

**Manitoba Metis Federation
Night Hunting and Night Lighting Resolutions
as passed at the 2017 Annual General Assembly**

Resolution #1

Whereas since the birth of the Metis Nation, the Manitoba Metis Community has exercised its inherent right of self-government from the adoption of the Laws of the Prairies and the Buffalo Hunt to the establishment of the Metis Government that was Canada's partner in the creation of the province of Manitoba through to the creation of the Manitoba Metis Federation ("MMF") as the self-government representative of the Manitoba Metis;

And Whereas the MMF Constitution reaffirms our nationhood as a distinct Indigenous people and that the Metis Nation is one of the "Aboriginal Peoples of Canada" recognized in section 35 of the *Constitution Act, 1982*; and the Manitoba Metis Community is a part of the Metis Nation; and the MMF Inc. has been created to be the democratic and self-governing representative body of the Manitoba Metis Community;

And Whereas the Manitoba Metis Community's right to harvest is an inherent right and one of the most fundamental and inalienable rights that we collectively hold; it can never be extinguished or given up in any way; however, as a part of our self-government we collectively determine how we will choose to exercise this inherent right consistent with Metis customs and traditions as well as the recognition of modern day realities, safety and our shared responsibilities;

And Whereas the Manitoba Metis Community's right to harvest has been constitutionally-protected by section 35 of the *Constitution Act, 1982*, recognized by the Supreme Court of Canada (*Powley, 2003*) and further confirmed by Manitoba Courts (*Goodon, 2009*) as well as by the Manitoba Government through a negotiated Harvesting Agreement with the MMF that has been in place since 2012;

And Whereas flowing from the Manitoba Metis Community's inherent right to harvest as well as our self-government, the MMF consulted with our Elders, Harvesters and Citizens and ultimately adopted the *Metis Laws of the Harvest* and Metis Harvester Identification Card System (the "Metis Harvesting Initiative") based on the MMF Constitution, ARTICLE I, which states one of the objectives of the MMF is to provide responsible and accountable governance on behalf of the Manitoba Metis Community using the constitutional authorities delegated by its members;

And Whereas based on a constitutional amendment adopted by the MMF Annual General Assembly in 2013, the MMF Constitution, ARTICLE XVII, now states the Metis Harvesting Initiative comprises the structures, policies and procedures enabling and regulating the exercise of the Metis right to harvest and ARTICLE XVII states Metis Harvesters shall accept and be subject to all policies and procedures governing the Metis Harvesting Initiative as may be prescribed by resolution of the MMF Board of Directors (also known as the MMF Cabinet) and set out in the *Metis Laws of the Harvest* or related regulations;

And Whereas the Manitoba Metis Community's right to harvest includes harvesting through our traditional and preferred means, which includes the right to harvest at night as a part of our Metis traditions and heritage; however, as a Community, we also hold the self-

government right and responsibility to regulate and determine how to exercise this aspect of our right to harvest;

And Whereas the *Metis Laws of the Harvest* are currently silent on the activities of Night Hunting, and Metis Elders, Harvesters and Citizens, expressed interest in providing guidance on these issues in our Laws; therefore, the MMF undertook consultation meetings within each Region across Manitoba to hear from our Citizens, including our Elders and Harvesters, on whether and how to address these issues within our Laws;

Therefore Be It Resolved that based on these consultations that the 49th MMF Annual General Assembly (AGA) provides the following direction to the MMF Cabinet on these issues to be included in the next edition of the *Metis Laws of the Harvest* adopted pursuant to ARTICLE XVII of the MMF Constitution:

And Further Be It Resolved that this AGA further confirms that this direction does not extinguish or give up the Metis right to harvest at night in any way; it simply puts Metis-created limitations on this aspect of our inherent right based on our collective decisions and self-government;

Complete Prohibition on Dangerous Night Spotighting

1. Direction that there will be a complete prohibition on undertaking dangerous Night Spotighting, which shall be defined as chasing animals in motorized vehicles, including, trucks, snowmobiles, ATVs, boats, etc. with artificial lighting.
2. Further direction that this Metis self-government regulation should be understood as being provided to the MMF with the goal of working in partnership with other governments and Indigenous peoples in assuring that public safety and conservation is respected; and should not be used as a tool by others to charge our Harvesters.
3. Direction that a map, definitions, and general geographic descriptions be included in the *Metis Laws of the Harvest* in relation to the above-mentioned areas.

Moved by: Alfred Anderson

Seconded by: Jack Park

Carried unanimously

Resolution #2

Whereas since the birth of the Metis Nation, the Manitoba Metis Community has exercised its inherent right of self-government from the adoption of the Laws of the Prairies and the Buffalo Hunt to the establishment of the Metis Government that was Canada's partner in the creation of the province of Manitoba through to the creation of the Manitoba Metis Federation (MMF) as the self-government representative of the Manitoba Metis;

And Whereas the MMF Constitution reaffirms our nationhood as a distinct Indigenous people and that the Metis Nation is one of the "Aboriginal Peoples of Canada" recognized in section 35 of the *Constitution Act, 1982*; and the Manitoba Metis Community is a part of the Metis Nation; and the MMF Inc. has been created to be the democratic and self-governing representative body of the Manitoba Metis Community;

And Whereas the Manitoba Metis Community's right to harvest is an inherent right and one of the most fundamental and inalienable rights that we collectively hold; it can never be extinguished or given up in any way; however, as a part of our self-government we collectively determine how we will choose to exercise this inherent right consistent with Metis customs and traditions as well as the recognition of modern day realities, safety and our shared responsibilities;

And Whereas the Manitoba Metis Community's right to harvest has been constitutionally-protected by section 35 of the *Constitution Act, 1982*, recognized by the Supreme Court of Canada (*Powley, 2003*) and further confirmed by Manitoba Courts (*Goodon, 2009*) as well as by the Manitoba Government through a negotiated Harvesting Agreement with the MMF that has been in place since 2012;

And Whereas flowing from the Manitoba Metis Community's inherent right to harvest as well as our self-government, the MMF consulted with our Elders, Harvesters and Citizens and ultimately adopted the *Metis Laws of the Harvest* and Metis Harvester Identification Card System (the "Metis Harvesting Initiative") based on the MMF Constitution, ARTICLE I, which states one of the objectives of the MMF is to provide responsible and accountable governance on behalf of the Manitoba Metis Community using the constitutional authorities delegated by its members;

And Whereas based on a constitutional amendment adopted by the MMF Annual General Assembly in 2013, the MMF Constitution, ARTICLE XVII, now states the Metis Harvesting Initiative comprises the structures, policies and procedures enabling and regulating the exercise of the Metis right to harvest and ARTICLE XVII states Metis Harvesters shall accept and be subject to all policies and procedures governing the Metis Harvesting Initiative as may be prescribed by resolution of the MMF Board of Directors (also known as the MMF Cabinet) and set out in the *Metis Laws of the Harvest* or related regulations;

And Whereas the Manitoba Metis Community's right to harvest includes harvesting through our traditional and preferred means, which includes the right to harvest at night as a part of our Metis traditions and heritage; however, as a Community, we also hold the self-government right and responsibility to regulate and determine how to exercise this aspect of our right to harvest;

And Whereas the *Metis Laws of the Harvest* are currently silent on the activities of Night Hunting, and Metis Elders, Harvesters and Citizens, expressed interest in providing guidance on these issues in our Laws; therefore, the MMF undertook consultation meetings within each Region across Manitoba to hear from our Citizens, including our Elders and Harvesters, on whether and how to address these issues within our Laws;

Therefore Be It Resolved that based on these consultations that the 49th MMF Annual General Assembly (AGA) provides the following direction to the MMF Cabinet on these issues to be included in the next edition of the *Metis Laws of the Harvest* adopted pursuant to ARTICLE XVII of the MMF Constitution:

And Further Be It Resolved that this AGA further confirms that this direction does not extinguish or give up the Metis right to harvest at night in any way; it simply puts Metis-created limitations on this aspect of our inherent right based on our collective decisions and self-government;

Night Hunting in Agro-Manitoba (Southern Manitoba) and the rest of Manitoba (Central and Northern Manitoba)

1. Direction that Night Hunting, which is a part of the Metis right to harvest and is grounded on Metis traditions and customs or using natural light and/or artificial light when stationary, be re-affirmed in the *Metis Laws of the Harvest*; however, based on the MMF's consultations that this aspect of our right only be exercised as follows:
 - a. Within Agro-Manitoba (Southern Manitoba), where there is significant land development, private lands and local populations, Night Hunting (from dusk to dawn) will not be undertaken.
 - b. Within Non-Agro Manitoba (Central and Northern Manitoba), and away from settlements and local populations, the practice of Non-Dangerous Night Hunting, including, Night Spotighting through the use of natural and/or artificial lighting while stationary (i.e., use of natural and/or artificial light while hunter is stationary to call in animals, use of moonlight to hunt while stationary, etc.) will continue to be allowable.
2. Further direction that this Metis self-government regulation should be understood as being provided to the MMF with the goal of working in partnership with other governments and Indigenous peoples in assuring that public safety and conservation is respected; and should not be used as a tool by others to charge our Harvesters.
3. Direction that a map, definitions, and general geographic descriptions be included in the *Métis Laws of the Harvest* in relation to the above-mentioned areas.

Moved by: Alfred Anderson

Seconded by: Jack Park

Carried unanimously