

## PRINCIPLE #6: **MÉTIS COMMUNITIES REGIONAL AND LOCAL GOVERNANCE STRUCTURES AND REGIONAL CONSTITUTIONS** FAQs

### **Principle #6: Métis Communities Regional and Local Governance Structures and Regional Constitutions**

The Métis Communities in Ontario have chosen to come together to form the MNO—as their Métis government—while continuing to exercise and implement their rights to self-determination and self-government at the local and regional levels. In order to respect the self-determination and self-government rights of the Métis Communities in Ontario, the Constitution will provide for, among other things: . . .

- (a) democratic self-government structures that represent each of the Métis Communities in Ontario at the local and regional levels;
- (b) the ability of the Métis Communities in Ontario to have their own regional constitutions addressing their local and regional self-government structures, that shall be consistent with the Constitution.

## **BACKGROUND / CONTEXT FOR THIS PRINCIPLE**

Section 35 rights – including self-government rights – are held collectively by Métis communities. Individuals are able to exercise these rights because they are a part of (e.g., a citizen of) the rights-holding Métis community to which they belong.

In Ontario, the MNO represents [distinct rights-holding Métis communities](#)<sup>1</sup> that have come together and mandate the MNO to be their Métis Government. These rights-holding Métis communities did not give up their rights by becoming part of the MNO, and their self-government and autonomy – as a part of the MNO – will need to be respected in the Constitution.

This is part of the fundamental compact on which the MNO was built. The MNO is a mosaic rather than a melting pot, and the rights, responsibilities, and self-government of the Métis communities that are a part of the MNO will continue to be recognized and respected.

<sup>1</sup>More information about the Métis Communities represented by the MNO is available at: <https://www.metisnation.org/news/ontario-and-the-metis-nation-of-ontario-announce-identification-of-six-additional-historic-metis-communities/>.

Other Indigenous governments also include distinct rights-holding Indigenous communities that came together to form a common or “federation” government.<sup>2</sup> For example:

- the Tlicho Government was formed by four distinct First Nation bands coming together.
- the Stolo Nation also has six distinct Stolo First Nation communities as a part of their government.

These other Indigenous governments have included in their Constitutions that the distinct communities can have their own governance structures as well as their own community constitutions. This is part of how their governments respect the autonomy of the rights-holding communities that are a part of their common or federation government.

Importantly the community constitutions must be consistent with the overall Constitution of the government. This is another part of the compact of distinct rights-holding communities coming together. Where all the communities have come together and approved an overall Constitution to guide how they will work together, no one community can unilaterally act against its terms.

## EXAMPLES FROM OTHER INDIGENOUS GOVERNMENTS

The [Tlicho Constitution](#)<sup>3</sup> includes the following recognition of the four distinct communities that make up their Nation and mandate their common government:

- 1.2 The Tlicho Nation is composed of four communities – Behchokö (Rae-Edzo), Whatì (Lac La Martre), Gamètì (Rae Lakes) and Wekweètì (Snare Lake). Each community is a unique and valued part of the Tlicho Nation.

The Tlicho Constitution also includes leadership from each of these four distinct Tlicho communities in its central government structures, including the Tlicho Assembly (e.g., the legislature that is responsible for making Tlicho laws) and the Chief’s Executive Council (e.g., the elected council):

- 8.2 The Tlicho Assembly shall be formed on the principle of equal representation from each Tlicho community and shall include the following:
  - a) the Grand Chief;
  - b) the Chief of each Tlicho community; and
  - c) at least two (2) councillors from each Tlicho community.
- 9.1 The members of the Chiefs Executive Council shall be the Grand Chief and the Chief of each Tlicho community.

<sup>2</sup>A “federation” is one where there are multiple self-governing regional governments that come together and form a central or common government. It results in a government that has two, or more, separate levels; a central government and various regional governments.

<sup>3</sup>A copy of the Tlicho Constitution is available at:  
<https://tlicho.ca/sites/default/files/documents/government/tlichoconstitution.pdf>.



While the Tlicho Constitution does not directly outline the governance of each of the four distinct communities, it reflects that, at minimum, each Tlicho community will have a Chief and Councillors (see s. 8.2(b) and (c) and 9.1 quoted above).

The [Nisga'a Constitution](#)<sup>4</sup> outlines that the Nisga'a Government is composed of the central government (e.g., the Nisga'a Lisims Government) and governments for each of the four Nisga'a Villages that are a part of the Nisga'a Nation. Notably, the Nisga'a Constitution also outlines that each level of government has its own rights and responsibilities:

25(1) Nisga'a Government is composed of:

- a) Nisga'a Lisims Government; and
  - b) Nisga'a Village Governments in the Nisga'a Villages of New Aiyansh, Gitwinksihlkw, Laxgalt'sap, and Gingolx.
- (2) The Nisga'a Nation acts through Nisga'a Lisims Government in exercising its rights, powers, and privileges and in carrying out its duties, functions and obligations.
- (3) Each Nisga'a Village acts through its Nisga'a Village Government in exercising its rights, powers, and privileges and in carrying out its duties, functions, and obligations.

While not using the language of a "regional constitution", the Nisga'a Constitution outlines that the Nisga'a Village Governments may each have a "Village Charter" governing the affairs of their community. Each Village Charter must be consistent with the overall Nisga'a Nation Constitution:

43(1) Each Nisga'a Village Government may have a Village Charter to provide for the better conduct and administration of that Nisga'a Village Government, and may amend that Village Charter, but a Village Charter must be consistent with this Constitution and is not a part of this Constitution.

The [Stó:lō Xwexwilmexw Government](#)<sup>5</sup> represents six distinct Stolo communities: Aitchelitz, Leq'á:mel, Skowkale, Skawahlook, Tzeachten, and Yakweakwioose. While the Stó:lō Xwexwilmexw Government is still consulting on their draft constitution, it provides for Village Governments for each of the six distinct Stolo communities, which will have the power and responsibilities to make laws on local matters. It also outlines that each of the Stolo communities can have a community constitution that addresses these local matters in greater detail, and is consistent with the overall Stolo Xwexwilmexw Government Constitution.

The [Hopi Constitution](#)<sup>6</sup> is an example of an Indigenous constitution from a Tribe located in the United States of America. It outlines that "the Hopi Tribe is a union of self-governing villages sharing common interests and working for the common welfare of all" (s.1).

<sup>4</sup>A copy of the Nisga'a Constitution, is available at: <https://www.nisgaanation.ca/wp-content/uploads/2024/07/Constitution-of-the-Nisga-Nation-1998-10-01-1.pdf>.

<sup>5</sup>For more information about the Stolo Constitution, please see the video available at this link: <https://www.youtube.com/watch?reload=9&v=O61AWT7tYZc>.

<sup>6</sup>A copy of the Hopi Constitution is available at: [Microsoft Word - Hopi Tribe.docx](#).



The Hopi Constitution includes the following sections that recognize the self-government rights of each village, including about its internal local structures and ability to adopt a local constitution. Notably, their Constitution outlines the requirement for each village to vote on whether or not to adopt a village constitution:

3. Each village shall decide for itself how it shall be organized. Until a village shall decide to organize in another manner, it shall be considered as being under the traditional Hopi organization, and the Kikimongwi of such village shall be recognized as its leader.
4. Any village which does not possess the traditional Hopi self-government, or which wishes to make a change in that government or add something to it, may adopt a village Constitution in the following manner:

A Constitution, consistent with this Constitution and By-laws, shall be drawn up, and made known to all the voting members of such village and a copy shall be given to the Superintendent of the Hopi jurisdiction.

Upon the request of the Kikimongwi of such village, or 25% of the voting members thereof, for an election on such Constitution, the Superintendent shall make sure that all members have had ample opportunity to study the proposed Constitution.

He shall then call a special meeting of the voting members of such village, for the purpose of voting on the adoption of the proposed Constitution, and shall see that there is a fair vote.

If at such referendum, not less than half of the voting members of the village cast their votes, and if a majority of those voting accepts the proposed Constitution, it shall then become the Constitution of that village, and only officials chosen according to its provisions shall be recognized.

The village Constitution shall clearly say how the Council representatives and other village officials shall be chosen, as well as the official who shall perform the duties placed upon the Kikimongwi in this Constitution.

Such village Constitution may be amended or abolished in the same manner as provided for its adoption.

## WHAT WE'RE DOING NOW / EXISTING MNO EXAMPLES

Many of the MNO's existing governance structures and processes already respect the distinct rights and autonomy of the rights-holding Métis communities in Ontario.

For example, the MNO Regional Consultation Protocols and Regional Consultation Committees that recognize the duty to consult and accommodate is held by the rights-holding Métis communities in Ontario. These outline that consultation activities should take place at the regional, or in some cases, local levels of the MNO.

Another example is the MNO's Harvesting Policy, which recognizes that Métis harvesting rights are held by the Métis communities in Ontario themselves. This is recognized in the MNO's Harvesting Policy through the appointment of a Captian of the Hunt in each MNO region who is tasked with determining the appropriate management of the Métis harvest at the regional level.

The MNO self-government agreements also include distinct commitments that aim to ensure the distinct rights and autonomy of the Métis communities represented by the MNO are respected. For example, the 2019 Self-Government Agreement states that:

- 6.04 The MNO is committed to ensuring that any Constitution developed under this Chapter will include Governance Structures at the local and regional levels that enable the Métis Communities Represented by the MNO to continue to have a meaningful role in the Métis Government, as well as ensure that their participation and informed consent is required where the Métis Government may make decisions related to rights protected by sections 25 and 35 of the *Constitution Act, 1982* held by the Métis Communities Represented by the MNO.



27.05 The MNO is committed to ensuring that any reconciliation-related processes, discussions, or negotiations ... that engage the specific rights, interests, freedoms, or claims protected by sections 25 and 35 of the *Constitutional Act, 1982* collectively held by the Métis Communities Represented by the MNO will include the Governance Structures representing those communities.

## DISCUSSION QUESTIONS

- Do you think it's important that any Métis community constitutions be consistent with the overall MNO Constitution, while respecting each Métis community's autonomy and distinct rights and traditions?
- Are there important principles that all Métis communities and their local or regional governance structures should uphold in the same way that the MNO, as the province-wide Métis Government, will be responsible for upholding under the Constitution?
  - o For example: respecting citizens' rights and responsibilities, not discriminating against citizens, transparency, accountability, working together with other governance structures in good faith, etc.?
- How else can the MNO Constitution better recognize and respect the distinct rights-holding Métis communities in Ontario?