

Ministre des
Relations Couronne-Autochtones



Minister of
Crown-Indigenous Relations

Ottawa, Canada K1A 0H4

WITHOUT PREJUDICE

August 13, 2021

President Glen McCallum
Métis Nation-Saskatchewan
Suite 201, 208-19th St W
SASKATOON, SK S7M 5X8

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Dear President McCallum:

On behalf of the Government of Canada, I am writing to reaffirm Canada's ongoing commitment to working with the Métis Nation-Saskatchewan ("MN-S")—as the government of the Métis Nation within Saskatchewan—to advance and implement the June 27, 2019 MN-S-Canada Métis Government Recognition and Self-Government Agreement ("MGRSA"), based upon the recognition, affirmation, and implementation of Métis rights protected by section 35 of the *Constitution Act, 1982*.

The Government of Canada recognizes that the Métis Nation within Saskatchewan, as a part of the larger Métis Nation, has long been self-governing. The MGRSA also recognizes that the MN-S is mandated to represent the Métis Nation within Saskatchewan in respect of its collectively held rights and interests, and in particular to implement and exercise its right to self-determination and its inherent right to self-government. We recognize this mandate flows from the MN-S's longstanding recognition as the government of the Métis Nation within Saskatchewan over multiple generations, its objectively verifiable registry to identify Métis Nation citizens, its democratic self-government institutions at the provincial, regional and local levels as well as the express authorizations currently set out in the MN-S Constitution and its various Legislative documents.

Based on the MGRSA, we are forging a new relationship that is based on mutual recognition, respect, and trust as well as our commitment to advancing our government-to-government relationship. In support of forging that new relationship, I am pleased that we were able to recently finalize an Interim Fiscal Financing Agreement in the amount of \$21,931,317 million in order to further implement the MGRSA and our respective commitments to advancing self-determination for the Métis Nation within

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Canada

Saskatchewan. In addition, Canada is committed to working with the MN-S to put into place stable and predictable multi-year funding to support these negotiations. I am also pleased with the collaborative work that has been taking place between the MN-S, the Métis Nation of Alberta (“MNA”), the Métis Nation of Ontario (“MNO”) and Canada’s negotiators on advancing the commitments in the MGRSA.

In addition, as provided for in the July 20, 2018 Framework Agreement for Advancing Reconciliation between MN-S and Canada, Canada remains committed to exploring with a view to settling the outstanding claims of the Métis Nation within Saskatchewan against the federal Crown, including, but not limited to, those claims related to Métis scrip. Canada recognizes that the MN-S is an appropriate party to engage with on these potential Métis claims based on the commitments made in the MGRSA and the July 20, 2018 Framework Agreement for Advancing Reconciliation between MN-S and Canada. Moreover, as noted above, Canada recognizes the authorization the MN-S receives from citizens in relation to these matters, as set out in the MN-S Constitution. I have also asked my officials to meet with you in relation to *Durocher et al. v. HMTQ* (Court File No.: T-1690-19), and to continue to meet in relation to *Morin v. Canada* (SK QB No. 616, 1994).

We have clearly heard from the MN-S that it has concerns about the potential implications for the MN-S of the agreement Canada and the MMF signed on July 6, 2021, as well as the potential implications of that agreement on our negotiations with all of the Métis Nation governments with whom we are negotiating self-government more broadly. I recognize that prior to the signing of this agreement with the MMF we did not engage or consult with the MN-S about the contents of this agreement. I appreciate you taking the time to share your concerns with me and my officials and I remain available to further discuss those concerns with you.

In relation to the MMF Agreement, I would draw your attention to the definitions section of that agreement, which indicates clearly that the “Manitoba Métis Community” and the “Manitoba Métis” is but “one of the Métis collectivities that together make up the Métis Nation, an Indigenous Peoples that originated in the historic Métis Nation homeland, which is the area of land in west central North America used and occupied as the traditional territory of the Métis Nation.” Through this letter, I wish to confirm that the MN-S is already one of the “Métis governments” referred to within section 20(a) of the MMF Agreement.

As I also conveyed to you on our recent call, the Government of Canada remains steadfastly committed to advancing the MGRSAs and ensuring that through this work we continue to respect all of the Métis Nation governments in our negotiations. We appreciate that each Métis Nation government has its own unique history, interests, and chosen pathway to self-determination, and we are committed to ensuring that as we make progress for any one Métis Nation government, other Métis Nation governments, if they so choose, may equally benefit from developments with respect to federal rights-recognition policies or techniques.

As you and your negotiators are aware, in 2019, when the MGRSAs were negotiated and signed, some of the federal rights-recognition policies and techniques employed in the MMF Agreement were simply unavailable to your Métis government. This reality does not mean these new federal rights-recognition policies and techniques are not now equally available to the MN-S and other MGRSA signatories in 2021, subject to your desire and appropriate approvals being sought and secured.

In discussions held between our officials since the signing of the MMF Agreement and in our recent call, I acknowledge that the MN-S has now formally requested that some developments with respect to federal rights-recognition policies or techniques employed in the MMF Agreement be made available to the MN-S and applied to its MGRSA. In particular, I have heard from the MN-S that it is seeking the following:

1. Co-development of a mutually agreeable “Saskatchewan Métis Rights Recognition and Self-Government Implementation Agreement” with Canada that supplements and complements the MGRSA, is “legally enforceable and justiciable” between the MN-S and Canada and is consistent with the new recognition and drafting techniques employed in the MMF Agreement, including, but not limited to:
 - i. further confirmation that the MN-S is already a Métis Nation government and the government of the Métis Nation within Saskatchewan;
 - ii. recognition that the MN-S is the democratic representative government of the Métis Nation within Saskatchewan and has responsibility for providing responsible and accountable self-government;
 - iii. recognition that the MN-S is mandated to represent the Métis Nation within Saskatchewan in respect of the collectively held rights and interests of the citizens and communities that make up this Métis Nation collective, and in particular in relation to implementing and exercising the Métis Nation within Saskatchewan’s right to self-determination and its inherent right of self-government that is not contingent on Canada’s recognition,

- agreement, the signing of the MGRSA, or the enactment of the Federal Recognition Legislation contemplated in the MGRSA;
- iv. inclusion of the MN-S's current definition of Métis, as set out in the MN-S Constitution, which is consistent with the definition of Métis used by other Métis Nation governments and recognizes that the MN-S represents its citizens as well as those Métis Nation citizens that are entitled to be citizens;
 - v. immediate recognition of the MN-S's core areas of jurisdiction in areas such as citizenship, selection of MN-S representatives, structure, operations, and financial management, accountability, administrative bodies. and child and family services in a manner similar to the MMF Agreement; and
 - vi. constitutional protection for the MGRSA as a treaty under section 35(3) of the *Constitution Act, 1982*.
2. Amending the MGRSA and proposed draft Federal Recognition Legislation to align with the above proposed Saskatchewan Métis Rights Recognition and Self-Government Implementation Agreement;
 3. Inclusion of a "no favoured nation clause" in the above proposed Saskatchewan Métis Rights Recognition and Self-Government Implementation Agreement that is similar to what has been used in the Yukon in order to provide assurances to all Métis Nation governments that future policy developments or techniques related to advancing Métis self-government will be available to all of these governments;
 4. The development of a Common Issues Table on Métis Self-Government where senior level federal officials and representatives of the Métis governments with whom Canada is in self-government negotiations can, as required, discuss common issues, developments, or changes in federal policy or mandates that have the potential to impact existing commitments and ongoing negotiations;
 5. Seeking alignment of the Canada-Métis Nation Accord, including, the Permanent Bilateral Mechanism to better reflect the evolution in the bilateral relationships between Canada and the Métis Nation signatories of the Canada-Métis Nation Accord who are in self-government negotiations; and
 6. Initiating discussions with the MN-S to begin to address the interests of its citizens who are descendants of section 31 of the *Manitoba Act, 1870*.

Based on my commitment with respect to ensuring that new developments with respect to federal rights-recognition policies or techniques are made equally available to the

MN-S and other Métis Nation governments as well as what we have clearly heard from the MN-S (as set out above), Canada is willing to begin collaborative work with the MN-S in order to seek the necessary mandates in an attempt to address the MN-S's formal requests related to applying the new federal rights-recognition policies and techniques employed in the MMF Agreement to our agreements with the MN-S, including the MGRSA. It is our intention to prioritize this work and make best efforts to obtain these mandates as soon as possible through our Rights Recognition and Self-Determination discussions and negotiations tables established pursuant to the July 20, 2018 Framework Agreement for Advancing Reconciliation and the MGRSA.

In addition, I would like to emphasize that the MGRSAs and the MMF Agreement alike represent the first step in what we believe will be a longer-term process to pursue each Métis Nation government's respective vision of self-determination and implementation of Métis rights. As that process unfolds, our self-government negotiations will respect the geographic realities and boundaries set out in the MGRSAs as well as the MMF Agreement. We also anticipate that exploring additional jurisdictions with each of the Métis Nation governments, including the geographic scope and application of those jurisdictions will need to align with the MGRSA, which recognizes the MN-S represents the Métis Nation within Saskatchewan. Clearly, within Saskatchewan, on some of these issues the Government of Saskatchewan may also need to be involved. In addition, Canada is committed to consulting and accommodating the MN-S, as required, if and when these negotiations with other Métis Nation governments may impact the Métis Nation within Saskatchewan's rights and interests or the commitments in the MGRSA.

To reflect the priority of continuing our work together, I have asked my officials to meet with your negotiators as soon as possible to develop a mutually agreeable work plan and timelines to advance and achieve the commitments set out above.

On behalf of the Government of Canada, I look forward to continuing to make progress together on implementing the MGRSA and working to advance our government-to-government relationship with the MN-S. Our ongoing relationship with the MN-S—as the government of the Métis Nation within Saskatchewan—is fundamental and central to advancing reconciliation with the Métis Nation as a whole.

Sincerely,



Hon. Carolyn Bennett, M.D., P.C., M.P.