Towards
A Metis Co-Management Framework Agreement

The Report of the
Commission on the Metis Laws of the Hunt

Submitted to the
Manitoba Metis Federation
Annual General Assembly

Nation-to-Nation Edition
March 23, 2002
Our Ancestral Rules of the Buffalo Hunt:

1. No buffalo to be run on the Sabbath-Day.

2. No party to fork off, lag behind, or go before, without permission.

3. No person or party to run buffalo before the general order.

4. Every captain with his men, in turn, to patrol the camp, and keep guard.

5. For the first trespass against these laws, the offender to have his saddle and bridle cut up.

6. For the second offence, the coat to be taken off the offender's back, and be cut up.

7. For the third offence, the offender to be flogged.

8. Any person convicted of theft, even to the value of a sinew, to be brought to the middle of the camp, and the crier to call out his or her name three times, adding the word "Thief", at each time.
Message from President David Chartrand:

We are coming to a new chapter in our journey towards the recognition of our Metis Rights. For over a century, the governments in Canada have rejected our claim to the right to hunt, trap, fish and gather, as well as the right to protect and nurture our traditional lands. When we first negotiated our way into Confederation, we were confident of our traditional rights because of our strength as a Nation. Over the years, governments have eroded the recognition of those rights and we now have to fight in court to practice the ways that have been taught to us by our ancestors.

But when the Honourable Oscar Lathlin, Manitoba Minister of Conservation, agreed to enter into negotiations for a Metis Co-Management process, we began to cooperate and develop a groundbreaking program that will once more provide us with the opportunity to practice our inherent rights.

Metis people across Manitoba know that this is an historic day and that when the Minister and the Government of Manitoba support the Metis Laws of the Hunt, balance will be restored to our Nation. The Metis people have made their voices
heard across the Metis Province – and the support we have from the Minister and the Premier must continue.

Our Commission on the Metis Laws of the Hunt has worked tirelessly to promote our rights in communities in every region of the MMF. Senator Ed Head has given us his wisdom as he led the Commission in his role as Chairperson and, for his service, I am very, very thankful.

Each Commissioner provided invaluable insight and solicited important opinions from the participants in the meetings. Cecil Thorne – Thompson Region, Diane McGillvray – The Pas Region, Brian Beach – Winnipeg Region, Gilbert Saindon – Southeast Region, Phillip Beaudin – Southwest Region, Eugene Fleury – Interlake Region and Charles Vermeylen – Northwest Region – all of our Commissioners took the task very seriously and will be remembered as pioneers in our quest for the recognition of our rights. To each Commissioner, I offer my sincere appreciation for your hard work.

The Metis Laws of the Hunt are based on the common sense way that Metis people approach our relationship with our environment. Our Metis Nation was built on the harvests we received from our natural resources, and it is our collective understanding that we must give back to the land and water when we take from it. We respect the Earth in this way. Metis people from across the province have expressed their belief that we must be responsible when we hunt, fish, trap and gather. The Report of the Commission on the Metis Laws of the Hunt offers the framework for how we will practice our rights in a responsible manner.

I am proud of this report and I hope that each of you will take the time to carefully read this information package. The next step in the process will be to take this document and present it to the Minister for ratification. It is important for every Metis person to let the Minister know that the Metis people want the Metis Laws of the Hunt enacted quickly.

Meeqwetch,

President David Chartrand
Greetings from the Chair of Natural Resources:

On behalf of the Natural Resources Committee of the Manitoba Metis Federation, I want to invite each of you to look closely at this report as it gives an account of the findings of the Commission on the Metis Laws of the Hunt.

I would like to take this opportunity to thank several of the people who have helped to make this report and its findings possible to present to the 2002 Manitoba Metis Federation Annual General Assembly. Firstly, I wish to thank President David Chartrand for his great leadership and vision for making this process possible. None of this would have been possible without his unique and untiring ability to lead our People. Thank you, David.

I also want to offer my appreciation for the Commission – for their long hours of discussion and preparation in finalizing this report. Senator Ed Head provided us his years of experience by serving as the Commission Chairperson and each Commissioner represented their own regions with distinction.

I do not want to forget to thank Will Goodon and Al Benoit for their organizational skills, and their writing abilities in helping to put this report together. Michele Morriseau and Ron Head also provided invaluable support to this project.

But most of all, I would like to thank each and every Metis person for taking the time to attend the Commission meetings, for filling out the harvesting rights surveys, either at the meetings or on the MMF website and for the support you have shown to
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this initiative. The input you shared made our job much easier as we compiled the Metis Laws of the Hunt.

Thank you,

Darrel Deslauriers

*Greetings from the Co-Chair of Natural Resources:*

As Darrel has stated, we are pleased with this report and trust that the MMF Annual General Assembly will receive it with enthusiasm. After attending several of the Commission meetings and workshops to get ready for this Assembly, I know that we have heard the voice of the Metis.

Metis people have always known that we have the right to hunt. Now we are given the opportunity to work with the Province of Manitoba in a Co-Management process. This is a significant moment in our history as the government finally recognizes our Metis right to hunt, fish, trap, and gather.

I also want to thank everyone involved in this process, from President David Chartrand, Natural Resources Chair Darrel Deslauriers, Senator Ed Head, each Commissioner and our staff.

Sincerely,

Carl Chartrand
Letter from the Commission on the Metis Laws of the Hunt:

March 23, 2002

President Chartrand;
Vice-Presidents and Directors of the Board; and the
Membership of the Manitoba Metis Federation.

We, as the Commission on the Metis Laws of the Hunt, have spent the past five months meeting with our People throughout Manitoba. During our travels the Metis spoke passionately on our hunting rights, and made it clear that the Metis must be completely involved in the management of wildlife, fish, forests and other natural resources, and must share fully in the benefits derived from harvesting on our traditional lands within the Metis Homeland.

As the result of listening to over a thousand Metis, we are pleased to submit to you this unique and historic document entitled Towards a Metis Co-Management Framework Agreement - The Report of the Commission on the Metis Laws of the Hunt. This report contains the thoughts, words and aspirations of the Metis Nation. It is our vision that this report will be a great leap forward in our struggle for justice and the recognition of our rights.

We thank the Membership for their contributions, and for our unequalled privilege to have been able to listen to you. Each and every Metis Community we visited made us feel warm and welcome on those cold winter evenings during which we held our workshops. Again we thank you.

We would also like to show appreciation for the efforts of the Manitoba Metis Federation’s President, Vice-Presidents and Directors of the Board, without whose participation the workshops would not have been a success.

In addition, we would like to acknowledge Michele Morriseau, Ron Head, Will Goodon, and Al Benoit for assisting us in accomplishing our mandate.
Finally, I would like to personally thank my fellow commissioners. I know, from my experience, that they have worked unselfishly as volunteers, each making the personal sacrifices necessary to get the job done. It was a true “once-in-a-lifetime” opportunity to have worked side-by-side with them on this important task. This was an experience that I will treasure.

Merci! Meeqwetch! Ekosi! Thank you!

Respectfully,

Senator Ed Head
Chairperson – Commission on the Metis Laws of the Hunt

On behalf of the Commissioners:
Brian Beach – Winnipeg Region;
Phillip Beaudin – Southwest Region;
Eugene Fleury – Interlake Region;
Cecil Thorne – Thompson Region;
Charles Vermeylen – Northwest Region;
Gilbert Saindon – Southeast Region;
Diane McGillvray – The Pas Region.
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EXECUTIVE SUMMARY

Introduction:
Based on a letter of commitment he had received from Manitoba Conservation Minister Oscar Lathlin on March 20, 2001, last year MMF President David Chartrand announced at the Annual General Assembly that the MMF would be negotiating a Metis Co-Management Framework Agreement with Manitoba Conservation.

The Minister's letter read, in part:

Further to our ongoing discussions regarding co-management, I would like to assure you that Manitoba Conservation is committed to entering a formal negotiation process with the Manitoba Metis Federation Inc. to develop a Metis Co-Management Framework.

It is intended that this agreement will provide the basis for a new relationship between the Metis Nation and the Province of Manitoba, which will benefit generations to come.

In the general sense, co-management is the sharing of roles, responsibilities and activities between the people of a community and a government, in this case between the Metis and Manitoba. A resources co-management agreement would set out how the Metis Nation within Manitoba would become directly involved in the decision-making, planning and management of Metis natural resource-based traditional harvesting activities, such as, for example, hunting, fishing, trapping and gathering.

President Chartrand appointed a negotiation team led by Senator Ed Head to work with him in developing this important and historic agreement. To be able to negotiate such an agreement, President Chartrand was convinced that it was also important and necessary to hold community consultation meetings across the province to find out what we, the Metis Nation within Manitoba, want in such an agreement. The President appointed a Commission on the Metis Laws of the Hunt, and the workshops were subsequently held. This document is the report of the Commission’s finding.
Workshop Participation:

There was strong participation at the Commission’s workshops throughout Manitoba. This reflected the importance of the workshop results to our culture and to our future. This was on everyone’s mind, and as one Metis said: “it’s not only about hunting, it’s about everything.”

Throughout the course of the nineteen workshops in seven regions, and further discussions with Metis individuals at Regional and Local meetings, over a thousand Metis had the opportunity to share their thoughts on what co-management meant to them. In addition to what was said at the workshops, almost six hundred surveys were completed concerning a variety of natural resource topics.

Summary of Workshop results:

The following is a brief outline of the principles that the Metis made clear during the workshops:

- It was clearly stated by the participants, although in different ways, that the Metis have the Aboriginal right to hunt, fish, trap and gather;

- The Metis are saying that although they have the right to hunt, etc., there may be times when they may voluntarily choose not to exercise that right;

- Our ability to hunt or fish is more than a right. It is also a responsibility to ensure that the wildlife, fish and environment of our lands are treated with respect, and are wisely used;

- The Metis suggested that they would refrain from hunting or fishing for conservation reasons such as when the population numbers of wildlife or fish were low, and to keep the fish and wildlife at healthy numbers. Hunting and fishing can only be done at a level that will ensure that the populations will not drop to dangerously low numbers;

- The Metis were also very clear that there must be hunting and fishing limits;

- Hunting and fishing must only occur during agreed upon seasons that will not interrupt the ability of a mammal, bird or fish to reproduce;
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- When there are not enough wildlife or fish for everyone, the Metis are a People who believe that there is an obligation to share selflessly. Sharing reflects our ancestral and traditional ways;

- The Metis believe that wildlife and fish harvested for subsistence purposes should not be sold. Selling should only be under a commercial permit or licensing agreement; and

- Management of the wildlife, fisheries and other resources will require Metis laws, policing, a justice system and an overall management structure.

The consultation process regarding the laws of the hunt has been a truly historic experience. The MMF is now prepared to enter into formal negotiations with Manitoba. We are now moving towards a new relationship with the Province and People of Manitoba.

A Southwest Metis had some further thoughts regarding this process being undertaken by the MMF saying: “It’s a good step. It’s a good place to get started and I’m looking forward to what the end result is… We got a little taste of something. We want it and I would encourage you to get this to the government as soon as possible.”

Next Steps:
Now that the consultation process is complete, the Manitoba Metis Federation will request that the Manitoba government recognize the workshop and survey results in this Report. This Report will be the foundation for the upcoming formal negotiations needed to reach the final Metis Co-Management Framework Agreement, which was assured in Minister Lathlin’s March 2001 letter.

The MMF will also pursue a Metis Co-Management Framework Negotiation Memorandum Of Understanding (MOU). This MOU must be signed, without delay. The MOU will demonstrate the Province's willingness and good faith to work together with the MMF to negotiate the final Co-Management Framework Agreement. The MOU will also ensure that there will be sufficient resources and support available to allow for a complete and meaningful negotiation.
INTRODUCTION

Historical Metis Management of Resources:
The concept of Metis co-management is based on the Metis tradition of acknowledging our responsibilities and obligations as well as exercising our rights. There is a large body of historical evidence concerning Metis self-management of our traditional resources on our traditional lands. It has been suggested that Metis hunters had:

...an intimate knowledge of the land they used and this land has been defined by some in terms of actual hunting territories. It was not as if the land was used at random, there was an understanding about which land was used by each person or family.


In some cases ancestral Metis harvesting rules and ethics have been recorded for use on our traditional lands. One such example is the Rules of the Buffalo Hunt as implemented across the Metis Homeland, including what is now known as Manitoba. Author Alexander Ross described in detail the Metis’ strict control of the buffalo hunt, including punishments. Historians have proposed that early Metis government was structured on the strong traditions of the hunt. Today these traditions remain strong within each Metis Community.

Other Metis resource related laws could be found for instance in the traditional Metis community of St. Laurent, Saskatchewan. One such law contained penalties against the waste of timber and animals.

Today’s Management Situation:
The Metis position is that we have the Aboriginal Right to the wealth of our traditional waters and lands, but we are often prosecuted for the illegal harvest of fish, wildlife and other subsistence and commercial resources. Under the real and ever present threat of fines, seizure and jail time, many Metis continue to practice their rights without licenses and outside of Provincial and Federal regulations and management regimes. In this regard, in a 1998 Ontario court decision, Justice Vaillencourt eloquently expressed:
If the Metis exercise their Aboriginal rights without benefit of a licence, they are not only putting themselves at risk of legislative sanctions but they are forced to skulk through the forests like criminals as opposed to hunters exercising their constitutional rights.

The nature and scope of Metis harvesting remains unknown to government wildlife and fisheries biologists, and natural resource managers. This brings into doubt the efficacy of management decisions based on a lack of knowledge. Rather than a blind enforcement of regulations and increased costs of policing, world-renowned wildlife biologist W. O. Pruitt Jr. (pers. comm. with A. Benoit, 1999) suggested that the recognition and understanding of Metis harvesting may be very important in effective wildlife management and should be integrated into policy.

Towards a New Relationship:

Last year, in response to informal discussions and a letter of commitment received from the Honourable Oscar Lathlin, Manitoba Minister of Conservation, MMF President David Chartrand announced at the 2001 MMF Annual General Assembly, that the MMF would be negotiating a Metis Co-Management Framework Agreement with Manitoba (see Appendices for Minister's letter). It is envisioned that this agreement will provide the foundation for a new relationship between the Metis and the Province of Manitoba regarding the harvest of natural resources. This was indicated in the Minister’s letter:

This initiative signifies a new vision through a relationship between my department and your organization as we both wish to enhance the participation of the Metis…and to create a proactive and positive working relationship…

This proposed agreement would be the basis for a Metis co-management regime focused, firstly, on traditional domestic resource uses such as hunting, fishing, trapping and gathering, and later, on industries such as, for example, commercial forestry. These resources represent the historical, contemporary, and future cultural and economic health of the Metis People.
A Metis Co-Management Framework Agreement will describe in detail the roles, responsibilities, and actions to be undertaken by the two signatories to the agreement. It will further describe the Metis Nation’s relationship with Manitoba and how the Metis would become directly involved in the decision-making, planning and management of our traditional resources. Of special importance for both the Metis and for the Manitoba Government will be the immediate focus on Metis hunting and fishing for subsistence or personal use. The Metis leadership, subject to the clear direction from the Membership, intends to negotiate a recognition and acceptance by Manitoba of our traditional Aboriginal harvesting activities.

As explained in President Chartrand’s response to a question posed to him during a Commission on the Metis Laws of the Hunt community consultation meeting:

“We are not handing over any individual rights…we are not giving up any rights here in the process. We’re not going to ever give it up [and]…we’re telling this Government that we’re making it very clear that you believe we have the rights.

Indeed, the MMF will be negotiating our own rules and processes so that we can plan for the future, and to create legislation that will protect Metis’ ability to practice an integral part of our culture, and to feed our families in our own way, without persecution. President Chartrand’s vision has been clearly expressed:

“This is what it’s all about, the planning for the future…What we’re talking about here is protecting our future and putting into place a process that we are comfortable with. It is our laws not the Province’s, not Gary Doer’s…ours!

While in the Northwest Region, the President outlined some of the next steps to protect this future:

“We will present our laws to Government. Here's the law! Here's what our People have said! Here's what they're saying they want to follow! Here are the rules that our lawyers are going to protect!

During the workshops, one Metis expressed what many Metis’ felt about the forward-looking mandate of the Commission on the Metis Laws of the Hunt, and the
importance of the results that would follow: “We have to respect the animals and respect the hunters. Anything that you do in this land, you got to respect. You got to look ahead.”

In addition, to meet the fundamental goals underlying culturally appropriate and economically sustainable community development, as well as to address recent legal judgments concerning Metis harvesting activities, the MMF through the Metis Co-Management Framework Agreement wishes to create a proactive and positive working relationship with Manitoba. The MMF, through this relationship, would like to enhance, in a unique and practical way, Metis participation in conservation policy and operations.

President Chartrand has appointed a negotiation team led by Senator Ed Head to work with him in developing this important and historic agreement. To date, there have been ongoing and informal discussions between MMF and Manitoba on how to take the first steps along this historic path.

Community Consultation:
To go beyond these informal discussions and to be able to enter the formal negotiations necessary to reach a Metis Co-Management Framework Agreement, President Chartrand was convinced that it was important and necessary to hold community consultation meetings across the province to find out what we, the Metis, would want in such an agreement. This community consultation was to determine, from the Metis, the direction and mandate to guide the formal negotiation process. The community consultation was to provide information to the negotiators, representing all parties, regarding Metis cultural aspirations and their natural resource, cultural, social and economic needs.

To assist in these community consultations, President Chartrand appointed a committee of Metis. This committee was named the Commission on the Metis Laws of the Hunt. This Commission’s mandate was to ensure that the Metis voice was heard from each region.
President Chartrand appointed representatives to the *Commission on the Metis Laws of the Hunt*, from each region based on their own experiences with their exercise of Metis Rights. The Commission consists of the following members:

1. Senator Ed Head - Chairperson
2. Brian Beach – Winnipeg Region
3. Phillip Beaudin – Southwest Region
4. Eugene Fleury – Interlake Region
5. Cecil Thorne – Thompson Region
6. Charles Vermeylen – Northwest Region
7. Gilbert Saindon – Southeast Region
8. Diane McGillvray – The Pas Region

A first meeting of the Commissioners was held by conference call on October 15th, 2001 and was attended by the seven Commissioners, President David Chartrand, Commission Chairperson Senator Edward Head and technical support staff.

On October 18th, 2001, the Commissioners attended their first Media Conference (11:00 am), their first in-person meeting at the MMF Home Office (3:00 pm), and the first community consultation workshop in Winnipeg at the St. Norbert Community Centre (7:00 pm) hosted by the St. Norbert Parish – La Barriere Metis Council.

Throughout the course of the nineteen workshops in seven regions, and further discussions with Metis individuals at Regional and Local meetings, over a thousand Metis had the opportunity to share their thoughts with the Commission on what co-management meant to them. In addition, nearly six hundred surveys were completed. Following later in this report is a summary of the results of these workshops as well as the highlights of the survey.
WORKSHOP SUMMARY

“Most of us Metis here have been hunting a lot of time without a licence”
- Northwest Metis Workshop Participant.

“I think that we should work hand-in-hand with Natural Resources, as well as speak our minds…”
- Winnipeg Metis Workshop Participant.

Please find below a summary of the results of the regional workshops that were held by the Commission on the Metis Laws of the Hunt. A summary of the workshop dates, locations and participation can be found in the Appendices.

Metis Co-Management Concerns:
There was strong participation at the Commission’s workshops from all regions throughout Manitoba. This reflected the importance of the workshop results to our culture and to our future. This was on everyone's mind, and as one Metis said: “it’s not only about hunting, it’s about everything.”

Even though subsistence-hunting rights were the focus of workshop discussions, other rights were expressed such as fishing, the collection of firewood, food and medicine plant gathering as well as the commercial use of resources.

The concern for these rights was evident in all Regions. Although mainly in the north, participants strongly expressed the conflict between First Nation Treaty Land Entitlement (TLE) lands and our Metis rights to access our traditional lands and waters for hunting, fishing and gathering purposes. Lands valuable for Metis traditional and modern economic pursuits are now becoming First Nation Reserve Lands, and Metis are considered trespassers. A similar concern is found in other regions, where there are increasing amounts of private lands and “posted” Crown Lands where Metis can no longer hunt.

Other important rights and co-management related issues brought to the attention of the Commission included:
• Metis Land Claims (current court case);
• Current state of Metis hunting court challenges;
• Timber harvesting;
• The restrictions placed upon the Mayors and Councils of Northern Affairs Communities and their inability to adequately address Metis rights-based concerns, and the role of the MMF;
• Northern hydro-electric development’s destruction of fishing;
• Metis exclusion from the benefits of the 1977 Northern Flood Agreement;
• Taxation;
• Federal gun registration;
• Current and future effects of Bill C-31 on the Metis and their families; and
• Poverty.

Metis Hunting Rights:
It was clearly stated, by a Metis from The Pas Region: “The Metis know that they have the right.” It was expressed over and over again, although in different ways, by the participants in every region, that the Metis have the right to hunt.

A Northwest Metis made it clear: “I have an Aboriginal Right. I’m sorry [but] that is not for anybody else to decide. That is my Birthright!” In the Southwest Region, a Metis similarly exclaimed: “Hunting rights and stuff have been on the forefront for many years. Like everyone else in this room, we feel that we do have the God-Given Right to hunt at any particular time that we do. Some of us don’t take that option…others do!”

In the Thompson Region a participant stated that: “If I want to go and hunt, I will go hunting.” In the Interlake Region one participant declared: “…It has been our right
forever!” It was said more than once “the Metis know that they have the right.” Another exclaimed: “As a Metis person…it is my right to have a license [for free].”

A Thompson Region Metis asked an excellent rhetorical question: “…Aboriginal people, does that include Metis, Inuit and Treaty Indians? Then we should have the same rights as them, no?” As explained by a Metis participant from The Pas Region, the Metis have made it clear that this right to hunt is not a “second-tier” right. It is not a lesser right when compared to those exercised by the First Nations. It is equal and has the same benefits as those received by the First Nation’s Membership.

This is a right for food to feed our families and a right to practice an important part of our culture as a People. In one region a participant said “…we should have the right to harvest enough for our own personal use or immediate family,” while in an Interlake community everyone agreed: “You’re Metis! You should have the same rights as an[y] Aboriginal!” In many cases, the Metis believe the non-Aboriginal society does not distinguish between the Metis and First Nations. On this subject a Southwest participant explained: “As Metis people, we’re categorized in the same block as they are… in most non-Aboriginal eyes, we have that right already. Yet, we don’t exercise it or we can’t do it freely out there!”

A Winnipeg Metis rightly referred to this unequal treatment of Metis in contrast to First Nations, not just in hunting, but in other uses of the land: “[The First Nations] are even being included in the process of modern development [such as forestry, mining, hydro-electric development] on the basis of these rights that they have…which, basically, are Aboriginal rights in general…the right to hunt and use the land. The Metis aren’t getting included.”

A Northwest Member’s personal frustration, reflecting the anger and suspicion of many, with the inability of Governments to treat the Metis fairly and equally, was expressed when he said: “I agree with you there should be some kind of co-management…” but “I think that what we should do is get the Province to recognize that we do have Metis Rights first… until they recognize our rights there should be no agreement…Let them take us to court. Let’s fight it. Everybody here is willing to fight, that’s why we’re here. I never gave up my rights. None of you here have ever given up your rights!”
Hunting is not a sport, as explained by a Metis from The Pas Region, in the sense that it is for non-Aboriginal people. The Metis Right to hunt is of much greater importance than, and completely different from, any non-Aboriginal access to, or interest in, hunting for recreation or sport reasons. One Interlake Region Metis made it very clear: “That’s the other society’s way. That’s never been our way!”

With regards to the question of individual versus collective rights, one Southwest Metis voiced the concern: “I for one would never like to see us have individual rights. I’ve stated that right from the beginning all the way through this hunting negotiating thing. I think that if we have an individual right we can’t police ourselves…” A Winnipeg Metis offered: “I mean, to me, Aboriginal Rights are collective rights as far as I understand. I’m not a lawyer [but] it seems to me it’s pretty fundamental.”

Metis believed that a Metis’ collective hunting right, or harvesting right, is not subject to a person’s income or need, or current residence. A Winnipeg Metis stated: “I think that it should not go by if you are making a decent wage or on welfare! There should be no emphasis on that!” Another made clear that not all Metis hunted but they still had the right when he said: “You know all the other people have the right but they don’t exercise them.” It was apparent, for many, that hunting, and other forms of traditional harvesting, are integral parts of our Metis identity and culture.

**Metis Hunting Responsibilities:**

The Metis are saying that although they have the right to hunt, and to harvest other resources, there may be times when they may voluntarily choose not to exercise that right.

A Northwest Metis summed this up very well, in one short sentence, what most Metis’ thoughts were concerning our hunting rights and the accompanying obligations: “I think you should be able to harvest when the need occurs and not to over-harvest, and don’t waste.”
Our ability to hunt or fish is more than a right. It is also a responsibility to ensure that the wildlife, fish and environment of our lands are treated with respect, and are wisely used. In one Northern Region it was explained this way: “We are careful as individuals when we go hunting. We don’t over hunt or over fish in areas because we know what is acceptable…” We must make certain that these resources are available for future generations. As a Southwest Metis stated: “It’s not just the ability to hunt, but it’s the ability to manage it. If we look through the course of history, any resource that has been managed properly will be there forever!”

The Metis all agreed that the right to hunt was not without responsibilities such as respecting limits. Regarding limits, it was suggested that for “…the Metis Elders in some of the communities…that has been an unwritten rule…and that’s what we practice right now.”

**Sale of Fish and Wildlife:**
The Metis believe that animals and fish harvested for subsistence purposes should not be sold. Selling should only be under a commercial permit or licensing agreement. In the Southeast Region, the Metis feelings on this matter were strongly stated: “If you were caught out of bounds of those rules and regulations, like selling it for example, then you should lose all rights altogether…” and “if anybody, Metis or [any other] Aboriginal, get caught selling it, you should be nailed.”

**Hunting and Fishing Limits:**
The Metis suggested that they would refrain from hunting for conservation reasons such as when the population numbers of animals or fish were low, and to keep the fish and wildlife at healthy numbers. Hunting and fishing can only be done at a level that will ensure that the populations will not drop to dangerously low numbers. In the Interlake Region, it was stated “…we should have a limit because if we’re looking towards the future we have to make sure that there is some there for our children.” A Southwest Metis echoed this: “I also think that there should be a limit of so much per family. People shouldn’t over do it.”

The use of “common sense” was often cited, as the method of defining just how much a family needed. This being said, the Metis were also very clear that there must
be hunting and fishing limits, and there were many examples on how much this might be:

- A Northwest participant explained: “My Dad, he actually brought me up to hunt. Yes, you have to respect your animals. How much do you need if you have a wife and a kid? How much do you need? One animal! You don't need three or four moose, all you need is one.” This sentiment was repeated throughout Manitoba.

- In the Thompson Region, a Metis said: “Today though there isn’t much...some people come home with three moose with just a small family. What are you going to do with three moose…it’s very sad when you start thinking about it.”

- One Interlake Region workshop participant said: “We should only hunt for what we need in our house. You shouldn’t just go out there and start killing anything that comes along.” Another Interlake Metis stated: “…if I’m hunting for myself…I think that I should only kill one.”

- A Southwest participant stated: “I don’t believe that a family needs two or three deer, one should be enough.”

**Hunting and Fishing Seasons:**

According to the Metis, hunting and fishing must only occur during agreed upon seasons that will not interrupt the ability of a mammal, bird or fish to reproduce. As one Commissioner remarked “…in just about every meeting that we've gone to, hunting and fishing should be closed during spawning season and calving.” A Winnipeg Metis was one of these speakers who said: “You should give the animals a chance to raise the young ones in order for them to multiply. A lot of people now are going and killing them in the springtime, stuff like that, and that's just not right.”

The Metis gave many examples of this way of thinking. One example came from a Winnipeg Metis: “Certain times of the year we can't hunt, which is only natural…I say from the end of February to the beginning of August…” A Northwest participant offered: “Out of all the Metis that I know, I don't think that I know of any that go and shoot any game in the springtime…late July is a good time. A Southwest Metis
explained that: “Years ago when we shot and lived on deer meat, there was an unwritten law. We didn’t shoot deer from maybe the 1st of March to the 1st of July before we shot deer. You just didn’t do that…You’re shooting does that are going to have calves and the meat is not that good anyway. They are thin and that type of thing. I don’t think that you can go and hunt anytime.” Another Southwest Member offered the suggestion that “I never hunted big game after the New Year.”

Seasons have to also reflect Metis needs. A Winnipeg Metis said that: “There should be variability…” For example, a spring waterfowl hunt was generally felt to be something that was traditional and should be continued, as one Interlake participant exclaimed: “You’re asking about ducks and geese. Again, we like to eat our ducks in the spring too. Anyone of us would!” Another, from the Northwest said: “…I got a different law. I got a different law so that I can hunt in the spring…[but] you don’t want to go and kill all the ducks before they hatch…you have to leave some…you have to share some.” A Metis from Winnipeg made this position more clear: “If you’re hunting the geese in the migration season, that’s fine. But if they’re nesting already…if there were eggs in the nest, would you not be ruining the next season’s harvest?”

In addition, the family’s needs must also be considered in some way as: “…in some cases, in reality, the Metis hunter can’t always choose when his or her family needs that extra meat to eat” said one participant.

As one The Pas participant stated “I don’t think that you should be allowed to go and hunt anytime that you feel like it…you just can’t go out and harvest them and take what you want. You won’t have any for tomorrow”. A Southeast Member explained, in the context of fishing, “You still have to follow the rules and your limits. You’re going to get that little bit more freedom as to when you want to go.”

There was the case made by one Northwest Metis that Metis hunting seasons are not necessarily that of the non-Aboriginal hunters: “When we talk about seasons, we’re talking about a different type of hunting. We’re not talking recreational hunting or trophy hunting. I think that we need to consider them seasons. Do you want to be hunting…during the regular season? You know because we are talking about putting meat on the table…I think that we should consider looking at being out there when
you can get the meat not when everyone else is out there. Not when the whole province is out hunting.”

As a well-said summary, one Southeast Metis explained: “…we all know that those rules and regulations are set to a calendar of certainly not our choice.”

**Metis Tradition of Sharing:**

When there are not enough animals or fish for everyone, the Metis are a People who believe that there is an obligation to share selflessly. A participant at a Winnipeg workshop stated: “…one of my rights that are important to me is, all the time when I was a little kid, we shared with the people who didn't have. You know, the old people, the women when their husbands were gone to work…don’t forget about those people. The rest of us, we’ll take care of ourselves.”

A Metis from the Southeast Region explained it this way: “That’s what we have always done…we always share with family and friends.” Two Southwest Region Metis echoed this, where one workshop participant said: “I brought a lot of elk home. I never sold the meat. I provided for the Elders. We never let any meat go to waste” and another said: “It’s a community affair. Everyone does it. We were taught to look after our Elders. I don’t believe you need a licence to share.”

Sharing reflects our ancestral and traditional ways. The Metis expressed sharing as being at least four different types:

- One type, or way of sharing, was expressed by one The Pas Region Metis as allowing another to hunt if they needed to support their family: “The guy that’s not making any money at all is the guy that needs that tag more than me. I can support my family because I have a job. I don’t know if that’s the right attitude but I would step aside for him…”

- A second way is to directly share the proceeds of the hunt: A Metis said in Winnipeg that: “Yes, traditionally, that’s what the Metis people did. I come from a Metis town where that was done unquestionably. When people needed, and when the other people…were able-bodied, they gave to them. In
the old days when you got a moose, you fed 15 families. You didn't feed one. That's one of the reasons it didn't go bad is because we didn't like to waste anything.”

Another Metis from The Pas Region explained: “…I have to be a conservationist first, then I would give up the meat to the man that needs it” and “there are a group of people (Elders and the disabled) who cannot hunt for themselves and that should be taken into consideration.” One Northern Region Member explained “If they have a good hunt, they take it to their Grandparents or their Uncles…That’s the way I was raised. If it was a good hunt you gave to everybody.” Metis were clear that this should be protected by law, as was stated by a Member of the Southeast Region “I believe you should be able to harvest animals like that for family. I believe that it should be written in there for family.”

A Northwest Metis told the Commission that he takes his fish to a local cultural centre: “…and all the Elders are entitled to come to my truck and take out what they need. They can take it for free. Some of them offer money for gas, that’s fine. If they want to make an offer, you know 2 or 3 dollars to help me out with gas cause I had to drive that way, then that’s fine. I will not charge them for the fish.”

- A third way is to identify a designated community hunter. This may be either a voluntary or paid position. In a Winnipeg workshop, a Metis Elder offered another perspective on sharing: “In a Metis community, not everyone is a hunter and then there are people that are blessed with hunting…there’s always been a hunter…and a sharer because he had that knack for it and he loved to do it. There should be a community hunter.” An Interlake participant suggested that there should be “…a designated name system of people who want stuff and hopefully you will get hunters who will fulfill those needs.”

- A fourth way, suggested by a Member from the Southwest, was to have community hunts: “I think there should be a community hunt during hunting
season so that meat can be shared amongst the community.” Hunting parties were mentioned in the Northwest Region.

**Hunting Fees and other Technical Issues:**
The Metis believe, as part of the upcoming negotiations, there are a number of important technical issues that need to be addressed. As Senator Head understands “the resources that we are dealing with aren’t going to last forever so we’ve got to make sure that we put laws and regulations in place.” The following outlines some of the discussion:

**“Putting Back”:**
One The Pas Region Metis said: “...I know there are a lot of true hunters, they believe in conservation. If you are a subsistence hunter, you’re coming into an area and taking something out. In the true Metis fashion, they are willing to put something back.” This was echoed from region to region. A Thompson Region participant exclaimed: “You shouldn’t just take...take...take...and not put back!” Some suggested ways of “putting back” included the following:

- **Preserving habitat:** One Southern Region participant stated: “I want it to go back to the habitat. I’d sooner see that. I’d pay for that definitely.”

- **Educating Youth and other hunters:** A Northwest Region Metis suggested that in order to “enforce” the laws: “...you [the Metis] would have to educate the people instead of other people coming in here.” Another from Winnipeg said: “There’s an excellent educational opportunity to pass on traditions through this process...like our ways.”

- **Protecting vulnerable species populations through hatchery and feeding programs:** It was clear that the Metis are already involved in projects that are intended to assist in increasing animal and fish populations. However, more such projects should be done with Metis participation.
**Metis Management:**

Management of the wildlife and fisheries resources will require Metis laws, policing, a justice system and an overall management structure. A Southwest Metis expressed the magnitude of these issues by saying that the MMF “will be the regulators. It’s as simple as that. We can put the laws in place but they will have to enforce it. How is that going to happen?” The following are Metis suggestions regarding possible ways that it may happen:

- **Creating Metis community laws:** Metis state that “although there should be some laws and guidelines to follow…the Metis should be able to make those rules and guidelines for the Metis to follow.” This being acknowledged, one Metis from the Southeast Region felt that “as a hunter I don’t think that my laws should be much different than anyone else in the bush.” Another, a Winnipeg Metis acknowledging the need for laws, cautioned: “The only thing that I don’t want is that we don’t get too many regulations that will interfere with common sense…we end up just ham stringing ourselves.”

Yet another, from the Southwest stated clearly “…you’re asking me to put into law on what I already believe in. It’s a needed thing…We have to put it down in black and white.” These laws must reflect the needs and traditions of Metis families. As one Northwest Metis said: “I believe so that you should be allowed to set a net to feed your family to eat fish.”

- **Metis Policing:** Many participants stated: “We should have a system that we turn in those poachers because they’re taking our animals and using our land.” Also “we have to police our own people as well. If they are abusing it then I think that as community members we should make a point clear that they can be prosecuted through our own.” A Southwest Metis suggested that: “I think the locals would have a big part in the policing effect of it.” Opposing this idea, another Southwest Member stated that “…something has to be put into place in Head Office in Winnipeg…I think that it would be totally unfair to say that any individual or any local or any community could police that…I don’t think that we want to take the responsibility…it’s too much.”
• **Tribunals:** In the Thompson Region it was said, “if a Metis person breaks the rule, he should face the consequences just like everyone else to be fair.” Elsewhere, it was said that enforcement of laws have to be seen in the context of our traditions and “there’s got to be a punishment that fits the crime…there’s got to be a punishment like the buffalo hunt.” It was also suggested that there could be an Elders Tribunal to decide the how infractions would be handled. Others felt that “we hand them over to the white guys. Let them take care of it!” A participant of the Southwest Region suggested a synthesis of these two ideas, involving both a Tribunal and the Government: “I was part of a little tribunal many years ago in the MMF and I think it worked effectively. I’m totally in favour of it. One must always remember that if the Tribunal doesn’t work there is still the law of the Province. If they are not satisfied, with the judgment that we judge ourselves with, then they can take it further on. I think that is a very good start for us, to set up our own Tribunal.”

• **The possible establishment of hunting areas if required:** Some Regional participants have stated that boundaries for conservation and management purposes may be needed. This needs to be balanced by both the Metis need for freedom of movement as well as protecting each person’s or local’s traditional lands. As one participant explained: “I think that if you’re Metis you’re Metis. That’s all there is to it. You should be allowed to hunt wherever.” In the Southwest a Metis stated this again in more detail: “If Saskatchewan is open, even we could be allowed there and they could probably come over here. A Metis is a Metis anywhere.” One Winnipeg Metis felt: “We should be allowed to hunt freely throughout Manitoba. The way I see it, instead of putting boundaries we should have strict rules.”

On the other hand, an Elder, expressed a strong concern for Metis traditional hunting territories: “I was hunting in my traditional ground where I was born and raised. There are five generations of my people that were raised where I was hunting.” One Metis said that although he now lived in Winnipeg, he did not know where to hunt moose or elk: “I know my own hunting grounds back where I come from, the Duck Mountains…where I was born are my hunting grounds.” A Southwest Member expressed a concern as well: “Metis people
from anywhere could come here…and hunt. You’re not going to like that too much.”

One Winnipeg Metis offered that if you went hunting outside what would be considered your traditional hunting lands: “You’d have to get a formal request [and that] you should get a permit to go hunting in that area.”

Another Winnipeg Metis suggested that the issues of boundaries are not simply where you were born, nor where you currently live, but: “Well, the question…is where do you actually go hunting?” Clearly this is a complex issue, which will require the development of a simple, yet effective, protocol.

- **The training and hiring of Metis conservation officers:** This was described as: “they understand what our people need. They know that we’re out hunting because we need it at that certain time. We’re not all poaching just for sport or something like that, but that we really do need the meat.” And “…we should have our own conservation officers protecting our own areas and our own interests.” A Winnipeg Metis suggested that, if Manitoba was to continue hiring conservation officers, then there could be “a quota system or certain amount of representation from the Metis community…”

**The operation of a registration, licensing or permit, and tag and survey system:**
It was acknowledged that the “ways of putting back” and the establishment of a Metis management system would cost money, and that funds would have to be raised. The Metis have also said that our Aboriginal Right to hunt or fish is not subject to the paying for a licence, nor is it to be constrained by a person’s occupation, home location, or income.

A Winnipeg Region Metis shared thoughts concerning berry and medicinal plant harvesting: “The way I was taught to pick doesn’t really entail a monetary structure. I was taught to give tobacco and pray. I would be offended [paying a fee]. It’s like charging a fee to go to church. It just doesn’t make sense to me.”

Another workshop attendee stated: “if it has been a tradition for us to harvest…it should be licence free. It should be given. Here’s your permit, go out and hunt
whether it’s a deer, moose, elk or whatever.” A Southwest Metis was clear on this issue: “I believe that absolutely we have a right to hunt and that we shouldn’t have to pay for a licence.” Another in the south said: “I would strive for not being obligated to buy a license, and have it as our right.”

Another from the Southwest suggested that a mandatory fee created an undue hardship on poor Metis: “…right now, once you pay for everything; gas, grub, licence, etc. you can’t afford to go out and hunt.” Another said “it’s a hardship on me, I have five children, just the fact of spending that much money to get that much meat.”

This being said, most Metis recognized that there would need to be a way of funding hunting and fishing related programs, as well to be able to monitor wildlife populations and be able to wisely use them so they will be there for future generations. One Southwest Metis suggested: “there should be a fund set up. Everyone that actively participates in hunting and harvesting should donate to this fund.” A Northwest participant explained his thoughts: “I don’t mind to be issued a tag for a certain fee as long as I know where that fee is going to, like to preserve our wildlife.” Another Northwest Metis agreed: “I don’t mind paying a bit of money if I know the money is going towards a worthy cause.”

For management purposes it was suggested that a tag system of some kind would have to be developed. As one Northwest Metis explained: “You have to record. When you’re talking about conserving the animals that are out there, you have to record where you killed your moose and how many moose that you’ve killed.” A Winnipeg Metis workshop participant expressed a major principle in the task ahead when implementing co-management: “…it seems to me that we need to know what the supply is and what the demand is. Because if we don’t manage both sides of that, we’re going to be in trouble.” As well a survey to keep track of health of wildlife and fish populations could be done. A Southwest Metis stated: “I wouldn’t mind filling in a survey every year. I probably wouldn’t hunt any different from how I hunt right now.”

If licenses, or permits, were to be purchased, there are some suggested guidelines. Some Metis thought that licenses, permits or tags, could be obtained in the area
where the hunting would occur, possibly from a Local office. As one Metis said: “I think that it should be wherever you’re hunting. Like if I want to go to St. Ambroise and hunt, I should get the license there then.” A Northwest Member also thought the Local should be involved in the distribution of licenses: “…each Local should take care of it…so if you issue these licenses to each Local and the Local should distribute these licenses to the individuals that they feel are best qualified for these licenses.” Another Northwest Member stated: “we need as much input from the local people…we need to try to make that decision right here. That’s what self-government is all about.” On the other hand many felt that the licenses or tags should be distributed by the Regional office, while others felt that MMF Home office should be involved;

It was also suggested, “there could be “a small fee, say of $5 for a tagging system.” Or, as another Metis participant suggested, “like whatever you can afford, that’s the way it should be.” What has been said is that a donation or fee based on a person’s ability may be acceptable, and that this payment would go directly for wildlife and fishery habitat conservation, and not to “general coffers.” Another Metis from Winnipeg said: “I tell you what, I won’t pay for the tag, but I will make a $100 donation on behalf of myself, and my mom and dad.”

A Northwest Metis stated: “I guess that license is the wrong word for it…” Another Northwest Metis suggested: “certificate.” One Southwest Metis suggested that a process of registration should be used as opposed to licensing, and that logbooks could be used to record data.

**MMF Membership Cards as “Permits:”**

Many Metis wanted to address the question of the role, if any, that the MMF Membership Card may be able to play as a substitute for a licence or permit. As one Northwest participant suggested: “I think we should have new Metis Cards…With this Metis Card, I would like to be able to go deer hunting. Just to hunt deer you would need your Metis Card.”

A Southwest Metis echoed a concern brought up by a number of other Metis: “I do think that there are a lot of Metis cardholders who are not really Metis,” and that Metis Cards might be bought and sold and fraudulently used by non-Aboriginal people to hunt illegally. Others suggested that the Metis Card could have an
electronic “strip” that would connect the card to a centralized database to help guarantee its authenticity and proper use, as well as other security and informational measures. Another factor brought up was that, currently, Youth are not issued MMF Membership Cards. If the Metis Card were to be used for hunting purposes, it would need to be issued to those Metis under 18 years of age.

A related concern is that there are Metis who are not “card-carrying” Members of the MMF. How would they be affected by future agreements between the MMF and Government? This was brought up by a Northwest Metis: “We’re drafting up all these laws and trying to get everything in place, but what about the Metis that don’t belong to the MMF? Are we negotiating on their part?”

**Metis Definition:**
The Metis also stated that the definition of who is a Metis would be very important as part of negotiating the Metis Right to hunting or fishing. As one Metis in the south explained “…we can't do anything till the membership is settled.” A Winnipeg Metis also clearly stated that position: “These are the Metis people…who are the Metis? Let’s get a definition on what a Metis is. Then we can start the groundwork.”

**Metis Representation in Government:**
One important Interlake suggestion was that the Metis Nation have a special representative in the Manitoba Government, possibly in the department of conservation: “We should have some designated position there that we have a voice at every step” for the creation of any provincial legislation that will affect the Metis.

“I found it extremely interesting to listen to you…The First Nations People are grappling with these same issues.”

- Manitoba Conservation Minister Oscar Lathlin attending one of the Northwest workshops.
SURVEY HIGHLIGHTS:

“We have an Aboriginal Right. I am not a criminal by virtue of my cultural identity!”
- Survey respondent

“It’s about time that Metis people speak up formally about what’s good for us.”
- Survey respondent

The Survey:
As part of the community consultation process, Metis were asked to fill out a survey concerning resource harvesting and co-management. These were either filled out at the workshops, by mail-in, or on a MMF web page. There were a total of 567 surveys completed.

Each 6-page survey consisted of 35 questions on a variety of topics. The questions were designed to solicit information that could be used in the proposed formal negotiations between MMF and Manitoba towards developing the Metis Co-Management Framework Agreement.

The following are highlights taken from the survey:

General Harvesting Participation:
Nearly 85% of the Metis who participated in the survey are currently harvesting some sort of natural resource whether it is wildlife, fish, timber, plants, etc. Of those Metis surveyed, about 83% consider themselves a traditional harvester for subsistence or personal use, while approximately 19% harvest commercially for money.

A very significant amount, almost a third of Metis (30.5%), said that their family’s livelihood was dependent upon supporting themselves with the commercial use of natural resources, while an overwhelming 82% said it was important to maintain all resource harvesting livelihoods. Nearly two-thirds (61.4%) of respondents believed that resource harvesting was important and that the loss of any single resource would affect the employment status of their community.
But the significance of harvesting to the Metis is that it has an impact beyond its financial implications. For instance, nearly 90% were convinced that harvesting was important to their family’s lifestyle. When asked why harvesting was important to their lifestyle, the three top answers were subsistence (food, heat, non-monetary), experiencing nature, and family togetherness, in descending order of importance.

*Sharing the Harvest:*
Sharing is a strong cultural tradition in the Metis Community. Nearly 90% of Metis share the harvest with others. Of those who share, all share with their immediate family. Metis also have the opportunity to share with friends (72%), extended family (59%) and Elders (55%). It is interesting to note that this generous sharing extends outside the Metis Community to strangers who are welcomed into Metis homes and attend Metis community festivals and cultural activities (13%).

> “*The Metis have a strong sense of sharing, and if things aren’t right now, then the Metis People can find solutions.*”
> - Survey respondent

> “*We need to keep our culture alive and teach our children our way of life.*”
> - Survey respondent

*Harvesting, Permits, and Aboriginal Hunting Rights:*
84% of respondents indicated that they harvested a resource that would normally require a permit. When asked if they obtained a permit or licence to harvest, two-thirds (68%) said yes, but about one-third (32%) said no or did not wish to answer. 93% of those surveyed believe they have an Aboriginal Right to harvest for subsistence.

A majority (59%) said that the Metis had an Aboriginal Right to harvest for commercial use. The respondents believed that this commercial right clearly applied to, in descending order of importance: fishing, trapping furbearers; firewood; timber (lumber); berries; and medicinal plants. The commercial right to wildlife, as a broad category, ranked lowest.
“The Metis have been suppressed for many years, it is high time that the Metis Nation finally be given the rights that are rightfully [ours]”

- Survey respondent

“All Aboriginal People should have the same rights.”

- Survey respondent

**Negotiations, Management and Licenses:**

When asked in the survey, there was almost complete agreement (94%), by those Metis surveyed, that the Metis should be involved in the decision-making, planning and management of Manitoba’s natural resources. Almost as many (91%), believe that the Metis should develop their own responsible and culturally appropriate rules to guide our resource harvesting.

Although only a third (35%) believe that Metis should buy permits to harvest resources, almost three-quarters (75%) would support a separate Metis licensing or permitting system within Manitoba, with the proceeds being spent on habitat protection and restoration, species conservation and education, with less support for enforcement. It was also recognized that under a separate Metis permitting system the definition of who is Metis would be important (88%).

When the MMF does enter into Metis Co-Management Framework Agreement Negotiations with the government (with 82% of Metis supporting such negotiations), the three most important topics to be negotiated are: recognizing existing harvesting rights, Metis participation in law-making, and participation in the planning and management of resources. Enforcement and public safety are issues that ranked the least important.

“I think it is important for the MMF to reach an agreement with Manitoba to ensure our resources are managed properly to ensure they are there for our future generations.”

- Survey respondent
“The Metis People have knowledge and respect for wildlife and their surroundings. This has been taught to us by our Elders.”
- Survey respondent

“Although the Metis should have rights to their own resources, we do ultimately share the resources with Manitoba.”
- Survey respondent

Commercial Fishers (Fishermen):
Ninety-two Metis (16% of respondents) identified themselves as being in the commercial fishing industry, with the majority of these fishers (54%) being in the industry for sixteen years or longer, while the remaining fishermen were evenly allocated among the other “years of experience” categories of lesser experience. Thirty-five of the commercial fishers (38%) rely on the fishery as their primary income, evenly distributed among the different years of experience categories.

Hunting Guide:
The Metis do find employment as hunting guides (11% of respondents). One-quarter of these are new comers to the industry with only 1-5 years of experience, while seasoned veterans with 16 or more years of experience make up just under a third (31%). About a third (31%) of the hunting guides identified guiding as providing their primary income. Those who said that this guiding provided their primary income, had varying years of experience.

Fishing Guide:
There are less Metis participating as fishing guides (9%), as compared to hunting guides. There are almost as many newcomers (27%) to the industry as the veterans (29%) with 16 or more years of experience. Just over a quarter of those employed in the industry (27%) derive their primary income as fishing guides.

Trapper:
Trappers (17% of respondents) made up the largest number of the Metis surveyed who relied on natural resources harvesting for their commercial livelihood. Like commercial fishing, the trapping industry is dominated by veterans with 16 years of experience or more (50%), compared with 16% for newcomers to the industry. 38%
of respondents say they derive their primary income from trapping, evenly distributed among the different years of work experience categories.

**Logger:**
11% said they were involved with logging, and once again the industry is dominated by Metis with 16 years of experience or more (43%). Newcomers represent only 17% of the loggers. However, over half (52%) said that they derive their primary income from this industry, far higher than any other industry, again with an even distribution across all the “years of experience” categories.

**Gatherer:**
15% of the Metis surveyed were engaged in the commercial gathering of berries and other non-timber forest products, with people with 16 or more years of experience making up the largest group employed in this activity (73%). Newcomers are rather sparse at only 9% of the gatherers. As a harvesting occupation it accounted for the least number of people deriving a primary income from it (15%), evenly distributed among the different “years of experience” categories.

“*Let’s do this for our children!*”
- Survey respondent

“*Keep pushing, you are doing a good job.*”
- Survey respondent

“*Good Luck! Our future is in your hands.*”
- Survey respondent

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"Let’s do this for our children!"
- Survey respondent

"Keep pushing, you are doing a good job."
- Survey respondent

"Good Luck! Our future is in your hands."
- Survey respondent
PROPOSED METIS PRINCIPLES AND LAWS OF THE HUNT

Based on the experience of the Commissioners of the Metis Laws of the Hunt, the workshops, surveys and much discussion with the Metis People in Manitoba, the Commission on the Metis Laws of the Hunt recommends the following Metis-directed principles and laws. These principles and laws will guide the development of the Manitoba Metis Federation and Government of Manitoba negotiations towards the signing of the proposed Metis Co-Management Framework Agreement. In addition these principles and laws are intended to be the basis or starting point for future Metis-specific harvesting regulations.

It is understood that there will be the need to further develop regulations that are appropriate for the resource being harvested and to reflect the needs of the Metis communities.

We recommend:

Proposed Principles:

- Harvesting for subsistence or personal use is a Metis Right; This right is not subject to a draw system.

- The Metis must have equal harvest access to resources as an Aboriginal People.

- Metis have the right to hunt and harvest other resources in their traditional areas.

- The Metis Right to harvest resources has priority over those of the non-Aboriginal.

- The Metis want full involvement and participation in natural resources and environmental planning, management and decision-making stewardship with the government.
• Firewood collection for domestic use is a Metis Right.

• Harvesting food (berries, mushrooms, etc.) or other items (medicinal plants, timber, etc.) is a Metis Right.

• Sharing your harvest with whomever you want, through those ways traditionally used by the Metis Community, is a Metis Right. This includes using designated community hunters to hunt for disabled elderly and those unable to hunt.

• There must be Metis conservation officers, and observers accompanying Manitoba Conservation officers, to ensure that the Metis harvesters are treated fairly.

• The Metis must have equal opportunity to participate on all aspects of hunting and other harvesting rights (such as policing, judgments, stewardship, and other government activities).

• The Metis must have a voice, and full and complete participation, on all committees and/or boards where natural resource decisions may affect Metis rights, and concern environmental or development issues on our traditional lands. The Metis must also be involved in any government or corporate land use planning that may impact ourselves, our lands, and our waters.

• Metis have the right to their own justice. A tribunal (or council) may be set up to be the final judges of lawbreakers. This tribunal may be elected and/or appointed. Tribunal to decide appropriate punishments.

Proposed Laws:

• No night hunting, spot lighting, or anything else of that nature.

• No hunting from January 15th to July 15th. Hunting for Bucks only from July 15th to August 15th. Seasons subject to Regional population conditions, and Metis Regional decision-making, planning and management considerations.
• No fishing during species-specific spawning seasons. Subject to commercial permits and Metis Regional decision-making, planning and management considerations.

• Spring harvesting for waterfowl is allowed for subsistence and personal use only. Again, subject to Regional considerations.

• No selling of wild meat or fish. This is only allowed if you have a commercial license to do so.

• Firewood collected under the right to subsistence or personal use cannot be sold.

• Berries collected under the right of subsistence or personal use cannot be sold.

• Hunting for Small Game, requires use of Metis Card for Hunter identification;

• Hunting of Big Game requires use of Metis card, and tags or permits as appropriate for conservation purposes;

• Although Metis have the right to hunt on crown lands, Metis must get permission to hunt on private land from landowner.

• Don’t waste. Eat what you kill and if there are other uses for animal, try to do that.

• Fishing requires use of Metis card for fisher (fisherman) identification. 50 pounds possession limit on fish for subsistence or personal use subject to conservation.
• Recommended punishment/sanctions for infractions:
  
  o Suspensions: With a Big Game offense, the individual should lose hunting privileges for certain period of time depending on fault committed. Ie: 3 months to a year for first offense.
  
  o Shaming: Use of shaming by having names and/or photos of offenders advertised or posted, regionally and locally.
  
  o Fines: Any monies that are collected through fines are to fund habitat programs and other conservation projects.
  
• Recommend establishing a voluntary wildlife and fisheries habitat and population enhancement program to address conservation issues by using financial donations, or monies raised from fines.
NEXT STEPS

This consultation by the MMF regarding the laws of the hunt has been a truly historic experience. A Southwest Metis had some further thoughts regarding this process: “It's a good step. It's a good place to get started and I'm looking forward to what the end result is... We got a little taste of something. We want it and I would encourage you to get this to the government as soon as possible.”

In Winnipeg, the Metis were happy with the direction being taken: “[the Metis] are in the forefront and it's nice that this is a new beginning for everyone.” They heard “a very good message...one good message I've picked up here is that the unity is there...”

We are moving towards a new relationship with government. As Senator Ed Head said to the Northwest Region: “I've never bought a license. I hunted and killed moose all my life. So I've exercised my right, but...we would like to come out from that umbrella of poaching...we want to do it openly... we don’t want to have to hide anymore...if it takes the shape of co-management, so be it!

Now that the workshops are complete, and the survey results have been analyzed, the MMF will request that the Province of Manitoba recognize The Report of the Commission on the Metis Laws of the Hunt as being the foundation for the upcoming formal negotiations regarding a Metis Co-Management Framework Agreement.

The MMF also requests that a Metis Co-Management Framework Agreement Negotiations Memorandum of Understanding (MOU) be signed, without delay, with the Province. The MOU will demonstrate the willingness and good faith of all parties to work together towards the final agreement. The MOU will also ensure that there will be sufficient resources and support available to allow for a complete, meaningful and successful negotiation. A draft MOU can be found in the Appendices. The MOU is one step in a process towards Metis co-management of our resources, and the recognition and protection of our culture’s harvesting activities.
Towards a Metis Co-Management Framework Agreement
The Report of the Commission on the Metis Laws of the Hunt

**Summary of Co-Management Process**

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**MMF-MANITOBA PRELIMINARY PREPARATIONS**
- President’s 2001 AGA Announcement
- Minister’s Letter of Commitment

**MMF COMMUNITY CONSULTATION**
- Workshops & Surveys
- Commission on Metis Laws of the Hunt

**MMF POLICY DEVELOPMENT**
- Principles & Guidelines

**MMF POLICY STATEMENT**
- Negotiation Interests

**MMF – MANITOBA TECHNICAL NEGOTIATIONS**
- MOU
- Interim & Final Agreements
- Reviews & Approvals

**MMF – MANITOBA**
- Technical Co-Development of
  - Draft Legislation
- Technical Co-Development of Draft Regulations

**MANITOBA**
- Legislative Law – Making Process

**MMF – MANITOBA**
- Implementation
- Ongoing Monitoring & Review

**CO-MANAGEMENT**
APPENDICES

Workshop Dates, Places and Participation
Proposed Co-Management Framework Agreement Negotiations MOU
The Honourable Minister Oscar Lathlin’s Letter of Commitment
WORKSHOP DATES, PLACES AND PARTICIPATION:

There has been strong participation at the Commission’s workshops, from all Regions throughout Manitoba.

<table>
<thead>
<tr>
<th>Location</th>
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<th>Attendance (Estimate)</th>
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MEMORANDUM OF UNDERSTANDING

REGARDING NEGOTIATIONS TO DEVELOP A PROPOSED METIS CO-MANAGEMENT FRAMEWORK AGREEMENT

BETWEEN:

MANITOBA CONSERVATION

And

MANITOBA METIS FEDERATION INC.

WHEREAS:

1. The Metis Nation is recognized as having an important historic role in the founding of Manitoba. The Metis, as a party to the Treaty between the Provisional Government at Red River and Canada, elements of which are also known as the Manitoba Act 1870, created Manitoba from a portion of the extensive Metis Traditional Lands. To this day the Metis continue to be an integral and essential part of Manitoba’s economy, culture and governance;

2. The Ancestors of today’s Metis occupied and used, for countless generations, their Traditional Lands and Resources throughout what is now Manitoba in its present geographical extent;

3. The Metis persist today, and will continue into the future, to make use of, and be dependent upon, their Traditional Lands and Resources within Manitoba, for both subsistence and commercial uses;

4. The Manitoba Act 1870, and the Dominion Lands Act 1879 acknowledged the Aboriginal Title and Rights of the Metis. The Metis take the position that Metis Aboriginal Title, and our Aboriginal Rights, were never extinguished. Consent was never given by the Metis to cease hunting, fishing, and gathering, nor to stop using the land for other subsistence and commercial purposes;
5. Section 35 of the Constitution Act 1982 recognizes and affirms the existing Aboriginal and Treaty Rights of the Aboriginal peoples of Canada. This Section also states that the Metis are one of Canada’s Aboriginal peoples;

6. The Metis accept as true that they have existing Aboriginal and Treaty Rights, such as, but not limited to, existing Metis Subsistence Hunting, Fishing, Trapping and other Harvesting and Commercial Rights;

7. Manitoba Conservation and the Manitoba Metis Federation Inc. both wish to enhance the participation of the Metis in matters of conservation policy and operations, and to create a proactive and positive working relationship between the Department and the Manitoba Metis Federation;

8. Manitoba Conservation and the Manitoba Metis Federation Inc. both wish to increase opportunities for self-administration by the Metis, through co-management and other potential resource sharing regimes, in fair and equitable resource harvest and development within and affecting the Metis and their communities as well as Metis Traditional Lands and Resources;

9. Manitoba Conservation and the Manitoba Metis Federation Inc. wish to clarify each others roles, responsibilities and activities in a climate of uncertainty surrounding the definition, recognition and implementation of Metis Subsistence Hunting, Fishing, Trapping, and other Harvesting and Commercial Rights;

10. Manitoba Conservation wishes to acknowledge, respect and accommodate in practical ways within its policy and operational mandate, the Metis position concerning their existing Aboriginal and Treaty Rights, such as, but not limited to, existing Metis Subsistence Hunting, Fishing, Trapping and other Harvesting and Commercial Rights;

11. Manitoba Conservation acknowledges the Manitoba Metis Federation Inc. as the political representative of the Metis Nation within Manitoba for the purposes of Government-to-Government level negotiations and agreements, service delivery, consultations and decision-making that may affect, or are intended to benefit, the Metis of Manitoba.

The Preamble forms part of this Memorandum of Understanding.

NOW THEREFORE the Parties agree to begin the negotiation of a proposed Metis Co-Management Framework Agreement in accordance with the principles hereinafter set out:
1. The Parties will enter a formal negotiation process to develop a proposed *Metis Co-Management Framework Agreement*, which will signify a new vision through a natural resources harvesting and development partnership between Manitoba Conservation and the Manitoba Metis Federation Inc.;

2. These negotiations, and the resulting proposed *Metis Co-Management Framework Agreement*, are intended to ensure the proactive, inclusive and holistic involvement of the Metis in the use, sharing, co-management and environmental protection of Metis Traditional Lands and Resources;

3. To negotiate the proposed *Metis Co-Management Framework Agreement*, each Party will appoint representatives to a *Negotiating Committee* up to a maximum of three. While not limiting the generality of the foregoing, the mandate of this Committee will be to:

   3.1 Establish the terms of reference for the negotiations, and further define the roles and responsibilities of the Committee, in consultation with the Parties;
   3.2 Further develop a common vision for the negotiations;
   3.3 Identify and prioritize the issues, goals and objectives;
   3.4 Develop an action plan, timeline and decision-making process to address the priority issues, goals and objectives;
   3.5 Define the frequency and location of the negotiation meetings;
   3.6 Establish and coordinate temporary sub-committees and technical working groups as appropriate and as required;
   3.7 Quantify the financial and technical resources required and draft work plans and budgets to support the negotiations, and any additional activities requested of the Committee;
   3.8 Develop the proposed *Metis Co-Management Framework Agreement*.

4. Manitoba Conservation agrees to contribute the funding and other supporting resources required to ensure that the negotiations may be successfully undertaken, as identified by the agreed upon *Negotiating Committee* budgets and plans;

5. The *Negotiating Committee* will survive the negotiations and signing of the *Metis Co-Management Framework Agreement*, and will assist Manitoba Conservation and the Manitoba Metis Federation Inc. in the Agreement’s implementation;

6. Immediately following the signing of this Memorandum of Understanding, all parties will commence and support, in good faith, the negotiation process towards the development of the proposed *Metis Co-Management Framework Agreement*;
7. All public announcements, concerning this Memorandum of Understanding and the Negotiations, will be jointly coordinated and pre-approved by the Parties, and no reasonable request by either Party for such announcements will be denied.

In witness whereof the Parties have executed this Memorandum of Understanding on the dates indicated below.

(Unsigned) (Unsigned)

______________________    ______________________
The Honourable Oscar Lathlin    President David Chartrand
Minister of Manitoba Conservation    Manitoba Metis Federation Inc.

THE HONOURABLE MINISTER OSCAR LATHLIN’S LETTER OF COMMITMENT

MINISTER OF CONSERVATION

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0W8

March 20, 2001

Mr. David Chartrand
President
Manitoba Métis Federation Inc.
150 Henry Avenue 3rd floor
Winnipeg, Manitoba
R3B 0J7

Further to our ongoing discussions regarding co-management, I would like to assure you that Manitoba Conservation is committed to entering a formal negotiation process with the Manitoba Métis Federation Inc. to develop a Métis Co-Management Framework.

This initiative signifies a new vision through a relationship between my department and your organization, as we both wish to enhance the participation of the Métis in matters of environment and natural resource management and to create a proactive and positive working relationship between Manitoba Conservation and the Federation.

I look forward to the commencement of the negotiation process that will work towards the development of the Métis Co-Management Agreement and I will be directing my staff to begin discussions with your appointed representatives.

I believe these negotiations will lay the foundations for a growing relationship that will last for the benefit of future generations.

Sincerely,

[Signature]

Oscar Lathlin
Minister