

VOICE ^{OF} THE PEOPLE

Background Document on Governance
for Dialogue on Reforming the MN-S
Constitution and Related Legislation



INTRODUCTION

In a consultation process led by Vice President Gerald Morin, the Métis Nation–Saskatchewan (MN-S) is seeking its citizens' input in reforming the MN-S Constitution and related legislation. All 12 regions in Saskatchewan will be engaged in order to hear your thoughts.

In September and October, Vice President Morin and MN-S staff will be travelling across the province to meet and hear from you, Métis citizens, on your thoughts, experiences and ideas relating to the Constitution. We want to start the process of reforming the constitution by learning about what changes you think should be made to improve the Constitution and related Legislation. We want to hear what is important to you.

At the Spring Métis Nation Legislative Assembly (MNLA) in April 2019, we organized dialogue forums on a number of topics including constitutional reform, and we heard from elected representatives who offered their input in the planning of this process. These meetings are a continuation of that conversation and another chance for communities to join in. This is an ongoing dialogue and there will be several times to involve yourself to meet and talk with us

After we have met with all 12 regions, we will put together what we heard into a draft Interim Report, with some options on potential changes to the MN-S Constitution or Legislation. You will then be consulted further at the November 2019 MNLA to get your opinion on the Interim Report to make sure we are on the right track before any constitutional and legislative changes are considered by the Métis Nation Legislative Assembly.

Over the years, there has been a lot of work done to keep our history alive. The passing of our Constitution in 1993 is an important piece of that. Your Métis government has been working tirelessly to solidify the gains we have made thus far through the Core Governance Agreement, which formally recognizes our Nationhood status and also establishes a government-to-government relationship with the Federal Government and other governments as well.

We must now step up to the challenge: improve our Constitution and our laws so that we are no longer operating under colonial laws but under laws – passed by us – to support and guide our Métis Nation. Our Constitution must speak to our fundamental Métis values and provide us with a structure and principles to work in the best interests of our citizens in collective unity to realize our goals on behalf of our children and grandchildren. This is not about today, but about the future of our Nation.

WHO WE ARE

We emerged proudly as a distinct people, as a Nation and as Métis people in the historic Northwest territory, our Homeland, in the 18th and 19th centuries. As Métis people, we have our own languages, cultural practices, heritage, traditions, governments, and laws.

The Métis Nation Homeland extends from western Ontario through and including the whole of three prairie provinces to eastern British Columbia into the Northwest Territories and northern United States where we possess 'Aboriginal Title' to the land. The Government of Canada unsuccessfully tried to extinguish our title through the issuance of "scrip" and land grants in the 19th and 20th centuries. However, Section 35 of the Canadian Constitution, 1982 affirmed our rights and states that Aboriginal peoples "includes the Indian, Inuit and Métis Peoples of Canada." This happened only because of the insistence, tenaciousness, and determination of our Métis Leaders at the time.

So, who are the Métis? “Métis means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation”. This definition was adopted by the Métis National Council in 2002 and was integrated into our Constitution in 2004.

In order to be accepted by MN-S and registered as a Métis citizen, a person needs to provide their genealogical documentation of their ancestry and it needs to be traced to the rights-bearing Métis of the 18th and 19th centuries. Not everyone who has Indigenous ancestry is Métis as defined by the Métis National Council, nor is being Métis about blood quantum. It is about being connected through ancestry and community to the Métis, who emerged as a distinct people – a Nation – in the historic Northwest.

WHAT IS A CONSTITUTION?

To help with the discussion, we have included a brief description of what a constitution is and what purpose it serves.

- A constitution is the set of values, principles and rules that a community or Nation uses to govern itself. This is sometimes referred to as a people “establishing the character and conception of its government”. Basically, a constitution should answer the question: who are we collectively and what principles do we think are important above all others?
- Constitutions also establish the basic structure of a government. They identify what the various branches will be, what offices will exist and what the roles, powers and responsibilities of those people are. They make it clear how leaders will be chosen, how and by whom any disputes or disagreements that arise will be resolved, and how we will organize our nation to get things done.
- A constitution does not prescribe operational details, such as how do we manage Housing or Education etc. We would have other policies, legislation, rules or regulations to deal with more operational matters.
- However, the constitution is the “highest law”, which means that all other laws must be consistent with it. If they are not, they are not valid.

HISTORY OF MÉTIS POLITICAL REPRESENTATION IN SASKATCHEWAN AND THE MN-S CONSTITUTION

In Saskatchewan, our Métis people have long been organizing and developing representative bodies over a span of 150 years. In the past, Métis leadership has fought for and succeeded in attaining the recognition of Métis people and the entrenchment of Section 35 rights in the Canadian Constitution. The recent lobbying and negotiation efforts of your Métis Government have also advanced our current status as Métis people in this country where now the Federal Government is sitting across the table, willing to negotiate various agreements with the Métis Nation. It has been a long hard fight to get where we are today.

In brief, the political history of the Métis in Saskatchewan is highlighted in point-form below:

- Early 1930s, the Métis in southern Saskatchewan began to organize around the issue of Métis land rights and scrip.
- In 1931-32, the Half-breeds of Saskatchewan was formed by the Métis in Regina to represent their interests.

- In 1937, that organization drew up their first constitution and became the Saskatchewan Métis Society (SMS), representing Métis in southern and central Saskatchewan and lobbying the government as a collective Métis voice. Leaders organized Saskatchewan's Métis through "Locals", a community-based representative structure borrowed from organized labour.
- By 1939, there were over twenty Locals in rural and urban centers, reflecting a growing sense of political awareness and social activism. Throughout the 1930s, the SMS worked to address issues of poverty, lack of education, lack of employment, land displacement and hunting issues.
- Then, in the mid-1960's the Métis Society of Saskatchewan (MSS) represented Métis living in southern and central Saskatchewan, while the Métis Association of Saskatchewan (MAS), represented northern Métis and non-status Indians.
- In 1967, the two organizations merged, keeping the name of Métis Society of Saskatchewan.
- In 1975, the MSS was restructured as the Association of Métis and Non-Status Indians of Saskatchewan, returning to the Métis Society of Saskatchewan in 1988.
- After extensive consultations and research, in 1993 the Constitution of the Métis Nation-Saskatchewan, was passed and became law. This was done to recognize and demonstrate that we are a self-determining people with the inherent right to establish our own government and laws.
- In 2018 the Framework Agreement, and in 2019 the Core Governance Agreement, were signed which recognizes MN-S as a Nation with the inherent right to self-government and which sets up a Rights Table.

Saskatchewan has been a leader within the Métis Nation across Canada on constitutional development for decades. Our Constitution represents our political, socioeconomic, cultural and educational interests of our Métis Citizens through a representative system based on 12 regions and approximately 110 locals. The MN-S Constitution guides us by establishing fundamental principles which govern us and other legislation that follows from it includes:

- The Métis Act
- The Citizenship Act
- The Regional Boundaries Act
- The Senate Act
- The Métis Nation Legislative Assembly Act
- The Wildlife and Conservation Act

The current governance structure includes elected officials from 12 regions and Local Presidents who have representation on the Métis Nation Legislative Assembly, the Provincial Métis Council which serves as our Cabinet consists of the 12 Regional Representatives, an Executive (President, Vice-President, Treasurer and Secretary), a Women's representative and a Youth representative.

Today, our governance structure is based on a community representative system and a democratic electoral ballot box system or "one person, one vote."

MÉTIS CORE VALUES AND PRINCIPLES

Our history informs us that as Métis people, we lived with strong cultural values and principles. One of the most important things a constitution does is to establish the core values of its government and its citizens. In reforming the constitution, we want to make sure we are building a government that represents, respects and supports the core values of Métis Citizens and that adopts key principles originating from our cultural values. We have included the MN-S Constitution as part of the information package for your reference.

As we move forward in our work, a number of questions come to mind that require reflection including:

1. What are the key principles that you think need to be included in the constitution?
2. What role does consensus decision-making have in how we make decisions?
3. How do religion and spirituality have their place in our constitution?
4. How should we reflect and respect the history of Métis people?
5. What are the responsibilities of Métis citizens?
6. How should the importance of land, nature, animals, fish and game be reflected in our Constitution?
7. Are there any revolutionary or new principles we should be thinking about for inclusion?
8. How does the current constitution define who we are as a people and what truly matters to us?

LOOKING TO OUR HISTORY FOR GUIDANCE

As we turn our attention to improving our MN-S Constitution, we must remember who we are and where we have come from as Métis people.

In 1870, the Métis in Red River under the leadership of Louis Riel established a Provisional Government with laws and a court. These laws continued in the period following the Provisional Government. On December 10th, 1873, Gabriel Dumont called a meeting to form a new government for the Métis settlement of St. Laurent on the South Saskatchewan River. He was immediately elected president of the new Council of St. Laurent. He presided over an elected Council and based on the laws of the Buffalo Hunt, he instituted a formalized constitution that was written down for posterity by the local priest, Father Andre. The Council adopted a constitution and served as the administrative, military and judicial body of this new Métis settlement.

The Laws of St. Laurent and the Laws of the Buffalo Hunt were detailed and demanded discipline and solidarity with leadership. The Laws of St. Laurent and the Buffalo Hunt are also part of the information package.

The following quote is from an Indigenous scholar, John Burrows, to show the strength of the laws and political discipline in practice:

“Métis laws continued in the period following the Provisional Government. In 1873, the laws relating to the buffalo hunt are of particular note. After being pushed from the Red River settlement (when the Manitoba Act was violated), a group of Métis established a democratically elected government in St. Laurent, near Batoche, Saskatchewan. Gabriel Dumont and eight councillors passed rules, patterned after their ancient buffalo hunt laws, in the following areas:

"The duties of the council, regulating contracts (e.g. agreements made on Sunday were null and void) and authorizing the raising of money by taxing households. They also passed laws related to penalties for crimes such as horse stealing, dishonouring girls and lighting fires on the prairie in midsummer. On January 27, 1875 the council passed laws relating the buffalo hunt: old which specifically forbade anyone from proceeding ahead of the departure date for the hunt were enacted, and new laws prohibiting anyone from leaving behind unused buffalo carcasses were also passed".

(Canada's Indigenous Constitution", page 88 et seq, John Burrows)

Then, on March 19th, 1885, under the leadership of Louis Riel, a second provisional government was declared at Batoche, Saskatchewan.

The laws passed by the Métis were strong and definitive, requiring accountability, self-control and strictness. It is important to recognize the forethought and authority that was needed by our ancestors to make their laws work and to regulate the Nation to be successful for the benefit of all Métis citizens.

FRAMEWORK AGREEMENT, CORE GOVERNANCE AGREEMENT AND THE NEED FOR CONSTITUTIONAL AND LEGISLATIVE REFORM

So, a word now about the significance of the Framework Agreement, signed June 20th, 2018 and which was negotiated by your MN-S government. The significance of this agreement cannot be overstated. It establishes a Rights Table for the first time in our History that enables us to negotiate and articulate our rights. At this Table, section 35 Métis Rights can be more precisely defined in comparison to what the courts have been willing to do up to this point. It also led the way to the Core Governance Agreement (Métis Government Recognition and Self-Government Agreement) entered into between your government and the government of Canada on June 27th, 2019. This agreement recognizes the inherent right of the Métis of Saskatchewan to self-government and commits Canada to work with us on a nation-to-nation basis and establishes a government-to-government relationship.

Another significant aspect of the Framework Agreement is that it supports concrete steps to advance reconciliation between Canada and the Métis of Saskatchewan. It expedites dealing with issues such as the Île-à-la-Crosse residential school settlement and includes the issue of land claims and, in particular the Northwest Métis Land Claim.

On the issue of reforming our Constitution and Legislation, Vice-President Morin and Minister responsible for Intergovernmental Affairs, said at the 2019 spring MNLA:

"The MN-S enjoys the distinction of being Canada's first Indigenous People to declare its independence and self-government by adopting its own Constitution in 1993. This was a major step in the struggle to achieving Métis self-government. While it is important to point out that we have our own Constitution, it must be kept in mind that no Constitution is perfect and they by their very nature are an evolving beast. The original drafters could never have foreseen every conceivable situation that would confront the Constitution. As such, much like the Constitutions of the world leading Democracies, ours needs to be amended from time to time as major developments dictate."

QUESTIONS TO THINK ABOUT AND DISCUSS

There are many questions to consider as we think about reforming the constitution – more than we could list here. However, some questions that could be useful to consider in our conversations might include:

1. How well does our current governing system work?
Are there suggestions for how we can make it work better?
2. What are the legislative tools we need to achieve our goals?
3. What should the role of elected representatives, the Provincial Métis Council, the Executive, Elders and the Senate be?
4. What are the elements of the current Constitution that are important to keep?
5. Should we say more about the responsibilities, accountabilities and rights of both the Métis Government and of Métis Citizens?
6. How well does the constitution reflect traditional practices and ideas? Are there others we want to include as part of reform?
7. As we move away from the not-for-profit model, what should constitute our Executive? Do we need a Secretary? A Treasurer? Should these positions be elected by all Citizens or assigned from the PMC?
8. Who should represent our Citizens at the MNLA? All local Presidents? Or do we move to a “representation by population” scenario? How would that work?
9. When a Regional Director or a member of the Executive resigns, how should the position be filled?
10. What are the accountabilities relating to the Affiliates to MN-S?
11. Should the representative on the PMC for Women be elected Provincially? For Youth?
12. Should the definition of Métis be amended for the purposes of voting and participating in programs that the Citizen be registered with MN-S?
13. What is the role of the General Assembly? Should it remain the same?

As we go forward and talk to more citizens, we also want to make sure we are asking the right questions.

What other questions should we be asking that are important to citizens?

WHAT WE HAVE HEARD SO FAR

Leading up to the Métis Nation Legislative Assembly in April of 2019, local presidents from across the MN-S participated in a focussed discussion on MNS Constitutional Reform. They identified four areas they wanted to see as part of reforming our Constitution. These were:

1. **Clear Drafting:** The constitution should be clear, easy to read and in plain language.
2. **Dispute Resolution:** There need to be ways for citizens to engage and resolve disputes within the Nation.
3. **The Role of Elders and the Senate:** There should be more of a role for the guidance and advice of Elders and the senate in the government.
4. **Accountability and Transparency:** Processes should be clear and transparent, including how decisions are made, and making sure that there is time to consider and understand resolutions, motions and other decisions made at the Métis Nation Legislative Assembly.

Are there other areas that you think we need to focus on?

LET US KNOW HOW YOU WANT TO BE KEPT UP-TO-DATE AND INVOLVED

As a Métis citizen, it is important that you are kept informed and have real opportunities to make your views heard on what you want your constitution to look like. Today's discussion is part of a process that began in 1993 when our current constitution was adopted, and it continues today as we work together with citizens and communities across the province through an open process of consultations. While we have some ideas on how we might do this, we are looking for your help and suggestions. How can we make sure people have the information they need? How do we organize future discussions to make them work as best as possible? How is the most favourable way to "get the word out"? How do we make this process inclusive so that any Métis citizen who wants to provide input can?

SEND US YOUR THOUGHTS

While we are hopeful that our in-person discussions will be productive and give everyone a chance to express their views and participate, we know that you may have additional ideas or feel more comfortable reaching out individually. Please feel free to send your thoughts, comments and suggestions in writing or give us a call.

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