

# THE IMPORTANCE OF THE SELF-GOVERNMENT AGREEMENT



## BACKGROUND & CONTEXT

- Indigenous peoples have rights because they were here (i.e., on the lands now known as Canada), first. Although recognized in and protected under section 35 of the Constitution Act, 1982, these rights flow from Indigenous peoples' pre-existence and their peoplehood, not mere genealogical mixing, neat genealogies, legislation, or even court cases.
- One of these rights—i.e., the inherent right to self-government and self-determination—is also expressly recognized in various articles of the United Declaration on the Rights of Indigenous Peoples, including:

**ARTICLE 3:** Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

**ARTICLE 4:** Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

**ARTICLE 5:** Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

## THE INHERENT RIGHT OF MÉTIS SELF-GOVERNMENT IN ONTARIO

- Métis, as an Indigenous people, have always possessed the inherent right of self-government.
- The legitimacy of Métis self-government comes from the belief, support, reliance, and participation of Métis people. It is not dependent on the recognition of other governments.
- The Métis Nation of Ontario ("MNO"), which was created in 1993, is the modern-day manifestation of the Métis communities in Ontario's inherent right to self-government. These Métis communities emerged in the area surrounding the Upper Great Lakes and along waterways and fur trade routes of what is now Ontario long before confederation (i.e., before Canada became Canada, or Ontario became Ontario).
- The MNO is the only Métis-created and legitimate representative government of rights-bearing Métis

citizens in Ontario. It was founded and is based on the will and determination of Métis people and communities, with objectively verifiable registration systems and democratic elections, as well as governance structures and institutions at the local, regional and provincial levels.

- Consistent with the original intent and vision of the *Statement of Prime Purpose*, the longstanding goal of the MNO has been to have its existing government, as an Indigenous government, recognized as such by other governments based on Métis rights recognition, including, the inherent right of self-government and self-determination.
- Despite the legitimacy of the MNO as a Métis government, other governments and the courts have not consistently recognized it as such, forcing the Métis to use everything in its modern-day toolkit to get this recognition, including negotiations and turning to the courts if/as needed.
- As part of this work, the MNO has negotiated various agreements with Canada and Ontario that establish negotiation processes, set out priorities for those negotiations, and/or outline implementation steps related to Métis self-government, including the:
  - **MNO-Canada Memorandum of Understanding on Advancing Reconciliation** (2017), which established an exploratory discussion process to “develop a mutually-agreeable framework agreement to serve as the basis for negotiations to advance reconciliation with the MNO”;
  - **MNO-Canada-Ontario Framework Agreement on Advancing Reconciliation** (2017), which established a formal negotiations process and included the development of a self-government agreement as one of its key purposes; and
  - **MNO-Canada Métis Government Recognition and Self-Government Agreement** (2019) (“Self-Government Agreement”) (discussed below). *These documents can be found at [www.metisnation.org](http://www.metisnation.org) under Governance*

## THE SELF-GOVERNMENT AGREEMENT

- On June 27, 2019, the MNO and Canada signed the historic Self-Government Agreement. In this agreement, Canada recognizes for the first time in history what the Métis have always known—that the Métis communities represented by the MNO have an inherent and constitutionally-protected right to self-determination and self-government, as well as confirms the MNO as the authorized body responsible for implementing that inherent right.
- Flowing from this fundamental recognition, the Self-Government Agreement also sets out a clear step-by-step process for the MNO to transition from its current corporate structure (i.e., the MNO Secretariat Inc.) to a public Indigenous government that is fully recognized in Canadian law (i.e., a “Métis Government”).
- As part of that process, the Self-Government Agreement outlines various work that needs to be completed within the MNO (e.g., develop a Métis Constitution and core laws), as well as external work that needs to be completed with Canada (e.g., negotiate other agreements, etc.). For more information on this work, see the MNO’s website.
- Put simply, after the Self-Government Agreement is fully implemented, it will not be only the MNO’s citizens who recognize and believe in the MNO’s successor as a Métis Government, but Canada, as well as Canadian courts and other governments, will also do so.
- The future Métis Government will also be able to achieve additional successes, including:
  - having stable funding for governance as well as programs and services;
  - delivering even better programs and services for its Citizens;
  - passing laws in relation to key areas of law-making power; will not be subject to the whims of changing governments in terms of recognition, funding, or ability to access negotiations processes; and
  - will no longer be restricted by provincial corporate law.

