Métis Nation of Alberta Governance Framework Review Community Report

Prepared for the 2017 MNA General Assembly

Indigenous Governance Program
Faculty of Native Studies

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July 2017
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Overview

Context

During the 2015 MNA 87th Annual General Assembly, an Ordinary Resolution was brought forward and then passed by the assembly that:

*The Métis Nation conduct Research to develop a Governance Framework Model for the Métis people and secure the necessary resources to conduct this study.*

The Métis Nation of Alberta engaged with the University of Alberta Faculty of Native Studies to lead the MNA Governance Framework Review during the time period of January 2016 to January 2017. The review findings reflect the research and discussions within this time period.

The intent of this report is to inform membership of what we heard, and to provide recommendations around governance frameworks and structures.

This report provides information on our approach and research process, a review of existing governance-related policy documents, an outline of governance framework areas informed by community consultation sessions, and recommendations to approach governance and self-government.
We reviewed existing research reports and policy documents around the themes of:

- Historical transitions in Métis governance and government;
- Métis governing policy documents; and
- Indigenous policy documents related to provincial and federal government relationships and agreements, and other Indigenous governance examples.

Interviews and community focus group consultations in the 6 regions: Peace River, Lac La Biche, Slave Lake, Bonnyville, Edmonton, and Calgary;
- Interviews and focus group discussions were audio recorded and transcribed according to university research ethics;
- At the request of membership we increased access for community input through an online feedback form and community feedback workbooks at the 88th Annual General Assembly; and
- We transcribed and analyzed community feedback, which informs the Governance framework.

Oral update to membership at 88th Annual General Assembly
- MNA Governance Framework Review Final Report
- Community Report

*We greatly appreciate the community participation and assistance involved in the consultation process.*
REVIEW:
Background information
REVIEW

1800s-early 1900s
- Buffalo hunt governance
- Provisional governments & resistance
- Self-determination (Otipemsuak)
- Kinship and 'kitchen table governance'
- Survival strategies and mobility

1920s-late 1970s
- Political organizing
- Métis Betterment Act
- L’Association Métis Alberta
- Metis Settlements

1980s-2015
- MMF, Daniels Launched
- 1987 Agreement with Province
- Métis Nation Accord
- Powley Decision
- Métis Nation Protocol
- MMF Decision

2015 - onward
- Change in Federal and Provincial Government Leadership
- Commitment to UNDRIP
- TRC Calls to Action
- Daniels Decision

Transitions of Métis Governance
We conducted literature reviews and policy research to inform the framework and recommendations. Some of the themes and resources include:

**Métis governance and policy research**

MNA governing policy documents, research reports, and other academic literature

- MNA and affiliate governing by-laws, and previous governance review policy documents;
- Review of other Metis Nation governing member framework and structures;
- Exploring Options for Métis Governance in the 21st Century (Madden, Graham, & Wilson 2005);
- MNA research on UNDRIP implementation; and

**Indigenous policy and governance**

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission’s Calls to Action (TRC)

- Articles 3, 4 & 5 of UNDRIP: Relates to the Indigenous right to self-determination (political, economic, cultural, social, legal); and
- The TRC Calls to Action (#45): call to implement UNDRIP.

**Indigenous governance models**

- Banff Centre: wise practices
- Institute on Governance (IOG)
- The Centre for First Nations Governance
- The Harvard Project, now the Native Nations Institute
Current MNA structure
# Current MNA structure

The Métis Nation of Alberta governs by the following arms:

<table>
<thead>
<tr>
<th>Role</th>
<th>Details</th>
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| Legislative - Métis General Assembly | - Direct representation (members vote directly)  
- Makes laws/by-laws under Society’s Act |
| Executive - Provincial Council | - Implements laws |
| Judicial - Métis Judicial Council | - Addresses infractions of laws and related grievances |

**Affiliates:** Rupertsland Institute - Centre of Métis Excellence, Métis Education Foundation, Rupertsland Centre for Métis Research, University of Alberta, Métis Urban Housing Corporation/Métis Capital Housing Corporation, Apeetogosan (Métis) Development Inc., Métis Crossing  
- Separately incorporated with their own by-laws  
- Provides programs and services
CONSULT: Community Feedback
We conducted focus groups and interviews with, and provided questionnaires to (online and workbooks) Métis community members.

The three main themes discussed:

- **(1) Visioning:**
  - Ideals, principles, governing structures;

- **(2) Current Governance:**
  - Strengths and weaknesses, Societies Act, bylaws;

- **(3) Relationships and Relationship Building:**
  - Communication, partnerships, programs and services, public and political service.
REPORTING BACK: Guiding Governance Framework
Guiding Governance Framework

The recommended guiding governance framework is:

- A structure to understand, administer, and implement the foundational values, vision, rights, and responsibilities of the Métis Nation of Alberta, and

- A mechanism in organizing and addressing the recommendations, that in turn inform and shape the governance framework.

The governance framework includes eight governing areas:

1. Identity, culture, and belonging
2. Historical and intergenerational perspectives
3. Diplomacy
4. Land and livelihood
5. Leadership
6. Legitimacy and voice
7. Legal orders
8. Political and public service

The following pages highlight some of the key elements in these eight governing areas.
1) Identity, Culture, and Belonging

**Overall theme:**
- Membership and citizenship, programming and interactions create connection and a sense of belonging to the MNA; and
- Kinship is important within Métis communities and between/external to Métis communities.

**Summary of recommendations:**
- Develop clear guidelines and requirements for citizenship;
- Provide multiple approaches for connecting members, enabling member contribution, and fostering long-term member engagement.
Guiding Governance Framework

2) Historical and Intergenerational Perspectives

Overall theme:

- Intergenerational (bridging the gap between youth and Elders) learning about Métis history, activism, kinship, and connections to land is a priority for members; and
- Long term governance needs to reflect on the past to inform present decisions to benefit the greater good in the future.

Summary of recommendations:

- Develop priority areas that reflect member and community needs, which align with provincial and federal governments;
- Improve collective awareness and contributions to MNA histories and stories; and
- Ensure Elders and youth are:
  - Included in political governance structures,
  - Supported: explore the possibility of joint programs and activities, and
  - Strengthening relationships: communication and mentorship.
Guiding Governance Framework

3) Diplomacy

Overall theme:
- Establishment of good relations within MNA and with other government bodies (Settlements, First Nations, municipalities, province, federal, international levels).

Summary of recommendations:
- Define and monitor ‘good relations’; and
- Establish guidelines for negotiations and dispute resolution.
4) Land and Livelihood

Overall theme:

- Understanding the relationship between land and place, which affects members and communities living in different regional areas; and
- Location influences access to resources, environmental and economic sustainability, business development, and land claims.

Summary of recommendations:

- Identify future revenue sources and means to create diversified economic sustainability and to enhance entrepreneurial capacity for members; and
- Remediate for lost compensation (government agreements).
5) Leadership

Overall theme:
● Identifying various leadership roles (elected and otherwise);
● Communicating leadership accountability and transparency benchmarks; and
● Building and retaining leadership capacity.

Summary of recommendations:
● Increase and enhance training at various levels; and
● Encourage and support all members to contribute their skill sets.
Guiding Governance Framework

6) Legitimacy and Voice

Overall theme:
- Communicating the MNA as the legitimate and informed decision making body on behalf of members/citizens;
- Strengthening citizen participation, consensus/mediation, and feedback; and
- Resonating with intergenerational changes.

Summary of recommendations:
- Increase communication between members and MNA political and public service;
- Increase communication across levels of governance; and
- Provide opportunities for oppositional feedback and ensure there are adequate response systems.
Guiding Governance Framework

7) Legal Orders

Overall theme:
- Integrating Métis legal traditions, provincial and federal law;
- Integrating court cases that are relevant to Métis peoples and communities; and
- Challenging and adapting Canadian laws where necessary.

Summary of recommendations:
- Outline Métis legal traditions; and
- Identify areas of focus:
  - Reconciliation and remediation as it relates to provincial, federal and international law.
Guiding Governance Framework

8) Political and Public Service

Overall theme:
- Transparent, accountable, and inclusive political decision making is required for legitimacy and trust;
- Efficient and effective administration, policies, and program delivery are paramount; and
- Separation of powers between government bodies is important.

Summary of recommendations:
- Capacity building:
  - Political service - build greater legitimacy as Métis representative government, and
  - Public service - deliver culturally relevant socio-economic programming.
Recommendations

13 Recommendations informed by the 8 governing areas
Snapshot (as of January 2017)

1. Alberta Métis Act:
   - Transitions from Society’s Act through legislative recognition; and
   - Aligns with S. 35 Federal Métis Framework.

2. Enhanced Long Term Framework Agreement:
   - Renews intergovernmental roles and responsibilities; and
   - Addresses Métis rights with the Province and Canada.

3. MNA Constitution:
   - Defines the governing framework of the MNA; and
   - Declares rights of Métis peoples in Alberta.

4. MNA-Métis Settlements Accord and Renewed MNA-MNC Accord:
   - Align priorities between Métis governments;
   - Develop negotiation and dispute resolution processes; and
   - ‘Dual’ membership for Métis citizens who move between provinces.
Day-to-Day Operations

5. Clarify Roles (Political):

- Connect constitution and governance structure;
- Clarify jurisdictions and geographical boundaries;
- Develop Governance transition plan for long term sustainability; and
- Define benchmark measures and quarterly reviews.

6. Improve Program Service Delivery (Administration):

- Consistency and equity;
- Geographic considerations (Northern, Central, Southern Alberta) supported with mobile units; and
- Affiliate support for framework/constitutional program and service review.
Day-to-Day Operations

7. Standardize Principles and Practices (Affiliates):
   - Training for new board members;
   - Professional development for boards (annual); and
   - Collaboration between affiliates (workshops).

8. Communication & Engagement Workshops:
   - Internally with members;
   - Externally with the general public and government employees; and
   - Teach and discuss Métis rights and self-government.

9. Renewed Judiciary:
   - Take next steps from Métis Judicial Council review.

10. Opposition and Feedback:
    - Internal consultation policy with members;
    - Public forum guidelines;
    - Feedback mechanism(s); and
    - Ability to voice issues outside of the MJC.
Day-to-Day Operations

11. Increase Financial Commitments and Identify New Revenue Sources:
   - Continue existing program delivery during governance transition;
   - Prioritize recommendations and use existing revenue sources; and
   - Identify new and alternative revenue sources.

12. Working with a Multi-level Métis Registry:
   - Assess steps to align Métis rights with:
     - S. 35 Métis Framework, and
     - Alberta Métis Act.

13. Review options for Métis Governance Structures

Prepare a next phase consultation on the governance framework (including governing areas) and the organizational governance structures:

- Modified Direct Representation,
- Métis Legislative Assembly, and
- Provincial Council with Chartered Communities.
Recommendation 13 - Possible governance structures
*moderate structural change required

Direct Representation
Recommendation 13 - Possible governance structures

Direct Representation

Required structural revisions:

- The registered Métis population would voluntarily mandate the MNA as their authorized governing body (registry);
- Incorporation of a Youth and Elder (alternating position) representative on Provincial Council;
- Support provided for Youth Council and Elders Council; and
- Create an affiliate framework for economic and business development to inform MNA in its agreements and negotiations.
Recommendation 13 - Possible governance structures
*intermediate structural change required

Provincial Council with Chartered Communities

Métis General Assembly

Elders Representative  Executive  Youth Representative

Regional Councillor  Regional Councillor  Regional Councillor

Regional Councillor  Regional Councillor  Regional Councillor

Chartered Communities  Chartered Communities  Chartered Communities

Chartered Communities  Chartered Communities  Chartered Communities

Judiciary Council
Provincial Council with Chartered Communities

Required structural revisions:

- One incorporated political entity;
- Chartered communities would establish their mandate, roles, responsibilities, jurisdiction, and boundaries with provincial office;
- Chartered communities could engage with third parties (i.e. industry);
- Administrative support would be allocated for financial and governance training (including consultation);
- All citizens would need to be represented, especially when chartered communities do not cover the whole province;
- An organic transition: locals could decide to join chartered communities;
- Overlapping boundaries would be present in determining chartered communities;
- Have a Youth representative on Provincial Council;
- Have Youth Councils in Chartered communities; and
- Create an affiliate framework that includes an economic and business development arm.
Recommendation 13 - Possible governance structures
* most comprehensive structural change required

Métis Legislative Assembly
Recommendation 13 - Possible governance structures

Métis Legislative Assembly

Required structural revisions:

- Citizens would directly vote for their constituent representative AND the head of the legislature (President); decided by a majority vote;
- MLAs would follow their mandate and be accountable to Métis citizens in their constituency/bring those voices into the Métis Legislative Assembly;
- The Métis Constitution would outline the jurisdiction and roles for the elected representatives and President;
- The President appoints ministers who are responsible for specific portfolios;
- Passing laws occurs through your representative;
- Laws are part of the Métis Legislative Assembly;
- Métis Legislative Assembly is open to Métis citizens and provides opportunities for Métis citizen feedback; *continued p. 33*
Recommendation 13 - Possible governance structures

Métis Legislative Assembly

Required structural revisions:

- Create constituencies e.g. ridings or representation by population;
- Merge locals and regions into constituencies;
- Based on current funding, could be 12 constituent representatives;
- Administrative MNA arm develops and implements policy based on direction from the Métis Legislative Assembly;
- Affiliates provide the programming based on this policy;
- Potential taxation systems developed;
- Métis laws on MNA land, hunting, fishing, and harvesting developed;
- Co-management on boards related to Métis territory;
- Includes Youth Council; and
- Includes Elders Council.
Next steps

1. Establish a governance transition committee to prepare and implement the next phase in community consultations;
2. Provide opportunities for MNA membership input (workshops and feedback mechanisms);
3. Set short, mid, and long-term priorities; and
4. Develop check ins and benchmarks.