

MÉTIS NATION CONSTITUTION WORKSHOP

MNA Assembly

August 17, 2012

Athabasca, Alberta

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.

That resolution set workshops such as this one today as an important step in consultations leading to a draft constitution that could be considered and adopted by a Constitution Convention in December 2013.

If adopted by the Convention, the document would then be sent forward to the MNC General Assembly 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.

The Supreme Court of Canada will soon rule on *MMF v Canada and Manitoba*, a thirty year court battle of the MMF to fulfill the promise of lands to the Métis under the *Manitoba Act 1870*.

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 claim agreement, which would include 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 on governance and economic development that could form the basis of a self-government agreement for the Métis Nation.

This agreement 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.

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

As such, it can express the fundamental beliefs, values, aspirations 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.

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.

The paper in your kit entitled NATIONAL DEFINITION FOR CITIZENSHIP WITHIN THE MÉTIS NATION AND ACCEPTANCE PROCESS sets out the steps we have been taking over the years toward harmonizing the citizenship registries of the MNC Governing Members and integrating them into a National Registry.

Entrenching the National Definition in the constitution is essential, I believe, and we must be careful in setting the historical and territorial boundaries of our ancestral Métis homeland for citizenship purposes.

In addition, while the Acceptance Process was adopted in principle by the General Assembly in 2001, we have yet to give it final approval.

A third foundation for constitutional consideration is the

need to preserve and promote the culture and language of the Métis Nation.

A fourth foundation is our commitment to democratic accountability exemplified by the ballot box electoral system of our Governing Members.

As we move into the consideration of the institutions and powers in a constitution, I believe 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 an informal division of roles and responsibilities that works reasonably well.

The MNC is responsible for representing the Métis people at the national and international levels, in intergovernmental negotiations and agreements, and with 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.

There has also been consensus on some of the forms of Métis government institutions that should be included in, and empowered by, a constitution.

The MNC General Assembly has been on record for the past decade in support of the direct election of the MNC President by a homeland-wide grassroots ballot.

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.

So will that of the Board of Governors in determining the role and composition of a cabinet.

The Constitution Convention will also have to decide on whether a dispute resolution body or tribunal similar to the MNA Judiciary Council should be established.

The formula for the representation of the Governing Members in the General Assembly and the formula for ratifying and amending the constitution are critical issues.

Under the existing MNC bylaws, 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.

Further to the resolution of the 2010 MNC General Assembly for a Métis Nation Constitution by the end of 2013, the Métis National Council has been working on the constitutional issues by way of its Métis Rights Panel.

The Métis Rights Panel is a steering committee which is currently chaired by the President of the MNC and consists of representatives from each of the MNC Governing Members.

Cecil Bellrose has represented the MNA on the Métis Rights Panel for a number of years.

The Panel has met regularly to work on these issues with the assistance of officials from the MNC and Governing Members.

It has supervised the work our officials have been doing with the Canadian Standards Association in developing common standards for use by the citizenship registries of the Governing Members.

This work identifies the practices and procedures that are required for the registries to be reliable and verifiable on their own and in relation to each other.

This will help the MNC's Governing Members harmonize their registries so that citizenship becomes portable or transferable across the Métis Nation homeland, an essential feature if our citizenship code based on our National Definition of Métis is to be entrenched in a Métis Nation constitution and supported by a National Registry.

An important factor here will be ensuring that all Governing Members are implementing the National Definition in a uniform manner, especially when it comes to proof of Métis descent and historic Métis communities.

Earlier this year, the Métis Rights Panel and then the MNC Board of Governors approved a plan according to which our senior officials and registrars, with the assistance of the Canadian Standards Association, will have these common standards set by 2013.

The Métis Rights Panel has also been supervising the work on the other constitutional issues I touched on earlier in order to stimulate discussion of the issues and bring out the views and ideas of our citizens for a 21st century constitution and government system for the Métis Nation.

I, and individual members of the Panel, have been attending workshops on the constitution at annual assemblies and other meetings of the Governing Members.

Some of you may have participated in a national constitutional workshop hosted by the MNC in Ottawa last December on the eve of the Supreme Court of Canada's hearing our historic land claims case, *MMF v Canada and Manitoba*.

This workshop validated some key foundations and considered principles, goals and aspirations to be built into a constitution, to ensure their promotion.

The Métis Rights Panel has been using these ideas and proposals to begin drafting the wording of a Métis Nation

Constitution for the consideration of the Constitution Convention in 2013.

At its most recent meeting, it reached consensus on the draft wording of a Preamble and Part I: Fundamental Objectives of the Métis Nation.

To assist it in its consultations, the Métis Rights Panel has been using summaries, graphics and worksheets which are included in your kits.

The power-point presentation “Building Blocks for Constitutional Reform” is an overview of the current structure of our government system, its foundations, and how to build on these foundations to achieve greater self-government and a government-to-government relationship with the federal government through constitutional reform.

The three placemat-shaped graphics marked A, B or C in the upper right hand corner of each graphic portrays in greater detail how the current structure of our government system evolved and how it could be altered through constitutional reform, including a more formalized division of powers and the direct election of a national president through a homeland-wide ballot box electoral system.

There is also a series of MNC worksheets accompanying graphic “C”, entitled “Key Consultation Issues”, each dealing with a particular topic related to the constitution and asking readers how they wish to see each of the issues handled.

I should also mention that all of these documents are included on the MNC website in a special portal on

constitutional and electoral reform.

Based in large part from the feed back in consultations, it is expected that the Métis Rights Panel will progress much further in its draft wording of the constitution by March 2013 when the 2010 General Assembly resolution calls for the production of a formative Consultations Results Report.

Following that, in the months remaining before the Constitution Convention and General Assembly in December, the remaining components of the draft constitution will be put in place including the national acceptance process and the traditional Homeland boundary.

So we definitely have our work cut out for ourselves but I strongly believe that the time has come to move forward and adopt a constitution.

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.