
MÉTIS VOICES. MÉTIS CONSTITUTION.

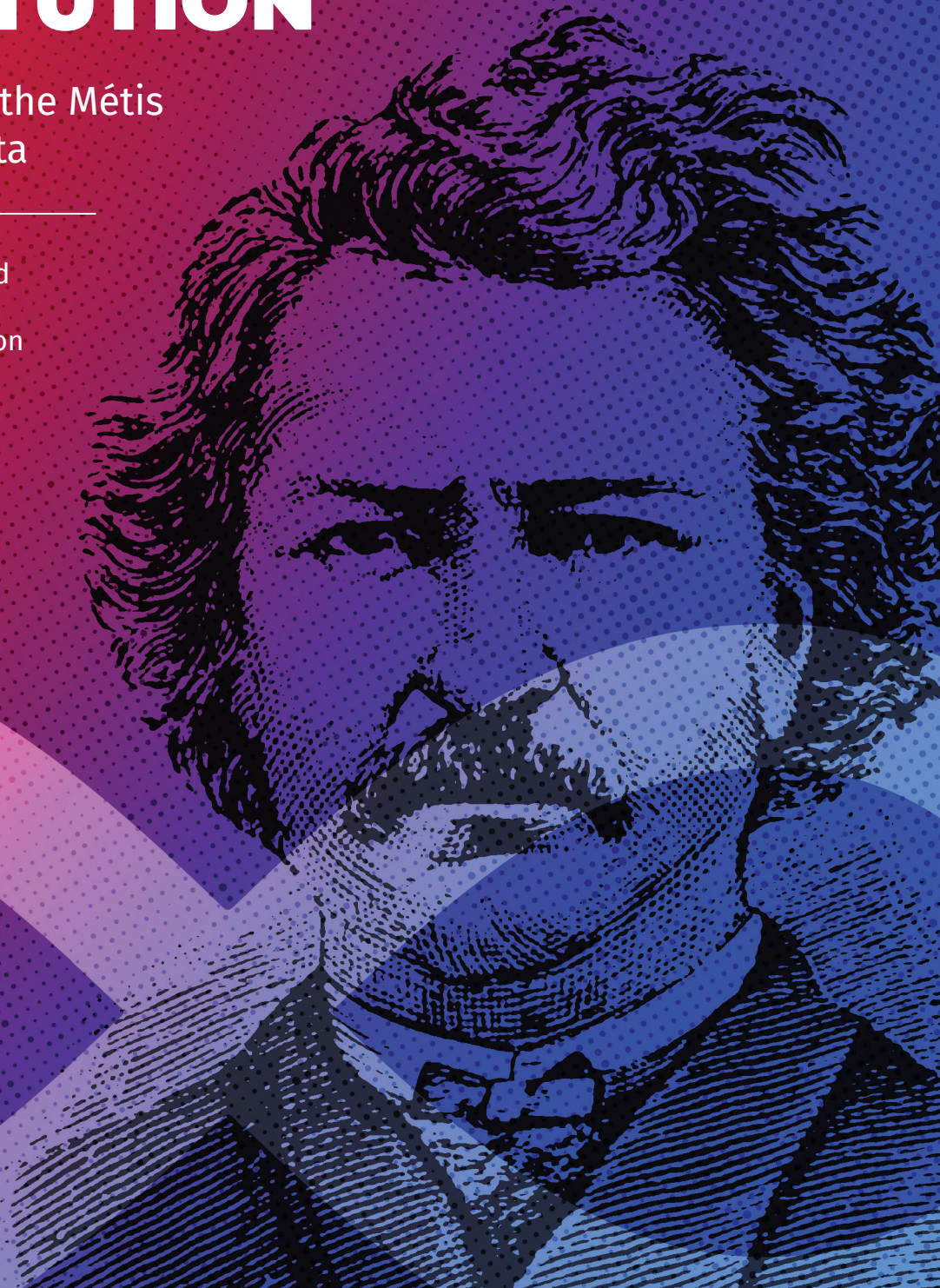


OTIPEMISIWAK MÉTIS GOVERNMENT CONSTITUTION

The Government of the Métis
Nation within Alberta

This document was prepared
by the MNA Constitution
Commission for consideration
by MNA Citizens

AUGUST 31, 2022



Otipemisiwak Métis Government Constitution

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DECLARATION OF SELF-DETERMINATION AND SELF-GOVERNMENT

When the Government of Canada presented itself at our doors it found us at peace. It found that the Métis people of the North-West could not only live well without it ... but that it had a government of its own, free, peaceful, well-functioning, contributing to the work of civilization in a way that the Company from England could never have done without thousands of soldiers. It was a government with an organized constitution whose jurisdiction was more legitimate and worthy of respect, because it was exercised over a country that belonged to it.

Louis Riel, 1885

We, the Métis people of the historic North-West, honour the Creator;

We, the Métis people of the historic North-West, are one of the Indigenous peoples of North America;

We are a people born of the Creator, our First Nations foremothers, European forefathers, the land, love, kinship, freedom, trade, resistance, and collective action; we share a spirituality, history, territory, values, traditions, laws, language, music, dance, art, customs, practices, and institutions;

Over the generations, we have been called Louis Riel's people, lii Michif, the flower beadwork people, Half-breeds, and simply the Métis; for over two centuries we have advanced and defended our nationhood—as the Métis Nation; we will continue to do so forever;

We are also known as the Otipemisiwak, a name given to us by our Cree kin meaning 'the free people' or 'their own boss'; we embrace this name because it embodies our peoplehood, freedom, and independence as well as our personal and collective sovereignty;

As a people, we hold the inherent rights of self-determination and self-government as well as all the rights that inhere in all peoples, including those recognized in international law and described in the *United Nations Declaration on the Rights of Indigenous Peoples*;

Within what is now known as Alberta, we were here before Canada became a country and before Alberta became a province; our lands, families, kinship, settlements, and communities continue to extend throughout the province today: we are the Métis Nation within Alberta;

As a people, we have never surrendered—and will never surrender—our inherent rights, including our rights of self-determination and self-government;

Over the generations, we have consistently and repeatedly fought for and exercised our right of self-government within the North-West, from the governance of the buffalo hunt, to the Victory of Frog Plain, to the creation of provisional governments in 1869/70 and 1885, through to our political organization in what is now Alberta that led to the creation of L'Association des Métis

d'Alberta et les Territoires du Nord-Ouest, the Métis Association of Alberta, and the Métis Nation of Alberta Association;

As a part of Canada's colonial history, we were subjected to a dishonourable, unjust, and illegitimate Métis scrip scheme that dispossessed our families, communities, and the Métis Nation within Alberta of our traditional lands and resources in breach of the Crown's commitments to us as set out in the *Royal Proclamation, 1763*, the *Rupert's Land and North-Western Territory Order, 1870*, and other solemn promises made to us as part of Canada's westward expansion;

Our ancestors, families, communities, and the Métis Nation within Alberta were also dishonourably, unjustly, and illegitimately dispossessed of our traditional lands and resources through other colonial schemes advanced by Canada and Alberta: repatriating Métis land is key to restoring our place and belonging;

Today, our Métis self-government in Alberta endures; we remain focussed on protecting and reclaiming our unceded traditional lands and resources; exercising our inherent and constitutionally protected Métis rights; renewing our relationship with the Crown and other Indigenous nations; supporting our Citizens, families, and communities to reach their full potential; and preserving and enriching our language, culture, and way of life as Métis;

As a people, we continue to seek justice and equitable settlement with the Crown for the dispossession of our people from our lands; reconciliation with the Métis Nation within Alberta requires acknowledgement, apology, and redress for the impact and sorry legacy of Métis scrip and other land dispossessions to which our Citizens, communities, and the Métis Nation within Alberta were subjected;

Through the perseverance of our foremothers and forefathers and our ongoing political, legal, and constitutional efforts, our unique and distinct existence as an Indigenous people, including our inherent right to self-government, has been recognized by Canada's Constitution;

To fully achieve and realize the promises made to us within Canada's Constitution, we seek to negotiate a modern-day treaty with the Crown, on a nation-to-nation, government-to-government basis, that recognizes our inherent rights to self-determination and self-government as well as our jurisdiction as a distinct order of Indigenous government within the Canadian federation;

Consistent with our goals, on June 27, 2019, after generations of struggle and dedication, we signed a *Métis Government Recognition and Self-Government Agreement* with Canada that recognizes the Métis Nation within Alberta's inherent right to self-government and sets out a process to ensure the full scope of our inherent jurisdiction and rights are recognized in Canadian law and are not limited or diminished by colonial law or as negotiations continue;

Now, as a people, we have come together, based on the democratic will of our Citizens, to adopt this Constitution of the Métis Nation within Alberta, which formally establishes the Otipemisiwak Métis Government and is the highest law of the Métis Nation within Alberta.

PART I: FOUNDATIONAL PRINCIPLES

CHAPTER 1: THE MÉTIS NATION

- 1.1 As an Indigenous people, the Métis Nation emerged in the historic North-West, the Métis Nation Homeland, in the late 1700s and early 1800s with its own collective consciousness and identity, territory, language, culture, music, art, dance, institutions, self-government, laws, and legal orders, including relationships, confederacies, and alliances with other Indigenous peoples.
- 1.2 The Métis Nation Homeland includes an area that is now known as the Canadian provinces of Alberta, Saskatchewan, and Manitoba as well as contiguous parts of Ontario, British Columbia, the Northwest Territories, and portions of the northern United States in Montana, North Dakota, and Minnesota.
- 1.3 Since its emergence, the Métis Nation, including the inter-related and inter-dependent Métis families and communities located in territories throughout the Métis Nation Homeland, has functioned and been recognized as a nation by using, occupying, managing, and protecting the land and resources within the Métis Nation Homeland.
- 1.4 Throughout this Constitution, Métis means an individual who self-identifies as Métis, is distinct from other Indigenous peoples (for cultural and nationhood purposes), is of Historic Métis Nation ancestry, and is accepted by the Métis Nation.
- 1.5 Today, the Métis Nation is comprised of all Métis descendants of the inter-related and inter-dependent Métis families and communities located in territories throughout the Métis Nation Homeland that share the history, language, identity, culture, customs, and traditions of the Métis Nation.
- 1.6 The Métis Nation is one of the “aboriginal peoples of Canada” within the meaning of s. 35(2) of the *Constitution Act, 1982* and a people as recognized in international law, including the *United Nations Declaration on the Rights of Indigenous Peoples*.
- 1.7 The Métis Nation has never surrendered—and will never surrender—the inherent rights it holds as a people.

CHAPTER 2: THE MÉTIS NATION WITHIN ALBERTA

- 2.1 The Métis Nation within Alberta includes all of its Citizens, all Métis who live within Alberta, and the Métis communities of the Territories of the Métis Nation within Alberta.
- 2.2 The Métis Nation within Alberta is an indivisible, indissoluble, and united Métis collectivity that is an inseparable and distinct part of the Métis Nation. This section of the Constitution cannot be amended.

CHAPTER 3: THE TERRITORIES OF THE MÉTIS NATION WITHIN ALBERTA

- 3.1 The Métis Nation within Alberta has always been and remains comprised of Territories occupied, relied upon, and used by inter-connected and inter-dependent Métis communities that share a distinctive identity, live together in the same geographic area, and share a common way of life.
- 3.2 The Territories of the Métis Nation within Alberta include:
- (a) the Peace River Territory;
 - (b) the Lower Athabasca River Territory;
 - (c) the Lesser Slave Lake Territory;
 - (d) the North Saskatchewan River Territory; and
 - (e) the Battle River Territory.
- 3.3 Each Territory is an integral and indivisible component of the Métis Nation within Alberta. The Territories are depicted in the map attached as Schedule A, which is an integral part of this Constitution. These Territories remain inter-connected and inter-dependent and have overlapping geographic areas in which their Métis community's rights exist and are exercised.

CHAPTER 4: CITIZENS

- 4.1 Citizenship in the Métis Nation within Alberta is a fundamental right of all Métis.
- 4.2 For the purposes of becoming a Citizen, Métis means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of Historic Métis Nation ancestry, and is accepted by the Métis Nation.
- 4.3 In this Constitution:
- (a) Historic Métis Nation means the Aboriginal people then known as Métis or Half-breeds who resided in the Historic Métis Nation Homeland;
 - (b) 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;
 - (c) Métis Nation means the Aboriginal people descended from the Historic Métis Nation that is now comprised of all Métis Nation citizens and that is one of the "aboriginal peoples of Canada" within the meaning of section 35 of the *Constitution Act, 1982*; and

- (d) distinct from other Aboriginal peoples means distinct for cultural and nationhood purposes.
- 4.4 By becoming registered as a Citizen of the Métis Nation within Alberta an individual is accepted by the Métis Nation.
- 4.5 In this Constitution, Citizen means a Métis who is registered as a Citizen of the Métis Nation within Alberta.
- 4.6 The Otipemisiwak Métis Government shall maintain a law regarding citizenship that must, at a minimum, include the following:
- (a) the establishment and maintenance of a Register of Citizens;
 - (b) the documentary requirements for citizenship and the application process;
 - (c) the privacy rights of Citizens and the ability of the Otipemisiwak Métis Government to collect data through the Register to be used for the benefit of all Citizens and the Métis Nation within Alberta; and
 - (d) an appeals process related to decisions made regarding citizenship.

CHAPTER 5: THE CONSTITUTION OF THE MÉTIS NATION WITHIN ALBERTA

- 5.1 The Métis Nation within Alberta has adopted this Constitution based on its inherent rights to self-determination and self-government.
- 5.2 This Constitution is the highest law of the Métis Nation within Alberta.
- 5.3 All Otipemisiwak Métis Government laws and the application of such laws must be consistent with this Constitution, and, if inconsistent, are of no force and effect to the extent of the inconsistency.
- 5.4 All actions and decisions by the Otipemisiwak Métis Government and its Institutions must be consistent with this Constitution, and, if inconsistent, are invalid to the extent of the inconsistency.

PART II: BILL OF RIGHTS

CHAPTER 6: THE RIGHTS OF THE MÉTIS NATION WITHIN ALBERTA

- 6.1 As an integral and distinct component of the Métis Nation, the Métis Nation within Alberta holds and may exercise all the rights inherent to Indigenous peoples and all peoples, including, but not limited to:
- (a) the right to self-determination;
 - (b) the right to self-government;

- (c) the right to a land base to sustain its existence, identity, culture, language, and way of life;
- (d) the right to own, access, use, and benefit from Métis lands, the Territories, and lands and resources of the Métis Nation Homeland;
- (e) the right to harvest resources of the Métis Nation Homeland in keeping with the customs, practices, and traditions of the Métis Nation within Alberta and Otipemisiwak Métis Government laws to benefit and sustain Métis families, the communities of the Territories, and the Métis Nation within Alberta as a whole;
- (f) the right to engage in innovation, economic development, trade, and commerce to enable the well-being of the Métis Nation within Alberta and its Citizens;
- (g) the right to mobility throughout the Métis Nation Homeland;
- (h) the right to speak, transmit, and ensure the vitality of the languages of the Métis Nation within Alberta;
- (i) the right to practice, transmit, and ensure the continuation and evolution of the spirituality, customs, practices, and traditions of the Métis Nation within Alberta without harassment, discrimination, or persecution;
- (j) the right to access, control, possess, and own historic records and other information in order to protect and promote the rights and interests of the Métis Nation within Alberta and the communities of its Territories;
- (k) the right to establish, control, and provide access to educational systems and institutions providing education in a manner appropriate to Métis cultural methods of teaching and learning;
- (l) the right to safety, health, well-being, and the ability of its Citizens to live a good life;
- (m) the right to prompt and fair access to justice and to have Métis customs, traditions, and laws given due consideration in judicial processes;
- (n) the right to the integrity of Métis families consistent with Métis cultural values, the best interests of Métis children, cultural continuity, and self-determination;
- (o) the right to be engaged, consulted, accommodated, and provide informed consent with respect to any decisions or actions that have the potential to impact the rights, interests, claims, and well-being of the Métis Nation within Alberta or the communities of its Territories;
- (p) the right to be engaged, consulted, accommodated, and provide informed consent with respect to the future direction of the Métis Nation as well as any decision that may affect the rights, interests, claims, and well-being of the Métis Nation within

Alberta and the communities of its Territories as indivisible and distinct components of the Métis Nation;

- (q) the right to be free from any kind of discrimination in exercising any of the rights listed herein; and
- (r) without limitation, all of the rights and interests described and recognized in the *United Nations Declaration on the Rights of Indigenous Peoples*.

CHAPTER 7: RIGHTS OF CITIZENS

- 7.1 Every Citizen is entitled to exercise the collectively held inherent rights as well as other rights and interests held by the Métis Nation within Alberta in accordance with this Constitution and any Otipemisiwak Métis Government law.
- 7.2 Every Citizen has the right to retain citizenship in the Métis Nation within Alberta regardless of their place of residence.
- 7.3 Subject to residency or other requirements set out in any Otipemisiwak Métis Government law, every Citizen who is sixteen (16) years of age or older is eligible to vote in Otipemisiwak Métis Government elections and every Citizen who is eighteen (18) years of age or older is eligible to be elected or hold office in the Otipemisiwak Métis Government.
- 7.4 Every Citizen has the right to appeal or apply for review of decisions of the Otipemisiwak Métis Government in keeping with processes set out in Otipemisiwak Métis Government laws.
- 7.5 Every Citizen has the right to transparency and accountability from the Otipemisiwak Métis Government, and the Otipemisiwak Métis Government shall maintain a law providing for access to information held by the Otipemisiwak Métis Government and its Institutions.

CHAPTER 8: OFFICIAL LANGUAGES

- 8.1 The official languages of the Otipemisiwak Métis Government are Michif, Cree, English, and French.
- 8.2 Any official language may be used in the proceedings of the Citizens' Gathering, the Citizens' Council, and the District Councils.
- 8.3 All laws, regulations, and policies of the Otipemisiwak Métis Government must be adopted in English, and the English version is authoritative. Laws, regulations, and policies of the Otipemisiwak Métis Government may also be translated into any other official language.

CHAPTER 9: GUARANTEE OF EQUALITY

- 9.1 The rights of the Métis Nation within Alberta and its Citizens are guaranteed equally regardless of sex, gender, sexual orientation, age, religion, physical and mental disability, or other immutable personal characteristics.

CHAPTER 10: REASONABLE LIMITS

- 10.1 The rights set out in this Part are subject only to reasonable limits prescribed by an Otipemisiwak Métis Government law that can be demonstrably justified in a free and democratic Métis society.

PART III: THE OTIPEMISIWAK MÉTIS GOVERNMENT

CHAPTER 11: THE BRANCHES OF THE OTIPEMISIWAK MÉTIS GOVERNMENT

- 11.1 The Otipemisiwak Métis Government consists of the following branches:

- (a) the Citizens' Gathering;
- (b) the District Councils;
- (c) the Citizens' Council; and
- (d) the Judicial Branch.

CHAPTER 12: THE OTIPEMISIWAK MÉTIS GOVERNMENT

- 12.1 The Otipemisiwak Métis Government is the government of the Métis Nation within Alberta.
- 12.2 The Otipemisiwak Métis Government builds on the self-government of the Métis Nation within Alberta that evolved through the creation of L'Association des Métis d'Alberta et les Territoires du Nord-Ouest, the Métis Association of Alberta, and the Métis Nation of Alberta Association.
- 12.3 The Otipemisiwak Métis Government shall govern in the spirit of the provisional governments led by Louis Riel and shall strive to protect the Métis Nation within Alberta and the Métis Nation for generations to come.
- 12.4 The Otipemisiwak Métis Government shall engage with and be responsive to the needs and ambitions of its Citizens in keeping with the Métis tradition of kapikiskwanaw, meaning "we will talk."
- 12.5 Only the Otipemisiwak Métis Government has the mandate and authority to represent the Métis Nation within Alberta.
- 12.6 The Otipemisiwak Métis Government is authorized to advance and address all rights, interests, and claims of the Métis Nation within Alberta.
- 12.7 The Otipemisiwak Métis Government may, in keeping with the tradition of kapikiskwanaw, engage and enter into collaborative arrangements with other governments, organizations, or institutions, whether international, national, provincial, Indigenous, or otherwise in relation to the interests and jurisdiction of the Métis Nation within Alberta.

CHAPTER 13: THE PURPOSE, GOALS, AND RESPONSIBILITIES OF THE OTIPEMISIWAK MÉTIS GOVERNMENT

13.1 The Otipemisiwak Métis Government's purpose is:

- (a) to advance the social, cultural, and economic well-being; education; and health of the Métis Nation within Alberta, its Citizens, families, and communities of its Territories;
- (b) to advance, address, secure, and protect the rights, interests, and claims of the Métis Nation within Alberta and the communities of its Territories; and
- (c) to provide fair, responsible, transparent, and accountable governance to the Citizens of the Métis Nation within Alberta.

13.2 The Otipemisiwak Métis Government's goals and responsibilities are:

- (a) to protect the planet, land, water, animals, and environment for future generations, including our relationship and responsibilities to all things;
- (b) to repatriate, secure, and protect lands, resources, cultural artifacts, and sacred sites for the benefit of the Métis Nation within Alberta, its Citizens, families, and the communities of its Territories;
- (c) to protect and promote Métis traditional and cultural knowledge;
- (d) to advance and secure the recognition of Métis rights and interests within Alberta and Canada;
- (e) to research, publish, and preserve the distinct history of the Métis Nation within Alberta's places, families, and communities of its Territories;
- (f) to maintain a single, credible, objectively verifiable, and non-political Register of Citizens for the Métis Nation within Alberta;
- (g) to build and maintain mechanisms, structures, and Institutions to enable the Métis Nation within Alberta to be independent and self-determining;
- (h) to operate in a transparent and fiscally responsible manner;
- (i) to enable Citizens to pursue their best life based on their own personal choices and spirituality;
- (j) to improve the quality of life of Citizens by providing social, economic, spiritual, cultural, public safety, justice, and health supports that are specifically designed and tailored for their unique needs and realities;

- (k) to ensure Citizens have meaningful ways to be consulted and participate in the initiatives of the Otipemisiwak Métis Government at all levels;
- (l) to provide mechanisms for dispute resolution that promote reconciliation and the restoration of good relations;
- (m) to ensure the distinct voice of the Métis Nation within Alberta is heard nationally and internationally;
- (n) to collaborate with other Métis governments to coordinate delivery of programs and services to Citizens;
- (o) to work with other Indigenous peoples and their governments by supporting, building, or rekindling relationships, kinships, confederacies, and alliances; and
- (p) to maintain productive relationships with all levels of Canadian government in pursuit of reconciliation through collaborative partnerships.

CHAPTER 14: THE CITIZENS' GATHERING

14.1 The Citizens' Gathering is convened each summer by the Citizens' Council for the following purposes:

- (a) to bring Citizens together to share in Métis social, cultural, political, and spiritual activities; and
- (b) to serve as a forum where:
 - i. the President shall provide a report to Citizens;
 - ii. the Citizens' Council and Institutions shall provide annual reports to Citizens on the operations and finances of the Otipemisiwak Métis Government;
 - iii. updates on matters of importance facing the Otipemisiwak Métis Government are provided to Citizens;
 - iv. Citizens may ask questions, provide their views, and table proposals;
 - v. Citizens may review and provide their views on any proposed amendments to this Constitution; and
 - vi. Citizens may review and provide their views on any proposed modern-day treaty or land claims agreement.

14.2 All Citizens have a right to attend, participate, and speak at the Citizens' Gathering.

- 14.3 The Citizens' Council may convene additional meetings of the Citizens' Gathering from time to time in order to seek the views of Citizens on matters of importance to the Métis Nation within Alberta.
- 14.4 The Otipemisiwak Métis Government shall maintain a law that addresses the operations of the Citizens' Gathering.

CHAPTER 15: DISTRICTS AND DISTRICT COUNCILS

A. DISTRICTS

- 15.1 For the purposes of good governance and the effective representation of Citizens, the Territories of the Métis Nation within Alberta are subdivided into Districts.
- 15.2 The Otipemisiwak Métis Government shall maintain a law setting out:
- (a) the criteria and process for the establishment or alteration of Districts; and
 - (b) the boundaries of all Districts.

B. COMPOSITION OF DISTRICT COUNCILS

- 15.3 Each District may have a District Council.
- 15.4 Each District Council is a governance structure of the Otipemisiwak Métis Government with its own legal status and capacity subject to the laws of the Otipemisiwak Métis Government.
- 15.5 The Otipemisiwak Métis Government shall maintain a law setting out the criteria and process for the establishment and operations of District Councils.
- 15.6 A District Council includes:
- (a) a District Captain, who must be a Citizen and resident of the District, elected by the Citizens of the District; and
 - (b) additional Councillors, who must be Citizens and residents of the District, as provided for in an Otipemisiwak Métis Government law.

C. AUTHORITY AND RESPONSIBILITY OF DISTRICT COUNCILS

- 15.7 The authority and responsibility of District Councils extends to the following matters:
- (a) the operation of the District Council, including the holding of meetings, elections, financial management, accountability, and reporting to Citizens residing in the District;
 - (b) administration of the business of the District Council;

- (c) the conduct of consultation and accommodation with the Crown, industry, and other Indigenous groups on behalf of the Citizens residing in the District regarding their rights, claims, and interests;
 - (d) environmental monitoring in relation to the District;
 - (e) repatriation, ownership, and management of lands for the use and benefit of the Citizens residing in the District;
 - (f) overseeing Institutions to develop and deliver programs and services for the benefit of the Citizens residing in the District;
 - (g) consulting with Citizens within the District regarding and voting on ratification of any modern-day treaty or land claims agreement with the Crown;
 - (h) authority and responsibility regarding specified matters as delegated by the Citizens' Council; and
 - (i) instituting and amending policies in relation to the above listed matters provided that such policies are consistent with Otipemisiwak Métis Government laws.
- 15.8 The District Councils of each Territory shall establish procedures to coordinate their work in conducting consultations in relation to the rights, claims, and interests collectively held by the Métis community of the Territory they represent with the Crown, industry, and other Indigenous groups.
- 15.9 Where no District Council has been established for a District, or where a District Council declines authority and responsibility in relation to certain matters listed above, the Citizens' Council is authorized and responsible for that District in relation to those matters for which no District Council has assumed authority and responsibility.

CHAPTER 16: THE CITIZENS' COUNCIL

A. COMPOSITION OF THE CITIZENS' COUNCIL

- 16.1 The Citizen's Council includes:
- (a) the President, who is a Citizen and resident of Alberta elected by all Citizens every four years through a province-wide election;
 - (b) one Citizens' Representative per District, who is a Citizen elected every four years by the Citizens of the District in which the Citizens' Representative resides;
 - (c) one Women's Representative, who is a woman and Citizen resident of Alberta, elected by all Citizens every four years through a province-wide election; and

- (d) one Youth Representative, who is a Citizen resident of Alberta twenty-five (25) years of age or younger when elected by all Citizens every four years through a province-wide election.

B. ROLE AND RESPONSIBILITY OF THE PRESIDENT

16.2 The President is responsible for:

- (a) providing overall leadership and upholding the purpose, goals, and responsibilities of the Otipemisiwak Métis Government
- (b) serving as the chief spokesperson of the Métis Nation within Alberta and the Otipemisiwak Métis Government;
- (c) leading discussions of the Citizens' Council and attempting to seek consensus;
- (d) providing a President's Report to every meeting of the Citizens' Gathering;
- (e) selecting and mandating Provincial Secretaries from the Citizens' Council; and
- (f) voting at meetings only when required to break a tie.

16.3 Within 30 days of being elected, the President shall identify a member of the Citizens' Council to serve as acting President if the President becomes unable to fulfill the President's role and responsibility.

C. ROLE AND RESPONSIBILITY OF THE CITIZENS' REPRESENTATIVES

16.4 Every Citizens' Representative is responsible for representing the rights, interests, and claims of the Citizens in their respective District in relation to all matters not assigned to their District Council and for working with other members of the Citizens' Council to advance the purpose, goals, and responsibilities of the Otipemisiwak Métis Government.

D. ROLE AND RESPONSIBILITY OF THE WOMEN'S REPRESENTATIVE

16.5 The Women's Representative is responsible for representing the rights, interests, and claims of the Citizens of the Métis Nation within Alberta who are women and for working with other members of the Citizens' Council to advance the purpose, goals, and responsibilities of the Otipemisiwak Métis Government.

E. ROLE AND RESPONSIBILITY OF THE YOUTH REPRESENTATIVE

16.6 The Youth Representative is responsible for representing the rights, interests, and claims of the Citizens of the Métis Nation within Alberta who are youths and for working with other members of the Citizens' Council to advance the purpose, goals, and responsibilities of the Otipemisiwak Métis Government.

F. OPERATION OF THE CITIZENS' COUNCIL

- 16.7 The President shall call all meetings of the Citizens' Council.
- 16.8 There are, at a minimum, six (6) meetings of the Citizens' Council annually.
- 16.9 The Citizens' Council shall endeavour to make decisions by consensus; however, where consensus cannot be reached, the Citizens' Council will make decisions by a majority vote.
- 16.10 The Citizens' Council may establish committees of its members to examine selected matters and make recommendations to the Citizens' Council.
- 16.11 The Citizens' Council shall appoint a council made up of elders or knowledge keepers from among the Citizens to provide advice and support.
- 16.12 The Citizens' Council may appoint advisory bodies as needed.
- 16.13 The Otipemisiwak Métis Government shall maintain a law governing the operations of the Citizens' Council.

G. CABINET

- 16.14 The President shall appoint Provincial Secretaries from among the members of the Citizens' Council.
- 16.15 Each Provincial Secretary shall be responsible for a portfolio regarding specific matters, issues, departments, or Institutions based on a mandate letter from the President that must be made public and available to Citizens.
- 16.16 A Provincial Secretary is accountable to the President and other members of the Citizens' Council.
- 16.17 The President and Provincial Secretaries shall form the Cabinet of the Otipemisiwak Métis Government and, except in relation to matters assigned to District Councils, may exercise all executive authority required to oversee the operations of the Otipemisiwak Métis Government and implement Otipemisiwak Métis Government laws.
- 16.18 The President and Provincial Secretaries shall conduct the affairs of the Otipemisiwak Métis Government in a manner consistent with this Constitution, any Otipemisiwak Métis Government laws, direction received from the Citizens' Council, and the proposals of the Citizens' Gathering.

H. AUTHORITY AND RESPONSIBILITY OF THE CITIZENS' COUNCIL

- 16.19 The authority and responsibility of the Citizens' Council extends to all matters not assigned to District Councils related to the good governance of the Métis Nation within Alberta and the advancement and protection of Métis lands, rights, interests, and claims, including the following:

- (a) repatriation, ownership, and management of lands for the use and benefit of the Métis Nation within Alberta as a whole;
- (b) negotiation, on behalf of the Métis Nation within Alberta, of a modern-day treaty relationship with the Crown through a land claims agreement or other arrangement as called for and contemplated within the meaning of section 35(3) of the *Constitution Act, 1982*;
- (c) negotiation regarding outstanding collective Métis claims against the Crown, including any claims relating to Métis scrip;
- (d) overseeing Institutions to develop and deliver programs and services for the benefit of the Métis Nation within Alberta and its Citizens;
- (e) delegation of authority and responsibility for specified matters to District Councils; and
- (f) approving an annual budget of the Otipemisiwak Métis Government and providing financial accountability to Citizens.

I. LEGISLATIVE POWERS OF THE CITIZENS' COUNCIL

- 16.20 The Citizens' Council has the exclusive power to enact laws in relation to all aspects of the inherent jurisdiction and rights of the Métis Nation within Alberta and all matters falling within the Otipemisiwak Métis Government's purpose, goals, and responsibilities.
- 16.21 Except as provided for in this Constitution, the Citizens' Council may not delegate its exclusive power to enact laws.
- 16.22 The Otipemisiwak Métis Government shall maintain a public registry by electronic means where this Constitution and all Otipemisiwak Métis Government laws are posted.
- 16.23 At least thirty (30) days prior to a meeting of the Citizens' Council at which a decision to enact a law will be made:
- (a) each Citizens' Representative shall consult with the Citizens residing in the District they represent regarding any proposed laws;
 - (b) the Women's Representative shall consult with Citizens who are women regarding any proposed laws; and
 - (c) the Youth Representative shall consult with Citizens who are youths regarding any proposed laws.

CHAPTER 17: JUDICIAL BRANCH

- 17.1 The Otipemisiwak Métis Government shall maintain one or more laws establishing one or more impartial bodies to decide and prescribe the resolution of disputes and addressing the following matters:
- (a) citizenship in the Métis Nation within Alberta;
 - (b) election of leadership of the Otipemisiwak Métis Government;
 - (c) the validity, application, and interpretation of laws, regulations, policies, actions, or decisions of the Otipemisiwak Métis Government or its Institutions;
 - (d) any other matter as identified in an Otipemisiwak Métis Government law;
 - (e) appeals of decisions of the bodies comprising the Judicial Branch; and
 - (f) where decisions of the bodies comprising the Judicial Branch are final and cannot be appealed.

CHAPTER 18: ELECTIONS AND REFERENDA

- 18.1 The Otipemisiwak Métis Government shall maintain a law governing the conduct of its elections and referenda.

PART IV: ALBERTA METIS SETTLEMENTS

CHAPTER 19: ALBERTA METIS SETTLEMENTS

- 19.1 In this Constitution, Metis Settlement and Settlement Member have the meanings as set out in the *Metis Settlement Act*, RSA 2000, c M-14.
- 19.2 The Metis Settlements are the result of the early efforts of the leadership of the Métis Association of Alberta, a predecessor of the Otipemisiwak Métis Government, and serve to provide a Métis land base to preserve and enhance Métis identity, culture, and well-being in Alberta.
- 19.3 The Metis Settlements exist for the benefit of all Métis in Alberta and are an integral part of the Métis Nation within Alberta.
- 19.4 One or more Metis Settlements may seek to join the Otipemisiwak Métis Government on terms to be negotiated with the Citizens' Council and ratified as an amendment to this Constitution.
- 19.5 By participating in the Otipemisiwak Métis Government, none of the existing jurisdiction, powers, or responsibilities of a Metis Settlement, including ownership of Metis Settlement lands, will be diminished in any way.

- 19.6 All Settlement Members who are eligible may register as Citizens of the Métis Nation within Alberta.

PART V: MÉTIS LANDS

CHAPTER 20: MÉTIS LANDS

- 20.1 The Métis Nation within Alberta has a right to and requires the use, benefit, control, and stewardship of appropriate and sufficient lands to maintain, protect, and enhance Métis nationhood, identity, language, culture, gatherings, trade, commerce, and self-government on a land base.
- 20.2 The Otipemisiwak Métis Government shall seek:
- (a) to repatriate land;
 - (b) to protect and hold land;
 - (c) to otherwise secure access, use, benefit, control, and stewardship of land throughout the Territories of the Métis Nation within Alberta; and
 - (d) to secure protection of Metis Settlement lands by the Constitution of Canada for the use and benefit of the Métis Nation within Alberta for generations to come.

CHAPTER 21: MÉTIS SCRIP AND OTHER DISPOSSESSIONS

- 21.1 The Otipemisiwak Métis Government shall secure recognition, reconciliation, and redress for the inter-generational impacts of Métis scrip and other land disposessions on the Métis Nation within Alberta, the communities of its Territories, and its Citizens.
- 21.2 The legacy of Métis scrip must be recognized and redressed through a land claims agreement within the meaning of s. 35(3) of the *Constitution Act, 1982* between the Crown and the Otipemisiwak Métis Government on behalf of the Métis Nation within Alberta.

PART VI: OFFICERS AND INSTITUTIONS

CHAPTER 22: THE CHAIR

- 22.1 Within thirty (30) days following the province-wide elections for the leadership of the Otipemisiwak Métis Government, a committee of the Citizens' Council shall prepare a list of nominees for a Chair, one of whom will be selected by the Citizens' Council by resolution. The Chair must be a Citizen.
- 22.2 The Chair is an officer of the Otipemisiwak Métis Government.
- 22.3 The Chair shall:
- (a) remain neutral and impartial;

- (b) preside over all meetings of the Citizens' Council and the Citizens' Gathering;
- (c) ensure meetings are planned effectively and maintain meeting order;
- (d) ensure matters are dealt with in an efficient manner; and
- (e) following every Citizens' Gathering, prepare a report for the Citizens' Council summarizing the questions, views, and proposals presented by Citizens.

22.4 The Otipemisiwak Métis Government shall maintain a law enabling the work of the Chair.

CHAPTER 23: OMBUDSMAN

23.1 Within thirty (30) days following the province-wide elections for the leadership of the Otipemisiwak Métis Government, a committee of the Citizens' Council shall nominate an Ombudsman to be confirmed by a resolution of the Citizens' Council. The Ombudsman must be a Citizen.

23.2 The Ombudsman is an arm's length officer of the Otipemisiwak Métis Government.

23.3 All Citizens have the right to submit complaints to the Ombudsman regarding the actions, inactions, or decisions of the Otipemisiwak Métis Government, its elected leadership, officers, employees, or Institutions.

23.4 The Ombudsman has the authority to:

- (a) investigate complaints;
- (b) mediate disputes;
- (c) make recommendations to the Otipemisiwak Métis Government or any of its Institutions regarding possible resolutions of complaints; and
- (d) dismiss complaints.

23.5 The decisions of the judicial bodies provided for in Chapter 17 are not reviewable by the Ombudsman. All decisions of the Ombudsman are reviewable by the Judicial Branch.

23.6 The Otipemisiwak Métis Government shall maintain a law enabling and protecting the work of the Ombudsman.

CHAPTER 24: AUDITOR GENERAL

24.1 Within thirty (30) days following the province-wide elections for the leadership of the Otipemisiwak Métis Government, a committee of the Citizens' Council shall nominate an Auditor General to be confirmed by a resolution of the Citizens' Council. The Auditor General must be a Citizen.

24.2 The Auditor General is an arm's length officer of the Otipemisiwak Métis Government.

- 24.3 The Auditor General shall make such examinations and inquiries as they consider necessary to enable them to fulfill their responsibilities as set out in this Constitution or any Otipemisiwak Métis Government law.
- 24.4 The Auditor General shall prepare an annual consolidated audited financial statement for the Otipemisiwak Métis Government and publish it such that it is available to all Citizens.
- 24.5 The Otipemisiwak Métis Government shall maintain a law that governs the financial management of its governance structures and Institutions, including the accountability of the Otipemisiwak Métis Government to its Citizens, and that enables and protects the work of the Auditor General.

CHAPTER 25: INSTITUTIONS

- 25.1 The Institutions of the Otipemisiwak Métis Government will be corporations, not-for-profit organizations, or other entities created by the Citizens' Council or a District Council to administer one or more specific laws, policies, programs, or services of the Otipemisiwak Métis Government in a manner set out in an Otipemisiwak Métis Government law.

PART VII: GENERAL PROVISIONS

CHAPTER 26: CODE OF ETHICS

- 26.1 The Otipemisiwak Métis Government shall maintain a law providing for a code of ethics governing, among other things, conflicts of interest relating to the elected leadership, officers, and employees, and the employees of its Institutions.

CHAPTER 27: NO EFFECT ON MÉTIS RIGHTS, CLAIMS, AND INTERESTS

- 27.1 Nothing in this Constitution limits, prejudices, restricts, or surrenders any right, claim, or interest of the Métis Nation within Alberta, the communities of its Territories, or any components of either.
- 27.2 The Métis Nation within Alberta acts through the Otipemisiwak Métis Government in asserting, claiming, negotiating, or exercising any right, claim, or interest of the Métis Nation within Alberta, the communities of its Territories, or any components thereof.

CHAPTER 28: TREATY RATIFICATION

- 28.1 Any modern-day treaty or land claims agreement within the meaning of section 35(3) of the *Constitution Act, 1982* on behalf of the Métis Nation within Alberta must be adopted by way of a law presented to the Citizens' Gathering, approved by at least three quarters of the members of the Citizens' Council, and then, within a year, ratified by at least three quarters of the District Councils.

CHAPTER 29: AMENDMENTS

- 29.1 Any amendment to this Constitution must be made by way of a law presented to the Citizens' Gathering, approved by at least three quarters of the members of the Citizens' Council, and then ratified by a majority of Citizens having voted in a referendum.
- 29.2 Except as required to give effect to an agreement with one or more Metis Settlements as provided for in Chapter 19, this Constitution may not be amended during the first five years following its coming into force.

CHAPTER 30: COMING INTO FORCE

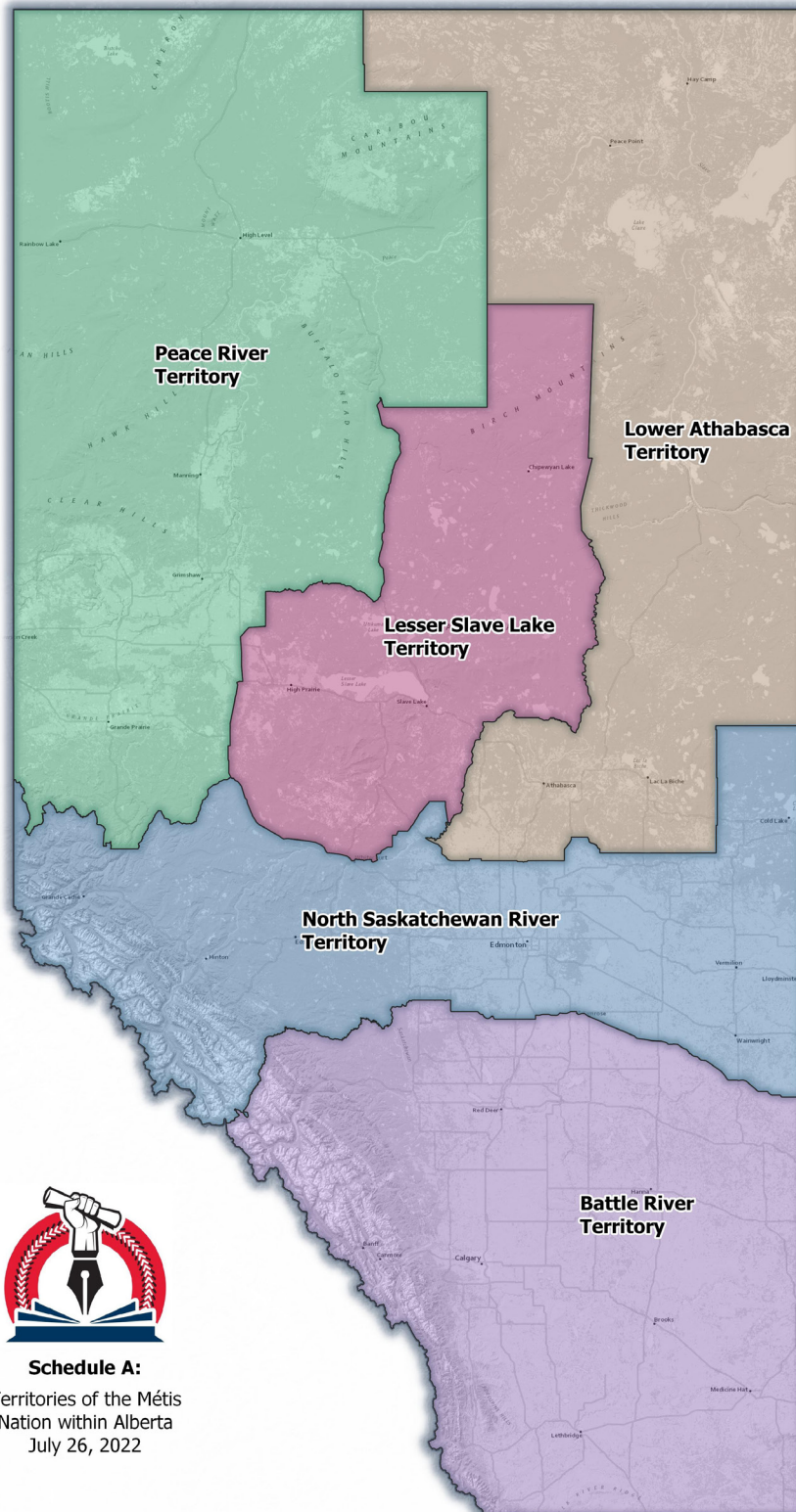
- 30.1 This Constitution will come into force on the date set for the first general election of the Métis Nation of Alberta Association to follow this Constitution's ratification.

CHAPTER 31: TRANSITION

- 31.1 Wherever this Constitution provides that the Otipemisiwak Métis Government shall maintain a law regarding a matter, the Métis Nation of Alberta Association's Provincial Council shall adopt such laws by resolution, which will be considered laws of the Otipemisiwak Métis Government, prior to the coming into force of this Constitution.
- 31.2 As of the coming into force of this Constitution, all members of the Métis Nation of Alberta Association are Citizens of the Métis Nation within Alberta.
- 31.3 As of the coming into force of this Constitution, the Otipemisiwak Métis Government shall have in place a transition plan that determines, among other things:
- (a) how the rights, titles, interests, assets, obligations, and liabilities of each Local Council and Regional Council of the Métis Nation of Alberta Association are to be vested in the Otipemisiwak Métis Government or a District Council as their successor; and
 - (b) how the relationships of the affiliates of the Métis Nation of Alberta Association are to be maintained with the Otipemisiwak Métis Government.
- 31.4 As of the coming into force of this Constitution, all the rights, titles, interests, assets, obligations, and liabilities of the Métis Nation of Alberta Association are vested in the Otipemisiwak Métis Government as its successor.

SCHEDULE A

For the purposes of good governance, the Métis Nation within Alberta has defined its Territories as depicted in this map. These Territories are inter-connected and interdependent and have overlapping geographic areas in which Métis rights may be exercised. Each of these Territories is an integral and indivisible component of the Métis Nation within Alberta.



Schedule A:
Territories of the Métis
Nation within Alberta
July 26, 2022

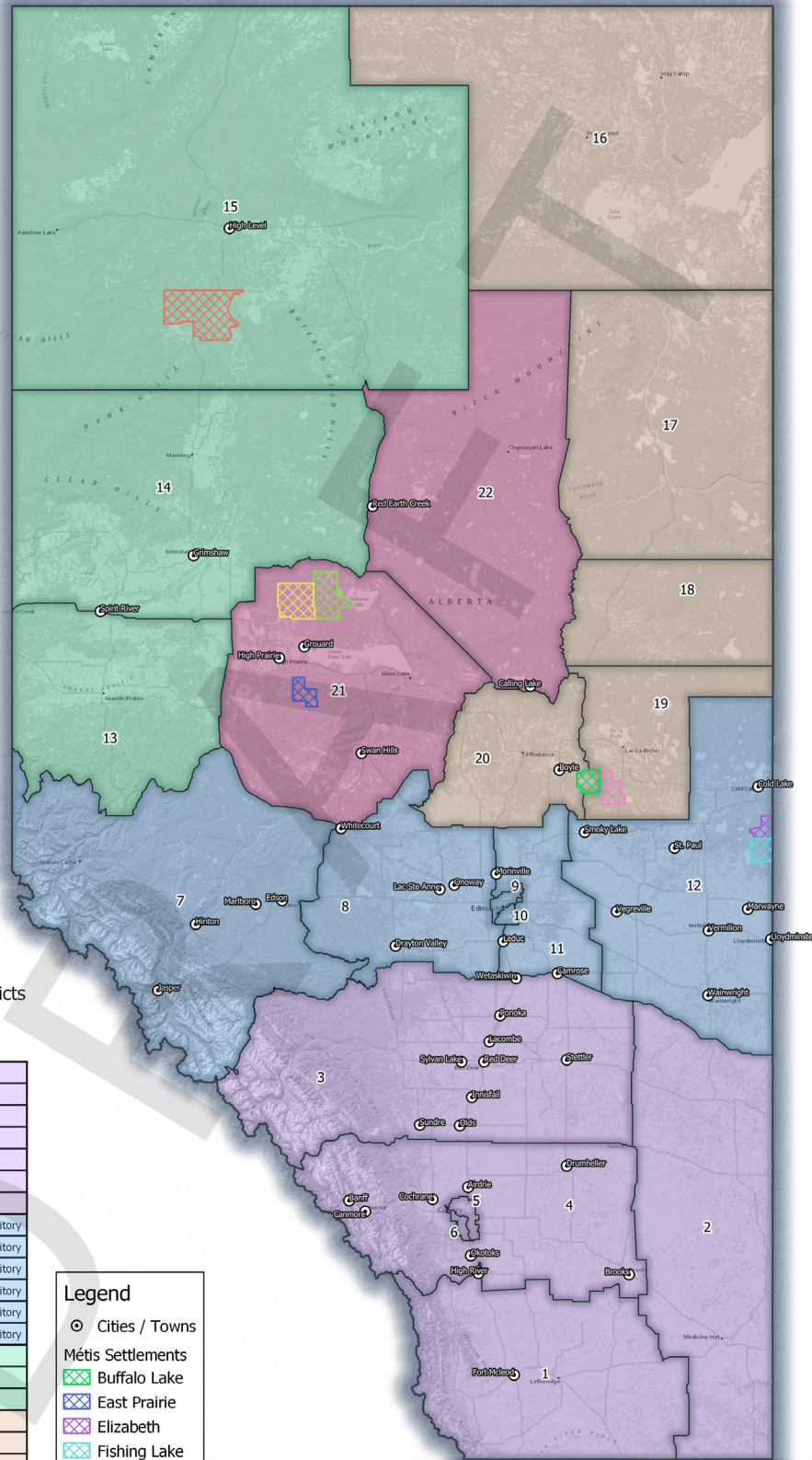
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DISTRICT BOUNDARY MAP DISCLAIMER

The District boundary map is included in this document for information purposes only. The province-wide ratification vote will be held on the understanding that the proposed District boundary map (below) will be put into an Otipemisiwak Métis Government law.

The District boundary map, however, is not a part of the Constitution. The Commission decided to have District boundaries put into a law rather than in the Constitution itself, so that future governments can redraw District boundaries to reflect our changing population, much like the federal and provincial governments redraw electoral boundaries from time to time.

DRAFT



DRAFT Otipemisiwak Districts
July 26, 2022

District #	Territory
1	Battle River Territory
2	Battle River Territory
3	Battle River Territory
4	Battle River Territory
5	Battle River Territory
6	Battle River Territory
7	North Saskatchewan River Territory
8	North Saskatchewan River Territory
9	North Saskatchewan River Territory
10	North Saskatchewan River Territory
11	North Saskatchewan River Territory
12	North Saskatchewan River Territory
13	Peace River Territory
14	Peace River Territory
15	Peace River Territory
16	Lower Athabasca Territory
17	Lower Athabasca Territory
18	Lower Athabasca Territory
19	Lower Athabasca Territory
20	Lower Athabasca Territory
21	Lesser Slave Lake Territory
22	Lesser Slave Lake Territory

Legend	
○	Cities / Towns
Métis Settlements	
	Buffalo Lake
	East Prairie
	Elizabeth
	Fishing Lake
	Gift Lake
	Kikino
	Paddle Prairie
	Peavine

NOTES:

NOTES:

NOTES:



MÉTIS NATION OF ALBERTA
CONSTITUTION
COMMISSION