

**MANITOBA METIS FEDERATION**

***REPORT***

***ON***

***A CAPACITY-BUILDING SEMINAR***

***'THE ADMINISTRATIVE AND POLITICAL AUTHORITY  
OF  
METIS POLITICAL REPRESENTATIVE ORGANIZATIONS'***

**WINNIPEG, MANITOBA**

**THE MARLBOROUGH HOTEL**

**OCTOBER 29, 1999**

## **1. Contribution Agreement with Canada (PCO Aboriginal Affairs Secretariat)**

By the provisions of an agreement entered into between the President of the MMF and the Federal Interlocutor for the Metis and Non-Status Indians, the MMF undertook to design, administer and report upon, a one day seminar having the following general goal, namely,

*to build the capacity of Metis people in Manitoba to understand and use the existing legislation to effectively and efficiently administer the affairs of their political representative organizations and of Metis institutions.*

The specific objectives for the seminar included the following, namely;

- *to explain the applicable Corporations and other legislation underlying the authority of Metis organizations and to consult on existing problems and concerns,*
- *to discuss current organizational difficulties relating to administrative and political authority and to discuss options for their resolution,*
- *to explain and discuss the possible directions of Metis institutional authority,*
- *to produce a report to all members of the MMF 'family of organizations' on the lessons learned about capacity building from past and current initiatives and to identify future action for revision and enhancement.*

## **2. Purposes of this report.**

This report is intended to meet the following requirements;

1. To report to the Board of the MMF on the seminar and to make recommendations on next steps that may be approved by the Board.
2. To report to the PCO on the proper discharge of the obligations of the MMF pursuant to the above mentioned contribution agreement.
3. To report to the members of the MMF 'family of organizations' on the substantive discussion at the seminar, with a view to assisting further cooperative action between the MMF and the members of its family of organizations.

### **3. Organization of the report**

This report is organized in the following sections;

- 3.1 General description of issues to be discussed at the seminar.**
- 3.2 Report on the organization and procedures of the seminar**
- 3.3 Outline of presentation on legal aspects of issues to be considered by participants at the seminar.**
- 3.4 Synopsis of key points discussed at the seminar**
- 3.5 Summary and observations on key points**
- 3.6 AGM Resolution on next steps**
- 3.7 Recommendations to the MMF Board on organization and objectives of next steps**

#### **4. General description of the issues to be discussed at the seminar**

The MMF is organized as the province-wide political organization representing the Metis people in Manitoba and its political representative function has been widely recognized for a long time not only by Metis people who participate in ballot-box elections of the leaders, but also by both provincial and federal governments.

In the modern Canadian environment, no organization carrying on the functions of the MMF can operate effectively, if at all, without having the status of a legally recognized entity having the power to do business. As with other Aboriginal political representative organizations, the MMF is an incorporated body under general legislation, as well as a body comprised of duly elected political leaders. This means that there is a perfect overlap between the duly elected political leaders and those legally entitled to act as directors of the organization. They are the same people.

As a 'federation', however, the MMF brings together seven discrete 'regions' from all parts of the province, each of which may also operate as a distinct incorporated entity that is represented by the duly elected leaders at regional ballot-box elections. The Directors of the Regions are those who are elected as MMF Directors in the MMF province-wide elections. Similarly, the regions comprise 'Locals' who may be incorporated and the Regions may also carry on business through the mechanism of additional incorporated entities. The existence of this varied and diverse set of legal entities coupled with the goals and objectives of a centralized political representative organization necessarily raise a unique set of challenges.

In addition to these MMF organizations, there exist also the other members of its 'family of organizations,' that is, organizations that are distinct legal entities created by the MMF to deliver services to the Metis people of Manitoba. These include the Louis Riel Institute, the Louis Riel Capital Corporation, Pemmican Publications, and Community Housing Managers of Manitoba.

The seminar aims to provide ground-breaking insight into means to enhance effective administrative inter-organizational relations, while developing business plans that reflect the vision and priorities of the Metis people in Manitoba as expressed through the MMF.

An aim of the seminar is to collect all the leaders of these various organizations in one place for one day and to carefully review the nature of the impediments to good administration and effective and politically accountable

activity, and to make recommendations for change.

The recommendations would be made to the Annual General Assembly of the MMF for popular discussion and support and subsequently provide a blueprint for action for those in charge of administration.

The following two headings and statements may serve to illustrate the types of challenges that may be encountered as a result of the set of circumstances described earlier, above.

#### 1. Political office and administrative authority:

The directors of the legally incorporated entities, to be politically accountable to the Metis people, may have to be duly elected according to MMF election bylaws. A tension may exist on account of the existence of legally distinct bylaws that bind no one outside the organization unless with the addition of other binding mechanisms. The MMF has practical experience with such difficulties and has resolved some of the issues through the courts of the province and with the active court-ordered supervision of the MMF President. It is important to convey the benefit of the experience with these difficulties to all Regions and Locals to improve the capacity of all Metis organizations in the Province to effectively conduct their affairs within the applicable law.

#### 2. Administrative and auditing efficiency and policy coordination

The set of circumstances described, presents unique challenges for the proper and efficient and cost-effective conduct of audits where the MMF and its affiliates carry on joint or common enterprises. Similarly, the existence of diverse legal entities presents unique challenges for the implementation of common administrative policies that promote not only legitimate political action but sound and effective business practices.

The seminar could also consider the challenges presented by the existence of the various organizations affiliated with the MMF, as distinct legal entities and their required capacity to account politically to the Metis people of Manitoba. Discussions focussing on the LRI and the other service organizations ( as opposed to political representative organizations) could serve as a model for tackling the broad question of creating Metis service institutions that are free to conduct daily

business in accordance with policies that have the broad political support of the people they were created to serve.

## **5. Report on the organization and procedures of the seminar**

The seminar was organized according to the plan described in Appendix A of the contribution agreement between the MMF and Canada. In the morning, a plenary session was held involving all participants. The President of the Federation addressed the audience and explained the objectives of the seminar. Additional remarks were made by Leah LaPlante, Vice President of the Southwest Region.

Paul Chartrand, director of the Tripartite Metis Process of the MMF then gave a presentation on the nature of constitutions and their functions, both generally and with specific application to the Metis people in Manitoba and their political and organizational goals.

Legal counsel to the Federation, Mr Murray Trachtenberg, then gave an oral presentation on the legal aspects of the operations of legal entities such as the MMF family of organizations. A copy of Mr Trachtenberg's written outline notes is included in this report. He emphasized the danger inherent in incorporating a Local, where all the members of the political community are not necessarily members of the incorporated entity, as well as the importance of legal and political relations between Locals and the MMF generally.

Participants were introduced to the main objectives of the seminar, namely to identify obstacles to the smooth operations within and between the members of the MMF family of organizations, and to propose a process to deal with these obstacles, with a view to getting the recommendations of this body ratified by the Annual General Assembly. A specific objective identified by Vice President La Plante was to provide participants with an opportunity to have access to the same base of information that is available to the MMF and its organizations, including an appreciation of the significance of the Constitution of the MMF and of its member organizations.

A question and answer period within the plenary session followed these presentations.

In the afternoon session, the participants held discussions within three separate groups, to permit maximum participation by all delegates.

At 3:20 p.m. all participants reconvened in a plenary session, at which a synopsis of the discussions held in the groups was compiled, with the assistance of recorders and electronic equipment which conveyed the summary of key points to all members of the audience. The three facilitators of the discussion groups led the process of summarizing the key points. The key points in the synopsis are described below, along with further commentaries which provide the basis for the

recommendations being made to the Board of the MMF in this report.

A draft resolution was proposed for submission to the Annual General Assembly for its ratification.

The plenary session ended with remarks from the President of the MMF.



**6. Outline of presentation on legal aspects of issues to be considered by participants at the seminar.**

Mr. Murray Trachtenberg, legal counsel to the MMF, made a presentation to the seminar participants on the legal issues faced by the MMF in the context of the objectives identified for discussion in the working groups.

The following is an outline of Mr. Trachtenberg's presentation.

*[Stephanie: Insert outline here: make sure to delete the paragraph on page 4, as indicated in Murray's notes.]*

**7. Synopsis of key points collected in the plenary session at the seminar**

At the conclusion of the workshop discussions, a plenary session summarized the views of the participants, which are outlined in the following synopsis.

**[Stephanie: Have the synopsis retyped into this section. ]**

## 8. Summary and observations on key points

### General points

- 8.1 The Manitoba Metis Federation is generally viewed as the proper political representative of the Metis people in Manitoba, and its electoral process is seen as fair and legitimate.
- 8.2 The current three tier structure of Locals, Regions and the Federation is viewed as appropriate.
- 8.3 There was consensus on the recognition of the importance of reviewing the structures of the MMF and its family of organizations, and to implement consequential changes, as a necessary precondition to a successful attempt to initiate changes that reflect the popular will of the Metis people.
- 8.4 Two critical factors were identified in the development of changes, namely,
  - a **capacity** in the MMF and its family of organizations to design and implement strategies that a popular mandate from the Metis people, and
  - political and administrative **stability** that is resistant to the difficulties thrown up by political and administrative difficulties that arise from time to time.
- 8.5 Political leadership on the part of the MMF Directors is essential to show to the Metis people the advantages of **unity** and **cooperation** in advancing the common goals of the Metis people and resisting the pressures of conflicting interests at the local, regional and provincial levels. A strategy ought to aim at the political **mobilization** of the Metis people towards cooperative political action.
- 8.6 Effective **communications** are essential to the legitimate and effective functioning of the MMF and its family of organizations.
- 8.7 Clarification of the **membership criteria** and **acceptance process** are important elements of an action plan for change.
- 8.8 Membership criteria should be clear and well understood, applied consistently and fairly, in a transparent process that reflects general consensus.
- 8.9 Membership should be broadened to strengthen the Metis Nation, and families should be fairly represented in the MMF.

## Specific points

Within the above general points, the following specific issues reflect important aspects of the discussions at the seminar. These points are included to assist the development of specific plans for the work of a Constitutional Committee, including the option of drafting questionnaires and discussion papers for community consultations.

- a revised Constitution must be popularly ratified, after a process that allows people to reflect on its provisions;
- conflicts of interests among officials must be understood and resolved in accordance with clear and enforceable rules;
- organizational structures must be such as to not encourage the holding of positions with conflicting interests;
- entitlements of individuals as members of legal entities within the MMF family of organizations must be clearly distinguished, where possible, from entitlements as electors or as Metis people having legally recognized rights: organizational structures must reflect these distinctions, as appropriate;
- the duties and responsibilities of individual Directors must be publicized so that they may be held politically accountable;
- in broadening the current membership definition, the interests of the family should be considered. For example, currently spouses are not recognized as members, and 'non-Metis' spouses with Metis children are not represented after the death or divorce of the Metis spouse.
- the interests of Metis children as members of the organization must be weighed in drafting a revised Constitution;
- in the realm of communications, modern electronic means and newspapers should be used, in addition to face-to-face meetings as possible. Both techniques provide advantages and disadvantages that must be weighed in a communications plan.
- the governance of Metis Locals must be properly tied to the rules of the MMF;
- the status of Metis electors who are not members of Metis Locals must be clarified and understood, and reflected in the Constitution of the MMF and its affiliates;
- the filling of vacancies on the Board should be reviewed to reflect the goals of providing representation that has general support and that is cost effective;

- clear rules of procedures for meetings and operations should be adopted by all levels of Metis organizations;
- clear rules ought to apply in respect to the removal of Directors in Metis organizations;
- residence requirements pertaining to Local membership should be reviewed and applied uniformly;
- the role of Locals, Regions, and the Federation in the process of accepting membership applications must be reviewed and must be governed by clear rules that have general support;
- individual challenges to applications for membership by individuals must be provided for, and dealt with in an impartial process;
- the issue of 'grandfathering' all current members must be addressed in deciding upon any revised membership code;
- the membership code should be coordinated with the national Metis definition process.

**9. RESOLUTION OF THE ANNUAL GENERAL ASSEMBLY OF THE  
MMF #3/1999**

The following resolution was passed at the Annual General Assembly on October 31<sup>st</sup> namely,

*'Whereas the Constitution of the MMF needs to be reviewed and possibly amended, and*

*Whereas the Constitution of the MMF be reflective of grassroots wants and needs*

Be it resolved;

*'A Constitutional Review Committee comprised of one member from each of the seven (7) Regions and one member from the MMF Board be mandated to conduct public consultations in each of the seven Regions in order to gather, summarize and recommend Constitutional amendments at the 2000 Annual General Assembly.*

*Moved by:* Camille Page      *Seconded by:* Walter Menard.

**10. Recommendations to the MMF Board on organization and objectives of next steps**

**10.1** That the Board

establish a Constitutional Review Committee in accordance with the AGM resolution, subject to its having a budget allocation to do its work.

**10.2** That the Board

consider including within the recommended Committee one or more professional persons, including legal counsel, to ensure that the legal aspects of organizational structures and operations properly reflect the objectives and structures that receive popular support in the process of review that is to be conducted by the Committee, and to ensure also that the issues identified and discussed in this report are the subject of consideration in the work of the Committee.

**10.3** That the Board

appoint a Director to be responsible for the administration of the work of the Committee, which may be the Chair of the Committee, and that professional advice be sought on the details of a strategic plan to carry out the work of the Committee.

**10.4** That the Board

instruct the Committee to perform its work in a timely fashion to enable a set of recommendations, based upon the results of community consultations, to be presented to the Board for ratification and transmittal to the Annual General Assembly 2000 for ratification.

**10.5** That the Board

resolve to discuss and negotiate with Manitoba and Canada appropriate federal and provincial policy and statutory changes to reflect the needs of the Metis people through politically and legally recognized mechanisms and institutions, based upon the findings and recommendations of the Committee.

All of which is respectfully submitted.

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