

## **President's Message**

### **April 21, 2014**

Canada is a constitutional democracy. This means Canada's decisions and actions must be based on the Canadian Constitution. Back in 1998, the Supreme Court of Canada (SCC) wrote this is more than a written document. In understanding the Constitution, the SCC stated "the principles of federalism, democracy, constitutionalism and the rule of law, and respect for minorities" must inform the interpretation of rights and obligations.

As the Metis know only too well, Canada often ignored these principles in the past, resulting in the events at Red River before and after 1870, and Batoche in 1885, and today with the continuing exclusions and injustices faced by our People. Government decisions and actions must be based on fundamental rules that include respecting minorities. As has been said many times: democracy cannot become the tyranny of the majority. It is more than a pack of wolves and a lamb deciding what to eat for dinner.

The courts have an important role to ensure governments are following the Constitution and respecting the rights of the Metis. The courts have been especially helpful in assisting the Manitoba Metis Federation (MMF) to protect the Metis Nation's Manitoba Metis Community. We have been very successful in the 2008 Goodon harvesting rights decision, the 2013 MMF Land Claim, and, recently, in our intervention in the 2014 Daniels Decision.

In March 2013, after 32 years of MMF legal battles, the Supreme Court of Canada (SCC) recognized the truth of our Metis history and vindicated our People's 143-year-old struggle for justice. Despite the Metis being the Founders of Manitoba and Canada's Negotiating Partners in Confederation, Canada ignored the Canadian Constitution, our Treaty, and rode roughshod over our rights to land promised and protected by the *Manitoba Act*.

The SCC reaffirmed that Section 31 of the 1870 *Manitoba Act* set aside 1.4 million acres of land for 7,000 Metis children. This constitutional obligation was to give the children a head start over the expected influx of settlers. But the Metis were marginalized. The SCC wrote this solemn promise was frustrated by Canada's persistent inattention, negligence, repeated mistakes, delays, and inaction, and was not implemented in accordance with the honour of the Crown.

Our objective of the MMF Land Claim court struggle has always been to bring Canada to the negotiating table to reach a land claims agreement that will address our outstanding constitutional grievance. We have made it clear to Canada that our next steps forward together must be to renew the constitutional partnership between the Metis and other Canadians with meaningful reconciliation and mutual respect.

SCC Chief Justice Beverley McLachlin once wrote, "when judges decide issues concerning the constitutional powers of the state, attention is sure to follow." Nowhere should this be more applicable than in the recent Federal Court of Appeal's Daniels Decision released last week. This reinforced an earlier lower court decision that the Metis are considered Indians for the purposes of interpreting section 91(24) of the Canadian Constitution.

Back in October 2013, the MMF was an intervenor at the Federal Court of Appeal's hearing of the Daniels case. We are pleased that the MMF statements are prominent in the Court's written decision. Our arguments that we put forward carried the day. The Court wrote that it would "restate the declaration as proposed by the Manitoba Métis Federation." We got exactly the decision that we wanted.

There is a principle that with jurisdiction and authority come responsibilities and obligations. Metis under 91(24) means the federal government has exclusive legislative authority for the Metis. The other side of the coin is Canada can no longer hide from its responsibilities by saying they don't have jurisdiction for the Metis. In the past, Metis issues fell between the cracks and were not addressed because of Canada's denial to accept its obligations. The Metis have been a hot potato and political football for Canada.

I want to assure our Metis Citizens, as I have earlier, that this does not mean the Metis will be Indians, either status or non-status, as we normally think of the term. Think of Indian, in this section of the Constitution, as being a more general term like native, aborigine, Aboriginal or Indigenous People. Within this general term, the Metis will remain distinct. We are the Otepayemsuak or the independent ones, Michif, Métif, Métis, Métisse, the New Nation, and the Métis Nation.

As we had while intervening in the Daniels appeal, the MMF will continue to protect our separate, distinct, and unique identity. The MMF will oppose any suggestion or action by Canada to put us under unwanted, out-of-date, and arbitrary legislation such as the Indian Act. The Metis are Canada's Partners in Confederation: A Founding People. We expect to be recognized and treated as equals. As partners we will continue to exercise our rights of self-definition, self-determination, and self-government within a united Canada.

Earlier court decisions have made it clear there is a fiduciary relationship between Canada and the Metis. As well, the honour of the Crown is at stake in all relationships between Canada and the Metis. Now this Daniel's Decision again makes it clear that the Metis have always been under the jurisdiction and hence a responsibility of Canada. This will have implications upon Metis access to programs and services, and for the protection of our lands and rights.

For instance, because of Canada's jurisdiction wrangling and denial, the Metis were not allowed to sit at the negotiating table leading to the 1977 Northern Flood Agreement, its Economic Development Agreement, and the resulting Implementation Agreements between Canada, Manitoba, Manitoba Hydro, and First Nations. The MMF will ensure the Metis are treated equally and our past grievances are addressed here and elsewhere as well as in future projects such as Bipole III and the Minnesota Transmission Line.

If Canada and Manitoba believe in constitutional and international laws, they must give these more than lip service. If needed, the MMF will fight for our People's rights and interests here at home, nearby in the United States of America, and more distantly at the United Nations. If needed, we will do this in the courts of law, in the legislatures, and in the hearts and minds of the public. Best we don't go down this road, but we will if necessary. To avoid this, we recommend Canada and Manitoba do the right thing and work with us in partnership.

Back in 1965, Metis Leader Malcolm Norris said "to be ignored is more vicious perhaps than to be oppressed." With the MMF's continuing wins in the courts, the Metis cannot be ignored. Indeed will not be ignored. The MMF, as your Metis Government will continue to pursue justice and protect our People's rights and interests today and for generations to come. We will no longer be called the Forgotten People.

Meeqwetch.