

Constitutional Crisis at the Métis Nation of Alberta



by Wes Simpson-Denig

What the heck is going on with our constitution?

In December of last year, the Métis Nation of Alberta (MNA) voted to adopt an “Otipemisiwak Métis Government Constitution,” and overwhelmingly so, with **97% in support**. While just 30% of the total 56,000 strong members voted, the MNA has taken this as a mandate to pursue Métis self-government and even a modern treaty in the province.

And yet, questions and concerns about the process linger. Indeed, this article came about because of the disconnect between these results and what I was experiencing on the ground. In the lead-up to the vote, I saw aggressive marketing from the MNA encouraging me to vote “yes,” but when I asked my friends how they were planning to vote or what the implications of a “yes” or “no” vote would be — particularly for our broader community including settlements and historic communities — nobody could tell me. Nobody knew. The mass ignorance felt vaguely engineered before I could adequately inform myself, my ballot languishing on the bedroom floor well past the deadline.

However, knowing what I know now, I am ultimately relieved that I didn’t participate in this circus. The process by which this constitution was ratified, and the potential ramifications, especially as they pertain to the rights of settlements and other historic communities, lead me to ask whether this constitution is a move toward — or away — from a meaningful trajectory toward self-government.

Who Speaks for Métis in Alberta?

The central focus of the new MNA constitution is a proposal for the “streamlining” of the federal consultation processes and to effectively become the only negotiating body for Métis in Alberta. Put another way, the organization would seek to become the de facto and exclusive consultation rights holder under s. 35 of the Canadian Constitution Act. This intent is sought in the current wording of both the **MNA bylaws** and the Otipemisiwak Métis Government Constitution. Section 2 **declares** that “The Métis Nation within Alberta is an indivisible, indissoluble, and united Métis collectivity that is an inseparable and distinct part of the Métis Nation. This section of the constitution cannot be amended.” Section 16 **indicates** that the MNA will assume responsibility for “negotiation, on behalf of the Métis Nation within Alberta, of a modern-day treaty relationship with the Crown through a land claims agreement or other arrangements as called for and contemplated within the meaning of section 35(3) of the Constitution Act, 1982.”

The MNA is the most recent Métis organization to move in this direction. The Métis Nation of Saskatchewan and the Métis Nation of Ontario negotiated their respective organizations’ right to self-governance with the Crown. In the case of the MNA, it was made official with the MNA-Canada Métis Government Recognition and Self-Government Agreement (**MGRSA**) in 2019.

But the MNA's claim to represent all Métis within Alberta has been greeted with swift and intense criticism from many historic Métis communities and settlements, some that have their own independent governance structures and consider this constitution tantamount to a hostile takeover.

In fact, when the draft constitution was released and the vote announced, several historic communities filed a statement of claim against the MNA, citing a “shared concern that the MNA’s proposed ‘Otipemisiwak Métis Government Constitution’ seeks to illegitimately grant a partisan organization the authority to represent our communities, despite our repeated insistence that the MNA does not represent our respective members.”¹

A common misconception about the MNA is that it is an interchangeable term for the Métis Nation proper, but the MNA is only one representative body (albeit the largest) of Métis in Alberta. Our Métis Nation is really a composite of connected-but-distinct communities with their own representative bodies, such as locals, community associations, settlement councils, and so on. Many of these communities were founded under the scrip system², while others have been occupied by our ancestors much longer. In any case, they are as much “their own bosses” as the rest of us.³

Reflecting on the emergence of the organization in late 1920s, the MNA (then known as the Métis Association of Alberta) was considered a rough-hewn grassroots initiative founded by socialists with an eye to Métis liberation and solidarity between what MAA co-founder James Brady referred to as the “progressive” and “nomadic” classes within our community. These classes were conceptualized as being stratified geographically, with “progressives” settling primarily in urban areas and having access to more economic resources, and historical communities making up the “nomadic” population.⁴ As time has progressed and the profile of Metis in the provincial public consciousness has risen, the MNA has become more corporate in its governance structure, and correspondingly, financial resources have risen significantly.⁵ The new lodge and headquarters at Métis Crossing are lavish⁶, a visual signifier

of the increasing economic abundance and political legitimacy.

But at what cost? This is not merely a financial question: who is being lost in this “progress”? Where are our kin? Who is not here? What is missing?⁷ I am concerned that the MNA constitution is attempting to codify a corporate, homogenous, “progressive” mythic national identity. It is a form of White Paper liberalism, wherein a centralized definition of “national identity” will certainly come to erase others, particularly our kin, from historical communities that are already economically and politically marginalized by settler society.

Do you Support the New MNA Constitution: Yes or Yes?

We see how far Métis political organizations have fallen in an examination of the constitution ratification process. There was no balance in the conversation; MNA pushed a massive “Vote Yes” marketing campaign with very little discussion of any drawbacks, concerns, or limitations — and with a lack of transparency around funding for the campaign. In my view, the MNA created the appearance of fostering debate by providing citizens with “town halls” to review and ask questions about the constitution, but this debate was in bad faith because it proceeded despite massive outcry from the historic communities and settlements, which the MNA was well aware of during the draft process. The explicit premise underlying the “Vote Yes” campaign material was “either you will vote yes to strengthen our nation, or you will vote no and weaken it.” This ratification vote felt less like a referendum and more like a federal or provincial election, with the MNA senior executive behaving like an incumbent and anyone dissenting or asking questions within the organization feeling like we were an opponent to be defeated in a zero-sum game.

Despite the headlines of 97% support⁸, there is much opposition. In the lead-up to the vote, there were lawsuits by Métis settlements and regional bodies, public disputes in the media, and potential membership attrition from splinter organizations such as the Alberta Métis Federation (which formed, at least in part, in reaction to the constitution controversy). And, worryingly, none of these concerns have yet served to deter the MNA from its dubious course. In preparation for this piece, I spoke to many Métis

community members, both on and off-settlement. While I won't deign to understand the subtleties of our myriad intra-Métis historical relationships, it is achingly clear to me that through its unilateral and federalist behaviour, the MNA has been in breach of its original intent to "provide unified political advocacy on behalf of Métis communities in the face of Crown intransigence."⁹ Is this what unified political advocacy looks like — being taken to court by your own people because you just won't listen, so they have to sue you to get you to cooperate? I am as much in favour of Métis self-governance as the next Métis person, but I don't want consultation rights at the expense of others.

The MNA has forgotten its political predecessors, its kin, and its responsibilities as an Indigenous government. We have natural laws such as kinship, reciprocity and humility that are supposed to be guiding our conduct.

Métis communities in Alberta exist in spite of incredible odds, and we should be doing everything we can to bolster, centre and empower them — not override their rights and speak for them. I do not consent to this unilateral approach. I do not consent to our internal funds being weaponized against our settlement kin. I do not consent to the hurling of their consultation rights against the courthouse wall just to see what sticks.¹⁰

Finally, I definitely do not endorse the MNA's generally paternalistic, condescending attitude toward these self-governing communities, as reflected in the constitution and other peripheral documents and statements. Section 19.3 of the constitution pompously declares that "the Métis settlements exist for the benefit of all Métis in Alberta." This is a completely backward notion according to our natural laws of humility and kinship. The settlements and historic communities do not exist for the MNA's benefit; we exist for each other!

I can say with confidence that in this and in a growing number of respects: the MNA does not speak for me.

Despite the MNA's best efforts to centralize consultation, many communities already hold their own consultation agreements with the Crown, independent of the MNA, and many others are seeking similar direct negotiation rights, to the MNA's **dismay**. A recent **court decision** has

upheld off-settlement consultation rights for now, but it remains to be seen how the constitution will affect the future of these Aboriginal rights for both settlement and non-settlement communities.

Yelling Self-Government

This document, in its current form, constitutes a tyranny of the majority, and I want no part of it. Referring to Justice Feehan's quote in the aforementioned statement of claim brought against the MNA by a group of Métis communities in November, "the MNA [can]not claim legitimacy to speak on behalf of all Métis simply by writing bylaws that express this claim."¹¹ It's like that scene from "The Office" when Michael, overwhelmed by consumer debt and advised to declare bankruptcy, proceeds to walk out of his office and yell, "I DECLARE BANKRUPTCY," at which point Oscar has to come in and gently remind him that you can't just declare bankruptcy by yelling it. If you want the right to speak for your entire community, your entire community has to give that right to you willingly. The MNA does many good things for the Métis in Alberta and is an important part of our Métis governance ecosystem. But as the MNA forgets it is just one part of a broader Métis community, it is well on its way to forgetting itself, too.

ENDNOTES

¹ Re: Métis Nation of Alberta (MNA) constitution. Statement of claim to the minister of Crown-Indigenous Relations from November 4, 2022 on behalf of Fort McKay Métis Nation, Willow Lake Métis Nation, Lakeland Métis Community Association, Athabasca Landing Métis Community, Chard Métis Nation, Owl River Métis Community Association, Cadotte Lake Métis Nation Association, and Lac Ste Anne Métis Community Association.

² The Métis scrip system was a process by which the federal government exchanged “scrip” (land vouchers) in exchange for the extinguishment of Métis title to their ancestral lands. Scrip claimants had to navigate years of bureaucratic red tape, and the system was notoriously vulnerable to fraud. Most scrip was intercepted by venture capitalists who bought the vouchers well below their value and resold the land or settled it themselves. The families who managed to hold on to their scrip allotments and actually settle their land— a truly almost incomprehensible feat— are to be lauded. These territories became known as the “settlements.”

³ Our prairie nickname is opitismewak — “the people who are their own bosses.”

⁴ Swain, M. Victim of Deceit and Self-Deceit: The Role of the State in Undermining Jim Brady’s Radical Métis Socialist Politics, p. 42-43

⁵ Public facing financial reports are extremely hard to find. However, Métis Crossing has at least five corporate extractive industry sponsors including Husky, Pembina, TC, Cenovus and Enbridge. <https://Métiscrossing.com/sponsors-partners/>

⁶ This observation is in no way meant to disparage the phenomenal work of Métis architect Tiffany Shaw. This is a question of resourcing, which is aimed strictly at the MNA.

⁷ I received this teaching from Kehteya Bob Cardinal from Enoch Cree Nation. This is not to suggest that he endorses or agrees with the views expressed in this piece, but I have been engaged in a process of learning from him and he tells me to always ask patahenow kikway oma — “what are we forgetting/leaving out/missing?”

⁸ See appended images. Moreover, the “97 per cent” claim is a misleading statistic, because less than half of our MNA membership actually voted. The number of participants was about 16 000 members. So the votes in favour actually amounted to about 30 per cent of our population in favour.

⁹ Lavoie, “the right to be heard,” in Fort Mackay Métis position paper <http://fortmckayMétis.com/wp-content/uploads/2021/08/Fort-McKay-Métis-Nation-Consultation-Position-Paper-2021.pdf>).

¹⁰ In Fort Chipewyan, MNA local 125 was attempting to prove its authority to consult on behalf of the Fort Chipewyan Métis Nation but “the court concluded that a corporate entity with a membership of less than one-fifth of the total population of a rights-bearing group could not claim to be representative of the entire Aboriginal collective for the purpose of asserting Aboriginal rights and seeking consultation.” <https://www.fasken.com/en/knowledge/2017/01/aboriginallawbulletin-20170131>

¹¹ These communities were comprised of Fort McKay Métis Nation, Willow Lake Métis Nation, Lakeland Métis Community Association, Athabasca Landing Métis Community, Chard Métis Nation, Owl River Métis Community Association, Cadotte Lake Métis Nation Association, and Lac Ste Anne Métis Community Association.

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