



Métis Nation
of Ontario 

Canada 

FRAMEWORK AGREEMENT FOR ADVANCING RECONCILIATION

This Agreement is executed in quadruplicate this 11th day of December 2017.

BETWEEN:

MÉTIS NATION OF ONTARIO

as represented by its President and the Provisional Council of the Métis Nation of Ontario
("MNO")

-and-

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

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

-and-

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO

as represented by the Minister of Indigenous Relations and Reconciliation
("Ontario")

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

WHEREAS Métis communities emerged in various areas surrounding the Upper Great Lakes as well as along the waterways and fur trade routes of what is now known as Ontario prior to the Crown effecting legal and political control in those regions;

AND WHEREAS these historic Métis communities developed their own shared customs, traditions, and collective identities that are rooted in kinship, their special Aboriginal relationship to the land and a distinctive culture and way of life that persist to the present day;

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 the Supreme Court of Canada, in *R. v. Powley* ("*Powley*"), held that "the inclusion of the Métis in section 35 represents Canada's commitment to recognize and value the distinctive Métis cultures, which grew up in areas not yet open to colonization, and which the framers of the *Constitution Act, 1982* recognized can only survive if the Métis are protected along with other aboriginal communities";

AND WHEREAS the Supreme Court of Canada also recognized in *Powley* that modern day Métis communities may possess Aboriginal rights protected by section 35 of the *Constitution*

Act, 1982 based on their pre-effective control practices, customs and traditions that are integral to their distinctive existence and relationships to the land, and went on to conclude that “the Métis community in and around Sault Ste. Marie have an aboriginal right to hunt for food under s. 35(1)”;

AND WHEREAS since the release of *Powley* the Supreme Court of Canada has noted that section 35 of the *Constitution Act, 1982* calls for a process of reconciliation between the Crown and Aboriginal peoples through which the constitutionally-protected Aboriginal 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 MNO was created to represent and advocate on behalf of its registered citizens (“Citizens”), and the communities comprised of those Citizens (“Communities”), with respect to protecting and advancing the collectively-held rights, interests and outstanding claims of Métis communities as well as improving the overall social, cultural, spiritual and economic well-being of Ontario Métis;

AND WHEREAS the MNO maintains a centralized registry of its Citizens who live throughout Ontario today, and, as acknowledged in the *Métis Nation of Ontario Secretariat Act, 2015*, S.O. 2015, c. 39, has established democratically elected Métis governance structures at the local, regional and provincial levels to represent its Citizens and Communities as well as the collectively-held rights, interests, claims and ambitions of Métis communities;

AND WHEREAS Canada and Ontario are committed to meeting their constitutional obligations towards the Métis through recognizing and respecting the section 35 rights of Métis communities as a means of advancing reconciliation between the Crown and Métis people;

AND WHEREAS the MNO and Ontario renewed a Framework Agreement on April 17, 2014, recommitting to: strengthening the relationship between Ontario and the MNO; recognizing and supporting the MNO’s structure, institutions and administration; improving the well-being of Métis children, families and communities; and jointly protecting and promoting the distinct culture, identity and heritage of the Métis people in Ontario;

AND WHEREAS the *MNO-Ontario Framework Agreement* also commits the MNO and Ontario to engaging with Canada on mutually agreeable trilateral processes and initiatives as well as working to leverage funding from Canada to support the objectives and activities of the Framework Agreement;

AND WHEREAS Canada is committed to working, on a nation-to-nation, government-to-government basis with the Métis Nation and Métis communities in Ontario, through negotiations with the MNO, with the goal of advancing reconciliation, renewing the Crown-Métis relationship through cooperation, respecting Métis rights and ending the status quo;

WHEREAS the MNO and Canada executed a Memorandum of Understanding on Advancing Reconciliation on February 3, 2017, and, based on that memorandum, have engaged in an

exploratory discussions process, which has included Ontario, to develop this mutually agreeable Framework Agreement;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

DEFINITIONS

In this Framework Agreement, the following definitions apply:

“Citizen” means an individual who is registered as a citizen of the MNO based on the requirements established by the MNO and the rights-bearing Métis communities it represents as may be amended from time to time.

“Community” means a Métis community comprised of Citizens represented by the MNO.

“Designated Representatives” means the individuals designated by each Party under this Framework Agreement.

“Final Agreement” means the agreement contemplated under section 3.2 of this Framework Agreement.

“Framework Agreement” means this agreement.

“Incremental Agreements” means those agreements contemplated under section 3.5.2 of this Framework Agreement.

“Interim Measures” means the measures contemplated by section 3.5.1 of this Framework Agreement.

“Main Table” means the regular meetings of the Negotiators contemplated under sections 2.4 and 2.5 of this Framework Agreement.

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

“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.

1. THE PURPOSE OF THE NEGOTIATIONS

1.1 The Parties agree that the Purpose of the Negotiation Process contemplated under this Framework Agreement is to jointly develop a government-to-government relationship between the Crown and Métis communities in Ontario represented by the MNO that advances reconciliation between the Parties consistent with the purpose of section 35 of the *Constitution Act, 1982*, including by;

- 1.1.1 recognizing the MNO as a Métis government with decision-making authority over its own roles and functions, processes and relationships with its Citizens and Communities; and
 - 1.1.2 establishing processes wherein the collectively-held rights and credible claims of Métis communities in Ontario represented by the MNO may be determined, recognized and respected; and
 - 1.1.3 working towards reaching bilateral or trilateral arrangements that invest in, support and enhance the cultural, social, physical, emotional, spiritual and economic well-being of Métis communities in Ontario represented by the MNO as well as Ontario Métis generally.
- 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 as further described below.

2. THE NEGOTIATION PROCESS

- 2.1 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 formal or informal, will be without prejudice and will not be attributable to any Party.
- 2.2 Each Party shall appoint Designated Representatives to the Negotiation Process who will be responsible for the conduct and coordination of all negotiations and keeping their respective principals updated throughout the negotiations and will jointly determine and agree to a schedule of negotiation meetings and the locations of those meetings. It is expected that the Designated Representatives will meet, at a minimum, once every 6 to 8 weeks. Unless otherwise agreed to by the Designated Representatives, the negotiating sessions will not be formally chaired.
- 2.3 The Parties agree that new or additional Designated Representatives may be appointed to engage in discussions on specific sectoral matters, including, but not limited to, the initial efforts focused on reaching Interim Measures and Incremental Agreements identified in section 3.6 of the Framework Agreement.
- 2.4 The MNO shall establish internal processes to ensure the views and perspectives of its Citizens and Communities are meaningfully represented and advanced in the Negotiations Process and to provide ongoing direction to the MNO's Designated Representatives. The Parties recognize that these internal processes shall be solely determined by the MNO.
- 2.5 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. Negotiations will be conducted at a Main Table.

2.6 The Main Table will be responsible for:

2.6.1 managing the Negotiation Process including work planning and setting of priorities;

2.6.2 negotiation of any arrangements or agreements to be brought to the Parties for their consideration;

2.6.3 implementing and managing openness and information sharing amongst the Parties throughout the Negotiation Process; and

2.6.4 implementing dispute resolution mechanisms as agreed.

2.7 The Designated Representatives 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.

2.8 The Parties agree that the Negotiation Process shall respect, support and complement existing bilateral processes or initiatives in place between the MNO and Canada or the MNO and Ontario, including the processes established under MNO-Ontario Framework Agreement and other Memoranda of Understanding in place between the MNO and Ontario Ministries.

2.9 Nothing in this Framework Agreement limits the ability of the Parties to engage in or develop future bilateral processes, arrangement or agreements with the MNO outside of the Negotiation Process.

3. ENGAGING IN A RESULTS-ORIENTED NEGOTIATION PROCESS

3.1 The Parties are committed to focusing their respective efforts and resources on negotiating arrangements that are timely, results-oriented and aimed at achieving shared and balanced solutions that advance the Purpose of this Framework Agreement.

3.2 The goal of the Negotiation Process identified in section 3.1 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 of this Framework Agreement.

3.3 While not intended to be exhaustive or restrictive, the MNO and Canada have identified a series of subject matters that may be discussed as a part of the Negotiations Process, which are consistent with other processes Canada is engaged in with Métis in other jurisdictions, which are listed in Appendix A.

3.4 The MNO and Canada acknowledge and agree that any discussions on the subject matters listed in Appendix A that may implicate or impact on Ontario's constitutional responsibilities and legislative jurisdiction or provincial rights and interests will require the full agreement and participation of Ontario, including but not limited to matters concerning provincial Crown lands.

3.5 In order to achieve timely results toward advancing reconciliation and fulfilling the Purpose of this Framework Agreement, Designated Representatives may seek approvals from the Parties for the following types of arrangements or agreements over the course of the negotiations:

3.5.1 Interim Measures: Measures intended to protect the interests of Métis communities represented by the MNO while the Negotiation Process is ongoing.

3.5.2 Incremental Agreements: Agreements on individual or a group of matters listed in advance of, or in lieu of, a single, comprehensive Final Agreement.

3.6 Consistent with the results-oriented negotiation approach set out above, the Parties agree to focus their initial efforts and resources on reaching the following Interim Measures and Incremental Agreements that are consistent with the Purpose of the Framework Agreement:

3.6.1 A core governance recognition agreement that recognizes the role and functions of the MNO as a Métis government, including its relationship to its Citizens and Communities as well as to Canada and Ontario, and confirms the MNO's decision-making authority over its own processes. An overview of the elements of a potential MNO core governance agreement is attached as Appendix B.

3.6.2 A trilateral agreement between the Parties that sets out a mutually agreeable process for addressing Crown consultation owing to rights-bearing Métis communities represented by the MNO as well as a map defining the geographic area over which consultation will be undertaken, including the provision of provincial and federal consultation capacity funding for the MNO's consultation processes.

3.6.3 A review of current MNO-Ontario processes and funding arrangements in key social development sectors to identify areas where there may be a need for strategic or enhanced investments to improve the quality of life of Ontario Métis. While not intended to be exhaustive or restrictive, the Parties agree to focus their initial work in the following areas during the first year of the Framework Agreement:

(a) engaging with Health Canada, Indigenous Services Canada and relevant federal agencies to identify Métis health priorities as well as current program and services gaps; and

(b) engaging with Crown-Indigenous Relations and Northern Affairs Canada and Employment and Social Development Canada to identify opportunities to support

and participate in discussions related to possible collaboration on the implementation of the province's Indigenous children and youth initiatives as well as the MNO's future role in relation to the provision of child and family services to its Citizens and Communities; and

(c) engaging with Crown-Indigenous Relations and Northern Affairs Canada and the Canada Mortgage and Housing Corporation in order to ensure the unique needs and the existing structures dealing with Métis housing in Ontario are understood and incorporated in any national Indigenous housing approaches or strategies; and

(d) establishing a sectoral table between the MNO, Employment and Social Development Canada and Ontario's Ministry of Advanced Education and Skills Development to address opportunities for strategic investments in Métis labour market and education needs.

4. OTHER RECONCILIATION RELATED PROCESSES

4.1 The Parties recognize that there may be other discrete reconciliation related processes, discussions or negotiations that the Parties may agree to engage in that are specific to one or several of the Communities represented by the MNO. Nothing in this Framework Agreement precludes the MNO from agreeing to enter into bilateral or trilateral processes or agreements on these issues that attempt to find a shared solution that advances reconciliation.

4.2 Any process or agreement agreed to between the Parties flowing from section 4.1 will complement and not affect the Negotiations Process set out in this Framework Agreement. Conversely, the Negotiations Process set out in this Framework Agreement will not limit or affect any process or agreement flowing from section 4.1.

4.3 For greater certainty, any matters in relation to the federal Crown's potential breach of a constitutional duty or obligation owing to a Community represented by the MNO will be concluded on a bilateral basis between the MNO and Canada and any obligations flowing from a process or agreement established between the MNO and Canada under section 4.1 of this Framework Agreement shall be solely borne by Canada.

5. COMMUNITY AND PUBLIC AWARENESS AND CONSULTATION

5.1 The Parties agree to develop mutually agreeable communication materials or undertake joint information, engagement or consultation sessions with the public or other relevant stakeholders as required.

5.2 The MNO is responsible for engagement and consultation with its constituency, which includes its Citizens, Chartered Community Councils, Regional Consultation Committees, Veterans Council, Youth Council, Women's Council, the Provisional Council of the Métis Nation of Ontario, the MNO Assembly as well as other relevant stakeholders.

5.3 Canada and Ontario will consult other Aboriginal groups whose credibly asserted or established Aboriginal or Treaty rights might be affected by arrangements or agreements negotiated under this Framework Agreement. The MNO will agree to support and participate in any such consultations as needed and to the appropriate degree necessary.

6. FUNDING AND CAPACITY

6.1 The Parties recognize that the MNO requires reasonable capacity to participate in the Negotiation Process contemplated under this Framework Agreement. Canada agrees to seek authority to provide funds to the MNO to support its institutional capacity and participation in the Negotiations Process.

6.2 In addition to the commitment set out in section 6.1 of this Framework Agreement, and subject to federal eligibility and program requirements, MNO may access federal policies, funding and initiatives, that support the participation of Aboriginal groups in land, resources and self-government negotiations with Canada, which are subject to yearly appropriations of funds by Parliament.

7. GENERAL

7.1 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.

7.2 Nothing in this Framework Agreement creates any legally enforceable obligations.

7.3 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, except where the Parties agree otherwise, and except in relation to any tripartite consultation discussions and agreement as contemplated by section 3.6.2 of this Framework Agreement.

7.4 Nothing in this Framework Agreement is intended to constitute Crown consultation or accommodation obligations that may be owed by Canada or Ontario to the Communities represented by the MNO.

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

APPENDIX A

MNO-CANADA SUBJECT MATTERS FOR THE NEGOTIATIONS PROCESS

- Improving the Social, Cultural and Economic Well-Being of Ontario Métis
 - Identification of Shared Indicators and Determinants for a Healthy, Secure and Prosperous Citizens and Métis communities represented by the MNO
 - Collecting Baseline Data on Citizens and Métis communities represented by the MNO to Identify Existing Needs and Gaps in relation to the Shared Indicators and Determinants;
 - The Strategic Investment of Resources, including Funding for the 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
 - Housing and Infrastructure
 - Health Services and Promotion
 - Economic Development
- Reconciliation Related Matters
 - Education and Public Awareness Initiatives on Métis History in Ontario
 - Clarity on the Aboriginal Rights and Claim(s) of MNO Citizens and Communities in Ontario, including Harvesting Rights and Related Access Issues
 - Support for Research on Potential Outstanding Métis Claims in Ontario
 - Shared Decision-Making and the Potential Role of Land and in Future Arrangements or Agreements
 - The Provision of Federal Lands and/or Funding for the Purchase of Lands for Social, Cultural, Spiritual or Economic Purposes
 - MNO Involvement and Participation in Initiatives relating to Federal Lands, including National Parks, Fisheries, Federal Environmental Assessment Processes, etc.
- Other Issues
 - An Apology
 - Trans-Boundary, Shared Territories and Overlapping Claims
 - The Constitutional Status of Future Arrangements or Agreements
 - Implementation, including an Implementation Plan for a Final Agreement

***MNO and Canada agree that any discussions related to or implicating provincial Crown lands or resources are subject to the agreement and participation of Ontario.**

APPENDIX B

SUBJECT MATTERS FOR A MNO GOVERNANCE AGREEMENT

- Preamble
- Definitions Section
- Interpretation Provisions
- Purpose of Agreement
- Recognition of MNO as a Métis Government
 - Recognition of MNO Constitution and Related Authorities
 - Recognized Areas of MNO Decision-Making Over Internal Affairs and Processes, including Citizenship, Elections, Financial Management and Administration, etc.
 - Legal Status and Capacity of MNO
 - Conflict of Laws Related Issues
 - Liability and Indemnification Issues
 - Personal Immunity and Vicarious Liability Issues
 - Application and Relationship of Laws
- Fiscal Relations, Inter-Governmental Relations, Implementation and Future Matters for Negotiations
 - A MNO-Canada Financial Transfer Agreement based on Existing Federal Self-Government Financing Policies, including Addressing Potential Revenue Sharing and Tax Related Matters
 - Agreement on Processes Related to the Implementation of the MNO Governance Agreement
 - Addressing the *MNO Secretariat Act*, 2015, S.O. 2015, c. 39
- Negotiation of Future Sectoral Agreements
- Other Matters
 - Access to Information and Privacy Issues
 - Dispute Resolution
 - Ratification and Approval of MNO Constitution
 - Ratification and Approval of Governance Agreement
 - Governance Agreement Coming Into Effect

This Framework Agreement is signed and agreed to by the Parties on December 11th, 2017.

MÉTIS NATION OF ONTARIO


France Picotte, Chair

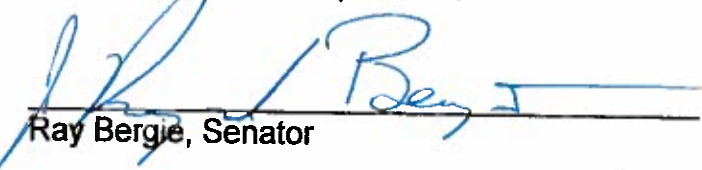

Sharon Cadeau, Vice-Chair


Tim Pile, Secretary-Treasurer



Joseph Poitras, Executive Senator


Verna Porter-Brunelle, Senator


Rene Gravelle, Senator



Ray Bergie, Senator


Theresa Stenlund, Region 1 Councilor


Cam Burgess, Region 2 Councilor


Marcel Lafrance, Region 3 Councilor


Ernest Gatién, Region 4 Councilor



Daniel Boulard, Region 5 Councilor


Tom Thompson Jr., Region 6 Councilor


Pauline Richardson, Region 7 Councilor


Anita Tucker, Region 8 Councilor


Peter Rivers, Region 9 Councilor


Mitch Case, MNO Youth Representative


Katelyn LaCroix, Postsecondary Representative

MÉTIS NATION OF ONTARIO



Margaret Froh
President of the Métis Nation of Ontario

HER MAJESTY THE QUEEN IN RIGHT OF CANADA



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

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO



Ms. Sophie Kiwala
Parliamentary Assistant to the Minister of Indigenous Relations and Reconciliation
Government of Ontario