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tabled to the MNLA on May 25, 2024 for consideration

Métis Nation – Saskatchewan Constitution incorporating proposed amendments Phase 1 2024

Preamble

The Métis Nation is a distinct Indigenous people. The Métis are distinct from the Indians and Inuit and are the descendants of the historic Métis who evolved in what is now Western Canada and part of the northern United States as a people with a common political will and consciousness, history, culture, language and values.

We the Métis Nation within Saskatchewan:

Affirm that the values of *waahkoomiwayhk / wâhkôhtowin / ëtëlot'inë* ("kinship and connectedness to each other"), *shakihwayhk / sâkhitowin / bëghañonëta hët* (love) and *aen manaachihitowin / manâchihitowin / Èta Bëk'ësorídlí* - ("mutual respect") are central values of the Métis Nation within Saskatchewan;

Recognize *Kaa tipaymishooyaahk* ("we who own ourselves") / *Otipemisiwak* ("our own boss") / *Dënë bëdagharí* ("The people own themselves") - that the Métis Nation within Saskatchewan is its own boss. This is a fundamental principle of Métis identity with deep historical roots. The Métis Nation within Saskatchewan has the existing inherent right to self-determination and has been governing itself for generations through the laws of the Prairie including the laws of the St. Laurent, the laws of the Buffalo Hunt, the *Manitoba Act* proposed by the Riel Provisional Government and Louis Riel, the first premier of the province of Manitoba, and bylaws and constitutions for Métis representative organizations in Saskatchewan;

Affirm that the Métis Nation within Saskatchewan's self-determination, including its authority to govern itself is recognized and affirmed by Section 35 of the *Constitution Act, 1982*; the United Nations Declaration on the Rights of Indigenous Peoples; and the Métis Nation within Saskatchewan Self-Government Recognition and Implementation Agreement between Métis Nation – Saskatchewan and His Majesty the King in Right of Canada, dated February 23, 2023 and the Métis Government Recognition and Self-Government Agreement between Métis Nation – Saskatchewan and Canada dated June 27, 2019;

Affirm the *Daniels* decision in which Métis fall within subsection 91(24) of the Constitution Act, 1867, and the bilateral government to government relationship between the Métis Nation within Saskatchewan and the federal government of Canada;

Affirm that *Lii Vyeu Moond* ("Elders") are our knowledge keepers and serve as the voice to carry our history, and *Lii Zaanfaan* ("Children") are our future. The Métis Nation-Saskatchewan will hold children at the centre.



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Having experienced physical and political conflict and dispossession in the late 1800's we are still engaged in a continuing struggle to rebuild our social cause 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 through Treaty, land claims and all other measures necessary.

In order to achieve these objectives we are hereby re-establishing a strong and revitalized government within the province of Saskatchewan which must involve all sectors within our Society.

While pursuing these objectives within Saskatchewan, we are also committed to cooperating with the members of the Métis Nation in the rest of the Métis Homeland in order to develop a National Forum to represent our collective interests at the national and international levels.

Whereas section 35 of the *Constitution Act 1982* recognizes and affirms Métis as one of the three Aboriginal peoples of Canada and whereas the Métis Nation — Saskatchewan has adopted the national definition of Métis, we are further committed to promote National Registration of Métis Citizens.

We the citizens of the Métis Nation within Saskatchewan recognize:

The inherent dignity and equality and rights that can never be taken away from Métis people is the foundation of Freedom, Justice and Peace in the Métis Nation.

The ideal of all Métis enjoying civil and political freedom can only be achieved if conditions are created whereby every Métis may enjoy their civil, political rights, economic, social and cultural rights.

The promotion of universal respect for and observance of all the collective and individual rights and freedoms of all Métis.

The Métis individual, having duties to other Métis individuals and to the Métis community to which they are a part has the responsibility to strive for the promotion and observance of all Métis rights.

Therefore, we the citizens of the Métis Nation within Saskatchewan agree to the following articles:

1. All Métis have the right to self-determination. By virtue of that right we the citizens of the Métis Nation within Saskatchewan will freely determine our political status and freely pursue our economic, social and cultural development;
2. The Métis Nation – Saskatchewan undertakes to respect and ensure the rights of all individuals within the nation and subject to its jurisdiction without distinction of any kind such as race, colour, sex, language, religion, political or other opinions;



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3. To ensure that any Métis person whose rights or freedoms as herein recognized is entitled to be heard by a competent authority of the Métis Nation – Saskatchewan as provided for by law;
4. To ensure competent authorities as authorized pursuant to laws enacted by the Métis Nation Legislative Assembly shall enforce such remedies when granted;
5. The Métis Nation – Saskatchewan undertakes to ensure the equal right of persons to enjoy all civil and political rights set forth in these articles;
6. Every Métis citizen shall have the right to liberty of movement to choose their residence;
7. No Métis citizen shall be deprived of the right to join a local in the community where they reside;
8. All Métis persons shall be equal before the Métis Nation Legislative Assembly in Saskatchewan;
9. No Métis Person shall be subject to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honour or reputation;
10. Every Métis Person shall have the right to freedom of thought, conscience and religion;
11. No Métis Person shall be subject to coercion that would impair their freedom to have or adopt a belief of their choice;
12. The Métis Nation – Saskatchewan shall have respect for the liberty of parents or guardians to ensure moral education of their children is in conformity with their own convictions;
13. Every Métis Person has the right to hold opinions without interference;
14. Every Métis Person shall have the right to expression including the freedom to seek, receive and import information and ideas of all kinds either in writing or print, in the form of art, or through any media of their choice;
15. The right of Métis People to assemble and organize at the community level is recognized;
16. Every Métis Person has the right of association subject only to a restriction that is prescribed by the Métis Nation Legislative Assembly and is necessary to protect the interests of the Métis Nation within Saskatchewan;
17. The family is the natural and fundamental group of the Métis Nation within Saskatchewan and is entitled to protection by the Métis Nation – Saskatchewan;



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18. Every Métis child born of a Métis person is entitled to be registered as a citizen of the Métis Nation – Saskatchewan;

19. Every Métis Person has the right to:

- a) Take part in the conduct of public affairs, directly, or through freely chosen representatives;
- b) To vote and to be elected to a Local or Regional Council, the Executive, the Provincial Métis or the Métis Nation Legislative Assembly, subject only to appropriate restrictions on age or residence;
- c) All votes shall be of equal and universal suffrage and shall be held by secret ballot which guarantees the free expression of the will of the electors;
- d) All Métis shall have the right to access all public services offered through the Métis Nation affiliates.

20. All Métis persons are equal and entitled to protection by the Métis Nation - Saskatchewan.

Article 1: Title

1. This Constitution may be referred to as the *Métis Nation – Saskatchewan Constitution*.
2. This Constitution applies to the registered citizens of the Métis Nation within Saskatchewan.

Article 2: Métis Nation Legislative Assembly

1. There shall be a Métis Nation Legislative Assembly which shall be the governing authority of the Métis Nation – Saskatchewan.
2. The Métis Nation Legislative Assembly shall be comprised of the Local Presidents, The Provincial Métis Council, four representatives of the Métis Women of Saskatchewan and four representatives from the Provincial Métis Youth Council.
 - a) Notwithstanding section 2, the Vice President of a local shall serve as an alternate member of the Métis Nation Legislative Assembly in the event that a President is not able to attend.



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2.1 The loyalty of the members of the Métis Nation Legislative Assembly must be to the Métis Nation within Saskatchewan, and each member shall swear an Oath of Allegiance prior to taking their seat in the Assembly.

3. The Métis Nation Legislative Assembly has the jurisdiction and authority:

(a) to govern the affairs and conduct of the Métis Nation within Saskatchewan by adopting resolutions, rules and directives, making proclamations, and enacting legislation in relation to any matter; and

(b) to establish courts, tribunals or other entities, mechanisms or processes to resolve disputes relating to:

(i) compliance with this Constitution;

(ii) the validity, interpretation, application or alleged violation of legislation enacted by the Métis Nation Legislative Assembly or policies adopted by the Métis Nation – Saskatchewan; or

(iii) disputes between or involving Métis individuals.

4. *moved to Article 4-4.1*

5. The Métis Nation Legislative Assembly, based upon the recommendation of the Provincial Métis Council shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the organization. In doing so, the Assembly shall ensure equity of representation from the Youth, Women and Elders.

6. The Métis Nation Legislative Assembly shall meet at least twice a year.

7. Seventy-five members of the Métis Nation Legislative Assembly shall constitute a quorum.

8. Notice of any session of the Métis Nation Legislative Assembly shall require 30 days' notice to the Local President and Provincial Métis Council.

9. A person is disqualified from being a member of the Métis Nations Legislative Assembly when:

a) He/she dies or resigns

b) He/she is under 16 years of age.

10. All budgets shall be determined by the Métis Nation Legislative Assembly, based upon the recommendation of the Provincial Métis Council.



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11. The delegates to the Métis Nation Assembly of the Métis National Council shall be the Provincial Métis Council and the remainder shall be chosen from amongst the members of the Métis Nation Legislative Assembly, while the President shall form part of the Executive Council of the Métis National Council. This Constitution may be amended to take into account and reflect changes which may take place within the Métis National Council.

Article 3: The Provincial Métis Council

1. The Provincial Métis Council is composed of:

- (a) the Regional Representatives;
- (b) the members of the Executive;
- (c) a Métis woman to represent Métis women who is elected in a province-wide election held every four years; and
- (d) a Métis youth to represent Métis youth between the ages of 16 and 29 in a province-wide election held every four years.

2. The Provincial Métis Council shall form the cabinet and be responsible for the portfolios to be assigned and recommended by the President.

3. The Provincial Métis Council shall be responsible for ensuring that the affiliates, departments, programs and services covered by their portfolios are running smoothly and have the necessary resources to enable them to operate effectively. In addition, they shall provide a report to each meeting of the Provincial Métis Council and each session of the Métis Nation Legislative Assembly or as requested by the President.

4. The Provincial Métis Council shall have the authority to appoint commissions, committees or other subsidiary bodies where these are deemed necessary in order to effectively carry out the activities and functions of the Métis Nation – Saskatchewan and Métis Nation Legislative Assembly directives.

4.1 The Provincial Métis Council shall designate persons who may have signing authority for the purpose of conducting the affairs of the Métis Nation – Saskatchewan, which shall include the Treasurer.

5. The Provincial Métis Council shall meet at least once every two months.

6. Eleven members of the Provincial Métis Council shall constitute a quorum.



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7. Notice of any meeting of the Provincial Métis Council shall be given at least seven days prior to such meeting.
8. The Provincial Métis Council shall provide written reports to the Métis Nation Legislative Assembly.
9. Elected Provincial Métis Council members and Presidents should not hold paid positions with the Métis Nation – Saskatchewan or any of the Affiliate Board.
10. The Provincial Métis Council shall set the date and place for each Métis Nation Legislative Assembly sitting, provided no less than 30 days' written notice is given to the President of each Local.

Article 4: Executive

1. There shall be 4 Executive members of the Métis Nation Legislative Assembly who are elected province-wide.
2. The Executive shall be composed of the President, Vice President, Secretary and Treasurer.
3. The term of office for the Executive shall be four years.
4.
 - a) The President shall be the head of the Executive, and chief political spokesperson for the Métis Nation – Saskatchewan.
 - b) The President shall assign and recommend portfolios, subject to the approval of the Provincial Métis Council and ratification of the Métis Nation Legislative Assembly [*from among the PMC members or the members of the MNLA?*].
5. The Executive of the Métis Nation Legislative Assembly shall meet at least once per month and three members shall constitute a quorum.
6. The Executive shall provide written reports to the Métis Nation Legislative Assembly.
7. Where a vacancy is created for any reason, including death or resignation, the Métis Nation Legislative Assembly shall elect from the Provincial Métis Council members an interim Executive member who shall serve until a by-election has been held and the vacancy filled.



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Article 5: Regions

1. There shall be 12 Regions as set out in Schedule A of this Constitution.
2. The Regions shall be governed by a Regional Council composed of the Presidents of the Locals within the respective Regions along with a regionally elected representative who shall be the Chairperson of the Regional Council, as well as the Region's representative on the Provincial Métis Council of the Métis Nation Legislative Assembly.
3. The Regional Council shall have the responsibility of making all appointments to the Institutions and Affiliates at the Regional and Provincial levels. In the event that the Regional Representative is not so appointed, he/she shall be an ex-officio member of all Regional Institutions and Affiliates.
4. The Regional Councils shall establish regional administrative offices that are accessible to the people and leadership.
5. The Regional Council shall be responsible for programs and services decentralized to that level.
6. The Regional Council shall enact a constitution that is not inconsistent with this constitution and shall file a copy of it, and any amendments to it, with the Clerk of the Métis Nation Legislative Assembly.
7. The Regional Council may incorporate with the appropriate government department.
8. The Regional Council may seek the necessary finances and resources to carry out their programs, services, objectives and duties, and where so requested the Provincial Métis Council shall assist in securing these necessary finances and resources.
9. The Regional Council shall assist their Local Communities in preparing to assume Métis self-government, which includes land, where this is an objective.
10. The Regional Council shall provide direction to their representatives on the Provincial Métis Council with respect to all matters, including the aims, objectives and aspirations of the Métis Nation – Saskatchewan, and for their respective Regions.
11. Where a vacancy is created for any reason, including death or resignation, the Regional Council shall elect from the members of the Council an interim Regional representative who shall serve until a by-election has been held and the vacancy filled.

Article 6: Urban Councils



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1. The Métis Nation-Saskatchewan shall initiate, assist, support, assign, recommend and facilitate the development, implementation and establishment of Métis Urban Self-Government Councils in Saskatchewan.

Article 6.1: Northwest Saskatchewan Métis Council

1. The Métis Nation-Saskatchewan shall assist, support, recommend and facilitate the Regions forming the North West Saskatchewan Métis Council to develop, establish and implement Métis governance for their Métis communities.

Article 7: Locals

1. The Locals are the basic unit of the Métis Nation – Saskatchewan.

2. The Locals shall be made up of at least nine members.

2.1 An individual shall only belong to one Local.

2.2 An individual must have resided in the community where the Local is situated for at least 6 months to be eligible for membership in the Local, although a Local may make exceptions for educational and medical purposes.

2.3 A member of a Local must be ordinarily resident in the community where the Local is situated in order to retain membership in the Local, otherwise, the member must transfer their membership to the Local in the community to which they have relocated.

2.4 In communities where no Locals exist, Métis persons shall apply to the Local nearest their residence.

3. New Locals can be admitted by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are met.

4. Locals can be dissolved by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are no longer met.

5. The Métis Nation Legislative Assembly shall adopt rules pertaining to the admission and dissolution of locals.

6. Each Local shall be governed by a council, consisting of a president, a vice-president and the number of other members determined in accordance with the constitution of the Local, which may include terms of one to three years and elections may be by ballot box or conducted at a general meeting of the members of the Local.



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6.1 Each Local shall submit the names of their elected leadership to the Regional Council and the Clerk of the Métis Nation Legislative Assembly within 30 days of their election.

7. Any Métis who is 16 years of age or over and is a member of the Local shall be entitled to vote or seek office.

8. Each Local shall enact a constitution that is not inconsistent with this Constitution, including the establishment of portfolios, committees or other bodies required to address community and other issues, and shall file a copy of it, and any amendments to it, with the Regional Council and the Clerk of the Métis Nation Legislative Assembly.

9. The Locals shall provide yearly updates of their membership to the Regional Council and the Clerk of the Métis Nation Legislative Assembly, separating those members who are under 16 years of age from those 16 and over.

10. The Locals shall be responsible to prepare the Communities for the assumption of Métis self-government, which includes land, where this is an objective.

11. The Locals may incorporate with the appropriate government department.

12. The Locals may seek necessary finances and resources to carry out their programs, services and objectives and where so requested the Provincial Métis Council of the Métis Nation Legislative Assembly shall assist in securing these necessary finances and resources.

ARTICLE 8: ELECTIONS

1. *deleted*

2. Election for the Executive, Regional Representatives and the Women and Youth Representatives to the Provincial Métis Council shall be held within four years of the previous election.

3. *deleted*

4. Provincial Métis Council Regional Representatives shall be elected within their respective Regions.

ARTICLE 9: METIS NATION – SASKATCHEWAN

1. The seat of government of the Métis Nation – Saskatchewan is in Saskatoon.

ARTICLE 10: CITIZENSHIP

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1. DEFINITION

- a) 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.
- b) “Historic Métis Nation” means the Aboriginal peoples then known as Métis or Half-breeds who resided in the Historic Métis Nation Homeland.
- c) “Historic Métis Nation Homeland” means the area of west central North America used and occupied as the traditional territory of the Métis or Half-breeds as they were known.
- d) “Métis Nation” means the Aboriginal people descended from the Historic Métis Nation which is now comprised of all Métis Nation citizens and is one of the “aboriginal peoples of Canada” within the meaning of s 35 of the *Constitution Act, 1982*.
- e) “Distinct from other Aboriginal peoples” means distinct for culture and nationhood purposes.

ARTICLE 11: GENERAL ASSEMBLY

- 1. The Métis Nation Legislative Assembly shall convene a General Assembly annually and when necessary to ratify amendments to this Constitution.
- 2. The members of the General Assembly are those persons who are Métis citizens registered with the Métis Nation – Saskatchewan.

ARTICLE 12: WOMEN AND YOUTH

- 1. The Métis Nation Legislative Assembly shall involve Women and Youth in the determination of their role and responsibilities within the Métis Nation – Saskatchewan.
- 2. The Métis Women of Saskatchewan shall be designated 4 seats in the Métis Nation Legislative Assembly. This provision shall cease to apply when women have achieved equitable representation in the Provincial Métis Council and Métis Legislative Assembly.
- 2.1 The Provincial Métis Youth Council shall be designated 4 seats at the Métis Nation Legislative Assembly.

ARTICLE 13: MÉTIS INDEPENDENCE



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1. Whereas the Métis are in the process of implementing self-government as one of three orders of government within Canada, the Métis Nation – Saskatchewan shall be non-sectarian and non-partisan.

2. *moved to Article 2*

3. The leadership shall be responsible and accountable to the Communities, as reflected by the Métis Nation Legislative Assembly, which is the Supreme Body for the Métis within Saskatchewan.

4. Members of the Métis Nation – Saskatchewan are not precluded from joining political parties of the two other orders of government, being the federal and provincial levels of government.

ARTICLE 14: AFFILIATES

1 . a) The Métis Nation Legislative Assembly, on behalf of the Métis Nation-Saskatchewan, shall exercise all voting rights, powers and duties of ownership in relation to the affiliates, based upon the recommendations of the Provincial Métis Council.

a) Where not currently provided all affiliate Articles and By-laws shall be amended at the first reasonable opportunity to conform to this section.

2. The Provincial Métis Council members who are assigned a portfolio shall automatically sit as Chairperson of the Affiliate(s) which falls under his/her portfolio.

3. A member who is an employee/staff person/management of an Affiliate shall not be permitted to sit on any Affiliate Board.

4. All Affiliates shall have representation from the 12 Regions of the Métis Nation – Saskatchewan, unless otherwise decided by the Métis Nation Legislative Assembly based upon the recommendations of the Provincial Métis Council

ARTICLE 14A: SECRETARIAT

1 . A Secretariat shall be retained under *The Métis Act* for the sole purpose of carrying out the administrative duties of the Métis Nation-Saskatchewan.

2. The Secretariat shall be known as the Métis Nations – Saskatchewan Secretariat Incorporated.

3. The Board of Directors of the Secretariat shall be the same members who are elected to the Provincial Métis Council.



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ARTICLE 15: AMENDING FORMULA

1. The Constitution shall only be amended by the majority of three quarters of the members of the Métis Nation Legislative Assembly and ratified by three quarters of the members of the General Assembly.

2. All proposed amendments to the Constitution must be registered with the Clerk of the Métis Nation Legislative Assembly thirty days prior to the sitting of the Métis Nation Legislative Assembly where reasonable advance notice of the Legislative Assembly is provided. Where the minimum 30 days' notice is provided under Article 2-8, all proposed amendments must be registered 14 days prior to the sitting of the Métis Nation Legislative Assembly.

ARTICLE 16: IMPLEMENTATION

1. This Constitution is effective when it is approved by the Métis Nation Legislative Assembly and ratified by the General Assembly.

ARTICLE 17: SPECIAL ELECTION FOR 2007

deleted