territory, and thus spanned across bands and reserves to areas currently covered by provincial or federal jurisdiction (OTC, 1998: 48). For this reason, the FSIN insisted on the development of protocols between Treaty First Nations and child and family services agencies during the discussions at the common table to ensure that all First Nation individuals would have access to adequate services.

Initially, provincial and federal governments were reluctant to recognize jurisdiction beyond the boundaries of reserves. It was unclear what this would mean in practice and what financial implications might follow. Federal and provincial negotiators understood that, without a rough blueprint of how jurisdiction would be applied off-reserve, it would be difficult to convince their respective governments to ratify any agreement. This led the parties to extensively discuss how programming and funding would work off-reserve. For example, proposals were made to have urban First Nation schools open to any students in the city, with curricula designed by First Nations and governed by First Nation school boards. The parties agreed that the federal government
would provide funds for governance functions such as curriculum design and administration while the province would provide per capita grants as it does with other schools. Discussions also touched on the impact this would have on teachers. As one negotiator argues, “these explorations were necessary in order for both Canada and Saskatchewan to convince their respective cabinets that this approach was administratively sound, effective and efficient.”  

While these discussions helped to bring the parties closer together, they also fueled tensions. Some First Nation leaders feared that provincial and federal governments were prescribing how First Nation education would evolve and perceived the focus on day-to-day governance negatively. Preferring instead to work out amongst themselves how to administer their own affairs, First Nations objected to the idea that the federal or provincial government could mandate the way in which to organize and structure education or child and family services. Ultimately, First Nation leaders sought the authority to decide how and at what level to aggregate (or not) their communities to provide adequate education and health to First Nations.  

Representatives from the three parties acknowledge that disagreements over jurisdiction were largely informed by mistrust between the parties. The Government of Saskatchewan feared that by allowing First Nations to make laws (exclusively or concurrently) in areas that are constitutionally under provincial jurisdiction, the federal government would effectively offload its political and financial responsibility for First

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191 Written communication with F22.
192 Interview with F18.
Nations on the province. At the same time, federal and provincial governments resisted recognizing an exclusive First Nation jurisdiction for fear that First Nations were not sufficiently stable or accountable to implement self-determination. Many First Nation leaders shared the worry that, after more than a century under the Indian Act, their political, legal and economic structures were ill-equipped to take on such onerous responsibilities. Despite the widespread acknowledgement from all parties of the need for more robust First Nation governance structures, little was being done to rebuild the latter in tandem with the “made in Saskatchewan” negotiations. Complicated by political and practical concerns, disagreements regarding the area over which First Nations would exercise jurisdiction – over a set land base as opposed to people – contributed to the eventual suspension of negotiations.

_Territory as an end or a means to an end?_

At the treaty table, First Nation Elders spoke of land in relation to livelihood and emphasized the importance of sharing the land as part of the treaty relationship. This view was expressed in the _Statement of Treaty Issue:_

> First Nations modeled their societies after ecosystems where all species co-exist in a dynamic equilibrium. They feed one another, and are fed, in ongoing relationships. If something in the ecosystem changes, relationships adjust. In the same way, making alliances created new relatives, and brought new people into the territory, requiring adjustments in relationships with their ecosystem including the buffalo, the moose, the beaver, the eagle and all other creatures. Within this spiritual and legal framework, from the perspective of Treaty First Nations, sharing the land was a profoundly serious procedure that required consideration of all interested parties. (OTC, 1998: 14)

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193 Interview with F04.
194 The Framework for Governance of Treaty First Nations adopted through to Common Table in 2000 recognizes the need to develop capacity, but stated that this could be achieved during as well as after the completion of negotiations. Interviews with F20 and F21.
During the negotiations, the FSIN reiterated the need to develop a viable economic development strategy to support a new governance framework outside of the *Indian Act*.

While all parties acknowledged the need to develop politically and fiscally sustainable governance structures – reflected in the creation of the governance and fiscal relations tables – provincial and federal governments were unwilling to negotiate land use or business development as part of a First Nation governance framework.\(^{195}\) For example, the province acknowledged its duty to consult First Nations on issues related to land, but rejected the FSIN’s argument that First Nations should be entitled to natural resources in a fiscal arrangement.\(^{196}\) Similarly, the federal government effectively side-stepped economic development by favouring program-specific devolution as opposed to a comprehensive revenue sharing or an own-source revenue framework. Although negotiators representing the provincial and federal governments had the mandate to negotiate fiscal arrangements where there was all-party agreement, they did not have the mandate to undermine existing economic arrangements or policies and often faced pressures from other ministries to not overstep their limited authority.\(^{197}\) As such, land was viewed as something that was already owned or divided, not as something to be shared for the livelihood of the parties.

\(^{195}\) To this day, First Nation leaders continue to cite the refusal by provincial and federal governments to engage in a comprehensive revenue-sharing (as opposed to program specific devolution) with First Nations government as an impediment to the realization of self-determination (Unauthored, 2009). This reluctance to consider economic development as part of the relationship between provincial and federal governments extends to other areas of First Nations-Crown relations as demonstrated by Katherine Walker’s study of the duty to consult. In particular, Walker (2010) argues that the Government of Saskatchewan’s draft framework on First Nations Consultation explicitly excludes mineral rights and side steps economic development issues.

\(^{196}\) Interview with F04.

\(^{197}\) Interviews with F03, F04 and F25.
The federal government’s view of land was largely informed by the land claims policy framework, which guides its self-government negotiations.\footnote{Cardinal (1999) argues that the federal government policy approach to treaties has not advanced since the 1969 White paper. The federal government does have a unit dedicated to the treaty relationship and is in the process of developing a treaty policy, but there has been little movement on treaties.} Built on the idea that land will generate economic revenues and delineate the territory over which First Nation jurisdiction will apply, the land claims policy framework is at odds with First Nations’ view that governance is exercised between people, not over a territory. For them, governance is fundamentally about providing their members with education, medicine, and economic opportunities regardless of where they live or whom they marry.

Despite its promise of self-determination, the “made in Saskatchewan” process was caught in the tension between the colonial structure of the Canadian state built on the exclusive exercise of power over set territories by culturally-defined groups and Indigenous conceptions of treaties founded on relationships of coexistence and mutual benefit between peoples. Some First Nation leaders contend that despite the reluctance of government officials to consider self-determination in the context of historic treaties, the inherent rights policy leaves open this possibility.\footnote{Interview with F20.} The federal government’s policy framework explicitly recognizes that, “the inherent right may find expression in treaties, and in the context of the Crown’s relationship with treaty First Nations” (Canada, 2010a).

Yet, the intent, spirit and content of treaties are sidelined in discussions about self-determination that privilege territorial over political claims. Without the political commitment to develop a relationship on the basis of treaties, the cultural requirements and the territorial imperatives of the Indian Act and Canada’s land claims policy will
continue to guide these discussions (OTC, 1998). At odds with the political imaginary of First Nations peoples in Saskatchewan, the policy and political framework upholding self-determination will continue to yield poor results until it is grounded in the treaty relationship.

Conflicting Approaches

Despite efforts to build a First Nation governance framework on the treaty relationship, representatives from the three parties admit that the role of the treaty table waned over time as negotiators turned their attention to what self-determination would look like on the ground. In a report evaluating the “made in Saskatchewan” process, the Treaty Commissioner at the time, Justice David Arnot, relayed the concern from First Nation communities that the principles discussed at the treaty table and expressed in the State-ment of Treaty Issues were insufficiently reflected in the AIP (OTC, 2007: 9). While it is unclear whether the parties would have ever been satisfied with the extent to which treaties were reflected in the AIP, a consensus was not reached regarding the nature of the treaty relationship. The inconsistency of the AIP suggests that the parties did not share a common view of the treaty relationship.

Following the impasse over negotiations, the parties acknowledged that a shared understanding of treaties must ground any future governance relationship between First Nations and federal/provincial governments – something that was not achieved through the treaty table in the “made in Saskatchewan” process. With a renewed focus on these historical documents, the parties mandated the OTC to prepare a report on treaty
implementation.\textsuperscript{200} In an honest evaluation of the difficulty of implementing the treaty relationship, the report states that:

There is no longer a real debate as to whether the treaties in Saskatchewan \textit{should} be implemented, nor should there be any debate over the statement that they \textit{have not} been implemented. But there is great uncertainty about how the process of implementing them can be mandated and achieved and, of course, what the end result of such a process should mean for the Parties and for Canadian society. (OTC, 2007: 10)

To this day, many First Nation leaders argue that federal and provincial governments do not understand or respect treaties. In 2009, former FSIN Chief Joseph stated that the province and the FSIN are “miles apart” on their interpretation of treaties (undated, 2009). While treaties can be tools that provide a framework for the relationship between First Nations and federal/provincial governments, there is a tendency on the part of First Nation governments to fall back on treaties and a similar tendency on the part of non-First Nation governments to fall back on the sovereignty of the Crown in the face of uncertainty. While these reactions are to be expected in light of Canada’s colonial past, lessons from the “made in Saskatchewan” experience suggest that fulfilling the treaty relationship will require all parties to negotiate the terms of their relationship in good faith precisely because of the uncertainty the future holds.

\textit{The Lesson: “We are all Treaty People”}

In contrast to 1946 and 1982 when strong leaders boldly championed change in First Nation governance, the “made in Saskatchewan” approach did not garner a steadfast commitment from First Nation leaders and remained misunderstood or ignored by much of the grassroots. The initial hope and excitement of First Nations who were being

\textsuperscript{200} Interview with F25.
consulted about treaties for the first time in over a century faded as the process moved to negotiation tables that involved only a handful of individuals.\textsuperscript{201} Outside First Nation communities, the idea of implementing treaties was unknown or alien to the wider society save for the few non-First Nation individuals who were involved in the process.

The lack of popular support for the “made in Saskatchewan” process was echoed by bold – albeit insufficient – political commitments on behalf of First Nation, provincial and federal governments. Negotiators from all sides concede that a key reason the AIP was not adopted is because federal, provincial and First Nation leaders alike were intimidated by the grandeur of its ambition and had doubts about their ability to implement it.\textsuperscript{202} FSIN representatives note that, without the tools to implement the vision of the AIP, it was difficult for Chiefs to imagine their role in this new governance structure and to have confidence that it would bring about positive change for their communities.\textsuperscript{203} Clouded by politics, the ambition of the AIP required a level of imagination not (yet) accessible to both First Nation and non-First Nation society.

In an effort to bring a mutual understanding of the treaty relationship and lay common ground for a vision of its implementation, the OTC has produced a series of resources for educators and for the general public with a clear message: “we are all treaty people” (OTC, 2011). The objective is not simply to teach First Nations about their treaties, but to also bring about an understanding of treaties within the non-First Nation population. Fundamentally, the objective is to transform the frame of reference of the dominant society so that First Nation and non-First Nation individuals alike have the

\textsuperscript{201} Interviews with F25, F26 and F21.
\textsuperscript{202} Interviews with F20 and F18.
\textsuperscript{203} Interviews with F20 and F18.
necessary tools to imagine what governance looks like in the context of historical treaties.

Conclusion: The “Made in Saskatchewan” Dream

The dream of the “made in Saskatchewan” process was an attempt to imagine contemporary First Nation governance within a treaty relationship. Those behind the “made in Saskatchewan” approach dreamed big. They wanted to transform a colonially imposed governance structure and develop a comprehensive First Nation-driven governance framework. This framework would be based on the values and the spirit of the numbered treaties on which First Nations ground their political claims. However, these framework will not take shape without leaders in all parties to carry the dream forward and without the capacity to make it a reality.

During a keynote address at a conference in Saskatchewan entitled “Preparing for Tomorrow: The New Relationship,” renowned First Nation scholar Taiaiake Alfred spoke about the importance of having a vision before building up the mechanics of a governance system (FSIN, Government of Canada and Government of Saskatchewan, 2000). At this same event, Chief Rico Merasty from the Flying Dust Cree Nation emphasized the importance of identifying a core vision to carry First Nations forward. The existence of a vision that embodies goals and values, rather than the presence of an identifiable territory and cultural group, is a precondition for the development of a First Nation governance framework. Consistent with history, the success of this vision will depend on the leadership of First Nation and non-First Nation individuals alike.

As the former provincial minister and FSIN negotiator Bob Mitchell often reminded those who participated in the “made in Saskatchewan” process, implementing
the treaty relationship will take a “leap of faith.” No small feat, giving life to this vision will require humility, patience and understanding. As Neal McLeod reminds us, “self-government will mean a reorientation of our narratives” as well as political action in the spirit of manacitôwin, which is a Cree word that means doing something for its own sake, not because it is expedient but because it is right (1998: 69-70).
Chapter 6: Imagining the Boundaries of Complex Minorities

In the previous chapters, I show that the boundaries of self-determining political communities are not defined by fixed cultural or territorial characteristics but are instead shaped by their self-understanding. Through struggles for self-determination, Métis, Francophone and First Nation communities in Saskatchewan have developed a shared understanding of themselves as political peoples and have in turn proposed governance structures through which to achieve collective aspirations. Their lived experience reveals that political power is not derived from the state, but is instead generated through the stories and actions that inform the collective imaginary of complex minorities.

This argument builds on a growing body of literature that rejects the Westphalian idea that the world is organized according to “territorially defined, fixed, and mutually exclusive enclaves of legitimate dominion” (Ruggie, 1993: 151; see Sack, 1986). In recent decades, scholars have called for the diffusion (Pogge, 1992) or unbundling (Elkins, 1995; Ruggie, 1993) of territorial sovereignty and have proposed conceptions of cosmopolitan (Nussbaum, 1996), global (Held, 1995), transnational (Baübock, 1994), postnational (Soysal, 1994; Sassen, 2006) and diasporic (Laguerre, 1998) citizenship, each of which defend the exercise of political power by culturally and territorially heterogeneous communities/peoples/nations (see also Appiah, 2006; Benhabib, 2006; Pogge, 2001). While there is an increased acknowledgement that contemporary minorities defy simple territorial and cultural classifications, surprisingly little attention has been paid to how this reality affects the way in which governance takes shape in a contemporary context.
Building on the lived experience of First Nation, Métis and Fransaskois communities in Saskatchewan, this chapter reflects on how the governance practices of complex minorities challenge normative assumptions that have come to dominate discussions of minority rights. In particular, I use the empirical findings of the previous chapters to reject two of the principal arguments found in the minority rights literature. First, I refute the idea that the exercise of political power is circumscribed within fixed territorial and cultural boundaries. Emphasizing the way in which complex minorities construct their political communities, I argue that boundaries of membership and jurisdiction can find legitimacy in relationships that extend beyond fixed territories. Second, I counter the view that self-determination depends on the recognition of the state and thus that sub-state groups are at the mercy of the structuring power of dominant society. Instead, I draw attention to the dynamic processes of self-affirmation and self-recognition through which complex minorities determine and legitimize their own governance structures. The objective of this problem-driven discussion is to develop an initial vocabulary from which to construct a revised theory of minority rights that takes into account the political aspirations and the lived experience of complex minorities.

**Constructing Boundaries Beyond Cultural and Territorial Categories**

In theoretical, political and legal discussions about self-determination, territory and culture have traditionally played two practically and normatively significant roles in defining the boundaries of political communities (see chapter one). First, they delineate the level at which individuals develop a sense of shared identity needed to sustain common goals – i.e. membership (see Miller, 1995; Smith, 2003). Second, they determine the domain over which political power is exercised – i.e. jurisdiction.
(Hobsbawm, 1990; Agnew and Corbridge, 1995; Penrose, 2002). The contemporary circumstances in which complex minorities find themselves raise a normative puzzle: How are the boundaries of political communities determined in the absence of identifiable territorial and cultural categories? The discussion below offers some reflections regarding how complex minorities are challenging the view of political boundaries found in dominant discourses of minority rights by taking alternative approaches to membership and jurisdiction. In particular, I draw attention to the way in which stories and actions take on a constitutive role in re-imagining membership and jurisdiction beyond cultural and territorial categories.

Membership

Historically, political communities have determined membership by asserting their distinctiveness in opposition to states through wars, to nations through conquest or to individuals through exclusion. Membership plays a functional role in distinguishing between an inside and outside or between us and them. For the purposes of this study, the relevant question revolves around how membership (i.e. inclusion and exclusion) is established without relying on exclusive categories of territory and culture. As the previous chapters demonstrate, First Nation, Métis and Fransaskois communities in Saskatchewan each approach the question of membership in their own way. Nevertheless, I identify two themes that emerge across the case studies.

1) Membership as active identity

In their emphasis on forms of collective identity and shared experience, Métis,
Francophone and First Nation communities in Saskatchewan reject the idea that membership is inherited or dependent on “objective” criteria such as blood quantum, language, ethnicity or cultural origin. Instead of relying on state-imposed categories built around cultural characteristics or residence, complex minorities give significant weight to an individual’s identification with the community to determine membership. Drawing on the previous chapters, I highlight the way in which Métis, Fransaskois and First Nation communities in Saskatchewan require individuals to identify with the community in order for membership to take effect. I argue that, for complex minorities, membership is an active identity.

The view of membership as requiring a conscious act of self-identification is especially evident in the case of the Fransaskois and the Métis. To become a citizen of the Métis Nation, the Citizenship Act explicitly requires that individuals self-identify as Métis (MN-S, 2004). During community consultations leading up to the 2002 MNC annual general meeting, members of the Métis community recognized self-identification as a key condition for membership. As a result, the definition of a Métis adopted in principle at this meeting and later recognized in the Supreme Court of Canada’s Powley decision embraces self-identification as the first criterion for membership: “‘Métis’ means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of Historic Métis Nation ancestry, and is accepted by the Métis Nation” (MNC, 2002, emphasis added; R. v. Powley, 2003 SCC 43, [2003] 2 SCR 2007).

For the Métis, membership does not uniquely depend on a person’s connection to the Red River or her biological “mixedness”; instead, it is contingent on belonging – and claiming allegiance – to what Andersen describes as, “a set of Métis memories,
territories, and leaders who challenged and continue to challenge colonial authorities’ unitary claims to land and society” (2011: 165). Encouraging members of the Métis Nation to rally behind a shared vision of the community in his 2013 State of the Nation Address, President Chartier states that: “we cannot move forward to grasp this opportunity for self-government without first consolidating our citizenship and our boundaries.” He argues that membership is not an abstract concept that is inclusive of everyone; “[s]uggestions that we can somehow adjust our boundaries to take in people who have never been part of our nation betray who we are and what we stand for” (Chartier, 2013). Chartier’s speech is a reminder that Métis identity is not confined to fixed territorial and cultural boundaries, but instead takes shape through the historic and ongoing struggles for self-determination fought by Métis leaders.

Confirming that the Métis’ historical commitment to self-determination has united Métis citizens in a shared political vision of who they are as a people, participants at the 2013 general assembly adopted a resolution confirming that there is only “one Métis Nation, and that the geographic homeland of the Métis Nation is the historical Northwest which entered into Confederation in 1870 through the negotiations of the Métis Provisional Government lead by President Louis Riel” (MNC, 2013). Woven into historic as well as contemporary narratives of Métis identity, these elements are at the heart of the Métis’ self-understanding. For this reason, membership in the Métis Nation requires that individuals embrace this vision of a people connected to a historic homeland and united by their leaders in a struggle for self-determination.

Membership in the Fransaskois community also depends on self-identification. The definition of a Fransaskois put forward by the Commission on Inclusion explicitly
calls for the self-identification of members: “A Fransaskois is someone who identifies him or herself with the Saskatchewan Francophone community, today or in the past, whether through birth, marriage or adoption or by identifying with the Fransaskois community” (ACF, 2006: 11, emphasis added). This sentiment captures the view expressed by community members during the Commission’s consultations. For instance, one participant associates membership with an individual’s willingness to identify him or herself as Fransaskois. Another remarks that, “a Fransaskois is someone who is involved and who holds the fransaskois community at heart” (cited in ACF, 2006: 16, author’s translation).

As Pierre-Yves Mocquais argues, membership in the Fransaskois community, and by extension Fransaskois identity, requires an act on the part of individuals to self-identify with the community (2011: 102). Described by the Commission on Inclusion as an “act of citizenship,” individuals are invited to choose to be members of the Fransaskois community. This view of membership is not imposed by the state or by the community’s institutions but is instead derived from the way in which members of the community conceive of their self-understanding as Fransaskois (ACF, 2006). In turn, the central governance institution developed by the community – the ACF – uses self-identification as a key characteristic for membership (see chapter four).

Membership in First Nation communities is complex given the coexistence of First Nation traditional conceptions and Indian Act categories of membership. Federal legislation determines “Indian status” according to legal criteria based on descent.204

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204 An amendment to the Indian Act with Bill C-31 in 1985 recognized the rights of bands to determine their own membership. Indian bands were introduced by the federal government in the Indian Act, 1876 to replace existing Indigenous governance structures. Today, some First Nation
However, the “made in Saskatchewan” negotiations included much discussion about the need to move away from *Indian Act* categories and to reinvigorate traditional understandings of membership. Bonita Beatty argues that, despite the criteria for membership outlined in federal policies, First Nations in Saskatchewan have not abandoned traditional practices of membership and prefer to identify themselves as “members of specific First Nations” (2008: 201). Grounded in a sense of who they are as *iyiniwak* or people, First Nations conceive of membership as a relationship (see chapter two). For instance, members of the Peter Ballantyne Cree Nation are the *Assin’askowitiniwak* or “people of the rocky area,” and the Saulteaux refer to themselves as the *Anishnabe* or “the First People that came down from the Creator” (Beatty, 2008: 201).

The AIP that was proposed in the “made in Saskatchewan” process explicitly recognized that First Nations would have the authority to determine membership under a province-wide governance framework (2003, chapter 4). Although all parties agreed that First Nations would establish their own criteria for membership (at an individual or collective level), negotiations did not go as far as to lay out how membership would be determined. With the failure of the “made in Saskatchewan” process, it is difficult to definitively assess how membership would be conceived under this proposed framework and how traditional practices would interact with state imposed criteria for membership.

Discussions at the treaty table suggested that First Nations were considering a

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205 Similarly, the AIP states that sections 74 to 80 of the *Indian Act* pertaining to the minister’s authority to select Chiefs would cease to apply and gives First Nation jurisdiction over leadership selection (AIP, 2003: chapter 21.2h).

206 Email communication with F22.
decentralized membership system. Similarly to the Métis and the Fransaskois, First Nation leaders voiced the need to accommodate the growing population dispersed across the province in future discussions about membership. Although the “made in Saskatchewan” negotiations did not resolve the question of membership, there was a sentiment that First Nations would decide how this process would unfold.

Complex minorities view membership as an active choice on the part of individuals to identify with the political community. Rather than accepting rules imposed by the state, complex minorities like the Fransaskois and the Métis require that individuals choose to identify as part of the community for membership to take effect. This choice takes the form of a relationship insofar as the community must also accept an individual’s self-identification. This is explicit in the definition of the Métis, which states that, “‘Métis’ means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of Historic Métis Nation ancestry, and is accepted by the Métis Nation” (MNC, 2002, emphasis added).

In the case of the Fransaskois, testimony and briefs submitted to the Commission on Inclusion emphasize the need for openness on the part of incoming and existing members of the community. As one participant remarks, “we must stimulate dialogue between people and recognize the richness of diversity” (cited in ACF, 2006: 20, author’s translation). This led the Commission to present membership as a dynamic relationship in the final report that was ultimately adopted by the community (Mocquais, 2011).²⁰⁷

For First Nations, historical practices of adoption and integration are consistent

²⁰⁷ Not all members of the community are open to accepting others. One participant remarked that, “We have always included [others]! We haven’t been sufficiently vigilant to protect our identity” (ACF, 2006: 20, author’s translation).
with the need for acceptance by the community (see chapter two). While community acceptance is not a requirement for membership under the *Indian Act*, First Nations fought to be able to determine their own criteria for membership – a right that was recognized in Bill C-31.\(^\text{208}\) Although membership criteria varies across communities, the fact that most First Nations in Saskatchewan allow urban members to vote (some even allow them to run for Chief and Council), suggests that they acknowledge the connection individuals feel to their nation regardless of where they live. This idea was expressed in the “made in Saskatchewan” discussions as First Nations emphasized the importance of allowing each community to decide how to distribute membership and involve members in their governance activities.

As a result, complex minorities view membership as a relational process where individuals identify with and are accepted by members of the community. The criterion of acceptance is intrinsically connected to an individual’s involvement in the community and is therefore related to the second characteristic of membership evident in the three case studies: participation.

2) *Membership as active participation*

Participation is identified as a key element in determining membership in each of the case studies; to become full members, individuals are called upon to *actively contribute* to the community. For the Métis, the *Citizenship Act* requires that a person “expressly held him/herself out to be Métis in the community” prior to acquiring membership (MN-S, 2008: Art. 3.1.2). Individuals must seek membership through participation in their local, community.
which is responsible for the distribution and administration of membership. Similarly, the
definition of the Fransaskois explicitly states that members shall contribute “to the
vitality of the French language as well as the growth and development of the French-
speaking communities in Saskatchewan, while acknowledging that there are many ways
to make a contribution” (ACF, 2006: 11). Although participation can take a variety of
forms, individuals are called upon to actively contribute to the community in order to
acquire membership.

The case is more ambiguous for First Nations. At the treaty table, the parties
agreed that a province-wide framework would need to allow First Nation individuals to
participate in the governance framework rather than forcing them to do so at an
individual or collective level (see chapter five). However, it is likely that individuals who
are active members of a First Nation community would have been bound to participate in
this governance framework if their leaders chose to take part in it. In fact, it was not clear
from the discussions how Indian Act-designated band governments and traditional family
systems of governance would interact in this system. While band governments are
viewed as legitimate in many First Nation communities, this is not always the case.
Insofar as First Nations (however defined) would have obtained the authority to decide
the terms for membership if the AIP had been adopted, they would have been able to
determine whether participation was a criterion for membership.\(^{209}\)

These two approaches to membership – active identification and participation –
demonstrate that complex minorities construct membership boundaries not according to
fixed cultural or territorial categories but according to self-reflective notions of belonging

\(^{209}\) Interview with F18.
and participation. Rather than positioning themselves according to a true or fixed category of membership, complex minorities instead subvert, construct and transform categories to meet their own self-understanding. The narratives presented in the previous chapters confirm that complex minorities’ self-understanding is constructed through the stories told by community leaders as well as through their actions. These stories and actions generate power insofar as they shape the understanding communities develop of themselves and according to which governance structures are developed. Although a community’s self-understanding changes with time, it ultimately derives legitimacy from its resonance with members who identify with and participate in the political community.

**Jurisdiction**

Along with membership, jurisdiction plays a vital role in determining the boundaries of political communities in dominant accounts of minority rights. One of the most significant roles attributed to jurisdiction in dominant political, legal and philosophical discussions regarding self-determination is to demarcate the (territorial) area over which power is exercised. As John Agnew and Stuart Corbridge argue, contemporary political theory is built around the idea that having more than one governing power within one territory creates “imperium in imperio, a dispute over jurisdiction” (1995: 87). In contrast, complex minorities view territories as embodying relationships between people, place and identity: relationships that Jan Penrose describes as satisfying, “both the material requirements of life and the emotional requirements of belonging” (2002: 282). As the discussion below illustrates, complex minorities acknowledge the functional and symbolic roles that territories play in their conception of jurisdiction. While having land
included within a community’s jurisdiction may contribute to the economic viability of self-determination, for complex minorities, economic self-reliance is only relevant insofar as it ties in to their larger political aspirations. For them, jurisdiction is determined neither by lines on a map or economic need. Rather it encompasses the functional and symbolic relationships that make their common political objectives possible.

*Jurisdiction and Territory*

The contrast between the territorially bound view of jurisdiction and the view held by complex minorities is best illustrated through the contradictory positions taken by the parties in the “made in Saskatchewan” process. Throughout negotiations, First Nation leaders argued that they were not seeking delegated powers from the province or the federal government; they wanted the recognition of a First Nation jurisdiction where they would have the authority to make and apply laws.\(^{210}\) In keeping with the spirit of treaties, First Nation leaders contended that jurisdiction extends to *iyiniwak* or peoples (see discussion chapter five). They rejected any notion that their jurisdiction was limited to reserves or specific territories.

Federal and provincial officials initially resisted calls to imagine jurisdiction outside of territorial boundaries. The idea of a shared and overlapping First Nation jurisdiction without a contiguous land base did not fit well with the framework that informed existing federal and provincial self-government policies.\(^{211}\) This was especially evident in discussions surrounding overlapping laws. First Nations’ insistence on having their own jurisdiction, as opposed to delegated powers, went against the self-government

\(^{210}\) Interview with F27.

\(^{211}\) Interview with F27.
policy within which federal and provincial governments were working. While First
Nations agreed that some existing federal and provincial laws would extend to their
members, they also wanted First Nation laws to exclusively govern certain areas. As one
official recounts, those at the treaty table eventually developed a good understanding of
how this would work because they had participated in discussions with First Nations. But
when officials who were not at the table read recommendations to have exclusive areas of
First Nation jurisdiction on paper, they simply did not get it. 212 The idea of an exclusive
First Nation jurisdiction within Canada’s legal and political framework was outside of
their realm of understanding. The parties’ conflicting approach to jurisdiction and their
inability to work outside of territorially informed categories made it difficult to find
common ground in negotiations.

Disagreement, and genuine confusion, over jurisdiction was complicated by the
recognition from all parties that the resources contained within fixed territories were
important for the economic viability of a First Nation governance framework. Parallel to
the “made in Saskatchewan” negotiations, discussions were underway to secure a socio-
economic development strategy that would increase First Nations’ self-reliance, notably
through own-source revenues and taxation agreements (Hawkes, 2005). 213 However,
insofar as they challenged the existing property regimes and problematized the federal
and provincial governments’ compartmentalization of economic issues from governance
matters, proposals to increase the economic self-sufficiency of First Nations within as
well as beyond fixed territories were met with resistance. 214

212 Interviews with F27 and F22.
213 Interviews with F22 and F21.
214 Interview with F18.
For First Nations, the issue at stake was not the recognition of the right to
generate economic revenues from particular pieces of land. Rather, as part of their quest
for self-determination, they sought the recognition of their right to economic self-reliance
– a right recognized in treaties. Elders reminded the parties that First Nation leaders who
signed the treaties did so explicitly to protect their people in the face of changing
economic conditions. With the disappearance of the buffalo and changes to their way of
life, they insisted on treaty provisions to help them transition to new economies. For
instance, the negotiators of Treaty Six, Mistahimaskwa and Ahchacoosacootacooptits
(Star Blanket), insisted on education as a means of transitioning to life without the
buffalo (Dickason, 2006: 211). Further south, Payipwat, leader of the Cree-Assiniboin,
withheld signing Treaty Four until 1875 when the government consented to include farm
equipment and tools and agreed to train people in agriculture and trades (Tobias, 1983:
524; Watetch, 2007). Similarly, Cree and Saulteaux leaders agreed to choose reserves
only after the federal government provided them with assistance to transition to an
agricultural economy (Stonechild and Waiser, 1997: 28).

Essentially, First Nations sought the resources to continue to govern themselves
and to live according to their values and traditions under new socio-economic conditions.
As such, treaty obligations cannot be reduced to the negotiation of land claims or to ad
hoc agreements for resource extraction that have come to dominate contemporary
discussions of economic development between First Nations peoples and the state.
Instead, they encompass an obligation to respect First Nations’ right to economic self-reliance, which is embodied in the treaty relationship.215

For First Nations, as well as for the Métis, debates concerning jurisdiction are intertwined with questions of economic self-sufficiency. Dependency on state funding necessarily limits their ability to carry out their self-determination objectives. Accordingly, these communities are seeking to increase their economic development opportunity by having particular territories included within the scope of their jurisdiction. The Métis have sought to legitimize the argument that their jurisdiction involves a claim to land through the courts.

Title to land is at the heart of a recent case brought forward by the Manitoba Métis Federation (MMF) (Manitoba Metis Federation Inc. v. Canada (Attorney General), 2013 SCC 14). The MMF maintain that the Manitoba Act, which promised 1.4 million acres of land to Métis children in exchange for Manitoba’s entry into Confederation has not been fulfilled. In its 2013 ruling, the Supreme Court of Canada argues that, “Canada failed to implement [section 31 of the Manitoba Act of 1870] as required by the honour of the Crown” (at para. 9). In acknowledging Canada’s failure to honour the promises made to the Métis in Manitoba, the Court opens the door for the Métis in Manitoba and Saskatchewan to move forward with land claims that have been in the courts for decades (Morin v. Canada & Saskatchewan (Q.B. File No. 619-1994)).

The recognition of a Métis right to land would contribute to furthering their self-determination objectives by increasing prospects for economic self-sufficiency. However,

215 With the failure of the “made in Saskatchewan” process, many First Nations in Saskatchewan are looking towards bi-lateral agreements to foster economic development. Murray Long discussed the recent developments with the Whitecap Dakota First Nation as an example.
since the Métis view jurisdiction as extending beyond fixed territories to members of the Métis Nation, they have not been waiting for the recognition of their claim to land to increase their economic self-reliance (Dubois and Saunders, Forthcoming 2013). As the discussion in chapter three illustrated, one of the drivers of economic growth in Métis communities over the past decades has been the establishment of funding and lending agencies like the Clarence Campeau Development Fund that help foster entrepreneurship across the province (CCDF, 2010). To increase the Métis’ capacity to engage in economic related activities, the Gabriel Dumont Institute, an affiliate of the MN-S, has put in place a wide variety of education and skills programs (GDI, 2011; Madden, 2008). Through its involvement in Métis education, the Gabriel Dumont Institute contributes to the self-determination objectives of the Métis Nation in partnership with other affiliates that contribute to the economic viability of these goals.216

Like the Métis, the Fransaskois seek to achieve a greater degree of economic self-reliance as part of their self-determination agenda. Insofar as the Fransaskois do not have a claim to land, they do not seek to achieve economic self-sufficiency by asserting control over a particular territory; instead, they are seeking alternative ways to increase their revenues to better govern their members. In particular, the Fransaskois are looking for new sources of funding to meet their needs given that government funding has not increased with the growth of the population and the rise of costs in delivering services to members.217 Community leaders argue that achieving their goals requires them to be increasingly creative to stretch their existing funds and generate new sources of

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216 The Dumont Technical Institute also contributes to this objective by offering adult upgrading and skills training programs. It also works in partnership with enterprises such as SaskEnergy to help Métis people find work opportunities (GDTI, 2011).

217 Interview with F07.
revenues.\(^{218}\) One of the ways in which affiliates are doing this is by partnering with one another and pooling resources to more effectively deliver activities and programs to community members.

In addition, the Fransaskois are in the process of growing their endowment fund and securing investments such as property. Taking its cue from province-wide initiatives, the *Fédération des francophones de Saskatoon*, a member organization of the ACF, undertook an aggressive fundraising campaign amongst members in order to purchase a community centre as part of a larger economic development strategy.\(^{219}\) By becoming owners of a building with the potential to expand community services, the Fransaskois seek to lessen their dependency on state funding and exercise greater control over their development.\(^{220}\) In recent years, rents collected from other organizations that occupy space in the Fédération’s building cover the costs of a third of their annual expenditures (FFS, 2012).\(^{221}\) Over the long term, the Fédération hopes to increase its financial autonomy and allow francophone organizations in Saskatoon to benefit from lower rents to more effectively meet the community’s needs. As one community member remarks, initiatives that increase the economic self-reliance have given community members confidence in their ability to govern themselves.\(^{222}\)

In their quest for self-determination, complex minorities are looking for creative ways to become economically self-reliant. To this end, some communities like the Métis and First Nations in Saskatchewan are looking to generate resources from fixed territories

\(^{218}\) Interviews with F15 and F05.  
\(^{219}\) Interview with F15.  
\(^{220}\) The long-term objective is to expand the current building to offer housing and other services to the Fransaskois.  
\(^{221}\) Initial capital costs for renovations has meant that these funds cannot yet be used in this way.  
\(^{222}\) Interview with F15.
(i.e. land claims). As such, they seek to have particular territories included within the scope of their jurisdiction. However, they are also looking for economic development opportunities that do not involve a land base insofar as the fundamental goal is to ensure their self-reliance as part of their self-determination agenda.

The Métis, the Fransaskois and First Nations all acknowledge that self-reliance is integral to their self-determination objectives. To date, none of these communities have succeeded in achieving economic independence from the state, but all of them are working to lessen their dependency on the state. The Métis hope that the recognition of title to land will help increase their self-reliance. Through the leadership of the MNC, the Métis are also negotiating avenues for economic agreements with the federal government through the Métis Nation Protocol. As the discussion above illustrates, Fransaskois and First Nations are also looking for ways to increase their economic self-reliance. For complex minorities, the fulfillment of their respective political projects requires that they become economically self-reliant. While that might mean having particular territories recognized within the scope of their jurisdiction, complex minorities do not associate jurisdiction with the territories from which they derive revenue; rather, jurisdiction encompasses all the relationships that make their self-determination objectives possible.

In my conversations with community members, economic independence was presented as the fair distribution of resources. As such, community members acknowledge the need to negotiate with state and non-state actors in achieving this goal. While Métis, Fransaskois and First Nation leaders all recognize that economic independence is a key piece in their quest for self-determination and continue to advocate
for the recognition of their right to self-reliance, their actions suggest that they refuse to let funding be an obstacle to moving their respective self-determination agendas forward.

**Governance**

The argument thus far suggests that the self-understanding complex minorities have of themselves as self-determining peoples has a determinative role in defining membership and jurisdiction. Rather than deriving legitimacy from categories imposed by the state, the political boundaries of complex minorities acquire legitimacy through their ongoing (re)construction by community members thereby giving constitutive power to their stories and actions. What implication does this understanding of boundary construction have on the way in which we understand the exercise of political power and governance in contemporary societies?

To explain the way in which sub-state groups can exercise political power, scholars have developed various models of autonomy (Hannum, 1990; Lapidoth, 1990). The diagram below proposed by Michael Tkacik captures the relationship between the level of control exercised by groups (i.e. the scope of their power) and their territorial contiguity (2008: 372).
At the base of this diagram, limited forms of personal and cultural autonomy are presented as governance options for linguistic or cultural communities that do not reside within a particular territory. As the level of control a group exercises over a territory increases, they are able to achieve more robust forms of autonomy such as functional, administrative and legislative autonomy. Tkacik’s model suggests that the governance options of sub-state groups vary according to the level of territorial contiguity of minorities (see discussion in Keating, 2001). However, the experience of complex minorities suggests that the form governance takes changes not according to a community’s territorial organization, but according to its self-understanding. The relevant factor is not “relationship to spatial notions” as in the diagram above, but “relationships with one another.”

As the discussion below illustrates, the experience of complex minorities challenges our understanding of governance in two significant ways. First, in contrast with the view according to which culturally defined groups exercise political power over a fixed territory, the experience of complex minorities in Saskatchewan reveals that
political power is produced through the construction of boundaries and is given an institutional form that varies according to changes in this very process. In other words, governance is not determined by state recognition, but instead takes shape through the narratives that underpin the struggles of communities. Second, insofar as power is produced through the discourse and actions of community members that take place beyond the formal activities of the nation-state, governance extends beyond the creation of a particular political structure (i.e. a government) or specific action (i.e. a policy); it embodies the actions, practices and institutions through which communities negotiate and achieve their self-determination objectives. Through a case-by-case analysis, this section presents the view of governance that emerges from the everyday practices of complex minorities.

The Métis

In chapter three, I argue that the MN-S’ current governance structure builds on decades of leadership by Métis individuals who have carved out a space for themselves and their governance bodies within the contours of the dominant society. From the early instances of political mobilization amongst the Métis, leaders insisted on the importance of creating governing bodies that reflect their values and traditions. Following their predecessors who practiced a form of consensual democracy where assemblies guided by Elders implemented laws, contemporary Métis leaders chose to establish the MN-S as a democratic governance body where Elders, who sit as Senators, provide guidance to the elected leadership. Today, like in the past, Métis governance continues to be informed by the community’s traditions and practices.
At the same time, the Métis have historically sought to establish governance bodies that would be viewed as legitimate not only by their own members but also by other governments. The Métis’ desire to have their rights recognized was evident in the early petitions sent to Ottawa in the late nineteenth century (see chapter two). However, the absence of this recognition did not prevent the Métis from asserting their rights. From the creation of the Provisional Government of Saskatchewan in 1885 to the creation of the MN-S in 1993, the Métis have demonstrated their willingness to carve out a space for their governing bodies within the contours of the dominant society. In so doing, the Métis have not only developed autonomous institutions and processes, but have also contributed to shaping governance outside of their political community. The Métis’ ability to alter the dominant political landscape is illustrated by the provincial government’s adoption of *The Métis Act* and ongoing negotiations on the hunt and harvest, which I briefly describe below.

From the provincial government’s perspective, permission to hunt is contingent on the discretion of wildlife officers according to the provisions of provincial government policies (Saskatchewan, 1998). However, the Métis deny that their right to hunt and harvest was extinguished and therefore adopted *The Wildlife Conservation Act* as the first piece of legislation of the Métis Nation Legislative Assembly in 1994 to govern this right. The Act provides licenses and establishes safety and conservation standards for Métis hunters. As discussed in chapter three, the Act prevents hunting or fishing in a closed season or with the aid of artificial light and it also gives the MN-S the authority to determine the hunting season (MN-S, 1994: 9, 13). Violators of the Act can be brought before a tribunal and, if found guilty, sentenced to a penalty that they have the right to
appeal through the Métis Senate.

The MN-S’ assertion of jurisdiction over the hunt and harvest undermined the provincial government’s assumed jurisdiction in this area. A power struggle between Métis and provincial governments came to a head when the Government of Saskatchewan charged Métis hunter Donald Belhumeur for fishing without a valid license. The Saskatchewan provincial courts upheld Belhumeur’s argument that he was exercising his Aboriginal right to hunt and dismissed the charge on the grounds that provincial laws were inconsistent with the Métis’ constitutional rights (R. v. Belhumeur 2007 SKPC 114). The Belhumeur case, coupled with the rising number of hunters with MN-S’ licenses, call into question the province’s ability to assert jurisdiction over the hunt. Moreover, the laws and regulations adopted by the Métis Nation Legislative Assembly are increasingly seen as legitimate within as well as outside of the Métis community (see chapter three). In fact, the authority of governing bodies like the MMF and the MN-S to represent the “needs and aspirations” as well as the “collective Métis interest” is acknowledged in provincial legislation as well as by the Supreme Court of Canada (Saskatchewan, 2002: 2i; Manitoba Metis Federation Inc. v. Canada (Attorney General), 2013 SCC 14, at para. 44).

The political independence of the MN-S was marked by the adoption of Constitution in 1993 after which the Métis’ governance body was no longer accountable to the provincial government under not-for-profit legislation. In contrast with past practices where Métis were constrained by provincial and federal laws, the adoption of

223 In a separate ruling, the Court of Queen’s Bench recognizes the legitimacy of the legislation adopted by the Assembly and refuses to intervene in the internal affairs of the MN-S (Metis Nation of Saskatchewan (Western Region III) v. Metis Nation of Saskatchewan (Appeal Commission), [1999] S.J. No. 78, 179 Sask.R. 149).
the MN-S Constitution called upon the province to change its laws. To this end, the Government of Saskatchewan adopted *The Métis Act* in 2002 to clarify its relationship with the MN-S. One of the key outcomes of *The Métis Act* was the establishment of a bilateral process whereby the Government of the Saskatchewan and the MN-S can negotiate as equal partners on certain matters such as the hunt and harvest. This bilateral forum eventually led the parties to sign a Memorandum of Understanding on the Métis Food Harvesting Rights in 2009. Ongoing negotiations suggest that Métis-made laws will be incorporated into provincial fish and game legislation.

This outcome illustrates how, through their actions, the Métis press for their accommodation in – and for the transformation of – the laws and policies of the dominant society. By asserting their right to govern themselves, the Métis are generating new forms of power and are transforming governance through a bottom up process that is constantly negotiated.

*The Fransaskois*

The agency complex minorities exercise in shaping governance is also evident in the case of the Fransaskois. As chapter four discusses, the federal government played a significant role in the evolution of governance organizations in minority francophone communities throughout the country in the 1960s as funding was made available for French language services and activities (Lafontant, 1993; Cardinal, 2007; Cardinal and Juillet, 2005; Thériault, 2007). Through conditions on funding, the federal government contributed to building a vast network of organizations, many of which adopted structures consistent with federal funding requirements. However, the Fransaskois eventually pushed back
against the structuring power of the state and sought to develop a governance structure through which to express their own collective aspirations, independently of state priorities.

Instead of limiting their governance institutions to service delivery organizations that meet funding requirements, the Fransaskois opted to develop an elected representative body that more closely mirrors the community’s collective aspirations. In fact, the Fransaskois’ current governance structure, the ACF, emerged in direct opposition to the state’s attempt to impose categories on the community through funding requirements. In choosing the ACF model, the Fransaskois opted to increase the accountability of leaders to the Fransaskois as opposed to fostering the accountability of Fransaskois organizations to the state (see chapter four). While organizations funded by the federal government continue to play a key role in the development of the community, the Fransaskois – through their elected representatives – are responsible for upholding the interests of the community. Like the Métis, the Fransaskois rejected state attempts to control their community and instead developed a governance body that meets the needs and aspirations of their members.

In so doing, the Fransaskois have unsettled the processes through which states have traditionally “governed” linguistic minorities in Canada. This is evident in the creation of the Committee for Budgetary Evaluation discussed in chapter four, which established its own process for funding distribution throughout the community. By evaluating the budgetary needs of affiliates and the priorities of the community as a whole, the Committee makes recommendations as to how and where money should be distributed. As a result, the Fransaskois are asserting their right and demonstrating their
capacity to manage the affairs they deem important to their political aspirations through their governance body. The democratic legitimacy of this process has made it politically difficult for the federal government to ignore the Fransaskois’ recommendations. Although their self-determination objectives remain constrained by the political and fiscal power of the state, the Fransaskois are increasingly carving out a space for themselves and legitimizing the role of the ACF as their governance body through a bottom up approach to governance.

First Nations

In the case of First Nations, failure to look beyond the categories and structures imposed by the state ultimately contributed to the failure of the “made in Saskatchewan” process. In principle, federal and provincial governments agreed on the need to frame negotiations within a reinvigorated treaty relationship. However, in practice, this dream did not materialize. This was evident in the tension that emerged in discussions related to jurisdiction on and off-reserve.

In its Inherent Right of Self-Government Policy, the federal government acknowledges that, “not all members of a First Nation live on the group’s land base” (Canada, 1995). Along with the province, the federal government was initially unwilling to include off-reserve First Nations as part of the “made in Saskatchewan” negotiations. Provincial and federal representatives maintained that the governance framework should be applied to reserves first as a sort of test drive and could later be extended off-reserve. The logic, as Merrilee Rasmussen writes, was that it was “conceptually

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224 Interview with F04. In the end, negotiators agreed that some services could extend to off-reserve First Nations where numbers warrant (Peach and Green, 2007).
simpler to discuss the scope of jurisdiction in the on-reserve context, because the
jurisdiction is tied to land” (2006: 13-14). While many First Nations have become
accustomed to – and in some cases have legitimized – the reserve-based governance
system imposed by the Indian Act, using this colonial structure to determine the scope of
jurisdiction and the extent of their governance role clashed with the vision of the treaty
relationship expressed by Elders.

In the discussions at the treaty table, Elders reminded the parties of the spirit and
intent of the treaties. They argue that treaties apply to peoples and are thus not restricted
to a particular band or territory. For them, power does not lie in the categories of the state
but in communities themselves. Like the treaties that were agreed upon prior to the
adoption of the Indian Act, Elders maintain that self-determination spans across bands
and reserves to areas currently covered by provincial and federal jurisdiction (OTC,
1998). The underlying objective of the “made in Saskatchewan” process was to topple
state-imposed categories and develop a treaty-based approach to governance where
power is shared and negotiated between First Nation and state actors.

The failure of this process can be attributed, in large part, to the parties’ inability
– or unwillingness – to move towards a treaty-based governance system that
acknowledges the equality of parties in a nation-to-nation relationship. Without the
acknowledgement of First Nations’ right to govern themselves and as long as the
categories of the state remained unaltered, an agreement would not be reached through
the “made in Saskatchewan” process (see chapter five).

Drawing attention to the agency exercised by complex minorities, the discussion
above rejects the top-down view of governance that has come to dominate legal, political
and philosophical discourses of minority rights by emphasizing the dynamic and productive processes that shape governance in contemporary societies. By asserting their rights, complex minorities are taking control of their own development and creating democratically accountable governance bodies. In the process, they are transforming relationships of power and carving a space for themselves in the country’s political and legal landscape.

Conclusion

Achieving self-determination in contemporary societies is complicated. It involves contending with dispersed communities of varying sizes and capacity with divergent and particular objectives seeking authority over competing jurisdictions. Despite these challenges, this study shows that complex minorities are devising strategies to achieve their self-determination objectives. The reality on the ground reveals that complex minorities are not waiting for state actors to recognize their right to self-determination. Instead, they are defining for themselves what governance looks like, and using whatever tools lie at hand to give expression to their vision of self-determination.

The agency complex minorities exercise in shaping governance structures within as well as outside their communities is revealed in the subtle and overt ways in which communities resist the dominating power of the state. Resistance efforts have led to the emergence of complex minorities as more powerful political actors in their own right with democratically accountable governance bodies that provincial and federal governments can no longer ignore.
The nature and scope of interactions between complex minorities and state actors has created a dynamic network of intergovernmental relations across all levels of government. Evidence of this emerging mosaic of multilevel governance can be found in legislation that commits provincial governments to working in partnership with complex minorities on areas of mutual concern (i.e. The Métis Act) and in practices whereby the federal government defers to the authority of complex minorities in certain areas (i.e. the Fransaskois Committee for Budgetary Evaluation). The examples discussed in the previous chapters demonstrate that, despite ongoing challenges, relationships of multilevel governance are taking on a new and more permanent character as complex minorities negotiate their legitimate role alongside federal and provincial governments.
Chapter 7: Conclusion

In a little while it will be all over. We may fail. But the rights for which we contend will not die.

- Louis Riel

The previous chapters tell the story of how complex minorities pursue self-determination in the absence of fixed territorial and cultural boundaries. As Joseph Carens writes: “Someone would tell the story differently, but that does not mean that there is no point in my trying to tell it” (1992: 553). I chose to tell this story for two principal reasons. First, having lived most of my life in the province of Saskatchewan amongst Métis, Francophone and First Nation communities, I believe their experience offers valuable insight into how governance is practiced on a daily basis. Second, I believe that in order to be effective, theories and policies that address self-determination must be grounded in the lived experience of communities. The objective of this study therefore is not prescriptive, but explanatory in nature. Through community-based research, I have sought to explain how complex minorities achieve self-determination and how this affects the way we understand power relationships and governance in contemporary society.

Through an examination of the self-determination experience of Métis, Fransaskois and First Nation communities in Saskatchewan, this study contends that complex minorities use innovative membership and participation rules in lieu of territorial and cultural criteria to delineate the boundaries within which they exercise

225 Cited in Thompson, 1886: 186.
political power. These practices have allowed territorially dispersed communities to build institutions, adopt laws and deliver services through province-wide governance structures. In addition to offering non-territorial models of self-determination, the analysis of the three cases proposes an alternative approach to governance that challenges state-centric theories of minority rights by focusing on the transformative power communities generate through stories and actions. By unsettling existing presuppositions about the exercise of political authority that are based on an understanding of governance that privileges the formal activities and practices of the nation-state, this study demonstrates that governance takes shape through bottom up initiatives that accommodate the self-determination objectives of complex minorities.

Although a political community is harder to visualize without a defined land base and a culturally homogenous membership, as former Saskatchewan Justice Minister Bob Mitchell argues, “there is no logical reason why it should be so; it’s just more convenient.” The experience of complex minorities in Saskatchewan reveals that the legitimacy of the boundaries over which political communities exercise power extends beyond unitary ideas of territory and culture; rather, it lies in the way in which political communities, through the consent of their members, define their boundaries. In fact, demands for self-determination have less to do with the recognition of a specific right to exercise political power per se than with communities’ desire to control their own boundaries (Juteau, 1997: 108). As Iris Marion Young (1990) argues, the capacity of group members to define themselves is intrinsically related to the power a group exercises in society. The ability to construct boundaries not only ensures the survival of a

226 Interview with F18.
group’s collective identity but also allows members of a community to take charge of their own self-development (Schouls, 2003).

By telling the story of historical struggles fought by Métis, Fransaskois and First Nation leaders, my intention is to show that these very struggles constitute powerful forces of change. This transformative power can be seen in the words and actions of leaders like John Tootoosis who articulated a vision of First Nations as treaty people and fought to give life to this vision. As Neal McLeod argues, Tootoosis “imagined a condition, and sought a possibility whereby Indian people would not be dominated by the Indian Act and a system that was designed to destroy our identity and political institutions” (2007: 98). Through a collective exercise of imagination, Tootoosis gave life to treaties and renewed the collective political aspirations of First Nations in Saskatchewan. Today, this vision is embodied in the message “we are all treaty people” found on billboards and repeated on television commercials. The collective narrative articulated by community leaders and the willingness of individuals to participate in this narrative challenges colonial relationships of power and generates new forms of power that are embodied in the structures communities develop to govern themselves.

Adopting an attitude of “just do it,” First Nation, Métis and Francophone communities in Saskatchewan give shape to their boundaries through narratives about who they are and where they are headed as political peoples. The governance bodies they have created reveal that some degree of convergence can be achieved between membership and jurisdiction without relying on exclusive categories of territory and culture. Insofar as political authority applies to those individuals who choose to be members of the political community and who actively participate in its development, the
structures of governance created by complex minorities evolve according to their changing self-understanding and, through this process, also become constitutive of the community’s boundaries.

Only by acknowledging the constitutive power generated by the struggles of complex minorities is it possible to explain, understand and analyze the various governance models that have been proposed, and in some cases adopted, by Métis, Francophone and First Nation communities. Rather than offer a definitive model of governance for complex minorities, this study demonstrates that territorially dispersed and culturally diverse groups are finding creative ways of achieving various levels of self-determination through diverse governance initiatives. Rejecting the one-size-fits-all approach, Métis, Francophone and First Nation communities each put forward unique governance arrangements that secure their legitimacy through ongoing interactions with their respective communities.

Described by Scott (1990) as “hidden transcripts,” the stories and actions that communities develop outside the gaze of the state are intrinsically tied to the way in which governance takes shape within as well as beyond the boundaries of these political communities. In fact, community leaders from the three cases emphasize that governance is built from the bottom up through the practices of individual communities. These practices resonate with Glen Coulthard’s call for “critically self-affirmative and self-transformative process[es] of desubjectification […] aimed at […] on-the-ground practices of freedom” (2007: 456). Rather than submitting to the structuring power of the state, complex minorities are developing their own practices of governance that subvert the categories and requirements of the state to fit the political objectives of their members.
Testifying to the political efficacy of this strategy, Peter Kulchyski (2005: 268) writes:

Subversion is one of the only forms of resistance available to those who are struggling against a dominant logic that is totalizing, that carries with it the power to define the totality, and that functions within a field of totalization. A direct confrontation will easily be smashed or smothered. Where the opponent determines the rules of the game, but does not hold all the cards, one must use every means at one’s disposal; the most effective means is to play the game while subtly turning the rules against themselves.

Despite its efficacy, Kulchyski warns of the risks involved in using the dominant logic of the state against this very actor. He cautions that this approach carries attractive incentives that can corrupt the intentions of leaders (2005: 268). As complex minorities continue their struggle for self-determination, this warning is a reminder of the challenges they face from external actors like the state but also from members of their own community who interact with, and in some cases internalize, the totalizing logic of the nation-state.

Although the resistance efforts of complex minorities have at times remained hidden, the evidence reveals that complex minorities in Saskatchewan are creating what Scott describes as “rare moments of political electricity [where…] the hidden transcript is spoken directly and publicly in the teeth of power” (1990: xiii). These moments are captured in the speeches given by Clément Chartier, the political manifesto issued by francophone leaders and stories told by First Nation Elders. By turning away from the state and finding recognition within their own stories and practices, complex minorities are crafting a political existence outside – and in spite of – the power of the state.
Despite the advancements complex minorities made towards fulfilling their self-determination objectives, obstacles remain. Complex minorities’ assertion of their right to self-determination poses an unprecedented challenge to the foundational structures of a settler constitutional order. The fundamental question of how a new social contract that respects the autonomy of people can be built on a post-colonial paradigm remains unresolved. This question has been at the heart of recent decisions by Canadian courts that identify the need for a new relationship between the Métis and the federal government founded on trust and respect (Manitoba Metis Federation Inc. v. Canada (Attorney General), 2013 SCC 14; Daniels v. Canada, 2013 FC 6). It also informs recent demands by Indigenous leaders and allies engaged in the Idle No More movement, which puts into question the legitimacy of the state and challenges the state’s power over Indigenous communities. The key political demand made by supporters of Idle No More is the development of a new Canada-First Nation relationship founded in treaties. The lessons learned from the “made in Saskatchewan” experience suggest that the development of this relationship depends on the ability of First Nation and non-First Nation peoples alike to imagine their collective existence outside of the categories that have dominated the Canadian political imaginary.

As individuals become more mobile and contemporary societies become increasingly complex, there is a need to imagine new solutions to address the self-determination demands of sub-state groups. Canadian political scientists have already provided some food for thought with proposals to create a francophone province outside Quebec that would extend across the Canadian territory (Elkins, 1992: 5-12) and the suggestion to identify a panchadian Aboriginal province (Courchesne and Powell 1992:
However, as Frances Abele and Michael Prince argue, too much emphasis is placed on finding grand solutions through processes of “high politics” and not enough attention is given to what is happening “on the ground” (2002: 229).

Rather than looking for a one-size-fits-all model, this study argues that innovative answers manifest themselves in the everyday struggles of complex minorities. Innovation emerges at the community level where stories and actions take form. Scholars and politicians too often dismiss the governance initiatives of sub-state groups on the grounds that power and authority in Canada remains firmly entrenched in the hands of the state. The evidence presented in this study rejects this view, for it fails to fully capture the changes that are occurring within communities and the paradigmatic shifts that are underway as a result.

My hope is that others will engage with the story presented in these chapters and be encouraged to tell their own stories in order to more justly shape the future of governance for complex minorities. As Métis leader Howard Adams (1989: 98) reminds us, stories long remained hidden from the political imaginary of communities:

In my childhood, I often stayed with my grandparents on the old scrip farm of Maxime Lepine at Batoche. I did not realize at the time that I was tramping in the footsteps of a noble guerilla warrior. Maxime’s spirit was not there, not felt at all. Of the many games we halfbreed kids invented, not one was related to the struggle of 1885. This history was hidden from us because our grandparents and parents were defeated generations. We were a new generation, starting our lives of defeat, without hope, ashamed of ourselves as halfbreeds. Although our forefathers--Regnier, Boucher, Fiddler, McDougall, Parenteau, Ouellette [Joseph and Moise, etc.], Short, Adams--had fought gloriously against the Ottawa regime, we were still the wretched of the earth. How much easier and happier it would have been to start knowing the glory of our forefathers and their accomplishments. The truth would have given us all strength and pride, but instead we followed in the debased path cut out for us by the white image-makers.
Today, communities are telling their story and finding strength and pride in the struggles of their leaders. The transformative power of these stories should not be underestimated.
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