



MÉTIS NATION OF ONTARIO - FACT SHEET

MNO-Ontario Framework Agreement on Métis Harvesting (2018)



Background

- MNO was created in 1993 as a Métis government to represent the rights and interests of its citizens and rights-bearing Métis communities throughout Ontario. MNO has always identified the advancement and recognition of Métis rights in Ontario as its highest priority.
- in the 1990s. MNO has developed and implemented a Harvesting Policy. This policy is a codification of Métis law and traditions around harvesting—including conservation, sustainability, safety and responsibility. The MNO issues Harvesters Cards to verified Métis rights-holders and regulates the Métis harvest.
- In the early 1990s, Ontario denied any and all Métis harvesting rights in the province.
- From 1993 to 2003, the MNO advanced a Métis harvesting rights “test case”—*R. v. Powley* (“*Powley*”)—all the way to the Supreme Court of Canada.
- Ultimately, *Powley* confirmed that the Métis community in the Sault Ste. Marie region has a Métis right to harvest for food protected by section 35(1) of the *Constitution Act, 1982*.
- *Powley* also set out a legal framework for other Métis communities to establish their harvesting rights.

Agreements on Métis Harvesting Rights

A. Interim Métis Harvesting Agreement (2004)

- In 2004, the MNO and the MNRF entered into an agreement that recognized a limited number of MNO Harvesters Cards (1250) until “an independent evaluation of the system based on mutually agreeable terms of reference” could be performed.
- The purpose of the “independent evaluation” was to validate that MNO Harvesters Card holders meet the requirements set out in *Powley*.
- In order for it to be objectively verifiable, the MNO and Ontario first needed to identify “where” there were historic Métis communities in Ontario and then “who” was a part of those communities.

B. Arriving at Common Understandings, Negotiations and the Independent Review of the MNO Harvesters Card System (2004-2018)

- Initial implementation of the interim Métis harvesting agreement was challenging and included the MNO turning to the courts to seek clarity in relation to the interpretation of the agreement (i.e., *R. v. Laurin, Lemieux, Lemieux* in 2007)

- Following these initial challenges, mutually agreeable processes between the MNO and Ontario to attempt to arrive at common understandings about “where” other historic Métis communities are “who” made up those historic Métis communities were initiated.
- The outcome of this collaborative MNO-Ontario work was announced on August 21, 2017. The historic communities were identified as including:
 - Rainy River / Lake of the Woods Historic Métis Community
 - Northern Lake Superior Historic Métis Community
 - Abitibi Inland Historic Métis Community
 - Sault Ste. Marie Historic Métis Community
 - Mattawa/Ottawa River Historic Métis Community
 - Killarney Historic Métis Community
 - Georgian Bay Historic Métis Community
- Once agreement on these preliminary issues was achieved, an independent third party could verify that the MNO Registry files for Harvesters Card holders document that these individuals ancestrally connect to historic Métis communities and meet *Powley* requirements. For more information about the details of this work see the MNO Fact Sheet on the Independent Review of the MNO Harvesters Card System.
- The Independent Review was conducted by a firm selected through a public tendering process. On January 12, 2018, this review confirmed that the MNO has a reliable system for identifying Métis rights-holders with 100% of all of the Harvesters Card files that were randomly sampled meeting the criteria set out in *Powley*. This report is publicly available.

Elements of the MNO-Ontario Harvesting Agreement (2018)

Recognition of MNO Harvesting Policy, Harvesters Cards and Harvesting Areas

- The *Agreement* recognizes the legitimacy of the MNO Harvesting Policy and Harvesters Cards. Métis-created laws and systems are under the complete control of the MNO. The MNRF will rely on MNO Harvesters Cards for the identification of Métis rights-holders exercising their rights within the MNO’s identified Harvesting Areas.

MNO Harvester Card Holders Will be Treated the Same as First Nations Harvesters

- The *Agreement* requires the MNRF treat MNO Harvesters Card holders in same way as First Nations harvesters for the purposes of enforcement. Valid MNO Harvesters Card holders who are harvesting in compliance with the MNO Harvesting Policy and within their identified MNO Harvesting Area need to show their card to MNRF enforcement staff. MNO Harvester Card holders will need to respect all applicable safety and conservation restrictions.

The “Cap” on the Number of MNO Harvesters Cards is Removed

- The *Agreement* removes the “cap” on the number of MNO Harvesters Cards the MNO can issue.

Verification of Additional Métis Root Ancestors and Family Lines

- 88 Métis Family Lines were verified as being a part of the seven identified historic Métis communities. These family lines include Métis Root Ancestors who meet the requirements of *Powley*. While these represent a significant percentage of the Métis family lines who make up these historic Métis communities, they are not comprehensive in scope.
- The *Agreement* contemplates additional Métis Family Lines being “verified” by a process established by the MNO and the MNRF based on the *Powley* criteria and as set out in the Independent Review. This means that the MNO is not limited to only issuing Harvesters Cards to citizens who ancestrally connect to the Family Lines that were part of the review.

The *Agreement* Sets out Key Subject Matters for Future Negotiations

- The *Agreement* sets out that the MNO and the MNRF have agreed to engage in future negotiations on many of the key issues’ MNO citizens and harvesters, including:
 - Agreement to get to a new map showing where Métis communities represented by the MNO have harvesting rights in Ontario within three years.
 - Agreement to discuss the kinds of activities included in Métis harvesting rights as well as incidental activities to Métis harvesting, such as incidental cabins.
 - Agreement that they will conduct further negotiations and try to come to an agreement on mobility of Métis harvesters between MNO Harvesting Areas.
 - Agreement to develop collaborative enforcement mechanisms that incorporate the MNO Captains of the Hunt.
- The parties may choose to “lock in” agreements on certain issues as they are reached, which means that MNO will be able to deliver results to citizens and harvesters more quickly on issues that are the most pressing.

Sharing Information on the Métis Harvest with MNRF

- MNO has committed to sharing harvesting data with the MNRF, on a confidential basis, and the MNRF has committed to share information with the MNO in advance of harvesting seasons, to identify areas of the province where conservation or sustainability concerns exist.

Commercial Rights and Licences of MNO Citizens are Not Impacted by the *Agreement*

- The *Agreement* does not deal with commercial rights or existing commercial licenses that MNO citizens may have in their personal capacity. The *Agreement* will not impact any commercial licenses or authorizations held by MNO Citizens.

Regional Métis Communities May Engage MNRF on Specific Harvesting Issues

- The *Agreement* contemplates that a specific regional Métis community and/or communities represented by the MNO may wish to engage or negotiate with the MNRF on regionally specific matters that are relevant to that community’s geographic area within the province.

The *Agreement* Does Not Limit the Recognition of Métis Harvesting Rights in the Future

- The *Agreement* that the MNO and Ontario will consider additional historic evidence that may become available that could change or expand these Communities or identify new communities. The *Agreement* is clear that this map does not conclusively define Métis harvesting territories in

Ontario. This map will change in the future, pending future negotiations by the MNO and the MNRF.