



president's report and update
PRESIDENT'S REPORT AND UPDATE

ANNUAL GENERAL ASSEMBLY 2001



Dear Friends:

It is with great honor and pride that I welcome you to the 17th Annual Métis National Council (“MNC”) General Assembly. I would like to thank the Métis Provincial Council of British Columbia for acting as our gracious hosts for what I am sure will be a positive and productive assembly.

It is an exciting time for our nation as we continue to grow stronger. Since the days of Riel, our nation has faced numerous hurdles and challenges in maintaining our survival as an indigenous people, yet we have continued to assert our existence and our rights flowing from this existence. Most importantly, through all of the challenges and obstacles placed in front of us over generations -- we have stayed together as one people, one nation.

The historic record demonstrates that our nation has stayed together through some very trying times. **From Canada’s assimilationist policies to broken and unfulfilled promises to pervasive persecution - we have remained committed to realizing the dream of our ancestors; namely, maintaining a strong, proud, healthy and united Métis Nation.**

I think at the beginning of our assembly this year, it is important that we remember what we have been able to achieve, as a national Métis Nation movement, in such a short time. Over the past few decades, the Métis Nation has continued its battle to take our rightful place as a true partner within the Canadian federation. Together, as a nation we have made great strides in realizing our ultimate goal.

Our recent history demonstrates the effectiveness of working together to realize our aspirations:

In the 1960's - 1970's, along with non-status Indians and other Aboriginal people, the Métis Nation began to work under a pan-Aboriginal political organization called the Native Council of Canada (NCC) to advocate for the rights of all Aboriginal peoples living off-reserves, as well as, to lobby for needed socio-economic initiatives.

In 1982, the NCC, the Native Indian Brotherhood [now Assembly of First Nations] and the Inuit Tapirisat of Canada were successful in obtaining the agreement of Canada and all provinces except Quebec to include the protection of “existing Aboriginal and Treaty rights” within s. 35 of the *Constitution Act, 1982*. In particular, the NCC, through the activities of the Métis Nation, was instrumental in ensuring that s. 35 included the recognition of the Métis as one of three distinct Aboriginal peoples in Canada.

After this constitutional recognition, it became apparent that the Métis Nation needed to be able to once again represent itself on a national level through its own voice, a Métis voice. The pan-Aboriginal structure of the NCC did not allow for the Métis Nation to effectively represent itself. Therefore, in March 1983, the Métis Nation separated from the NCC to form the MNC, its own Métis-specific national representative body. The MNC was created through the governing members coming together to mandate a national representative body to speak and advocate on behalf of the Métis Nation within Canada.

Since 1983, the MNC has represented our nation at First Ministers conferences; at each and every Canada constitutional process; and within on-going litigation to have our constitutionally protected rights no longer be the subject of prosecution from Canadian governments and on the international stage.

We must be thankful for the strong vision and foundation left to us by our ancestors. We must also recognize that the ability to move our agenda forward has been through staying together, as a nation. All too often Canadian governments undertake 'divide and conquer' tactics which attempt to break apart our nation and communities so we have a weakened political voice and are no longer a force to be reckoned with. We should be extremely proud that these tactics have not divided us to date. We must remain committed to working together to build a stronger nation.

This working together has allowed us to continue to build consensus around our ultimate objectives and vision for the Métis Nation. As will be discussed at this assembly, the Métis Rights Panel, with the support and direction of the Board of Governors, has been working on a draft Statement of Principles which will act as the minimum basis for our future negotiations with the government of Canada. These principles include:

- **RECOGNITION:** Recognition of the Métis Nation as a distinct 'people'. A recognition of our governments and rights, as well as, our contributions to the Canadian federation;
- **PARTNERSHIP:** Agreement that any relationship will be based on a nation-to-nation partnership between the Métis Nation and the Crown;
- **GOVERNANCE:** Respecting the roles and responsibilities (jurisdiction) of Métis people and our governments and institutions;
- **RESOLVING CLAIMS:** Agreement to processes and principles for dealing with outstanding Métis claims to lands, resources etc.;

- ***ADDRESSING SOCIO-ECONOMIC NEEDS:*** Programs and measures to address development needs of Métis communities and individuals;
- ***PRESERVING METIS CULTURE & HERITAGE:*** Awareness and preservation of Métis language and culture, as well as, control over our historical artifacts.

Throughout the course of this assembly we will have the opportunity to dialogue and debate the Statement of Principles and work towards a common vision which will form the basis for our agenda as we move through the new millennium. Ensuring consensus around this vision is imperative in order to ensure we will stay together as a nation.

Also I want the assembly to be aware of the on-going work the MNC has undertaken to push our agenda forward over the past year. Court victories, on-going lobbying of the federal government, active participation within the international community and strengthening our internal governance have placed us in an enviable place in order to realize our ultimate goals.

In particular, the MNC has focused and will continue to focus on the following core areas to keep our nation together and realize our vision.

- Strengthening Our Government
- Supporting and Participating in Litigation
- Participation within International Fora
- A National Definition and Registry
- On-going Lobbying of the Government of Canada

Strengthening Our Government

Strengthening our national Métis government is fundamental to moving our agenda forward and keeping us together as a nation. Over the past few years we have continuously witnessed the limitations of our current corporate structure within the MNC. Like all democratic structures -- we must continue to develop and embrace change in order to meet the ever changing needs of our nation. We must act like a government and put the internal structures and mechanisms in place to realize this.

Petty politics and divisive conflicts should not hold our nation back. **We must implement a governance system that ensures the 'grass roots' communities, that are the foundation of the Métis Nation, have an effective voice in our national structure.** I believe that in realizing a Métis Nation Constitution we will be able to overcome some the difficulties the current corporate model creates for us.

We should not be "boxed-in" or afraid to implementing a governance system that is reflective and responsive to our unique needs. We hold an inherent right to self-government and the MNC must look towards implementing a governance model that is consistent with this right. We must move towards a Métis Nation Constitution built on democratic, traditional and representative principles.

Some of our member organizations have already undertaken this. For example, the Métis Nation-Saskatchewan has developed a Constitution that recognizes the authority of the Métis Nation-Saskatchewan Legislative Assembly and Senate.

Very importantly, a Métis Nation Constitution should ensure a role for our Senators and the traditional knowledge they have vested within them. It should also ensure that citizens from across the Homeland have proportionate representation in our decision-making bodies. **It should allow for each and every Métis citizen to vote for their national president.**

We have made some progress on this front. The Métis Rights Panel have reviewed a paper entitled, *Towards a Métis Nation Constitution* which we will have an opportunity to discuss at this assembly.

I am committed to revitalizing and strengthening the MNC's governance structure consistent with our inherent right.

Future Actions:

- Establishing a Métis Constitution Commission (“MCC”) to work along with the Métis Rights Panel on an overall Métis Nation Agenda. The MCC would be tasked with undertaking broad-based consultations in order to facilitate the development of MNC Constitution. It is recognized that a Métis Nation Constitution will require broad-based support; therefore, the MCC's work will be done in phases to ensure all Métis citizens, communities and governing members are actively engaged in the process. The MCC would be accountable to the MNC President and Board of Governors and would be required to report back with a report to the next MNC Assembly.
- As a component of the MCC's work it would also look to developing models on how a Métis Nation wide election of the MNC President could be held by 2004.
- A commitment to continuing to work together with the governing members to keep the Métis Nation united as one nation, one people.

Supporting and Participating in Litigation

In February of this year, the Métis Nation won a major victory in the courts with the *R. v. Powley* decision. To use the legal counsel for the Powleys' phrase it was a "slam dunk" win for the Métis Nation!

In *Powley*, the Ontario Court of Appeal upheld the decisions of two lower courts finding that two Métis, Roddy and his son Steve, from the historic Métis community of Sault Ste. Marie had an existing Aboriginal right to hunt for food which is protected in s. 35 of the *Constitution Act, 1982*. The Court of Appeal went on to hold that the relationship between the Crown and the Métis people is "fiduciary" and "trust-like in nature" and did not accept that uncertainty about identifying those entitled to assert Métis rights can be accepted as a justification for denying the right.

The basic position of the government seems to have been simply to deny that these rights exist, absent a decision from the courts to the contrary. While I do not doubt that there has been considerable uncertainty about the nature and scope of Métis rights, this is hardly a reason to deny their existence. There is an element of uncertainty about most broadly worded constitutional rights. The government cannot simply sit on its hands and then defend its inaction because the nature of the right or the identity of the bearers of the right is uncertain. The appellant failed to satisfy the trial judge, the Superior Court judge on appeal, and has failed to satisfy me that it has made any serious effort to come to grips with the question of Métis hunting rights.

This decision represents the highest level of court to have ruled in favour of recognizing the existence of a Métis right to hunt. It has had positive implications for not just Métis in Ontario; but, for all of our citizens across the Métis Homeland. The court sends the clear message that governments cannot continue to be willfully blind to the existence and rights of the Métis.

The MNC was able to provide significant financial support to the *Powley* appeal and also intervened at the appellate court. The intervention was undertaken by Clem Chartier, President of the Métis Nation - Saskatchewan with the assistance of Jason Madden and was successful in numerous respects. In particular, the Ontario Court of Appeal agreed with the MNC's submission that it should not create a definition of who is "Métis" since that is an internal right of the Métis Nation itself.

The Ontario government has now appealed the decision to the Supreme Court of Canada. With this move, the Métis Nation now has the opportunity to make its arguments before the highest court in this land. **A positive decision from the Supreme Court will be binding across Canada and would provide our nation with an immense negotiation tool to push for the resolution of our outstanding claims.** As always, the MNC will continue to support this litigation and will intervene on behalf of the Métis Nation within Canada, and internationally abroad when necessary.

We must also remember that all of our on-going litigation is vital to pushing our agenda forward. The landmark Métis harvesting rights case of *R. v. Morin & Daigneault* in northern Saskatchewan was the foundation for the legal arguments advanced in *Powley*. The victories in the *R. v. Grumbo* legacy also moved our agenda forward.

There are numerous Métis legal issues that must be resolved and negotiated. The Manitoba Métis Federation's (MMF) case of *Dumont v. Canada* will have a monumental effect on the Métis Nation with respect to the outstanding obligations of the Crown to the Métis within the *Manitoba Act, 1870*.

As well, the Métis Nation of Saskatchewan's (MNS) land claim in Northwest Saskatchewan will address the issue of Métis title and self-government rights. The case of *Maurice v. Canada* will address the unjust and discriminatory exclusion of the Métis from the federal government's established land claims processes for Indians and Inuit.

I am confident that if we make strong arguments and place much value on these cases they will be resolved in our favour and positive precedents will be set for the Métis Nation – these cases will pave the way for us to fully exercise our inherent rights within Canada. **This on-going and successful litigation sends the resounding message that the government of Canada that the Metis will continue to stand up and assert their right and they must sit down and negotiate with the Métis Nation.**

Future Actions:

- Continued support for the on-going Métis litigation across the Homeland.
- Ensuring that the Métis Nation's national voice is heard in these cases, since the interests of all Métis citizens are affected.

Participation within International Forums

Through the work of the Métis Rights Panel, the MNC has initiated active participation within international forums to raise awareness and draw attention to the issues facing the Métis Nation with Canada. I am pleased that during this assembly, Tony Belcourt, Chair of the Métis Rights Panel and President of the Métis Nation of Ontario will be giving a report of the MNC's current engagement within the United Nations and the Organization of American States.

We must recognize that we have international law and international forums available to us in order to push our agenda forward. **We cannot accept being limited in our aspirations, as a people and as a nation, by the federal government of domestic law.** We are a people with rights and have international remedies and pressure that can assist us in realizing our ultimate goals.

Future Actions:

- On-going participation within international forums to raise awareness of the Métis Nation.
- Utilizing international remedies available to us to draw attention to the lack of Canadian government action with respect to addressing the existence and rights of the Métis Nation.

A National Definition and Registry

One of the most important issues our contemporary nation faces is adopting a national definition of Métis. We must stand together as a nation of people and assert who we are. We can no longer tolerate outside governments, individuals or organizations defining who the citizens of the Métis Nation are. Our collective right to define our own citizenship is an inherent right - vested in us as a distinct indigenous people. We must exercise this right in order to protect the distinct language, traditions, customs and culture of the Métis Nation with Canada.

We are all well aware this is a difficult, emotional and trying exercise. However it is one we must address and cannot shy away from. We must continue to generate consensus on this issue and move towards a formal ratification and implementation of the adopted definition.

Over the past years, the MNC and its governing member have undertaken a considerable amount of work to move forward on this issue. We continue to persevere on this issue. And at this assembly, we will have the opportunity to review the draft definition. I would like to emphasize that we must continue to work positively together in order to reach a national definition. **This draft definition should be discussed at this Assembly; but, more importantly it must be brought back to our communities so all Métis citizens have an opportunity to comment and add to the dialogue. Any definition must have strong support from the 'grass roots'.**

We must also begin to look at ways in which we can implement a national Registry for Métis. For many years, the governing members have had to shoulder all of the costs and resources to maintain registry lists and issue cards. We must build upon these lists and provide the needed resources for governing members to strengthen their capacity in this area. Community acceptance will be a fundamental component of any Registry process; therefore, the administration of this process should logically remain with the

governing members. These provincial registries would then feed into the national standards that are agreed to for issuing a card and for being placed on the national Registry. It is now time to engage in the discussion on just how this would work and what resources would be required to ensure fairness, transparency and integrity in the process.

Future Activities:

- Continued consultations on the national definition of Métis based on the current draft, with the intent of resolving this matter as soon as possible.
- Developing a Discussion Paper on how a Métis Nation Registry could be developed and what resources would be required to undertake this initiative for presentation to the next MNC Annual Assembly.

On-going Lobbying of the Government of Canada

In 1998, the federal government announced its formal response to the RCAP final report entitled *Gathering Strength: Canada's Aboriginal Action Plan*. *Gathering Strength* did not address any of the specific Royal Commission on Aboriginal Peoples ("RCAP") recommendations relating to the Métis and was mainly First Nation in focus.]

The Métis were publicly critical of the response; however, the Federal Interlocutor maintained his commitment to working with the MNC to develop a Métis-specific, forward-looking, results-driven agenda.

Since that time we have continued to work on realizing a Métis Nation Agenda flowing from *Gathering Strength*. As a component of garnering support for the Agenda, the leadership of the MNC has continued to meet with the government of Canada to secure support for a *Métis Nation Agenda* when the Federal Interlocutor returns to Cabinet in the Fall of 2001.

These efforts have included meetings with Herb Gray, Deputy Prime Minister; Claudette Bradshaw, Minister of Homelessness; Don Bhoudria, House Leader; Jane Stewart, Minister for Human Resource Development Canada; Ron Duhamel, Secretary of State for Western Economic Diversification; David Anderson, Minister of the Environment; Ethel Blondin-Andrew, Secretary of State for Youth; Hedy Fry, Secretary of State for the Status of Women and Multiculturalism. As well, I have made presentations to the Commons Committee on Aboriginal Affairs and Senate Committees on various issues.

Future Activities:

- A meeting with the Prime Minister.
- On-going meetings with the remainder of Cabinet.
- Continued communications with the House of Commons, Senate and Ministry/Departmental Officials on Métis issues.

Closing Comments

The historic record demonstrates that the relationship between Canada and the Métis Nation has been tainted by assimilationist policies, broken and unfulfilled promises, and pervasive persecution of the Métis, both overtly and systemically. **This on-going lack of attention paid to the existence and rights of the Métis, as a distinct Aboriginal people, continues to be a national disgrace in Canada.**

Although past and present practices and policies have attempted to assimilate us and deny us our rights as an Aboriginal people -- we continue to persevere. It is a true testament to the strength of our nation that through all of this we have managed to stay together as a nation of people. To day, we are at a critical crossroad. **As we now begin to see the fruits of our collective work and sacrifices it is worthwhile for Canadian governments and other organizations to divide us and lose our national momentum and vision. We cannot allow that to happen! As a leader, I will not allow this to happen.**

We must continue to work together, as a nation, to forward our national vision and rights-based agenda. I remain committed to working with all leadership to ensure that we stay together as a strong and effective political voice within Canada. This unity will allow us to overcome any future obstacles or challenges that present themselves.

I look forward to an exciting and positive assembly!

Yours very truly

Gerald Morin
President
Métis National Council