Métis
Towards a Nation
Constitution
Table of Contents

3 ...... Introduction

5 ...... What is the Purpose of this Document?

6 ...... What Constitutional Consultation Process will be Undertaken?

8 ...... Background Information on the Métis Nation’s Governance Structures

   The Métis Nation
   Governance Structures and Institutions
   The Métis National Council

12 ...... What is a Constitution?

   Constitutions Generally
   Aboriginal Nation Constitutions
   A Métis Nation Constitution

15 ...... Consultation Questions

23 ...... Contact Information
TOWARDS a MÉTIS NATION CONSTITUTION
Introduction

Currently, the Métis Nation does not have a Constitution. However, Métis people from throughout the Homeland have consistently expressed their desire to have a Métis Nation Constitution in order to strengthen Métis nationalism and build a stronger and more effective national governance structure. Further, successive Métis National Council (MNC) Annual General Assemblies have provided direction for the development of a Métis Nation Constitution.

Over the past few years, the necessity for a Métis Nation Constitution has grown as our nation continues to make important gains in implementing self-government at a national, regional and community level. Successful court cases recognizing the existence of the Métis people and our Aboriginal rights, on-going political lobbying, the adoption of a national definition for citizenship within the Métis Nation and the expansion of Métis control over socio-economic programs and services delivered to our people all positively contribute to our nation’s self-government agenda.
Securing a Métis Nation Constitution is a difficult process. It has been attempted many times before without success. Through these past experiences, it is well-recognized that in order to achieve a fundamental change in our national governance structure there must be widespread support for such a change throughout the Métis Nation Homeland.

Any successful constitutional process will require broad-based community consultations, a transparent process for the development and ratification of a Métis Nation Constitution, a thorough understanding of how a Métis Nation Constitution will operate by Métis citizens and leaders, as well as, extensive cooperation, collaboration and political will at a community, provincial and national level.

Even though this may seem like a daunting task, as a nation, we are committed to moving towards a Métis Nation Constitution ...
What is the Purpose of this Document?

This consultation document is a starting point for the MNC’s broad-based community consultations on a Métis Nation Constitution. No proposed Constitutions have been drafted! No decisions have been made on how our Constitution should look! The only purpose of this document is to engage a nationwide and inclusive consultation process.

This document is designed to facilitate discussions at a community, regional, provincial and national level and let everyone have their say. It provides background information on the Métis Nation and its current provincial and national governance structures, provides information on what is the purpose of a Constitution generally and a Métis Nation Constitution specifically and provides some questions to start the dialogue on a Métis Nation Constitution.

Based on the input received from these initial consultations, a ‘What We Heard’ document will be prepared and shared with the Métis community. It is hoped that from this preliminary process there will be emerging consensus on some issues, as well as, the identification of issues that will require more focused consultations as we move forward.
What Constitutional Process is Going to be Undertaken?

This consultation document will be widely distributed throughout the Métis Nation by the MNC and its Governing Members. It will be sent to locals, community councils and affiliates throughout the Métis Nation Homeland. It will also be available to all Métis citizens through community meetings and the MNC’s website (www.metisnation.ca).

The constitutional process will be overseen by the Métis Nation Constitution Commission (MNCC) which consists of the Minister responsible for Governance in the Métis Nation Cabinet, the MNC’s Métis Rights Panel and the MNC’s General Counsel. The MNCC will regularly report to the MNC Board of Governors. As well, progress updates will be made to the MNC Annual General Assembly.

Throughout this process, Métis citizens will be regularly updated on meetings being held throughout the Homeland and the status of the constitutional process through the MNC’s website and the Governing Members.
Phase I
Beginning in early 2003, consultation meetings will be held with the provincial governing bodies of the Métis Nation. These meetings will include members of the MNCC and will provide the leadership of the Métis Nation an opportunity to discuss the upcoming consultation process, as well as, have preliminary discussions on a Métis Nation Constitution in order to be in a position to answer questions from Métis citizens about the consultation process.

Phase II
It is anticipated that beginning in 2003, Governing Members will begin holding community consultation meetings within their respective provinces on a Métis Nation Constitution. Each Governing Member will develop their own consultation strategy (i.e. meeting locations, advertising etc.). These meetings will be attended by various members of the MNCC to hear the discussions.

As well, during Phase II, Métis citizens will be able to submit their answers and comments directly to the MNCC by completing this consultation document and sending it to the MNC or responding via the MNC’s website.

Phase III
Based on the input received from Phase II, a ‘What We Heard’ document will be prepared and circulated throughout the Métis Nation. As well, based on this document the MNCC will draft a preliminary discussion Métis Nation Constitution that will be circulated for review, input and comments.

Phase IV
Based on the consultations from Phase III, a final Métis Nation Constitution will be prepared. It is hoped that each Governing Member will endorse the proposed Constitution at their respective Annual Assembly to be then brought to the MNC Annual General Assembly for final ratification.
Background on the Métis Nation and its Governance Structures

The Métis Nation

The Métis Nation, as a people, evolved out of the initial relations of Indian women and European men on the lands of west central North America. While the initial offspring of these relations were individuals who possessed mixed Indian and European ancestry, the gradual establishment of distinct Métis communities outside of Indian and European traditions, cultures and settlements, as well as, the subsequent intermarriages between Métis women and Métis men resulted in the genesis of a new Aboriginal people - the Métis people - with their own unique culture, traditions, language (Michif), way of life, collective consciousness and nationhood.

Distinct Métis communities arose along the routes of the fur trade and across the Northwest within the Métis Nation Homeland. This Homeland includes the three Prairie provinces (Manitoba, Saskatchewan, Alberta), as well as, parts of Ontario, British Columbia, the Northwest Territories and the Northern United States.
Today, many of these historic Métis communities continue to exist along watersheds, rivers and lakes and where once active forts and posts were hubs of fur trade activities from Ontario westward. As well, significant numbers of Métis citizens now live in urban centres within the Métis Nation Homeland; however, even within these larger populations, well-defined Métis communities exist.

Consistently throughout history, the Métis people have acted collectively to protect and fight for their rights, lands and ongoing existence, as an Aboriginal people, within the Canadian federation. This dedication continues to exist as citizens and communities throughout the Métis Nation Homeland continue to keep the nation’s distinct culture, traditions, language and lifestyle alive.

**Governance Structures & Institutions**
Throughout its evolving existence, the Métis Nation has maintained its inherent right of self-government and has matured governance structures and institutions that support the full implementation of this right. These governance structures and institutions have served the Métis Nation well by providing an effective means of representation at a community, regional, provincial, national and international level. As well, these infrastructures provide significant support for the Métis Nation’s cultural and socio-economic needs.

The ultimate aspiration of these governance structures and institutions is to realize the implementation of the Métis Nation’s inherent right to self-government within the Canadian federation. Unfortunately, due to current positions and policies (or a lack thereof) of the federal and provincial governments, the Métis Nation does not have a substantive, rights-based negotiations process to begin addressing Métis self-government.

Irrespective of the positions of governments in Canada, the Métis Nation’s governance structures and institutions continue to evolve to meet the aspirations, needs and challenges of the Métis people.
The Métis National Council

In March of 1983, the MNC was established to represent the Métis Nation within Canada. The MNC is formed by its five Governing Members coming together to collectively mandate a national body to represent the Métis people at a national and international level.

The MNC does not currently have a Constitution; however, a Secretariat has been incorporated, under federal law which has corporate bylaws. Some people may think that these bylaws are the MNC’s Constitution. They are not. They simply provide for the legal operation of the MNC’s Secretariat.

As witnessed over the years, the MNC’s current corporate framework is not conducive to nation building. Foreign corporate structures were never meant to serve as the groundwork for national Métis self-government. In order to enhance its national governance structure, the Métis Nation requires a foundation that reflects its unique history, needs and aspirations. This is the rationale for moving towards a Métis Nation Constitution.
Some of the MNC’s Governing Members have already undertaken this type of self-government initiative. For example, in 1993, the Métis Nation - Saskatchewan (MNS) declared self-government through enacting its own Constitution. From that time forth, the MNS no longer operated under the corporate bylaws of the MNS Secretariat; but, under its ultimate Métis law. Other Governing Members are at various stages of their own constitutional reform processes. It is envisioned that this initiative by the MNC will compliment and assist the work already being undertaken by the Governing Members.

The MNC must evolve in order for the Métis Nation to move forward on implementing self-government at a national level. This will require fundamental change to how the MNC is currently structured and operates. The fear of change has hindered moving forward on a Métis Nation Constitution in the past. However, in light of recent self-government gains being achieved throughout the Métis Nation (i.e. litigation, discussions with governments), it is hoped that our nation is now ready to move forward on enhancing our national governance structure.
What is a Constitution?

Constitutions Generally
Constitutional law is the law prescribing the exercise of power by the official bodies of a nation state. A Constitution explains which organs can exercise legislative power (making new laws), executive power (implementing the laws) and judicial power (adjudicating disputes), and what the limitations on those powers are (Peter Hogg, *Constitutional Law*). In a federal state, such as Canada, the allocation of governmental powers between federal and provincial authorities (also known as jurisdiction or responsibility) is also a subject matter within a Constitution.

Further, Constitutions have been described as “a mirror reflecting the national soul” because they recognize and protect the values of a nation (Cheffins & Tucker, *The Constitutional Process in Canada*). Some Constitutions assert and protect the cultural, linguistic and regional diversity of the nation in question. Others provide fundamental protections to civil liberties and rights.

All Constitutions have a way of reflecting the evolution of a nation. Many nations have a Constitution that came into effect following major turmoil in the country such as war, revolu-
tion, independence, or some other remarkable change in the structure of the country. Other Constitutions demonstrate a gradual evolution as a nation. For example, Canada’s development from colony to nation is reflected in a lack of any single comprehensive constitutional document. Canada has over 30 acts, orders or schedules that make up its Constitution. As well, Canada’s Constitution includes unwritten doctrines, conventions and principles that effect its operation and interpretation.

Finally, a Constitution of a nation is the supreme law of that nation. Usually there is some statement that asserts a Constitution is to be given priority over all other laws.

**Aboriginal Nation Constitutions**

Section 35 of the *Constitution Act, 1982* recognizes and affirms the existing Aboriginal and Treaty rights of the Aboriginal peoples of Canada and includes the Métis as one of those Aboriginal peoples. There is much authority to say that the inherent right of self-government is included within the meaning of the Aboriginal rights recognized and affirmed in s. 35.

Consistent with this right of self-government, many Aboriginal nations have maintained their traditional forms of governance. Other have enacted their own Constitutions independently or as a part of land claims negotiation process.

Many of these constitutional initiatives are relatively new and until recently many Aboriginal peoples governed their citizens under either the *Indian Act* or structures created by not-for profit or societies legislation (federal and provincial).

With developing awareness of the importance of self-governance to the health and survival of Aboriginal nations, the issue of developing internal Constitutions has become increasingly important to many Aboriginal nations. This is particularly so for the Métis Nation which has struggled under the limitations of the federal *Corporations Act* for years.
A Métis Nation Constitution
Within the Métis Nation, a Constitution is regarded as a document that can assert our rights as an Aboriginal people; protect our culture, language, diversity and civil liberties; govern our national, provincial and community relationships; and reflect our values, principles and aspirations as a nation.

A Métis Nation Constitution does not need to be like the Canadian Constitution or that of any other nation! Although there are some appropriate component parts of other Constitutions that might be adapted, for the most part, a Métis Nation Constitution must reflect the nation’s distinct history, reality and aspirations. The Métis Nation’s political, cultural and socio-economic reality cannot be found in the Constitution of another nation; therefore, a Métis Nation Constitution should not attempt to mirror that of others.

Within a Métis Nation Constitution, we can effectively recognize our unique existence and political history, as well as, set out our beliefs as to who we are as an Aboriginal people and how we choose to exercise our self-government. A Métis Nation Constitution can serve to bind our people together so we can move forward as a united Aboriginal nation exercising its inherent right of self-government. A Constitution for the Métis Nation can indeed function as a mirror reflecting our national soul!
Consultation Questions

The following are some questions designed to engage discussions on a Métis Nation Constitution with communities. As well, individuals may want to submit their personal responses directly to the MNCC by completing these questions and forwarding them to the MNC or answering them through the MNC’s website.

The questions are not meant to limit discussion, but to highlight areas that will need to be addressed within a Métis Nation Constitution and give people a chance to provide their views.

Rights, Values, Principles and Foundation of a Métis Nation Constitution

What do you think is the foundation of our Constitution?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

What rights do you think should be protected in our Constitution?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

MÉTIS NATIONAL COUNCIL
What values and/or principles are important to you as a Métis citizen?

What values and/or principles do you think are common to the Métis Nation as a whole?

**Governing Bodies, Jurisdiction, Roles & Responsibilities**

What responsibilities do you think a national Métis government structure should have?
What responsibilities do you think a Governing Member should have?

What duties, roles and responsibilities do you think the Métis Nation’s national president should have?

Do you think the Métis Nation’s national president should be elected by national ballot box election?
Do you support the infrastructures of the Métis Nation Cabinet, the Governor of the Métis Nation and the MNC’s Secretariats (Youth and Women)? Please provide your perspective on their roles and responsibilities within the Métis Nation?

__________________________________________________________

__________________________________________________________

__________________________________________________________

Do you think the structure and mandate of the MNC Board of Governors could be improved? If so, how?

__________________________________________________________

__________________________________________________________

__________________________________________________________

Do you think the Métis Nation should have a legislative assembly that could pass laws on behalf of the Métis Nation? What other authority, roles and/or responsibilities would you like to see this legislative assembly have?

__________________________________________________________

__________________________________________________________

__________________________________________________________
Do you think a Senate should be established within the Métis Nation? What do you think the roles and responsibilities of the Senate should be?

______________________________________________________________

______________________________________________________________

______________________________________________________________

______________________________________________________________

Do you think a Métis Nation Constitution should be inclusive of other Métis, who meet the national definition of Métis adopted by the MNC, but are not currently represented through a Governing Member (i.e. Métis within Northwest Territories)?

______________________________________________________________

______________________________________________________________

______________________________________________________________

______________________________________________________________

Do you think there should be a national code of conduct for all elected leadership within the Métis Nation?

______________________________________________________________

______________________________________________________________

______________________________________________________________
Citizenship Questions

How do you think a Métis Nation Registry should be established? Who should oversee this process?

How do you think the issue of community acceptance should be addressed within the national definition of Métis?

Dispute Resolution

Do you think there should be a dispute resolution mechanism established within the Métis Nation Constitution?

How should this dispute resolution body be structured and established?
What type of issues would you want this dispute resolution body to deal with?

Ratification and Amendments

How should a Métis Nation Constitution be ratified?

If a Métis Nation Constitution is ratified, what would be the requirements to make a constitutional amendment?
Additional Comments
Please provide any other comments, suggestions or input you have with respect to the development of a Métis Nation Constitution.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Participant Information
Please provide your name, address and Governing Member membership number.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
Please submit completed questionnaires or comments to:

Métis Nation Constitution Commission
Métis National Council
350 Sparks Street
Suite 201
Ottawa, Ontario
K1R 7S8

Phone: 1-800-928-6330
Fax: 613-232-4262
constitution@metisnation.ca

This questionnaire can also be completed on-line at:
www.metisnation.ca.

Thank you for your input.