

A Message from Margaret Froh President of the Métis Nation of Ontario
Special Assembly to Implement the Results of Province-Wide Plebiscite

Dear Métis Citizens,

At the end of last year, I wrote to remind all of our citizens that **2023 marks the 20th anniversary of the Supreme Court of Canada's unanimous decision in *R. v. Powley***, and to provide an update on our next steps in relation to our Registry Review process.

Some of my previous message is worth repeating because it's important for us all to know and appreciate the Métis Nation of Ontario's ("MNO") history and evolution as a Métis government, so we can understand where we come from and why we have made the decisions we have over the last 30+ years.

The MNO's History and Evolution as a Métis Government and the Powley Case

When the MNO was established in 1993 as a Métis-specific government, Métis rights in Ontario were completely denied by other governments. We decided to turn to the courts based on our express inclusion in section 35 of the *Constitution Act, 1982* ("Section 35").

The MNO supported Steve and Roddy Powley—two proud Métis harvesters and MNO citizens—in their 'hunt for justice' after they were charged with illegally hunting a moose for their winter food. The *Powley* case was advanced on the basis of Métis rights and the promise in Section 35 to the Métis as a distinct Indigenous people.

After the Powleys were successful at trial, other groups came before the courts as interveners on appeal and at the Supreme Court of Canada and argued that the Métis in Section 35 included anyone with mixed Indigenous ancestry, and that an ancestral connection to a historic Métis community was not required to establish Métis rights.

The MNO, along with the Métis National Council representing Métis governments from Ontario westward, disagreed with a "Métis as mixed" approach to who we are as a people. The Powleys and the MNO argued that an ancestral connection to a historic Métis community was required to be a Métis rights-holder. Canada's highest court ultimately accepted our arguments on this point and held:

It is important to remember that, no matter how a contemporary community defines membership, only those members with a demonstrable ancestral connection to the historic community can claim a s. 35 right. Verifying membership is crucial, since individuals are only entitled to exercise Métis aboriginal rights by virtue of their ancestral connection to and current membership in a Métis community.

The *Powley* case confirmed that mixed Indigenous ancestry alone did not make a Métis community. It affirmed that Métis rights are not "less than" other Indigenous peoples'

rights. It also directed governments to begin to negotiate with us to implement the promise of Section 35.

Implementing the Powley Case and Advancing Métis Rights (2003 Onward)

Since the release of the Powley case in **2003**, the MNO has done a lot of heavy lifting and made a lot of difficult decisions in order to have the rights of our citizens recognized and to be recognized as a Métis government. This has not always been an easy path, but it has been consistent with our [Statement of Prime Purpose](#).

In **2004**, the MNO Annual General Assembly changed the definition of “Métis” in our bylaws to align with the criteria in *Powley* and the national definition of Métis. In **2009**, we adopted the [MNO Registry Policy](#) that requires documentary proof of Métis ancestry, not just Aboriginal ancestry, which was previously accepted by the MNO.

In **2010**, in response to debate about the *MNO Registry Policy*, we “grandfathered” existing citizens until we could figure out how to address this legacy issue in our Registry (i.e., some citizens not having proof of Métis ancestry), and undertook province-wide consultations on our Registry resulting in a [‘What We Heard’ report](#).

In **2012**, in order to successfully negotiate a [new harvesting agreement with Ontario](#), our Annual General Assembly voted to cancel all MNO Harvester Cards issued to citizens who did not meet the *Powley* requirements. This decision allowed us to remove the 1250 cap on MNO Harvester Cards. This was a hard decision, but ultimately the right decision for Métis rights-holders.

The Registry Review and Province-Wide Consultation (2017-2022)

In **2017**, we made another hard decision. We initiated an independent review of every single MNO citizenship file in order to see how many met our current citizenship requirements (i.e., whether files were “complete” or “incomplete” and how many citizens could be verified as Métis rights-holders).

This review took years to complete. In undertaking it, the Registry assisted thousands of citizens complete their files. Along the way, some citizens challenged our decisions, but in [Green v. MNO](#), an Ontario court confirmed that: “*if the MNO wanted to assert and claim Métis section 35 rights, it needed to ensure it represented Métis section 35 rights-holders. This was the purpose of the Registry Review.*”

In **May 2021**, the [Registry Review final report was publicly released](#), which was an unprecedented act of transparency by an Indigenous government. The final report confirmed that the vast majority of our citizens have “complete” files.

While we now have over 31,000 citizens, there are around 5,300 citizens with “incomplete” files, and around a 1,000 citizens who could complete their files if they sign a form or provide a necessary document.

In [2021](#), based on the Registry Review final report, we initiated province-wide consultations to explain the findings. Based on these consultations, a "[What We Heard](#)" [report](#) was publicly released in July 2022.

The Plebiscite (December 2022 to February 2023)

In [August 2022](#), the MNO Annual General Assembly directed that the issue of whether individuals with "incomplete" citizenship files should be removed as MNO citizens needed to put in the hands of all of our citizens (over the age of 16 years) in a province-wide Plebiscite.

The Plebiscite was grounded on Métis democratic traditions and principles. It provided MNO citizens—with both "complete" and "incomplete" citizenship files—the opportunity to be heard. It was an opportunity for *all* citizens to provide clear direction to their elected leadership on what to do next.

Over an 82-day period between December 8, 2022 and February 28, 2023, a total of 8,270 MNO citizens cast ballots in the Plebiscite, representing the largest voter turnout the MNO has ever had in its 30+ year history. No objections to the Plebiscite were filed.

A clear majority (5,898 citizens representing 71% of total voters) confirmed they wanted individuals with "incomplete" citizenship files to be removed as MNO citizens. These results represent the democratic will of MNO citizens on this issue.

The Upcoming Special Assembly in June 2023

Based on the direction of the 2022 MNO Annual General Assembly and the clear results from the Plebiscite, **the PCMNO has now called a Special Assembly to be held on Saturday, June 17, 2023 at the Delta Airport Hotel (655 Dixon Rd, Toronto, ON M9W 1J3).**

A copy of the official notice for the Special Assembly and additional details about the Special Assembly is available [here](#).

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At this Special Assembly, a single [Special Resolution](#) will be considered that, if passed, will amend the MNO Bylaws and the *MNO Registry Policy* to allow for the removal of citizens who do not meet the current requirements for MNO citizenship. In addition, a *Citizen Removal Appeals Policy* would be adopted, if this Special Resolution passes.

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Some of you may be asking why do we now need to hold this Special Assembly if MNO citizens have already decided this issue through the Plebiscite. That is a fair question. The answer is that in order to formally remove citizens from our Registry, we need to amend the MNO Bylaws to do so, and this requires us to hold an Assembly and pass a Special Resolution to amend the MNO Bylaws and *MNO Registry Policy*.

Simply put, the current MNO Bylaws do not allow for a Plebiscite to immediately end someone's citizenship within the MNO. In addition, we need to follow the requirements

set out in Ontario's *Not-for-Profit Corporations Act*, since the MNO's legal and administrative arm—the MNO Secretariat Inc.—is still incorporated under that act.

It is important to note that in the future, after we adopt our own Constitution—as Métis law—we will no longer be constrained by limiting corporate bylaws and Ontario's *Not-for-Profit Corporations Act*. This is why we are working to develop our own Constitution and negotiating our self-government treaty with Canada.

Until we get to that ultimate self-government destination, which we aspire to, we need to comply with the MNO Bylaws and Ontario's *Not-for-Profit Corporations Act*. As noted above, some MNO citizens have already unsuccessfully turned to the courts to challenge us in even undertaking the Registry Review.

If we do not follow through on the requirements set out in the MNO Bylaws and Ontario's *Not-for-Profit Corporations Act* precisely, we could open ourselves up to future successful legal challenges by those same citizens or others. This may not seem fair since we have the inherent Métis right to determine who our citizens are, and our citizens have spoken. Nevertheless, this is the current legal reality we exist within. It is just one of the reasons why fully implementing our self-government in the future is so important to us.

With that said, I want to assure you that the current PCMNO is united in implementing the democratic will of our citizens as demonstrated through the Plebiscite. We hope the democratically elected leaders who will be attending the upcoming Special Assembly on behalf of their citizens will also vote in a manner that reflects the clear will of MNO citizens on this issue.

Rest assured, if the democratic will of our citizens is not given effect through the proposed Special Resolution passing at this Special Assembly, the current PCMNO will work to ensure the democratic will is ultimately implemented in some other way. This issue is not going away, and you, our citizens, have overwhelmingly and collectively spoken on what you want us to do as your elected leaders.

We also recognize that the decision to hold the Special Assembly in Toronto creates disadvantages for those who do not live nearby. Given the vast size of Ontario, and since our Assemblies move to different locations each year, this disadvantage has been consistently raised over the last 30+ years. Whatever MNO Region we host an Assembly in, there will be citizens who will not be able to attend in person because of costs and distance.

In order to attempt to alleviate some of this disadvantage, the PCMNO has authorized funding to be provided to all MNO Regions so additional citizens can attend the Special Assembly. In addition, enhanced funding is being provided to MNO Regions in the north to attempt to address distance and cost factors. A memo on this was issued last week and is available [here](#). With that said, we appreciate that not all citizens who may want to attend this Special Assembly will be able to do so.

The MNO continues to investigate as to how virtual Assemblies, with effective and reliable online voting tools, can be held in the future. At this time, however, the MNO has not found a technology that will allow for this, so virtual participation and voting will not be available for this Special Assembly. While virtual Assemblies were held during the COVID-19 pandemic, these Assemblies did not consider Special Resolutions and did not have effective online voting procedures.

Moreover, given the fact there may be future legal challenges to this Special Assembly, the PCMNO did not want to risk holding this Special Assembly with an unproven and untested technology. As such, the only citizens that will be able to vote at this Special Assembly are those in physical attendance. No proxy voting will be allowed either. This has been the MNO's practice over the last 30+ years.

In closing, on behalf of the PCMNO, I want to commit to you that we will do all we can to ensure the democratic will of our citizens is implemented through this upcoming Special Assembly, respecting the requirements set out in the MNO Bylaws.

We understand just how important and sensitive this issue is, but we have clear direction from our citizens on this issue. Additional information on the Special Assembly is available on the MNO's website [here](#). In addition, questions can also be sent to specialassembly@metisnation.org.

I look forward to completing this next important step in the MNO's self-government journey.

Merci, thank you, maarsii,

Margaret Froh
President, Métis Nation of Ontario