



Wednesday, August 22, 2012

Peter Cunningham  
Assistant Deputy Minister (ADM)  
Ministry of Aboriginal Relations and Reconciliation

**Re: Letters dated August 1<sup>st</sup> and 16<sup>th</sup>, 2012**

**VIA EMAIL**

Dear ADM Cunningham,

I want to acknowledge receipt of your letters dated August 1<sup>st</sup> and 16<sup>th</sup> respectively. We appreciate your efforts to clarify the position of the Provincial Government in relation to the issue we have raised about the upcoming MNBC General Election.

However the BC Métis Federation disagrees that the Provincial and Federal governments have not interfered in internal issues related to the Métis Nation. In fact both governments have recently repeated their position that they only recognize the Métis Nation British Columbia as the provincial representative for all Métis people in British Columbia. This official policy by governments provides significant financial benefits to the MNBC who is at serious issue, and has been for years. For example, we understand your Provincial Government funds tripartite self government negotiations resources with MNBC to dialogue about key policy issues. The question we have today is how can the Provincial Government maintain this position in light of the fact that MNBC clearly does not represent all Métis people and in effect the impacts to your government policies are not representative of the actual Métis views.

Another glaring Federal Government example is the MNBC delivery of the employment and training programs. Specifically MNBC has been contracted to deliver to eligible clientele as follows:

#### DESCRIPTION OF ELIGIBLE CLIENTELE

The MPCBC provides services in seven regions in BC for all Aboriginal Persons across the province of BC and specific training support services to Métis persons.

The seven regional points of service and program offices are located in: Region 1 - Vancouver Island (Nanaimo), Region 2 – Lower Mainland (Surrey), Region 3 – Thompson-Okanagan (Kamloops), Region 4 – Kootenays (Cranbrook), Region 5 – North Central (Prince George), Region 6 – Northwest (Terrace), and Region 7 – Northeast (Fort St. John).

There are 59,445 Métis people living in the province of BC. MPCBC serves all Aboriginal people and provides employment and training services throughout the entire province.

Eligible Clientele:

All Aboriginal people residing in the above-noted geographic catchment area. Clients are typically unemployed, underemployed and/or face multiple barriers to employment and training.

The issue here is once more how MNBC, through the MPCBC, is contracted to deliver services to all self identified Métis people in BC despite the fact that MNBC does not represent all Métis people and our community organizations and members do not receive such services. These are only examples to illustrate the points how both governments interfere directly and indirectly in the political will of the Métis people of BC by refusing to ensure funding is actually representative of the larger Métis community.

The MNBC General Election is illegal according to their MNBC Constitution and Legislation and I will reinforce this as it appears government responses indicate no further action will be taken in terms of options such as suspending funding, etc:

1. Section 32 of the MNBC Constitution states:
  - a. The Métis Nation Governing Assembly shall meet at least once per year on thirty days notice..."
    - i. On July 12<sup>th</sup> MNBC called for an MNGA vote on four days notice, this is contrary to their legal requirements in their Constitution.
      1. Today MNBC approved their Chief Electoral Officer as an alleged result of this illegal vote.
2. Article 4 "Voting and Quorum" of the Métis Nation Governing Assembly Act states:
  - a. Fifty percent plus one of the Métis Nation Governing Assembly constitutes quorum...
    - i. MNBC admitted publicly only 21 votes were cast and we understand the MNGA membership to be 44, therefore there could not have been quorum.
  - b. Roll call voting shall be the method of voting...
    - i. The manner in which MNBC called for an MNBC vote, while not meeting the Constitutional requirement of 30 days notice in the first place, also was not permitted according to their Métis Nation Governing Assembly Act.
    - ii. Such voting could be permitted is an amendment was proposed and approved but this process would take at least one year.
    - iii. There is no provisions to allow a vote by fax, email, or phone polling.
3. Section 3.6 of the Electoral Act states:
  - a. Means a contractor appointed in writing after approval of the Métis Nation Governing Assembly.
    - i. MNBC did not follow their legal 30 days notice, appears to have approved a Chief Electoral Office in contravention of their own laws and without quorum by using a method of voting not allowed.

The BC Métis Federation has continued to take action and is reviewing legal options to file an injunction to stop the MNBC General Election. Métis communities, who are MNGA members as you suggest, are speaking out and refusing to have an MNBC polling station. The evidence is compounded in light of the fact 11 out of 25 MNBC elected positions did not have a single candidate run.

We strongly disagree with your letter of August 16<sup>th</sup> in that governments have completely interfered in Métis governance in BC by refusing to take actions or have meaningful engagement to protect the interests of all Métis people in BC. Governments and MNBC use language that MNBC is funded to provide programs and services for all Métis people but in the same breath MNBC has set up a structure for a very select few. As such BC Métis Federation and a number of Métis communities are now being forced to consider legal action as our final option to force action.

We have maintained that there are solutions. Unfortunately the Federal and Provincial governments have chosen to support a functionally bankrupt MNBC that is holding an illegal election. MNBC could not even field enough candidates to fill 25 positions (11 did not have any candidate apply) and there are major regions of BC that will not have representation any further with MNBC. We view these government actions as discriminatory and a complete breach of the fiduciary duty to protect the legal interest of all Métis people in BC.

It is our view that this was preventable had actions been taken some time ago as requested by the former Coalition of Concerned Métis Citizens, BC Métis Federation, and numerous Métis people and communities. We have this well documented to support our view in future steps.

Thank you,



Keith Henry, President  
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cc Premier, Christy Clark, Province of British Columbia  
Prime Minister Stephen Harper, Government of Canada  
Honourable Mary Polak, Minister of Aboriginal Relations and Reconciliation  
Honourable John Duncan, Minister of Aboriginal Affairs and Northern Development Canada  
Honourable Scott Fraser, Critic for Aboriginal Relations  
Honourable Carolyn Bennett, Federal Liberal Aboriginal Affairs Critic  
Honourable Jean Crowder, NDP Aboriginal Affairs Critic  
BC Métis Federation Board Members  
BC Métis Federation Members

Enclosures:

1. MARR correspondences of August 1<sup>st</sup> and 16<sup>th</sup>, 2012