



REGULAR MEETING - NOVEMBER 17-19, 2017

It was MOVED (Vice-Chair Cadeau) and SECONDED (Councilor Stenlund)

WHEREAS the Métis are a distinct Indigenous people and the Métis Nation of Ontario (MNO)—as a Métis government—represents citizens of the Métis Nation living in Ontario as well as rights-bearing Métis communities throughout Ontario, which are made up of the descendants of those communities;

AND WHEREAS Article 33 of the United Nation Declaration on the Rights of Indigenous Peoples states:

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions....
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures;

AND WHEREAS the MNO—as a Métis government—has exercised this inherent right to determine its own citizenship through the adoption of the MNO definition of Métis as set out in the MNO Secretariat’s Bylaws as well as the MNO Registry Policy, which were both developed and adopted by MNO citizens through MNO Annual General Assemblies (AGAs) after years of consultation;

AND WHEREAS based on these determinations the MNO has established a centralized Registry that identifies Métis rights-holders who meet the requirements for citizenship as set out in sections 3, 4 and 5 of the MNO Secretariat’s Bylaws as well as the MNO Registry Policy;

AND WHEREAS the Provisional Council of the Métis Nation of Ontario (PCMNO) is the democratically elected governing body of the MNO and is mandated to make important decisions on behalf of its citizens and the Métis communities it represents that may impact collectively-held Métis rights, interests and claims;

AND WHEREAS given the significant role PCMNO Councilors play in the MNO’s self-government, the 1997 MNO AGA adopted section 23(i) of the MNO Secretariat’s Bylaws that provides “the office of a councilor may be deemed vacated ... (i) where the PCMNO determines that a councilor is not entitled to be registered as a citizen of the MNO pursuant to 4(a);”

AND WHEREAS as the MNO prepares to enter into further negotiations on Métis rights, self-government and outstanding Métis claims against the Crown it is increasingly important that the MNO ensure that Métis are being represented by Métis as determined by the MNO (i.e., as set out in the Secretariat's Bylaws as well as the MNO Registry Policy);

AND WHEREAS the PCMNO passed a resolution on October 22, 2017 directing the MNO administration to retain Know History to review all MNO Registry files to ensure they meet "the current requirements for MNO citizenship" (i.e., as set out in the Secretariat's Bylaws as well as the MNO Registry Policy);

AND WHEREAS PCMNO Councilors with Registry files that are "incomplete" or "missing documentation" and do not meet the requirements of section 4(a) of the MNO Secretariat Bylaws were given official notice from the MNO Registrar—by way of written letter—on November 4, 2017;

AND WHEREAS the PCMNO is obligated to follow the MNO Bylaws to protect the credibility of the MNO's provincial governing body, but wants to ensure that Councilors with "incomplete" or "missing documentation" Registry files are given a fair and reasonable opportunity to complete their files prior to removing them as a PCMNO Councilor;

AND WHEREAS the MNO Registry Policy provides that "no PCMNO members shall take part in the decision-making with respect to any individual files";

AND WHEREAS, while the MNO has incorporated the MNO Secretariat to act as its legal and administrative arm until such time as its full self-government is negotiated and recognized by the Crown, other governments and the courts must allow Indigenous communities and government to determine their own citizenship and decide who it represents.

THEREFORE BE IT RESOLVED THAT:

1. The MNO Registry will be instructed to seek permission from all PCMNO Councilors to disclose the status of their file to the PCMNO as "complete," "incomplete" or "missing documentation," with permission to update the "status" of their file on an ongoing basis. For greater clarity, only the "status" of the PCMNO Councilor's file will be shared by Registry with PCMNO; no "information" from the file will be disclosed;
2. PCMNO Councilors with "incomplete" or "missing documentation" files that do not meet the requirements of section 4(a) of the MNO Secretariat Bylaws will be given until March 31, 2018 (approximately five months from when official written notice was provided to them) to complete their Registry files;
3. Between now and March 31, 2018, PCMNO Councilors who have been informed that they have "incomplete" or "missing documentation" files should declare that they have a conflict of interest in relation to PCMNO or Regional Consultation Committee discussions, decisions

or resolutions that touch upon issues where their personal interests (i.e., not having a “complete” Registry file) compete with or supersede his or her dedication to the interests of the MNO, including issues with respect to the MNO Registry, citizenship, Métis rights, etc. as set out in the MNO Bylaws and MNO Conflicts of Interest Policy http://www.metisnation.org/media/577714/mno_policy2015-002-conflict_of_interest_policy-feb222015.pdf;

4. On April 2, 2018, the MNO Registrar will provide a letter to the PCMNO identifying what PCMNO Councilors, if any, continue to have “incomplete” or “missing documentation” Registry files;
5. Upon receipt of that letter from the MNO Registrar, and pursuant to section 23(i) of the MNO Secretariat Bylaws, the PCMNO directs that PCMNO Councilors who have been identified as having “incomplete” or “missing documentation” Registry files shall be deemed to have vacated their office effective immediately, and the MNO administration will write a letter to them to this effect;
6. A PCMNO Councilor who is deemed to have vacated their office because the MNO Registrar has determined they have an “incomplete” or “missing documentation” Registry file will have no right to appeal the PCMNO determination, however, if they subsequently complete their Registry file they shall be able to run for office again, subject to the terms of the MNO Electoral Code;
7. Upon any PCMNO Councilor position(s) being determined to be vacated, the MNO administration will put out a call for no shorter than 30 days to all MNO citizens—who have completed Registry files—to apply for the vacated office(s);
8. Based on the call and verification that the applicants have completed MNO Registry files and are eligible for the vacated PCMNO position, a list of eligible candidates for the vacated positions shall be provided to the PCMNO;
9. The PCMNO, at their next meeting following receipt of the list of eligible candidates, shall appoint a MNO citizen(s) with a complete Registry file and who is eligible for the vacated office(s) to hold that position on PCMNO until the next province-wide election; and
10. That the MNO’s administration be instructed to engage in discussions with the province of Ontario to explain the process that is being followed and ensure that the MNO Secretariat Act cannot be relied upon by removed PCMNO Councilors to challenge the MNO’s inherent right to determine who can represent its citizens and to act on the MNO Secretariat Bylaw provisions that have been in place since 1997.

RESOLVED (PC171118-10)