



BACKGROUNDER:

# Recognizing and Implementing Métis Nation Self-Government in Ontario

## The work towards the recognition of Métis self-government

Throughout Canada's relationship with Métis partners, they have always sought recognition from the Crown as distinct rights-bearing collectivities and communities. Canadian law and governments have often failed to recognize Métis rights and self-government.

In 2011, the Supreme Court of Canada noted, "[t]he history of the Métis is one of struggle for recognition of their unique identity as the mixed-race descendants of Europeans and Indians. Caught between two larger identities and cultures, the Métis have struggled for more than two centuries for recognition of their own unique identity, culture and governance." (*Alberta v Cunningham*, 2011 SCC 37 at para 70).

Over generations, Métis have asserted and pressed for their recognition. These efforts have included building their own self-government structures and institutions, participating in political and constitutional processes, turning to the courts to advance Métis rights and claims, and pressing for formal negotiations with Canada.

## Background related to the current negotiations

In 2015, the Prime Minister's mandate letter to the Minister of Indigenous and Northern Affairs included the priority to: "work, on a nation-to-nation basis, with the Métis Nation to advance reconciliation and renew the relationship, based on cooperation, respect for rights, our international obligations, and a commitment to end the status quo."

Since 2015, Canada and the Métis Nation of Ontario (MNO) have engaged in discussions to address Métis rights, including specifically advancing recognition and respect for the Métis right of self-government and self-determination. In February 2017, the parties signed a Memorandum of Understanding for exploratory discussions on advancing reconciliation. These discussions led to a Framework Agreement being signed in December 2017 that established a formal negotiation process. Within these negotiations, the recognition of Métis self-government was identified as a priority.

## **The 2019 self-government agreement**

In 2019, Canada and the MNO signed a *Métis Government Recognition and Self-Government Agreement*. This was the first time in Canada's history that the federal Crown acknowledged a Métis right of self-government, as recognized and affirmed by section 35 of the *Constitution Act, 1982*. The agreement also recognized that the MNO is mandated to represent its citizens and Métis communities in Ontario comprised of its citizens.

The 2019 agreement set out a mutually agreeable process for next steps and how MNO would transition from relying on a corporate structure to being acknowledged as an Indigenous government recognized in federal law.

## **The updated 2023 self-government agreement**

On February 23, 2023, Canada and MNO signed the *Métis Self-Government Recognition and Implementation Agreement*. This agreement builds on the 2019 self-government agreement.

Upon signing the 2023 agreement, Canada officially recognizes that the MNO is the Indigenous government for the Métis communities represented by the MNO. The Métis collectivity includes MNO citizens who are Métis rights-holders and those entitled to become citizens as well as Métis communities in Ontario. In addition, the 2023 agreement recognizes:

- the Métis communities represented by the MNO is a successor to the historic Métis Nation and one of the Métis collectivities that make up the Métis Nation today;
- the Métis communities represented by the MNO hold the inherent right of self-government recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- the MNO has law-making powers in areas such as citizenship, leadership selection, and government operations;
- the MNO is an Indigenous governing body for the purposes of *An Act respecting First Nations, Inuit and Métis children, youth and families*.

The recognition in the 2023 agreement is only binding on Canada and the MNO, and is legally enforceable as between the parties. The agreement does not address harvesting or land-related matters or rights.

## **Next steps related to the 2023 self-government agreement**

In addition to the recognition set out above, the 2023 agreement includes a commitment to negotiate a self-government treaty between the MNO and Canada in the next two years.

Like the 2023 agreement, the self-government treaty will focus on core governance matters and jurisdiction internal to the MNO as the recognized Métis government for its citizens and

communities in Ontario. Since these matters are internal to MNO, they will not affect the rights or interests of any other Indigenous group. If additional areas of jurisdiction or matters that may affect other Indigenous groups are negotiated in the future, appropriate Crown consultations will be undertaken.

In addition, the 2023 agreement reaffirms a commitment from the 2019 agreement that federal implementation legislation will be introduced as soon as possible. This legislation would reaffirm the recognition in the 2023 agreement and provide a clear legal framework for giving the future self-government treaty legal force and effect once it is finalized and other key steps are completed.

### **Looking ahead**

Canada looks forward to continuing its collaborative work with the MNO and other Métis governments to recognize and implement their visions for self-determination, including, achieving a lasting reconciliation through constructive arrangements that benefit MNO citizens and communities as well as all Canadians.

While this joint work advances at the negotiating table, the MNO will continue its ongoing engagement with its citizens and the Métis communities it represents. The parties will also continue to update interested partners and engage stakeholders at key milestones as negotiations move forward and reconciliation is advanced.