



## *Foundational Document* *Canada-Métis Nation Accord*

Canada and the Métis National Council

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# Canada Métis Nation Accord

This Accord is effective from the 13th day of April 2017.

B E T W E E N:

Her Majesty the Queen in Right of Canada  
as represented by the Right Honourable Prime Minister

- and -

The Métis Nation  
as represented by the Métis National Council and its Governing Members: the  
Métis Nation of Ontario, Manitoba Metis Federation, Métis Nation-Saskatchewan, Métis  
Nation of Alberta and Métis Nation British Columbia

(hereinafter collectively referred to as the “Parties”)

**WHEREAS** a distinct Aboriginal people—the Métis Nation—emerged with its own collective identity, language, culture, way of life and self-government in the historic Northwest prior to Canada’s westward expansion following Confederation;

**AND WHEREAS** the Métis Nation continues to exist as a distinct Aboriginal people today and seeks to advance and exercise its right to self-determination including self-government within Canada;

**AND WHEREAS** the Governing Members, through their registries and democratically elected governance structures at the local, regional and provincial levels, are mandated and authorized to represent the citizens who comprise the Métis Nation, including dealing with collectively held Métis rights, interests and outstanding claims against the Crown;

**AND WHEREAS** the Métis National Council is mandated by the Métis Nation General Assembly to represent the Métis Nation at

the national and international levels to advance issues of collective importance;

**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** in 2003 the Supreme Court of Canada in *R. v. Powley* recognized that Métis communities, which emerged prior to effective control, possess Métis rights that are protected as Aboriginal rights in section 35 of the *Constitution Act, 1982*;

**AND WHEREAS** in 2013 the Supreme Court of Canada in *Manitoba Metis Federation v. Canada (Attorney General)* confirmed that the Crown is in a fiduciary relationship with the Métis as a distinct Aboriginal people and stated that “the unfinished business of reconciliation of the Métis people with

Canadian sovereignty is a matter of national and constitutional import”;

**AND WHEREAS** in 2016 the Supreme Court of Canada in *Daniels v. Canada (Indian Affairs and Northern Development)* declared that the Métis are within section 91(24) of the *Constitution Act, 1867* and that “reconciliation with all of Canada’s Aboriginal peoples is Parliament’s goal”;

**AND WHEREAS** 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 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** Canada and the Métis Nation are committed to reconciliation and a nation-to-nation, government-to-government relationship, through regionally tailored exploratory discussions and/or negotiations between Canada and the Métis National Council’s Governing Members, in order to renew the relationship through cooperation, to further Métis self-government, while respecting Métis rights and ending the status quo;

**AND WHEREAS** Canada and the Métis Nation are further committed to reconciliation and a nation-to-nation, government-to-government relationship through establishing a permanent bilateral mechanism between Canada and the Métis National Council and its Governing Members, as set out in the Accord, to enable annual priority setting, joint policy development and progress to be measured on an ongoing basis.

**NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:**

### **1. Objectives of the Accord**

- 1.1 The Parties agree that it is in their common interest to establish a process for co-development and negotiation that will allow them to work together to:
  - 1.1.1 Uphold the special constitutional relationship that the Métis Nation has with the Crown as partners in Confederation and as recognized and affirmed in section 35 of the *Constitution Act, 1982*;
  - 1.1.2 Renew the Métis Nation-Crown relationship on a nation-to-nation, government-to-government basis;
  - 1.1.3 Advance reconciliation of the rights, claims, interests and aspirations of the Métis Nation and those of all Canadians;
  - 1.1.4 End the legacy of colonialism and colonial attitudes wherever they may remain in federal legislation, policies and practices;
  - 1.1.5 Improve socio-economic conditions of Métis and their access to social and economic programs and services that address their needs;
  - 1.1.6 Explore and support ways to address the historic and continuing impacts of unresolved claims and grievances of the Métis Nation; and
  - 1.1.7 Promote and advance the recognition of the Métis Nation and commemorate its role and that of its leader, Louis Riel, in Canada’s western expansion.

**2. Permanent Bilateral Mechanism**

- 2.1 By signing this Accord, the Parties agree to establish a permanent bilateral mechanism (the “Permanent Bilateral Mechanism”) that will serve to:
- 2.1.1 jointly establish policy priorities for the year ahead through an annual meeting with the Prime Minister of Canada;
- 2.1.2 undertake joint policy development on the jointly established priorities;
- 2.1.3 ensure that bi-annual meetings occur with Ministers responsible for policy development flowing from the jointly established priorities; and
- 2.1.4 report on progress on an annual basis through the annual meeting with the Prime Minister of Canada.
- 2.2 The initial meeting of the Permanent Bilateral Mechanism will focus on the establishment of Terms of Reference to govern the work of the Permanent Bilateral Mechanism, as well as meeting schedules. Departments responsible for policy development flowing from the jointly established priorities will become involved in the work planning with the Métis National Council and its Governing Members. Any requisite working groups or other levels of engagement will be created based on that work plan. The Minister of Indigenous and Northern Affairs Canada, with the support of departmental officials, will be responsible for tracking progress of such working groups.

- 2.3 Meetings will also be held at least twice per year between the Minister of Indigenous and Northern Affairs Canada, key Ministers implicated through the jointly established priorities and work plans, and the Métis National Council and its Governing Members in an ongoing process to refine and deliver on the priorities identified via the Permanent Bilateral Mechanism. The Minister of Indigenous and Northern Affairs Canada, with the support of departmental officials, will be responsible for coordinating such meetings.
- 2.4 Quarterly meetings of relevant Assistant Deputy Ministers and senior officials from the Métis National Council and its Governing Members will be held to monitor and guide the work of technical-level working groups composed of subject matter experts; co-chairing would mirror the Ministerial-level meetings and could also be attended by Ministers’ staff in the role of observer. Indigenous and Northern Affairs Canada with the support of the Privy Council Office will be responsible for coordinating such meeting and for tracking progress.

**3. Policy Priorities**

- 3.1 Policy priorities will be established jointly by the Parties each year. These policy priorities will be attached as an Annex to this Accord.
- 3.2 An Annotated Agenda for four initial priorities is contained in Annex A to

this Accord. This does not preclude work in other priority areas.

- 3.3 Policy priorities will be reviewed and renewed annually. The Parties may jointly decide to add more policy priorities to be worked on by the Parties in a given year and identify them in the Annex to this Accord.
- 3.4 The Parties may enter into companion accords, agreements, protocols, or any other arrangements deemed suitable in order to achieve jointly established policy priorities, as decided by the Parties to this Accord.

#### **4. Funding and Resourcing**

- 4.1 The Parties agree to develop and update work plans based on concrete and specific objectives in order to address the various elements of this Accord that will enable full and effective engagement in the Permanent Bilateral Mechanism by the Métis National Council and the Governing Members.
- 4.2 Canada recognizes that the Métis Nation requires reasonable capacity to participate in the processes contemplated in this Accord. The Parties will work to develop a mutually acceptable work plan and budget to support the Métis Nation's participation in the Permanent Bilateral Mechanism. Any work plan, budget and funding agreement shall be consistent with the policies of the Government of Canada.

#### **5. Respecting Bilateral and Tripartite Reconciliation Processes**

- 5.1 Nothing in this Accord shall alter, affect, limit, constrain or impede existing or future exploratory discussions or negotiation processes to address Métis rights, interests or outstanding claims against the Crown that are put in place between a Governing Member and the Government of Canada.
- 5.2 The Parties recognize that bilateral or tripartite exploratory discussions and negotiation processes agreed to by a Governing Member and the Government of Canada also advance reconciliation with the Métis Nation and that the Permanent Bilateral Mechanism is designed to complement and enhance those provincial and/or regional processes.
- 5.3 Without limiting the generality of the foregoing, the Parties expressly agree that nothing in this Accord shall alter, affect, limit, constrain or impede the bilateral negotiation process established between the Government of Canada and the Manitoba Métis Federation in the Canada-MMF Framework Agreement that was executed on November 15, 2016, in order to advance reconciliation in a manner consistent with the 2013 Supreme Court of Canada decision in *Manitoba Metis Federation v. Canada (Attorney General)*.

**6. General**

- 6.1 This Accord may only be amended in writing with the consent of the Parties.
- 6.2 Nothing in this Accord affects existing or future bilateral and tripartite processes that are in place between Canada and the Métis Nation or ongoing work of the Parties to address pressing socio-economic issues of the Métis Nation.
- 6.3 This Accord does not recognize, deny, define, affect or limit any Aboriginal or Treaty rights within the meaning of section 35 of the *Constitution Act, 1982*.
- 6.4 The recommendations of the 2016 Report of the Ministerial Special Representative Tom Isaac, entitled: “A Matter of National and Constitutional Import: Section 35 Métis Rights and the Manitoba Metis Federation Decision” will inform the discussions.
- 6.5 The Permanent Bilateral Mechanism will enable distinctions-based priority setting, joint policy development on shared priorities, and stock-taking between the Government of Canada and the Métis National Council and its Governing Members. However, proposals with significant policy and/or financial implications will require vetting through appropriate federal policy approvals process and that work will need to follow the policy and budgetary timelines of the Government of Canada.

**IN WITNESS WHERE OF** this Accord has been executed by the Parties as of the date first written above.

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA**

The Right Honourable Justin Trudeau  
The Honourable Carolyn Bennett Minister of Indigenous and Northern Affairs (Witness)

**MÉTIS NATIONAL COUNCIL**

Clément Chartier, President  
Melanie Omeniho (Witness)

**MÉTIS NATION OF ONTARIO**

Margaret Froh, President  
France Picotte (Witness)

**MANITOBA METIS FEDERATION**

David Chartrand, President  
William Goodon (Witness)

**MÉTIS NATION-SASKATCHEWAN**

Gerald Morin, Vice President  
Glen McCallum (Witness)

**MÉTIS NATION OF ALBERTA**

Audrey Poitras, President  
Cecil Bellrose (Witness)

**MÉTIS NATION BRITISH COLUMBIA**

Clara Morin Dal Col, President  
Lissa Smith (Witness)

## ANNEX

## Priorities Annotated Agenda

The following sections outline areas for co-development and negotiation by the Parties in their work on first year priorities:

### 1. Métis Nation Human Resources & Social Development

#### **Employment and Training:**

The Parties agree to work together to develop the next phase of Indigenous labour market programming. This will include exploring a multi-year Métis Nation-specific approach to and/or Accord in support of a renewed Aboriginal Skills and Employment Training Strategy (ASETS) or its successor strategy. Discussions will focus on important labour market elements including a discussion of issues related to youth, child care, labour market information, partnerships, governance, resources and mutual accountabilities.

The Parties will also discuss ways to strengthening Métis participation in the Strategic Partnership Fund as well as other Indigenous and non-Indigenous supports directed at improving the labour market conditions of Métis.

#### **Youth:**

The Parties agree to examine the current array of supports available to Métis youth (e.g., the Youth Employment Strategy), including accessing the information needed for them to gain the skills, work experience and abilities required to make a successful transition into the labour market or into post-secondary institutions. The parties will explore best practices to identify the need for programs or services that address the unique challenges of Métis Youth. The parties will also discuss strategies for improving Métis access to jobs, including those in the Canadian public service and in the federally regulated sector.

#### **Indigenous Early Learning and Child Care:**

The Parties will work together toward improving early learning supports for Métis children generally. The Métis National Council and Governing Members will participate in the development of a Canada-wide Early Learning and Child Care Framework to guide renewed programming approaches that could better support the early learning and child care distinct needs of Métis Nation children and families. The Parties will discuss how these needs can be met, including through a Métis Nation-specific component of the Framework. The Parties will also explore the reach, accessibility and delivery of current federal initiatives for Métis families.

#### **Poverty Reduction:**

The Parties and the Métis Nation will work together to develop a Canadian Poverty Reduction Strategy that sets targets and timelines.

**Homelessness:**

The Parties will work together to ensure that a renewed Homelessness Partnering Strategy post-2019 can better serve clients who identify as Métis.

**Social Innovation:**

The Parties will explore opportunities to achieve better social and economic outcomes using emerging social innovation approaches, such as social finance and social enterprise. This work will build on successful bilateral engagement to date, with the potential to contribute to the federal Social Innovation and Social Finance Strategy to be developed in 2017.

**Education:**

**K to 12:**

In conjunction with outcomes of the exploratory tables, the Parties will explore the need for and approaches to establishing linkages and cultural supports for Métis Nation students (K to 12) to improve their educational outcomes. The discussions at the national level will include an examination of current data on educational outcomes, identification of promising practices, and the level and supports for unique curriculum development to enhance educational outcomes. The discussions could include the need to develop better tracking mechanisms and the need for better intergovernmental protocols on Métis education (K to 12). The Parties will engage with representatives of provinces for these discussions.

**Post-Secondary Assistance:**

The Parties agree on the need to enhance Métis Nation students' access to post-secondary educational resources to increase their participation in post-secondary education. Discussions will include exploring options for resourcing strategies and the need for new investments in Métis scholarships and bursaries.

Discussion will include examining current Métis access to student saving and financial assistance measures (i.e., Canada Student Loans and Grants, repayment assistance, Canada Education Savings Grant, and Canada Learning Bond) and how they support Métis Nation students.

**Supports for Métis Nation Educational Institutes:**

The Parties will explore ways of expanding the capacity of existing Métis Nation post-secondary institutions such as the Gabriel Dumont Institute, Louis Riel Institute and Rupertland Institute and exploring the need for additional institutions. This will include identifying innovative programming for Métis students in these institutions. The Parties may agree to invite representatives of provinces to all or part of these discussions.

## 2. Fiscal Relations

### Funding Mechanisms:

The Parties will work, on a government-to-government basis, to renew the fiscal relationship, based on cooperation and respect for Métis rights and move towards sufficient, predictable and sustained funding for the Métis Nation. This cooperative undertaking will aim to improve the federal approach to funding to ensure it is fair and equitable, while considering the unique needs and circumstances of the Métis Nation and its citizens.

Through a renewed fiscal relationship, the Parties seek:

- To establish funding approaches and financial transfer mechanisms that support government-to-government relationships;
- To meet shared accountability for closing the socio-economic outcomes gap between Métis Nation and other Canadians, including appropriate metrics and performance indicators;
- To promote the delivery of programs and services in an efficient and cost-effective manner, including consideration of collective or cooperative arrangements; and
- To support the Métis Nation in furthering Métis-self-government.

## 3. Health and Wellness

The Parties will undertake to examine and consider options for acting on:

- Development of approaches to respond to specific health needs and priorities;
- Opportunities for Métis Nation to engage with the federal government in health and wellness policy, program development, and delivery;
- Continue and strengthen opportunities for Governing Members to undertake Métis-specific health research and surveillance to identify health issues; and
- Collaboration with federal and relevant provincial governments to work together, and within their jurisdictions, with Métis Nation leaders to determine areas of shared priority; and to improve the coordination, continuity and appropriateness of health services for Métis people.

## 4. Housing

The Parties will undertake the following:

- Indigenous and Northern Affairs Canada (INAC) and the Canada Mortgage and Housing Corporation (CMHC) will work with the Métis Nation to develop a Métis Nation-specific housing strategy; and,
- INAC, CMHC and the Métis Nation will work together to identify and advance opportunities including potential investments to improve Métis access to, delivery and control of, affordable and social housing.

## **5. Future Priorities**

The Parties agree that the following topics are priorities in future years:

- Métis Section 35 Rights, Recognition and Reconciliation;
- Economic Development;
- Language and Culture;
- Métis Women;
- Environment;
- International;
- Residential Schools and Day Schools;
- Métis Veterans;
- Test Case Funding;
- Justice and Policing;
- Child and Family Services;
- Employment Equity;

and such other matters as mutually agreed to by the Parties.