

FULFILLING CANADA'S PROMISE.
MÉTIS RIGHTS. RECOGNIZED AND AFFIRMED.



R. v. POWLEY

A CASE SUMMARY AND FREQUENTLY ASKED QUESTIONS

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INTRODUCTION

In 1982, after generations of fighting for justice, the existing Aboriginal and Treaty rights of Canada's Aboriginal peoples received constitutional protection. Section 35 of the *Constitution Act, 1982* provides:

- 35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
- (2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

This constitutional protection was a victory for all Aboriginal peoples in Canada. For the Métis Nation, the explicit inclusion of the Métis in s. 35 was viewed as a new beginning after over 100 years of denial, avoidance and neglect by governments in Canada. Even within the Parliament of Canada, section 35 was described as a "political watershed" and a "turning point for the status of native peoples" in Canada.

Unfortunately, since 1982, s. 35 has remained largely an unfulfilled promise to the Métis Nation, with governments in Canada taking the position that the Métis had no existing Aboriginal rights protected by s. 35; thereby, refusing to negotiate or deal with the Métis people and their rights. In response to these steadfast federal and provincial government positions, beginning in the early 1990s, the Métis Nation began its 'hunt for justice' by defending its citizens and their rights in the courts, in order to breathe life into the constitutional commitment made to the Métis in 1982.

**WITH THEIR DECISION
IN *R. v. POWLEY*, THE
HIGHEST COURT OF
THIS LAND HAS FINALLY
DONE WHAT THE
PARLIAMENT OF
CANADA AND PROVIN-
CIAL GOVERNMENTS
HAVE REFUSED TO DO
FOR GENERATIONS -
DELIVER JUSTICE TO
THE MÉTIS PEOPLE.**

Audrey Poitras
Interim President
Métis National Council
September 19, 2003

As a part of this on-going 'hunt for justice', *R. v. Powley* ["*Powley*"] was heard by the Supreme Court of Canada in March of 2003. *Powley* was the first case where the issues of the purpose of s. 35 to the Métis and whether the Métis have existing Aboriginal rights were before the highest court in Canada.

On September 19, 2003, in a unanimous decision, the Supreme Court affirmed what the Métis people have been saying for over twenty years - s. 35 is a substantive promise to the Métis which recognizes their distinct existence and protects their existing Aboriginal rights.

The *Powley* decision marks a new day for the Métis Nation in Canada. The Supreme Court's decision is a respectful affirmation of what the Métis people have always believed and stood up for, as well as, an opportunity for Canada to begin fulfilling its substantive promise to the Métis.

THE POWLEY STORY



On October 22, 1993, father and son, Steve and Roddy Powley killed a bull moose just outside Sault Ste Marie, Ontario. They tagged their catch with a Métis card and a note that read “harvesting my meat for winter”. One week later, the Powleys were charged by Conservation Officers for hunting moose without a license and unlawful possession of moose contrary to Ontario’s *Game and Fish Act*.

The Métis Nation of Ontario decided to take the charges against the Powleys as a test case and provided full political and financial support throughout its duration. At the Ontario Court of Appeal and the Supreme Court of Canada, the Métis National Council, on behalf of the entire Métis Nation, intervened in support of the case and provided financial support.

In 1998, the trial judge ruled that the Powleys have a Métis right to hunt that is protected by s. 35 of the *Constitution Act, 1982*. The charges were dismissed, but the Crown appealed the decision. In January 2000, the Ontario Superior Court of Justice confirmed the trial decision and dismissed the Crown’s appeal. The Crown appealed the decision to the Ontario Court of Appeal. On February 23, 2001 the Court of Appeal unanimously upheld the earlier decisions and confirmed that the Powleys have an Aboriginal right to hunt as Métis. The Crown then appealed to the Supreme Court of Canada.

On September 19, 2003, the Supreme Court of Canada, in a unanimous judgment, said that the Powleys, as members of the Sault Ste Marie Métis community, can exercise a Métis right to hunt that is protected by s. 35.

WHAT THE SUPREME COURT SAID



In a unanimous decision, the Supreme Court of Canada confirmed the existence of Métis communities in Canada and the constitutional protection of their existing Aboriginal rights. The Court said that the Métis were included as one of the “aboriginal peoples of Canada” in s. 35 to recognize them, to value distinctive Métis cultures, and to enhance their survival.

Specifically, the Court set out the test for establishing Métis harvesting rights protected by s. 35 of the *Constitution Act, 1982*. The Court applied this test to the Sault Ste Marie Métis community and to the Powleys and found that the Powleys were exercising the Sault Ste. Marie Métis community’s constitutionally protected right to hunt. However, this does not mean that the case is limited in its application only to the Sault Ste Marie Métis community. The test will apply to Métis communities across the Métis Nation Homeland.

The Court also spoke about the urgent need to develop more systematic methods to identify Métis rights-holders. In answer to government claims about Métis identification problems, the Court said that this issue was not an insurmountable problem and that the difficulties must not be exaggerated in order to defeat Métis claims.

THE PURPOSE FOR INCLUDING MÉTIS IN SECTION 35

The Métis were included in s. 35 because Canada made a commitment to recognize and value the Métis and to enhance their survival as distinctive communities.

The purpose and the promise of s. 35 is to protect as “rights” practices that were historically important to the Métis, and which have continued to be important in modern Métis communities. The Court describes these practices as “integral” to the Métis.

The Court said that the framers of the *Constitution Act, 1982* recognized that Métis communities must be protected equally along with other Aboriginal communities in Canada.

“THE INCLUSION OF THE MÉTIS IN S. 35 IS BASED ON A COMMITMENT TO RECOGNIZING THE MÉTIS AND ENHANCING THEIR SURVIVAL AS DISTINCTIVE COMMUNITIES. THE PURPOSE AND THE PROMISE OF S. 35 IS TO PROTECT PRACTICES THAT WERE HISTORICALLY IMPORTANT FEATURES OF THESE DISTINCTIVE COMMUNITIES AND THAT PERSIST IN THE PRESENT DAY AS INTEGRAL ELEMENTS OF THEIR MÉTIS CULTURE.”

WHO ARE THE MÉTIS IN SECTION 35?

“THE TERM “MÉTIS” IN S. 35 DOES NOT ENCOMPASS ALL INDIVIDUALS WITH MIXED INDIAN AND EUROPEAN HERITAGE; RATHER, IT REFERS TO DISTINCTIVE PEOPLES WHO, IN ADDITION TO THEIR MIXED ANCESTRY, DEVELOPED THEIR OWN CUSTOMS, WAY OF LIFE, AND RECOGNIZABLE GROUP IDENTITY SEPARATE FROM THEIR INDIAN OR INUIT AND EUROPEAN FOREBEARS.”

This question of who are the Métis was discussed at length before the Court. Many of the lawyers for governments who intervened argued that there were no Métis “peoples” and that there were only individuals with mixed Indian and European heritage. The Supreme Court did not agree with these arguments.

The Court did not set out a comprehensive definition of who are the Métis people. Instead, the Court set out who the “Métis” are for the purposes of s. 35. The Court said that the term “Métis” in s. 35 refers to distinctive Métis collectives who, in addition to their mixed ancestry, developed their own customs, way of life, and group identity—separate from their Indian, Inuit or European forebears.



ESTABLISHING A MÉTIS RIGHT - THE POWLEY TEST

The Supreme Court said that the appropriate way to define Métis rights in s. 35 is to modify the test used to define the Aboriginal rights of Indians (the *Van der Peet* test). This Métis test will now be called the *Powley* test. The test is set out in ten parts:

1. **Characterization of the right** - For a harvesting right, the term “characterization” refers to the ultimate use of the harvest. Is it for food, exchange or commercial purposes? The Court said that the Métis right to hunt is not limited to moose just because that is what the Powleys were hunting. Métis don’t have to separately prove a right to hunt every species of wildlife or fish they depend on. The right to hunt is not species-specific. It is a general right to hunt for food in the traditional hunting grounds of the Métis community.

“THE RELEVANT RIGHT IS NOT TO HUNT MOOSE BUT TO HUNT FOR FOOD IN THE DESIGNATED TERRITORY.”
2. **Identification of the historic rights bearing community** - A historic Métis community was a group of Métis with a distinctive collective identity, who lived together in the same geographic area and shared a common way of life. The historic Métis community must be shown to have existed as an identifiable Métis community prior to the time when Europeans effectively established political and legal control in a particular area.
3. **Identification of the contemporary rights bearing community** - Métis community identification requires two things. First, the community must self-identify as a Métis community. Second, there must be proof that the contemporary Métis community is a continuation of the historic Métis community.
4. **Verification of membership in the contemporary Métis community** - There must be an “objectively verifiable process” to identify members of the community. This means a process that is based on reasonable principles and historical fact that can be documented. The Court did not set out a comprehensive definition of Métis. However, it set out three components to guide the identification of Métis rights-holders: self-identification, ancestral connection to the historic Métis community, and community acceptance. Difficulty in determining membership in the Métis community does not mean that Métis people do not have rights.
5. **Identification of the relevant time** - In order to identify whether a practice was “integral” to the historic Aboriginal community, the Court looks for a relevant time. Ideally, this is a time when the practice can be identified and before it is forever changed by European influence. For Indians, the Court looks to a “pre-contact” time. The Court modified this test for Métis in recognition of the fact that Métis arose as an Aboriginal people after contact with Europeans. The Court called the appropriate time test for Métis the “post contact but pre-control” test and said that the focus should be on the period after a particular Métis community arose and before it came under the effective control and influence of European laws and customs.

“THE UNIQUE STATUS OF THE MÉTIS AS AN ABORIGINAL PEOPLE WITH POST-CONTACT ORIGINS REQUIRES AN ADAPTATION OF THE PRE-CONTACT APPROACH TO MEET THE DISTINCTIVE HISTORICAL CIRCUMSTANCES SURROUNDING THE EVOLUTION OF MÉTIS COMMUNITIES.”

6. **Was the practice integral to the claimant’s distinctive culture** - The Court asks whether the practice - subsistence hunting - is an important aspect of Métis life and a defining feature of their special relationship to the land. The Court specifically noted that the availability of a particular species over time is not relevant. So even though the case may be about moose hunting, as it was with the Powleys, the issue is really about the right to hunt generally. The Court found that, for the historic Sault Ste Marie Métis community, hunting for food was an important and defining feature of their special relationship with the land.
- “THE EVIDENCE INDICATES THAT SUBSISTENCE HUNTING WAS AN IMPORTANT ASPECT OF MÉTIS LIFE AND A DEFINING FEATURE OF THEIR SPECIAL RELATIONSHIP TO THE LAND.”**
7. **Continuity between the historic practice and the contemporary right** - There must be some evidence to support the claim that the contemporary practice is in continuity with the historic practice. Aboriginal practices can evolve and develop over time. The Court found that the Sault Ste Marie Métis community had shown sufficient evidence to prove that hunting for food continues to be an integral practice.
8. **Extinguishment** - The doctrine of extinguishment applies equally to Métis and First Nation claims. Extinguishment means that the Crown has eliminated the Aboriginal right. Before 1982, this could be done by the constitution, legislation or by agreement with the Aboriginal people. In the case of the Sault Ste Marie Métis community, there was no evidence of extinguishment by any of these means. The Robinson Huron Treaty did not extinguish the Aboriginal rights of the Métis because they were, as a collective, explicitly excluded from the treaty. A Métis individual, who is ancestrally connected to the historic Métis community, can claim Métis identity or rights even if he or she had ancestors who took treaty benefits in the past.
9. **Infringement** - No rights are absolute and this is as true for Métis rights as for any other rights. This means that Métis rights can be limited (infringed) for various reasons. If the infringement is found to have happened, then the government may be able to justify (excuse) its action. The Court said here that the total failure to recognize any Métis right to hunt for food or any special access rights to natural resources was an infringement of the Métis right to hunt.
10. **Justification** - Conservation, health and safety are all reasons that government can use to justify infringing an Aboriginal right. But they have to prove that there is a real threat. Here there was no evidence that the moose population was under threat. Even if it was, the Court said that the Métis would still be entitled to a priority allocation to satisfy their subsistence needs in accordance with the criteria set out by the Supreme Court in *R. v. Sparrow*. The Court said Ontario’s blanket denial of any Métis right to hunt for food could not be justified.
- “THE DEVELOPMENT OF A MORE SYSTEMATIC METHOD OF IDENTIFYING MÉTIS RIGHTS-HOLDERS FOR THE PURPOSE OF ENFORCING HUNTING REGULATIONS IS AN URGENT PRIORITY. THAT SAID, THE DIFFICULTY OF IDENTIFYING MEMBERS OF THE MÉTIS COMMUNITY MUST NOT BE EXAGGERATED AS A BASIS FOR DEFEATING THEIR RIGHTS UNDER THE CONSTITUTION OF CANADA.”**

IDENTIFYING MÉTIS RIGHTS-HOLDERS

The Court did not set out a comprehensive definition of Métis for all purposes. The Court set out the basic means to identify Métis rights-holders. The Court identified three broad factors: self-identification, ancestral connection to the historic Métis community, and community acceptance.

Self-identification - The individual must self-identify as a member of a Métis community. It is not enough to self-identify as Métis, that identification must have an ongoing connection to an historic Métis community.

Ancestral Connection - There is no minimum “blood quantum” requirement, but Métis rights-holders must have some proof of an ancestral connection to the historic Métis community whose collective rights they are exercising. The Court said the “ancestral connection” is by birth, adoption or other means. “Other means” of connection to the historic Métis community did not arise with the Powleys and will have to be determined in another case.

Community Acceptance - There must be proof of acceptance by the modern community. Membership in a Métis political organization may be relevant but the membership requirements of the organization and its role in the Métis community must also be put into evidence. The evidence must be “objectively verifiable.” That means that there must be documented proof and a fair process for community acceptance.

The Court said that the core of community acceptance is about past and on-going participation in a shared culture and in the customs and traditions that reveal a Métis community’s identity. Other evidence might include participation in community activities and testimony from other community members about a person’s connection to the community and its culture. There must be proof of a “solid bond of past and present mutual identification” between the person and the other members of the Métis community.

What can be understood from this community acceptance requirement is that in order to claim s. 35 rights it is not enough to prove a genealogical connection to a historic Métis community and then join a Métis organization. One must have a “past and ongoing” relationship to the Métis community.

DIRECTIONS TO GOVERNMENTS IN CANADA

The Court gave several specific directions to governments with respect to Métis. The first is that the identification of Métis rights holders is an “urgent priority”. Both the provincial and federal governments have been saying that they could not recognize Métis rights because they were uncertain as to who the Métis were. The Court said that it is not an “insurmountable task” to identify Métis rights-holders and that the difficulties are not to be exaggerated in order to deny Métis constitutional rights. The Court added that membership requirements in Métis organizations must become more standardized.

The Court also said that regulatory regimes that do not recognize and affirm Métis rights and afford them a priority allocation equal to First Nations are unjustifiable infringements of Métis rights.

Finally, while the Court did not order negotiations, it gave direction that it expects a combination of negotiation and judicial settlement to more clearly define the contours of the Métis right to hunt.

FREQUENTLY ASKED QUESTIONS

Does this case apply only to Sault Ste. Marie?

No. The Supreme Court set out a test for how a Métis community establishes a s. 35 right to hunt, as well as, who can exercise that right to hunt. This test will be applied to communities throughout the Métis Nation Homeland.

I have a membership card from one of the Métis National Council's Governing Members - can I hunt?

Yes, if you can also provide proof of an ancestral and ongoing connection to a historic Métis community in the territory where you are hunting. However, because the Métis National Council's Governing Members are at different stages in the development of their respective registry systems across the Homeland, a membership card alone may not be sufficient as proof. You must ensure you meet all three elements of the *Powley* test as outlined on page 6 of this case summary.

What does "ancestral connection" to the historic Métis community mean?

This means that one of your ancestors was a member of the historic Métis community.

How do we define a Métis community?

This is a difficult question that does not have a straight forward answer. The word "community" can be used in many different ways. It can be used to refer to a collective of individuals in one town or a larger regional collective identity or even the Métis Nation as a whole.

In *Powley*, the Court said that a "Métis community can be defined as a group of Métis with a distinctive collective identity living together in the same geographic area and sharing a common way of life." The Court found that there is a Métis community in and around Sault Ste. Marie, but it did not deny the possibility that this community may be a part of larger regional community or a distinct Aboriginal people. As well, in *Blais*, the Court said that Mr. Blais is "a member of the Manitoba Métis community". Issues with respect to identifying the extent of the local and regional communities that make up the Métis Nation will need to be determined through research, consultations with Métis citizens, and discussions with governments.

What is the extent of the territory my Métis community can harvest on?

In *Powley*, Steve and Roddy were hunting just outside the city of Sault Ste. Marie. They were well within the traditional harvesting territory of this Métis community. Therefore, the Court did not have to decide and did not decide on the exact extent (i.e. specifically how far outside of Sault Ste. Marie) of the traditional hunting territory of this Métis community. Traditional hunting territory usually refers to the area that was historically used and currently used by a Métis community in order to sustain itself. Determining the extent of the traditional hunting grounds of Métis communities will need to be addressed through land use studies, negotiations and agreements and/or litigation.

What other s. 35 rights do the Métis people have?

It is important to remember that the *Powley* case is only about the Métis right to hunt. However, the Court said that the general purpose of s. 35 for the Métis is to protect the "practices that were historically important features of these distinctive communities and that persist in the present day as integral elements of their Métis culture." Achieving certainty on other Métis rights protected in s. 35 will come through negotiations between the Métis and governments in Canada and/or litigation.

Does this case only have an effect on provincial governments - does the federal government have to do anything?

Yes. The federal government must respond to the *Powley* decision as well. Regardless of jurisdictional issues, the federal government cannot continue to deny or ignore the existence of Métis rights. All governments in Canada have a constitutional obligation to accommodate Aboriginal rights by ensuring their actions do not unjustifiably infringe on those rights.

Specifically, Métis communities throughout the Métis Nation Homeland may have existing harvesting rights on federal lands (National Parks, Department of National Defence Air Ranges) or on lands and resources shared between federal, provincial and territorial governments. These Métis harvesting rights must be accommodated. As well, existing federal policies, legislation and positions will need to be re-evaluated in light of the *Powley* decision. With these new realities, the Court's direction on the urgent need to identify Métis right holders engages the federal government as well.

Are there limitations on my harvesting rights?

Yes. Conservation, health and public safety are all possible limitations.

Did the Supreme Court define who the Métis people are?

No, in fact the Court states that it is only speaking of the Métis in s. 35 in general terms. The Court only set out three broad factors (self-identification, ancestral connection and community acceptance) to be used in identifying who can exercise a Métis community's s. 35 right to hunt. It remains the position of the Métis Nation that the right to determine who are members of the Métis Nation can only be exercised by the people themselves; however, in order to exercise a Métis community's s. 35 right to hunt, the Métis identification elements of the current legal test set out by the Supreme Court in *Powley*, must be met.

We didn't win *Blais* at the Supreme Court of Canada - does this mean Métis in the Prairie Provinces do not have harvesting rights?

No, *Blais* does not mean that. The loss in *Blais* just means that Manitoba Métis and likely Métis in Saskatchewan and Alberta cannot claim the additional constitutional protection for harvesting provided to "Indians" by virtue of the Natural Resources Transfer Agreements. However, based on the *Powley* test Métis communities in the Prairie Provinces can have harvesting rights protected by s. 35 of the *Constitution Act, 1982*. It is also important to note that the Saskatchewan Court of Queen's Bench (*R. v. Morin & Daigneault*) has already held that scrip (regardless of its possible effect on Métis land title) did not extinguish Métis harvesting rights.

Is the Métis community at Sault Ste. Marie a "Métis people" by themselves?

No. The Court only decided that the Métis community at Sault Ste. Marie has an existing right to hunt protected by s. 35. In fact, the Court explicitly said that it did not decide "whether this community [Sault Ste. Marie] is also a Métis "people", or whether it forms part of a larger people that extends over a wider area...".

The Métis Nation maintains its position that it is a distinct Aboriginal people in Canada recognized in s. 35. Sault Ste. Marie and other Métis communities throughout the historic Métis Nation Homeland are a part of the larger Métis Nation. These communities share a common history, language, way of life, culture and kinship connections to form a distinct "people" based on international law standards.

What has the Métis Nation done so far on identifying Métis rights holders?

In September 2002, the Métis Nation adopted a national definition of Métis. Since that time, the Métis National Council's Governing Members have been ratifying this national definition in their respective provincial jurisdictions.

The next step for the Métis Nation will be to adopt an acceptance process and build upon or establish standardized and centralized Registries in each provincial jurisdiction based on the national definition of Métis for citizenship within the Métis Nation. It is envisioned that these provincial Registries will be a part of an eventual national Métis Nation Registry. Governing Members are at different stages and capacities in this initiative and it is hoped that much needed resources will be made available in the near future to undertake this important work.

Are Métis harvesting rights the same as Indian harvesting rights?

In general, yes. Métis and Indians are to get the same priority allocations to the harvest. However, in some places Indian harvesting rights have been extinguished or are now set out in a treaty. In such cases, Métis may have harvesting rights that are different. On the Prairie Provinces, Indians may have two layers of constitutional protection – s. 35 rights and the Natural Resources Transfer Agreement (NRTA). Métis in Manitoba and likely Métis in Saskatchewan and Alberta, as a result of the recent Supreme Court of Canada decision in *Blais*, cannot claim the additional protection of the NRTA. This does not mean that Métis do not have constitutional protection for their harvesting rights in the Prairies, it simply means that Métis harvesting on the Prairies has only one layer of constitutional protection – s. 35.

What are the Métis National Council and its Governing Members doing following the release of the *Powley* decision?

Prior to the release of the Supreme Court's decision in *Powley*, the Métis National Council, on behalf of its Governing Members, had written to Canada requesting that a multilateral meeting involving the Métis Nation, Canada and provincial governments from Ontario westward be convened to discuss Métis harvesting and access to resources related issues. Further, the Métis National Council has made a request to the Federal Interlocutor for Métis to provide immediate resources in order to engage in a series of post-*Powley* transition initiatives (i.e. consultations with the Métis community, identification of Métis, development of Métis regulatory regimes, etc.). To date, the Federal Interlocutor has not formally responded on behalf of Canada. However, please check the Métis National Council's website regularly at www.metisnation.ca for updates. As well, please contact your respective Governing Member for additional information specific to your province.

Finally, each Governing Member is at various stages of discussions and/or negotiations with their respective provincial government on Métis harvesting and access to resource issues. Inquiries on the status of these initiatives should be directed to your respective Governing Member.

Is there anything else I should keep in mind for this fall's harvest?

In line with the Métis Nation's values of conservation and ensuring public safety, please continue to exercise your rights responsibly and respectfully. There is going to be a need for a transition period for governments to come to grips with what the Court has said. This does not mean you should not exercise your community's right to hunt if you meet the *Powley* test. It just means that until governments sit down with the Métis Nation's governments to negotiate there is going to be some level of uncertainty and we cannot provide definitive answers to all questions. Please continue to be polite, be calm, be respectful and harvest responsibly this fall.

ABOUT THE MÉTIS NATION

The Métis People

Prior to Canada's crystallization as a nation in west central North America, the Métis people emerged out of the relations of Indian women and European men. While the initial offspring of these Indian and European unions were individuals who possessed mixed ancestry, the gradual establishment of distinct Métis communities, outside of Indian and European cultures and settlements, as well as, the subsequent intermarriages between Métis women and Métis men, resulted in the genesis of a new Aboriginal people – the Métis people.

Distinct Métis communities emerged, as an outgrowth of the fur trade, along a portion of the freighting waterways of Ontario, surrounding the Great Lakes, throughout the Northwest and as far north as the McKenzie River. The Métis people and their communities were connected through the highly mobile fur trade network, seasonal rounds, extensive kinship connections and a collective identity (i.e. common culture, language, way of life, etc.).

The Métis Nation

The Métis people constitute a distinct Aboriginal nation largely based in western Canada. The Métis Nation grounds its assertion of Aboriginal nationhood on well-recognized international standards. It has a shared history, a common culture (song, dance, dress, national symbols, etc.), an unique language (Michif with various regional dialects), extensive kinship connections from Ontario westward, a distinct way of life, a traditional territory and a collective consciousness.

Métis Governments from Ontario Westward

The Métis Nation is represented through provincial governance structures from Ontario westward; namely, the Métis Nation of Ontario, the Manitoba Métis Federatio, the Métis Nation – Saskatchewan, the Métis Nation of Alberta and the Métis Provincial Council of British Columbia. These Métis governance structures are the contemporary expression of the centuries-old struggle of the Métis Nation to be self-determining within the Canadian federation.

The Métis National Council

The Métis National Council (MNC) was established in March 1983 and has represented the Métis Nation nationally and internationally since that time. The MNC is formed by the Métis Nation's governments from Ontario westward ("MNC Governing Members") coming together to collectively mandate a national governance structure. The MNC is governed by a Board of Governors which includes the provincial President of each MNC Governing Member, along with a National President who is elected by the MNC's General Assembly.

The MNC's main goal as the national representative body of the Métis people within Canada is to secure a healthy space for the Métis Nation's on-going existence within the Canadian federation, as well as, to move forward on implementing the Métis Nation's inherent right of self-government at a community, regional and national level.

ABOUT THIS DOCUMENT

This document has been produced by the Métis National Council in order to provide a summary of the Supreme Court's reasons for judgement in *Powley*. In addition, the frequently asked questions section should provide general assistance and guidance to citizens of the Métis Nation with respect to the *Powley* decision. This document is not a legal opinion and should not be relied upon as such.