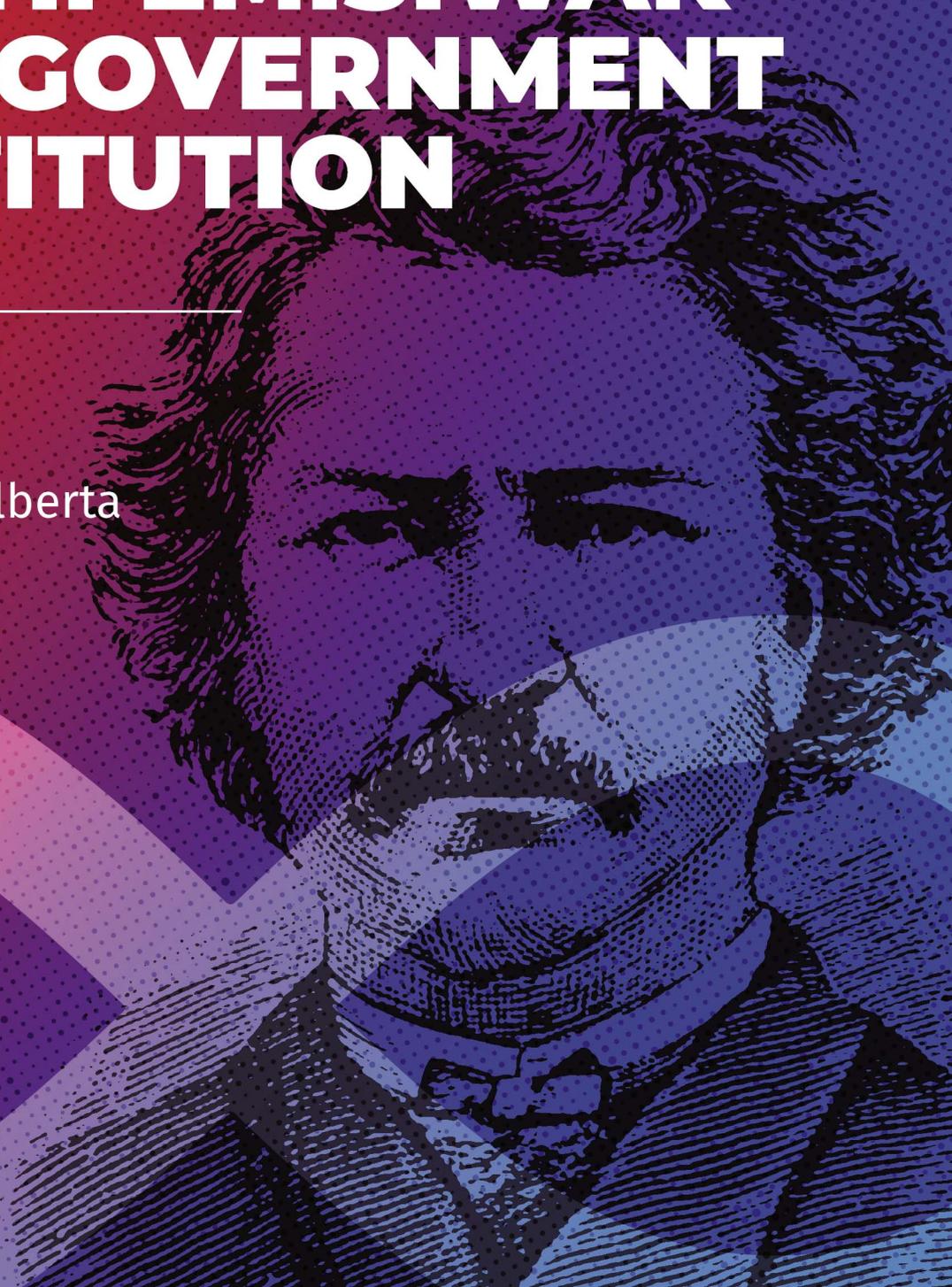

MÉTIS VOICES. MÉTIS CONSTITUTION.



OPEN LETTER ON THE OTIPEMISIWAK MÉTIS GOVERNMENT CONSTITUTION

Audrey Poitras
President
Métis Nation of Alberta

NOVEMBER 2, 2022





Métis Nation of Alberta

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Office of the President

November 2, 2022

Métis Settlements General Council
10335 172 St NW
Edmonton, AB T5S 1K9

Re: Open Letter on the Otipemisiwak Métis Government Constitution

Dear Alberta Métis Settlement Members and Settlement Councils,

Autumn is an important time of year for Métis people. We gather with family and community, share in our harvest and hunting traditions, and reflect on the dreams of our ancestors. We think of the incredible progress generations of Métis have made in the fight for our rights. And we look to the journey still ahead. I hope my letter finds you well.

The Métis Nation of Alberta (“**MNA**”) received a letter from the President of the Metis Settlements General Council (“**MSGC**”) that showed a lack of understanding about the MNA’s draft Otipemisiwak Métis Government Constitution (the “**Constitution**”). In response, I want to be forthcoming about our draft Constitution and our ratification vote.

Since I understand that the MSGC President and Vice-President have recently been removed from office, I have decided to write this open letter to all Metis Settlement members and the eight Settlement Councils. I ask that you share this letter throughout the Metis Settlements. We will also release this letter publicly so our own citizens know we have responded to the Metis Settlements in a timely and transparent way.

Our Constitution is for the Métis Nation within Alberta, not others

The Constitution was developed by and for the Métis Nation within Alberta, which includes more than 56,000 registered citizens and those who continue to register with us.

Our own people have consistently told us we need a Constitution—as Métis law—to ground our self-government for generations to come. Anyone who has attended one of our Annual General Assemblies over the last 94 years would have heard a Métis Elder, leader, or citizen get up to the microphone and stress the need for us to adopt an MNA Constitution.

Our Constitution is about finally pulling our Métis Nation government out of Alberta’s paternalistic *Societies Act*, which has allowed colonial governments and courts to diminish and undermine the Métis

Nation within Alberta's right of self-government. The *Societies Act* has also divided us because our Locals and Regions had to incorporate separately and are accountable to Alberta for their legal existence, not the Métis Nation based on our inherent rights. Our Constitution will address these problems by empowering us, as Otipemisiwak, to truly govern ourselves.

After years of hard work and consultation, including the excellent work of the MNA Constitution Commission, our 2022 Annual General Assembly overwhelmingly adopted our Otipemisiwak Métis Government Constitution to be put to a province-wide ratification vote. It is time to let our citizens—and no one else—decide our future. Our Constitution does not require anyone else's approval. Neither Canada nor Alberta need to agree to our Constitution—only our citizens do.

Our Constitution will be *our* declaration of self-determination and self-government to the world, no one else's.

Our Constitution respects the rights, authority, and lands of the Metis Settlements

Nothing in our Constitution impacts the rights, jurisdiction, or lands of the Metis Settlements as recognized in Alberta's *Metis Settlements Act* and related legislation. From a legal perspective, there is no way our Constitution could do that. Moreover, we want to be crystal clear: our Constitution is not trying to do that.

In consulting on our Constitution, we could not ignore the MNA citizens who are Metis Settlements members or whose families come from and remain connected to the Metis Settlements. We clearly heard that our Constitution must provide for how the future Otipemisiwak Métis Government could work with Metis Settlements, including the possibility that some Metis Settlements may decide they want to participate in the Otipemisiwak Métis Government in the future.

That is why our Constitution leaves the door open for negotiations that may lead to one or more Metis Settlements joining the Otipemisiwak Métis Government on mutually agreeable terms:

- 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.

Our Constitution is also clear that any negotiated arrangement that would see a Metis Settlement participate in the Otipemisiwak Métis Government would not impact its existing rights, interests, authorities or lands in any way:

- 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.

Our Constitution encourages cooperation and respect between the Otipemisiwak Métis Government and the Metis Settlements. It does not pre-determine anything, and it does not have any effect on the existing jurisdiction, powers, or responsibilities of a Metis Settlement, including ownership of Metis Settlement lands.

Our Constitution acknowledges the MNA and Metis Settlements' shared history

Article 19.2 of our Constitution states: “[t]he Metis Settlements are the result of the early efforts of the leadership of the Métis Association of Alberta.” This clause does not take credit for or undermine the hard work of the Metis Settlements in getting where they are today. Rather, it acknowledges and honours our shared history.

Anyone who comes from a strong and proud Alberta Métis family knows our collective story. Our ancestors worked hand in hand to secure land and recognition for Alberta Métis. Still today, thousands of MNA citizens remain connected to the Metis Settlements, either as members or through kinship.

The MNA is proud of our shared history, and we believe the Metis Settlements and the MSGC have been too.

For example, in *By Means of Conferences and Negotiations We Ensure our Rights*—the landmark paper that led to the negotiation of the *Metis Settlements Accord*—the Alberta Federation of Metis Settlement Associations (the MSGC’s predecessor) explained that the Metis Settlements are the product of committed work by the first leaders of the Métis Association of Alberta (now the MNA) to secure “a land reserve for exclusive Métis use.”¹

When the *Metis Settlements Accord Implementation Act* was debated in the Alberta Legislature, Ken Rostad, then the Attorney General of Alberta, explained that “this legislation is for all Metis of Alberta.”²

The MNA would never deny the history we share with—or our respect and pride for—the Metis Settlements. The MNA and the Metis Settlements are just as much a part of the shared legacy of all Alberta Métis as the Métis Flag, Louis Riel, Gabriel Dumont, the Red River Resistance, or the Northwest Resistance.

Our Elders, families, and communities will never deny what they know in their hearts to be true—the origins of the MNA and the Metis Settlements are inextricably linked.

The MNA will ensure Metis Settlement members do not fall between the cracks

Our Constitution makes it clear that Metis Settlement members (who are Métis and not registered as status Indians) can continue to be MNA citizens. This is because the MNA will never deny legitimate Métis who move off the Metis Settlements services from the MNA or its institutions.

Moreover, MNA citizens who live on the Metis Settlements will never be denied services that are available to other citizens, such as short-term accommodation in Edmonton for medical appointments or operations, or scholarships and bursaries.

We must make sure that we do not recreate the destructive on-reserve/off-reserve dynamic that is perpetuated by the *Indian Act*. We cannot let our people fall through the cracks because we create discriminatory and unfair divides between our governments.

¹ Alberta Federation of Metis Settlement Associations, *By Means of Conferences and Negotiations We Ensure our Rights* (1986) at p. 12 [emphasis added].

² *Alberta Hansard* (June 5, 1990), at p. 1669.

Our Constitution supports federal constitutional protection for Metis Settlement lands

Article 20.2 of the Constitution provides that the Otipemisiwak Métis Government will seek “to secure protection of the Metis Settlement lands by the Constitution of Canada for the use and benefit of the Métis Nation within Alberta for generations to come.”

Federal constitutional protection of Metis Settlement lands has always been a shared goal of all Alberta Métis. The *Constitution of Alberta Amendment Act* explicitly contemplates that, in the future, Metis Settlement land may be protected by the Constitution of Canada.³ When the *Act* was introduced, it was described as “a commitment to continue to seek the entrenchment of the settlement lands in the Constitution of Canada.”⁴

Moreover, federal constitutional protection almost became a reality with the Métis Nation Accord, which was led by the Métis National Council and the MSGC helped negotiate, but which was ultimately rejected in a nation-wide referendum in 1993 with the rest of the Charlottetown Accord.

Simply put, it has always been a shared goal of all Alberta Métis that Metis Settlement lands one day receive federal constitutional protection. Our Constitution only restates and strengthens that well-documented common purpose. We appreciate the Metis Settlements must lead and agree to that initiative, but you will always have our commitment to support that work however we can.

Conclusion

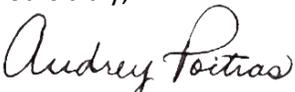
We will be proceeding with the ratification vote for our Constitution in November based on the current draft, which is available at www.mnaconstitution.com. No changes will be made to this draft. The future of our Constitution is now in the hands of MNA citizens, where it should be.

We hope the Metis Settlements will support the MNA’s chosen path to self-determination and self-government in the same way the MNA has always supported the Metis Settlements. If there are further concerns about these issues, please get in touch with us at 1-833-689-2022.

I will be attending upcoming meetings with some Metis Settlements at their request to discuss our Constitution. We would also welcome the opportunity to meet with other Metis Settlements or the MSGC itself, if that would be helpful.

I hope this letter clears up any confusion there may be about the Constitution. The futures of the MNA and the Metis Settlements are intertwined. We must support each other wherever we can. Our door is always open.

Yours truly,


Audrey Poitras
President
Métis Nation of Alberta

³ *Constitution of Alberta Amendment Act*, 1990, RSA 2000, s. 8.

⁴ *Alberta Hansard* (June 5, 1990), at p. 1677.