

Summary – 1996 Organizational Review of Metis Nation of Saskatchewan Affiliates

In 1996-1997 the MNS, through the Tripartite Process, initiated an *Organizational Review of Metis Nation of Saskatchewan Affiliates*, including: Gabriel Dumont Institute, SaskNative Economic Development Corporation, Provincial Metis Housing Corporation, Metis Family and Community Justice Services, Metis Employment and Training of Saskatchewan Inc., Metis Addictions Council of Saskatchewan Inc. and Tripartite Management Unit. The review focussed on governance of Affiliates from a perspective of preparing for Metis Self-government.

A 'State of the Union' approach was used in the review, offering a picture of the current roles, responsibilities and relationships between the MNS Affiliates, Metis people, MNS political structures, governments and other affiliates. The scope of work consisted of:

- a document analysis of incorporation documents, agreements with other parties, reports, mission statements etc.
- interviews with current officials of MNS affiliates, and in particular the CEO and Chairperson of the Board;
- interviews with line department and government (provincial and federal) officials currently working with affiliates;
- an analysis of the current roles, responsibilities and relationships of the affiliates to Metis people and the MNS political structure; and,
- a summary of roles, responsibilities and relationships of the affiliates to Metis people and the MNS political structure.

Ron Rivard, Cathy Littlejohn and Lesley McBain commenced the review in November 1996 and they tabled the report in December 1996 to the MNS and in January 1997 to MNS Affiliates. The Review is divided five chapters: introduction, the Affiliates, Comparative Analysis, Interview Results and Conclusions. Appendices attached to the review included current strategies, constitutions and agreements, as well proposed MNLA legislation.

Chapter Five: Conclusions attached.

CHAPTER FIVE CONCLUSIONS

This chapter describes the "State of the Union".

I. THE STATE OF THE UNION

A. The Metis Nation Corporations

The Metis Nation of Saskatchewan have a network of Metis-controlled corporations which serve the Metis people of Saskatchewan in education, health, addictions services, economic development, training and employment, family and community justice services.

These affiliates, as they are called, represent the on-the-ground demonstration of Metis-specific program and services development and delivery. They form the foundation of the evolving self-governing structures of the Metis nation. As one interviewee said, "No matter how theoretical the issues of self-government are, it is at the level of community service and program delivery that all governments succeed or fail."

B. Successful Institutions

These agencies and institutions are very successful in doing the things that they are supposed to be doing. More Metis students have been and are being educated because of the existence of GDI; more Metis clients are being trained and employed because of the development of a Metis-specific Pathways process; more Metis addicts are getting a chance to recover because of MACSI; more Metis entrepreneurs are getting loans because of SNEDCO; more Metis people have received shelter because PMHC existed. Metis affiliates have a proven track record in doing the things they were established to do.

In a second way, the affiliates have been successful as well. For the most part they have employed Metis individuals. The affiliates, therefore, have provided a place for trained Metis people to put their skills to work for their community. As one interviewee put it, "Metis people working for Metis institutions are more committed and dedicated and are willing to fight for their programs."

C. Corporate Governance

The Metis Nation Corporations are all incorporated bodies under the *Saskatchewan Non-Profit Corporation Act*, or the *Business Corporations Act*. As such, each is an independent entity under Saskatchewan law. The directors of each corporation make the decisions for the corporation. Regardless of who the directors represent on the Board, according to Saskatchewan law, the directors must act "in the best interest of the corporation" or be subject to legal action.

D. Metis Nation of Saskatchewan Governance and Affiliate Governance

The affiliates were incorporated into the plan for the evolving governance structure of the Metis Nation of Saskatchewan. In December, 1993, the MNS Constitution was adopted. It stated:

Articles 14: Affiliates

1. (a) The Metis Nation Legislative Assembly, on behalf of the Metis Nation of Saskatchewan, shall exercise all voting rights, powers and duties of ownership in relation to the affiliates based upon the recommendations of the Provincial Metis Council.
- (b) Where not currently provided, all affiliate Articles and Bylaws shall be amended at the first reasonable opportunity to conform with this section.
2. The Provincial Metis Council member who is assigned a portfolio will automatically sit as the Chairperson of the affiliate which falls under his/her portfolio.
3. A member who is an employee/staff person/management of an affiliate shall not be permitted to sit on any affiliate Board.
4. All affiliates shall have representation from the twelve (12) regions of the organization, unless otherwise decided by the Metis Nation Legislative Assembly, based upon the recommendation of the Provincial Metis Council.

E. Impact on the Affiliates

The impact of the implementation of the MNS Constitution on the Affiliates differed in relation to the corporate structure of affiliate, its Articles of

Incorporation, Bylaws and the nature of its contractual obligations. For some, like SNEDCO, the conditions of the funding depended on an arm's length relationship with the political organization. For all, a period of instability ensued. New directors brought new visions of what the organizations should do. Larger boards brought increased operating expenses. Conflicts with funding agencies followed.

F. Metis Nation Ownership and Control vs. Political Interference

The implementation of the MNS Constitution meant that Metis Nation politicians assumed Directorships in the Metis Nation Corporations. This was the way that representative control over the institutions was seen to be accomplished. Metis Nation control was interpreted to be direct political control. However, by the governments involved and often by the staffs of the affiliates, direct political control was often interpreted as political interference.

II. WHAT THE AFFILIATES HAVE TO OFFER

The study of the affiliates was very informative. Because they developed at different points in time and under different rules, each has a contribution to make to the development of the family of corporations of the Metis Nation.

A. Principles

Metis institutions have developed from a strong sense of need. They have evolved based on a set of principles that those forming the affiliate believed reflected the principles of the Metis Nation. The following are the principles found in the institutions:

1. Social and economic development are linked to the renewal of Metis culture.
2. Any model of governance must reflect the desires of the Metis people.
3. Any model of governance of Metis must be transparent as they move into a different relationship with governments and move towards self-government.
4. Any model of governance of Metis institutions must enhance the success of the institutions and streamline the functioning of the institutions.
5. Any model of governance of Metis economic development institutions must be geared towards the self-sufficiency of the institutions.

6. Any model of governance of Metis institutions must recognize the aims of the Metis Nation while at the same time respecting the integrity of each of the individual institutions within the bigger plan.
7. Any structures devised to facilitate service delivery to Metis people must be developed within the long-term goals for Metis self-government.
8. Adherence to the Constitution Act, 1982. It is the position of the Metis people of Saskatchewan that the development of Aboriginal management and delivery mechanisms by the federal government must be designed on the basis of these peoples and the political organizations that represent them.
9. A Metis-specific market exists within Saskatchewan separate and distinct from the Indian market.
10. A Metis-controlled infrastructure must form the base to ensure that Metis people define the needs, and develop structural, procedural and financial arrangements which are necessary to serve the real needs of the Metis people and communities.
11. Leadership must be provided by the Metis politicians.
12. Ownership and control of the infrastructure by the Metis people.
13. Local decision-making.
14. Parity with Indian funding until a Metis enumeration is conducted.
15. Developmental funding.
16. Service to other Aboriginal peoples.

These principles which have guided the development of affiliates need to be debated for their applicability and if agreed upon should become the basis for further developments in the Metis Nation.

B. Values

The affiliates have been built on certain Metis community values. In this study Metis people spoke of the values which were important. These were: trust, integrity, fairness and democracy. According to respondents:

Trust

Representative governments cannot survive if people do not trust their representatives; support from the Metis people will not be forthcoming if the people see that their leaders are not trustworthy. Trust must form the basis of financial dealings and negotiations with the governments; people will not trust their representatives if they feel that there are behind the scenes deals made, or that the representatives are only working in their own interests; individuals working in the affiliates must be able to trust the political representatives to be working "in the best interests of the affiliate."

Integrity

Metis people spoke of the need for integrity. Integrity is the quality of being honest and firm in your moral principles. Metis self-government institutions it is felt must have this quality. This means that the leadership must be consistent in their message, firm in their support of the Metis Nation, and stick to the principles of the Metis Nation regardless of the personal or organizational cost. Governments will only receive the message of the seriousness of Metis politicians when they stand firmly, meeting after meeting. This means having a plan, believing in it and being ready to fight for the principles with all levels of government.

Fairness

Metis people have a keen sense of fairness. This is the rationale behind having the twelve regions represented on boards. However, some have questioned whether this is indeed fair when there is no consistent size to the regions. Should a region with 15,000 Metis residing receive one-twelfth of the resources and a region with 1,000 Metis residents receive the same portion? Until the regions are enumerated and redistributed according to equal population a sense of unfairness will exist.

Democracy

Metis individuals are true democrats. They are people who believe in the ideals of democracy, personal freedom and equality. They have always exercised their democratic right to criticize the decisions of their government at the Annual General Assembly. In that way, criticisms have been made in the privacy of Metis political forums. How can the evolving representative government structure allow for individual Metis to speak to issues?

C. Strategic Planning

Some of the affiliates have developed strategic plans. These can be used to stimulate strategic planning for the Nation. Recommendations from affiliate specific reports can be applied more widely throughout the Nation.

D. Policy Development

Policy development must be a collaborative effort. There is a need for nationwide policy development. This is to provide the support for the legislative mandates and the regulatory framework of Metis governance. Some affiliates have very detailed complete Policy and Procedure Manuals. These can be a model for Metis nationwide policy manuals.

E. Relationships with Governments

The affiliates come out of a need in the Metis community. Presently, this need is filled by the Metis service and program providers assuming the responsibility for delivering the services and programs to Metis individuals and communities. This has been called devolution of authority but not self-government. The relationship is not a nation-to-nation relationship. There is a need for Framework Agreements between the MNS and federal and provincial governments recognizing a different kind of relationship and this framework dictating the relationship within all departments of the respective governments.

To be fair to the Saskatchewan Metis, the governments have not provided the support and advice on alternate models which is needed. For example, the Saskatchewan government still does not have a policy on Metis for the province nor a policy on self-government. It is commendable that the departments are working independently with program and service delivery with the Metis but without a policy framework and a government stance on the issues, the responses are at best ad hoc.

The federal government has had a Self-Government Policy since August, 1995. However, it fails to resolve the most critical issue for the Metis, what is the relationship of the Metis to the federal government? Further, it gives very little direction to the development of self-government by the "landless" Metis, giving rise to the concern that land issues must take precedence over other efforts to gain jurisdiction. Therefore, the federal policy is silent on the most difficult issues in self-government negotiations and the Metis are given little direction in their solution. Therefore, the federal policy leaves the people with the least legal support and least developed community infrastructure for self-government development with the least tools to assist them in working towards self-government institutions.

Therefore, the officials in various program and service delivery to Metis people through the various federal departments are like the provincial departmental personnel, the front line self-government advisors. But their instruments are few and blunt. The Contribution Agreement format, is not a government to government agreement. Administrative devolution does not according to the officials of HRDC convey jurisdiction or self-government authority. In negotiations for such devolution, the officials have denied that the National Framework Agreements signed by the National Metis leader and the Minister of Human Resources Canada signified anything which should imply a new relationship at the regional negotiating table.

The foundation of Metis controlled institutions has been established and the Metis Nation of Saskatchewan is evolving new governance structures.

G. What Needs to be Done

1. The Metis Nation of Saskatchewan must recognize the success of its institutions and promote this success at every opportunity.
2. The affiliates that exist must be strengthened and supported by all governments.
3. Collaborative planning for self-government: The collective strengths of the affiliates need be used to support and promote Metis governance. This should include strategic planning, policy development, and continuous networking.
4. An education and community strategy is necessary for Metis citizens. Despite frequent distribution of documents outlining goals, objectives and directions, this information is often not communicated to the membership at large. The most important question addressed must be: "How can the Metis people be involved in the essential debates of Metis governance?" GDI could develop a Community Education wing to develop community communications networks and capacities. A democratic government requires an informed electorate.
5. Funding
 - (a) Core funding of the political organization has dropped from \$1 million in the mid-1970's to \$200,000 now.
 - (b) Federal and provincial governments are being forced to be lean, efficient and cost effective.

- (c) The affiliates are funded under very strict guidelines either through conditional grants, targeted dollars, programs and services contribution agreements or fee for service.
- (d) There cannot even be the hint that the affiliate budgets through Board remuneration are subsidizing the political organization or the funding to the affiliates will be cut or affiliates will be found in default of their service contracts. This has happened in the past.
- (e) Every government dollar must be used to the maximum. Money must make money. This can be done by using the talent and expertise in-house in the organizations to reduce development costs. Executive Director Committee meetings could be used for joint planning, strategic targeting of programs and service contracts to be pursued, networking, brainstorming and knowledge sharing to everyone's benefit. This results in expanding the resources of the organizations.

To elaborate: The Executive Director of GDI should be involved in discussions of training and education within any of the affiliates and within the political organization when community education is necessary. The Chief Executive Officer of SNEDCO should be involved in any discussions relating to financial matters. Investing and borrowing are his/her business. The collective expertise of the affiliates is worth many thousands of dollars in research, development and administrative resources to the Metis Nation.

- (f) Negotiations must proceed on a source of stable revenue for the Metis people. A share of the Consolidated Revenue Fund would give security where resource based royalties may fluctuate with world economic situations.
- (g) The money coming into one institution should be used within the Metis Nation network to buy programs and services from another affiliate to recycle the money available. The agreement between METSI and GDI is a good beginning.
- (h) Where possible sell services outside the Metis community to generate revenue. Bid on contracts with the government through the Procurement Program. Make use of the Aboriginal set-asides. Joint venture with outside agencies.
- (i) Develop a for-profit strategy.

- (j) In the post-RCAP time, use the 91(24) argument to lever money from the Department of Indian Affairs. Demand the portion of education funds, infrastructure development funds, etc. equal to that delivered by the province.
- (k) The governance structure must be rethought and redrafted. The structure developed is too big and too expensive. The core budget of MSS has dropped from \$1 million in the 1970's to \$200,000 today. This cannot support an expanded governance structure. Redistribution is necessary. Are areas and population boundaries drawn where the Metis now live? How are the urban Metis served? Are all votes equal? How can the equal distribution of funds among the twelve regions be justified when the populations are nowhere near equal? All governments have been forced to face downsizing and redistribution. There is no support for what is seen as a system which does not apply the same rules as other governments in Canada."
- (l) Infrastructure and community development funds promised by governments must be aggressively pursued to increase the capacity for Metis governance and reduce the draining of the existing overextended staffs and institutions.

In conclusion, this organizational review has made it clear that many of the current concerns within the affiliates or institutions of the Metis are the result of contradictory and conflicting mandates and operating principles of the federal and provincial legislation, regulations and policies, and the Metis Nation of Saskatchewan constitution with regard to the Metis control of these institutions. There is a need for representatives of the three governments to sit down together and resolve these concerns.

The current tripartite process affords all three parties the opportunity to work on these issues together. The mission statement of the tripartite process framework agreement states that "the parties agree the purpose of this framework agreement is to enable the Metis of Saskatchewan to exercise a greater degree of control over institutions, structures and programs that affect them". The tripartite agenda includes Metis self-management structures. Subsequent agenda items include "legislative and regulatory processes necessary for recognizing and implementing Metis management and control of programs and services". If all of the parties concerned work together on these issues in the spirit of cooperation, commitment and good faith their mission can be realized.