

Métis **SELF- GOVERNMENT**

What should the priorities be in
our future negotiations with Canada?
What concerns should the MNO pursue in
our exploratory discussions?

A PLAINSPEAK DOCUMENT



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MESSAGE FROM THE MÉTIS NATION OF ONTARIO PRESIDENT



We are at an unprecedented time in our history as Ontario Métis. Historically we have had to fight for any recognition from other governments, however, thanks to the landmark Supreme Court of Canada decision in *R. v. Powley*, and several other recent political and legal developments, including the Supreme Court of Canada's decision in *Daniels v. Canada*, we are finally at a place where we are being recognized. A very bright future lies ahead.

Our communities have long been self-governing based on Métis laws, traditions, customs and kinship. We have an inherent right to self-government as an Indigenous people. It is the notion of formally recognized Métis self-government—by other orders of government—that is new. Although some First Nations and the Inuit have negotiated self-government agreements in Canada, there have been no meaningful processes for Métis south of the 60th parallel to negotiate the recognition of our self-government with Canada on a nation-to-nation basis.

The starting point for any self-governing Indigenous people is to move forward on a process of constitution building. Building a constitution brings a nation's citizens together to tell the world who they are, the fundamental rules and principles that guide our government, and how we plan to govern ourselves based on Métis law and traditions. Today, our self-government is heavily reliant on corporate structures for recognition. This must change! By developing a constitution by and for Ontario Métis, we will truly become self-governing.

At the same time, we have begun exploratory discussions with Canada with the purpose of securing a formal negotiations table by the end of 2017 on issues of self-government, rights, and outstanding Métis claims against the Crown. The specifics of what will be on the negotiations table have yet to be determined. Through the MNO Commission on Métis Rights & Self-Government, we look forward to hearing from all of our citizens on what subject matters should be a priority in our future negotiations as well as how we advance a process for constitution development.

Margaret Froh

MNO President

February 2017



LOOKING BACK: Roots of Governance and Impact of Colonialism

Métis self-government has its origins in the historic Métis communities in Ontario. While travelling across large regions and certainly in the communities where they settled, Métis were responsible for the “rules” that governed their communities. They were, in other words, self-governing.

Over time, the Canadian and Ontario governments took control of the lands already inhabited and relied upon by historic Métis communities as well as our First Nation relations. These governments passed laws, regulations and policies that either adversely affected or completely ignored the self-government, rights, interests and way of life of Métis communities. This was colonization in action.



Building a Strong Foundation for Self-Government A CHRONOLOGY:

Despite the impacts of colonialism, Ontario Métis communities persisted to form thriving contemporary communities today. With the founding of the MNO in 1993, the journey of the Métis in Ontario toward self-government had begun.

Since 1993, the foundations of self-government have continued to be laid down through the ongoing work of the MNO and our citizens. Below is a chronology of key events that have contributed to this strong foundation:

1993 - The MNO is established.

1993 - The *Statement of Prime Purpose* and MNO bylaws are established.

1994 - The MNO Secretariat is incorporated.

1994 - The first MNO community offices are established (there are 29 offices as of Feb 2017).

January 2000 - The Superior Court decision in Powley is released.

1999 - The Métis Rules of Order are adopted (later amended in 2006 and 2011).

2002 - MNO election policies are created (further policies adopted in 2010).

2004 - The MNO begins chartering Community Councils (as a form of local self-government).

2004 - The Women's, Youth, and Veterans Councils are created.

June 2007 - Ontario Court of Justice decision in *R. v. Laurin*, et al. is released.

2008, 2009, 2011, 2013, and 2014 - The nine regional consultation protocols are adopted.

2015 - The *MNO Secretariat Act* is passed in Ontario.

2016 - The MNO provides input for the Isaacs Report, and the final version of the *Isaacs Report* is released.

The MNO has also worked to lay the foundations of self-government in the area of Métis culture, well-being, economic development, and Métis way of life. These foundations include:

- ∞ The Constitution Act (Canada) 1982;
- ∞ The creation, funding and operation of core programs in health, well-being, education and training for Métis citizens (1995);
- ∞ The Supreme Court of Canada *R. v. Powley* decision (2003);
- ∞ The MNO Citizen Registry and its rules, now updated (2004-2015);
- ∞ The province wide engagement process and resulting “what we heard” report on establishing a community-driven Métis consultation process (2007-2008);
- ∞ Establishing the MNO's consultation process (2007-2008);
- ∞ On-going research on “root ancestors” and historical communities (2008-2017);
- ∞ The establishment the MNO's Lands and Resources Branch (2008, 2009);

- ∞ The successful negotiation of successive MNO-Ontario Framework Agreements regarding the advancement of Métis rights, Métis well-being, and Métis-appropriate harvesting, cultural and social services (2008, 2014);
- ∞ The creation of the Infinity Trust and other vehicles for creating self-sufficiency for Métis in Ontario (2015); and
- ∞ The establishment of an exploratory discussions table with Canada (2017).

Below is a chronology of key events related to harvesting that has also contributed to a strong foundation from which the MNO can move toward self-government:

1995 - The MNO Harvesters Card System is introduced.

1995 - The MNO develops its own internal harvesting policies that regulates the Harvesters Card System and the Métis harvest in Ontario. The most recent version of the Harvesters Policy was adopted in 2011.

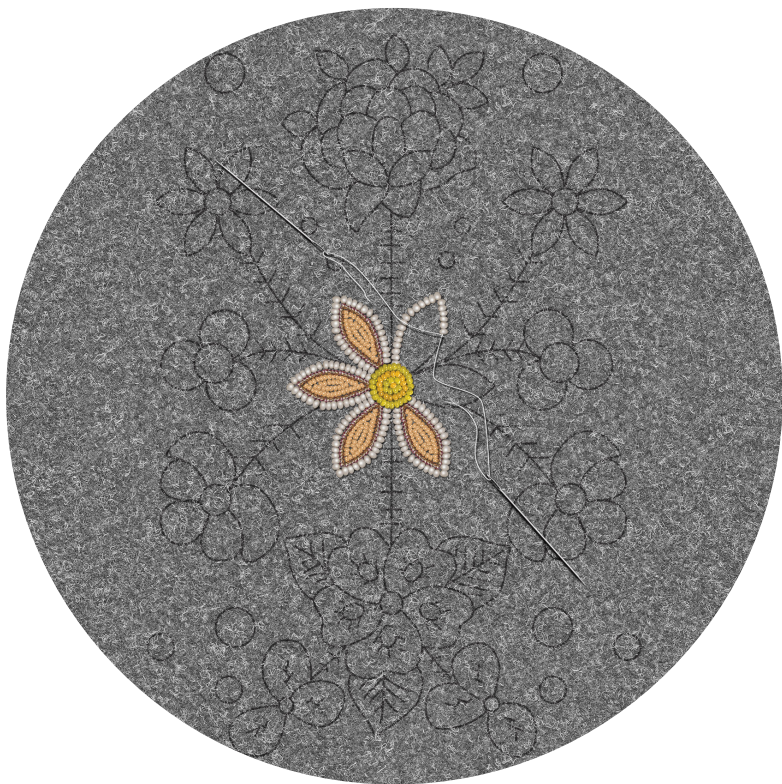
July 2004 - The MNO-Ontario Harvesting Agreement is reached.

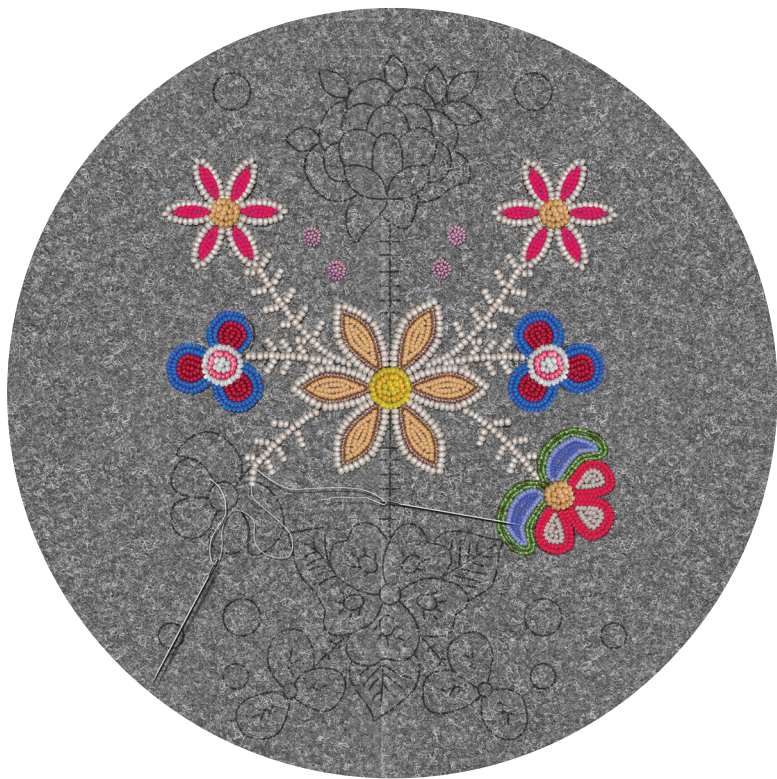
June 2007 - Ontario Court of Justice decision in *R. v. Laurin*, et al. is released.

2011 - The MNO and Ontario begin joint work on assessing existing information about historic Metis communities based on the Powley criteria.

September 2015 - Harvesting Agreement is amended, increasing the number of Harvesters Cards to 1450.

January 2017 - MNO and Ontario agree to a process on the Independent Review of the Harvesters Card system based on Powley.







LOOKING FORWARD: Negotiations with Canada

We know that s.35 of the Canadian Constitution includes Métis as one of the Aboriginal peoples of Canada (1982); however, it took until 2003 in the watershed Métis rights decision from the Supreme Court of Canada in *R. v. Powley* before there was any recognition of what Métis rights meant under s. 35 of the *Constitution Act*, 1982.

In spite of decades of denial of the Métis by successive federal governments, finally, and at long last, a *Memorandum of Understanding on Advancing Reconciliation* has been signed between the MNO and Canada (February 2017). It signals action in response to the 2016 Supreme Court of Canada's Daniels decision which found that Canada has jurisdiction with respect to deal with the Métis on a nation-to-nation basis.

This MOU, among other things: (i) establishes an exploratory discussion table whose objective will be to develop a mutually-acceptable framework agreement to serve as the basis for negotiations to advance reconciliation between Canada and the MNO; and (ii) re-iterates Canada's commitment to working, on a nation-to-nation, government-to-government basis with the Métis Nation, through bilateral negotiations with the MNO.

The importance of Ontario's active participation in the discussions table is recognized.

A copy of the MOU can be found on the MNO website (www.metisnation.org).

The first step in getting to a negotiation process with Canada is the establishment of the exploratory discussions table which was established when the MNO signed the MOU with Canada (February 2017). The goal is to arrive at a framework agreement by September 2017. The Framework Agreement will lay out a process to begin formal reconciliation negotiations between Canada and the MNO.

The formal negotiations will cover several key topics that might be included in a final reconciliation agreement between the MNO and Canada. Some of these topics may include lands and resources, Métis rights including self-government, fiscal relationships, programs, and services.

In addition to the Framework Agreement negotiations, which encompass all of the MNO, specific rights-bearing regional communities may also have specific claims. These claims will need to be addressed through separate negotiations that are specific to each regional claim.



LOOKING FORWARD: Negotiations with Ontario

Even though Canada has jurisdiction for Métis people, Ontario has many areas of jurisdiction and responsibility for matters that affect the Métis Nation, its communities and citizens. These include, for example, natural resources, medical services, and education. A number of agreements have already been signed between the MNO and Ontario in order to advance this relationship, and to create positive change for Metis citizens, families and communities.

With Ontario, reconciliation of Métis rights and self-government will likely involve the negotiation of additional agreements like the ones that have dealt with education, training and harvesting rights in the past.



LOOKING FORWARD: The Need for a Constitution

With the signing of the *MNO-Canada MOU on Advancing Reconciliation*, the MNO will work to establish a true nation-to-nation, government-to-government relationship with Canada. Progress continues to be made with Ontario under the *MNO-Ontario Framework Agreement* on a range of issues. Further, we have worked together with Ontario to assess existing research about historic Métis communities in Ontario based on the Powley criteria. In areas where there were gaps in information, additional research was commissioned. We are also moving forward with the pending independent review of the Harvester Card system as committed to under our 2004 Harvesting Agreement. Currently, the MNO Commission on Métis Rights & Self-Government is traveling across the province to hear the voices of all Ontario Métis communities and citizens on the critical issues for our nation -- our governance, Métis identity, culture and community, harvesting and Métis self-government.

It's time to move forward: to consolidate what the Métis Nation has now accomplished, and determine what it will build for the future.

Doing so means developing and adopting a **Constitution**.

A Constitution is developed through meetings with the various Community and other Councils and governing bodies of the MNO. It involves listening to Métis communities and citizens. It must be accepted by a vote of MNO citizens.

The Métis Nation of Ontario's Constitution will be the Métis Nation of Ontario's highest law.

A Métis Nation of Ontario Constitution would hold at its core the *MNO Statement of Prime Purpose*.

Creating a Constitution is a chance for all Métis communities and citizens to consider how best to implement the basic elements of Métis rights and self-government. It will turn the values in the *Statement of Prime Purpose* into law and rules for governing.

Having a constitution will also support nation-to-nation, government-to-government negotiations with Canada and the province.

It further recognizes and supports the Métis Nation of Ontario as the legal and legitimate voice of the Métis communities and citizens it represents in Ontario.

Building on MNO policies, a Constitution could:

- ∞ **talk** about Métis rights, recognizing the values and principles in the *Statement of Prime Purpose*.
- ∞ **state** the powers of the Métis government bodies.
- ∞ **outline** the actions, laws, policies and regulations that the MNO can deliver.
- ∞ **say** in law who is entitled to citizenship and list the rights of citizens.

- ∞ **indicate** the rules that Métis Nation decision-makers must follow, including electoral rules.
- ∞ **say** whether there are appeals of Métis government decisions.
- ∞ **say** how dispute resolution should be resolved.
- ∞ **say** whether, when (and thus which) problems can be taken to court.



Summing up

The full reconciliation of Métis rights and self-government necessarily involves consultations with Métis communities and citizens. All MNO Councils and governing bodies will be involved. There will be many opportunities for Métis voices in Ontario to be heard.

Métis rights claims must reflect the historical facts of Métis land and resources, culture, harvesting, and way of life.

Métis rights and self-government will be different from those of other Aboriginal peoples. The history and culture of Métis is unique and distinct.

Métis citizens remain citizens of Canada with no less rights and entitlements as other Canadians. Métis citizens in Ontario have no less rights and entitlements as other citizens in Ontario.



The Road Ahead

Some of the issues we need to discuss with respect to self-government are:

- ∞ What should the priorities be in our future negotiations with Canada?
- ∞ What concerns should the MNO pursue in these negotiations?
- ∞ What do you think are the most important principles that should guide the development of the MNO's Constitution?
- ∞ What processes would work well for engaging with MNO citizens and communities during constitutional development?
- ∞ What key elements and principles should be included in a constitution?
- ∞ Do we want to have a process of dispute resolution? What will this process look like?



**We invite you to provide the MNO with your responses
and feedback on these issues related to self-government.
Please provide your comments in writing:**

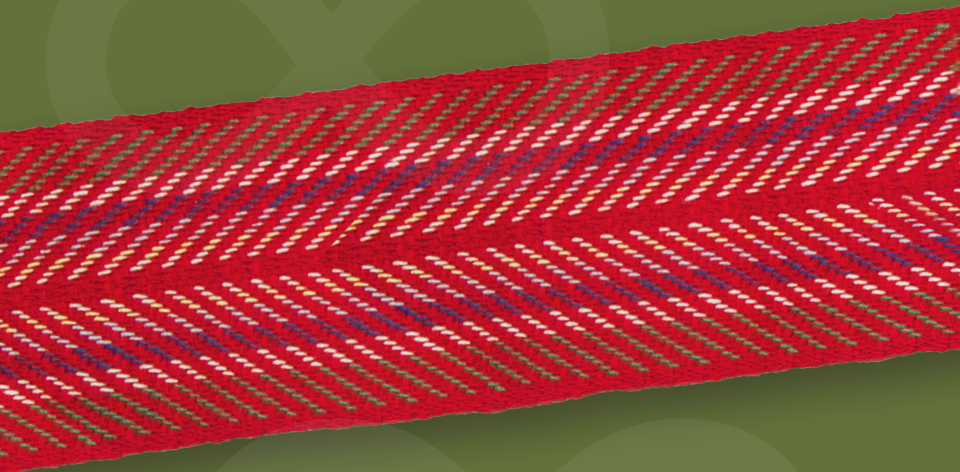
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MÉTIS NATION *of* ONTARIO COMMISSION *on*

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