Minister Valcourt Announces Launch of New Discussions on Section 35 Rights for Métis

Ministerial Special Representative Mandated to Build a Process for Dialogue in Partnership with Métis Organizations

June 4, 2015 – Ottawa, ON – Aboriginal Affairs and Northern Development Canada

The Honourable Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development, today announced the appointment of Tom Isaac as the Ministerial Special Representative to Lead Engagement with Métis.

This initiative is part of Canada’s broader commitment to work with partners to develop a new reconciliation framework for addressing Section 35 Aboriginal rights. The goal is to develop shared solutions, provide clarity about ongoing rights and create a more predictable climate for economic investment and increased prosperity for the benefit of Aboriginal and non-Aboriginal communities. The Minister made the announcement during a meeting of the Métis National Council Board of Governors in advance of the MNC General Assembly.

Over the coming months, the Ministerial Special Representative will meet with the Métis National Council, its governing members, the Metis Settlements General Council, provincial and territorial governments, other Aboriginal organizations and interested parties to map out a process for dialogue on Section 35 Métis rights.

In addition, Mr. Isaac will engage with the Manitoba Metis Federation to explore ways to advance dialogue on reconciliation with Métis in Manitoba in response to the 2013 Manitoba Metis Federation et al. v. Canada decision of the Supreme Court of Canada.
Quick facts

- Aboriginal and treaty rights are recognized and affirmed in Section 35 of Canada's Constitution Act, 1982.
- The Supreme Court of Canada first affirmed the existence of Section 35 Métis rights in its 2003 Powley decision.
- New measures to advance treaty negotiations and reconciliation outside treaties were announced in July 2014. This included commitments to advancing dialogue with partners on Section 35 Aboriginal rights.
- This initiative responds to calls from Métis organizations as well as a recommendation outlined in the independent report by Douglas Eyford on comprehensive land claims policy reform.

Quotes

"As demonstrated by this appointment, our Government is committed to advancing and finding a solution that balances the interests of all Canadians. The start of this important dialogue with Métis will allow us to move forward together to achieve positive and practical outcomes that advance reconciliation and create jobs, growth and prosperity for the benefit of all Canadians."

- Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development

"I welcome Minister Valcourt's appointment of Mr. Isaac as Ministerial Special Representative. I am pleased that Canada is beginning this important engagement with the Métis Nation and I commend the Harper government for taking this important step. Mr. Isaac is eminently qualified to undertake this role and I look forward to engaging with him as does the entire leadership of the Métis Nation."

- President Clément Chartier, Métis National Council

Additional Links

- Building a Process for Dialogue on Section 35 Métis Rights
- Biographical Note
• The *Powley Decision*

• The *Manitoba Metis Federation* Decision

• New measures to advance treaty negotiations and reconciliation

• The 2015 Eyford Report

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Engagement with Métis

The Minister has appointed Tom Isaac (/eng/1433443101950/1433443127402) as Ministerial Special Representative to lead engagement with Métis organizations. The Ministerial Special Representative has a two-part mandate:

- to lead exploratory talks with the Métis National Council, its governing members, Metis Settlements General Council, provincial and territorial governments, other Aboriginal organizations and interested parties


Building a Process for Dialogue on Section 35 Métis Rights

Over the coming months, the Ministerial Special Representative will meet with the Métis National Council, its governing members, Metis Settlements General Council, provincial and territorial governments, other Aboriginal organizations and interested parties to map out a process for dialogue on Section 35 Métis rights. A report will be prepared summarizing what was heard during these exploratory talks, along with key recommendations from the Ministerial Special Representative about how best to move forward.

The goal is to build an effective process for dialogue to support the potential development of a Section 35 Métis Rights Framework. While the views of Métis organizations and provincial/territorial governments are the primary focus of these exploratory talks, input from other interested parties will also be considered as part of this process and can be provided by email at AADNC.DroitsMetis-MetisRights.AANDC@aandc-aadnc.gc.ca ([mailto:AADNC.DroitsMetis-MetisRights.AANDC@aandc-aadnc.gc.ca](mailto:AADNC.DroitsMetis-MetisRights.AANDC@aandc-aadnc.gc.ca)) or sent through regular mail to:

Ministerial Special Representative to Lead Engagement with Métis
Building a workable process for dialogue with Métis and provincial and territorial partners will be key to moving forward effectively to achieve positive and practical outcomes that advance reconciliation and create jobs, growth and prosperity. There is much work to be done and it will require commitment and co-operation on all sides to map the way forward together.

Quick Facts

- Aboriginal rights are collective rights of distinctive Aboriginal societies. These rights are recognized and affirmed by Section 35 of Canada’s Constitution Act, 1982 (http://laws-lois.justice.gc.ca/eng/CONST/page-15.html).

- The Supreme Court of Canada first affirmed the existence of Section 35 Métis rights in its 2003 Powley decision (/eng/1100100014413/1100100014414). This decision affirmed a right to hunt for food for the Métis community in and around Sault Ste. Marie, Ontario. It also established the legal test to identify Section 35 Métis rights-bearing communities.

- The 2015 independent report by Douglas Eyford (/eng/1426169199009/1426169236218#sec4_b) on comprehensive land claims policy reform called on Canada to develop a separate "reconciliation process to support the exercise of Métis section 35(1) rights and to reconcile their interests."

This engagement process is yet another step in the evolution of federal policies and approaches for addressing Section 35 Aboriginal rights. Canada recognizes that these federal policies and approaches will continue to evolve over time and looks forward to continuing to work with all its Aboriginal and provincial/territorial partners to develop shared solutions that work for and benefit all parties.

New measures to advance treaty negotiations and reconciliation outside treaties were announced in July 2014 (http://news.gc.ca/web/article-en.do?nid=871349). This included key commitments to advancing dialogue with partners on Section 35 Aboriginal rights.

Learn more about the status of ongoing work to renew and reform the federal Comprehensive Land Claims Policy (/eng/1405693409911/1405693617207) and the dialogue launched in May 2015 with Aboriginal groups and industry to update the existing guidelines for federal officials to fulfill the Duty to Consult (/eng/1100100014680/1100100014681?utm_source=dutytoconsult&utm_medium=url).
Engagement with Manitoba Métis

The Ministerial Special Representative will also engage with the Manitoba Metis Federation to explore ways to advance dialogue on reconciliation with Métis in Manitoba in response to the 2013 Manitoba Metis Federation et al. v. Canada decision of the Supreme Court of Canada.

Quick Facts: Manitoba Metis Federation et al. v. Canada


- In its decision, the Supreme Court of Canada allowed the appeal in part, declaring that: "the federal Crown failed to implement the land grant provision set out in s. 31 of the Manitoba Act, 1870, S.C. 1870, c. 3, in accordance with the honour of the Crown."

- The Supreme Court of Canada decision is about undue delay in the implementation of s. 31 of the Manitoba Act, 1870 -- the length of time taken to provide the land grants to the Métis individuals in Manitoba during the 1870s and 1880s. That delay was found to be inconsistent with the honour of the Crown.

- The Supreme Court's ruling was declaratory in nature and did not prescribe any specific remedy. However, the court emphasized the need for a meaningful response and lasting reconciliation with the Métis.

- The 2015 independent report by Douglas Eyford (/eng/1426169199009/1426169236218#sec4_b) on comprehensive land claims policy reform called on Canada to "establish a framework for negotiations with the Manitoba Metis Federation to respond to the Supreme Court of Canada's decision in Manitoba Metis Federation et al. v. Canada (https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/12888/index.do)."

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