

COMPILATION OF DOCUMENTS ON MÉTIS NATION IDENTITY

February 5, 2020

Re: the Métis Nation under attack – the real issue.

The Métis Nation as a distinct Aboriginal/Indigenous people in Western Canada have always acted in defence of its people and rights, including its right to exist as a distinct Indigenous people and nation. When threatened, we always act. It is no different today. (See Attachment 1 for a snapshot of the Métis Nation – “*Emergence and Evolution of the Métis Nation*”).

Our very existence as a people is currently being undermined, although over the years we have acted to ensure that our integrity as a people and our culture is safeguarded. One of these actions was ensuring that the very essence of who we are, the criteria of identifying our citizens and the mechanisms to enroll our citizens were in place.

After years of consultation based on the need to clearly identify our people in order to combat the growing trend of people of mixed Aboriginal – non-Aboriginal ancestry adopting the term “Metis” to describe themselves, thereby usurping the term as historically referring the historic Métis Nation and people of what is now western Canada, in 2002 our General Assembly adopted a definition of Métis for the purpose of identifying and registering our citizens. This definition was subsequently entrenched in each of our Governing Members’ Constitutions or Bylaws.

While the Métis Nation of Ontario (MNO) was admitted into the Métis National Council in 1994, the national governmental body of the Métis Nation, it was based on the understanding and belief that MNO would abide by the then consensus of what being a citizen of the Métis Nation entailed, as well as the distinct historic homeland of the Métis Nation.

The issues surrounding these matters is contained in a June 30, 2015 Memorandum to the Members of the General Assembly of the Métis National

Council from President Chartier, including articles addressing Métis Nation issues. (See Attachment 2 for the Memorandum).

The MNO never did live up to those expectations, and after years of debate, the Métis National Council General Assembly in 2017 passed a resolution directing the National President to undertake a study on the MNO situation and report back with recommendations. (See Attachment 3 for resolution).

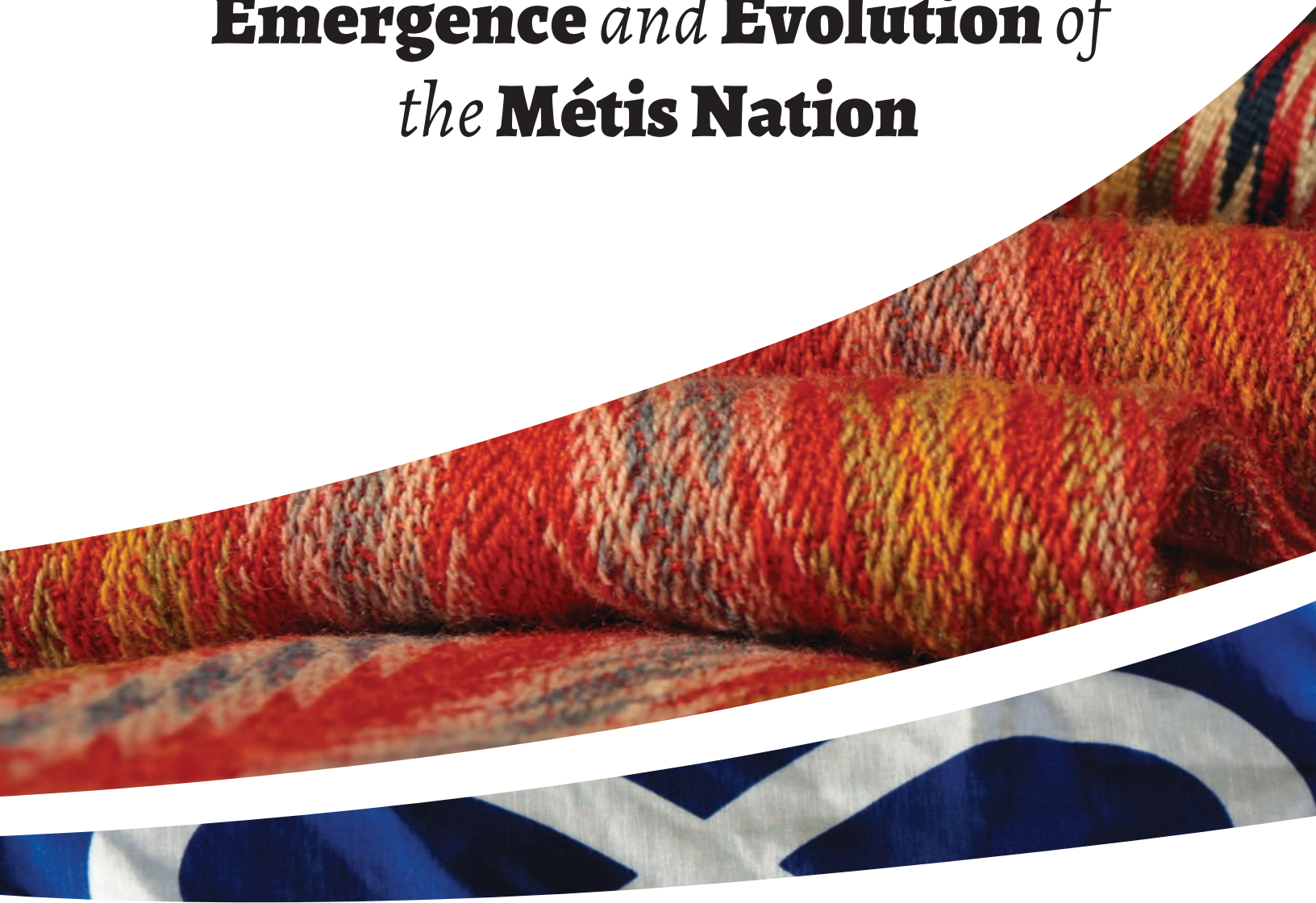
The President tabled his Final Report and Recommendations to the General Assembly in November 2018. (See Attachment 4 for the President's Report – *“Addressing the Integrity of the Historic Métis Nation Homeland”*). Based on this Report the General Assembly adopted a resolution suspending the MNO, coupled with a one-year probation period with conditions to enable the potential lifting of the suspension. (See Attachment 5 for MNO Suspension Resolution). The General Assembly also passed a resolution adopting a Métis Nation Homeland Map, making clear the historic geography of the Métis Nation homeland. (See Attachment 6 for Homeland Map)

On-going and numerous attempts were made to have the MNO abide by and honour the General Assembly MNO Suspension Resolution, but to no avail. Consequently, the one-year probation expired and the suspension of the MNO took full effect at the end of November 2019 and is still in effect.

The entering into the self-government agreements in June 2019 between the federal government and the MNO, the Métis Nation – Saskatchewan and the Métis Nation of Alberta may have played a significant role in MNO's decision not to respect or honour the General Assembly decision as the June 2019 Agreements provide that each of the three, through adoption of new constitutions have the ability to decide their own definition of Métis, which while accommodating the non-Métis Nation citizens in Ontario, totally undermines the integrity of the Métis Nation, and its long history of struggle and existence as a distinct people.

The next few months will determine the future relationship between our respective Métis governments, but whatever may happen to the Métis National Council, our national government, there are thousands of Métis Nation citizens throughout our homeland who will never give up fighting for our continued right to exist as a people, and we will ultimately prevail.

Emergence *and* Evolution of the Métis Nation



Métis National Council

September 2019

Emergence and Evolution of the Métis Nation

People of mixed ancestry appeared in eastern Canada soon after initial contact between Indians and Europeans.

With large-scale European immigration and agricultural settlement in eastern Canada, these people of mixed ancestry were generally absorbed into the settler or Indian populations.

It was on the isolated plains of western North America during the late eighteenth and early nineteenth centuries that people of mixed ancestry emerged as a new and distinct people and nation.

The fur trade companies operating in this territory - the Hudson's Bay Company and the North West Company - had a common interest in blocking agricultural settlement and large-scale immigration onto the western plains from the British colonies to the east.

Hence, the mixed offspring of French fur traders from the North West Company or Scottish fur traders from the Hudson's Bay Company and their Cree, Ojibwe, or Dene wives formed an ever-increasing proportion of the fur trade population.

As the numbers of the mixed offspring grew and married among themselves, they developed a new culture, neither European nor Indian, but a fusion of the two.

Thus, the Métis people emerged.



Métis Camp on the plains



Buffalo Narrows Dance Group



Métis coat and sash

Their Michif language mixed the French, Cree, and Ojibwe languages.

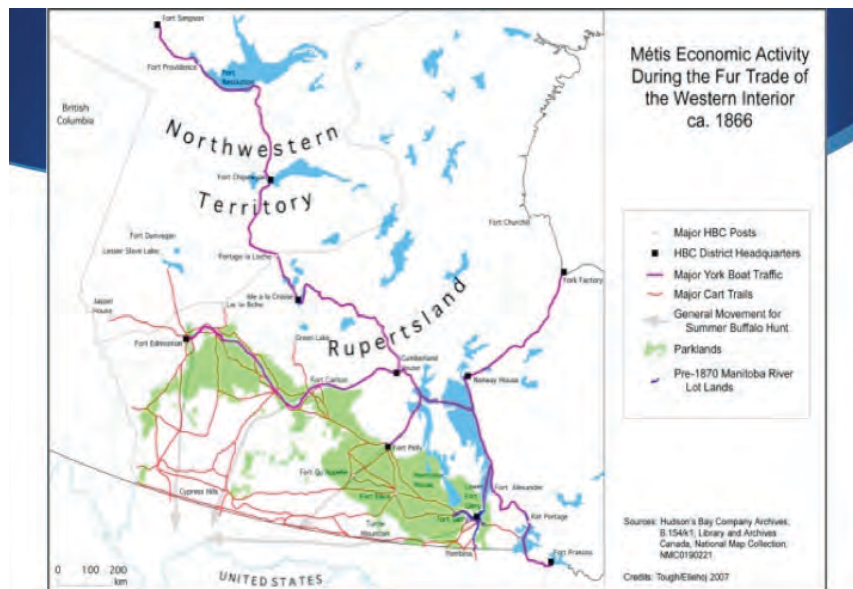
Their dance form combined the reels of Scotland with the intricate steps of Plains Indians.

Their dress, as can be seen in this photo, was semi-European, semi-Indian in style but of European cut and was often decorated with glass beads and quills.

With their newly emerged traditions and command of both European and Indian languages, the Métis were logical intermediaries in the commercial relationship between the two civilizations.

They adapted European technology to the wilderness through innovations such as the Red River cart and York boat, which made possible the transport of large volumes of goods and supplies across the west to and from the far-flung outposts of the fur trade.

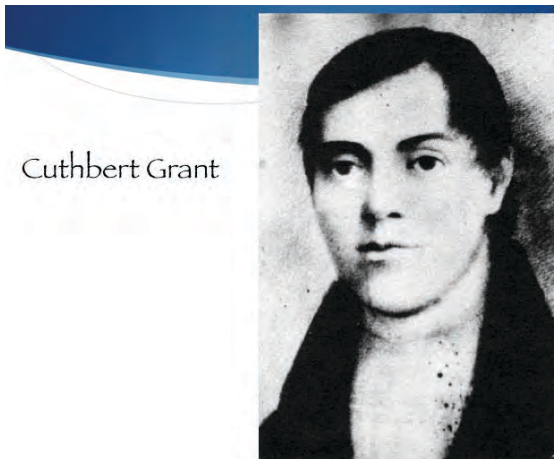
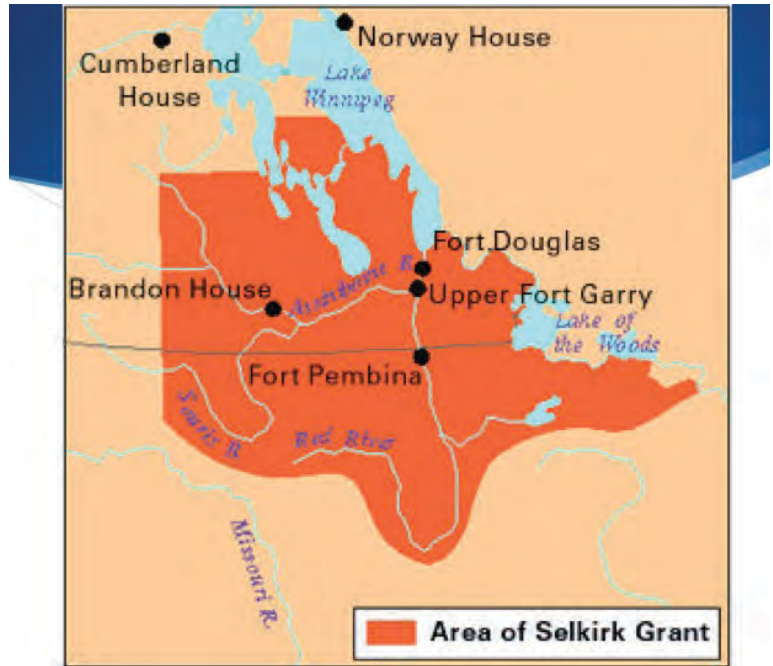
By the early 19th century the Métis had developed a distinct political consciousness that enabled them to challenge the authority of the dominant fur trade company, the Hudson's Bay Company.



In 1811, the Hudson's Bay Company made a land grant to Lord Selkirk of 116,000 square miles including the Red River Valley for an agricultural settlement and a source of provisions for the fur trade.

Efforts by the new colonists to restrict the Métis hunting and trading practices eventually led to the colonists' defeat in 1816 at the Battle of Seven Oaks, where the victorious Métis led by Cuthbert Grant, Jr. unfurled the flag of the Métis Nation.

In 1821, amalgamation of the Hudson's Bay Company and the North West Company closed many fur trade posts and forced their Métis employees and families to move to the Red River Settlement.



Cuthbert Grant

This concentration in the Red River Settlement of French Catholic Métis from the old North West Company posts and English Protestant Métis from the Hudson's Bay Company posts heightened the group consciousness of the Métis.

Ties between the two groups were reinforced by frequent intermarriage and common economic pursuits in the fur trade economy as boatmen, freighters, guides, interpreters, merchants and provisioners of food through the buffalo hunt and farming.

The Hudson's Bay Company authorities had to take this group consciousness into account in their administration of the Red River Settlement.



Métis Nation Flag



Métis free traders and merchants became the most articulate proponents of a growing Métis nationalism and repeatedly challenged the Hudson's Bay Company monopoly.

In 1867 the four provinces of Ontario, Quebec, Nova Scotia and New Brunswick joined together to form Canada through the Constitution Act 1867 which by sections 91 and 92 set out a division of powers between the federal (s.91) and the provincial (s.92) governments.

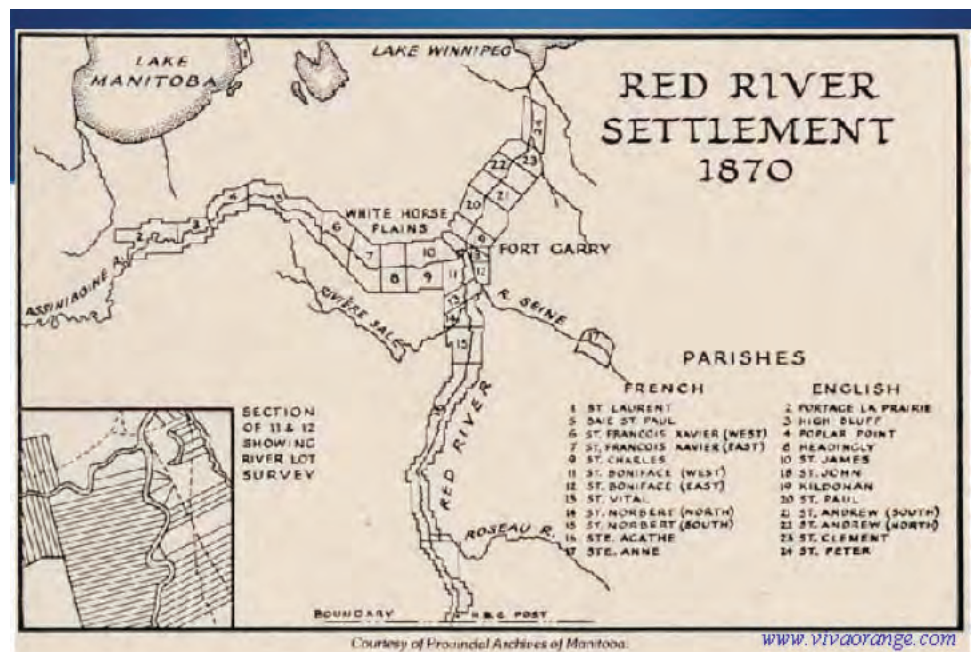
The federal government under s.91(24) had the jurisdiction or authority to deal with "Indians and the lands reserved for the Indians".

By s.146, the Constitution also made provision for the entry of Rupert's Land and the Northwest Territory to join Confederation.

Red River served as an incubator of the new nation and Métis nationalism.

By 1869, the population of the Red River Settlement - one of the largest settlements on the plains of North America west of the Mississippi and north of the Missouri - consisted of 9,800 Métis and 1,600 whites.

In 1869, the Hudson's Bay Company sold Rupert's Land to the Dominion of Canada without any provision for the rights of the Métis majority in the Red River Settlement that



was expected to become part of a territory governed directly by Ottawa.

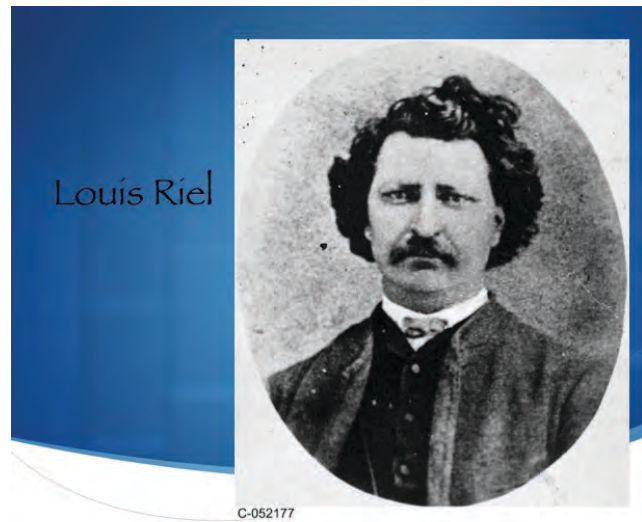
In advance of the formal transfer of authority, Prime Minister Sir John A. Macdonald sent a survey party to Red River.

In the fall of 1869, a group of Métis including their emerging leader Louis Riel disrupted the survey party.

They formed a Métis National Committee and informed the authorities that Macdonald's lieutenant governor-designate would be admitted into Red River only after Canada negotiated terms with the Métis Nation.

A Métis force under the command of Ambroise Lépine turned back Macdonald's representatives near the American border while another group of up to 400 Métis led by Riel occupied Fort Garry without bloodshed.

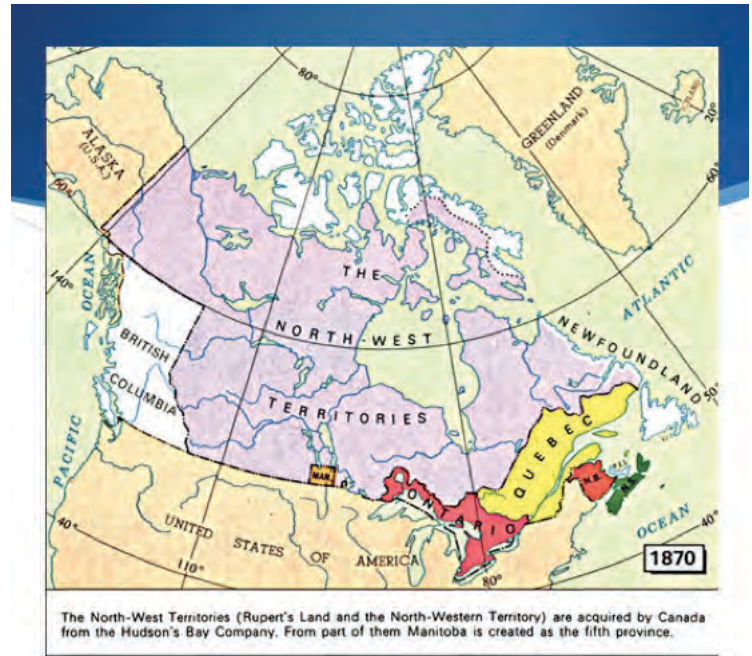
The Métis Nation formed a provisional government under the leadership of its president, Louis Riel, to draft a List of Rights for the Métis.



Provisional Government of the Métis Nation,
1870

This list would be carried to Ottawa by three delegates of the provisional government and would form the basis of negotiations with the Conservative government of Sir John A. Macdonald.

These negotiations resulted in federal legislation, the Manitoba Act 1870 by which the Red River Settlement would enter Confederation as Canada's fifth province, with English and French as the official languages of the new province. It also made possible the entry of the rest of the Métis Nation homeland through the Rupert's Land Order 1870 which provided further protections for the Métis Nation.



Unlike the four provinces at the time of Confederation, however, Manitoba would not have control over its public lands.

Macdonald insisted on dominion control of Manitoba's public lands but agreed to compensate the Métis in the new province in order to annex the Northwest peacefully.

Section 31 of the Manitoba Act provided for a 1.4 million acres for the children of the Métis heads of families while section 32 confirmed the land titles of all existing settlers in the province who had interests in land, the majority being Métis.

The Métis believed they had a deal but shortly after the Manitoba Act was passed, Macdonald dispatched 1,200 troops to Fort Garry, today's Winnipeg.

Troops and settlers arriving in the new province were hostile to the Métis, some of whom were killed, raped or beaten. Métis landholders were harassed. This period has been referred to as "a reign of terror" by some historians.

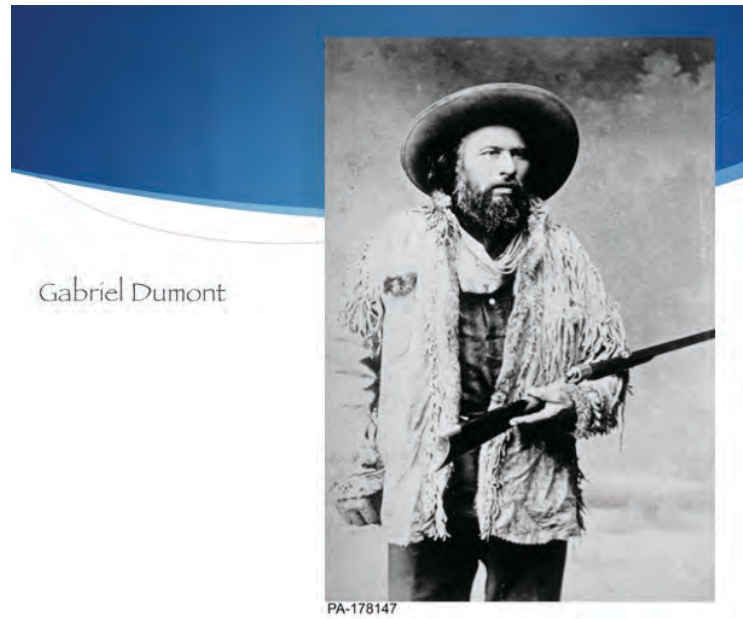
Despite government assurance of amnesty to all participants in the Red River Resistance, Riel was forced to flee for his life. Three times elected to the House of Commons, he would be barred from ever taking his seat.

A process for distributing lands to the Métis in fulfillment of section 31, originally envisaged by the first Lt. Governor to take a year to complete, would take more than a decade for the federal government to administer.

During this period, confronted by a mass influx of hostile Anglo-Ontarians frequently squatting on and gaining title to their traditional lands caught up in the red tape of Ottawa's chaotic land grant scheme, many Métis moved on.

Their proportion of Manitoba's population dropped from 83% in 1870 to 7% percent in 1886. Two-thirds of the Métis people moved out of the Province of Manitoba, most between 1876 and 1884.

Some Red River Métis moved to the north or into the United States, but most moved west to the Qu'Appelle and South Saskatchewan River Valleys and to the settlements near Fort Edmonton, where they joined or founded new Métis villages.



Gabriel Dumont

There they resumed their demands for a land base in unison with those Métis resident in the Northwest before 1870.

As early as 1872, the Saskatchewan Métis under the leadership of Gabriel Dumont had petitioned Ottawa for title to their lands.

Their calls went unheeded until 1879 when Parliament amended the Dominion Lands Act that

provided for the granting of land to the Métis of the Northwest, yet it was not until January 28, 1885, that the Macdonald government established a commission to review and settle Métis claims in the Northwest.

By then, the Métis of the Saskatchewan Valley had already organized for the second resistance against Ottawa.

In June 1884, they had sent a delegation to Montana to persuade exiled leader, Louis Riel to return to the Northwest and on March 19, 1885, under the leadership of Riel, the Métis formed the 2nd Provisional Government of the Métis Nation.



As in 1869–70, they demanded responsible government, parliamentary representation, and local control of public lands, as well as confirmation of land titles according to the river lot system of survey.

On March 26, 1885, fighting broke out at Duck Lake, where Gabriel Dumont and the Métis clashed with the North West Mounted Police, prompting the federal government to dispatch a military expedition under the command of Major General Frederick Middleton.



Battle of Batoche, 1885

On April 24, Dumont ambushed Middleton's column at Fish Creek.

Between May 9 and 12, Middleton's army defeated the Métis in the Battle of Batoche.



∞ Métis Council, August 1885

A few days later Riel surrendered and was transported to Regina for trial. On August 1st, he was found guilty of high treason and was hanged on November 16, 1885.

The members of Riel's second provisional government were photographed in chains outside the Regina courthouse.

The trial and execution of Riel created Canada's first national unity crisis: Ontario, demanding the execution of Riel; Quebec, in support of the defender of the French language and Catholic faith in the west, demanding clemency.

Macdonald's refusal to commute the death sentence, his infamous "Riel shall hang though every dog in Quebec bark in his favor", and the execution itself led to massive street protests in Montreal.

It was only after the armed conflict in the Northwest had begun that the Macdonald government adopted orders-in-council for federal Half-Breed commissions to distribute Métis grants under the Dominion Lands Act.



Scrip Commission at Devil's Lake, 1900



Land Scrip

denominated in a fixed amount of acres or dollars that could be applied to the purchase of surveyed dominion lands opened for homesteading.

Land scrip was non-transferable, but the process for redeeming it for land proved to be complicated and lengthy. Métis claimants had to travel to distant dominion lands offices to locate the land scrip on a dominion lands entry and then wait for the patent to be issued by Ottawa.

Métis from large areas of the Northwest that had not yet been surveyed could not use land

These federal commissions would extend grants to Métis throughout the Northwest. Starting with the signing of Treaty Eight in 1899, the Treaty commissions would sit simultaneously as Half-Breed commissions, that is, the one commission would deal with both Treaty negotiations and the distribution of Half-Breed scrip.

Grants under the Dominion Lands Act took the form of scrip, a coupon



Money Scrip

or money scrip to obtain title to their traditional lands.

The most common form of grant issued by the Half-Breed commissions was transferable money scrip which could be applied to the purchase of dominion lands or sold and assigned to land speculators, often lawyers and bankers, who were equipped to go through the onerous redemption process.

Most Métis opted for money scrip and then sold it for a fraction of its value to scrip speculators. Ottawa's collusion with speculators extended to every step of the scrip distribution and redemption process.

Scrip speculators travelled with and, in effect, became an integral part of the Half-Breed commissions.

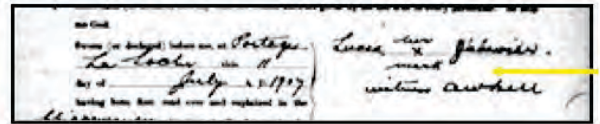
The scrip system was rife with fraud and the Supreme Court of Canada itself in the 2003 Blais case has described it as "a sorry chapter" in Canadian history.

Without title to their land and facing a rapid decline of the fur trade economy, the Métis of the Northwest were swept away by a tide of immigration in the decades following the Northwest Resistance of 1885.

Some moved to the northern forests of the Prairies, where they joined established Métis settlements or formed new ones. There they were able to continue their traditional pursuits of freighting, trapping, hunting, and fishing.

Signatures: Lucia Janvier

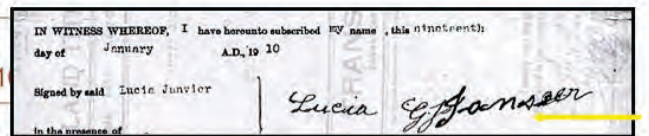
Claim Declaration
11 July 1907



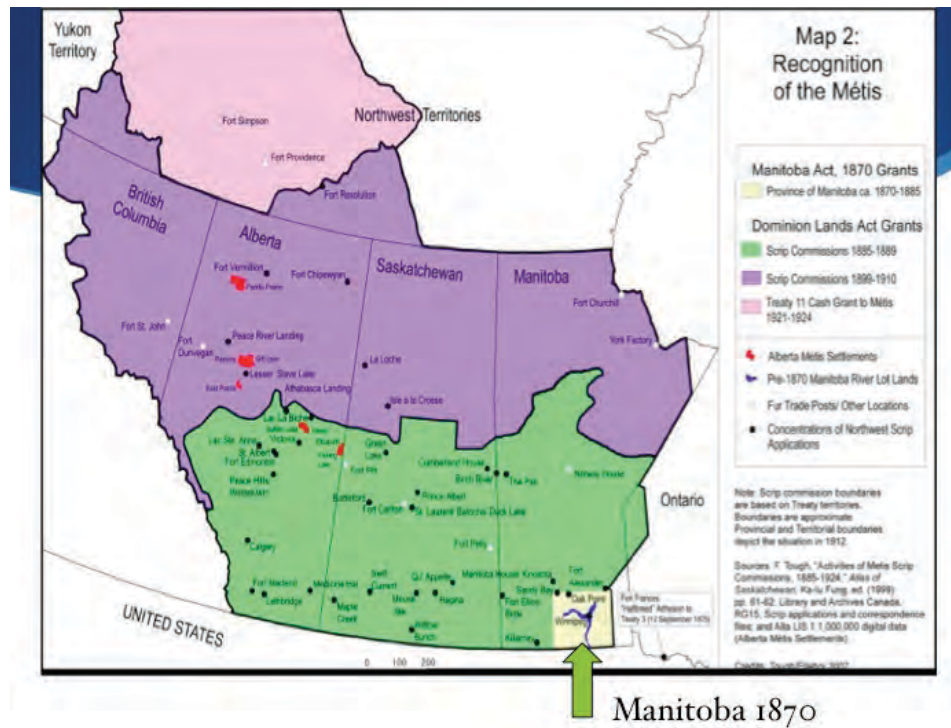
Application for Dominion
Land
18 January 1910



Transfer
19 January 1910



Buffalo Bones



In the southern part of the Prairies, some of the Métis managed to cling to their lands and earned a livelihood as farmers and farm labourers.

Many others were forced into slums on the fringes of Indian reserves and white communities or on road allowances, strips of public land on either side of public roads. They eked out a subsistence gathering buffalo bones for shipment to fertilizer factories, picking stones on farms, doing other menial jobs, hunting and fishing, or getting by on relief (that era's version of today's welfare or social assistance).

With its transfer of public lands and natural resources to the provincial governments on the Prairies in 1930, the federal government absolved itself of any further responsibility for the Métis.

Despite its recognition of Métis land rights in the original "postage stamp" province of Manitoba and then, by the Dominion Lands Act, in the rest of the Prairies, Northeastern BC and the Northwest Territories, the federal government in 1981 maintained that Métis land rights had been extinguished by law and that any future interventions on their behalf would have to come from the provinces.

This denial of federal responsibility extended far beyond the question of formal jurisdiction.

Métis history and culture were kept out of national museums and galleries and ignored in cultural policies.

In 1941, the Métis were removed as a distinct people in Canada's census.



Mass gravesite of Métis Warriors killed in 1885 resistance



Annual march to the mass gravesite

The Métis endured decades of state-sponsored marginalization.

Riel's vision of a re-born Métis Nation would blur, but never die.

Predominantly Métis communities, Métis historical and cultural societies, and Métis political associations throughout the dark period of the Métis diaspora would preserve the history, culture, Michif language, traditions and political objectives of the new nation.



∞ Founders of Métis Association of Alberta 1928

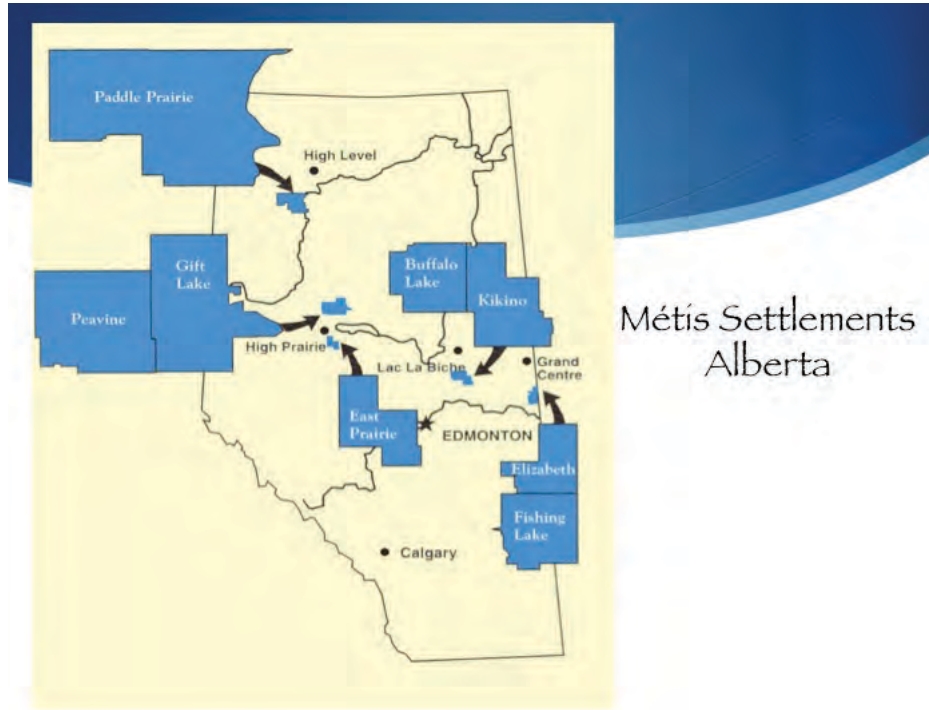
In 1887, Métis at Batoche, Saskatchewan, organized a society named after their patron saint, Joseph, with objectives similar to those of Quebec's St. Jean Baptiste Society. About this time, Métis people began annual observances of the resistance at Batoche that continue to this day.

Also in 1887, a group of Métis nationalists met in St. Vital, Manitoba, to found a historical and cultural society. Incorporated on March 1, 1888, l'Union Nationale Métisse Saint Joseph du Manitoba was, and to this day remains, committed to fostering an awareness of the historical contributions of the Métis in Manitoba.

During the Depression of the 1930s, dire conditions on the Prairies provoked a political mobilization of the Métis.



Plowing land on one of the Métis Settlements

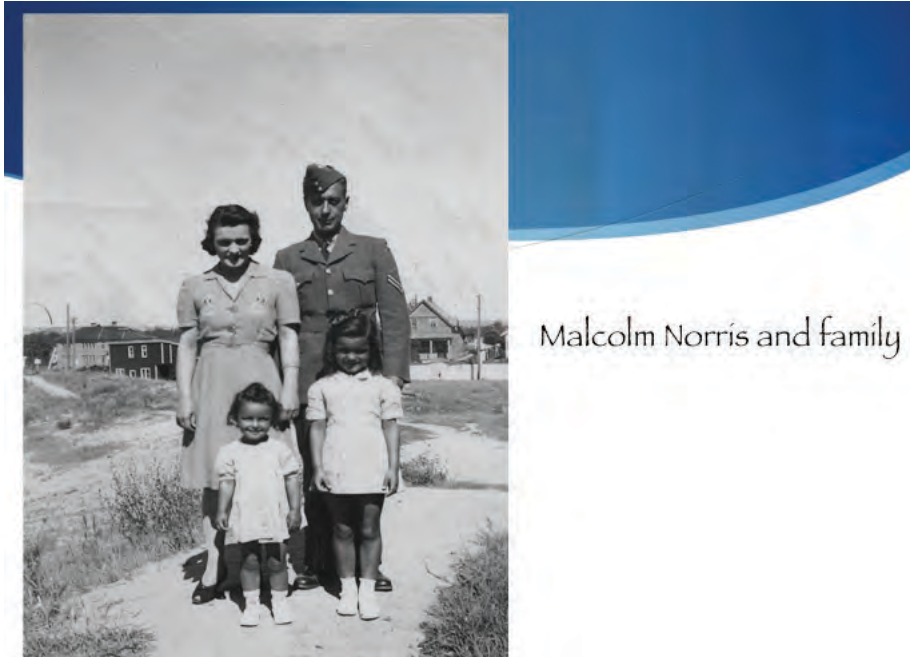


Founded in 1928, the Métis Association of Alberta in 1934, pressured the United Farmers of Alberta government into appointing a royal commission to inquire into the conditions of the Métis.

Following the recommendations of the Alberta Half-Breed Commission Report, the province enacted the Métis Population Betterment Act in 1938 to provide for the establishment of Métis settlement associations that would receive land from the province.



∞ Founders of Saskatchewan Métis Society,
17 November 1937



Malcolm Norris and family

Twelve settlement areas were set aside in the 1940s, but the province later terminated four unilaterally and relocated their populations.

Today there are eight Métis settlements in Alberta comprising a landmass of 1.28 million acres.

Founded in 1937, the Saskatchewan Métis Society sought provincial assistance in directing its “constitutional claims” against the Government of Canada, which it held responsible for the historical dispossession of the Métis.

By the 1940s, twelve townships of public lands had been set aside for the Green Lake Métis Settlement in northwestern Saskatchewan and the CCF provincial government established a number of Métis farms across southern Saskatchewan.

The outbreak of the Second World War derailed efforts to resolve the historical and constitutional claims of the Métis as many of the leaders of Métis associations such as Malcolm Norris, a founder of the Métis Association of Alberta seen in the photo above, joined the war effort.

During the 1960s, a new set of circumstances caused a revival of Métis political consciousness and organization. With the liberalization of North American society, minorities began to assert their identities. Among them were the Métis.

The upsurge of nationalism in Quebec during this period also played a role in Métis political revival as many Métis believed that, as a founding people, they had as much a right to special status as Quebec.

The 1960s witnessed the reorganization of older Métis associations and the formation of new ones.

In 1970, the Trudeau government agreed to fund Aboriginal organizations. Three national associations were recognized, along with their affiliated associations. Status Indians formed the National Indian Brotherhood (now the Assembly of First Nations) while the Inuit formed the Inuit Tapirisat of Canada (now the Inuit Tapiritt Kanatami).

Ottawa also offered funds to the existing Métis associations on the Prairies which formed a national association, the Native Council of Canada (now the Congress of Aboriginal Peoples).

During this period, the Métis entered into a marriage of convenience with the non-status Indians.

Despite their fundamental differences in history, culture, and political aspirations - the Métis seeking recognition as a distinct people and nation and the non-status Indians seeking re-instatement to Indian status - the two groups found themselves in much the same relationship with the federal government.

Ottawa's jurisdictional position was that both peoples were a provincial responsibility unlike status Indians and Inuit for whom the federal government had exercised its constitutional responsibility.

For the Inuit this occurred after the 1939 *Re Eskimos* case where-in the Supreme Court of Canada ruled that the Inuit fell within the term "Indians" in s.91(24) of the Constitution Act, 1867.

Under its "Just Society" programs, the Trudeau regime was willing to work with the Native Council of Canada's constituencies to improve conditions, albeit as Aboriginal minorities with "special problems" rather than "special rights".

Toward this end, the federal government found it convenient to group the Métis and non-status Indians together for service delivery purposes.

During the 1970s, the Native Council of Canada expanded from its Prairie Métis base to take in new, predominantly non-status Indian associations from the other provinces and territories.

In the wake of the Calder decision of the Supreme Court of Canada in 1973, the federal government, under its “land claims” policy, offered funds for Métis and non-status Indians to research their land claims to determine if any of Ottawa’s obligations remained outstanding.

The land claims research campaign in the 1970s raised the political consciousness of the Métis and made them aware of their historical nationhood.

It also brought out the significant differences in the claims and aspirations of the two constituencies of the Native Council of Canada: Métis claims directed toward the restoration of a land base and self-government for the Métis as a distinct nation; and non-status Indian claims to rejoin First Nation communities through regaining status under the Indian Act.

The Trudeau government’s campaign to patriate the constitution from the British Parliament, with a Charter of Rights, was a further catalyst for the Métis nationalist movement.

Harry Daniels, the Métis president of the Native Council in 1981, was instrumental in ensuring that the Aboriginal rights clause in the patriation bill adopted on January 30, 1981 was expanded to include a specific identification of the three Aboriginal peoples: Indians, Inuit and Métis.

Despite this important breakthrough in constitutional recognition, the federal government in March 1981 rejected Métis land claims.

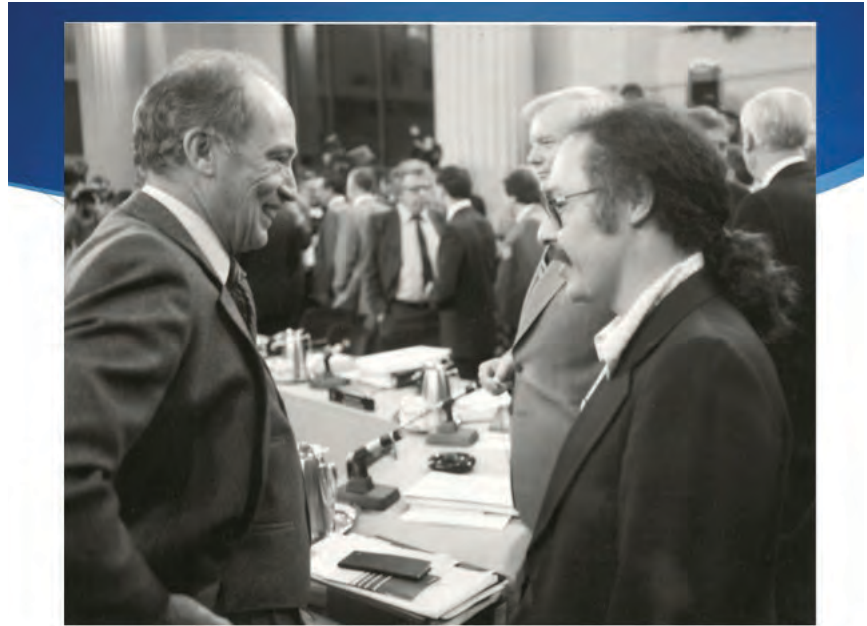


Harry Daniels 2nd to right in constitutional negotiations, 1981

With the exception of the Métis in the Northwest Territories, it continued to exclude the Métis Nation from its land claims resolution processes, as it does to this day.

Fueled by this federal position, the Manitoba Métis Federation immediately launched a major land claims lawsuit against the federal government and the government of Manitoba, seeking a court declaration that these governments had breached their constitutional obligation under the Manitoba Act to provide the Métis with a land base.

Despite Ottawa's 1981 legal position on Métis land claims, the Métis leadership on the prairies saw an opportunity to negotiate a land base and self-government through the Constitution Act, 1982 that provided for a constitutional conference to identify and define the rights of Aboriginal peoples to be included in the Constitution.



Prime Minister Trudeau and Clément Chartier, 1983

The problem was that the prairie Métis associations were vastly outnumbered within the Native Council of Canada by non-status Indian organizations which sought to use the Council's seats at the constitutional conference to pursue their aspirations.

Failure to reach an accommodation on representation led to the Prairie Métis associations withdrawing from the Native Council in early March 1983 and forming the Métis National Council on March 8, 1983 in Regina, Saskatchewan as the vehicle for Métis nationalism.

The fledgling Métis National Council immediately launched a court case against Prime Minister Trudeau, forcing him to accede to the seating of the MNC at the March 15 and 16, 1983 constitutional conference and restoring the issues of a Métis land base and self-government to the constitutional agenda.

The MNC pressed the case for a Métis land base and self-government during the four First Ministers' Conferences on the Rights of Aboriginal Peoples from 1983 to 1987 but these conferences resulted in impasse.

It appeared that the impasse could be broken in October 1991 when Prime Minister Mulroney recognized the Métis Nation and sought our participation in the "Canada Round" of constitutional consultations.

On March 10, 1992, Parliament unanimously passed a resolution recognizing the unique and historic role of Louis Riel as a founder of Manitoba and supporting the attainment of the constitutional rights of the Métis people.

The Charlottetown Accord and a companion document, the Métis Nation Accord, appeared to represent a major breakthrough.

The Charlottetown Accord provided for a constitutional amendment to s. 91(24) of the Constitution Act 1867 making explicit federal jurisdiction for all Aboriginal peoples.



Prime Minister Mulroney and the MNC delegation at 1992 *Charlottetown Conference*

The Métis Nation Accord committed the federal government and the five westernmost Provinces to negotiate a land base and self-government with the Métis National Council and its provincial affiliates or Governing Members which by then included the original three prairie founders of the MNC and new affiliates from that part of our historic homeland in northeastern BC and northwestern Ontario.

The defeat of the Charlottetown Accord in the national referendum in October 1992 dashed our hopes for a negotiated settlement of our outstanding rights and forced us into the courts.

Facing repeated procedural delays by the federal government, the Manitoba Métis land claims lawsuit launched more than a decade earlier continued to wind its way through the courts.

In 1994, the Métis National Council, the Métis Nation – Saskatchewan and the Locals and Elders of northwest Saskatchewan filed a Statement of Claim in the Court of Queen’s Bench regarding the

Map from Statement of Claim 1994



unfulfilled land grants promised under the Dominion Lands Act in order to open the door to similar claims and litigation across our historic homeland in western Canada where scrip was issued.

The decade also saw a Métis hunting rights case in northern Ontario move through the courts – the Powley case.

This case would culminate in the landmark decision of the Supreme Court of Canada in 2003, establishing that the Métis are a full-fledged rights-bearing Aboriginal people with constitutionally protected harvesting rights.



Tony Belcourt, Jean Teillet, and Steve Powley

It also established a test of objectively verifiable criteria for membership in a Métis rights-bearing community that was remarkably similar to the National Definition of Métis adopted earlier by the Métis National Council General Assembly in 2002.

According to this National Definition, a Métis is a person who self-identifies as such, is of historic Métis Nation ancestry, is accepted by the historic Métis Nation, and is distinct from other Aboriginal people.

In its Powley decision, the Supreme Court basically concurred with us, ruling that being of mixed European and Indian ancestry did not in itself make one Métis; in addition, the Court ruled, one had to prove an ancestral connection to, and acceptance by, historical Métis communities.

The Supreme Court in Powley also required governments to provide resources to Métis organizations to identify their rights-bearing members.

This led to federal support for the MNC's five Governing Members to establish membership or citizenship registries based on the MNC's National Definition of Métis.

These registries are an integral part of the governance system of the MNC's Governing Members that has been expanding steadily since the MNC's formation.

In 2011, the Supreme Court of Canada in the Cunningham case also confirmed that the Métis Nation has the right to determine its own citizenship, and that the Métis emerged “mainly on the Canadian plains, which now form part of Manitoba, Saskatchewan and Alberta”.

In this connection, the MNC General Assembly in March 2013 adopted a homeland resolution in which the Métis Nation leadership confirmed that there is only one Métis Nation which was part of the Northwest in 1867 and in today’s reality, its traditional homeland coincides with the three prairie provinces and “extends into the contiguous parts of British Columbia, Ontario, the Northwest Territories and the United States”.

Métis provincial organizations have established a distinct system of democratic accountability through province-wide ballot box election of leaders.

They have also established a very successful track record in the administration and delivery of government services such as housing, employment and training, economic development, and child and family services.

These programs have been delivered through professionally managed, arms-length institutions that are accountable to the elected representatives of the Métis people.

Although Métis are still excluded from federal Aboriginal education and health care benefits, the MNC’s Governing Members have managed to partially address the needs of our people through facilities such as Métis Nation endowments that provide our students with scholarships for post-secondary education.

At the same time, while the Métis organizations have been called on to serve as governments, they are constantly challenged by the lack of legal authority and reliable financing that will enable them to fulfill this mandate.



Governing Member Métis Capital Corporations and business advisory services



LOUIS RIEL CAPITAL CORPORATION
Helping Metis Business Succeed

The Kelowna Accord in 2005 under the leadership of Prime Minister Martin had great potential to strengthen the capacity of the MNC and its Governing Members toward reducing the gaps in education, health, housing and infrastructure, and employment but this Accord would never see the light of day following the defeat of the Martin government a few months later.

The Métis National Council and the Government of Canada under Prime Minister Harper concluded a Métis Nation Protocol in 2008, which was renewed in 2013.

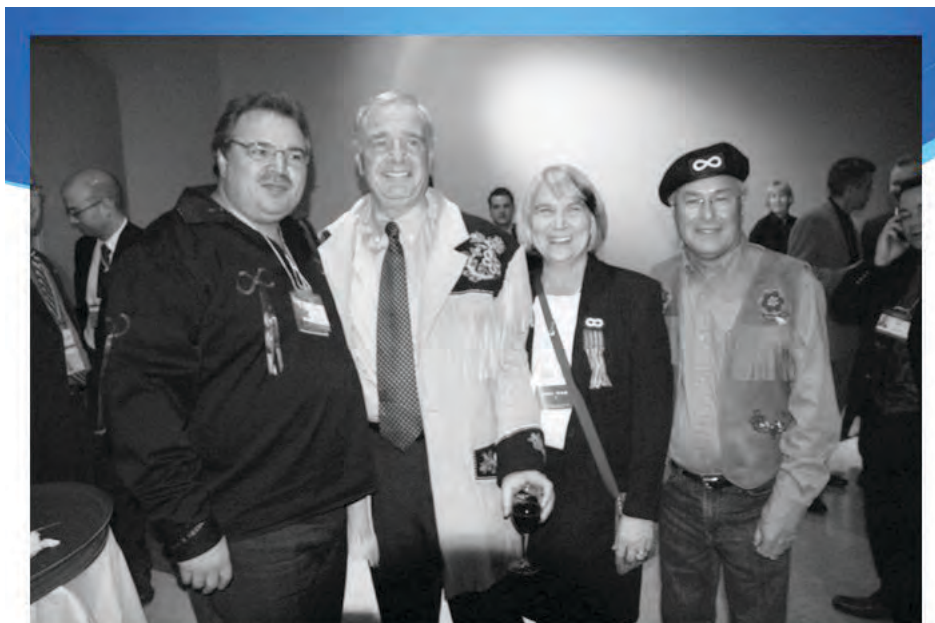
Under the Protocol, the MNC worked with the federal Minister of Aboriginal Affairs and his counterparts from the five westernmost provinces and industry to develop a strategy for promoting greater and more effective Métis participation in economic development.

This work resulted in a series of significant federal and provincial investments in Métis Nation financial institutions providing loan and equity capital to Métis entrepreneurs.

Under the Métis Nation Protocol, two Canada-MNC accords, one on governance and financing and the other on economic development, were concluded to strengthen the governance capacity of the Métis Nation to administer and deliver important services such as economic development.

The MNC's ultimate objective is to achieve a self-government agreement with reliable government-to-government financing arrangements.

Toward that end, the MNC is working on a Métis Nation Constitution that will define the nature of Métis government that will exercise powers under a self-government agreement.



David Chartrand, Paul Martin, Audrey Poitras, and Clément Chartier



Prime Minister Harper and
Chartier



Minister Strahl and
Chartier

This agreement could be put into effect through federal legislation, a Canada - Métis Nation Relations Act.

There are two principal ways to achieve a self-government agreement: the first through a political process; and the second through court action that would require Ottawa to conclude a contemporary land claims agreement including self-government arrangements with the Métis Nation.

Experience has shown that, without a mechanism forcing it to act, such as a declaration of the court, the federal government is unlikely to move on its own.

Nevertheless, hopes for a non-litigation solution were raised with the federal government moving toward revision of its comprehensive land claims policy, taking into account the need to achieve reconciliation with Aboriginal peoples and their Aboriginal rights recognized and affirmed under s.35 of the Constitution.

On December 13, 2011, the Supreme Court of Canada finally heard the case of the MNC's Manitoba Governing Member: *Manitoba Metis Federation v Canada and Manitoba*.

This marked the culmination of a thirty year battle in the courts to seek justice for the unfulfilled Métis land grants promised by the Manitoba Act 1870, itself a result of negotiations between the Métis Provisional Government of Louis Riel and the federal government of Sir John A. Macdonald.

The decision was finally delivered on March 8, 2013, 32 years after its launch, and 30 years to the very day of the formation of the MNC. It was a resounding victory for the MMF and for the Métis Nation. The SCC ruled that s. 31 of the Manitoba Act, 1870, was a solemn constitutional obligation on the part of Canada to the Métis people of the Red River Settlement and issued a declaration that the federal Crown had failed to implement s.31 in accordance with the Honour of the Crown.



Supreme Court of Canada, December 13, 2011

On April 17, 2014, the Federal Court of Appeal in the Daniels case confirmed the MNC's longstanding position that the federal government has constitutional responsibility to deal with the Métis under section 91(24) of the Constitution Act, 1867. The decision was appealed to the Supreme Court of Canada.

On June 4, 2015 the federal Aboriginal Affairs Minister



Métis Nation Leaders at SCC March 8, 2013 VICTORY

announced the appointment of Mr. Tom Isaac as the Ministerial Special Representative (MSR) on Métis reconciliation.

The MSR's dual mandate was to address a reconciliation process that addresses Métis section 35(1) rights and establishes a framework for negotiations with the Manitoba Métis Federation to respond to the Supreme Court of Canada's decision in *Manitoba Métis Federation v. Canada, 2013*.



Ministerial Special Representative Tom Isaac
with Métis National Council President Clément
Chartier



The victory of Justin Trudeau's Liberal Party in the federal election on October 19, 2015, marked the beginning of an important new era in Canada-Métis Nation relations based on a new Nation-to-Nation relationship to further Métis self-government.



The Liberals had committed to negotiate with the Manitoba Métis Federation a settlement of the outstanding land claim ruled on by the SCC in 2013, to establish a federal claims process to reconcile Métis rights protected by section 35 of the Constitution Act, 1982, and to make specific investments in Métis Nation skills development and economic development institutions.

The new Trudeau government entered into preliminary talks with the MMF in December 2015. Newly appointed Minister of Indigenous and Northern Affairs, Carolyn Bennett, renewed the mandate of Ministerial Special Representative Tom Isaac to recommend a framework for a reconciliation process on Métis Nation s.35 rights. In Budget 2016, the federal government allocated \$25 million for the development of a Métis Nation Economic Development Strategy.

On April 14, 2016, the Supreme Court of Canada in the Daniels case confirmed that the federal government has jurisdiction to deal with the Métis under s. 91(24) of the Constitution Act, 1867, and reaffirmed the Powley test for determining access to Métis s. 35 rights.

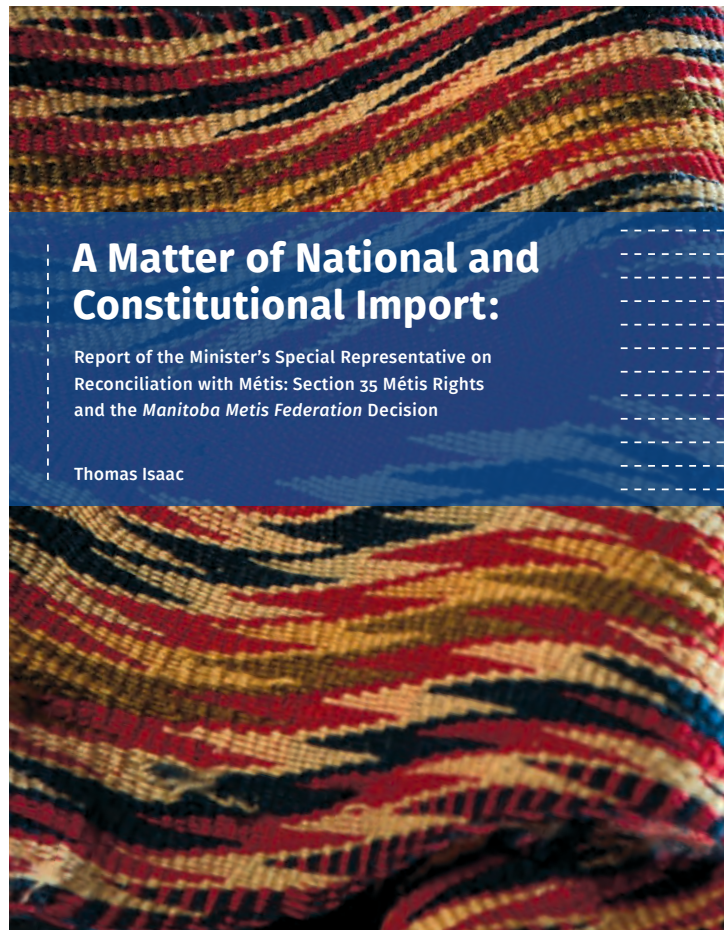
On May 10, 2016, Indigenous Affairs Minister Bennett informed the United Nations that Canada was committing to full adoption of the UN Declaration on the Rights of Indigenous Peoples and to its implementation to be done in full partnership with First Nations, the Métis Nation and Inuit Peoples.



Manitoba Metis Federation President David Chartrand with Indigenous and Northern Affairs Canada Minister Carolyn Bennett

On July 21, 2016, *A Matter of National and Constitutional Import: Report of the Minister's Special Representative on Reconciliation with Métis (Section 35 Métis Rights and the Manitoba Metis Federation Decision)* is released by the Minister of Indigenous Affairs in Ottawa. MSR Tom Isaac recommends a sweeping overhaul of the relationship between Canada and the Métis Nation.

On November 15, 2016 Canada and the MMF signed a Framework Agreement to shape formal negotiation of a settlement of the historic Métis land claim in Manitoba. The Trudeau government will also establish *section 35 rights* and self-government tables with other Governing Members.



On April 13, 2017, Prime Minister Trudeau, President Chartier, and Governing Member Presidents signed the Canada-Métis Nation Accord during the first Métis Nation-Crown Summit in Ottawa. The Accord establishes a Permanent Bilateral Mechanism for the parties to pursue joint policy and program development for Métis Nation priorities.



On June 21, 2017 Prime Minister Trudeau announces transfer of former U.S. Embassy building facing House of Commons to First Nations, Métis Nation and Inuit.





On September 21, 2017, Métis Nation leaders and federal Ministers hold first of regular meetings under Canada-Métis Nation Accord and move toward agreements on training and employment, housing and early learning and child care.



Métis Nation President Clément Chartier and Vice President David Chartrand presenting Order of the Métis Nation to Prime Minister Trudeau.

Federal Budgets 2018 and 2019 include more than \$2 billion in Métis Nation investments negotiated under the Canada-Métis Nation Accord in areas such as training and employment, housing, early learning and child care, post-secondary education, and economic development. Regular meetings with federal Ministers and annual Crown-Métis Nation Summits with the Prime Minister lead to co-development of policies and programs to reduce socio-economic gaps and enhance quality of life for Métis people.

Métis Nation honors veterans of Second World War including the payment of compensation from the \$30-million Métis Veterans Recognition Payment Agreement concluded at the 2019 Crown-Métis Nation Summit.



Political and legal processes continue to enhance prospects for Métis rights recognition but regardless of their outcome, the struggle of the Métis people to realize our place as a founding nation in the Canadian federation will continue.





www.metisnation.ca





Memorandum

DATE: June 30, 2015
To: Members of the General Assembly
From: Clément Chartier, President

Dear Members of the General Assembly:

At the recent Métis National Council General Assembly, I promised to respond to the Jurisdictional Protocol Agreement (the Agreement) tabled by the Métis Nation of Alberta Provincial Council (PC) and the issues arising during the ensuing debate.

I wish to emphasize at the outset that the document, which I hereby attach for reference purposes only (Attachment I), is not an “Agreement” as it takes more than one party to conclude an agreement. The Métis National Council leadership, at least its President and Vice-President, was never included in the discussions or even aware of the existence of that particular document until it was tabled at the GA.

As I appear to be the target of the tabled document, which was made clear by the interventions from some of the MNA delegates, I have taken the liberty as the President of the Métis Nation, which is represented nationally and internationally by the Métis National Council, to provide an amended agreement (Attachment II). My version should be taken in the same spirit that I received the MNA document, that is, not too seriously because it is simply a continuation of the illogical demands in the MNA document which would be unacceptable to any government.

For example, the requirement in my document for the MNA President to obtain my permission before she takes any action in Alberta which may have an effect on Métis in other parts of the homeland makes about as much sense as the requirement in the MNA document for me to obtain the MNA President’s permission before I say or do anything that impacts the Métis in Alberta. Furthermore, the MNA document is a unilateral declaration in the guise of an agreement as is my version but I would never table mine let alone declare it in effect by so doing. This not only flies in the face of democratic debate and process but defies logic itself.

While I can take the MNA's unilaterally imposed "Jurisdictional Protocol Agreement" lightheartedly, I certainly don't feel the same about the MNA President's remarks surrounding the document. President Poitras' statement at the MNC BOG meeting on June 4th that the MNA PC is still not sure if it will separate or stay as part of the MNC at the very least is troubling and needs to be addressed as is the reiteration of this position by the MNA at the MNC GA on June 6th.

My comment at both the BOG and the GA was that MNA is only an institution of government representing the Métis within Alberta, not the people or nation itself, and if it decides to withdraw from the rest of the Metis Nation's representative organization then it could do so but it should make up its mind one way or the other. While separation is not a preferred approach, it is certainly the right of MNA or any other Governing Member to do so. At the same time, there are Métis Nation citizens in Alberta who would likely continue to wish to interact with the rest of the Métis Nation citizens and their government institutions.

The timing of the MNA President's challenge is rather surprising given that the MNC and Governing Members are about to be fully engaged with the newly appointed Ministerial Special Representative for Canada-Métis Nation reconciliation, Mr. Tom Isaac. His mandate is to provide recommendations on ways to ensure the Métis can fully exercise our Aboriginal rights under s.35 of the *Constitution Act 1982* and to develop a framework for resolving Métis land rights under s. 31 of the *Manitoba Act* further to the March 2013 decision of the Supreme Court of Canada in *MMF v Canada*.

This is a great opportunity, one we have not had since the failure of the 1992 Charlottetown constitutional round and the demise of the agreed-in-principle Métis Nation Accord. The MNC and its Governing Members should all be working, both individually and collectively, with Mr. Isaac so that he can be convinced to bring forward recommendations that meet our needs and aspirations and which the government of Canada will hopefully adopt. It could be said that this is the worst time to be making threats to separate from the MNC.

On the other hand, since there are broader issues raised in the challenge from President Poitras that our collective leadership cannot just turn a blind eye to, this could be the perfect time to address those issues. The reconciliation process we are all entering into with Canada on s. 35 rights will require us to make hard decisions on how we wish to exercise our right to self-determination and self-government within the Canadian federation. In order to reach these decisions on how we as the Métis Nation wish to relate to the rest of Canada, we must first make decisions on how we wish to relate to each other.

A number of these internal governance decisions have been put off because unanimity could not be obtained. But the Métis Nation is truly at a crossroads and must have a serious debate. I believe that debate should address a few key questions that speak to the Métis Nation's will to exist:

What is the purpose of the MNC? Why did we establish it and for whom?

Are we committed and do we adhere to the principles and practices of democratic accountability?

Are we committed to self-government and prepared to move on it?

In short, are we still committed to the founding principles of our Métis nationalist movement? I hope that all members of the MNA Provincial Council, indeed all members of our General Assembly, will read carefully my responses to these questions as follows.

What is the purpose of the MNC? Why did we establish it and for whom?

The Métis Nation is well grounded in its history and peoplehood primarily in western Canada, formerly known as the Northwest. Our democratic institutions are well known, including the provisional governments in 1870 and 1885, the Laws of the Hunt and the Laws of St. Laurent. Although suffering extreme prejudice bordering on cultural genocide in the years following the 1885 Resistance at Batoche and the execution of our leader Louis Riel on November 16, 1885, our people have never abandoned our dream of reclaiming our birthright, including a right to a land base and self-government.

When the Métis Nation under Riel's leadership joined Canada in 1870, our traditional territory was whole. After 1870, our homeland north of the Canada/US border became dissected by artificial provincial/territorial boundaries. True, that forced us to organize ourselves along provincial lines - the MNA in 1928, the MNS in 1937 and the MMF in 1967 - but that does not affect our nationhood, culture, language (Michif), heritage, clothing, music, dance, political consciousness, self-determination as a people, kinship connections and history.

Nor does it affect our historic Métis homeland, defined as follows by President J. Z. LaRocque of the Saskatchewan Metis Society at the organization's 1946 conference:

“With further reference to privileges and rights we enjoyed before the dawn of intense immigration on these vast plains of ours, and what we call today Manitoba, Saskatchewan, Alberta and the North West Territories, and the following Lakes: Winnipeg, Winnipegosis, Manitoba, Dauphin, Waterhen, Cedar, Ile a Crosse (sic), Athabasca, Montreal, Great Slave, and those Rivers: Saskatchewan, Assiniboine, Rouge, Winnipeg, Churchill, Nelson, Beaver, MacKenzie, and Qu'Appelle, etc. These lakes and rivers, and one of the most fertile domains in the world, constituted our native land.”

Our leaders from the three prairie provinces had the foresight to create a national representative body, the Native Council of Canada (NCC), in 1971 to advocate for rights nationally in Ottawa. Unfortunately, by 1981, a mere 10 years later, the Métis Nation found itself in a substantial minority position within the very body it had created as a result of non-status Indian organizations from other parts of the country being admitted to the NCC. While the late Harry Daniels from Saskatchewan, then President of the NCC, was instrumental in getting the Métis into the proposed constitution in January 1981, ironically by the time the *Constitution Act 1982* came into effect, only three out of a Board of sixteen were staunch representatives of the Métis Nation.

During the negotiations leading to the first of the constitutional conferences on Aboriginal rights following patriation in March 1983, the marginalization of the Métis Nation within the NCC became painfully evident. It became clear that the Métis Nation's voice was being drowned out and we would not have a chance to advocate for our rights at the conference. A compromise was reached that one of the two NCC seats at the conference would be occupied by the three prairie Métis organizations and the other by the various Indian groups within the NCC. This agreement was broken when the NCC leaders, without the knowledge of the prairie Metis, met with AFN and the ITK to remove Métis land base and self-government from the constitutional conference agenda followed by a NCC Board resolution taking away the prairie Métis seat.

With little more than a week remaining before the constitutional conference, we had lost our one seat and the agenda items dealing with the right of the Métis to a land base and self-government. With all the other National Aboriginal organizations lined up against us, we decided to take action. On March 6, 1983, the three prairie Métis organizations withdrew our membership from the NCC and formed our own representative body. We signed the Edmonton Accord pledging to form a national body to represent the Métis Nation, a Métis National Council.

At the same time we initiated legal action in the form of an injunction to prevent the Prime Minister from holding the constitutional conference on the grounds that the constitutional requirement for Métis participation was not met since the Métis Nation was no longer part of the NCC and was now represented by the MNC. On the eve of the conference, we reached an out of court settlement which provided for one seat for the MNC and an agreement that when I raised the issue of adding a Métis land base and self-government to the agenda that Prime Minister Trudeau would agree. For the three additional constitutional conferences on Aboriginal issues in 1984, 1985 and 1987, and the Charlottetown Round in 1992, we had two seats like everyone else.

With the decision of the Métis to form the Métis National Council, the non-Status Indians within the MMF and the MAA formed their own organizations and remained aligned with the NCC, receiving a small portion of the core-funding then being received by the MMF and MAA. In Saskatchewan the process of

becoming Métis-only continued until a court ordered referendum in August 1988 to form a Métis only organization (the Métis Society of Saskatchewan, now the MNS) was successful, followed by a General Assembly and election in early 1989. After the success of the August referendum and the subsequent court order, the non-Status and Bill C-31 Indians formed their own organization and joined NCC. The struggle for a Métis only organization in Saskatchewan was a long and hard battle, not easily forgotten.

As was the broader battle to consolidate the collective will of the three prairie Métis organizations to move ahead as a distinct people and nation through the Métis National Council. They expressed this collective will through the MNC's identification and expression of the territorial and social boundaries of the Métis Nation.

A pamphlet titled, *The Metis: A Western Canadian Phenomenon*, issued by the MNC in 1983 made clear that the historic Métis Nation Homeland was located in what is now known as Western Canada:

“The essence of Metis existence can best be described as Metis nationalism which embodies the political consciousness of that newly emerged community of aboriginal people. This political consciousness, which also found expression in cultural activities and values, was confined to a specific geographic area of North America. This geographic area, commonly referred to as the Metis Nation or Homeland, encompasses the Prairie Provinces, north-eastern British Columbia, part of the Northwest Territories, north-western Ontario and a portion of the northern United States.”

Further, the definition of Métis included in the 1992 Métis Nation Accord during the Charlottetown constitutional round, and agreed to by all the parties, including the Métis representatives from BC, NWT and Ontario, stated:

“Métis” means an Aboriginal person who self-identifies as Métis, who is distinct from Indians and Inuit and is a descendant of those Métis who received or were entitled to receive land grants and/or scrip under the provisions of the *Manitoba Act, 1870*, or the *Dominion Lands Act*, as enacted from time to time.

The MNC in its early years also used letterhead with a logo which set out its understanding of the geographic scope of the historic Métis Nation homeland.

The Supreme Court of Canada understands this fact. In *Cunningham* Chief Justice McLachlin in 2011 found as a fact that:

“The Métis were originally the descendants of eighteenth-century unions between European men — explorers, fur traders and pioneers — and

Indian women, mainly on the Canadian plains, which now form part of Manitoba, Saskatchewan and Alberta.

The Métis in British Columbia were initially admitted into the MNC in 1983 through the Louis Riel Métis organization of northeastern BC. The Métis in Ontario also joined the MNC in 1983/84 through a northwestern Ontario organization. These organizations were confined to regions of Ontario and BC contiguous to the prairies that the MNC considers part of the historic homeland. They would both be superseded by organizations that organized on a province-wide basis, the MNO and MNBC. This expansion enabled them to provide representation and programs and services to members throughout the province but it did not change the boundaries of the historic Métis homeland that is limited to a part of each of those provinces. The rules of engagement by which the Métis within BC and Ontario were admitted into MNC were very clearly articulated by the Métis National Council, well known by them and by joining, accepted.

Unfortunately, there is a misconception on the part of some that by expanding their contemporary political boundaries, MNO and MNBC have somehow also expanded the ancestral territory where Métis Aboriginal rights and title can be asserted. In their materials seeking intervener status in the Daniels SCC appeal, the MNO has stated as a fact that there are rights bearing communities throughout all of Ontario and lists Mattawa on the Ontario-Quebec border as one of them without consulting the rest of the Métis Nation leadership, essentially a self-declaration of the geographic extension of the historic Métis Nation homeland. The MNO has gone as far as claiming that this community's traditional territory includes lands on the Quebec side of the Ottawa River.

As you will recall, in the February 2013 issue of the Presidents Newsletter, I did write about these issues, which was rebutted by former NCC and MNO President, Tony Belcourt who's rebuttal was published that same month by the Native Studies Department of the University of Alberta. (Attachments III and IV)

Unlike the other Governing Members that, since the adoption of the National Definition of Métis by the MNC GA in 2002, have required proof of Métis descent for the registration of all citizens, MNO insisted on grand-fathering in all their members from the time they joined the MNC in 1995 when their application form called for proof of at least one grandparent who was either Indian, Inuit or Metis. With this grandfathering and by unilaterally extending their conception of the homeland across Ontario, even into Quebec, they have opened eligibility for MNO citizenship cards to individuals who clearly would not be eligible in the western provinces.

As I stated in Calgary at the GA on June 6th, we are facing the threat of having the MNC turn into a new Native Council of Canada, with the prairie Métis once again staring at the prospect of losing control of our national body as a result of its expansion beyond the homeland and the admission of non-Métis. This is simply

unacceptable. We are a nation with a distinct geographic historic homeland within which our Aboriginal title to our ancestral lands and resources can be asserted, and I believe, proven. Why would we weaken our claims to this land by artificially extending it into territory that was not, and is not, ours.

This was the question posed to President Doucette of the MNS who foolishly advocates for the admission of all people of mixed ancestry into the Métis Nation, the same position taken up by rump groups like the Métis Federation British Columbia and the Métis Federation of Canada. When publicly rebuked by the MNC GA and his own Board at the 2013 General Assembly, he said he would adhere to the will of the GA yet he continues to promote his pan-Canadian conception of the Métis, the MNS website still listing the so-called Métis Nation Quebec as a “sister nation”.

But for the MMF and a majority of the members of the MNS PMC who believe in the Métis Nation and our future as a distinct people, likely by now we would be moving even further away from our Métis base on the prairies than we already have. As I attended the MMF AGAs since 2007, it made my heart happy to express my deep appreciation and gratitude to some 3,000 delegates and the Cabinet of the Manitoba Métis Community expressing how thankful I and other citizens and believers in the Métis Nation are for the steadfast and honourable defence they undertake in promoting and defending the Métis Nation. I also would like to publicly thank the Métis Patriots from the MNS PMC and the Métis citizens in Saskatchewan who likewise provide that same dedication.

And for the MNA whose president has backed the MNO grandfathering of non-Métis while not allowing it in her own province, I ask whether you are prepared to silence the national voice of the prairie Métis your organization risked so much to form in 1983? Are you prepared to abandon your status as a founding member of the MNC with the voting rights that entails which will inevitably occur if further concessions are made on our homeland and citizenship?

And for the presidents of MNO and MNBC, I ask why, when hosting and addressing conferences in your own provinces, do you routinely acknowledge that the meetings are being held on traditional First Nations territory. Doesn't that prove the point that most of the territory you represent is not part of the historic Métis homeland? No Métis leader on the prairies with any credibility would make that acknowledgment for the obvious reason the prairies *are* traditional Métis Nation territory and the cities where we convene such as Winnipeg are often historical Métis communities.

In order to move ahead, we must consolidate our boundaries and citizenship, with no backpedaling to the NCC days. The MNC position is today what it was at it's founding. This has been recently reinforced with an amendment to the National Definition of Métis clarifying that the historical homeland is the territory that Riel's government brought into Canada in 1870 and MNC GA resolutions in support of common standards for our registries based on the use of

the National Definition to identify and register all citizens without any grandfathering. There are some Governing Members that may find it difficult to accept but these are the terms they were admitted under and these are the terms that remain in effect today. If they are not willing to comply, they have every right to leave the MNC, which is the sole and legitimate representative of the Métis Nation.

Are we committed and do we adhere to the principles and practices of democratic accountability?

Since 1979 we have been exercising the ballot box election of our provincial leaders and I am proud to say that I brought the first resolution for a ballot box election forward in Saskatchewan at the Annual Assembly in 1974. Although it was defeated, it was adopted at a subsequent Assembly, with the first election taking place in July 1979.

The direct ballot box election of MNC President as called for by the MNC GA in 2002 has still not occurred so until then the President is indirectly elected by the GA itself which consists of democratically elected members of the Governing Member provincial boards or councils. The General Assembly is the supreme authority of the Métis Nation as it should be as it has a broad base of representation and is weighted in favor of the Founding Members for whom the MNC was established.

Once a national constitution is adopted and a government-to-government financing system is in place with the federal government, it is our hope that the General Assembly or National Assembly as it will be called will be able to meet regularly instead of annually to make policies and laws binding on the Métis Nation as a whole. Until that time, the Board of Governors consisting of the presidents of the MNC and its Governing Members has been meeting between GAs to make executive decisions. Unfortunately, the Board has not always acted in the democratic spirit and intent of the GA, with some Board members pursuing anti-democratic practices that have had negative impact on the GA and the Métis Nation as a whole and calling into question their commitment to transparency and accountability.

The ongoing friction within the MNC Board of Governors over the debt owed by the MNC to Health Canada illustrates how disruptive these anti-democratic practices can be for our national governance and General Assembly. That friction stems from what was originally the great success of the MNC in negotiating Métis inclusion in the federal Aboriginal health education initiative following the 2004 First Ministers Meeting (FMM) on Health. Funding for Métis who wished to go into various programs, from homecare to medicine (nurses, doctors, etc) would be provided through the First Nations and Inuit Health Branch (FNIHB) of Health Canada.

As there was no existing mechanism in FNIHB to flow funding to the Métis, Health Canada insisted that the contribution agreement would be with the MNC and then MNC could have sub-agreements with the Governing Members. This was not the MNC's preferred approach based on previous experience but there was no choice if we were to access that funding. On November 29, 2006 at a BOG meeting in Toronto, MOUs were signed with each of the Governing Members but on December 19th President Poitras indicated the MNA was rejecting their MOU so they could pursue a direct relationship with FNIHB. Efforts were again made by Minister Chartrand and myself to convince FNIHB to enter into direct agreements with the Governing Members but they would not agree. The MNA PC had passed a motion unanimously rejecting it and were determined to continue pressing for a direct relationship with FNIHB. On January 23, 2007 President Poitras formally rejected the Health MOU with the MNC and returned a cheque in the amount of \$118,000 and informed her PC of this decision.

Minister Chartrand travelled to Edmonton and sought to be invited to an MNA Provincial Council (PC) meeting but was refused. As an alternative, he invited those members of the MNA PC who were interested to attend a briefing on the issue at a hotel boardroom. Most, if not all, of the PC members attended, including President Poitras. After this full briefing, a number of PC members were prepared to support the Health MOU with the MNC and at the PC meeting the next day when the matter was being raised, President Poitras as Chair of the meeting closed the meeting so no resolution could be made. The proposed resolution for the MNA to enter into the MOU with the MNC had the support of seven of the thirteen PC members who could vote. In blatant contravention of the MNA bylaws, another meeting of the PC did not take place for over a year and a half, until after the September 2, 2008 MNA election.

With no other recourse, the federal government refusing to budge on its decision to only fund through the MNC, Minister Chartrand entertained a request for proposals (RFP) as an alternative as there was no question but that the Métis in Alberta had a right to participate in those educational scholarships/funding even if their organization refused to provide them with that funding. Shortly thereafter Region I of the MNA offered to act as agent to distribute the funding and, as it was deemed to be the most viable option, an MOU was entered into with Region I in March 2007.

A further complication was added with the postponement of the MNC GA and election of National President originally scheduled for April 2006 as a result of turmoil in Saskatchewan arising from the laying of charges of fraud over an earlier MNS election. The MNC Board of Governors decided to extend the President's term of office until an MNS election could be held following which an MNC GA could be convened and an election held for national president. The MNS election occurred on June 27, 2007. At the MNC Board meeting on July 31, however, rather than setting a GA and election date for national president, Presidents Poitras of MNA, Dumont of MNBC, Belcourt of MNO and Doucette of MNS passed a motion that the current President's term had expired and then

appointed Bruce Dumont as Interim President. Behind closed doors, they took it upon themselves to usurp the authority of the General Assembly and choose the national president.

While not accepting this decision as legitimate, I was barred from entering the office or conducting any business on behalf of the MNC. In the meantime the MMF and I, in the absence of any judicial recourse or dispute resolution mechanism within the MNC, took legal action in the Ontario Superior Court, challenging the legitimacy of the decision by the four Governing Member Presidents and vowing to preserve the democratic principles and integrity of the Métis Nation.

The Court ordered the MNC's Chief Administrative Officer (CAO) to keep the office going and to also organize a GA with an election on October 13-14, 2007. The CAO maintained operations primarily out of Health Canada funds in the MNC bank account, taking his direction from the four Governing Member Presidents.

This court-ordered GA was convened in Ottawa on October 13th, 2007. President Poitras left seven of the 14 PC members led by VP Trevor Gladue off the delegation list and substituted 7 Local Presidents in their place. This was in flagrant violation of the MNC Bylaws which stipulate that the delegates to the MNC GA are to be elected provincial representatives. After 1½ days of debate and as roll call and hence quorum could not be established, the Chair on October 14th ruled that the GA could not be held and advised the parties to go back to the court for direction.

This unfortunately prompted Minister Strahl to suspend any further or potential funding of the MNC. Without any funding from AANDC and other federal government departments, the CAO continued relying on the Health Canada funding thus far received during this 2007-08 fiscal year as the sole source of MNC financing. With Strahl's announcement based on the failed GA and election, the CAO also laid-off all staff but for three. Health Canada subsequently also cut off funding to the MNC and its Governing Members, a much needed program which was never re-instated!

In early January 2008, Superior Court of Ontario Justice, the Hon Todd Ducharme, brokered an out of court settlement whereby the official/legal delegates to the GA as per the MNC bylaws were agreed to as well as selecting February 23-24, 2008 as the date for the GA. Based on democratic principles, I was re-elected on the first ballot on February 23th. Following that GA, the federal government departments and agencies approved some of the 2007/08 work plans and budgets but as there were only 5 weeks left in the fiscal year, many of the program funds that would normally flow were not approved.

The irresponsible and anti-democratic behavior of the four Governing Member presidents who ousted me, marginalized Finance Minister Chartrand and

oversaw the administration of MNC between Aug 1, 2007 and the February 2008 GA, left the MNC with a debt of approximately \$1.4 million to Health Canada which the National President and Finance Minister have since been working hard to pay back.

And what of the MNA PC members who stood up against President Poitras to defend democratic principles? Trevor Gladue lost the election for MNA President by less than 200 votes in September 2008 and was subsequently stripped by the Judiciary Council of his right to seek office for six years. Rick Boucher, who won his re-election in 2008, was ultimately stripped of his elected position in a legal action which ended up in the Alberta Court of Appeal. There, the MNA argued that as a corporation under the Societies Act it can decide who its members can be, a total abdication of being a Métis government that represents all Métis within Alberta who all have inalienable rights to participate in the democratic process, make decisions they believe in and exercise dissent if they so chose.

On numerous occasions in the past, I was informed by the MNA President that I had no right to communicate directly to elected leaders in Alberta nor to committee members, such as Cecil Bellrose who was a member of the Métis Rights Panel, and that all communication must go through her. In response to her anti-democratic actions threatening the integrity of the Métis Nation, my platform at the February 2008 GA unequivocally stated that if I was re-elected that I would exercise my responsibility as national leader to communicate with, interact with and accept invitations from any Local/Community Council or Region within the Métis Nation. This is a pledge I have fulfilled by issuing a monthly Presidents Newsletter, writing directly to all elected Board or Council members and accepting invitations from Locals and Regions to attend their events.

Since my re-election in 2008, as we worked to rebuild the MNC and made steady progress with the Harper government through the Métis Nation Protocol culminating in the recent appointment of the Ministerial Special Representative on Canada-Métis reconciliation, I hoped that we had learned the lessons from that painful and costly coup by the four Governing Member presidents. Wishful thinking on my part, it turns out. Our General Assembly and election of national president would be disrupted once again when President Doucette ousted twelve elected members of the MNS Provincial Métis Council in 2013 and tried to stack the MNS delegation at the MNC GA with hand-picked cronies. Only after the Saskatchewan court nullified his reckless actions could our GA and elections proceed in May 2014.

Are we committed and do we adhere to the principles and practices of democratic accountability? My response is that the Métis people and nation are definitely committed, attested to by the many Métis veterans who risked and in many cases sacrificed their lives in the fight for freedom, along with those elected representatives who stand up and fight for those very democratic principles and practices. But those leaders who engage in irresponsible and anti-democratic

actions, subverting the will of the MNC General Assembly behind closed doors and undermining their own provincial constitutions/bylaws in the process, need to abandon those practices and work in the best interests of their nation, people and future generations.

It is time to complete the governance reform process called for by the General Assembly in 2010 and get our house in order. This means acting on a constitution that provides for a strengthened National Assembly, the direct election of a national president, a clearly defined division of powers between the MNC and Governing Members, and a dispute resolution mechanism that allows us to settle our disputes through an internal, independent body rather than seeking the intervention of the courts. Which gets us to the final question of whether we have the collective will to act on self-government.

Are we committed to self-government and prepared to move on it?

As I told the recent MNC GA, if we expect to negotiate some form of self-government, we need a constitution rather than the antiquated bylaws of non-profit corporations and societies. The resolution on Métis Nation Governance adopted by the MNC General Assembly in 2010 called for a new modern Constitution as an expression of self-determination and self-government. Though we were able to develop a draft constitution that captured most of the key elements with consensus, we stopped short in its adoption as a result of an impasse on a few issues.

Those issues, though few, are critical and are largely an extension of the impasse we have had in our debate on homeland and citizenship. The first is the demand of MNO and MNBC for the same representation within the General Assembly as that provided to the three prairie provinces. The second is the inability to complete our National Acceptance process and integrate the five citizenship registries into a National Registry. The third is the inability to fulfill the resolution of the MNC GA in 2002 to adopt a homeland wide one-person, one-vote election of national president.

Speaking for the MMF, President Chartrand has commented a number of times that the breakthrough on a constitution, National Registry and directly elected national president won't come until the Manitoba Métis are assured that the boundaries of our historic homeland are fixed, centered on the prairies, and our registries and, by extension, our electoral lists are firmly rooted within those boundaries. He has warned that opening the boundaries and the registries to non-Métis as has happened with grandfathering in Ontario would compromise a national registry and election of a national president.

So as we continue working on the Constitution with the objective of bringing it forward for adoption at the June 2016 GA, we must prepare ourselves for breaking the impasse on these issues and moving ahead. With the current reconciliation process and the strong possibility of the Supreme Court upholding

the *Daniels* decision that the federal government has jurisdictional or legislative authority for dealing with the Métis, we find ourselves never better placed to press for federal legislation on Métis self-government built around a national constitution. At the same time, if we don't take Métis self-government seriously, why should the federal or provincial governments do so?

At a minimum, the Métis Nation Constitution should set out the following:

- Jurisdictions of the MNC and Governing Members
- Acceptance Process
- Strict adherence to the National Definition
- Registration of Métis Nation citizens living outside the jurisdictions of the Governing Members, either through the existing registries based on location of origin or through direct application to a national registry as proposed in the Acceptance Process to be listed separately.
- Sanctions for violations
- Dispute resolution mechanism
- Geographic Homeland of the Historic Métis Nation
- Ballot box election for the National President
- Agreement to use "Métis Nation" to refer to our people and homeland
- Recognizing that the MNC is solely an institution of government representing the Métis Nation
- Promotion of self-government
- Promotion of seeking a land base for those who wish one
- To be registered as a Métis Nation citizen the 2002 criteria must be met
- No grandfathering permitted
- No allowance for Associate Members as we are a people, nation with a government, not a membership organization
- Entertain a Métis Nation Headquarters in the Red River (Winnipeg) or Saskatchewan Valley (Batoche), housing the Office of the President and the National Assembly, with an Embassy in Ottawa in order to interface with the federal government

As in 1983, the Métis Nation is once again at a crossroads. Hard decisions will need to be made in order to again defend the integrity and future of the Métis Nation and people. The Métis Nation cannot be sacrificed on the table of convenience and political expediency.

The time to act is now!



JURISDICTIONAL PROTOCOL AGREEMENT

The Métis Nation of Alberta
and Métis National Council





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I. BACKGROUND



The Métis Nation of Alberta

The Métis Nation of Alberta (MNA) is a government democratically elected to represent the rights and interests of the Métis Citizens residing within the Provincial boundaries of Alberta.



The Métis National Council

The Métis National Council (MNC) represents the Métis Nation Nationally and Internationally. MNC is composed of a National President and the Presidents of the Métis Nation's governments from Ontario Westward, collectively known as the MNC Board of Governors. The MNC Board of Governors receives its mandate and direction from MNC Annual General Assembly (AGA). The AGA is composed of 5 Members from each of Métis Nation of British Columbia and Métis Nation of Ontario and 15 Members from each of MNA, Métis Nation – Saskatchewan and Manitoba Métis Federation.

II. OBJECTIVE

The objective this Jurisdictional Protocol Agreement is to have the MNA and MNC adopt and implement a formal protocol with respect to jurisdictional boundaries of the MNA.



III. PRINCIPLES

- It is understood that all issues regarding Métis Rights and Interests in Alberta are the sole responsibility of the MNA.
- It is understood the MNC will respect the jurisdictional authority and governance of the MNA.
- It is understood that the MNA President will be notified prior to any activities to be undertaken within or with parties that originate from within the jurisdictional boundaries of the MNA.
- It is understood that the MNC shall not correspond, liaise or direct recommendations or negotiations on any matter that impacts Métis in the Province of Alberta.
- It is understood that the MNC shall not correspond with Métis Nation of Alberta Regions, Locals, or Affiliates without prior consent of the MNA President.
- It is understood that the MNC shall not correspond with the Government of Alberta without prior consent of the MNA President.



IV. ADOPTION AND IMPLEMENTATION

This Jurisdictional Protocol Agreement will be considered adopted upon its tabling by the MNA delegation at an MNC Annual General Assembly.

The ongoing implementation of this Jurisdictional Protocol Agreement will require open and transparent dialogue between the MNA and MNC. It is the expectation that the dialogue will occur directly between the MNA President and MNC President and will be through either written or verbal correspondence.



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AMENDED
JURISDICTIONAL
PROTOCOL
AGREEMENT

The Métis Nation of Alberta
and Métis National Council

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I. Background

The Métis Nation of Alberta

The Métis Nation of Alberta (MNA) is a government democratically elected to represent the rights and interests of the Métis Citizens residing within the Provincial boundaries of Alberta, as well as the rights and interests of all Métis Nation Citizens through the Métis National Council General Assembly.

The Métis National Council

The Métis National Council (MNC) represents the Métis Nation nationally and internationally through the Office of the President. The MNC is composed of the five Governing Members (GMs): Manitoba Metis Federation, Métis Nation-Saskatchewan, Métis Nation of Alberta, Métis Nation British Columbia and Métis Nation of Ontario. Its Board of Governors is composed of the National President and each of the Presidents of the five (5) Governing Members. The Board of Governors receives its mandate from the General Assembly (GA) which is composed of provincially elected members of the GM Boards of Directors or Provincial Councils with five (5) each from MNO and MNBC and (fifteen) 15 each from MMF, MNS and MNA the latter of whom gets to select one or more Local Presidents as the 15th GA member or Alternates.

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II. Objective

The objective of this Jurisdictional Protocol Agreement is to have the MNA and MNC adopt and implement a formal protocol with respect to the jurisdictional boundaries of the MNA, as well as provisions whereby the MNA does not adopt any policies, positions or programs, nor legal action which may affect the Métis in the rest of the Homeland without first consulting the Office of the President of the Métis National Council, being the representative of the Métis Nation as a whole.

III. Principles

- It is understood that all issues regarding Métis rights and interests in Alberta are the sole responsibility of the MNA to the extent that they do not touch upon, impact or impinge on the rights and interests of the Métis Nation as a whole.
- It is understood that the MNC will respect the jurisdictional authority and governance of the MNA and that likewise, the MNA shall respect the jurisdiction and authority of the Métis Nation as a whole as represented by the MNC and the Office of the President.
- It is understood that the MNA President will be notified prior to any activities to be undertaken within or with parties that originate from within the jurisdictional boundaries of the MNA and that likewise, the MNA shall notify the MNC President prior to undertaking any activities within Alberta, nationally or internationally on any matter that impacts or may impact the Métis Nation and its citizens in any way or which addresses any Métis issue.
- It is understood that the MNC shall not correspond, liaise or direct recommendations or negotiations on any matter that impacts Métis in the Province of Alberta and that the MNA shall likewise not correspond, liaise or direct recommendations or negotiations on any matter

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- that addresses, impacts or may impact in any manner any of the rights possessed or claimed by the Métis Nation and any of its citizens, wherever situated within the Métis Nation Homeland.
- It is understood that the MNC shall not correspond with the Métis Nation of Alberta Regions, Locals or Affiliates without prior consent of the MNA President and that the MNA President shall not correspond with any GM without first obtaining the prior consent of the National President, nor correspond with any of the MNA Regions, Locals and Affiliates on any matter which affects or may affect or address any matter which refers to Métis rights, identity, registry or Métis specific programs and services flowing from the Métis Nation itself or from the federal government without the prior consent of the National President.
- It is understood that the MNC shall not correspond with the Government of Alberta without prior consent of the MNA President nor shall the MNA President correspond with any provincial, federal or territorial government without prior consent of the MNC President.

IV. Adoption and Implementation

This Amended Jurisdictional Protocol Agreement will be considered adopted upon its distribution to the Members or Prospective Members of the General Assembly of the Métis Nation by the National President, but will not be implemented until the following conditions are met.

The implementation as noted above will require open and transparent dialogue between the MNA and MNC. It is the expectation that the dialogue will occur directly between the MNA President and the MNC President and will be through either written or verbal communication, as well as with the Board of Governors and the General Assembly and ratified in a national referendum where all Métis Nation citizens shall have a right to decide on this most critical representation issue and current and future good governance of the Métis Nation within its traditional and historic homeland.



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SPECIAL EDITION

We stand on the edge of a new frontier for Métis self-government. The recent *Daniels* decision on federal jurisdiction and the Métis is a wake-up call to all elected leaders of the Métis Nation. In conjunction with the upcoming Supreme Court of Canada ruling on Métis land claims under the *Manitoba Act*, it is moving us rapidly toward a goal that has eluded the Métis National Council since its foundation three decades ago. This issue of the President's Newsletter is dedicated to exploring how we can get there.

Message from President Clément Chartier

- DANIELS CASE: A WAKE-UP CALL

In recent weeks, there has been considerable discussion in our community and the news media on the *Daniels* case in which the federal court ruled that Métis people fit within the meaning of the term "Indian" in s. 91(24) of the *Constitution Act 1867* and therefore fall within federal jurisdiction. Accompanying this ruling, there has been considerable confusion and in

some cases concern over what the ruling means. Some news reports suggested that the Métis were becoming "Indians" in more than a constitutional sense and would end up being treated by the federal government under a regime like the *Indian Act*.

I tried to clarify the situation in a number of articles, including two appearing in Canada's

national newspapers: *At the Core of the Métis Decision, a Simple Clarification* in the *Globe and Mail* on January 15; and *The People Who Own Themselves* in the *National Post* on January 26. In these articles, which follow the President's message, I made it clear that the court ruling did not alter the fact of the distinct culture and existence of the Métis Nation but meant, as with

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the Inuit who remain distinctly Inuit, that it is the federal government that has the constitutional authority to engage with “all” Aboriginal peoples, even if both the Inuit and the Métis are excluded from the purview of the *Indian Act*. It also confirmed the MNC’s longstanding position that the federal government has primary responsibility to deal with the Métis Nation. I made it clear that “federal jurisdiction for Métis” did not mean federal government power over the Métis Nation but rather the federal mandate to deal with us on a nation-to-nation basis.

At this time, we do not know if the ruling will be appealed by the federal government. What we do know is that it confirms the ability of Parliament to enact legislation we have long sought that would recognize our right of self-government under a Métis Nation constitution. Further to a Métis Nation Governance Resolution adopted by the 2010 MNC General Assembly, the MNC and its Governing Members have been and are working on the elements of this constitution that will set out our governance system. The GA Resolution called for a constitution convention in late

2013 to adopt the constitution and for federal legislation to follow, a *Canada-Métis Nation-Relations Act*, recognizing the constitution as the source of law for Métis government and identifying its powers.

The MNC has also been working with the federal government under the 2008 Métis Nation Protocol toward two accords that will help define the powers and resourcing of our government institutions. A governance accord that is expected to be concluded this month will establish a system of multiyear block funding of the MNC that will replace a multitude of narrowly defined funding agreements with a single intergovernmental transfer from the federal government, with primary accountability to the Métis electorate rather than federal officials. An economic development accord expected in a few months time will strengthen the capacity of Métis Nation authorities to deliver economic development programs and services.

We stand on the edge of a new frontier for Métis Nation self-government. The *Daniels* case, the upcoming decision of the Supreme Court of Canada in

MMF v Canada and Manitoba, and the accords under the Métis Nation Protocol are all building blocks underlying a potential self-government agreement between the Métis Nation and Canada. But there are stumbling blocks too that must be overcome if we are to reach consensus on a constitution that we need in order to exercise self-government. The foremost of these is the failure to date to achieve consensus on Homeland boundaries and a national acceptance process for Métis Nation citizenship. Without settling these issues, we cannot capitalize on the opportunities for self-government currently unfolding before us.

These issues take us back to the organization of the Métis at the national level in 1971 when the three prairie Métis associations founded the Native Council of Canada (NCC). By 1983, those same three prairie Métis organizations found it necessary to leave the organization they had founded because, with the expansion of the NCC to include non-status and status Indians, the Métis had become a minority in its governance structure and could no longer effectively advocate for Métis Nation rights, particularly with

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respect to the pending First Ministers Conferences on Aboriginal Rights. With the formation of the Métis National Council as the sole legitimate representative of the Métis Nation on March 8, 1983 we were able to secure our rightful place at the constitutional negotiation table and advocate for a Métis Nation land-base and self-government.

This political reorganization of the Métis Nation was accompanied by an assertion of the identity of the Métis and the historic geographic boundaries of the Métis Nation homeland. In a document titled "The Metis: A Western Canadian Phenomenon" published in 1983, the MNC described the homeland as "encompassing the Prairie Provinces, north-eastern British Columbia, part of the Northwest Territories, northwestern Ontario and a portion of the northern United States". The criteria used for identifying citizens of the Métis Nation had at its core those Métis who received land grants under the *Manitoba Act 1870* and scrip under the various *Dominion Lands Acts*, and their descendants.

This self-definition was expressed again in the 1992

Métis Nation Accord, a companion document to the Charlottetown Accord, that was supported by the then Governing Members of the MNC along with the Métis from Ontario and the NWT. It provided that "Métis" means an Aboriginal person who self-identifies as Métis, who is distinct from Indian and Inuit and is a descendant of those Métis who received or were entitled to receive land grants and/or scrip under the provisions of the Manitoba Act, 1870 or the Dominion Lands Act, as enacted from time to time."

The Métis Nation of Ontario became part of the MNC in 1994/95 with Tony Belcourt as its President. In the absence of a formalized national identification and registry system, the MNO, acting in isolation, adopted a policy and application form through which it identified as a citizen of the Métis Nation any individual who could provide proof that they had at least one grandparent who was either Métis, Indian or Inuit. This was basically the old NCC definition of Métis and in contravention of the criteria used by the MNC since its creation in 1983 based on Métis Nation descent only.

In October 2002, the Métis National Council General Assembly unanimously adopted criteria for identifying Métis Nation citizens. The National Definition provides that "Métis means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation ancestry and who is accepted by the Métis Nation". Consistent with MNC past practice, this definition was based not on *any* Aboriginal ancestry but on *Métis* ancestry.

In the 2003 *Powley* case, the Supreme Court of Canada established a test for identifying Métis harvesting rights holders under section 35 of the *Constitution Act*, that was very similar to our National Definition. It required self-identification, ancestral connection to a historic Métis community, and acceptance by a modern Métis community that evolved out of a historic Métis community. A further clarification of the Supreme Court's view on historical Métis communities came in the 2011 *Cunningham* case recognizing the Métis Nation right to determine its own citizenship. The Court stated that the Métis emerged "*mainly on the Canadian plains, which now form part of*

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Manitoba, Saskatchewan and Alberta” and later in the decision that the Métis emerged “as a distinct people on the Canadian prairies in the 1700s”.

As a result of the *Powley* decision, the federal government began providing financial support for the Governing Members of the MNC to proceed with their registering of Métis Nation citizens residing within their respective provincial jurisdictions. Each of the MNC Governing Members amended its Constitution or Bylaws to incorporate the 2002 National Definition and registration should have been limited to members who met its requirements. In the absence of a national acceptance process and a national registry, however, it was not possible to enforce the compliance of all Governing Members with the National Definition.

All of the Governing Members except for the MNO embarked on a re-registration process of all existing members based on the National Definition in order to register only those persons who can prove Métis Nation ancestry as provided therein. Under President Belcourt’s leadership, the MNO “grandfathered-in”

their existing members, which was not endorsed by the other leaders of the Council. The MNO registration policy only applied the National Definition to new applicants post-2002.

The MNO policy also unilaterally defined the historic Métis Nation homeland based on a map adopted for purposes of harvesting rights which is appended to the policy. As long as a person can prove a connection to a geographic area covered by that map, they are entitled to be registered as a citizen of the Métis Nation. A portion of the map extends to the Ontario/Quebec border in the Mattawa/Ottawa region. The policy also states that in areas close to the map boundaries, such as in adjacent Quebec or the USA, that individuals who can prove that they have an ancestor in those geographic areas can be registered as MNO members.

This clearly does not accord with the 1983 assertion of the geographic Métis Nation homeland territory made by the Métis Nation leadership. Further, there is confusion in Saskatchewan as the leadership there last year declared that the MNS recognized that mixed

ancestry persons in Quebec were part of the historic Métis Nation and in early January posted this declaration on their website which lists the Métis Nation of Quebec alongside the MNC Governing Members.

The assertion of our reality as a distinct people in the historic “Northwest” has been a recurring theme in the harvesting rights cases made by legal counsel in defence of Métis Nation citizens charged with provincial and/or federal wildlife offences in establishing Métis Aboriginal hunting and fishing rights under s.35 of the *Constitution Act 1982*. This certainly will be undermined if we no longer believe that the Métis Nation is grounded in history and fact, and that anyone of mixed Indian and European ancestry is Métis, or if we can simply ignore history and fact and extend the boundaries for the sake of political convenience and the accommodation of people of mixed ancestry who wish to join, and who bring their own sense of who and what they believe Métis identity and culture are or should be. This redefining of our boundaries based on expedience rather than history and culture also undermines our consistent

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approach to relations with other governments and peoples over the years that is distinctions-based: Métis Nation, First Nations and Inuit.

Therefore, rather than back-sliding and weakening our beliefs in ourselves and our Nation, it is imperative that we move forward on a collective and cooperative basis, promoting and safeguarding our right to self-determination as a people, as a nation, with a proud and long-standing shared history, within our historic Métis Nation homeland. We can do this by:

1. Adopting a National Constitution which will confirm our existence as a people, re-affirm that our government is the sole and legitimate representative of the Métis Nation, set out our governance systems, and lead

to the enactment by Parliament of a *Canada-Métis Nation Relations Act*, recognizing our right of self-government and enabling an on-going government-to-government or nation-to-nation relationship.

2. Adopting a National Acceptance Process which will bring our Governing Member registries into harmony with each other, thereby facilitating citizen mobility rights across the Métis Nation homeland and provide for a national registry that could include Métis Nation citizens who happen to live outside of the five GM jurisdictions.
3. Moving to a national ballot box election of the President of the Métis Nation.

4. Adoption of firm language which sets out our historic Métis Nation territory or homeland, and demanding adherence to it.
5. Curtailing the unauthorized use of the "Métis Nation" name and Métis Nation flag by outsiders.

In the coming weeks and months, the MNC will be moving ahead with its Governing Members toward the adoption of a constitution. Let there be no doubt that the stakes are high. With the MNC preparing to celebrate its 30th anniversary this year, it finds itself on the cusp of a breakthrough on self-government that has eluded it for three decades. The question is whether it will muster the will to seize the opportunity. The time has come.



2013: Remembering Métis Residential School Survivors





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Commentary

*FOR THE RECORD... On Métis Identity and Citizenship
Within the Métis Nation*

Tony Belcourt

Founding President, Native Council of Canada

Founding President, Métis Nation of Ontario

aboriginal policy studies Vol. 2, no. 2, 2013, pp. 128-141

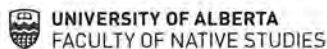
This article can be found at:

<http://ejournals.library.ualberta.ca/index.php/aps/article/view/19010>

ISSN: 1923-3299

Article DOI: <http://dx.doi.org/10.5663/aps.v2i2.19010>

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FOR THE RECORD... On Métis Identity and Citizenship Within the Métis Nation

Tony Belcourt

Founding President, Native Council of Canada

Founding President, Métis Nation of Ontario

Métis National Council (MNC) President Clem Chartier, in his February 2013 newsletter,¹ mentioned the Native Council of Canada, the Métis Nation of Ontario (MNO), and me a number of times while citing unresolved “issues,” the existence of which he blamed on the MNC’s “failure to reach consensus on the Homeland boundaries and a national acceptance process for Métis Nation Citizenship.” I am compelled to write to set the record straight based on history and fact.

President Chartier writes:

We stand on the edge of a new frontier for Métis Nation self-government. The *Daniels* case, the upcoming decision of the Supreme Court of Canada in *MMF v Canada and Manitoba*, and the accords under the Métis Nation Protocol are all building blocks underlying a potential self-government agreement between the Métis Nation and Canada. But there are stumbling blocks too that must be overcome if we are to reach consensus on a constitution that we need in order to exercise self-government. The foremost of these is the failure to date to achieve consensus on Homeland boundaries and a national acceptance process for Métis Nation citizenship. Without settling these issues, we cannot capitalize on the opportunities for self-government currently unfolding before us.

These issues take us back to the organization of the Métis at the national level in 1971 when the three prairie Métis associations founded the Native Council of Canada (NCC). By 1983, those same three prairie Métis organizations found it necessary to leave the organization they had founded because, with the expansion of the NCC to include non-status and status Indians, the Métis had become a minority in its governance structure and could no longer effectively advocate for Métis Nation rights, particularly with respect to the pending First Ministers Conferences on Aboriginal Rights. With the formation of the Métis National Council as the sole legitimate representative of the Métis Nation on March 8, 1983 we were able to secure our rightful place at the constitutional negotiation table and advocate for a Métis Nation land-base and self-government.

¹ Métis National Council President’s Newsletter—February 2013 Special Edition “Message from Clément Chartier—DANIELS CASE: A WAKE-UP CALL,” <http://www.metisnation.ca/wp-content/uploads/2013/02/PDF-Draft-Newsletter-Feb-2013.pdf>.

It's regrettable that the case of *R v. Powley*, which recognized the existing Métis right to hunt and fish for food, was not listed as being one of the "building blocks underlying a potential self-government agreement between the Métis Nation and Canada."

The decision to create a national organization to represent our interests in Ottawa was made on 16 November 1970, the eighty-fifth anniversary of the hanging of Louis Riel. This was a momentous gathering of the leaders of the Métis and Non-Status Indian associations of the Prairies and British Columbia and I consider it a great privilege to have taken part in such a seminal event in our history.

The leaders met in a small hotel room in Victoria, British Columbia: Angus Spence, President of the Manitoba Métis Federation (MMF); Jim Sinclair, Vice-President of the Association of Métis and Non-Status Indians of Saskatchewan (AMNSIS); Stan Daniels, President of the Métis Association of Alberta (MAA); myself as Vice-President of the Métis Association of Alberta; and Butch Smitheram, President of the BC Association of Non-Status Indians (BCANSI). We chose to meet in Victoria so we could also attend the First Annual General Assembly of BCANSI, which was also taking place at the time.

We met at my urging because I felt we needed to have a presence in Ottawa if we were to gain federal recognition of our rights and address the call by our people to get a land base for Métis. We agreed to form an interim steering committee to consider our options. Jim Sinclair was appointed Chair and I was appointed Secretary.

Jim Sinclair and I traveled to Hamilton, Ontario early in 1971 at the invitation of the Hon. John Munro, then Minister of National Health and Welfare. We hitchhiked a ride from there to Ottawa on his government plane.

That's what we did in those days when we didn't have any money for travel. Besides, we took advantage of any opportunity to get some time with ministers and others in positions of power. We talked the Minister's head off about the deplorable health conditions of our people and the need for us to get organized to address them. Anyone who knew Jim Sinclair knew how persuasive he could be. We needed money and we asked for it. While we were in the air, halfway to Ottawa, the Minister turned to one of his aides and said: "Find \$10,000 somewhere to get these guys off my back."

The same representatives of Métis and Non-Status Indians present in Victoria in November 1970 met in Ottawa in April 1971. We also invited Paddy McGuire, Sr., then President of the Lake Nipigon Métis Association (of Ontario), to join us. His son, Mike McGuire, was also there.

It was at this meeting that we decided to form a national organization and to call it the Native Council of Canada (Métis & Non-Status Indians).² We made a deliberate and collective decision to build a national organization that would include both Métis and Non-Status Indians for two reasons: first, because it reflected the reality of the membership of all of our organizations at the time; and, second, because we shared the same goals and were in basically the same position—landless and without federal recognition.

We also decided to assist Métis and Non-status Indians in the NWT, Yukon, and the provinces to form organizations and join the NCC in order to strengthen our collective

² The bracketed words "Métis and Non-Status Indians" was part of the formal name of the Native Council of Canada.

voice and lobbying power. Our first need, however, was to get the funding that would enable us to operate a national office and help the other organizations get off the ground.

I was elected President of the Native Council of Canada at our founding meeting in April. On the strength of a \$10,000 loan to the NCC from the Métis Association of Alberta, I moved my family to Ottawa. Thankfully for us, we were very fortunate to have “friends on the inside”; federal public servants who were sympathetic to our cause and who were eager to assist.

One morning, I found a “draft Memorandum to Cabinet” that had been slipped under my door. The federal government was about to launch a funding program limited to “Status Indians³.” I issued a statement to the media, releasing the information and calling on the government to open up the policy to include the Métis and Non-Status Indians. The political agenda at the time, championed by Prime Minister Pierre Trudeau, was about “participatory democracy” and a “just society.” We said, who needs that more than us?

We got a meeting with the Hon. Bob Stanbury, Minister of State for Citizenship, in June. We agreed to meet at the Beacon Arms Hotel on Albert Street in Ottawa. I called all the provincial presidents in for the meeting and also tipped off the press that the meeting was taking place. When the Minister arrived, the hallway was jam-packed with television cameras and reporters.

The Minister told us that it would be difficult to get it changed. We kept the Minister there for a long time, all of the leaders telling him about conditions in our communities and the issues we had to address—poverty, poor health, deplorable housing. We had seated him at the far end of the room—the furthest point away from the door. He was not only feeling our pressure, he knew the media were waiting for him too. Finally, he gave us a commitment to go to Cabinet to include the Métis in federal funding policies. We also asked him to make sure to include the Inuit too because they weren’t organized and shouldn’t be left out just because they didn’t have anyone in Ottawa to speak for them.

A month later, in August, while I was attending the Annual General Assembly of the Métis Association of Alberta in Lac La Biche, I got a message to call Minister Stanbury. He said he was pleased to report that the federal government had decided to include the Métis and Non-Status Indians in its “core-funding” policy⁴ and that I was welcome to make that announcement at the Assembly. It was the Native Council of Canada’s first achievement and it was an important one. Without any funding, we were in no position to be able to organize, do research, prepare briefs, and lobby to bring about change in the communities for our people.

We quickly organized the Ontario Métis and Non-Status Indian Association (OMNSIA), the Laurentian Alliance of Métis and Non-Status Indians of Quebec, the New Brunswick Métis & Non-Status Indian Association, the Non-Status Indian and Métis Association of Nova Scotia, the P.E.I Association of Métis & Non-Status Indians, Indian and Métis Association of Newfoundland and Labrador, Yukon Association of Non-Status Indians, and

3 Canada, Cabinet Conclusion, “Native culture/education centres,” 17 July 1971, RG-2, Series A-5a, Volume 6381, Library and Archives Canada.

4 Canada, Cabinet Conclusion, “Financial assistance and grants policy to native associations,” 29 July 1971, RG-2, Series A-5a, Volume 6381, Library and Archives Canada.

the Métis Association of the NWT. Together with the MMF, AMNSIS, MAA, and BCANSI, the NCC now represented Métis and Non-Status Indians from coast to coast.

We achieved much by joining forces and working together, not the least of which was a federal policy to provide millions of dollars for the emergency repair of the dilapidated shacks and run-down homes so many of our people were living in at the time: money to fix shacks with leaking roofs and nothing to block the bitter winter winds from howling through the holes in the walls or broken windows; to relieve overcrowded shacks, where the only warmth and place to cook came from an old oil barrel cut in half to serve as the heater and the stove—situations where barrels would overheat, explode, and endanger—in fact take the lives of—countless Métis families.

Thanks to a great “friend on the inside” at the Canada Mortgage and Housing Corporation, Walter Rudnicki,⁵ we were successful in obtaining a “Rural and Native Housing Policy” with the commitment to build 50,000 new homes within five years. This was soon followed by an Urban Native Housing Policy that saw tens of thousands of homes being bought, renovated, and made available to our people through affordable, subsidized housing programs established by various non-profit housing corporations set up by our organizations within each province. If you were not there at the time to see the needs, where housing was either not available or simply not available to our people because of discrimination, then it is difficult to illustrate how much it meant to Métis and Non-Status Indian families to finally have a warm, healthy, and secure place to live and bring up their children.

Our accomplishments, created by joining forces through the NCC, were featured in the report of the Royal Commission on Aboriginal Peoples (RCAP) in 1996:

The NCC’s greatest achievement, in collaboration with other Aboriginal organizations, was to persuade federal and provincial politicians to agree to the entrenchment of “the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada” in section 35 of the Constitution Act, 1982, and to insist that Aboriginal peoples be defined in section 35(2) to include Métis people.

This monumental turning point in Métis history would not have been possible without the hard work of everyone: leaders and staff of the NCC and all of the organizations. We especially owe a debt of gratitude to Harry Daniels, NCC President in 1981, when he stood his ground to ensure that the Constitution Act, 1982 included a clause defining who the Aboriginal peoples were and that “Métis” be included.

President Chartier correctly points out that the “three prairie Métis Associations found it necessary to leave the organization (NCC) ...” in 1983. By this time, the NCC Board of Directors, headed by Smokey Bruyere, consisted predominantly of Non-Status Indians.

⁵ Walter Rudnicki was Executive Director at CMHC in the early seventies. His policy branch provided funding to NCC member organizations to document the appalling housing conditions of Métis and Non-Status Indians. These reports formed the basis for development of the Rural and Native Housing Policy. In 1973, he was fired from his job because he allegedly showed a “confidential Cabinet document” to members of the NCC. He sued the government for wrongful dismissal and won his case, but he was never able to get re-instated as a senior federal public servant. For further info, see Walter Rudnicki’s full collection of all his archived documents in University of Manitoba Libraries at <http://ow.ly/hznh1>.

The Board refused to allow one of its Métis representatives to take one of the two seats set aside for the NCC at the pending First Ministers Conferences on Aboriginal Rights.

Personally, having been the founding President of the NCC, I was deeply disappointed that the Board did not see that, without a Métis person occupying one of its seats at a Constitutional Conference called to elaborate the meaning of the Aboriginal and Treaty Rights of the Aboriginal peoples, including the rights of the Métis, it no longer had any legitimacy in claiming to represent the Métis of the Prairies.

President Chartier further states:

The Métis Nation of Ontario became part of the MNC in 1994/95 with Tony Belcourt as its President. In the absence of a formalized national identification and registry system, the MNO, acting in isolation, adopted a policy and application form through which it identified as a citizen of the Métis Nation any individual who could provide proof that they had at least one grandparent who was either Métis, Indian or Inuit. This was basically the old NCC definition of Métis and in contravention of the criteria used by the MNC since its creation in 1983 based on Métis Nation descent only.

The facts are these:

1. The Métis Nation of Ontario became part of the MNC at its annual meeting in 1994.
2. The Métis Nation of Ontario, at its Founding Delegates Assembly, 5–7 May 1994, adopted the following motion:

Motion #10: Move the following definition:

Anyone of Aboriginal ancestry who self-identifies as Métis, is distinct from Indian or Inuit and who is accepted by the Métis Nation of Ontario, is Métis. A person is entitled to be registered as a citizen of the Métis Nation of Ontario who:

- is alive,
- self-identifies as Métis,
- is distinct from Indian or Inuit,
- has genealogical ties to Aboriginal ancestry,
- is accepted by the Métis Nation of Ontario,
- is not enrolled on any other Aboriginal registry.

Gerald Thom, President of the Métis Association of Alberta, and Gerald Morin, President of the Métis Society of Saskatchewan, were present at the MNO's Founding Delegates Assembly. They were also present later that year, along with Billy Joe Delaronde, President of the Manitoba Métis Federation, when the MNO was admitted into membership at the MNC Special Assembly in November 1994. The MNO definition at the time was not a bar to its admission as a member of the MNC, nor was it ever brought up. Instead, I always remember what a joyous occasion this was for all of us. There were cheers and applause when the resolution was passed.

President Chartier states that, "criteria used by the MNC since its creation in 1983 (was) based on Métis Nation descent only."

I would like to point out that, despite this being the criteria, it did not preclude Non-Status Indians from being members of the Prairie Métis organizations. This is most obvious by the fact that Jim Sinclair, a Non-Status Indian from Punnichy, Saskatchewan, was President of the Association of Métis and Non-Status Indians of Saskatchewan when the Métis National Council was created in 1983. He was one of the most prominent Aboriginal representatives during the three First Ministers' Conferences on Aboriginal Rights in the Constitution during the mid-1980s.

The First Ministers' Conference in 1987 was the final one held as required by the Constitution Act, 1982. Jim Sinclair was seated as the spokesperson for the Métis National Council. As it was about to close in abject failure, Jim delivered the most iconic speech ever given at that conference as he denounced, in particular, the premiers of BC and Saskatchewan for their refusal to reach an agreement on the Métis right of self-government and to a land base for Métis. Everyone cheered. Nobody cared that he was sitting in a seat set aside for the Métis. Everyone was justifiably proud to have such a dynamic leader speaking on our behalf.

President Chartier writes:

In the 2003 Powley case, the Supreme Court of Canada established a test for identifying Métis harvesting rights holders under section 35 of the Constitution Act that was very similar to our National Definition. It required self-identification, ancestral connection to a historic Métis community, and acceptance by a modern Métis community that evolved out of a historic Métis community. ...

As a result of the Powley decision, the federal government began providing financial support for the Governing Members of the MNC to proceed with their registering of Métis Nation citizens residing within their respective provincial jurisdictions. Each of the MNC Governing Members amended its Constitution or Bylaws to incorporate the 2002 National Definition and registration should have been limited to members who met its requirements. In the absence of a national acceptance process and a national registry, however, it was not possible to enforce the compliance of all Governing Members with the National Definition.

All of the Governing Members except for the MNO embarked on a re-registration process of all existing members based on the National Definition in order to register only those persons who can prove Métis Nation ancestry as provided therein.

In order to understand why the MNO did not embark on a “re-registration process” in 2003, it is necessary to provide a bit of the history of the decade of experience and development of the Métis in Ontario that led to that decision.

In 1993, Métis in Ontario were members of the Ontario Métis & Aboriginal Association (OMAA)⁶; Métis leaders and elders, people such as George McGuire of Thunder Bay, Edith McLeod of MacDiarmid, Gilles Lefebvre of Timmins, Marion Larkman of Bewdley, Steve Powley of Sault Ste. Marie, John Burnham of River Valley, Helen Bradley of Midland, Henry Lepage of Penetanguishene, and Earl Scofield of Windsor. Nearly five hundred people were self-identified on OMAA’s membership list as being Métis.

By then, because of changes to the Indian Act (Bill C-31), many former “Non-Status” Indians had regained their Indian Status.

Ironically, similar to the situation that the Prairie Métis faced a decade earlier within the NCC when their three organizations withdrew to form the Métis National Council, Métis people in Ontario who attended annual meetings and board meetings found themselves competing for time to address their issues—Métis-specific issues.

After a hard-fought and closely won vote at an OMAA General Assembly in 1991, we formed a “Métis Commission” to focus on how we could move towards our goals of implementing Métis governance and achieving full recognition of our rights. It was because of the Métis Commission that Métis OMAA representatives found themselves working in collaboration with representatives of the Métis National Council, its governing members, and the Métis Association of the NWT during the Charlottetown round of talks in 1992 that led to development of the Métis Nation Accord.⁷

The Accord was an agreement between the Governments of Canada, the NWT, the Provinces of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia, and the representatives of the Métis National Council, the NWT Métis Association, and the OMAA. As stated in the report of the Royal Commission on Aboriginal Peoples (vol 4: 230) they “agreed to enter into a legally binding, justiciable and enforceable accord on Métis issues ... The Accord commits governments to negotiate: self-government agreements; lands and resources; the transfer of the portion of Aboriginal programs and services available to Métis; and cost sharing agreements related to Métis institutions, programs and services.”

During this time, it became clear to those of us on that Commission that we could not move our agenda forward by remaining in an umbrella lobby group; it was time for us to withdraw from OMAA and form a stand-alone organization that would represent only the interests of the Métis. This was a very stressful time for us. Separation from good friends we had worked with for decades was painful. People were deeply hurt and it caused great divisions among us, many lasting to this day.

Nevertheless, we knew what we had to do, so, in a conference call of the members of the “Métis Commission” on the evening of 2 October 1993, we decided to form the Métis Nation of Ontario and to invite all those other members of OMAA who self-identified as Métis to join us.

⁶ The Ontario Métis and Non-Status Indian Association changed its name to OMAA in the late 1980s.

⁷ The Métis Nation Accord was an Appendix to the Charlottetown Accord. Both accords died following their rejection by voters in a 1992 referendum.

We decided to form a “Provisional Council of the Métis Nation of Ontario” and name its first members, which included the members of the Métis Commission and others to ensure complete regional representation. They were:

- Alma Adams, MacDiarmid
- Tony Belcourt, Ottawa
- Olaf Bjorna, Batchawana
- Don Cadeau, Port McNicol
- Gilbert Gervais, Timmins
- Marion Larkman, Bewdley
- Agnes Lidstone, Sault Ste. Marie
- George McGuire, Thunder Bay
- Edith McLeod, MacDiarmid
- Naomi Oig, Dryden
- Brenda Prouty, Dryden
- Ron Swain, Sault Ste. Marie
- Sharon Talbot, Blind River
- Jean Teillet, Ottawa

As mentioned earlier, we held our Founding Delegates Assembly in Toronto the following May of 1994. We were determined to follow a “rights-based” agenda, and one of our first actions was to adopt a resolution to create a legal defence fund. To show vigor and commitment to fighting for recognition of our rights, we raised almost \$3,000 from the ninety-four Métis community representatives in attendance.

Rather than forming an “non-profit association” of “members,” we were determined that the MNO was going to be established with the full intention of putting in place the foundations that would serve our goal of implementing our right of self-determination and gaining full recognition of our rights.

One fundamental step was that we establish a Registry, as was specifically contemplated in Motion #10 above, defining who may be “registered as a citizen of the Métis Nation of Ontario.”

The Métis Nation of Ontario’s commitment to form a Registry for its citizens is further embedded in the MNO’s Statement of Prime Purpose, which states in part,

We, the Métis who live within the Métis Homelands of Ontario, desiring to bind our people together to collectively promote our common cultural, social, political, and economic well-being, have founded the Métis Nation of Ontario, to be our representative body with the following aims and objectives:

1. to research, publish and promote the genealogical documentation of the Métis, and to establish and maintain a registry of the Métis citizens of Ontario ...⁸

The MNO established an Interim Registry Policy, based on the principles in international law of self-identity and community acceptance. This formal process began in the mid-1990s in good faith. That process included the appointment of an MNO Registrar who operated at arms-length from the elected leadership, applying the criteria listed within the policy that required that applicants provide sufficient documentation to support their application. Our first registrars were all experienced Métis genealogists: Patsy McArthur, Aline Sabourin, and Karole Dumont Beckett.

The creation of the MNO Registry was also critical in support of the action being taken by MNO citizens to implement their right to hunt and fish for food. In 2001, following a victory at the Ontario Court of Appeal in *Powley*, the MNO issued the Métis Nation Ontario 2001 Harvesting Policy. It set out numerous provisions, including the appointment of Captains of the Hunt and the terms for issuance of MNO Harvesters' Certificates, including this clause:

- 4.5 For purposes of participation in the Métis harvest, a Captain of the Hunt may issue an MNO Harvester's Certificate which shall be considered proof that the holder has been verified by the MNO Registrar as having provided sufficient documentation to support a claim to an Aboriginal or treaty right to harvest. (emphasis added)

When the federal government finally began providing financial support for registry purposes after the Supreme Court decision in *R v. Powley* in 2003, unlike other governing members of the MNC who had to establish new policies and processes and convert their "membership" enrollments accordingly, the MNO already had a well-established registry process.

With the onus on the MNO Registrar and her limited staff resources to now provide verification for the hundreds of MNO citizens who applied for Harvesters' Certificates, the Registrar also had the obligation to continue to process the backlog of thousands of applications for MNO citizenship. The pressure on the Registry staff to verify those applying for Harvesters' Certificates and process the backlog of applications was tremendous. The priority of the MNO at the time was not to "re-register" but to accelerate the registration process.

President Chartier writes:

Under President Belcourt's leadership, the MNO "grandfathered-in" their existing members, which was not endorsed by the other leaders of the Council. The MNO registration policy only applied the National Definition to new applicants post-2002.

It is important to remember, I believe, that having put out the call to invite Métis people to enroll in the newly founded MNO, we were soon inundated with applications. Without any funding, we operated from the attic of my home, and at one time there were up to fifteen volunteers crammed in up there, working away in summer's sweltering heat because

⁸ The MNO Statement of Prime Purpose declares who we are as a people, articulates our values, and proclaims a long list of aspirations (16), of which this is the first.

they believed in our cause and wanted to help. Current MNO Senator Reta Gordon and her sister Lois McCallum, whose Métis ancestry comes from the historic Métis community at Moose Factory⁹ on the coast of James Bay, were among them.

I'll never forget receiving our first application in the mail. It was from a Métis pensioner from Timmins, Ontario, Agathe Moran. The applications came in from everywhere in Ontario, including from Senator Earl Scofield in Windsor where he, like many Métis people, had gone to work in the auto industry. Some of them, like Senator Kaye Lynch of Kenora and Senator Roland St. Germain of Owen Sound, were from the Prairies; others came from historic Métis communities in Ontario, like Ray Tucker of Ft. Francis, Jack Bouchard of Sault Ste. Marie, and Dave Jacobs from Burleigh Falls.

There was nothing at stake for any of us other than our pride. The MNO didn't have any programs or services. There were no recognized hunting and fishing rights. We did not have the Daniels¹⁰ decision in hand that ruled that the federal government has jurisdictional authority to legislate and develop policies and programs for Métis people. Quite the opposite—Métis people were regularly being charged for hunting or fishing to feed their families and put away meat for the winter.

Grandfathering-in the existing MNO citizens was the right thing to do. We have long understood this term, "grandfathering-in," because this was similar to our own custom of having ceremony for adoption or "making relatives" to bring new people into our families. We also had ceremonies to create alliances or make treaties.

Grandfathering-in is an ancient principle of the common law that the customs and practices of people who have vested rights and expectations should not be easily disturbed. In fact, because of this principle, Status Indians are today members of the Métis Settlements in Alberta because they were grandfathered-in when the Métis Settlements Act (MSA) was passed in 1990.¹¹

⁹ RCAP states:

It is indisputable that the distinct Métis Communities of Ontario—in locations as widespread as Burleigh Falls (near Peterborough), Moose Factory (on James Bay), Sault Ste. Marie and Rainy River (in the north and west of Thunder Bay) have long and unique histories, as well as indisputable claims to recognition of the Aboriginal rights and entitlements. The Métis community at Sault Ste. Marie, a hub of early fur-trade activity, has a particularly long and eventful history. It would appear, in fact, that the area was largely under Métis control from the late seventeenth to the mid-nineteenth century. The pre-eminence of a Métis family called Langlade has been noted by historians (4: 259–60).

¹⁰ The Federal Court of Canada, in its judgment in *Daniels et al. v. Canada* on 8 January 2013, states:

THIS COURT'S JUDGMENT is that:

(a) the Court declares those persons who are Métis and those who are non-status Indians as set forth in the Reasons for Judgment are "Indians" within the meaning of the expression "Indians and Lands reserved for the Indians" contained in s 91(24) of the *Constitution Act, 1867*.

¹¹ This principle is cited at paragraph (21) in the 2011 Supreme Court of Canada Judgment in *Alberta v. Cunningham*:

(21) ... the *Transitional Membership Regulation*, Alta. Reg. 337/90, permitted those registered on a settlement membership list upon the entry into force of the MSA to maintain their membership even if they were already registered or were eligible to register as Indians under the *Indian Act*.

Métis people who came forward in 1993 and 1994 did so because they were Métis, proud to be Métis and wanting to belong to a representative body that was both distinctly Métis and going to fight for Métis rights. “Grandfathering-in” their citizenship in the MNO a decade later was the right thing to do.

President Chartier writes:

The MNO policy also unilaterally defined the historic Métis Nation homeland based on a map adopted for purposes of harvesting rights which is appended to the policy. As long as a person can prove a connection to a geographic area covered by that map, they are entitled to be registered as a citizen of the Métis Nation. A portion of the map extends to the Ontario/Quebec border in the Mattawa/Ottawa region. ...

I want to point out that this map makes no reference to the Métis Nation Homeland. It was created because, in 2004, the MNO had successfully entered into an interim harvesting agreement with the Ontario Ministry of Natural Resources (MNR). The text on the map states:

This map shows, in a general way, the areas and terminology used in defining the Traditional Harvesting Territories of the Métis Nation in Ontario (MNO). The map is based on information accumulated in meetings and consultations with MNO citizens, by documents provided to the MNO Registry, and by research by MNO staff. This map was provided to the MNR during recent negotiations and will be used, for the time being, for the purposes of the MNO/MNR Interim Agreement on Harvesting. Traditional Harvesting Territories of the Métis Nation within Ontario can only be defined on an interim basis at this time. The map and description of the territories will be the subject of further research and consultations which will take place this fall.

President Chartier also writes, in reference to the map:

This clearly does not accord with the 1983 assertion of the geographic Métis Nation homeland territory made by the Métis Nation leadership. ...

In a document titled “The Métis: A Western Canadian Phenomenon” published in 1983, the MNC described the homeland as “encompassing the Prairie Provinces, north-eastern British Columbia, part of the Northwest Territories, northwestern Ontario and a portion of the northern United States.

A great deal has transpired since 1983, most significantly the constitutional recognition of the Métis right to hunt and fish for food by the Supreme Court of Canada in the case of *R v. Powley*.

Steve and Roddy Powley, the two Métis men who were charged for illegal hunting of moose and who refused to plead guilty and pay a fine, which was normally what Métis people did, are from the historic Métis community of Sault Ste. Marie, Ontario. Steve and Roddy’s ancestors attended the Robinson Treaty negotiations in 1850, but Robinson refused to negotiate with the men’s ancestors because they were “half-breeds,” saying he only had a mandate to negotiate with the “full bloods.” Because of this fact, the courts ruled that their Métis right to hunt and fish for food was never extinguished, and therefore was an “existing” Aboriginal right that is protected and affirmed by s.35 of the *Constitution Act, 1982*.

President Chartier is a lawyer and, at the time, was one of the MNC's drafters. He would know that the above quotation is not all that was contained in the 1992 Métis Nation Accord concerning citizenship in the Métis Nation. It is but one of nine subsections under the Definitions heading in the Accord. The quote above is listed as paragraph 1.(a).

Paragraph 1. (b) is directly related and is as follows:

'Métis Nation' means the community of Métis persons in subsection a) and persons of Aboriginal descent who are accepted by that community.¹²

Section 17 of the Métis Nation Accord provided space for the signatories to the Accord. It is as follows:

17. Ratification Procedure

This Accord shall be considered adopted by the Métis Nation upon the passage of a duly authorized motion by a special assembly of elected Métis representatives of the Métis Nation as defined herein.

Below this section is the space and names of the signatories:

- Yvon Dumont, President, Métis National Council, Manitoba Métis Federation
- Norm Evans, President, Pacific Métis Federation
- Larry Desmeules, President, Métis Nation of Alberta
- Gerald Morin, President, Métis Society of Saskatchewan
- Gary Bohnet, President, Métis Nation—Northwest Territories
- Ron Swain, President, Ontario Métis Aboriginal Association

Space is also provided for the signature of representatives of the Governments of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Canada, and the Northwest Territories.

It is very important that we fully reference and keep documents for future generations when we are talking about "issues" of Métis identity and citizenship within the Métis Nation. Because of the Native Council of Canada, the Métis National Council, its governing member organizations, and the work of all of the people involved, we are fortunate to have written material that we can rely on to guide us as we continue to consider the current debate and the development of our registries.

I believe we need to change the way that we think. I've had time to reflect since retiring from politics, and feel that as we continue the discussion that ultimately is intended to lead to the development of a Métis Nation Constitution, we should not only rely on the political and western ways of doing things, but also look to our traditional ways to guide us. It is also important not to forget the people involved in building our organizations, to leave them behind or discard them.

Very recently, I took part in an "internet town hall" about "Halfbreeds who withdrew from Treaty." The discussion inevitably drifted to the subject we seem to like to talk about the most—our identity.

¹² A complete copy of the *Proposed Métis Nation Accord* is found in RCAP, 4: 376–81

Sault Ste. Marie is far from northwestern Ontario. It's in the central part of the province. The Robinson Huron Treaty extends to the Ontario-Quebec border, and the Robinson Superior Treaty extends north to Treaty 9 territory. The "Williams Treaty" is in effect in the south near Peterborough, where the historic Métis community of Burleigh Falls is located.

The Court's criteria setting out who may exercise this right is not limited to a geographic territory in western Canada. Rather, it states:

In particular, we would look to three broad factors as indicia of Métis identity for the purpose of claiming Métis rights under s.35: self-identification, ancestral connection and community acceptance.

First, the claimant must self-identify as a member of a Métis community. ...

Second, the claimant must present evidence of an ancestral connection to a historic Métis community. ...

Third, the claimant must demonstrate that he or she is accepted by the modern community whose continuity with the historic community provides the legal foundation for the right being claimed. ...

Today, all Métis organizations that make up the Métis National Council rely on the Supreme Court of Canada ruling of *R v. Powley* in defence of Métis hunting and fishing rights, as in the current case of *R v. Hersekorn*, which is currently before the Alberta Court of Appeal, or to negotiate harvesting agreements. On 29 September 2012, the Manitoba Métis Federation announced it had reached such an agreement with the Government of Manitoba to provide for the recognition of Métis harvesting rights in parts of that Province. Its news release stated:

Based on rulings by the Supreme Court of Canada involving aboriginal rights for Métis people, the government of Manitoba is partnering with the Manitoba Métis Federation (MMF) to recognize Métis rights to harvest natural resources for food and domestic use in Manitoba, and to acknowledge the Métis peoples' commitment to conserve and respect the resources that sustain those rights, Premier Greg Selinger and David Chartrand, president of the Manitoba Métis Federation, announced today.

President Chartier writes:

The criteria used (in 1983) for identifying citizens of the Métis Nation had at its core those Métis who received land grants under the Manitoba Act 1870 and scrip under the various Dominion Lands Acts, and their descendants.

This self-definition was expressed again in the 1992 Métis Nation Accord, a companion document to the Charlottetown Accord, that was supported by the then Governing Members of the MNC along with the Métis from Ontario and the NWT. It provided that "Métis" means an Aboriginal person who self-identifies as Métis, who is distinct from Indian and Inuit and is a descendant of those Métis who received or were entitled to receive land grants and/or scrip under the provisions of the Manitoba Act, 1870 or the Dominion Lands Act, as enacted from time to time.

At one point, celebrated Métis author Maria Campbell from the Métis community of Park Valley in northern Saskatchewan said that, where she grew up, when Métis people were asked who they were, they would say they were “Indians” and then they would say they were Métis—“there was no difference between the two.” She said Métis people referred to themselves as being *Nèhiyawak* (Crees) or *Apihtawkosan* (Apitaw means “half,” kosan means “cousins”).¹³

During the same Internet Town Hall, our most famous Michif feature film actor, Tantoo Cardinal, said that as she was growing up in the Métis community of Anzac in the Fort McMurray area of Alberta, they always said they were “Indian.” She said she knew she was different because she understood she didn’t belong on the reserve. And in school, when children from the reserve were given new pencils and crayons, she wouldn’t get them. Ironically, when she asked why, the teachers would say, it’s because you’re not Indian.

I’m reminded that in my historic Métis community of Lac Ste. Anne, Alberta, as I was growing up, the people said *Nehiyaw Apihtawkosanak*, meaning “we are Cree half-cousins.” We lived on our own.

Although we share a similar history, culture, ancestors, territory, and traditions, one fact we need to realize is that the Métis are not a single homogeneous group. History shows that we have seen ourselves in different ways: either, in part, because of the European or First Nations ancestry that was fundamental in shaping our culture and customs, or in part because of the ways of life, depending on where we live. The basis of our Michif language changed depending on our ancestry, history, and territory. Michif in the Red River is distinct from the Michif spoken further west or further east.

I write to suggest that we now consider the geographic or territorial extent of the Métis Nation Homeland, not in terms of fixed positions taken at various points in our history, but on the basis of our evolving experience and knowledge. That too should be our guide as we continue to consider the current debate on Métis identity and the basis for citizenship within the Métis Nation.

Tony Belcourt
11 February, 2013

¹³ *Nehiyawak* and *Apihtawkosan* are Michif words for “Crees” and “half-cousins.” In the Cree orthography, they are spelled *Nèhiyawéwin* and *Apihtawikosisân*.

DECEMBER 2017 MNO RESOLUTION

It was MOVED (Will Goodon, MMF) and SECONDED (Gerald Morin, MN-S)

WHEREAS the Métis National Council adopted the National Definition of Métis in 2002, which has been enshrined in the Constitutions and Bylaws of all its Governing Members;

WHEREAS the MNC adopted legal strategies to protect the rights of the historic Métis Nation population whose rights have been recognized and affirmed by the Supreme Court of Canada;

WHEREAS the Manitoba Métis Federation, Métis Nation-Saskatchewan, Métis Nation of Alberta and the Métis Nation British Columbia have established registries and have commenced the arduous process of re-registering each of their former members so that only those persons who meet the National Definition will be entitled to be registered as a Métis Nation citizen;

WHEREAS the MNC General Assembly in 2015 adopted a resolution confirming that there shall be no grandfathering-in of former members of the Governing Members;

WHEREAS the Métis Nation of Ontario has by its own admission grandfathered-in all previously registered members regardless of whether they meet the National Definition or not;

WHEREAS the MNC General Assembly in 2013 adopted a resolution reaffirming the territory of the Historic Métis Nation Homeland;

WHEREAS the MNO and the government of Ontario in August 2017 announced the recognition of six new Métis regional communities in Ontario, only one of which falls within the Historic Métis Nation Homeland;

WHEREAS the MNO states that MNO citizens in registering "can ancestrally connect to one of seven historic Métis communities in Ontario or to the Métis Nation in western Canada" and thereby creating two separate and distinct constituencies, one being the Métis Nation and a second being a compilation of mixed ancestry communities that are not part of the Métis Nation;

AND WHEREAS there is a pressing need to address the integrity of the Historic Métis Nation Homeland and Métis Nation Citizenship;

THEREFORE BE IT RESOLVED THAT the General Assembly hereby exercise its inherent authority and mandates the President to initiate an examination of this matter and table a report with recommendations to the Board of Governors for follow-up prior to the next sitting of the General Assembly.

CARRIED (GA1706-11)

(35 delegates voted in favour)



“ADDRESSING THE INTEGRITY OF THE HISTORIC MÉTIS NATION HOMELAND”



Report in Response to the Métis Nation General Assembly
December 2017 Resolution on the Métis Nation of Ontario



Clément Chartier BA, JD, QC | *President of the Métis Nation*
November 2018

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Executive Summary

At the December 12 - 13, 2017 General Assembly of the Métis National Council held in Ottawa, Ontario, a resolution was adopted mandating the President to undertake an examination of the integrity of the historic Métis Nation homeland and citizenship and how that has been and is being impacted by past, recent and continuing developments within the Métis Nation of Ontario (MNO). This President's report responds to the above mandate.

The report first examines how the MNC since its inception in 1983 and its predecessor organizations before it had defined and articulated Métis Nation homeland boundaries and citizenship. It then focuses on the terms under which the MNO entered the MNC, particularly with regard to Métis Nation homeland and citizenship, whether the MNO has adhered to the understanding that governed its admission, and the impact its conduct has had on the Métis Nation as a whole and its ability to pursue its objectives going forward. It reaches a number of conclusions that are clearly set out and form the basis for a series of recommendations for the consideration of the Métis Nation General Assembly at its upcoming Special Sitting in Winnipeg on November 28-29, 2018.

The key findings that shaped the conclusions and recommendations of the report are as follows:

Since its inception in 1983, the MNC has clearly and consistently defined the Métis Nation and its Homeland as the new and distinct Indigenous people and nation that emerged in the late 18th century with its own culture, language and political consciousness in that part of the historic Northwest encompassing today's Prairie Provinces (Manitoba, Saskatchewan and Alberta), and contiguous regions of north-eastern British Columbia, the Northwest Territories, northwestern Ontario and the northern United States;

These facts of history, territory and nationhood sets the Métis Nation apart from today's persons of mixed ancestry who don't fit within the above socio-cultural and territorial boundaries of the historic Métis Nation;

The MNO joined the MNC in 1994 with a clear understanding that registration of its membership would be restricted to those Métis from this historic Métis Nation homeland i.e those from Métis communities in that part of northwestern Ontario contiguous to Manitoba and Métis from the prairies who had moved to Ontario.

The socio-cultural and territorial boundaries of the historic Métis Nation were reaffirmed by the 2002 MNC General Assembly citizenship resolution or National Definition that was adopted by all MNC Governing Members including MNO and further reaffirmed by the MNC General Assembly Resolution on Métis Nation Homeland in 2013.

The Métis Nation government has also made decisions to enforce adherence to the National Definition: in 2004 requiring MNC's Governing Members to re-register all of their citizens according to the citizenship criteria of the National Definition; and in 2015 supporting the "national standard" for registration of Métis Nation citizens that was developed in association with the Canadian Standards Association and prohibits grandfathering-in of citizens/members who do not meet the 2002 National Definition.

The report draws the following conclusions:

1. From the beginning of its membership in MNC, the MNO has failed to apply historic Métis Nation membership/citizenship criteria.

Instead of complying with the historic Métis Nation criteria set out in the Métis Nation Accord 1992 and the National Definition 2002, the MNO through its registry has chosen to apply its own definition of Métis that enables it to accept anyone of mixed Aboriginal and non-Aboriginal ancestry. There is simply no way of knowing how many of its registered members would meet the National Definition criteria applied in western Canada.

2. The MNO has consistently ignored and been in breach of MNC General Assembly resolutions on citizenship and grandfathering .

The MNO has repeatedly resisted the re-registration of all of its citizens according to the citizenship criteria of the National Definition. In 2004 all of the MNC's Governing Members except for the MNO agreed to re-register all of their citizens according to the citizenship criteria of the National Definition; the MNO opted to unilaterally grandfather-in all of its signed-up members. As well, MNO failed to comply with the MNC General Assembly resolution in 2015 that prohibits the grandfathering-in of citizens/members who did not meet the 2002 Métis Nation definition. Belatedly, it did make an effort at the 2018 MNO General Assembly to adopt a Special Resolution requiring those who had been grandfathered to provide further documentation to prove they had met the registry requirements. That measure was defeated by a large margin, leaving the MNO in breach of the MNC General Assembly's resolutions on citizenship and grandfathering.

3. The MNO has attempted to extend the boundaries of the historic Métis Nation homeland without the consent of MNC and its other Governing Members.

In 2017, the MNO with the support of the Province of Ontario declared six new historic Métis communities within Ontario, only one of which is accepted by the Métis Nation as being part of its historic homeland. Some of these communities extend to the Quebec border and, indeed, are claiming traditional land usage in that province. Furthermore, MNO is asserting that members of these "new" historic communities" do not need to connect to the historic Métis Nation but

rather to any one of the communities now recognized by the MNO and the government of Ontario.

4. Why is action needed now?

While the problems surrounding MNO's membership policies and practices are longstanding - in fact going back to the admission of MNO into MNC decades ago - there is a growing and pressing need to deal with them now. The Métis Nation has been making unprecedented progress with the current federal government through processes that enable the negotiation of self-government as well as the co-development of policies and programs to reduce socio-economic gaps between Métis and the general population. We have finally arrived at the point where we can consolidate our nationhood and advance our interests within the Canadian federation. But we have to make sure that our foundation is strong before we can build on it.

MNO's failure to comply with the terms under which it was accepted in the MNC is a fault in that foundation. At the same time, while we are making historic gains in our self-determination agenda, there has been a rapid proliferation in recent years, particularly in eastern Canada, of organizations who have no connection to our history, culture and our centuries-old political struggle and sense of nationhood who are now opportunistically trying to appropriate the term "Métis" and our symbols, even our flag, to gain benefits. How can we refute their claims to Métis rights based on mixed ancestry when we have within our own governance structure a significant number of people from Ontario whose claim is in reality no different from theirs'? Or when the MNO unilaterally decides that our traditional territory extends to and into Quebec.

MNO's non-compliance raises the question of equitable treatment of our Métis Nation citizens. MNC's four western Governing Members have spent years in conducting the arduous process of re-registering each Métis citizen so that only those who meet the National Definition will be entitled to be registered as a Métis citizen and vote in Métis Nation elections. This process has resulted in a denial of registration rights to many people, including longstanding members of those Governing Members. Contrast this with the MNO's grandfathering-in of members that has resulted in many non-Métis voting in MNO elections and at the MNC General Assembly.

Moreover, MNO's continued membership within MNC in its state of non-compliance has acted as a major stumbling block in advancing constitutional reform and nationhood re-building. Quite simply, there are many in the Métis Nation who believe that a national registry, the direct election of a national president, and a national constitution, cannot be attempted as long as large numbers of non-Métis are registered citizens and electors in Ontario.

Clearly the time for action is now.

I. Introduction

At the December 12 - 13, 2017 General Assembly of the Métis National Council held in Ottawa, Ontario a resolution was adopted mandating the President to undertake an examination of the integrity of the historic Métis Nation homeland and citizenship in light of the past, recent and continuing developments within the Métis Nation of Ontario on these very questions.¹

To begin this process, a meeting of the Métis Rights Panel (MRP) was convened in Fort McMurray, Alberta on March 8-9, 2018 with a half day devoted to this topic. Presidents Margaret Froh of the Métis Nation of Ontario (MNO) and Audrey Poitras of the Métis Nation of Alberta (MNA) each replaced their regular ministerial representative for this particular meeting. With their participation, a full and informed discussion was engaged in.

At the conclusion of the Panel discussion on this matter, it was decided that a panel of academics with expertise related to the history of Métis lands and genealogy, coupled with a legal perspective would be established to inform and advise on the geographic homeland boundary of the Métis Nation. Each Governing Member was to provide names of potential candidates to the MRP Chair by March 16, 2018. As of the July 18-19, 2018 sitting of the General Assembly no name or names had been submitted by any of the Governing Members, therefore it was announced by the President and Chair of the MRP that the work on the report would proceed as such and any Governing Member wishing to provide a written report or comments to inform this initiative was welcomed to do so.

This report provides a holistic approach to the Métis Nation, including its emergence and evolution in order to understand the significance of the resolution and the future of the Métis Nation itself. This particular study will only address the eastern portion of the Métis Nation Homeland, as that is what the Resolution called for, although at some point the Métis Nation as a whole must be dealt with, including British Columbia as requested by their representative at the March 2018 Métis Rights Panel meeting. Also needing examination is the situation of the Métis in the Northwest Territories as requests for joining the Métis Nation government are now being made by two of the three organizations there.

II. The Métis Nation and the Métis National Council

It is an accepted fact that, both historically and in contemporary times, persons of mixed ancestry resulted from the interaction between Aboriginal and non-Aboriginal peoples. However, it was only in western North America that the people originally of mixed ancestry emerged as a new and distinct Indigenous people and nation through a process of ethnogenesis.

¹ See Appendix 1 for the resolution.

This new Indigenous people developed their own language (Michif), forms of music and dance, dress, foods, traditions, their own flag² and inventions such as the Red River cart and York boats which were instrumental in the niche the Métis carved out for themselves in the fur trade. The Métis also developed a distinct political consciousness, sense of solidarity and military strength which were evident at the Battle of Frog Plain (Seven Oaks) on June 19, 1816, the Sayer trial in 1849, the Battle of the Grand Couteau in 1851 (in North Dakota between the Métis and the Sioux), the 1869/70 Red River Resistance and the 1885 Battle of Batoche and with the two Métis provisional governments in 1869/70 and 1884/85 at the Red River and the Saskatchewan Valley respectively.

Clearly what sets the Métis Nation apart from today's persons of mixed ancestry are these facts of nationhood, territory and history. The very use of the term "nation" is critical in understanding this emergence and evolution as a new and distinct Indigenous people, nation or community³, the terms capable of being used interchangeably, and in the case of the Métis Nation, all three applying equally.

That the Métis are a people or nation is indisputable as they meet the criteria advanced by the International Commission of Jurists which proposed the following:

- a) a common history;
- b) racial or ethnic ties;
- c) cultural or linguistic ties;
- d) religious or ideological ties;
- e) a common territory or geographical location;
- f) a common economic base; and,
- g) a sufficient number of people.

After the formation of the Métis National Council (MNC) on March 8, 1983 by the Métis Nation as the governmental institution to represent its interests at the national level, the MNC engaged in the mid-March 1983 First Ministers' Conference on Aboriginal Constitutional Matters. The MNC delegation pressed for a land base and self-government on the basis of the Métis Nation's right of self-determination, vowing to never again lose control of the Métis Nation's destiny.

With its new mandate in hand, the MNC produced a pamphlet which was meant to educate governments and the general public about the Métis Nation and its continued existence as a people. In this connection, it stated:

² The Métis Nation flag was first unfurled in armed conflict at the Battle of Frog Plain (Seven Oaks) on June 19, 1816.

³ Clem Chartier, *In The Best Interests of the Métis Child*, University of Saskatchewan, Native Law Centre, 1988 at 7 and 8.

The essence of Métis existence can best be described as Métis nationalism which embodies the political consciousness of that newly emerged community of aboriginal people. This political consciousness, which also found expression in cultural activities and values, was confined to a specific geographic area of North America. This geographic area, commonly referred to as the Métis Nation or Homeland, encompasses the Prairie Provinces, north-eastern British Columbia, part of the Northwest Territories, northwestern Ontario and a portion of the northern United States.⁴

The MNC's articulation of the socio-cultural and territorial boundaries of the Métis Nation merely confirmed what had already been recognized by those historians and legal analysts who had looked at the issue. It also reflected the longstanding views of organizations that had represented the Métis Nation.

At the annual meeting of the Saskatchewan Métis Society in 1946, President J. Z. LaRocque stated:

With further reference to privileges and rights we enjoyed before the dawn of intense immigration on these vast plains of ours, and what we call today Manitoba, Saskatchewan, Alberta and the North West Territories, and the following Lakes: Winnipeg, Winnipegosis, Manitoba, Dauphin, Waterhen, Cedar, Ile a Crosse (sic), Athabasca, Montreal, Great Slave, and those Rivers: Saskatchewan, Assiniboine, Rouge, Winnipeg, Churchill, Nelson, Beaver, MacKenzie, and Qu'Appelle, etc. These lakes and rivers, and one of the most fertile domains in the world, constituted our native land.⁵

Ironically, the statement by the MNC also found support in the national organization from which the Métis Nation split in 1983. The three prairie provincial Métis associations had founded the Native Council of Canada (NCC)⁶ in 1971 to represent their interests at the national level but the NCC had expanded and evolved into a nation-wide pan-Aboriginal body, leading to the withdrawal of the prairie Métis in 1983 to ensure the Métis Nation was properly represented. The NCC itself had distinguished between the historic Métis Nation and its other constituents whether they called themselves Métis or non-status Indians. According to the report on the findings of a Commission on the Canadian Constitution established by the NCC in 1980:

Although mixed-blood people originally appeared in eastern Canada, they did not emerge there as a distinct national group. It was on the plains of

⁴ Métis National Council, *The Métis: A Western Canadian Phenomenon* (pamphlet produced by the MNC, 1983).

⁵ Conference of The Metis of Saskatchewan Proceeding, July 30, 1946, Regina, Sk Archives. The Saskatchewan Métis Society was founded in 1935.

⁶ Now the Congress of Aboriginal Peoples (CAP).

western Canada in the late 18th century that the Métis nationality developed.

....

As generations passed a unique culture and lifestyle emerged in the Red River Valley and the mixed-blood people became an endogamous group.

....

It was in the Red River Settlement that Métis nationalism was born.⁷

In the period leading to the patriation of the Constitution from Great Britain, the NCC held two workshops in early 1982, one in Vancouver for the western Métis and one in Moncton for NCC's eastern constituents, mainly Quebec and the Maritime provinces. Representatives from Ontario attended both workshops. At the Moncton workshop, it was made clear by the participants that they viewed the Métis as a western Canadian Aboriginal people.

In order to deal with the topics of discussion the workshop participants were organized into eight groups and then reported back to the plenary:

Group 1: that the group was non-status and the person making the report indicated in response to a question that she didn't think the native people of the Maritimes should be classed as Metis.

Group 2: that the definition of Metis was primarily a western issue, but did state that they viewed Metis as the result of "mixed marriages."

Group 3: stated that the Metis should be included in the *Indian Act*.

Group 4: that "the Metis people in the western provinces are a separate nation."

Group 5: their group decided "to be called Indians".

Group 6: only stated that "the Constitution should read: In this Act, Aboriginal peoples of Canada includes the Indian, Inuit and Metis as being the direct descendants of the original peoples."

Group 7: only dealt with Indian issues.

⁷ Métis and Non-Status Indian Constitutional Review Commission, *Native People and the Constitution of Canada: The Report of the Métis and Non-Status Indian Constitutional Review Commission*: Harry W. Daniels, Commissioner (Ottawa: Mutual Press, 1981) at 6.

Group 8: only dealt with Indian issues.⁸

The formation of the Métis National Council on March 8, 1983 as the Métis Nation's political and legal representative was required in order to secure a space at the March 1983 First Ministers Meeting on Aboriginal Constitutional Matters. In a subsequent book, a member of the Manitoba government delegation commented on the distinctions between the historic Métis of western Canada with their "nationalist conception" of who they were and the mixed-blood populations within the NCC who adhered to a racial definition of Métis:

The distinction between the two groups (Metis National Council and Native Council of Canada) is a contentious matter. It depends on how you define Metis. If a Metis is defined as a person of mixed Indian and non-Indian ancestry, then many non-status Indians across Canada qualify as Metis. Many Metis in Western Canada, however, adopt a nationalistic rather than a racial definition of Metis. They claim that the Metis were a distinct ethnic group which became conscious of and fully realized its own identity in Western Canada in the 19th century. The Metis nation, they say was centered around the Red River settlement in Manitoba. A person is not a Metis simply because of mixed ancestry; rather, he must identify himself as a Metis and be accepted as such by the successor community of the original Metis. The Metis National Council adopted the nationalistic conception in its legal presentation to the Supreme Court of Ontario.⁹

In addition to its 1983 pamphlet referred to above, the Métis National Council on September 8, 1983 presented a brief at a hearing of the Standing Senate Committee on Legal and Constitutional Affairs. As part of its presentation on being Métis, the following was stated:

Outside of the historic Metis homeland, a Metis identity did not emerge with the result that to this day people of mixed ancestry in the Maritimes or the Yukon, for example, generally identify either as Indians or Whites. The point we wish to make is that, contrary to the assumption of many, being Metis is not just a matter of being mixed-blood: if that was the case, many if not most Indians, both Status and Non-Status and indeed many white people would be Metis. They are not because they do not share our nationality which has been molded by a common history, culture and political will. The Metis Nation is a holistic national minority conceived and developed on the soil of Western Canada.¹⁰

⁸ Clem Chartier, *In The Best Interests of the Métis Child*, University of Saskatchewan, Native Law Centre, 1988 at 18.

⁹ Clem Chartier, *In The Best Interests of the Métis Child*, University of Saskatchewan, Native Law Centre, 1988 at 33-34.

¹⁰ Clem Chartier, *In The Best Interests of the Métis Child*, University of Saskatchewan, Native Law Centre, 1988 at 22.

Further, the 1983 pamphlet also addressed criteria which would help in understanding who the citizens of the Métis Nation are:

- 1) The Metis are:
 - a. an aboriginal people distinct from Indians and Inuit;
 - b. descendants of the historic Metis who evolved in what is now western Canada as a people with a common political will;
 - c. descendants of those aboriginal peoples who have been absorbed by the historic Metis.
- 2) The Metis community comprises members of the above who share a common cultural identity and political will.¹¹

Almost a decade later, in 1992, the Métis National Council, joined by the Metis Nation – North West Territories (MN-NWT) and the Ontario Metis Aboriginal Association (OMAA) through a political arrangement, was able to negotiate a companion arrangement, the Métis Nation Accord, to the main Charlottetown Accord. Unfortunately, in a public referendum held in October 1992 the Accords and proposed constitutional amendments were defeated by a slight majority of Canadians

Nevertheless, there was agreement by the representatives of the Métis Nation, along with the MN-NWT and OMAA to the following definition of Métis which identified the Métis in historical and legal terms as the descendants of those entitled to receive Métis land grants under 19th century federal legislation covering the original “postage stamp” Province of Manitoba in 1870 and then the rest of the prairies.

1. Definitions

For the purposes of the Métis Nation and this Accord,

(a) “Métis” means an Aboriginal person who self-identifies as Métis, who is distinct from Indian and Inuit and is a descendant of those Métis who received or were entitled to receive land grants and/or scrip under the provisions of the Manitoba Act, 1870, or the Dominion Lands Act, as enacted from time to time.

(b) “Métis Nation” means the community of Métis persons in subsection a) and persons of Aboriginal descent who are accepted by that community.¹²

¹¹ Clem Chartier, *In The Best Interests of the Métis Child*, University of Saskatchewan, Native Law Centre, 1988 at 22-23.

¹² Volume 4 Perspectives and Realities, Chapter 5 – Métis Perspectives, Appendix 5D: Proposed Métis Nation Accord.

In 2002, the General Assembly of the Métis National Council, including the MNO, adopted the National Definition of Métis as follows:

Métis means a person who self-identifies as Métis, is of historic Métis Nation ancestry, is distinct from other Aboriginal peoples and is accepted by the Métis Nation.

“Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in the Historic Métis Nation Homeland.

“Historic Métis Nation Homeland” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-Breeds as they were then known.

“Métis Nation” means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the “Aboriginal peoples of Canada” within s.35 of the *Constitution Act of 1982*.

“Distinct from other Aboriginal peoples” means distinct for cultural and nationhood purposes.

This definition, setting out the citizenship criteria of the Métis Nation tied to the historic Métis Nation homeland, was adopted by all levels of government within the Métis Nation in their respective Constitutions, Bylaws or Governing Documents.

In 2011 the Supreme Court of Canada further clarified the social and territorial boundaries of the Métis in *Cunningham* wherein Chief Justice McLaughlin on behalf of the Court stated at para. 5:

The Métis were originally the descendants of eighteenth-century unions between European men — explorers, fur traders and pioneers — and Indian women, mainly on the Canadian plains, which now form part of Manitoba, Saskatchewan and Alberta.¹³

The MNC General Assembly also passed a Métis Nation Homeland resolution in 2013 confirming that there is only one Métis Nation, as well as its geographic homeland:

WHEREAS the Métis emerged as a distinct Aboriginal people in what was then known as the historic Northwest.

¹³ *Alberta v. Cunningham*, 2011 SCC 37; [2011] 2 S.C.R. 670, McLachlin CJ., para 6.

AND WHEREAS there is only one Métis Nation.

AND WHEREAS the Supreme Court of Canada in the *Cunningham* case acknowledged that the Métis “mainly emerged in the prairies in the provinces which are now Manitoba, Saskatchewan and Alberta”.

AND WHEREAS legal counsel in harvesting rights litigation have consistently argued that the Métis homeland is specific to the Northwest.

BE IT THEREFORE RESOLVED THAT this General Assembly re-affirms that there is only one Métis Nation, and that the geographic homeland of the Métis Nation is the historic Northwest which entered into confederation in 1870 through the negotiations of the Métis Provisional Government led by President Louis Riel.

BE IT FURTHER RESOLVED THAT the term “west central North America” in the 2002 definition of Métis means the “historic Northwest”.¹⁴

While there has been no precise definition of what is meant by the “historic Northwest”, lawyer Jean Teillet has portrayed it as of 1821 as being principally in Western Canada, through a map depicting the Métis Nation Homeland.¹⁵

As part of this initiative, examination of the historic Métis Nation homeland and its geography was also undertaken. The result of this examination is a map rendering which approximates that crafted by Ms. Teillet which is appended to this report.¹⁶

For further reference, also attached are two maps: one setting out the economic history of the Métis Nation and one setting out the areas covered by the Scrip Commissions.¹⁷

Finally, to put the historic Métis Nation homeland in perspective with the newly created country of Canada in 1867 and the Métis Nation’s subsequent joining Confederation in 1870, an 1870 map with the Métis Nation homeland inscribed on it is provided.¹⁸

III. Métis Nation General Assembly Resolutions

In addition to defining the citizenship and boundaries of the Métis Nation over the past thirty-five years, the Métis Nation General Assembly has also dealt with the threat of non-Métis gaining Métis Nation citizenship or appropriating the

¹⁴ MNC General Assembly Minutes (GA1301-14), March 23-24, 2013.

¹⁵ See Appendix 2 for the Teillet map.

¹⁶ See Appendix 3 for the Homeland map.

¹⁷ See Appendices 4 and 5.

¹⁸ See Appendix 6.

symbols of the Métis Nation. Numerous individuals and organizations in Eastern Canada have surfaced in recent years using the symbols of the Métis Nation, as well as referring to themselves in many cases as a “Métis Nation”. In this connection, the General Assembly at the 2013 General Assembly passed a resolution calling on the leadership to combat this growing trend, as well as seek legal protection for its flag¹⁹.

In follow-up to this resolution the Métis National Council as the national government of the Métis Nation applied for, and secured, the registration of both the Métis Nation flag and the term “Métis Nation” as official marks of the Métis Nation government, as represented by the Métis National Council²⁰.

Furthermore, an initiative was undertaken by the Métis Nation through the Canadian Standards Association (CSA) to ensure that the citizenship registries set up by the Governing Members were applying the 2002 National Definition of Métis in a fair, open, transparent and objectively verifiable manner.²¹ The CSA report²² “Métis Nation Registry Operations” established as its first principle for the operation of the Registry the following: “The National Definition of Métis shall be applied to the identification and registration of all citizens/members of the Métis Nation, without exception.”

The General Assembly in 2015 adopted a Resolution supporting the resulting “national standard” for registration of Métis Nation citizens, as well as re-affirming that grandfathering-in of citizens/members who do not meet the 2002 Métis Nation definition is not allowed.²³

It should also be noted that efforts by the General Assembly to consolidate the governance of the Métis Nation including the adoption of a Métis Nation Constitution, a national registry and the national election of the President, have been impeded due to the issues of citizenship and homeland boundaries which speaks to the concern over registration of non-Métis as citizens of the Métis Nation.²⁴

IV. The Métis Nation of Ontario and the Métis National Council

From its inception, the MNC recognized that its historical homeland centered on the prairies and extended into northeastern BC and northwestern Ontario. As well, it recognized that significant numbers of Métis from the prairies had migrated to BC and Ontario in search of employment over many decades.

¹⁹ See Appendix 7 for the resolution.

²⁰ See Appendices 8 and 9 for the official marks (which are provided to governments only).

²¹ See Appendix 10 for the resolution.

²² CSA Report Z710-15 - Métis Nation Registry Operations.

²³ See Appendix 11 for the resolution.

²⁴ See Appendix 12 for the December 2010 Governance Resolution.

During the 1970s, the Métis within the province of Ontario were part of the Ontario Métis and Non-Status Indian Association (OMNSIA), an affiliate of the NCC. The realignment of the prairie Métis in 1983 and the formation of the MNC had a significant impact on the Métis people in Ontario. In order to ensure representation for the Métis of northwestern Ontario in the First Ministers Conferences on Aboriginal Constitutional Matters between 1984 – 1987, the MNC admitted into its membership the Northwestern Ontario Metis Federation headed by Patrick McQuire. During this period, OMNSIA morphed into the Ontario Métis Aboriginal Association (OMAA).

With the pending constitutional talks of 1991/1992, the Charlottetown Round, the MNC engaged in dialogue with OMAA and entered into a political arrangement which would see the Métis Nation citizens represented by OMAA become engaged in the negotiations and join as a potential signatory to the draft Métis Nation Accord. The same was done for the Métis Nation citizens living in the Northwest Territories.

As mentioned earlier, the Métis Nation Accord defined the Métis in historical and legal terms as the descendants of those entitled to receive Métis land grants under 19th century federal legislation covering the original “postage stamp” Province of Manitoba in 1870 and then the rest of the prairies. As OMAA was part of the Métis Nation negotiation process leading to the draft 1992 Métis Nation Accord, and was to be a signatory had it been approved in the October referendum, it surely must have understood that it was agreeing to the definition contained in that draft Accord.

As OMAA began its process to go “Metis-only” in the fall of 1992, surely its leadership and constituents must have understood and agreed to abide by the Accord definition. This was the understanding of the Métis Nation leadership which subsequently welcomed the Ontario Métis into its government, but as we will see, this understanding was not kept.

Following the failure of the Charlottetown Round through the majority “no” vote in the October 1992 referendum, the MNC and OMAA entered into a process through which the Métis Nation citizens within Ontario would become a formal part of the MNC. During 1993-1994 OMAA undertook a re-organization which resulted in the creation of the Métis Nation of Ontario (MNO) for the purpose of representing Métis Nation citizens in Ontario and formally joining the MNC. The non-Métis Nation citizens of OMAA would remain part of the NCC, which later changed its name to the Congress of Aboriginal Peoples (CAP).

Being a party to the draft Métis Nation Accord in 1992 which contained an explicit definition of Métis, MNO in joining the MNC in 1994 was expected to abide by that criteria. Unfortunately, within months of formal membership in the MNC, the MNO embarked on the same path which the NCC had followed in

1971 and began signing up non-Métis Nation citizens. This was done through the application by MNO of a definition of Métis for its own purposes, essentially, anyone of mixed Aboriginal and non-Aboriginal ancestry.

Further, in 2004 all of the MNC's Governing Members except for the Métis Nation of Ontario (MNO) agreed to re-register all of their citizens according to the citizenship criteria of the National Definition. The MNO unilaterally opted to grandfather-in all of their signed-up members.²⁵

V. Testimony in *Powley*.

The first Métis s.35 rights case to reach the Supreme Court of Canada was the *Powley* case which was heard in Sault Ste. Marie beginning in April 1998. For the defence, while the defendants were not called to the stand, there were five self-identifying Métis who provided testimony: Tony Belcourt originally from Lac St. Anne, Alberta and four, including a genealogist, from the Sault Ste. Marie area.

Their testimony speaks for itself, and is provided from the trial transcripts:

1. *Anthony (Tony) Belcourt*: On April 27, 1998 the trial of *R. v. Powley* began, with MNO President Tony Belcourt being called as the first witness. President Belcourt informed Judge Vaillancourt that he is also the Registrar for the MNO.

In describing the Métis Nation, of which he stated there is only one, President Belcourt testified that the Métis Nation's traditional homeland,

“stretches from the rivers and waters of Ontario across both sides of the American border, all of the rivers and valleys of Wisconsin, Michigan and North and South Dakota into Montana, across the Plains and into the northern reaches of British Columbia ... and the Northwest Territories”.

He further testified that all one had to do to get an MNO membership card was to have at least one grandparent who was Aboriginal. The Bylaws of the MNO Secretariat were tendered as Exhibit Seven, and President Belcourt read the citizenship section into the record:

2.2 – Citizenship in the MNO shall be limited to individuals interested in furthering the objects of the Metis Nation of Ontario who 1) are Metis within the definition adopted by the Metis Nation of Ontario in accordance with the Metis National Council which is as follows: Anyone of Aboriginal ancestry who self-identifies as Metis, is distinct from Indian or Inuit, has at least one Grandparent who is Aboriginal and who is accepted by the Métis Nation of Ontario. 2)

²⁵ See Appendix 13 for the Métis Registration Guide, MNC 2011.

Following this, MNO's membership application form was tendered through President Belcourt as Exhibit Eight, which implemented the Bylaw provision/definition. In Cross Examination, the following exchange took place which is self-explanatory:

Q. ... One other question, your application indicates that one of the Grandparents of the applicant must be Aboriginal. What do you mean by Aboriginal?

A. A person who is either ... as described by the Constitution, an Indian and Inure or Metis.

Q. I missed the last part, I'm sorry.

A. An Indian, an Inuk or a Metis.

President Belcourt also testified that as MNO Registrar, 90% of the applications that came to him were approved, while 10% still required further documentation, and that 6,000 had been approved to date (April 1998).

2. *Art Bennett*: Mr. Bennett of Bruce Mines, in the neighbourhood of Sault Ste. Marie, provided testimony about his family tree. He stated that he was born in Sault Ste. Marie. He attributes his Aboriginal ancestry to his grandmother whose maiden name was Eva Lesage who was from the Great River Reserve. That her father, Leonard Lesage was from the Batchewana Band.

He further testified that Eva Lesage married a non-Aboriginal person and lost her Indian status and was asked to leave the reserve. She had a number of children, including Evelyn Micks (his mother) and Alberta Micks (Steve Powley's mother). He further testified that his mother Evelyn "considered herself half Indian, a Half-breed".

Mr. Bennett testified that Steve Powley is his first cousin, and that he, Art, identified as Metis. He also testified that he has cousins who identify as Metis, including the Powleys.

In terms of Metis identity, Mr. Bennett testified that he has "white blood in me and I have Indian blood in me and my definition of Metis is Half-breed and it's just a polite word for Half-breed".

In cross-examination by the Crown, Mr. Bennett was asked the following:

Q. OK. Do you recall when you started defining yourself as Metis? As a Metis, I appreciate you said earlier about always thinking of yourself as half Indian or part Indian, but when did you start to use the word

A. When I actually started using the word Metis? Probably ten, eleven years ago.

Q. Ok, and ... and I just want to make sure I got your definition of what a Metis is right. My understanding is that you believe a Metis is ... is a person with mixed Aboriginal and non-Aboriginal blood, is that correct?

A. Yes.

Mr. Bennett also testified that he was in the process of applying for Bill C-31 status on behalf of his mother shortly after its enactment in 1985, when she died.

3. *William Bouchard*: Mr. Bouchard testified that he considers himself an Aboriginal person and identifies as Metis. That his mother did not identify as Aboriginal in the early years, although she knew she had Aboriginal ancestry. That he had applied for Indian status for himself and his mother under Bill C-31. The response he received back from Indian Affairs stated that his great-grandmother, Mary Jane Roy was entitled to be registered under 6(1)(c) of the Indian Act and his maternal grandfather, Thomas Bellerose was entitled to be registered under 6(2) of the *Indian Act*.

He further testified that he only applied for Indian status in order to get evidence from the Department of Indian Affairs that he had Indian ancestry in order to apply for membership in a Metis organization. Stating, "... it's a government letter signed by the Federal Government of Indian Affairs that my Grandfather's Native. There's my proof." That he began identifying as Metis for the past eight or nine years.

In cross-examination Mr. Bouchard provided the following testimony with respect to his family tree:

Q. ... this Thomas Bellerose line of people, who ... where is the ... who were the Aboriginal people:

A. Joseph Roy was a status Indian. His Band number like, Thessalon's Band number is 202. His personal I.D. number was number 15. Josette Legris' number was, on the Thessalon Band was number 48. Mary Jane Roy, my ... her Band, personal number was 47 and grandfather was never given a number cause he was deceased because I had him ... by my ... I had him receive his Status, but they didn't give a number to a deceased. They just recognize him as a Status person.

He further stated in cross-examination that when he received this response from the Department of Indian Affairs that "it's enough proof to ... I could say I'm Metis and join the Metis Nation of Ontario." His testimony in cross was that anyone of Aboriginal ancestry could claim to be Metis if he or she so chose:

Q. OK. When you were testifying yesterday, you were asked a number of questions I think ... about whether or not your brothers and sisters identify themselves as Metis and my recollection is that your ... that you ... you said that it's a matter of choice, that if your ... you had Native blood and your brother has Native blood, it's a matter of choice whether they would ... whether he would identify himself as a Metis or as an Indian. Is that ...

A. I never said about my family. I was asked a question on what's the difference is between what I thought the difference was between a non-Status and a Metis.

Q. OK.

A. That's up to the individual to self-identify as they choose, whether they want to choose non-Status or ...

Q. Right, so it's a matter of choice.

A. That's right.

Q. Ok. Can ... can anyone choose to be Metis?

A. If they have Aboriginal blood, yes, if they wish to choose, say they're Metis or non-Status, that's up to them, yes.

Q. So ...

A. As long as they have ... meet the criteria that they ... and the main one is that you have to have Aboriginal blood.

Q. So anyone that has Aboriginal blood can say I'm a Metis.

A. If they wish to, yes.

4. *Heather Armstrong*: Ms. Armstrong was qualified as an expert witness in genealogy. She identified as Métis. She did not provide any direct evidence as to her understanding of who are the Métis or what constitutes being Métis. She provided evidence that Steve and Roddy Powley are of Aboriginal descent and therefore Métis. As the evidence also included documentation from the United States, the classification through blood quantum also came into play.

She testified that the great-great-great grandmother of Steve Powley was Madeleine Lagarde who married a Jean Baptiste Lesage, a Frenchman from Quebec. That Madeleine is Aboriginal as her name appeared in an 1839 Half Mix Blood list from an 1837 Chippewas of Lake Superior Treaty (USA). There is also reference to another list by an Indian Agent in Michigan which lists Madeleine Lesage as one-half and her children Moses, Pierre, Louis, Madeleine, Marie, Eustace and Antoine as quarter-blood.

Q. Thank you. Now, when it says it's got this blood and it says Madeleine is half, her children are quarter, do we understand that to be, is that strictly accurate necessarily?

A. Not necessarily, but the information was given by the person herself, so obviously she would know of whether or not she was a half-blood and that her marriage to Jean Baptiste would have in fact produced children who would be classified as quarter-blood.

Q. And that's a classification in the United States?

A. That's ... yes.

Madeleine's son Eustace mentioned above married Melinda Shunk a German woman and had a son named Leonard Lesage. Ms. Armstrong gave evidence that both Madeleine and Eustace were on the playlists of the Batchewana band near Sault Ste. Marie, Ontario.

Leonard married Sarah Kay, a non-Aboriginal person and they had Eva Lesage who married Ancel Micks, an Irishman. According to Ms. Armstrong, Eva was on the Batchewana Band playlist in 1918 but was removed the following year upon her marriage to Ancel Micks.

Q. In 1919. Now, being removed from the pay lists, does that equate to losing status?

A. Yes, it would.

Ms. Armstrong further testified that Eva and Ancel Micks had two daughters, Alberta Micks and Evelyn Micks, the mother of Art Bennett. That Alberta Micks married Harold Powley, a non-Aboriginal and had a son, George Steven (Steve) Powley.

She further testified that Steve Powley married Brenda Konawalchuk, a non-Aboriginal person and had a son, Roddy Powley (the co-defendant in this case).

Q. Now, Ms. Armstrong, this six generations, I guess seven if you count Roddy, you have said in your report in paragraph two that, and again, I'm back at Tab 1 that George Steven Powley has strong Aboriginal ties.

A. Yes, I have.

In cross-examination, the Crown in addressing the Aboriginality of Steve and Roddy Powley took the unprecedented American approach reflecting the testimony provided by Ms. Armstrong:

Q. The Aboriginal ... I'd just like to do a bit of math. The information we've got is that Madeleine Lagarde was one-half Indian, is that right?

A. That's what was mentioned in 1839, yes.

Q. Is that what you believe to be true?

A. There is a possibility, but I cannot confirm that.

Q. OK, but ... so at most, Madeleine Lagarde is one-half Indian, is that ...

A. At most, yes.

Q. OK, so Madeleine Lagarde is one-half Indian, then that would mean that Eustache or you indicate Mizigun Lesage would be one-quarter at most, is that right?

A. If his father was French, yes.

Q. OK, and then that would mean, and we know that Melinda Shunk is not Aboriginal.

A. Yes.

Q. So Leonard Lesage would be one-eighth Indian, is that correct?

A. Yes, that would be.

Q. And I'm using the term Indian to ... to mean Aboriginal.

A. OK.

Q. OK? I'll use the word Aboriginal actually. So, Leonard Lesage then is at most one-eighth Aboriginal, correct?

A. By blood, yes.

Q. Yes, and Sarah Kay, you have some feeling that she's Aboriginal, but there's no indication that she is.

A. That's correct.

Q. If we assume for the purposes of this exercise that she's not Aboriginal ...

A. OK.

Q. ... then Eva Lesage has one-sixteenth, is one-sixteenth Aboriginal, is that right?

A. That's correct.

Q. And Ancel Micks is not Aboriginal, correct?

A. That's correct.

Q. So, Alberta Micks one-thirty second Aboriginal, is that right?

A. That would be, yes.

Q. That's at ... the most.

A. At most.

Q. And Harold Powley is not Aboriginal.

A. That's correct.

Q. So Steve Powley is at most one-sixty fourth Aboriginal, is that right?

A. Based upon, yes. The math, yes.

Q. And Steve Powley's wife does not appear to be Aboriginal:

A. At this time, yes.

Q. So that would mean that Rod Powley is one-one hundred and twenty-eight Aboriginal, is that right?

A. I'll take your math for that, yes.

Q. Well, if Steve Powley is one-sixty fourth, one-half of one-sixty fourth is sixty-four times two is one-hundred and twenty-eight, is that right?

A. Yes.

Q. OK? Would you agree with me that there would be an awful lot of people in Ontario that could find one hundred and one ... one hundred ...

A. Twenty-eight.

Q. One, one-twenty eight Aboriginal blood?

A. There's a probability, yes, however ...

Q. And ... and a lot of people could trace their ancestry back to one-sixty fourth Aboriginal blood.

A. Yes

Q. Yes.

A. However, that is an American evaluation.

5. *Olaf Bjornaa*: Mr. Bjornaa testified that his grandmother, Julia Desjournain married a non-Aboriginal, Joe Cadreau and lost her Indian status, that upon marriage she became a “red ticket holder” and could no longer live on the Reserve. Their daughter, Mr. Bjornaa’s mother, married Olaf Bjornaa from Norway.

He further testified that his mother identified as Métis and also identified her children as Métis. That his grandmother Julia also identified Olaf and his siblings as Métis. Mr. Bjornaa also testified that he was “automatically a Metis when I was born”, as his father was from Norway, that anybody born in Canada with “mixed blood” is Metis.

Mr. Bjornaa testified that he gained Indian status about two years previous to his testimony (making it around 1996), and that he did so for health purposes, and other Treaty benefits.

Mr. Bjornaa explained his becoming Metis as follows:

Q. Why do you think Metis have rights, Mr. Bjornaa?

A. Well, I think we’re ... we’re part of the First Nations. Our forefathers came here, that’s how Metis come into place. ... He (his father) came here and I was born a Metis because my Grandmother, when she married my Grandfather, she lost her rights as a red ticket. Then my mother was a Metis and raised us and when she married my father and we were born, that even put us more Metis.

In cross-examination by the Crown lawyer, Mr. Bjornaa in reference to his grandmother stated as follows:

Q. And what was her last name?

A. Desjournain.

Q. And what was her status?

A. Well, like I stated earlier, she lost her status when she married Joe Cadreau.

Q. So, she was an Indian and she lost her status because she married somebody else.

A. That’s correct.

In further cross-examination on the issue of being Métis, the following exchange took place:

Q. Alright, let's look beyond your family if you would please and I have understood, in fact, I recorded that you said anyone with mixed blood you considered to be a Metis. Am I correct? Did I get that right?

A. With Native blood.

Q. OK, so is it anybody with some Native blood you would consider to be a Metis?

A. Yes.

...

Q. ... all the people who have some Native blood in them in Canada, you would consider to be a Metis?

A. If they so choose. I can't speak for them.

Q. Fair enough, but if they chose, they could be Metis?

A. I feel they could.

...

Q. You've agreed with me earlier that anybody that has some Aboriginal blood is a Metis person, is that correct? Remember saying that?

A. Correct.

...

Q. I see. So, being told you are a Metis would make a person a member of the Metis Nation, is that what you've just said?

A. If they say ... so joined.

Q. If they ... sorry?

A. If they joined the Metis Nation.

Q. I see, and anybody with any amount of Indian blood could join the Metis Nation, is that what you've said?

A. If they so choose to be a Metis.

In its decision in *Powley*, the Supreme Court of Canada ruled that the Métis were a full-fledged rights-bearing Aboriginal people with constitutionally protected harvesting rights. It recognized that being of mixed Aboriginal and non-Aboriginal ancestry did not in itself make one Métis and established a test of

objectively verifiable criteria for membership in a Métis rights bearing community based on ancestral connection to a historical Métis community, with continuity to and acceptance by the contemporary Métis community.

Under this “Powley test”, citizens of the Métis Nation within its geographic homeland in western Canada have been successful in defending their s.35(1) Aboriginal rights.²⁶ In many court cases in Atlantic Canada and Quebec, persons of mixed ancestry have to date not been successful in asserting s.35(1) rights²⁷, with the courts consistently finding there is no evidence of historical Métis communities in these regions.

In *Powley*, despite the testimony of witnesses that the term “Métis” included anyone of mixed Aboriginal and non-Aboriginal ancestry who chose to identify themselves as Métis, the Court stated that the Powleys were part of a contemporary Métis community which had ties to its historic antecedents, even though its members may have gone underground for a while or joined an Indian community. The Court opined that there was likely more than one Métis people, ie that there were “Métis peoples”.²⁸ The Court went further and stated that they may also be part of a larger Métis people, the Great Lakes Métis.²⁹

While the Powley test did not negatively affect the criteria adopted by the General Assembly of the Métis National Council in 2002³⁰, it did not exactly coincide with the National Definition, permitting a more local sense of community for community acceptance than the national Métis community adopted by the MNC on behalf of the historic Métis Nation. As a consequence, while the citizens of the historic Métis Nation, as determined by their governments, meet the criteria set out in *Powley*, it does not mean that others who also meet the *Powley* criteria such as those who were the subject of the *Powley* decision are part of the historic Métis Nation.

²⁶ See for example *R. v. Laviolette* [2005] 3 C.N.L.R. 202; *R. v. Belhumeur* 2007 SKPC 114; and *R. v. Goodon* [2009] 2 C.N.L.R. 278.

²⁷ See for example *R. v. Chiasson* [2002] 2 CNLR (N.B.P.C); 2004 NBQB 80 (CanLII); leave to appeal to the Court of Appeal denied 2005 NBCA 82 (CanLII); *R. v. Castonguay* [2003] 1 C.N.L.R. (N.B.P.C.); 2006 NBCA 43; *R. v. Daigle* [2003] 3 CNLR 232 (N.B. P.C.); 2004 NBQB 79 (CanLII); *R. v. Hopper* [2004] N.B.J. No. 107; [2005] NBJ No. 477 (QB); [2008] 3 CNLR 337 (NBCA); *R. v. Caissie* 2012 NBPC 1; *R. v. Vautour* 2017 NBCA 21, leave to appeal to Supreme Court of Canada dismissed in February 2018; *Quebec v. Corneau* 2018 QCCA 1171, leave to appeal filed with the Supreme Court of Canada in September 2018.

²⁸ *R. v. Powley* (2003) SCC 43 at para 11.

²⁹ *Ibid*, at para 12.

³⁰ *Ibid*, at para 30. While the SCC refers to “community” acceptance as a criteria, the Métis National Council’s criteria of “Métis Nation” acceptance would be accommodated.

VI. MNO declares six new Historic Métis Communities in Ontario

The MNO, acting with the political support from the province of Ontario, engaged in a number of studies for the purpose of identifying Métis communities within the province of Ontario and adjoining parts of Quebec. As a result of these studies, the province of Ontario and the MNO on August 21, 2017 declared six new historic Métis communities within Ontario.³¹

One of these identified communities, The Historic Rainy Lake/Lake of the Woods Métis Community, has always been held out by the Métis Nation as being part of its historic homeland, so as a matter of fact, the MNO does represent a small geographic part of the historic Métis Nation.³² It is also a fact that many Métis Nation citizens have moved outside of the geographic boundaries of the Métis Nation homeland to other parts of Canada including the province of Ontario.

Coupled with what the MNO describes as the “Historic Sault Ste. Marie Métis Community” the MNO’s position is that, at a minimum, there are seven historic Métis communities in Ontario, with the proviso that there may be more, and that each of these “historic Métis communities developed their own distinctive collective identities, each with its own customs, practices, and traditions”.

These six newly identified historic Métis communities are:

- The Rainy River/Lake of the Woods Historic Métis Community
- The Northern Lake Superior Historic Métis Community
- The Abitibi Inland Historic Métis Community
- The Mattawa/Ottawa River Historic Métis Community
- The Killarney Historic Métis Community
- The Georgian Bay Historic Métis Community

In a companion document released on August 22, 2017 by the MNO headed, “Identification of Historic Métis Communities in Ontario” reference is made to the *Powley* Supreme Court of Canada decision which they say “provides the framework for identifying Métis communities in other parts of the province as well as other parts of Canada.”³³

Further, it stated that in deciding the right to belong or be a member of the identified “rights-bearing Métis communities” one must “ancestrally connect to

³¹ See Appendix 14 for the Press Release announcing the six new historic Métis communities.

³² See Appendix 15 for the Historic Rainy Lake/Lake of the Woods Métis Community. It should be noted that on December 11, 2017 the MNO and Canada entered into an Agreement on Advancing Reconciliation with the “Northwestern Ontario Métis Community” which represents this Historic Métis Community.

³³ See Appendix 16 for the companion document.

the historic community”. This surely must mean that one does not need to connect to the historic Métis Nation, but rather, that they can or must belong to any one of the seven Historic Métis communities now recognized by the MNO and the government of Ontario. Further, this could also mean that each of the seven, based on their own distinct identity, would be able to accept its own members based on their respective decisions as to which criteria to apply.

VII. MNO 2018 Annual General Assembly

At the MNO AGA on August 17-19, 2018 in Peterborough, several Special Resolutions were brought forward for the consideration of the General Assembly delegates. These were posted well prior to the Assembly and received wide comment through social media.

One of the commentators was former MNO President, Tony Belcourt who spoke against the Special Resolutions which had the potential to affect current MNO members who may not meet the MNO criteria for registration as Métis. The MNO had initiated a registry review in October 2017 whereby all current MNO registered citizens’ files were to be reviewed to ensure that all necessary documentation proving they meet the MNO’s criteria for registering as Métis were complete.

This process was put in place in anticipation of the MNO entering into formal self-government and Métis rights negotiations with the governments of Canada and Ontario, which occurred through the signing of a tripartite Self-Government Framework in December 2017 between the MNO, the federal government and the government of Ontario. The registry review is referred to as the “Registry and Self-Government Readiness Process (RSRP)” and as of July 2018 work was well underway.

Special Resolution #1, entitled “Special Resolution on Verifying all MNO Citizens Are Métis Rights-Holders and Meet Current MNO Citizenship Requirements”³⁴ was a proposed amendment to the MNO Bylaws which would formalize and give official sanction to the PCMNO October 2017 resolution putting in place the Registry and Self-Government Readiness Process”, also known as the “Registry Review”.

By this potential amendment to the Bylaws, all MNO members (citizens) must ensure that they meet the requirements for citizenship by July 31, 2020 or be subject to removal. Through the registry review process those with complete files meeting the MNO criteria would need to do nothing more, those with incomplete files would be asked to provide further documentation. In order to remain registered the individual so notified must provide the documentary proof required, or else he/she would be removed from the registry.

³⁴ See Appendix 17 for Special Resolution #1.

The debate around this Special Resolution was both animated and extensive. Most of the MNO delegates speaking to the resolution were opposed to it. Former President, Tony Belcourt in speaking against the resolution stated that as President of the MNO in 1994 he used the same approach that he used in 1971 when he was the first President of the Native Council of Canada (now the Congress of Aboriginal Peoples). Basically, that anyone who could prove they had at least one grandparent who was Aboriginal was eligible to register as Métis. This basically accorded with his testimony in *Powley* where he stated that as long as one had one grandparent who was Aboriginal, being either First Nations, Inuk or Métis, one would qualify as Métis.

During the debate, another delegate stated that a previous decision had been made to grandfather-in all of their previous citizens/members and that this should not now be reversed.

The final vote was 77 in favour, 147 against and 8 abstentions. Special Resolution #1 that would require those who had been grandfathered to provide further documentation to prove they met the registry requirements was therefore defeated and did not get anywhere near the 66% required for Bylaw amendments. Rather, it only received 33% support with 64% opposed.³⁵

VIII. Conclusion

The MNO joined the MNC in 1994 with a clear understanding that registration of its membership would be restricted to those Métis from the historic Métis Nation homeland i.e those from Métis communities in northwestern Ontario and Métis from the prairies who had moved to Ontario. From the beginning, the MNO breached this understanding, signing up non-Métis Nation citizens across the province through the application of its own definition of Métis that enabled it to accept anyone of mixed Aboriginal and non-Aboriginal ancestry.

The MNO has repeatedly resisted the re-registration of all of its citizens according to the citizenship criteria of the National Definition. It grandfathered-in all of its signed-up members in 2004 and ignored a resolution of the MNC General Assembly in 2015 that supported a national standard for registration of Métis Nation citizens and prohibited the grandfathering-in of citizens/members who did not meet the 2002 Métis Nation definition. At the 2018 MNO General Assembly, a Special Resolution requiring those who had been grandfathered to provide further documentation to prove they had met the registry requirements was defeated by large margin.

The MNO has unilaterally declared six new historic Métis communities within Ontario in 2017, only one of which is accepted by the Métis Nation as being part

³⁵ It should be noted that the MNO criteria which must be met by this proposed Special Resolution does not necessarily comply with the criteria adopted by the General Assembly in 2002.

of its historic homeland. They join what the MNO calls the Historic Sault Ste. Marie Métis Community that was recognized in the *Powley* decision. But that decision reminds us that while the Supreme Court's test for determining Métis s.35 rights entitlement is fair and objective, it is still the Court's test, not ours. While it enables citizens of the historic Métis Nation to meet the criteria set out in *Powley*, it does not mean that others who also meet the *Powley* criteria such as those in the Sault Ste. Marie Métis Community or potentially those in MNO's "new" historic communities are part of the historic Métis Nation.

With the emerging use of the term "Métis" by thousands of persons of mixed Indigenous - non-Indigenous ancestry throughout Canada, in particular Eastern Canada, who have no connection to our history, culture and longstanding political consciousness, the Métis Nation has no alternative but to take a strong stand on its right to exist, regardless of criticism which has been, and will continue to be, leveled at it and its leaders. How can we refute their claims to Métis rights based on mixed ancestry when we have within our own governance structure a significant number of people from Ontario whose claim is in reality no different from theirs'?

The four western Governing Members of the MNC have spent years in conducting the arduous process of re-registering each Métis citizen so that only Metis people who meet the National Definition will be entitled to be registered as a Métis citizen and vote in Métis Nation elections. This process has resulted in a denial of registration rights to many people, including longstanding members of those Governing Members. Contrast this with the MNO's grandfathering-in of members that has resulted in many non-Métis voting in MNO elections and at the MNC General Assembly.

Moreover, the longstanding impasse with MNO over its citizenship system has served as a major stumbling block in advancing constitutional reform and nationhood re-building. Quite simply, there are many in the Métis Nation who believe that a national registry and direct election of a national president cannot be attempted as long as large numbers of non-Métis are registered citizens and electors in Ontario.

Clearly the time for action is now. It is with this sentiment that the December 2017 MNC General Assembly resolution on the MNO must be addressed. Following are recommendations for action by the General Assembly that can correct a longstanding abuse of our citizenship system while at the same time ensure that historic Métis Nation citizens in Ontario will continue to be represented within the national government institutions of the Métis Nation.

RECOMMENDATIONS:

ONE:

That the Members of the General Assembly adopt a map which depicts the Homeland of the historic Métis Nation.

TWO:

That the Members of the General Assembly adopt a resolution suspending the Métis Nation of Ontario from the government of the Métis Nation, including further participation on the Board of Governors and in the General Assembly until such time that the Métis within the province of Ontario (MNO) meet the conditions for re-admission, while at the same time mandating the Board of Governors to make interim provisions for the continued participation of the Métis Nation citizens of northwestern Ontario in the governance institutions of the Métis Nation, as represented by the “Northwestern Ontario Métis Community” and to initiate the identification of Métis Nation citizens throughout the province of Ontario.

THREE:

That the General Assembly consider the following conditions for re-admission in its suspension resolution if one is adopted:

- That all MNO members must meet the criteria for citizenship in the Métis Nation set out in the 2002 General Assembly citizenship resolution (National Definition) to be eligible for enrollment.
- That the MNO must abide by the 2004 Métis Nation government provision that all members shall re-register under the 2002 criteria with no grandfathering-in of members.
- That a committee of the MNC Board of Governors shall be established to organize a registry review of all MNO members to ensure the above two conditions are met;
- That a panel of registrars from the western Governing Members working under the direction of the above committee shall conduct the registry review of existing MNO members and will ensure that all future citizenship applications shall abide by the 2002 criteria.
- That until such time that the MNO meets the conditions for re-admission, the MNC Board of Governors shall take steps to enable individuals being

enrolled under the National Definition in Ontario to participate in the governance structure and programs of the Métis Nation.

- That the MNO rescind its declaration of six new historic Métis communities.

FOUR:

That the General Assembly pass a resolution adopting a communications strategy in relation to the above Recommendations if adopted.

FIVE:

That the General Assembly adopt a resolution encouraging the Board of Governors to renew efforts to expedite national matters including a national registry, the acceptance process and a Métis Nation Constitution in follow-up to the 2020 Resolution adopted by the General Assembly in April 2017 and the December 2010 General Assembly resolution.

SIX:

That the General Assembly adopt a resolution encouraging the Board of Governors to trigger the s.35 rights recognition agenda item in the Canada-Métis Nation Accord (April 2017), in order to pursue the affirmation of the Métis Nation's right of self-determination.

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December 2017 Resolution: MNO

It was MOVED (Will Goodon, MMF) and SECONDED (Gerald Morin, MN-S)

WHEREAS the Métis National Council adopted the National Definition of Métis in 2002, which has been enshrined in the Constitutions and Bylaws of all its Governing Members;

WHEREAS the MNC adopted legal strategies to protect the rights of the historic Métis Nation population whose rights have been recognized and affirmed by the Supreme Court of Canada;

WHEREAS the Manitoba Metis Federation, Métis Nation-Saskatchewan, Métis Nation of Alberta and the Métis Nation British Columbia have established registries and have commenced the arduous process of re-registering each of their former members so that only those persons who meet the National Definition will be entitled to be registered as a Métis Nation citizen;

WHEREAS the MNC General Assembly in 2015 adopted a resolution confirming that there shall be no grandfathering-in of former members of the Governing Members;

WHEREAS the Métis Nation of Ontario has by its own admission grandfathered-in all previously registered members regardless of whether they meet the National Definition or not;

WHEREAS the MNC General Assembly in 2013 adopted a resolution reaffirming the territory of the Historic Métis Nation Homeland;

WHEREAS the MNO and the government of Ontario in August 2017 announced the recognition of six new Métis regional communities in Ontario, only one of which falls within the Historic Métis Nation Homeland;

WHEREAS the MNO states that MNO citizens in registering “can ancestrally connect to one of seven historic Métis communities in Ontario or to the Métis Nation in western Canada” and thereby creating two separate and distinct constituencies, one being the Métis Nation and a second being a compilation of mixed ancestry communities that are not part of the Métis Nation;

AND WHEREAS there is a pressing need to address the integrity of the Historic Métis Nation Homeland and Métis Nation Citizenship;

THEREFORE BE IT RESOLVED THAT the General Assembly hereby exercise its inherent authority and mandates the President to initiate an examination of this matter and table a report with recommendations to the Board of Governors for follow-up prior to the next sitting of the General Assembly.

CARRIED (GA1706-11)
(35 delegates voted in favour)

Appendix 2



Métis Nation of the North-West
after 1821

Appendix 3

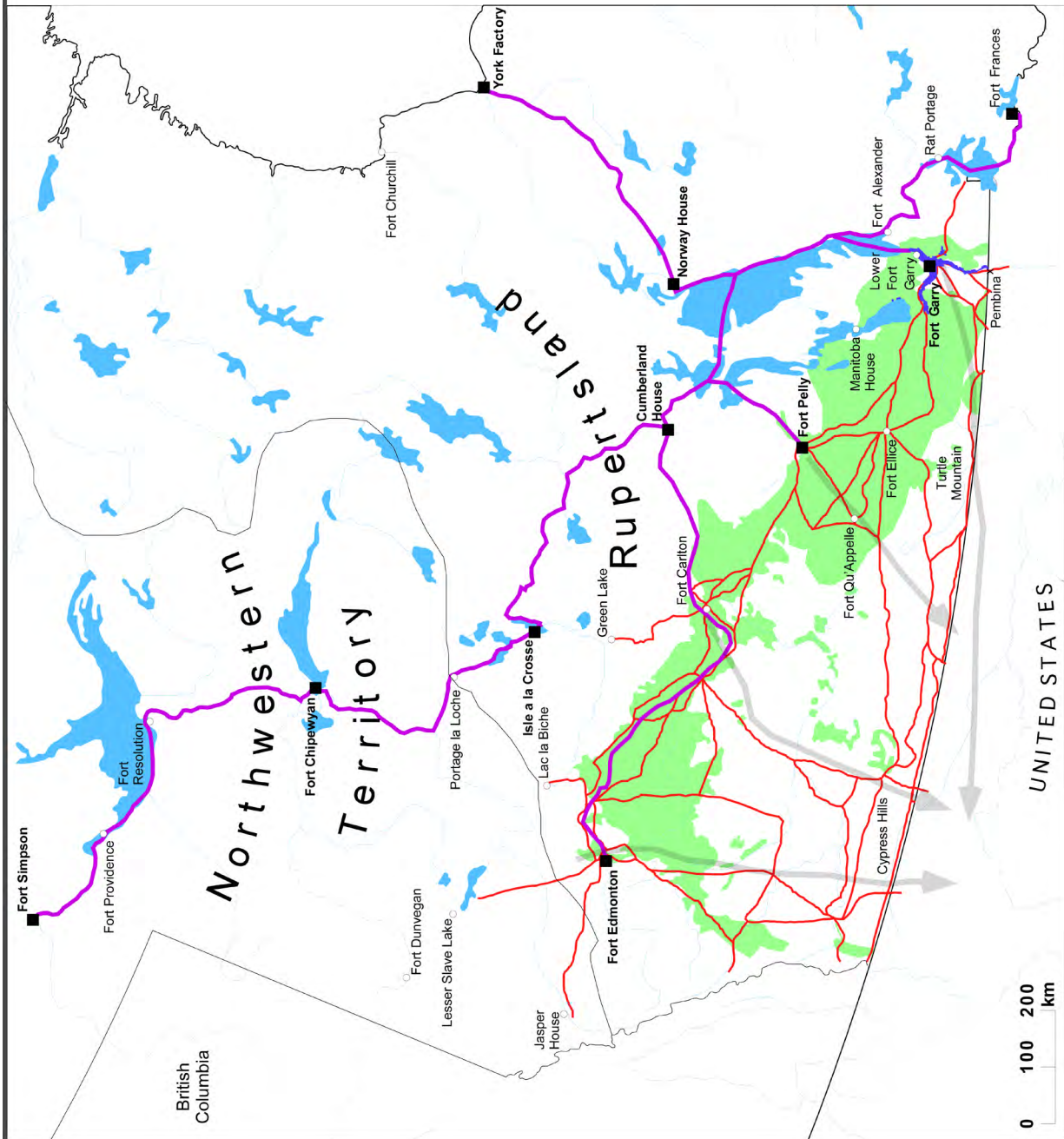


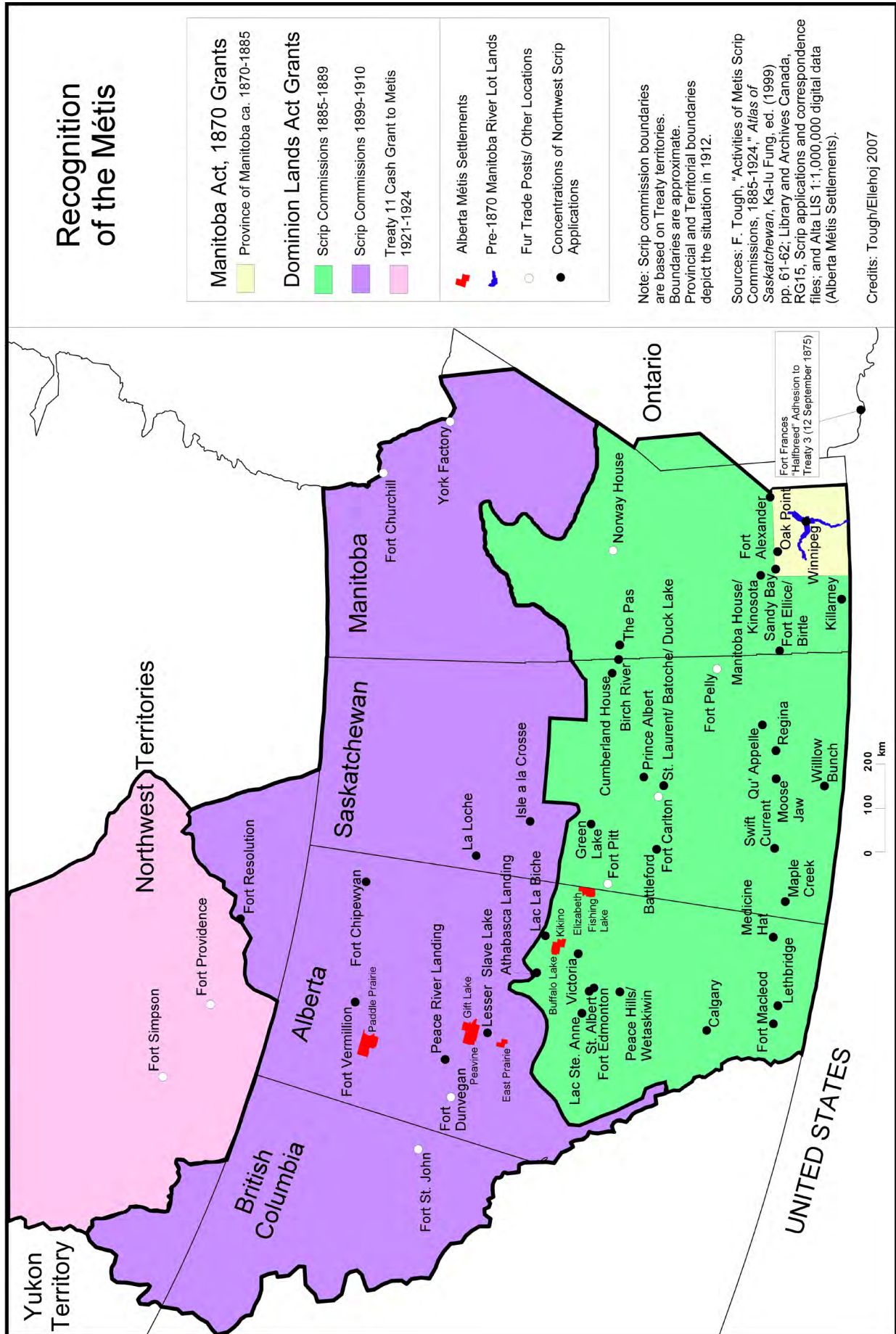
Métis Economic Activity During the Fur Trade of the Western Interior ca. 1866

	Major HBC Posts
	HBC District Headquarters
	Major York Boat Traffic
	Major Cart Trails
	General Movement for Summer Buffalo Hunt
	Parklands
	Pre-1870 Manitoba River Lot Lands

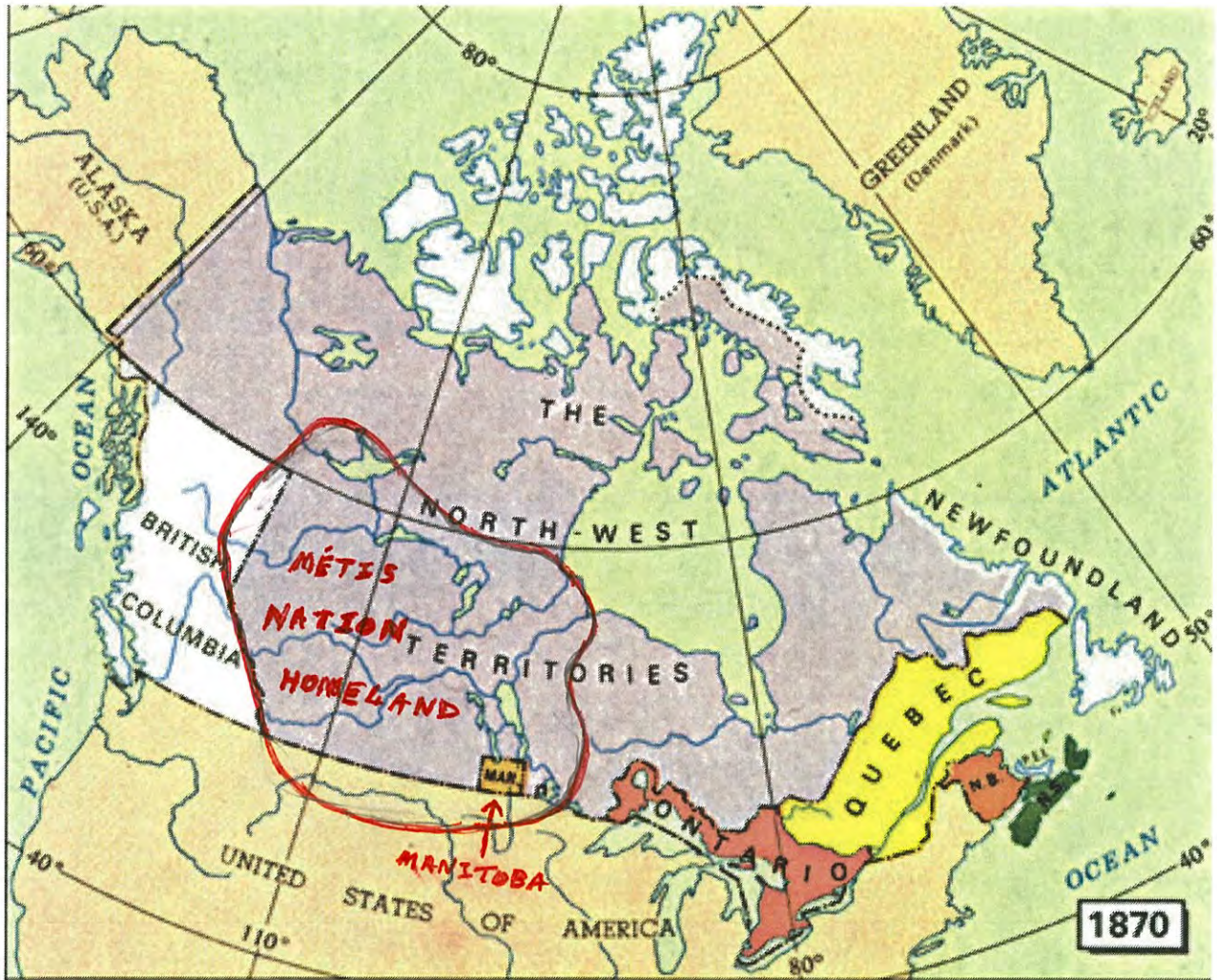
Sources: Hudson's Bay Company Archives, B.154/k1; Library and Archives Canada, National Map Collection, NMC0190221.

Credits: Tough/Ellehoj 2007





Appendix 6



The North-West Territories (Rupert's Land and the North-Western Territory) are acquired by Canada from the Hudson's Bay Company. From part of them Manitoba is created as the fifth province.

2013 GA Resolution re Métis Nation.

It was MOVED (Helene Johnson, MNS) and SECONDED (Lennard Morin, MNS)

WHEREAS there is a pressing need to protect the name “Métis Nation” which describes the Métis people who emerged in their historic homeland, mainly on the prairies which forms the provinces of Manitoba, Saskatchewan and Alberta and extends into a contiguous part of British Columbia, Ontario and the Northwest Territories respectively, and into a contiguous part of the United States of America; and

WHEREAS persons of mixed Indian ancestry outside of the Métis Nation traditional territory in what was historically known as the Northwest are using the term “Métis Nation” and incorporating organizations as such, expropriating the Métis Nation flag and other symbols for their own purposes;

BE IT THEREFORE RESOLVED that this Métis National Council (MNC) General Assembly provides the authority to the MNC to contact the responsible federal government department(s) to deal with this matter, and in particular the Department of Consumer and Corporate Affairs which administers the Non-Profit Corporations Act and lodge a complaint of their actions in granting registration to non-Métis Nation organizations, such as the Métis Nation in Canada and the Métis Nation of Quebec, amongst others; and

BE IT FINALLY RESOLVED that the MNC be given the authority to take legal means to secure a trademark or patent for the Métis Nation flag, the 200th anniversary of which will be marked in 2016, at the time it was flown in battle, at the Battle of Seven Oaks.

CARRIED UNANIMOUSLY (GA1301-15)

(1 delegate abstaining from the vote.)

Appendix 8



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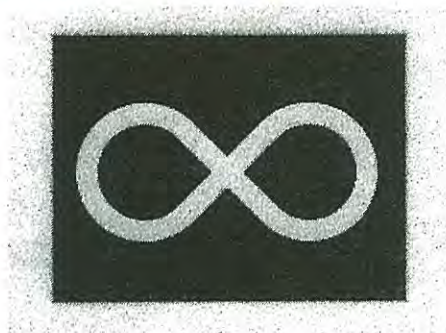
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Public Authority **Metis National Council Secretariat Inc.**

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REQUESTING PARTY/DEMANDEUR:

Metis National Council Secretariat Inc.

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Ottawa

ONTARIO

K2P 0M6

CONTACT:

(TM 108712-1)

BORDEN LADNER GERVAIS LLP

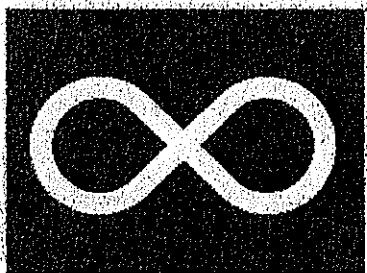
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MARK DESCRIPTIVE REFERENCE/RÉFÉRENCE DESCRIPTIVE DE LA MARQUE:

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Les détails ont été publiés dans le Volume 62 No. 3185 du Journal des marques de commerce du 11 novembre 2015.

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Appendix 9



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MÉTIS NATION

Numéro de dossier
File Number

923692

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Public Authority

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Date	11 nov/Nov 2015
Votre référence - Your reference	TM 108713-1
Numéro de dossier - File number	923692

Autorité publique - Public Authority
Métis National Council Secretariat Inc.

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Appendix 10

It was MOVED (Gerald Morin, MNS) and SECONDED (Karen Larocque, MNS)

WHEREAS the Métis Nation has inherent jurisdiction to identify the members/citizens of the Métis Nation; and

WHEREAS the Métis National Council (MNC) General Assembly ratified a National Definition for the identification of Métis Nation citizens, and amended it from time to time; and

WHEREAS the Governing Members have adopted the National Definition in their respective jurisdictions and have established registries for the purpose of identifying and registering Métis Nation members/citizens pursuant to the National Definition; and

WHEREAS it is in the best interest of the Métis Nation to identify the members/citizens of the Métis Nation in a way that is open, transparent, consistent, objective and verifiable; and

WHEREAS the Supreme Court of Canada has required that the process of identification of Métis Aboriginal rights holders must be objective and verifiable; and

WHEREAS the MNC, on the recommendation of the Métis Rights Panel, has passed unanimously a motion to engage with Canada and the Canadian Standards Association (CSA) in developing a standard of registry operation which reads as follows:

It was MOVED (Bruce Dumont, MNBC) and SECONDED (Gary Lipinski, MNO)
That the Métis National Council Board of Governors: o) supports the recommendation of the Métis Rights Panel (MRP) for moving forward with the CSA Scoping Document and the Standard Setting Process; and further b) accepted the MRP recommendation that there be political oversight of the project management team by the MRP, with the involvement of Executive Directors and registrars with the CSA. CARRIED UNANIMOUSLY (2012-01-06); and

WHEREAS the CSA Standard Setting Process requires the drafting of a CSA Standard through a CSA Technical Committee, the posting of that draft Standard on the CSA webpage for a 60-day public review process, and finally that the CSA Standard be published pursuant to the CSA Group publishing process;

THEREFORE BE IT RESOLVED THAT the MNC General Assembly directs the MNC and Governing Members to ensure: a) that the National Definition of Métis is applied in all registrations; b) that the MNC and Governing Members engage fully in the CSA Standard setting processes to the completion and publication of a Métis Nation Registry Operations Standard, which can be used to ensure that the identification and registration of Métis Nation members/citizens is consistent, respectful, objective and verifiable.

CARRIED (GA1401-10)

(30 delegates voting in the positive; 24 delegates voting in the negative.)

Appendix 11

2015 Métis National Council General Assembly

It was MOVED (Will Goodon, MMF) and SECONDED (John Fleury, MMF)

WHEREAS the Métis National Council and its Governing Members have engaged in a multi-year process with the Canadian Standards Association (CSA) and the Government of Canada on the development of a common standard for the registration of Métis Nation citizens; and

WHEREAS this national standard has been finalized and posted by the CSA;

THEREFORE BE IT RESOLVED that this General Assembly ratifies that CSA standard and adopts it as a guiding document in the registration of Métis Nation citizens; and

FURTHER BE IT RESOLVED that all Métis Nation citizens shall meet the criteria of the 2002 Métis Nation definition of Métis in order to be a registered citizen of the Métis Nation, with no allowance for grandfathering of persons issued citizenship or membership by Governing Members prior to the application of the 2002 Métis Nation Definition.

CARRIED UNANIMOUSLY (GA1501-18)

Appendix 12

It was MOVED (Claire Riddle, MMF) and Seconded (Anita Campbell, MMF)

WHEREAS the Métis people have expressed their nationalism through the formation of the Métis National Council (MNC) in 1983;

WHEREAS the MNC was established as an expression of the nationhood of the Métis people based on: common history; common language and culture; common territory; and a common will to be self-governing;

WHEREAS Métis rights have been recognized in the Canadian Constitution and have been elaborated upon in the Supreme Court of Canada *Powley* decision;

WHEREAS the Métis Nation in Canada has been in pursuit of exercising self-determination over the past 27 years and is seeking a new modern Constitution as an expression of self-determination and self-government;

THEREFORE BE IT RESOLVED that the MNC, with its Governing members, will undertake a Pre-Consultation phase (Phase I) for the remaining part of fiscal year 2010/2011 including:

- a national meeting of Registrars to advance issues of Métis Citizenship, standardization of processes, and streamlining genealogy and research to support the Registries by January 2011;
- a Métis Rights Panel meeting to inform the scope and approach of constitution consultations by February 2011;
- a Presidents Retreat on Governance by February 2011; and
- bilateral meetings with the MNC President and respective Governing Members by March 2011 to inform detailed consultation plans;

BE IT FURTHER RESOLVED that the MNC, through/with the provincial bodies, will undertake Consultations (Phase II) throughout fiscal year 2011-2013 including activities related to:

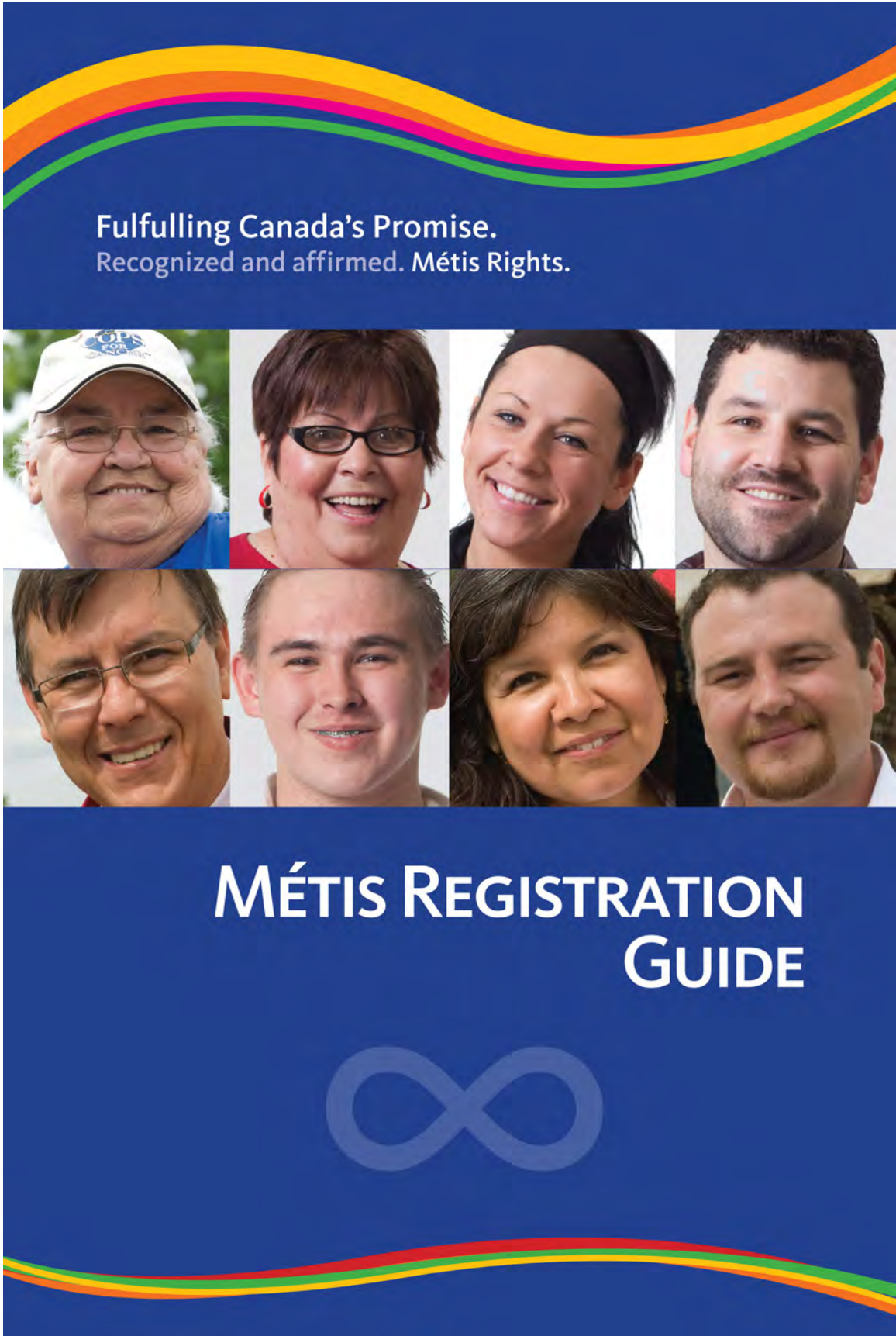
- convening a Constitution Workshop in 2011 to discuss the draft Métis Nation Constitution;
- conducting Constitution Hearings throughout the Homeland from June 2011 to March 2013;
- presentations at Governing Members' Board of Directors/Council meetings and Annual General Assemblies at appropriate times; and
- production of a formative Consultations Results Report by March 2013;

BE IT FURTHER RESOLVED that the MNC will wrap-up Community Consultations and move toward Adoption of a new modern Métis Nation Constitution including the acceptance process and the traditional Homeland boundary throughout fiscal year 2013/2014 (Phase III) by convening a Constitution Convention in conjunction with a General Assembly in 2013 for the purpose of reviewing and adopting a Métis Nation Constitution.

BE IT FURTHER RESOLVED that upon adoption of a Métis Nation Constitution, the Métis Nation further pursue self-determination by working toward the passing of a *Canada - Métis Nation Relations Act* by the Parliament of Canada which recognizes the Métis Nation Constitution thereby acknowledging the Métis Nation's right to self-government.

CARRIED (GA1012-15)

(1 abstention)





MÉTIS NATION REGISTRIES

It is now possible to be registered as Métis, in much the same way that First Nations are registered as Indians in the Indian Registry.

Métis are included as one of the Aboriginal peoples of Canada under section 35 of the *Constitution Act 1982*, which reads:

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

The Métis emerged as a distinct people or nation in the historic Northwest during the course of the 18th and 19th centuries. This area is known as the “historic Métis Nation Homeland,” which includes the 3 Prairie Provinces and extends into Ontario, British Columbia, the Northwest Territories and the northern United States. This historic Métis Nation had recognized Aboriginal title, which the Government of Canada attempted to extinguish through the issuance of “scrip” and land grants in the late 19th and early 20th centuries.

The Métis National Council consequently adopted the following definition of “Métis” in 2002:

“Métis” means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation.”

In 2003, the Supreme Court of Canada confirmed that Métis are a rights-bearing Aboriginal people. Its judgment in *R. v. Powley* set out the components of a Métis definition for the purpose of claiming Aboriginal rights under section 35 of the *Constitution Act, 1982*. These are:

- Self-identification as a member of a Métis community
- Ancestral connection to the historic Métis community whose practices ground the right in question
- Acceptance by the modern community with continuity to the historic Métis community

For many decades, Métis were lost and forgotten within a general population without status under the *Indian Act*, and little effort was made to identify who we were. This is no longer tenable. Métis have rights under the Canadian Constitution, not because we are of mixed Indian and European ancestry, but because we are descendant from distinct Métis communities that emerged and thrived in various parts of Canada before the Canadian State took control, notably the historic Métis Nation community that emerged in the historic Northwest. The Supreme Court



“Métis” means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation.”

urged that this rights-bearing Métis population be identified through an “objectively verifiable” process, even as we move forward with clarifying the scope and nature of Métis Aboriginal rights.

This is precisely what the Governing Members of the Métis National Council (MNC) are now in the process of doing. The MNC’s Governing Members are the Métis Nation governments that have been established in the Métis Nation Homeland: Métis Nation British Columbia (MNBC), Métis Nation of Alberta (MNA), Métis Nation – Saskatchewan (MNS), Manitoba Metis Federation (MMF) and Métis Nation of Ontario (MNO). Since 2004, each has established a Métis Nation Registry where persons who identify as Métis and who can prove descent from the “historic Métis Nation” can be registered as Métis for the purposes of section 35 of the *Constitution Act, 1982*.



If I am already a member of a Governing Member, do I have to apply all over again to be registered as Métis?

Yes. Citizenship cards issued by MNC Governing Members in the past did not require verification of ancestry in the historic Métis Nation. All existing members of Governing Members with the exception of Ontario are being asked to apply for new membership/citizenship cards. The Métis Nation British Columbia moved in 2007 to invalidate all old membership cards and only Registry issued cards are now recognized in that province. In Manitoba, the MMF will require all existing members to confirm their membership by submitting an objectively verifiable genealogy by September 1, 2012. Though policies vary from Governing Member to Governing Member all, except Ontario, are encouraging the existing citizenship to apply for registration.

How much will registration costs?

Most Métis Registries do not impose any processing fees; and where they do, such as in Manitoba, the processing fee is nominal (\$10). Ontario charges \$30 but does not charge for replacement cards. There can however be other costs involved: the costs of obtaining Long-Form Birth Certificates from provincial Vital Statistics (normally about \$25 for each certificate); costs of obtaining baptismal and other church records (normally about \$35 per record); and sometimes the costs of obtaining passport quality photos. If you chose to have your genealogy produced by certified genealogists or recognized genealogical institutes, you may also have to assume costs associated with producing a genealogy. It is important to note that many Governing Members subsidize these costs or else have made arrangements to reduce costs to applicants.

You cannot belong to both the Métis Nation and a First Nation at the same time. Métis Registries will normally require you to consent to a search of the Indian Registry ...

2011 TO 2020 HAS BEEN DECLARED
BY THE MÉTIS NATION AS THE
“DECADE OF THE MÉTIS NATION”



MÉTIS NATIONAL COUNCIL
RALLIEMENT NATIONAL DES MÉTIS

MÉTIS NATIONAL COUNCIL

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Produced Summer 2011

Ontario and the MNO announce identification of historic Métis communities

21 August, 2017

Ontario and the Métis Nation of Ontario (MNO) are pleased to announce that collaborative work has resulted in the identification of historic Métis communities located throughout Ontario.

In the spirit of reconciliation, the province and the MNO have been working together to determine whether historic Métis communities existed in given areas in Ontario. As a result of this collaboration, six new historic Métis communities have been identified:

- [The Rainy River / Lake of the Woods Historic Métis Community](#)
- [The Northern Lake Superior Historic Métis Community](#)
- [The Abitibi Inland Historic Métis Community](#)
- [The Mattawa / Ottawa River Historic Métis Community](#)
- [The Killarney Historic Métis Community](#)
- [The Georgian Bay Historic Métis Community](#)

These historic Métis communities developed their own distinctive collective identities, each with its own customs, practices, and traditions. While identification of these historic Métis communities is a significant milestone, this alone does not determine who in Ontario is Métis or who holds Métis rights, nor define Métis harvesting areas or territories.

Working in partnership with the MNO to identify historic Métis communities is one of many steps on Ontario's journey of healing and reconciliation. It reflects the government's commitment to work with Indigenous partners, creating a better future for everyone in the province.

QUOTES:

"Ontario has built a strong partnership with the Métis Nation of Ontario and we are committed to advancing meaningful reconciliation and fulfilling our constitutional obligations to Métis. In circumstances where there are overlapping obligations to First Nations and Métis, Ontario is committed to working together with affected partners to reach fair and balanced resolutions."

— David Zimmer, Minister of Indigenous Relations and Reconciliation

"The Métis Nation of Ontario is pleased and proud to announce the results of our collaborative work with Ontario in identifying historic Métis communities. The advancement and recognition of Métis rights has always been and remains the highest priority for our citizens and communities. This important milestone provide a foundation for meaningful reconciliation as well as future negotiations with the Crown on these important issues."

— France Picotte, Acting President of the Métis Nation of Ontario

QUICK FACTS:

- In 2003, the Supreme Court of Canada confirmed in the *R v Powley* decision the existence of a Métis community in and around Sault Ste. Marie, with its own distinctive Métis culture. This case also recognized that this community has a Métis right to hunt for food. Under the Powley framework, the first step to recognize Métis rights is identifying whether an historic Métis community existed in a given area
- Métis are recognized as one of the three distinct Aboriginal peoples with rights protected by section 35 of the Constitution Act, 1982.
- Distinct historic Métis communities began to emerge as a result of the fur trade in what is now Ontario. These communities developed along strategic water and trade routes prior to Crown government effecting political and legal control in these areas.

ADDITIONAL RESOURCES:

[Identification of Historic Métis Communities in Ontario](#)

HISTORIC MÉTIS COMMUNITIES IN ONTARIO

THE HISTORIC RAINY LAKE/LAKE OF THE WOODS MÉTIS COMMUNITY

Based on the existing research on Métis communities in Ontario and the criteria established by the Supreme Court of Canada in *R. v. Powley* (“*Powley*”), a historic Métis community developed from the inter-connected Métis populations along Rainy Lake and Rainy River at Lac La Pluie (Fort Frances) and Hungry Hall (Rainy River) as well as at Rat Portage (Kenora) and Eagle Lake (Dryden/Wabigoon) in the Lake of the Woods area. The Lake of the Woods area also includes White Fish Lake, Northwest Angle, Wabigoon and Long Sault (collectively known as the “Historic Rainy Lake/Lake of the Woods Métis Community”).

Identifying the Historic Métis Communities in Ontario

In *Powley*, the Supreme Court of Canada held that Métis rights—protected by section 35 of the *Constitution Act, 1982*—exist in Ontario. This case established the framework for the recognition of Métis rights.

The Métis within section 35 refers to distinctive peoples or communities who, in addition to their mixed First Nation and European ancestry, developed their own customs, way of life, and recognizable group identity separate from their forebearers.

In order for a contemporary Métis community to possess section 35 rights it must have its roots in an identifiable historic Métis community that emerged prior to the time when Europeans established effective political and legal control in the area. It is therefore crucial to identify such historic Métis communities.

Identifying a historic Metis community requires demographic evidence that the population was identified as distinctive, evidence that the community had its own collective identity, and, evidence that the community had its own shared customs, practices and traditions.

Rainy River / Lake of the Woods Timeline

- | | |
|--------------|---|
| 1787 | The North West Company (NWC) establishes Fort Lac La Pluie (also known as Athabasca House or Rainy Lake House) as a means to shorten turnaround time for the NWC Athabasca brigades, rather than having them continue on to Fort William or Grand Portage. |
| 1790s | The Hudson’s Bay Company (HBC) pushes into the area and establishes a fur trade post at Lac La Pluie as well as posts at Eschabitchewan House, Manitou Rapids, Rainy Lake, and Portage l’Isle. The HBC abandoned the region in 1796-97, but returned in 1817, setting up Lac La Pluie House on the Canadian side of Rainy River (known today as International Falls). |
| 1821 | There is a merger of the HBC and NWC fur companies and Lac La Pluie becomes a part of the HBC’s York Factory department. HBC posts are also maintained at Rainy Lake, Vermilion Lake, and Lake of the Woods, with tough competition from the American Fur Company. |
| 1830 | Governor Simpson visits the region and Lac La Pluie is renamed Fort Frances in his wife’s honour. |

- 1831** The HBC establishes a post at Shoal Lake (North West Lake of the Woods).
- 1836** The HBC establishes a post at Rat Portage, a strategic portage location between the Winnipeg River to the west and the Rainy Lake area via Lake of the Woods to the east.
- 1850s** HBC posts are established at Keewatin, Eagle Lake (Dryden), and Dinorwic.
- 1870** Shoal Lake post is closed and moved to North West Angle. By 1878 the North West Angle post is closed.
- 1870s** During this period in Lake of the Woods and Rat Portage, the lumber industry, mining, fishing, and railroad construction brings settlers and change to the area.
- 1873** Treaty 3 is concluded, opening up lands in the region for settlement.
- 1875** The "Halfbreeds of Rainy River and Lake" sign an Adhesion to Treaty 3 on September 12, 1875.
- 1880** By 1880, lumbering, mining and commercial fishing as well as some surveys are all affecting the area.
- 1890s** The HBC Rat Portage post is reorganized and maintained as a sales shop.
- 1901** HBC employees from Lac La Pluie are frequently sent to "the mouth of the river" where Rainy River drains into Lake of the Woods, where Hungry Hall is later established.

Demographics

Fur trade and census records document a persistent, inter-connected, and identifiable Métis population in the areas identified below from the early 1800s and into the early 1900s:

Lac La Pluie / Fort Frances:

Between 1838 and 1870, HBC "Lists of Servants" show a stable group of Métis surnames in Lac La Pluie/Fort Frances. As well, other "freemen" with Métis surnames appear in the vicinity of the post. A group of 85-100 Métis individuals (up to 20 families) are referred to in connection an Adhesion to Treaty 3, which was signed by Nicholas Chastelain on behalf of the 'Halfbreeds of Rainy River and Lake' on September 12, 1875.

In 1877, there were 7 Métis families that collected annuities on the Couchiching Reserve. As well, the 1881 census enumerates 39 individuals (10 Métis families) living just outside of the Couchiching Reserve at McIrvine Township. Many of the Métis surnames from the early 1800s continue to appear through to the 1901 census, which identifies 211 Métis individuals between Couchiching Reserve and McIrvine Township.

Lake of the Woods Area:

In 1835, the White Fish Lake (North West Lake of the Woods) outpost was inhabited by families with Métis surnames that were connected to the Lac La Pluie / Fort Frances fur trade.

Between 1875 and 1899, members of several Métis families appeared on the Treaty paylists of the Long Sault (two bands), Hungry Hall, and North West Angle Bands.

Rat Portage and Outposts:

Between 1836 and the 1890's, the Rat Portage post was managed by several Métis individuals. From the 1890s onward there are references to Métis individuals at Rat Portage, and three more were reported to occupy dwelling houses in Rat Portage. Between 1882 and 1897, at least 11 commercial fishermen in this area were identified as Métis.

Vocation and Cultural Practices

These interconnected Métis populations shared a number of customs, traditions, and common vocations, including:

- **Social Life**

HBC and NWC records provide evidence of fur traders and their First Nation or Métis wives and children interacting socially—even between competing posts—for Sunday night dances and special event get-togethers. The record also shows the Métis population of Fort Frances exhibiting a distinctive dress, embracing Christianity (Protestant and Catholic), and maintaining inter-group kinship practices (i.e., godparenting, marriage witnessing, etc.), often separate from First Nation and settler populations.

- **Post Provisioning and Niche Occupations**

At Lac La Pluie, Métis were hired as interpreters, winterers, runners, canoe-builders, interpreters, country-food providers, and fishermen, including as commercial fishermen at Lac La Pluie/Fort Frances. In particular, fishing was a staple country food at both Lac La Pluie and Rat Portage and a frequent activity of post employees at Lac La Pluie from the 1790s onwards.

The wives or partners of company employees or retired servants engaged in fort-provisioning activities such as harvesting maple sugar, gardening, snaring rabbits, fishing, and picking berries.

Records also show ongoing Métis participation in fishing as well as commercial fishing operations regulated by government; this was a distinctive feature of the Métis population not found in First Nations populations at this time.

Distinctive Collective Identity

There is evidence of a distinctive and persistent Métis population in the area of Rainy River / Rainy Lake that was intermarrying and relatively stable since the early 1800s. There is also some evidence that the Métis traders in Rainy Lake supported Cuthbert Grant's leadership of a "New Nation" in clashes between the Earl of Selkirk and the NWC in Red River.

The historic record documents Métis assisting in treaty negotiations with First Nation circa 1870 (for example, in acting as interpreters, witnesses, etc.). Further, during the treaty negotiations, the First Nations distinguished between their "children" living outside the area being able to benefit from the treaty if they come home within two years from the treaty (i.e., their direct First Nation relations) and their "halfbreed children" who have married First Nations women and live among them. There is also substantial documentation produced by Canada which consistently referred to "Indians" (i.e., First Nations) and "half-breeds" as separate groups. Certain "half-breed" families were consistently identified as such over successive generations.

Métis from Fort Frances petitioned Canada to form a separate “half-breed” band with their own chief. By 1875, it was clear that a strong sense of distinctive community had developed among the Fort Frances Métis under the leadership of Nicholas Chastelain. A “Halfbreed Adhesion” to Treaty 3 was entered into on September 12, 1875 and signed by Nicolas Chastelain as “Chief” of the “Halfbreeds of Rainy River and Lake.”

About this Document

This summary was prepared collaboratively by the Métis Nation of Ontario (“MNO”) and the Ontario Government (“Ontario”). It is based on currently available historical research on Métis in Ontario. Many of the reports reviewed and relied on to create this summary are available online at: <http://www.metisnation.org/registry/citizenship/historicresources/>. The parties will consider additional historic information as it may become available.

Identifying historic Métis communities is a necessary part of the legal requirements for establishing Métis rights, protected by section 35 of the *Constitution Act, 1982*, however, the identification of historic Métis communities alone does not define contemporary rights-bearing Métis communities, determine who in Ontario is Métis, who holds Métis rights, or define Métis harvesting areas or territories.

This summary does not necessarily address the claims of other self-identifying Métis communities not represented by the MNO. The conclusions in this summary do not limit the potential for other historic Métis communities to be identified or the expansion of recognition historic Métis communities in the future based on additional historic research.

[Sign In](#)



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Identification of Historic Métis Communities in Ontario

August 22, 2017

Métis are recognized as one of three distinct Aboriginal peoples in Canada with rights protected by section 35 of the Constitution Act, 1982.

Since then the Supreme Court of Canada has released a series of judgments that urge governments and Indigenous peoples to work together to achieve reconciliation, which includes the reconciliation of the rights, interests and ambitions of Aboriginal and non-Aboriginal Canadians.

Métis communities emerged as a result of the North American fur trade, during which First Nations peoples and European traders forged close economic and personal relationships. Over time, many of the children born of these relationships developed a distinct sense of identity and culture. They had shared customs, practices and a way of life within their communities, which were distinct from their First Nation and European forbearers.

These Métis communities formed along strategic water and trade routes prior to the Crown effecting political and legal control in these areas. Many of these communities persevered and continue to celebrate their distinct identities and histories today, practicing their unique culture, traditions and way of life. These communities are a part of the diverse heritage of Ontario, both past and present.

In 2003, the Supreme Court of Canada recognized a Métis community with a communal right to hunt for food in and around Sault Ste. Marie. This case provides the framework for identifying Métis communities in other areas of the province as well as other parts of Canada.

Moving forward

For many years, Ontario and the Métis Nation of Ontario (MNO) have worked together to strengthen their relationship and to advance reconciliation. This has included the signing of a relationship Framework Agreement in 2008, [renewed in 2014](#), which led to initiatives that aim to improve the quality of life and wellbeing of Métis children, families and communities across Ontario.

Guided by the Framework Agreement and consistent with Ontario's constitutional obligations to the Métis, Ontario and the MNO have worked together to exchange and review historical reports regarding historic Métis communities in Ontario. These reports have been prepared by independent professional historians and ethno-historians and provide research regarding "mixed Aboriginal ancestry" as well as "Métis" populations in particular areas in the province.

Since 2010, Ontario and the MNO jointly reviewed these reports, identifying information that provides evidence of the emergence of historic Métis communities that meet the [criteria](#) provided by the Supreme Court of Canada in *R. v. Powley*. Through this work, the MNO and Ontario jointly identified six historic Métis communities in the province that meet the criteria in addition to the historic Sault Ste. Marie community recognized by the Supreme Court of Canada. These historic Métis communities include:

- [Rainy River / Lake of the Woods Historic Métis Community](#)
- *The inter-connected historic Métis populations in and around: Lac La Pluie (Fort Frances); Rat Portage (Kenora), Eagle Lake (Dryden/Wabigoon) and Hungry Hall (Rainy River). The Lake of the Woods area includes Rat Portage, White Fish Lake, Northwest Angle, Wabigoon and Long Sault.*
- [Northern Lake Superior Historic Métis Community](#)
- *The inter-connected historic Métis populations north of Lake Superior, including the Métis people who worked for period of time or settled at: Michipicoten, Pic River, Fort William, Nipigon House and Long Lake.*
- [Abitibi Inland Historic Métis Community](#)
- *The inter-connected historic Métis populations at the inland posts between New Post and Timiskaming, including: Frederick House, Abitibi House, Kenogamissi, Flying Post, Mattagami and Matachewan as well as the historic Métis population at the Moose Factory Post and environs, several families of which were inter-related to members of the historic Abitibi Inland Community and migrated south to become a part of this community.*
- [Sault Ste. Marie Historic Métis Community](#)
- *The historic Métis population at Sault Ste. Marie and environs, which the courts recognized extended as far as "Batchewana, Goulais Bay, Garden River, Bruce Mines, Desbarates, Bar River, St. Joseph's Island, Sugar Island and into Northern Michigan."*
- [Mattawa/Ottawa River Historic Métis Community](#)
- *The historic Métis population centred at Mattawa and spanning the Ottawa River from Lac des Allumettes (Pembroke) to Timiskaming and environs.*

[Links 2](#)

- [Killarney Historic Métis Community](#)
- *The historic Métis population at Killarney and environs.*
- [Georgian Bay Historic Métis Community](#)
- *The inter-connected historic Métis populations at Penetanguishene and Parry Sound and environs.*

Modern day membership of rights-bearing Métis communities must ancestrally connect to the historic community. While identifying historic communities is a significant milestone towards respecting Métis rights in Ontario, this alone does not determine who in Ontario is Métis or who holds Métis rights, nor define Métis harvesting areas or territories.

Ongoing work based on the identification of these historic Métis communities will inform policy approaches to consultation and related issues such as the independent review of the MNO Harvester Card system currently underway that is targeted for completion in fall 2017.

In addition, Ontario and the MNO will consider additional historical research that may become available respecting the potential identification of other historic Métis communities or of new information that may change or expand any of the seven historic Métis communities. While the joint work undertaken by the MNO and Ontario does not necessarily address the claims of other self-identifying Métis communities that are not represented by the MNO, the existing research may inform Ontario's overall approach on these issues.

More information about each of the identified historic Métis communities can be found in factsheets posted on the MNO's [website](#).

[See ALL news articles](#).

PROPOSED SPECIAL RESOLUTION #1

Special Resolution on Verifying All MNO Citizens Are Métis Rights-Holders and Meet Current MNO Citizenship Requirements

WHEREAS the MNO has initiated the Registry and Self-Government Readiness Process (the “Registry Review”) to determine how many MNO Citizens meet the current citizenship requirements set out in the MNO Bylaws and are verified Métis rights-holders;

AND WHEREAS the MNO’s legitimacy, credibility and future recognition—as a Métis government—will be built on its representation of Métis rights-holders and rights-bearing Métis communities in Ontario as well as its objectively verifiable citizenship registration system;

AND WHEREAS the 2018 MNO AGA wants to establish a fair and transparent **two-year process** to ensure all MNO Citizens are verified as Métis rights-holders and meet the current requirements for MNO citizenship **by July 31, 2020**;

THEREFORE BE IT RESOLVED that the 2018 MNO AGA directs the following:

1. That the following “Removal from the MNO Registry” provision be added as the new section 7 to the MNO Bylaws:
 7. **All MNO Citizens must have documentation in their citizenship file to demonstrate that they meet the current MNO requirements for citizenship as set out in sections 4 and 5 of the MNO Bylaws and MNO Registry Policy by July 31, 2020. If, as determined by the MNO Registrar through the process set out below, a MNO Citizen has an incomplete citizenship file on July 31, 2020, that individual will be removed from the MNO Registry and cease to be a MNO Citizen effective immediately.**
 - 7.1 On or before March 31, 2019, the MNO Registrar will write to all existing MNO Citizens at their last known mailing address, to make them aware as to whether their citizenship file meets the above-noted requirements (*i.e.*, whether their citizenship file is “complete” or “incomplete”). The onus is on individual MNO Citizens to provide the MNO Registry with the necessary documentation to complete their citizenship file and to keep their contact information with the MNO Registry up to date.
 - 7.2 Upon receiving a letter from the MNO Registrar identifying their MNO citizenship file as incomplete, the individual shall have twelve (12) months to provide the outstanding documentation to the MNO Registry before

their file is determined to be “officially incomplete.” If, at any time during this period, the MNO Citizen provides the necessary documentation to complete their citizenship file, the MNO Registrar shall issue the Citizen a letter indicating their file is now complete.

- 7.3 Prior to or after the twelve (12) month notice, a MNO Citizen with an incomplete citizenship file may appeal the Registrar’s determination for reasons other than missing documentation. An applicant may appeal the Registrar’s decision by:
- a. completing a Registry Review Appeal Form and submitting said form, along with materials to be considered as a part of the appeal, to the MNO Registry; and
 - b. including a payment of \$250.00 payable to the MNO for the administrative costs associated with the appeal, which will be returned to the MNO Citizen if their appeal is successful.
- 7.4 Upon receipt of the required items set out in section 7.3, the Registrar shall forward the contents of the MNO Citizen’s citizenship file and the appeal materials to an independent, qualified genealogist or consulting firm with experience in Métis genealogy for review and consideration of the appeal.
- 7.5 The individual or firm identified above will review all of the appeal documents and the appellant’s citizenship file based on the MNO Bylaws and Registry Policy in order to determine whether they will uphold or overturn the Registrar’s determination. A letter setting out the reasons for upholding or overturning the Registrar’s determination will be provided to the MNO and the appellant. This decision shall be final and binding on the parties. Best efforts will be made for the appeal will be completed within ninety (90) days of the materials being provided to the individual or firm.
- 7.6 If an existing MNO Citizen has an appeal pending as of July 31, 2020, they will still be removed from the MNO Registry and cease to be a MNO Citizen as of that date, however, if their appeal is ultimately successful they will have their citizenship reinstated on the date of the successful appeal decision and will not have to reapply for MNO citizenship.
- 7.7 Subject to meeting all MNO citizenship application requirements that are in place, any individual who was removed from the MNO Registry and ceased to be a MNO Citizen as of July 31, 2020, may re-apply for MNO citizenship.**

2. That section 5 of the current MNO Registry Policy—Guidelines be replaced with:

No registered MNO citizen will be removed from the MNO Registry unless:

- a. the MNO Citizen requests, in writing, to have their name removed from the MNO Registry; or
- b. the MNO Citizen is removed pursuant to the authorities and processes set out in the MNO Bylaws.

Signed copies of this proposed resolution, along with their respective MNO citizenship numbers, were received from the following individuals and will be provided to the 2018 MNO AGA pursuant to MNO Policy #2011-002: Margaret Froh, Sharon Cadeau, Pauline Richardson, Theresa Stenlund, Mitchell Case, Verna Porter-Brunelle, Joseph Bergie, Ali Dusome, Kelly Duquette, Paul Robitaille, Shari Smale, Jordyn Playne, Donna Grayer.



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RESOLUTION BASED ON PRESIDENT'S MNO REPORT

Métis National Council General Assembly, November 28-29, 2018

It was **MOVED** (Will Goodon, MMF) and **SECONDED** (Gerald Morin, MN-S)

WHEREAS the Métis Nation of Ontario (MNO) was admitted to MNC in 1994 with a clear understanding that registration of its membership would be restricted to those Métis from the historic Métis Nation homeland i.e. those from Métis communities in that part of northwestern Ontario contiguous to Manitoba and Métis from the prairies who had moved to Ontario.

WHEREAS, the MNO has failed to apply the citizenship criteria of the historic Métis Nation adopted by the General Assembly in 2002 (National Definition);

WHEREAS the MNO has consistently ignored and been in breach of MNC General Assembly resolutions on citizenship and grandfathering;

WHEREAS the MNO has attempted to extend the boundaries of the historic Métis Nation homeland without the consent of MNC and its other Governing Members;

WHEREAS there is a need to correct a longstanding abuse of our citizenship system while at the same time ensure that historic Métis Nation citizens in Ontario will continue to be represented within the national government institutions of the Métis Nation;

WHEREAS the President has recommended the suspension of the MNO from the governance institutions of the Métis Nation, including the General Assembly and the Board of Governors;

WHEREAS the General Assembly agrees with the suspension of the MNO;

WHEREAS the General Assembly is prepared to entertain a period before the suspension becomes effective;

BE IT THEREFORE RESOLVED that the members of the MNC General Assembly exercised their inherent authority and place the MNO on probation for one year while it meets the conditions listed below failing which the General Assembly will revisit this matter at the conclusion of the probation period and decide on further action.

THEREFORE BE IT FURTHER RESOLVED that the following condition must be met before lifting the probation decision:

- That all MNO members must meet the criteria for citizenship in the Métis Nations set out in the 2002 General Assembly citizenship resolution (National Definition) to be eligible for enrolment and are connected to the historic Métis Nation homeland as set out in the homeland map;
- That the MNO must abide by the 2004 Métis Nation directive providing that all members shall re-register under the 2002 criteria with no grandfathering-in of members;
- That a committee of the MNC Board of Governors shall be established to organize a registry review of all MNO members to ensure the above two conditions are met, as well as provide general oversight; and
- That a panel of registrars from the western Governing Members working under the direction of the above committee shall conduct the registry review of existing MNO members and will ensure that all future citizenship applications shall abide by the 2002 criteria.

CARRIED (GA1812-11)

HOMELAND MAP:
MNC GENERAL ASSEMBLY NOVEMBER 28-29, 2018

It was **MOVED** (Gerald Morin, MN-S) and **SECONDED** (Will Goodon, MMF)

WHEREAS the Métis National Council has clearly and consistently defined the Métis Nation and its Homeland as the distinct Indigenous people and nation that emerge in the late 18th century with its own culture, language and political consciousness, in that part of the historic Northwest encompassing today's Prairie Provinces (Manitoba, Saskatchewan and Alberta), and contiguous regions of north-eastern British Columbia, the Northwest Territories, northwestern Ontario and the northern United States;

BE IT THEREFORE RESOLVED THAT the General Assembly confirms the map below of the Homeland of the historic Métis Nation:



CARRIED (GA1812-10)