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# **KNOW YOUR RIGHTS**

**Questions and Answers  
On Metis Hunting Rights**



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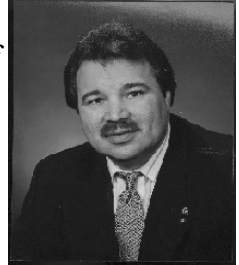
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## *We are The Métis Nation!*

### *A message from MMF President David Chartrand*

This year will become a much-celebrated date in the history of our Métis Nation. The Supreme Court of Canada's "R. v. Powley" Decision will take its place among our many historic nation-building milestones such as the Battle of Seven Oaks, the Sayer Trail, the Red River Resistance, and our making of Manitoba.



On September 19<sup>th</sup> 2003 the Supreme Court made a historic decision that was the result of nearly two hundred years of ongoing political, legal, and military struggles by our Ancestors in the past and by our Citizens today. It is a time, without a doubt, when we can hold our heads high.

In the Powley Decision, the Court recognized that we are a distinct People with Rights under section 35 of the Canadian Constitution. Among our Rights, we have a Métis right to hunt for food for our families and for our community.

The Métis Nation's hard-won victory in the Powley Decision is only the beginning. This decision will have impacts beyond hunting including the recognition of our Rights in health care, economic and resources development, and other self-government Rights. Clearly there is still much to do.

The Powley Decision brings renewed energy to our struggle for recognition as Partners in Confederation and Founders of Western Canada, but it will not end our struggle. Government and industry will be reluctant to recognize our Rights. We will continue to protect our Rights. The Métis have said with our Rights come Responsibilities. The Métis People have said we have Responsibilities to our wildlife and fish resources, to our Community, and to our future generations - our children, grandchildren and great-grandchildren. We take our Responsibilities very seriously.

With our Rights and Responsibilities providing our foundation, we will continue the Métis Nation building begun by our Ancestors. This will be done with a plan and in a step-by-step process. With our Ancestors' vision and our Elders' guidance to assist us, together we will take our next steps into a new future.

At a recent Elders' Conference, our Elders told us that our next steps must include a plan that protects our resources and builds cooperative relationships with Government and others. Our Elders tell us that this is the only way we will be able to protect our Rights. They say that we can only protect our Rights by protecting the fish and wildlife upon which our families and communities depend.

Our Elders overwhelmingly confirmed that the Powley decision had not changed their views. Conservation of fish and wildlife remain their number one priority. Our Elders said there must be harvest rules including limits and seasons. As a group, our Elders agreed there needs to be a management structure to protect our resources and make sure these will be there for their grandchildren.

On behalf of the MMF Board of Directors, I would like to thank Steve and Roddy Powley, Métis Presidents Belcourt, Poitras, Chartier, and Desjarlais, Lawyers Teillet, Madden and the many others involved in our Supreme Court Victory. It is important to recognize their personal commitment and the family sacrifices they have made in successfully protecting our Métis Rights.

I also want to thank each and every Métis person for not giving up and having faith during the dark times when our People and our Rights were continuously ignored. Now that we have the Powley Decision, Government cannot continue to ignore our Rights. Government cannot ignore our People. Government cannot ignore our Nation. The time for a change has come.

Meeqwetch.

David Chartrand  
President  
Manitoba Métis Federation

### ***The Rights of our Métis Ancestors!***

For generations the Métis People have known that we had the Right to hunt for food. Our Métis Ancestors protected this Right for us through the generations. It is a birthright that we all share. As the Métis Nation, we continue to protect and practice this Right throughout our Homeland.

### ***Our Rights and Our Responsibilities:***

The Métis People have always made it clear that we have the Right to harvest wildlife, fish, and other natural resources in order to sustain ourselves and our community across the Métis Nation Homeland. Our Ancestors have told us that with this Right comes a responsibility to our resources, as well as an obligation to our Nation and to our future generations – to protect the resources we rely on for our children, grandchildren, and great-grandchildren.

Being Partners in Manitoba’s Confederation and Founders of Western Canada, the Métis Nation within Manitoba has always said that we have both the Right and the responsibility to be fully involved in protecting our environment and our traditional lands. We, the Métis also have the Right and the responsibility to partner in the wise use and development of our natural resources. We must be full participants in the decision-making and management of the resources within the Métis Nation Homeland.

### ***We Won! We Won! – The Supreme Court’s Historic Powley Decision:***

On September 19<sup>th</sup>, 2003, the Supreme Court of Canada released the historic Powley decision. The nine Judges of the Supreme Court unanimously confirmed what the Métis had always told Government – that the Métis are a distinct Aboriginal People, that there are Métis Communities, and that the Métis have the Right to hunt for food. Using the very simple and straightforward analysis of the Métis National Council’s Interim President Audrey Poitras as televised across Canada – “We Won! We Won!”

Although not explicitly stated, in addition to hunting for food, the Court's decision recognizes our other harvesting Rights in fishing, trapping, gathering, and domestic timber harvesting. It also has an impact on our other self-government Rights in the areas of health, education, land management, consultation, employment, and training, as well as natural resource development and more.

### **Frequently Asked Questions:**

The following are questions that many Métis have asked us in the recent weeks since the Supreme Court's historic Powley Decision. There are also some questions we would like to ask you to ponder.



They are intended to engage discussion. If you have any additional questions, please feel free to contact the MMF Home or Regional Offices.

#### ***Can I Hunt?***

**Yes.** You can hunt for food. The Supreme Court's Powley Decision is applicable to the Métis in Manitoba.

In conversations with your MMF President David Chartrand and Natural Resources Portfolio Chair Darrel Deslauriers, Manitoba Conservation Minister Steve Ashton committed Manitoba Conservation to respecting the Powley Decision and respecting the collective Rights of the Métis Nation in Manitoba.

In a recent letter he reaffirmed Manitoba's commitment to respecting the Powley Decision regarding hunting. However, he stated that until we have developed an implementation plan reflecting our rights, he would continue to enforce provincial laws regarding hunting.

#### ***Can I Still be Charged if I Don't Have a License?***

**Yes.** Although we know we have our Métis Right to hunt for food, and the existence of our Métis Right has been recognized and affirmed by the Supreme Court, and there is a commitment by Minister Ashton, the Government could ignore the ruling or back out of the Minister's commitment. This could result in them seizing your gun, equipment and meat pending an investigation, as well as charge you.

**The Métis have said we should have our own rules based on our Métis traditional rules and common sense. Would these resemble the Government's rules? What should our rules be?**

**Our Métis traditional rules and our common sense are in most cases unwritten. How do we gather these and write these down so everyone can understand them?**

**Do you feel that you should only be hunting in the area around where you were born or grew up? How about your children if they moved to the City or to another Province? How about where you live now? Should you be able hunt anywhere? How do you prevent others from coming in and hunting all the big-game, or fishing out the lakes, in your area, while allowing for your freedom of movement?**

**How do we prevent people who are not Métis from hunting without a license and saying that they are Métis? How do we protect our Métis Right from being abused by non-Métis? Do you feel that we should have special Métis Harvesting Cards to identify Métis hunters or fishermen? Is our MMF card enough?**

Our Métis Right to hunt for food belongs to our Métis Nation. Métis hunters, as members of our Nation, can exercise this Right without buying a license from the Government. This is also the same for the habitat enhancement and other conservation stamps that we used to purchase at the same time as the license.

**The Métis suggested a Métis Conservation Stamp or Certificate is needed to raise money to help wildlife and fish (such as habitat enhancement and other programs). How should we do this?**



As we have said, we have the Right to hunt without a license, but Government can still ignore the Supreme Court's Powley Decision and decide to charge you or seize your gun. In this time of uncertainty immediately following the Court's decision, if you do want to exercise your Métis Right to hunt for food, we suggest that you exercise caution and patience.

**To lessen the likelihood of being charged we suggest, for the interim, that you:**

- 1) **Have your Manitoba Métis Federation Card with you while you hunt. Your MMF Card shows your self-identification as a Métis, your ancestral connection, and acceptance by the Manitoba Métis Community;**
- 2) **Hunt in an area where our Community has traditionally harvested and where you would normally go hunting;**
- 3) **Hunt for the food – not for sport, trophies, or commercial purposes;**
- 4) **Exercise common sense and our unwritten Métis traditional rules and practices or existing Government rules for conservation, health, and safety.**
- 5) **Be polite.**
- 6) **Hunt only on unoccupied Crown Land or on private land with permission**



**What do you think we should do if the government charges a Métis who is legitimately exercising his or her Right to hunt for food?**

**What do you feel we should do if a Métis is hunting purely for sport or a trophy? How do you feel about the selling of the meat or animal parts?**

**What should we do if someone who is not Métis is hunting without a license and pretending to be Métis? How do we protect our Right?**



### ***When Can I Hunt?***

In practicing our Métis Right, it is reasonable to use common sense and Métis traditional rules that respect our wildlife's ability to reproduce, and our People's need to feed our families, when deciding when to go hunting.

**In previous consultations, the Métis People said we shouldn't hunt all-year round and there should be seasons. How do we protect big-game during calving season? How about during spawning season? Should we be using the same seasons that the Government enforces? How do we set our own seasons?**

### ***Where Can I Hunt?***

You can hunt in your traditional hunting territory. This means the area our Community has traditionally used to sustain ourselves. We do know that you can hunt on our Métis traditional hunting grounds that include unoccupied Crown land ("Government Land") and, with permission, on private land or Indian Reserves.

**Where do you feel you should be able to practice your Right to hunt? How big do you feel is your traditional hunting territory? If you live in Manitoba do you feel you have the Right to hunt in Saskatchewan or Alberta? If you live in Northern Manitoba do you feel you have the Right to hunt in the south?**

***Are there any Limits to my Métis Right to Hunt for Food?***

**Yes.** Conservation, health and public safety are possible limitations to our Métis Right.

**Our People have previously said that we need limits on how many animals we can kill or how much fish we can catch. How do we define these limits? How do we encourage self-imposed restraint for conservation reasons? How do we protect the wildlife and fisheries resources for future generations?**

**How should we protect the health and safety of our family and neighbours?**

**The Métis have said we should have our own limits. What should be our next steps to prevent the government from putting their limits on our Right and regulating the Métis Nation with their rules?**

**First Nation Members have no acknowledged limit of the pounds of fish they can catch or the number of nets that they can set for food. Given that all rights holders are equal, what does this mean for the Métis commercial fishery? While protecting our Métis Right to harvest food, how do we protect the Métis commercial fishermen's livelihood?**

***Do I need to register my gun?***

**Yes.** The Powley decision does not remove any obligation on the part of the gun owner to register his or her guns. Failing to properly register your firearm can result in a criminal conviction.

### *Are Our Rights the Same as First Nation's Rights?*

The Métis in Manitoba have a Métis Right to hunt for food. Our Métis Right is equal to the Rights of First Nations. Both Métis and First Nations receive a priority allocation. Our Rights are not second-hand or second-rate Rights. There is no hierarchy of Aboriginal Rights within the Canadian Constitution. Our Rights are based on the Métis as being a distinct People with a distinct collective identity prior to Canada becoming a Nation. Our Rights are Métis Rights. They are not derived from our Indian Ancestors or by living an “Indian lifestyle or mode of life.”

### *We Have Our Hunting Rights So Why Talk To Government?*

On March 20, 2001, long before the Supreme Court of Canada's historic Powley Decision, Manitoba Conservation Minister Oscar Lathlin committed Manitoba to entering a formal negotiation process with the MMF to develop a Métis Co-Management Agreement.

President Chartrand knew that there must be community consultations before there would be any discussions to negotiate any agreement. A Commission on the Métis Laws of the Hunt was appointed to undertake the important and necessary community meetings across the Province to receive direction from the Métis People and to find out what we would want in any agreement. The MMF's Commission on the Métis Laws of the Hunt talked with over 1,000 Métis throughout Manitoba. The Commission's final report on the Métis Laws of the Hunt was overwhelmingly supported and ratified by over 2,000 delegates at the MMF 2002 Annual General Assembly.

The Métis People in Manitoba told us that we need a plan to ensure the wildlife and fish would be here for future generations. This plan must be based on the principles of good management and wise use of our natural heritage and protect our Right to practice our traditional harvests. This plan requires not only speaking with government, but with other stakeholders such as First Nations, environmental groups and sporting associations. The Métis People also clearly said that with our Rights come our responsibilities to our Métis Nation, our children, our grandchildren, and the wildlife and fisheries resources. The Métis

People also told us that they wanted us to be a partner with Government and involved in the management of our natural resources and with industry to create business opportunities and jobs.

**The Métis People feel that we don't always get a fair deal in the decisions made by government? How should we get involved in decisions that affect us? How should we get involved in the management of our natural resources to ensure our voice is heard? How do we become a partner with government and industry?**



Aboriginal Rights are not absolute. The government can justifiably infringe Aboriginal Rights for good reasons. These reasons may be conservation, safety, and health. It is important that we create a plan in place to ensure the government does not find a reason or a justification to infringe on our Métis Right to hunt for food. The Métis want rules. They don't want a "free-for-all" or state of anarchy. They want a plan. Such a plan will include written rules or Métis Laws of the Hunt.

If the Métis don't develop a plan, and if we don't implement our Métis Laws of the Hunt, we may still face harassment and charges from government. Our People could be in the Courts for decades. Security and certainty is what our People want. This means that they want to be able to hunt knowing that they won't be harassed or charged while exercising our Métis Right.

**Our Ancestors had both written and unwritten Laws of the Buffalo Hunt long before Canada became a country. How would you put together our Métis Laws of the Hunt today? What sort of limits or rules should there be? Would they be similar to the Government's regulations? Would they be uniquely Métis?**

### *Are We Working on a Plan to Protect our Future?*

**Yes.** Following the principles and direction of the Métis People, we began discussions with Manitoba Conservation. Prior to the Powley Decision, in a step-by-step process the MMF began developing draft plans for a hunting initiative that would implement Métis Laws of the Hunt and creating a partnership with Manitoba to co-manage our resources. This is called co-management. This will ensure that all Métis have equal opportunity to hunt and fish, and that the Métis Community benefits from the business and employment benefits of resource development across the province.

### *What Does Co-Management Mean?*

Co-management means cooperative management. It is the cooperative sharing of roles, responsibilities, and benefits, between the Manitoba Métis community and the Province. It is the cooperative sharing of the decision-making, planning, and management of the natural resources on which we all depend.

A co-management agreement sets out a mutually beneficial plan recognizing the jurisdictions of both our Métis Government and the Provincial Government. In this way it can also be described as “co-jurisdictional.” Currently the Provincial Government does not share the decision-making, planning, or management of resources with the Métis People. Co-management creates a proactive relationship.

Recognizing how important cooperative management is to their future, many First Nation Communities have entered into co-management agreements to protect their resources and traditional lands.

A co-management plan will provide the basis for a new province-wide working partnership between the Métis Nation and the Province of Manitoba. Co-management would assist the Métis in protecting our Rights, our Culture, and our Jobs and our Businesses.

Co-management will ensure that we will be able to protect our wild-life and fisheries resources for the benefit of our Community. It will

ensure that there will be enough wildlife and fish to harvest well into the future for our children, grandchildren and great grandchildren. It will ensure that we will be able to continue practicing the traditional ways of the Métis Nation. It gives us the ability to find constructive and positive ways to continue to feed our families, our children, and our Elders, using our own customs and beliefs. It will also ensure that only the Métis are allowed to practice our Rights. The Supreme Court of Canada stated in the Powley decision “As Métis communities continue to organize themselves more formally and to assert their Constitutional Rights, it is imperative that membership requirements become more standardized so that legitimate Rights-holders can be identified.”

**What do you feel should be in our Métis plan to manage our resources and to create businesses and jobs. What should be our priorities?**

**What do we need in the plan to protect our harvesting Rights for future generations? What should be our priorities?**

**In our discussions and planning do you feel we should be speaking to only Government? Should we be talking to Industry? Should we be talking to First Nations? How about Hunting Associations or Environmental Groups? Who should we be talking to? What should we be talking about?**

### *What Are Our Next Steps?*

In light of the Powley decision, the Manitoba Métis Federation is reviewing our plans and is undertaking a series of workshops throughout the Métis Community within Manitoba to explain the implications and opportunities of the Supreme Court’s Powley decision. These workshops will explain the decision’s meaning and far reaching impacts on our hunting Rights as well as its possible effects on our Métis land claims, Métis self-government, and Métis economic development. This explanation will be based on the expert analysis and advice of the best legal and constitutional minds in Canada.

These workshops are also intended to get further instruction from the Métis regarding the direction you want the MMF to take in protecting our Métis hunting Rights today and for future generations. We are asking you how you want us to continue developing our plan to protect our Rights and to manage our resources. We are asking you how we should create a strategy to develop and protect our resource-based jobs and businesses. We are asking you for advice on what the plan should look like.

### ***When will these Workshops Take Place?***

The workshops will be held over the coming weeks. We will inform our Métis Citizens of the places, dates and times of the workshops on a weekly basis as these are confirmed. We will provide this information through Le Métis in Grassroots News and the Métis Hour on NCI Radio. Please look for posters or contact your MMF Home and Regional Offices. We hope to see you during our visits.

### ***Was There Another Supreme Court Decision About Métis Hunting?***

**Yes.** The Supreme Court released two rulings the same day. In “R. v. Blais”, Mr. Ernie Blais had been charged and convicted for hunting on unoccupied Crown land in an area where hunting was prohibited. Mr. Blais argued that as a Métis person he was included within the constitutional meaning of the term "Indian" under section 13 of the Natural Resources Transfer Agreement (NRTA), 1930. Using this argument he insisted that Manitoba's *The Wildlife Act* did not apply to him. The Supreme Court did not agree. The Court ruled unanimously that the Métis are not “Indian” for the purposes of the NRTA and Mr. Blais lost his appeal. Mr. Blais, and his legal counsel, lost at every court in Manitoba as well as at the highest court in the land.

Based on the analysis and advice of expert legal opinion, the MMF, along with our affiliated Métis self-governments through the Métis National Council, supported the Powleys in their struggle for justice. The MMF supported the Powley Case and today the Supreme Court recognizes our Métis Rights.

Based on the legal argument and the evidence presented at trial, we knew that the potential for success was weak in the Blais Case. More importantly, we were concerned about the potential after-effects on the other cases the Métis are currently pursuing, such as land claims. Therefore, the MMF did not support the Blais Case. Our decision was based on legal advice to determine the possible implications of a ruling either for or against Mr. Blais. It was concluded that either way, the possible outcomes of the case might not be in the best interests of the Métis Nation or part of our overall legal strategy for promoting Métis Rights. The Supreme Court's judgment justified the MMF's decision.

*Because of our Nation's win in the Powley Case, the loss of the Blais Case will not negatively affect our Métis Right to hunt for food.*

### *Where Can I Get More Information?*

There are a number of documents you may find useful for further information regarding the Powley Decision and the Métis Laws of the Hunt:

The Manitoba Métis Federation, in partnership with its affiliated Métis Governments from Ontario westward through the Métis National Council, has produced a 10-page information booklet called **“Fulfilling Canada's Promise. Métis Rights. Recognized and Affirmed – R. v. Powley: A Case Summary and Frequently Asked Questions.”** This booklet goes into more detail about the facts and meaning of the court's judgments.

For further reading, the **“Report of the Commission on the Métis Laws of the Hunt”** is a 42-page record of the consultation workshops undertaken by the MMF throughout Manitoba during the winter of 2001-2002. In these workshops the Métis had the opportunity to share their thoughts and give direction to the MMF regarding the protection of our traditional harvesting practices and management of natural resources.

Both these documents are available free at your MMF Home and Regional Offices.



*Contact Us at the MMF Home Office:*

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**MMF – Protecting your Rights!**

The Métis Nation is on the move. We are moving forward in protecting our Rights, our land and our future. The MMF, as the duly elected self-government of the Métis People in Manitoba, is acting on its responsibility to protect our Rights for the future of our children, grandchildren, and our great grandchildren. With your help we will create your plan to protect our Nation and our Rights.



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