

METIS NATION CONSTITUTION WORKSHOP

Keynote Address by President Chartier December 11-12, 2011 Ottawa, Ontario

The purpose of this workshop is to begin the work on a Métis Nation Constitution.

It has been a longstanding goal of the Métis Nation to adopt a national constitution.

The most recent expression of this interest was the Resolution on Governance adopted at the MNC's 2010 General Assembly, included in your binder under Tab 2.

That resolution set this workshop as an important step in consultations leading to a draft constitution that could be considered and adopted by a Constitution Convention in October 2013.

If adopted by the Convention, the document would then be sent forward to the General Assembly in December of that year for ratification.

While we have discussed the need for a constitution for a long time, I believe we have arrived at a juncture in our history when it is time to act on it.

In two days, the thirty year court battle of the MMF to fulfill the promise of lands to the Métis under the *Manitoba Act 1870* will reach the Supreme Court of Canada.

This case will alter the way in which the federal government views the rights of the Métis as the Manitoba Court of Appeal has already upheld certain legal principles that will have significant implications going forward.

A victory by the MMF will set the stage for the negotiation of a contemporary land claims agreement which includes self-government.

We will need our own constitution to define the nature of the government that will exercise powers under that agreement.

The same holds true for self-government arrangements in future Métis land claims settlements in other parts of our homeland that will be spurred on by a MMF victory.

Separate from the court action, the MNC is working with the federal government under the Métis Nation Protocol to negotiate accords that would introduce government-to-government financing of our governing bodies and the transfer of authority over federal programs to our institutions.

These accords would form the basis of a self-government agreement for the Métis Nation that could be put into effect through federal legislation, a *Canada- Métis Nation Relations Act*, under the federal Inherent Right Policy.

Under the Inherent Right Policy, an internal constitution is required before this kind of self-government agreement can be concluded.

It is not just for the purpose of negotiating self-government agreements that I believe we need a constitution.

As a distinct people and nation, with the right to self-determination, we should be governing ourselves under own laws drawn from our own constitution rather than the bylaws of non-profit societies.

This would strengthen our status and credibility as governments rather than interest groups when we sit at the table with federal and provincial first ministers and ministers and assert our national interests.

When we deal with private industry on major projects having tremendous impact on our traditional territory.

When we address the United Nations, the Organization of American States, and other international institutions engaged in the promotion of Indigenous peoples' rights.

When we cooperate with other Indigenous peoples worldwide in areas of common interest.

In other words, a constitution will demonstrate the political will and nationhood of the Métis people on the national and international stage.

That we haven't been able to adopt a constitution to date should not be viewed as a deterrent to future success.

The Canadian constitution in 1867 did little more than set out the federal and provincial institutions of government and the division of powers between the two levels of government.

It was not until patriation of the Constitution in 1982 that Canada acquired the ability to amend its own constitution, which was accompanied by the Canadian Charter of Rights and Freedoms and the all-important Rights of the Aboriginal Peoples.

We have a much stronger starting point.

I believe, that by 2013, we could accomplish much in a constitution even if the delegates to the Constitution Convention chose a document leaving the current structure of our governance system largely intact and with an amending formula that would permit future changes.

But I also believe we can go far beyond that, which will be our challenge during the next two years.

A constitution can serve as a vision or mission statement of a nation.

As such, it can express the fundamental beliefs, values and goals of a people.

Some of these core beliefs, I believe, are foundations of our nationhood and stand a good chance of being adopted by the Constitution Convention.

Four of these core beliefs or foundations stand out in my mind although more are sure to be proposed in the coming months.

The first is the need to restore a land base for the Métis Nation and future generations and to ensure that Métis people and their governments are fully involved in the ratification of any agreements affecting these lands.

We will soon hear from three lawyers who are at the forefront in the courts in trying to restore the lands and resources of the Métis Nation.

Jean Teillet will speak to the boundaries of the Métis Nation homeland.

Tom Berger, who has represented the MMF in their epic land claim battle almost from the start and will be arguing the case before the Supreme Court on Tuesday, will then provide us with an overview of the case.

Jason Madden will then speak to the potential implications of a successful decision in the MMF case and where we go from here in our strategy to

restore a land base.

The MMF argument in *MMF vs. Canada and Manitoba* is included in your kit under Tab 3 and is followed by the intervener arguments from MNC, MNO and MNA.

A second foundation is the National Definition that identifies who we are and is the foundation of our citizenship system.

The National Definition was adopted by the 2002 MNC General Assembly and incorporated into the bylaws or constitution of each MNC Governing Member.

Meeting the National Definition is a requirement for citizenship registration and for voting in the elections of Governing Members.

True, we have not yet completed the national acceptance process and establishing a Métis Nation Registry, something the MNC and the registry officials of the Governing Members are working toward in their ongoing efforts to harmonize the five citizenship registries.

This work on a national acceptance process may or may not be completed by the time of the Constitution Convention in 2013.

But even if it's not, we could, and I believe should, entrench the National Definition in the constitution as an expression of who we are as a distinct people and nation and the basis of our citizenship code.

The constitution could also commit the citizens and governments of the Métis Nation to continue working toward the national registry, if that has not yet been achieved.

A third foundation for constitutional consideration is the need to preserve and promote the culture and language of the Métis Nation which will be addressed by a panel this afternoon.

A fourth foundation is our commitment to democratic accountability.

This commitment is already established in the province-wide one-person one-vote ballot box system of elections for the leaders of our Governing Members and the ballot box elections within the regions of each province for the other members of provincial councils and boards.

According to the existing MNC bylaws, membership in the MNC is

conditional on a Governing Member adhering to the principle and practice of direct elections of leaders.

In 2002, the MNC General Assembly adopted a resolution calling for the direct one-person one-vote ballot box election of national president.

Whether and how this system of direct election should be extended to the MNC president will be the subject of discussion at this workshop and over the next two years.

Tomorrow we will look at how a direct election system for the president compares to the current system and the questions that will have to be addressed before 2013.

By the time of the Convention, if consensus is not reached on all aspects of a direct election system for president, the constitution can, at the very least, entrench the commitment to democratic accountability reflected in the electoral practices of Governing Members and MNC bylaws, and express the resolve of the Métis Nation to work toward a directly elected president, perhaps by a certain date.

The constitution, as a vision and mission statement, can also address the aspirations and priorities of Metis Nation citizens for their governments.

We will hear from a number of Governing Member presidents and ministers on the importance of specific social and economic programs and services in the overall health, security and prosperity of Metis Nation citizens and whether or how a constitution should promote laws and initiatives toward their advancement.

The constitution should also address the rights and freedoms of citizens of the Métis Nation in their dealings with their own governments and with each other.

We will hear from panelists on the treatment of individual rights and freedoms in the constitution and the equal protection and advancement of female and male Métis.

Many of the building blocks for constitutional reform which I have just identified, are included in a power-point under Tab 7.

Also, under Tab 8 there are extracts from a draft constitution we have been using for illustration purposes.

This is not an official document and has not been approved by any Métis Nation government.

It's purpose is to provide delegates with a feel for the structure of a constitution and the type of language used in the expression of its ideas, including some of those I just put forward.

As we move into the consideration of the institutions and powers in a constitution tomorrow, I believe, again, that there is already significant consensus on some key issues that will assist the Constitution Convention in its deliberations.

Over the years, the MNC and its Governing Members have worked out a division of roles and responsibilities that works reasonably well.

The MNC is responsible for representing the Métis people at the national and international levels, intergovernmental negotiations and agreements, and policy development leading to new or enhanced programs and services.

The Governing Members are responsible for representation at the provincial level, the administration of core governance operations and institutions such as citizenship registries and elections, and the delivery of programs and services .

This should certainly help when we consider the formal division of powers within a national constitution.

The direct election of a national president by Métis Nation citizens rather than the General Assembly raises a number of important questions with respect to his or her accountability and powers that will have to be considered.

The role of the General Assembly, which could become a National Assembly, will also have to be considered along with the possibility of a Senate and a dispute resolution body or tribunal.

The formula for the representation of the Governing Members in the General Assembly and the formula for ratifying and amending the constitution will command considerable attention, I am sure.

Under the existing MNC bylaws, as we all know, each of the Governing Members from the Prairies or Founding Members has 15 voting delegates while BC and Ontario each has five.

As well, any amendment to the MNC bylaws requires the unanimous consent of the Founding Members.

Whether these rules will be transferred to a constitution for the purposes of representation in the National Assembly and amending the constitution will have to be determined.

The graphics in your kit under Tab 10 are a tool portraying many of these issues and will help guide tomorrow's discussions.

At 11:45 this morning, we will commence a special ceremony and luncheon commemorating the services and sacrifices of our Métis Nation veterans of the Korean War, which lasted from June 25, 1950 to July 27, 1953.

I am pleased and honored that we will be joined by a number of the veterans who will be receiving plaques in recognition of their service.

Tonight, we will be holding a Christmas Party at this location so that we will have a chance to visit and socialize.

There we will be joined by the Hon. Chuck Strahl, the former Minister of Aboriginal Affairs and Federal Interlocutor for Métis, who is also a distinguished recipient of the Order of the Métis Nation, who will address us tomorrow morning with some of his thoughts on our constitutional challenge.

Our special guest at tomorrow's keynote luncheon will be our good friend Hugo Tacuri, President of CONAIP, the national Indigenous Peoples movement from Peru.

This summer the MNC and CONAIP concluded a friendship and cooperation treaty included in your binder under Tab 9, an indication of the growing reach of the Métis Nation in international affairs and further proof of why we as a nation should be entering into such treaties under the authority of our own constitution.

In closing, let me state again that the time has come to move on a constitution and not just to help position us to negotiate self-government agreements.

A Métis Nation Constitution will serve as a vessel for our values, our principles, our vision, as well as defining how we wish to govern ourselves in the 21st century.

If we don't take seriously this ultimate expression of our nationhood and self-government, who will?

How better to celebrate the 30th anniversary of the founding of the Métis National Council in 1983 when our nation was at risk and our leaders stepped up to once again defend our right to exist as a nation and people!