



Canada

**MEMORANDUM OF UNDERSTANDING FOR ADVANCING AN EFFECTIVE AND
CULTURALLY APPROPRIATE STRUCTURE FOR METIS SETTLEMENTS'
SELF-GOVERNANCE AND RECONCILIATION**

THIS AGREEMENT is executed in triplicate this 14th day of December, 2017.

BETWEEN:

METIS SETTLEMENTS GENERAL COUNCIL

as represented by its President and Settlement Chairs

("MSGC")

-and-

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

As represented by the Minister of Crown-Indigenous Relations and Northern
Affairs

(hereinafter referred to collectively as the "Governments" and individually as a "Government")

WHEREAS the Metis are one of the Aboriginal peoples who occupied the Northwest prior to Canadian Confederation;

AND WHEREAS the Metis of the Metis Settlements have a unique and distinct history;

AND WHEREAS the Metis Settlements, through meetings and negotiations with Alberta, had 12 parcels of land set-aside for the exclusive use of the Metis by way of the *Metis Population Betterment Act 1938*;

AND WHEREAS Alberta rescinded and dissolved four Metis Colonies (settlements) and relocated those Metis to existing Metis Settlements, with substantial loss of lands;

AND WHEREAS the Metis Settlements deemed it necessary to federate to protect the collective interests of the historic settlements and its members, the Members being: Buffalo Lake Metis Settlement, East Prairie Metis Settlement, Elizabeth Metis Settlement, Fishing Lake Metis Settlement, Gift Lake Metis Settlement, Kikino Metis Settlement, Paddle Prairie Metis Settlement, and the Peavine Metis Settlement;

AND WHEREAS the *Metis Population Betterment Act*, S.A. 1938, 2nd Sess., c. 6 was repealed and replaced by the passing of the *Metis Settlements Act*, RSA 2000 c M-14 ("*MSA*");

AND WHEREAS the MSGC represents the Metis of the Settlements through democratically elected governance structures as established and recognized by the Provincial Crown within the *MSA*; *Metis Settlements Accord Implementation Act*, RSA 2000 c M-15; *Metis Settlements Land Protection Act*, c M-16; and the *Constitution of Alberta Amendment Act, 1990*, c C-24 ("*Constitution of Alberta Amendment Act*");

AND WHEREAS the *MSA* establishes the MSGC as the legal, political, and governing body of the membership of the eight Metis Settlements;

AND WHEREAS the *MSA* and the *Constitution of Alberta Amendment Act* recognize that the Metis should continue to have a land base to provide for the preservation and enhancement of Metis culture and identity and to enable Metis self-governance under the laws of Alberta;

AND WHEREAS the *Constitution of Alberta Amendment Act* protects Settlement lands and contains provisions that the Act can only be repealed by the provincial Legislature after the Metis Settlement land is protected by the Constitution of Canada;

AND WHEREAS *Alberta (Aboriginal Affairs and Northern Development) v. Cunningham*, [2011] 2 SCR 670 confirmed that:

- a) Land is important to the protection and enhancement of Metis identity, culture and self-governance;
- b) The *MSA* is not intended to fulfill the broad goal of benefitting all Alberta Metis, but the narrower goal of establishing a Metis land base to preserve and enhance Metis identity, culture and self-governance;
- c) The self-organization of the Metis community in Alberta is precisely what Alberta and the Alberta Metis together sought to achieve in developing the Settlement membership requirements found in the *MSA*;

AND WHEREAS *Daniels v. Canada (Indian Affairs and Northern Development)*, [2016] 1 SCR 99 confirmed a fiduciary relationship between the Crown and the Métis, who also have the right to be consulted and negotiated with by the Federal Government;

AND WHEREAS the Settlements have a unique relationship with Alberta and the *Daniels* decision confirmed that federal jurisdiction does not mean that all provincial legislation pertaining to Métis and non-status Indians is inherently *ultra vires*;

AND WHEREAS the Metis Settlements have a longstanding goal of receiving Federal program and service funding;

AND WHEREAS the Supreme Court of Canada has repeatedly stated that section 35 of the *Constitution Act, 1982* calls for a process of reconciliation between the Crown and Aboriginal peoples through which the rights and outstanding claims of Aboriginal peoples are determined, recognized and respected through honourable negotiations;

AND WHEREAS the MSGC, on behalf of its Settlement Members, assert Aboriginal rights and outstanding claims and seek to advance reconciliation by working with Canada to improve the individual and collective well-being of the Metis Settlements and to close the socio-economic gaps between the Settlement Members and other Canadians;

AND WHEREAS Canada is committed to working, on a nation-to-nation, government-to-government basis with the Metis Settlements, through bilateral negotiations with the MSGC, to advance reconciliation and renew the relationship through cooperation and respect;

AND WHEREAS the Governments have agreed that their representatives will engage in a timely Recognition of Indigenous Rights and Self-Determination discussion table with a view to identifying a mutually acceptable path forward to advance reconciliation between Canada and Metis Settlements;

NOW THEREFORE the Governments agree as follows:

1. The Governments will establish and participate in a Recognition of Indigenous Rights and Self-Determination discussion table.
2. The objective of the Recognition of Indigenous Rights and Self-Determination discussion table will be to develop a mutually acceptable Framework Agreement to serve as the basis for negotiations to advance reconciliation with the MSGC. The Parties are committed to advancing reconciliation through these aforesaid Recognition of Indigenous Rights and Self-Determination discussions. Discussions during the exploratory phase are intended to allow the parties to learn more about key issues affecting their relationship. During the exploratory phase, the Parties will attempt to identify areas where they can reach common understandings and the means by which those common understandings can be implemented in a measurable, meaningful and incremental way. This will include identifying the MSGC priorities as well as Federal program and service gaps, including but not limited to the following (numbering no indication of priority):
 - 1) Health
 - 2) Education
 - 3) Infrastructure
 - 4) Child and Family Welfare
 - 5) Constitutional Protection of Lands
 - 6) Economic Development/Training
 - 7) Métis Rights


- 8) Governance
- 9) Reconciliation and Outstanding Claims
- 10) Environmental Protections

3. The Governments recognize the importance of having the Province of Alberta's participation in a process to advance reconciliation and will, when and where appropriate, encourage the Province of Alberta to contribute to the Recognition of Indigenous Rights and Self-Determination discussion table's discussions as an active participant.
4. If the Governments are able to develop a mutually-acceptable Framework Agreement through the Recognition of Indigenous Rights and Self-Determination discussion table, the Minister of Crown-Indigenous Relations and Northern Affairs may take measures to obtain a formal negotiation mandate.
5. Unless the Governments otherwise agree, the Recognition of Indigenous Rights and Self-Determination discussion table will have at least one meeting per month from the date of signing this MOU and will make best efforts to conclude exploratory discussions on the Framework Agreement by the end of April 2018.
6. Each Government will determine who will represent it at the Recognition of Indigenous Rights and Self-Determination discussion table.
7. The Governments will jointly select a suitable time and place for each meeting.
8. Canada recognizes that the MSGC requires reasonable capacity to participate in the Recognition of Indigenous Rights and Self-Determination discussions contemplated in this MOU. The Governments will work to develop a mutually-acceptable work plan and budget to support the MSGC's participation.
9. This MOU, all Recognition of Indigenous Rights and Self-Determination discussions, and all records, information and communications arising will be without prejudice to the legal rights of, and to the positions which may be taken by either government in any legal proceeding, negotiation or otherwise. Unless the parties otherwise agree, the Governments herein will not seek to disclose this MOU, the related discussions, records and communications.
10. The Governments will discuss the possibility of establishing a joint communications approach in relation to undertaking this MOU, which may include details how the Governments would jointly inform the public or the media of this MOU and progress hereunder.

11. Unless the Governments agree otherwise in advance and in writing all the Recognition of Indigenous Rights and Self-Determination discussions will be held in camera and remain confidential and they will not disclose any records, information or communications which reveal the content of the Recognition of Indigenous Rights and Self-Determination discussions.
12. This MOU comes into force when signed and, subject to paragraph 13, will remain in effect until it is replaced by a subsequent agreement between the Governments.
13. Either Government may terminate this MOU on 30 days' written notice to the other Government.
14. This MOU shall not be construed so as to abrogate or derogate from any Aboriginal rights referred to in section 35 of the *Constitution Act, 1982*.
15. Except for sections 9 and 11, this MOU is not legally binding, is intended only as an expression of good will and political commitment, and does not create, amend, recognize or deny any legal or other obligation on the part of either Government.

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METIS SETTLEMENTS GENERAL COUNCIL



Gerald Cunningham
President



Darren Calliou
Vice - President



Witness

HER MAJESTY THE QUEEN IN RIGHT OF CANADA



Honourable Carolyn Bennett
Minister of Crown-Indigenous Relations and
Northern Affairs



Witness

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IN WITNESS WHEREOF this MOU has been executed by the Governments as of the date first written above.

METIS SETTLEMENTS GENERAL COUNCIL

Per:



Stan Delorme, Chair

Buffalo Lake Metis Settlement



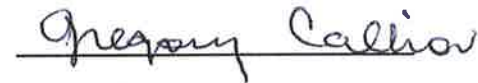
Irene Zimmer, Chair

Elizabeth Metis Settlement



Edward Anderson, Vice - Chair

Gift Lake Metis Settlement



Greg Calliou, Chair

Paddle Prairie Metis Settlement



Harry Supernault, Chair

East Prairie Metis Settlement



Herb Lehr, Chair

Fishing Lake Metis Settlement



Cory Cardinal, Chair

Kikino Metis Settlement



Ken Noskey, Chair

Peavine Metis Settlement

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