



# ABA BULLETIN

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## **Harvesting pact irks anglers, hunters**

### **Bob Scammell**

In the torrent of outrage over the Interim Metis Harvesting Agreements that suddenly came into force in Alberta last October 1, the Alberta Fish and Game Association provides the most measured, researched response.

The AFGA position paper on the subject is available at their website: [www.afga.org](http://www.afga.org). Considerable information on the issue is also available from [info@sportsmenofalberta.com](mailto:info@sportsmenofalberta.com).

With more than 15,000 members and more than 100 affiliated clubs, AFGA is Alberta's largest and most widely dispersed organization of anglers and hunters.

AFGA opposes the Interim Metis Harvesting Agreements for many reasons:

! because they expand Metis hunting and fishing rights far beyond what the Supreme Court of Canada did in its September, 2003, decision in *R. vs. Powley*;

! the agreements are contrary to any concept of equality of all Albertans and will result in reduced hunting and fishing opportunities for other Albertans;

! because the agreements will endanger and imperil fish and wildlife;

! because the effect of the agreements cannot be monitored or enforced owing to staff and budget cuts and because there was no public consultation before the agreements were signed.

If you plow your way through *Powley* and the Interim Metis Harvesting Agreements you come away convinced the AFGA positions have merit.

The Supreme Court of Canada is unusually cautious, careful and concerned about the application and effect of its decision that two Metis connected with a traditional Metis hunting community near Sault Ste. Marie should have the right to hunt for food at all seasons of the year on all land to which they have legal access and without regard to limits, or most fish and wildlife acts and regulations.

In other words, the highest court in the country was extending to these two Metis, the European ancestors of whom did not come to Canada much sooner than those of many of the rest of us, the same hunting and fishing rights the federal government obliged the provinces to give to our native, aboriginal peoples in return for transferring the federal land and natural resources of the former Northwest Territories to Alberta, Saskatchewan and Manitoba.

But the Supremes seem to be saying that you have to proceed carefully to determine who is Metis and which of them has a real connection to traditional Metis hunting communities.

Yet Alberta, in these interim agreements, is basically extending these rights, not just to subsistence hunting Metis, but basically to anyone in Alberta who can satisfy Metis organizations that they are Metis, that they have the right mix of blood.

Ray Makowecki, immediate past president of the AFGA, in a letter to his MLA, Ray Danyluk, with a copy to the premier, dated March 12 points out that the Alberta government, back in 1938-'39, created eight Metis Settlements ranging from 25,601 to 163,168 hectares, totaling 505,102 hectares, including numerous lakes and landscapes containing fish and wildlife resources and gave the Metis people exclusive hunting, fishing and trapping rights on these lands.

"Considering that no other provincial governments had assigned such lands to their Metis peoples," Makowecki asks, "has the Alberta government, prior to the Interim Metis Harvesting Agreements, not only met the spirit of the Supreme Court of Canada, but also met the specific word of the Powley decision?"

That is a very relevant question, and it is outrageous that nobody was given any opportunity to ask it prior to the agreements being signed on Sept. 28 last year.

It was just slightly earlier than that, also in September, that word leaked about the impending agreements. Certainly no "stakeholders" - possibly not even Metis groups - were consulted.

The leaks I am aware of all came from concerned people in the Ministry of Sustainable Resource Development, the ministry responsible for the management and protection of our fish and wildlife resource, who despair, given their lack of money and manpower, of ever being able to monitor the effect of the agreements on our fish and wildlife, or to investigate breaches of the agreement.

Indeed, given the delays and special "consultations" built into the agreements before Metis may be prosecuted for fish and wildlife offences, privileges enjoyed by no other segment of our society, including full-blood first-nation aboriginals, it is doubtful that an Alberta Metis will ever again be successfully prosecuted for fish and wildlife offences.

But there are other, more disturbing defects and abuses of the Agreements becoming obvious in just the first four months of their existence.

These problems validate the warning of Ray Makowecki in the last substantive lines in his letter to his MLA, copy to our premier: "There are simply not enough of these resources for exclusive and extended use. We must seek equality of use for all Albertans."

(To be concluded next week.)

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