DEFINITIONS

• “Boundaries” means the social, geographic and political limits of an aboriginal nation that are the result of collective efforts of construction and maintenance.

• “Nation” and “People” means an aboriginal group that shares a common territory, history, culture, language and ethnic origin, often possessing or seeking its own government. In this presentation ‘nation’ and ‘people’ are used interchangeably and are distinguishable from the ‘state’.
The boundaries of an aboriginal people can be considered to be a combination of two types of boundaries – social boundaries and geographic boundaries.

Some, but not all aboriginal peoples have established political boundaries as well.
A social boundary is a non-political means of determining the boundaries of a people.

In one sense the whole idea of a people lives in the imagination, identity and aspirations of its members.

This kind of boundary is non-physical and can be said to an imagined boundary.

In calling it an imagined boundary, I do not mean to suggest that a social boundary is not real. In some ways it is the essential idea of an aboriginal people.
• The social boundary outlines the space within which the individual members of the people navigate.

• The social space is filled with the culture (music, art, stories), language, customs, traditions, religion and the interactions of the people.

• The social boundary contains the kinship connections of the people.

• The persistence of the people is the knowledge of the social space that is passed from one generation to another. In this sense the social boundary is maintained by the people.
The social boundary serves an important purpose - it creates the separation of the people from others.

A social boundary attaches cultural values and features to an 'inside' and as a result also creates an 'outside' for non-members.

Seen from the perspective of an individual member inside the nation, the social boundary consciously separates 'us' from 'them.'
Social Boundaries

- Nationalists (and the Métis Nation asserts itself as nationalist) claim their existence by tracing a historical story within a homeland and relying on it as justification for their continued and modern presence. If their history differs from others, that reinforces their claim to identity.

- In other words, although you may live on the same land and in the same state as I do, if you do not share my social boundaries – my culture, my social and political histories, my kinship ties and my cultural geography – you are not me.

- In this sense social boundaries are imagined constructions.
Whiskey Jack Stories
Michif
Duck Dance
Fiddle Song
FAMILY MAPPING – FRANK TOUGH

Belhumeur Family Birth Place Densities from Métis Scrip Applications (ca. 1856-1894)

Number of Births at a Place

20 Birth Places

Credits: Tough / Ellehoj
Data: Métis Archival Project / University of Alberta 2005
Note: Based on a sample drawn from 37,110 database records created from the Northwest Métis Scrip Applications, National Archives of Canada, Record Group 15.
FAMILY MAPPING – FRANK TOUGH

Robillard Family Scrip Claim Densities from Métis Scrip Applications (ca. 1885-1900)

Note: Based on a sample drawn from 37,710 database records created from the Northwest Métis Scrip Applications, National Archives of Canada, Record Group 15.

Credits: Tough / Ellehoj
Data: Métis Archival Project / University of Alberta 2005
• Dr. Tough’s maps show us the information from scrip.

• Birth places, locations where they took scrip

• Limited by the fact that scrip was not distributed in Ontario or BC

• Still these maps give us an idea of some of the family distributions – historically.
Children of the Brigade
born at Round Prairie
1860-1870

Nature of kinship legend

= Spouse
- = immediate family member
- = extended family
“We can now look at a collective of Métis men and women through time and space.”

- Brenda MacDougall
Geographic boundaries are a physical delineation, which for aboriginal people are based on natural geographic features.

Geography often determines the limits of the lands on which a people lived.

Watersheds, mountains, glaciers, large lakes or oceans, the beginning and end of visible geographies such as deserts, plains and forests were all historic geographic boundaries for aboriginal peoples in North America.

Historic geographic boundaries were never solid walls. Rather they were porous and allowed for overlapping and shared lands and resources between different groups.

As access to resources shifts, the geographic boundaries of a people can also shift. Also, as populations grow, the historic geography of a people may expand.
CART & BOAT ROUTES
MIGRATIONS
For Indians, geographic boundaries are usually recognized in their treaties. For Métis peoples in Canada the law freezes their historic geographic boundaries for the purposes of harvesting at the time of effective control. Effective control according to the case law to date is:

- Sault Ste Marie, Ontario (*Powley*) - 1815-1850
- Northwestern Saskatchewan (*Laviolette*) - 1912
- Okanagan area of British Columbia (*Willison*) - 1858-1864
- Qu’Appelle Valley Saskatchewan (*Belhumeur*) - 1882 to the early 1900s
- Manitoba inside the Postage Stamp Province (*Goodon*) – 1870
- Southwestern Manitoba outside the Postage Stamp Province (*Goodon*) – 1880
- Southern Alberta (*Hirsekorn*) – 1874

While there is also a legal theory that aboriginal title is frozen at the assertion of sovereignty, there is to date no single finding of aboriginal title in Canada for Indians, Inuit or Métis.
• The legal freezing of geographic boundaries suggests that while such boundaries may have changed prior to effective control, the law will not recognize boundaries that shift or expand after that time.

• From the perspective of the law, the pre-existence of these boundaries is what makes them ‘aboriginal’ and any expansions to the boundaries after effective control would be ‘non-aboriginal’.
The social and geographic boundaries of the historic Métis Nation began to be constructed with ethnogenesis.

The boundaries clarified as the people evolved.

Genealogical ties, a common history, economic networks, language, culture, religion and the Métis way of life all contributed to the construction and maintenance of the boundaries of the Métis Nation.
MAINTENANCE OF METIS NATION BOUNDARIES

• The common history included political action taken from time to time.

• All of this social evidence shows that the Métis Nation as a social construct – a people or a nation - existed.

• There appears to be no evidence that the Métis Nation established internal regional boundaries or that the precise external geographic boundaries of the Métis Nation were ever articulated.
In the 20th century the Métis Nation articulated internal and external boundaries based on:

1. the provincial political boundaries;
2. a need to be distinguished from other aboriginal peoples; and
3. the inclusion or exclusion of other Métis.

These were not based on historic, social or geographic boundaries.
Beginning early in the 20th Century, Métis in Manitoba, Saskatchewan and Alberta began to create organizations with the goal of representing the Métis.

With the creation of a corporate entity – the Métis National Council in the 1980s – the three Prairie Métis organizations banded together.

In the 1990s they included BC, NWT and Ontario Métis organizations.

NWT was subsequently excluded.
The point of setting out this history is not to suggest that this course of action was either wrong or right.

The point is to highlight the fact that the modern Métis Nation in the 20th Century established boundaries based on provincial political boundaries.

The provincial boundaries are not organic in the sense that they are not derived from the natural landscape and are instead more or less straight lines arbitrarily imposed on the historic social and geographic boundaries of the Métis Nation. These new geographic provincial boundaries are not based on older more organic geographic boundaries.
These newly asserted provincial boundaries created internal boundaries within the Métis Nation, which do not appear to have any historic precedent.

They are also contested as the appropriate external boundaries for the bookend members (BC and Ontario).
Since the creation of the Métis National Council in the 1980s there has also been an ongoing move away from pan-aboriginal political representation.

To achieve this, the MNC excludes those who are registered as “Indians” within the meaning of the *Indian Act*, those who do not self-identify as Métis, and those who self-identify as Métis but are not ancestrally connected to the historic Métis Nation.

This is the reason that the MNC excluded the Métis Nation of the NWT as a member – because the NWT Métis at that time did not exclude those registered as “Indians” under the *Indian Act*.

These choices are meant to more clearly define the social boundaries of the Métis Nation by emphasizing who is ‘us’ and who is not.
Based on all of the above, what principles could be used to determine the boundaries of the Métis Nation Homeland?

If the modern Métis Nation wishes to assert itself as a rights-bearing aboriginal people within the meaning of s. 35 of the Constitution Act, 1982 or within the meaning of “Indigenous peoples” in the UN Declaration on the Rights of Indigenous Peoples, there is really only one principle.
Based on the facts of history, the modern boundaries should be based on the social and geographic boundaries of the historic Métis Nation.
The modern boundaries should be based on the historic boundaries because the Métis Nation claims to be an aboriginal people.

If the geographic boundaries of the modern Métis Nation are not based on the historic boundaries, the modern entity is arguably no longer a ‘nation’ of aboriginal people.

Artificial boundaries would not be a ‘aboriginal homeland’ either. Simply expanding the boundaries to meet a different line, such as a provincial boundary has no meaning with respect to an aboriginal people, which by definition is defined without relation to state boundaries.
State boundaries are not legally defensible

• No other aboriginal people claims social or geographic boundaries based on the state’s political borders.

• Using state boundaries undermines the claim to represent an aboriginal people because the claim is divorced from the traditional territory of that aboriginal people.

• Such new territorial boundaries would not be based on principle, law or historical facts. They would not be legally defensible for rights purposes.
It is suggested that the foundational principle should be applied consistently throughout the Métis Nation.

It is inconsistent and indefensible to argue that provincial boundaries define the Métis Nation in some provinces but not in others.

Articulating the borders of the historic Métis Nation may or may not result in a finding reasonably close to some provincial boundaries.
How do we articulate the foundational principle?

I suggest that this could be accomplished by mapping the social and geographic boundaries of the historic Métis Nation Homeland, layering them on top of each other and drawing a line around the demarcated territory.

That line would be the external boundary of the historic Métis Nation Homeland.