



Canada

## FRAMEWORK AGREEMENT FOR ADVANCING RECONCILIATION

**BETWEEN:**

**MÉTIS NATION OF ALBERTA**

which has incorporated the Métis Nation of Alberta Association as its legal and administrative arm  
as represented by its President  
("MNA")

-and-

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA**

as represented by the Minister of Crown-Indigenous Relations and Northern Affairs ("Canada")

(hereinafter referred to collectively as the "Parties" and individually as a "Party")

**WHEREAS** a distinct Aboriginal people—the Métis Nation—emerged with its own collective identity, language, culture, way of life, and self-government in the historic Northwest prior to Canada's westward expansion following Confederation;

**AND WHEREAS** section 35 of the *Constitution Act, 1982*, states that "the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed" and the "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples";

**AND WHEREAS** Canada recognizes the Métis Nation as one of the "aboriginal peoples of Canada," and that the inherent right of self-government is an existing Aboriginal right under section 35 of the *Constitution Act, 1982*;

**AND WHEREAS** the MNA, through its registry and democratically elected governance structures at the local, regional, and provincial levels, is mandated and authorized to represent the citizens who comprise the Métis Nation within Alberta, including dealing with collectively held Métis rights, interests, and outstanding claims against the Crown;

**AND WHEREAS** the Supreme Court of Canada has noted that section 35 of the *Constitution Act, 1982*, requires a process of reconciliation between the Crown and Aboriginal peoples through which the constitutionally-protected rights and outstanding claims of Aboriginal peoples are determined, recognized, and respected through honourable negotiations with the goal of reaching just and lasting settlements;

**AND WHEREAS** the MNA asserts that the citizens who comprise the Métis Nation within Alberta possess Métis rights and interests, including but not limited to the inherent right of

self-government, harvesting rights, and other collective interests in relation to land, which require reconciliation;

**AND WHEREAS**, in 1870, in order to enable Canada's western expansion following confederation, the Crown issued the *Rupert's Land and North-Western Territory Order*, which included the promise "that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines";

**AND WHEREAS**, in 1879, by means of the *Dominion Lands Act*, Parliament delegated to the Governor in Council the power "[t]o satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, on the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions as may be deemed expedient"; and, in 1899, Parliament amended this provision of the *Dominion Lands Act*, empowering the Governor in Council to "grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title";

**AND WHEREAS** pursuant to the promise made in the *Rupert's Land and North-Western Territory Order* and the powers granted to it by the *Dominion Lands Act* as amended from time-to-time, the Governor in Council adopted a policy of issuing scrip to eligible Métis individuals throughout the Northwest Territories, including present day Alberta, in exchange for the purported extinguishment of their claims to Indian title;

**AND WHEREAS** the Supreme Court of Canada has acknowledged that "the history of scrip speculation and devaluation is a sorry chapter in our nation's history" and the MNA claims that the Métis scrip policy was not implemented in accordance with purpose and promise of *Rupert's Land and North-Western Territory Order*, the powers granted to it by the *Dominion Lands Act*, and the honour of the Crown;

**AND WHEREAS** the Supreme Court of Canada has confirmed that "Métis are "Indians" under s. 91(24) and it is the federal government to whom they can turn";

**AND WHEREAS** the MNA seeks to have the outstanding rights, interests, and claims of the citizens who comprise the Métis Nation within Alberta addressed through a process of honourable and good faith negotiations with Canada;

**AND WHEREAS** Canada is committed to working on a nation-to-nation basis with the Métis Nation through bilateral, government-to-government negotiations with the MNA to advance reconciliation and renew the Parties' relationship through cooperation, respect for Métis rights, and ending the *status quo*;

**AND WHEREAS** the Parties executed a Memorandum of Understanding ("MOU") on Advancing Reconciliation on January 30, 2017, and, based on that MOU, have engaged in an exploratory discussions process to develop this mutually agreeable Framework Agreement.

## **NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:**

### **DEFINITIONS**

In this Framework Agreement, the following definitions apply:

“Alberta” means Her Majesty the Queen in Right of the Province of Alberta;

“Final Agreement” means the agreement contemplated under section 4.2 of this Framework Agreement;

“Framework Agreement” means this agreement;

“Incremental Agreements” means those agreements contemplated under section 4.3.2 of this Framework Agreement;

“Interim Measures” means the measures contemplated by section 4.3.1 of this Framework Agreement;

“Main Table” means the regular meetings of the Negotiators contemplated under section 3.2 of this Framework Agreement;

“Negotiation Process” means the mutually agreeable process set out within this Framework Agreement;

“Negotiators” means the individuals designated by each Party to this Framework Agreement; for greater clarity, on all tax-related matters, Finance Canada officials will be the Negotiators for Canada;

“Principals” means the MNA President and the Minister of Crown-Indigenous Relations and Northern Affairs;

“Purpose” means the underlying rationale for entering into this Framework Agreement that the Parties hope to address through arrangements or agreements reached under this Framework Agreement, whether interim, incremental, or final;

“Shared Objectives” means the mutually agreeable overarching goals of the Parties that they agree to consider and advance through any arrangements or agreements reached under this Framework Agreement, whether interim, incremental, or final.

### **1. THE PURPOSE OF THE NEGOTIATIONS**

1.1 The Parties agree that the Purpose of the Negotiation Process contemplated under this Framework Agreement is:

- 1.1.1 To renew the nation-to-nation relationship between the Crown and the Métis Nation within Alberta by jointly developing a government-to-government relationship between Canada and the MNA that advances reconciliation between the Parties; and
- 1.1.2 To arrive at shared solutions that advance reconciliation between the Parties by, among other things:
  - 1.1.2.1 Giving expression to the inherent right of the Métis Nation within Alberta to self-government and self-determination;
  - 1.1.2.2 Determining, recognizing, and ensuring respect for the section 35 rights of the Métis Nation within Alberta; and
  - 1.1.2.3 Exploring with a view to settling the outstanding claims of the Métis Nation within Alberta against the federal Crown, including, but not limited to, claims relating to Métis scrip issued pursuant to the *Dominion Lands Act*.

1.2 The Parties agree that the Purpose set out in section 1.1 will be advanced through engaging in the Negotiation Process described in this Framework Agreement with a view to arriving at mutually agreeable arrangements or agreements consistent with the honour of the Crown and the purpose of section 35 of the *Constitution Act, 1982*, as further described below.

## **2. THE SHARED OBJECTIVES OF THE PARTIES**

- 2.1 The Parties agree that the following Shared Objectives will inform the negotiations of future arrangements or agreements, whether interim, incremental, or final:
  - 2.1.1 Recognizing and supporting the MNA as a democratic, well-governed, and accountable government for the Métis Nation within Alberta, including the acknowledgment of the MNA's jurisdiction and law-making authority;
  - 2.1.2 Promoting and enhancing the cultural, social, physical, emotional, and economic well-being of the Métis Nation within Alberta;
  - 2.1.3 Promoting and enhancing the participation of the Métis Nation within Alberta in an economy that is sustainable, innovative, integrated, and prosperous; and
  - 2.1.4 Establishing and structuring effective inter-governmental processes between Canada and the MNA that facilitate and achieve a meaningful and effective government-to-government relationship.
- 2.2 The Parties recognize that the manner of advancing these Shared Objectives will be determined through the Negotiations Process established under this Framework Agreement.

### 3. THE NEGOTIATION PROCESS

- 3.1 The Parties commit to engaging in an interest-based Negotiation Process that fosters an open exchange of ideas, the frank discussion of interests, and the joint analysis of issues. As a general principle, informal discussions are encouraged. Any statements made during the Negotiation Process, whether written or oral, will be without prejudice and will not be attributable to any Party.
- 3.2 The Negotiators will be responsible for the conduct and coordination of all negotiations and keeping their Principals updated throughout the negotiations. The Negotiators will jointly determine and agree to a schedule of negotiation meetings and the locations of those meetings. It is expected that the Negotiators will meet, at a minimum, once every 6 to 8 weeks. Unless otherwise agreed to by the Negotiators, the negotiating sessions will not be formally chaired.
- 3.3 Prior to beginning negotiations on any subject matter, the Parties will each make a presentation of their interests in relation to that subject matter. Roles and responsibilities of the Parties will be determined on the basis of the subject matter and the interests presented.
- 3.4 Negotiations will be conducted at a Main Table.
- 3.5 The Main Table will be responsible for:
  - 3.5.1 Managing the Negotiation Process, including work planning and setting of priorities;
  - 3.5.2 Negotiating any arrangements or agreements to be brought to the Parties for their consideration;
  - 3.5.3 Implementing and managing openness and information sharing amongst the Parties throughout the Negotiation Process; and
  - 3.5.4 Where the parties agree, implementing dispute resolution mechanisms to achieve timely results that address the Purpose and Shared Objectives of this Framework Agreement.
- 3.6 The Negotiators may establish *ad hoc* working groups to research and report on specific issues or concerns as they deem fit. Any such working groups will report to the Main Table.
- 3.7 The MNA shall establish internal processes to engage and solicit the views and perspectives of its governance structures at the local, regional, and provincial levels and the citizens of the Métis Nation within Alberta in order to inform the Negotiation Process. These internal processes shall be solely determined by the MNA. Canada shall have no role in relation to the structure or operation of these internal MNA processes, except to

provide potential funding support for them as a part of the Negotiation Process as contemplated in section 7.1 of this Framework Agreement.

#### **4. A RESULTS-ORIENTED NEGOTIATION PROCESS**

- 4.1 The Parties are committed to focusing their respective efforts and resources on negotiating arrangements that are timely, results-oriented, and aimed at achieving a shared and balanced solution that addresses the Purpose and Shared Objectives of this Framework Agreement. While not intended to be exhaustive or restrictive, the Parties have identified subject matters that may be discussed as a part of the Negotiations Process, which are listed in Appendix A.
- 4.2 The goal of the Negotiation Process identified in section 4.1 shall be realized through a Final Agreement, which the Parties recognize may be comprised of a series of arrangements or agreements, that effectively achieves the Purpose and Shared Objectives of this Framework Agreement.
- 4.3 In order to achieve timely results toward advancing reconciliation and fulfilling the Purpose and Shared Objectives of the negotiations contemplated under this Framework Agreement, Negotiators may seek approvals from the Parties for the following types of arrangements or agreements over the course of the negotiations:
- 4.3.1 Interim Measures: Measures intended to advance the interests of the citizens of the Métis Nation within Alberta, including but not limited to those measures referred to in section 4.4;
  - 4.3.2 Incremental Agreements: Agreements on individual or a group of matters listed in Appendix A in advance of, or in lieu of, a single, comprehensive Final Agreement.
- 4.4 Consistent with the results-oriented negotiation approach set out above, and without limiting the Parties' ability to explore and agree to further Interim Measures relating to those matters listed in Appendix A, the Parties will make best efforts to obtain mandates in support of and, where possible, to reach the following Interim Measures within one year of the signing of this Framework Agreement, or as soon thereafter as possible:
- 4.4.1 An agreement in principle recognizing self-government for the Métis Nation within Alberta that will address, among other things, the role, functions, and jurisdictions of the MNA, including its relationship with other governments;
  - 4.4.2 A consultation agreement or framework between the MNA and Canada that sets out a mutually agreeable process for addressing federal Crown consultation and, where appropriate, accommodation, including the provision of consultation capacity funding and the establishment of a MNA Consultation Office;

- 4.4.3 A mutually agreeable arrangement allowing no fee access for Métis citizens of the MNA to National Parks within the province of Alberta, and opportunities to discuss other matters of mutual interest to the MNA and Parks Canada;
  - 4.4.4 An agreement establishing terms of reference for exploring with a view to settling any outstanding claims of the Métis Nation within Alberta, including researching and collaboratively reviewing evidence as required, with the goal of advancing negotiations of a shared solution that promotes reconciliation between the Parties;
  - 4.4.5 Engage with Indigenous and Northern Affairs Canada and Canada Mortgage and Housing Corporation in order to ensure that the unique needs and the existing structures dealing with Métis housing in Alberta are understood and considered in any national Indigenous housing approaches or strategies; and
  - 4.4.6 Complete negotiations aimed at establishing an agreement between the MNA and Employment and Social Development Canada for the funding of the next Indigenous labour market strategy; the negotiations will target the creation of a bi-lateral process to allow the MNA and/or its designate to engage Employment and Social Development Canada on matters of policy, measurement, and program design.
- 4.5 Consistent with the results-oriented negotiation approach set out above, and without limiting the Parties' ability to explore and agree to further Incremental Agreements relating to those matters listed in Appendix A, the Parties will make best efforts to obtain mandates in support of and, where possible, to reach the following Incremental Agreement within two years of the signing of this Framework Agreement, or as soon thereafter as possible:
- 4.5.1 An agreement that recognizes the role, functions, and jurisdictions of the MNA, including its relationship with other governments. This agreement will address:
    - 4.5.1.1 The recognition of a constitution to be developed by the MNA, which will establish the MNA's core self-government functions, including leadership selection and elections, citizenship, citizenship registration and appeals, citizens' rights and interests, jurisdiction, law-making authority and a law-making process, recognition of governance structures at the local, regional, and provincial levels, and the division of powers between them; and
    - 4.5.1.2 The establishment of a new government-to-government relationship between the MNA and other governments, including fiscal arrangements, legal status and capacity, and dispute resolution mechanisms.
  - 4.5.2 A mutually agreeable arrangement allowing appropriate access for MNA members to federally managed land in the province of Alberta, including lands managed by the Department of National Defence, for the purpose of exercising Métis rights, engaging in consultations with the Crown, and advancing reconciliation.

## **5. INVOLVEMENT AND PARTICIPATION OF ALBERTA**

- 5.1 The Parties recognize the importance of having the Province of Alberta's participation in a process to advance reconciliation with the Métis Nation within Alberta and agree that Alberta may be invited, on terms agreeable to the Parties, as an observer to negotiation meetings held pursuant to this Framework Agreement.
- 5.2 The Parties may, on terms agreeable to them, allow Alberta to become a participant in the Negotiation Process, should it indicate a willingness to do so, whether on a specific subject matter, interim measure, or any agreement being discussed and negotiated between the Parties. Where the MNA and Canada agree, this Framework Agreement may be amended to include Alberta as a Party on terms agreeable to the Parties.

## **6. COMMUNITY AND PUBLIC AWARENESS AND CONSULTATION**

- 6.1 The Parties may agree to develop mutually agreeable communication materials or undertake joint information, engagement, or consultation sessions with the public or other relevant stakeholders as required.
- 6.2 The MNA is responsible for engagement and consultation with the citizens of the Métis Nation within Alberta and the MNA's Provincial, Regional, and Local Councils.
- 6.3 Nothing in this Framework Agreement is intended to affect the Crown's obligation to consult other Indigenous groups whose credibly asserted or established Aboriginal or treaty rights might be affected by arrangements or agreements negotiated under this Framework Agreement.

## **7. FUNDING AND CAPACITY**

- 7.1 The Parties recognize that the MNA requires reasonable capacity to participate in the Negotiation Process. Canada agrees to seek authority to provide funds to the MNA to support its institutional capacity and participation in the Negotiations Process.
- 7.2 In addition to the commitment set out in section 7.1 of this Framework Agreement, and subject to federal eligibility and program requirements, the MNA may access federal policies, funding, and initiatives that support the participation of Indigenous groups in land, resources, and self-government negotiations with Canada, which are subject to yearly appropriations of funds by Parliament.

## **8. GENERAL**

- 8.1 Nothing in this Framework Agreement is intended or is to be interpreted so as to define, create, recognize, deny, affect, or amend any rights, duties, or obligations of any of the Parties.
- 8.2 Nothing in this Framework Agreement creates any legally enforceable obligations.



8.3 All negotiations conducted under this Framework Agreement and all related documents are confidential, subject to settlement privilege and without prejudice to legal positions the Parties may have or may take in any legal proceeding.

8.4 The Parties agree that the honour of the Crown will be at stake in all negotiations conducted under this Framework Agreement and that these negotiations must be conducted in good faith.

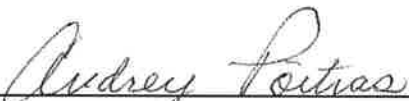
8.5 Nothing in this Framework Agreement is intended to constitute Crown consultation or to discharge accommodation obligations that the Crown may owe to any Indigenous group.

8.6 This Framework Agreement may be amended with the written consent of the Parties.

This Framework Agreement is signed and agreed to by the Parties on the dates set out below.

MÉTIS NATION OF ALBERTA

Per:

  
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Audrey Poitras  
President  
Métis Nation of Alberta

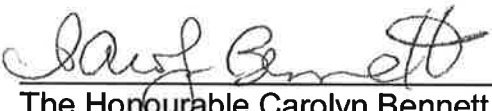
\_\_\_\_\_  
16 November 2017  
Date

  
\_\_\_\_\_  
Karen Collins  
Co-Minister, Rights and Accommodation  
Métis Nation of Alberta

\_\_\_\_\_  
16 November 2017  
Date

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Per:

  
\_\_\_\_\_  
The Honourable Carolyn Bennett  
Minister of Crown-Indigenous Relations and Northern Affairs  
Government of Canada

\_\_\_\_\_  
16 November 2017  
Date

## **APPENDIX A**

### **SUBJECT MATTERS FOR THE NEGOTIATIONS**

Subject to the terms of this Agreement, The Parties may address, among others, the following subject matters in the Negotiation Process:

- **Renewing the Relationship**
  - Developing a shared narrative and an apology as a part of the final agreement
  
- **Building and Supporting Métis Self-Government**
  - Citizenship and registration
  - Constitution and governance
    - Structure and institutions of the MNA
    - Jurisdiction and law-making authority
    - Application and enforcement of MNA laws
  - Fiscal arrangements to support Métis self-government
    - Financial transfer arrangements
    - Resource revenue sharing
  - Tax related matters
  - Legal status and capacity of the MNA
  - Ratification
  
- **Supporting Healthy, Secure, and Prosperous Citizens of the Métis Nation within Alberta**
  - Identification of shared indicators and determinants for a healthy, secure, and prosperous citizens of the Métis Nation within Alberta
  - Collecting baseline data on the citizens of the Métis Nation within Alberta to identify existing needs and gaps in relation to the shared indicators and determinants
  - The strategic investment of resources, including funding for delivery, devolution, or intergovernmental services agreements, to address needs and close gaps in the following areas
    - Language, culture, and heritage
    - Education and training
    - Child care
    - Early childhood development
    - Child and family services
    - Administration of justice
    - Health services and promotion
    - Economic development
    - Statistics and policy research
    - Housing, homelessness, and infrastructure

- Land Related Issues
  - The role of land in any agreement or agreements
  - Quantum, selection, and management of potential lands
  - Water and subsurface rights
  - Wildlife, fishing, and fisheries
  - Forestry
  - National and provincial parks
  - Protected areas
  - Environmental assessment
  - Land management
  
- Other Issues
  - Trans-boundary claims
  - Shared territories and overlapping claims
  - Intergovernmental relationships
  - Clarity on the aboriginal rights and claim(s) of the Métis Nation within Alberta
  - The constitutional status of any agreement or agreements
  - Implementation, including an implementation plan for any agreement or agreements