



Kwaayesh Aashtaayaahk – Michif / Kwayskahstahsoowin – Cree / Ēla nideł Ēla Ĕghédēleda há – Dēnē:

Métis Nation – Saskatchewan (“MN-S”) and UN Declaration on the Rights of Indigenous Peoples (“UNDRIP”) Position Paper

On June 21, 2021, the Government of Canada (“Canada”) enacted the *United Nations Declaration on the Rights of Indigenous Peoples Act* (“**UNDRIP Act**”), which codifies Canada’s commitment to implement UNDRIP. In carrying out the *UNDRIP Act* and its commitments set out therein, “Canada must take into account the diversity of Indigenous peoples and, in particular, the diversity of the identities, cultures, languages, customs, practices, rights, and legal traditions of ... the Métis and of their institutions and governance structures, their relationships to the land and Indigenous knowledge.”¹

Métis elder Maria Campbell has noted that you cannot reconcile a relationship that never existed. Canada’s relationship with the MN-S has never been one between Nations as equals and a relationship where each party acknowledges the other as an equal is the only acceptable relationship between MN-S and Canada under UNDRIP.

There is no word in Michif, Cree or Dēnē for “reconciliation”. Instead, only *Kwaayesh Aashtaayaahk – Michif, and Kwayskahstahsoowin – Michif and Cree*, which means “setting things right” and *Ēla nideł Ēla Ĕghédēleda há – Dēnē*, which means “gathering to work together”. Canada’s implementation of UNDRIP, which reflects the “minimum standards” of Indigenous rights, in accordance with the *UNDRIP Act*, and its commitments set out therein (e.g., “consultation and cooperation with Indigenous peoples,” etc.), is **critical** to *Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ēla nideł Ēla Ĕghédēleda há*.

MN-S asserts that Canada must commit meaningfully to a process of *Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ēla nideł Ēla Ĕghédēleda há* if it is to demonstrate its enactment of the *UNDRIP Act* is more than box-ticking exercises or platitudes without commitments to real change and recognition. Canada must conduct itself in a manner that promotes clarity, forthrightness, honesty, and predictability for all parties involved.

Kwaayesh Aashtaayaahk – Michif / Kwayskahstahsoowin – Cree / Ēla nideł Ēla Ĕghédēleda há - Dēnē in Relation to UNDRIP

Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ēla nideł Ēla Ĕghédēleda há is a process that must flow from the constitutionally protected rights under Section 35. To “set things right” is to reach a mutual and respectful understanding among peoples.

¹ *UNDRIP Act*, Preamble.

Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ĕta nideĭ Ĕta Ĕghëdëleda há requires Canada to rectify its historical wrongs against Métis and Indigenous peoples.

Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ĕta nideĭ Ĕta Ĕghëdëleda há is a long-term and ongoing relationship. It requires more than token gestures, platitudes, and lip service. Its advancement cannot be limited to a single commitment, court order, or decision. Instead, *Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ĕta nideĭ Ĕta Ĕghëdëleda há* must be grounded in practical actions undertaken in a manner that promotes clarity, forthrightness, honesty, and predictability for all parties involved.

Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ĕta nideĭ Ĕta Ĕghëdëleda há requires sustained, ongoing action. Time after time, Canada has been called on to take meaningful action to set things right. Doing so requires meaningful and thoughtful implementation, by the whole of government, of the Calls to Action of the Truth and Reconciliation Commission, the recommendations of the Royal Commission on the Rights of Indigenous Peoples, and transformative legal and social changes called for by the National Inquiry into Missing and Murdered Indigenous Women and Girls. These reports can no longer languish on the shelves; they must be brought to life in a way that fulfils the purpose of *Kwaayesh aashtaayaahk / Kwayskahstahsoowin / Ĕta nideĭ Ĕta Ĕghëdëleda há*.

The Métis Nation within Saskatchewan

The Métis are the *Tipaymishooyaahk – Michif / Otipemisiwak – Cree* or the People ‘who own themselves’. In Dënë, this is *Ĕdë ts’ën K’oidé* or “We have authority.” According to our oral historians and knowledge keepers, this name was given to the Métis by the Cree people as those who are in charge of themselves. The Métis have always been their own people, emerging in the historic North-West during the 18th and 19th centuries, possessing their own collective culture, customs, identity, institutions, laws, legal orders, multilingualism, national symbols, self-government, way of life, and relationships/connectiveness to the land and other Indigenous peoples (Please see Appendix B for a more fulsome overview).

The Métis Nation within Saskatchewan—i.e., the Métis collective in Saskatchewan that holds constitutionally-protected rights under Section 35—have a rich history that includes the exercise of their inherent rights to self-determination and self-government over generations.

The MN-S

The MN-S is the democratic government of the Métis Nation within Saskatchewan:

- The MN-S is comprised of democratic governance structures at the local, regional, and provincial levels.
- The MN-S has developed, adopted, and enforced its own laws, policies, and decisions that are grounded in its pre-existing legal orders, customs, and practices, including its own Constitution.
- The MN-S has established a fair, transparent, and objectively verifiable citizenship registry (“**Citizenship Registry**”) to identify and register Métis Nation citizens within Saskatchewan (“**Citizens**”) in accordance with the MN-S Constitution and the MN-S *Citizenship Act, 1999*.

The MN-S is mandated by the Métis Nation within Saskatchewan to represent its Citizens and to advance their Métis rights and interests, including in respect of UNDRIP's full implementation and realization.

UNDRIP & UNDRIP Legislation

UNDRIP is an international human rights document that reflects the “minimum standards” of Indigenous rights around the world. It consists of 24 preambular statements and 46 articles, each of which delineate fundamental Indigenous rights, including those to education, lands and resources, self-determination, and self-government, as well as the principle of free, prior, and informed consent (“FPIC”).

On June 21, 2021, Canada enacted the *UNDRIP Act*, which codifies Canada's commitment to implement UNDRIP, including by:

- “in consultation and cooperation with Indigenous peoples, tak[ing] all measures necessary to ensure that the laws of Canada are consistent with the Declaration”;²
- “in consultation and cooperation with Indigenous peoples [...], prepar[ing] and implement[ing] an action plan to achieve the objectives of the Declaration”;³ and
- “in consultation and cooperation with Indigenous peoples, prepar[ing] a report for the previous fiscal year on the measures taken [to align the laws of Canada with UNDRIP] and the preparation and implementation of the action plan”⁴

UNDRIP, specifically Article 3, provides Canada the opportunity to follow through with their commitments to the Métis Nation and to honor the MN-S as a self-determining government. It is time to move beyond top-down, paternalistic policymaking. The Crown must honor the Métis Nation's inherent section 35 rights to self-determination and move towards a nation-to-nation relationship with the MN-S so that the Métis people may become partners — not subjects — in law, policy, and decision making. Self-determination is a right. It is a right held by the Métis Nation to participate as equals in the political processes of the state and a right to be afforded political legitimization in equal standing with Canada.

Kwaayesh Aashtaayaahk – Michif / Kwayskahstahsoowin – Cree / Ĕła nıdet Ĕła Ĕghėdėleda há - Dėnė in Practice (in Relation to UNDRIP)

Below, the MN-S has set out its position in respect of how Canada must carry out some of its commitments around UNDRIP in order to advance the process of *Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ĕła nıdet Ĕła Ĕghėdėleda há* and to effect a relevant and appropriate, mutually respectful framework for living together. These position statements are not intended to be exhaustive.

² *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, s 5 [*UNDRIP Act*].

³ *UNDRIP Act*, s 6(1).

⁴ *UNDRIP Act*, s 7(1).

“Consultation & Cooperation” (UNDRIP, Art. 38 & UNDRIP Act, ss 5, 6 & 7)

Canada has committed to consulting ***and*** cooperating with Indigenous peoples, including the Métis, in order to implement UNDRIP in the country.⁵

Article 38 of UNDRIP introduces the concept of “consultation and cooperation” as follows:

States, ***in consultation and cooperation with Indigenous peoples***, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.⁶ [Emphasis added]

The concept of “consultation and cooperation” requires Canada and the MN-S to engage through their own governments and institutions ***as equals***—the concept is one of consultation ***and*** cooperation, not just consultation. The concept of “cooperation” requires a common effort from, and common benefit to, both parties.

Colonial policies focused on the nullification of the Métis Nation have created unequal relationships for Métis Nation citizens and their governments that persist to this day. Too often, Canada has engaged with the MN-S as though it was an interest group that competes with like groups to shape public policy instead of as a Nation-to-Nation partner—for example, the MN-S’s feedback on matters is often received for “consideration” purposes only. This approach fails to recognize the MN-S’s nationhood and self-governance.

The Métis Nation has historically been denied access to the same government services and programs as First Nations and Inuit peoples and they have been excluded from many of the settlements and compensation agreements related to Indigenous grievances. Until recently the federal government maintained that the Métis did not fall within the “Indian” category within the language of the Canada’s laws and policies towards Indigenous peoples, thus falling outside of the jurisdiction of the government.

Demonstrable gaps in equity continue to exist when the Métis-Crown relationship is compared to Canada’s relationships with other Indigenous groups. A single example of this inequity is the continued lack of justice for the Métis survivors of the Il-à-la-Crosse Residential School, where the evidence of harm from residential schools has been well documented in the Truth and Reconciliation Commission reporting but Metis survivors of this school are forced to litigate to have identical harms acknowledged. Recognition and resolution of the historical inequity of the MN-S-Crown relationship is required to shift the relationship to one of Nation-to-Nation equality and move towards reconciliation.

Canada must amend its approach, and it must consult and cooperate with the MN-S in a manner that recognizes and respects the MN-S as a full constitutional partner who is capable of, and entitled to, decision-making and otherwise contributing to public decision-making structures.⁷

Indigenous Citizenship (UNDRIP, Art. 9)

The Métis Nation within Saskatchewan is the only collective that can define itself as a People. Identity is at the core of who the MN-S and its Citizens are. A key part of identity is language, for

⁵ *UNDRIP Act*, ss 5, 6(1) & 7(1).

⁶ United Nations Declaration on the Rights of Indigenous Peoples, Art 38 [UNDRIP].

⁷ See e.g., UNDRIP, Arts 3, 4, 19 & 32(2).

it is through language that the Métis's unique perspective, customs and traditions is preserved, protected, and promoted.

The MN-S must be able to determine (and have the final say on), without Canada's interference, a Métis individual's (in Saskatchewan) Citizenship (i.e., through its Citizenship Registry). Canada has a responsibility to ensure that nothing it does, directly or indirectly, interferes with the MN-S identifying its own Citizenship.

Article 9 of UNDRIP states:

Indigenous peoples and individuals have **the right to belong to an Indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned**. No discrimination of any kind may arise from the exercise of such a right.⁸
[Emphasis added]

Article 33 of UNDRIP states:

Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of Indigenous individuals to obtain citizenship of the States in which they live.⁹ [Emphasis added]

These Articles establish that an objective of UNDRIP is to ensure that Indigenous peoples and individuals are able to belong to an Indigenous community or nation and to determine their own identity and membership.

Jurisdiction (UNDRIP as a Whole)

In order for Canada's commitment to fulfilling the objectives of UNDRIP to be realized, the MN-S must have jurisdiction and corresponding capacity and resources to develop services, programs, and other support for its Citizens in relation to the rights contained in UNDRIP and supported by Section 35.

The MN-S is best placed to determine how services, programs, and other supports should be developed and delivered (i.e., how the rights contained in UNDRIP should be realized), given its proximity to, its responsibility and its relationship with, its Citizens. Canada must break with its longstanding colonial policy of determining what is best for Indigenous peoples. Furthermore, Canada, as one of two "Crown" representatives, must ensure that the province of Saskatchewan is a part of the conversation, where necessary. The honour of the Crown demands that all Crown representatives come to the table in a truthful way and hold themselves, and each other, accountable. A concern exists regarding how the province as one of the two "Crown" representatives will comply with MN-S jurisdiction and respect the realization of the UNDRIP Act.

Below, the MN-S has set out its position in respect of how its jurisdiction may be exercised in practice (for certain non-exhaustive subject matters), and how Canada has a duty to support the MN-S's exercise of its jurisdiction (for certain non-exhaustive subject matters).

⁸ UNDRIP, Art 9.

⁹ UNDRIP, Art 33(1).

Child & Family Services (UNDRIP, Arts. 7, 21 & 22)

“We must cherish our inheritance. We must preserve our nationality for the youth of our future.” – Louis Riel

The Métis have never given up responsibility or jurisdiction over child and family services. Canada must acknowledge this and affirm Métis jurisdiction over its own child and family services.

The MN-S is best placed to determine the rights and best interests of Métis children and families given its role as a government and proximity to, its responsibility and relationship with, its Citizens. Canada must ensure that the MN-S has sufficient financial and technical capacity to exercise such jurisdiction (e.g., extension of government funding and other services, such as those contemplated by Jordan’s Principle, to Métis children).

Article 7 of UNDRIP states:

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, **including forcibly removing children of the group to another group.**¹⁰ [Emphasis added]

Article 22 of UNDRIP states:

States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women **and children** enjoy the full protection and guarantees against all forms of violence and discrimination.¹¹ [Emphasis added]

These Articles establish that an objective of UNDRIP is to ensure that Indigenous children are protected against all forms of violence and discrimination, including against forcible removal from their Indigenous collective. Applied to the MN-S, these Articles are intended to preserve and promote Métis identity, language and culture within families and communities. Underlying this approach is the need to preserve, protect, and promote Métis children’s inherent rights, customs, traditions, heritage, and language, while addressing the effects of colonization that continue to have intergenerational impacts emotionally, socially, psychologically, culturally, spiritually, and economically.

Lands & Resources (UNDRIP, Arts. 25, 26, 28, 29, 30 & 32)

UNDRIP references Indigenous rights in respect of lands, territories, and resources in several Articles. These Articles establish that an objective of UNDRIP is to protect Indigenous peoples’ connection to, and their rights in respect of, their lands, territories, and resources.

Governments must acknowledge and accept Métis rights to harvest, gather, hunt, and fish and to continue to use their lands for traditional and ancestral activities. These rights include the right to access and oversee the economic opportunities that flow from the lands.

¹⁰ UNDRIP, Art 7(2).

¹¹ UNDRIP, Art 22(2).

The MN-S and its Citizens maintain an integral connection to their lands, territories, and resources, which has spanned generations. Canada must recognize and respect this integral connection, and it must support the MN-S in protecting this integral connection by resetting its approach to matters concerning the MN-S's lands, territories, and resources (e.g., rejecting the doctrine of discovery and the premise that the lands now known as Canada were *terra nullius* at the time of European sovereignty).

Significant unfinished treaty business concerning outstanding land entitlements of the Métis exist today, which Canada must commit to address. The historic scrip system applied to the Métis Nation stands as an example of a colonial policy aimed at ignoring the collective rights of the Métis and purposefully removing Métis access to lands, territories, and resources. Resolution of land entitlements of the Métis Nation continues to be of utmost importance.

The Métis are not a landless people (as evidenced by the MN-S's and its Citizens' integral connection to their lands, territories, and resources). Instead, the Métis have been made landless by colonial government actions. Canada must work with the MN-S to co-develop a Métis-specific claims process to resolve the Métis Nation within Saskatchewan's outstanding land claims. The current approach, which requires the MN-S to litigate every matter in order to be heard, is unacceptable and does not facilitate *Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ēta nideġ Ēta Ēghëdëleda há*.

Culture (UNDRIP, Arts. 11, 14(3), 15 & 31)

“My people will sleep for one hundred years, but when they awake, it will be the artists who give them their spirit back.” – Louis Riel

UNDRIP references Indigenous rights in respect of culture in several Articles. These Articles establish that an objective of UNDRIP is to protect Indigenous peoples' right to maintain, protect, and develop the past, present, and future manifestations of their cultures.

The Métis are a bi-cultural people, and an understanding of the Métis perspective can only be achieved through this bi-cultural lens. The MN-S, through its Citizens, is best placed to determine how the Métis Nation within Saskatchewan's right to maintain, protect, and develop its culture should be implemented and advanced, including by developing and delivering applicable initiatives and programs. Canada must ensure that the MN-S has sufficient financial and technical capacity to exercise such jurisdiction, and Canada must ensure that its relationship with the MN-S is conducted through this bi-cultural lens in order for such relationship to be a true Nation-to-Nation relationship.

FPIC (UNDRIP, Arts. 10, 11, 19, 28, 29 & 32)

Further to the recognition of the MN-S' and its Citizens' integral connection to their lands, territories, and resources which has spanned generations, Canada must recognize, honour, and respect the MN-S's input in respect to how their lands, territories, and resources may be used.

FPIC is an international human rights norm that is intended to serve as a “safeguard” for Indigenous rights against project development activities that may impact Indigenous peoples’ lands, territories, or other resources.¹² UNDRIP references FPIC in six Articles, including in its Article 32, which states:

States shall **consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to** the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water, or other resources.¹³
[Emphasis added]

FPIC’s four components can be understood to mean:

- “Free” means that the consultation and cooperation process to obtain consent must be conducted in a manner that is free from coercion, intimidation, manipulation, and pressure.
- “Prior” means that the consultation and cooperation process to obtain consent must occur prior to the undertaking of the proposed activity.
- “Informed” means that Indigenous peoples must receive, and have access to, sufficient information and resources in order to understand the proposed activity and the potential impacts stemming therefrom.
- “Consent” means that Indigenous peoples have the right to participate in decision-making in respect of the proposed activity that may adversely impact their lands, territories, or other resources, and the right to give, modify, withdraw, or withhold their consent in respect of such proposed activity.

The MN-S translates FPIC to *aansaamb wichihiwaywin* in Michif, *mâmawi wetaskaw wiyîhcikêwin* in Cree and *Ēta nuhëghari Ētk’ësi ʔë sni* in Dëné. *Aansaamb wichihiwaywin / mâmawi wetaskaw wiyîhcikêwin* means all parties coming together in peace, to reach mutual agreement. *Ēta nuhëghari Ētk’ësi ʔë sni* means “together through our words we say yes.”

To achieve *aansaamb wichihiwaywin / mâmawi wetaskaw wiyîhcikêwin / Ēta nuhëghari Ētk’ësi ʔë sni*, MN-S must have the opportunity to participate meaningfully, as an equal party, in decision-making processes concerning proposed activities that may adversely impact its lands, territories, and/or resources. MN-S participation must include opportunities to receive information, to engage in discussions, and to ultimately choose if FPIC should be given.

Canada must commit to achieving FPIC (*aansaamb wichihiwaywin / mâmawi wetaskaw wiyîhcikêwin / Ēta nuhëghari Ētk’ësi ʔë sni*) when making decisions that may adversely impact the Métis Nation within Saskatchewan. FPIC requires Canada to obtain the MN-S’s “consent” (not merely to consult) prior to making such decisions, and it imposes a higher standard on Canada than the Crown’s duty to consult, which requires Canada to consult the MN-S, and *only where appropriate*, to accommodate its interests (i.e. under current law, Canada may proceed without consent and, in some circumstances,

¹² James Anaya, “Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya: Extractive industries and indigenous peoples” (1 July 2013), UN Doc A/HRC/24/41, *United Nations* (website) – [link](#).

¹³ UNDRIP, Art 32(2).

without accommodation). FPIC, and the higher standard that it imposes, is required to reflect the MN-S's and its Citizens' integral connection to their lands, territories, and resources, and to facilitate *Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ēla nıdet Ēla Ēghēdēleda há*.

Fiscal Relationship (UNDRIP, Arts. 4, 38 & 39)

The MN-S requires financial and technical capacity in order to build and operate a Métis government that is able to deliver services, programs, and other support to its Citizens such that its Citizens are able to enjoy the rights contained in UNDRIP and supported by Section 35.

Indigenous peoples have the **right to have access to financial and technical assistance from States** and through international cooperation, **for the enjoyment of the rights contained in this Declaration**.¹⁴ [Emphasis added]

This Article establishes that an objective of UNDRIP is to ensure that Indigenous peoples have access to adequate financial and technical capacity to be able to enjoy the rights contained therein. This means ensuring that Citizens are supported and given opportunities to build their own capacity through education and other means.

The MN-S is best placed to determine its capacity needs given its proximity to, its responsibility and its relationship with, its Citizens, and Canada's provision of such capacity must respect the MN-S's self-determination and ensure that current challenges around the chronic lack of capacity are eliminated.

Self-Determination, Self-Government and Recognition, Observance and Enforcement of Treaties (UNDRIP, Arts. 3, 4, and 37)

Self-determination and self-government are inherent rights of the Métis Nation. UNDRIP, specifically Articles 3, 4 and 37, provides Canada the opportunity to follow through with their commitments to the Métis Nation and to honor the MN-S as a self-determining government. Canada must recognize, support, and advance the Métis Nation within Saskatchewan's ongoing exercise of its Métis Rights, including its inherent right to self-determination and the right of self-government, based upon Canada's constitutional responsibility to advance relationships with Métis People.

MN-S Action Plan

The MN-S previously submitted its preliminary response to Canada's Legislative Proposal Regarding the United Nations Declaration of the Rights of Indigenous Peoples (the "Draft Legislation"). The MN-S stands by the position outlined within that response, wherein a robust process for the national action plan, annual reporting and monitoring of the national action plan and ongoing consultation with Rights-Holders were highlighted as primary considerations. This MN-S Position Paper on UNDRIP aligns with that response, highlighting the need for ongoing and equal Nation-to-Nation consultation and cooperation between the MN-S and Canada. This

¹⁴ UNDRIP, Art 39.

equal Nation-to-Nation relationship is not a point-in-time agreement but an ongoing relationship requiring continuous collaboration.

In addition to the specific items highlighted within the MN-S response to the Draft Legislation, the MN-S further identifies the need for a mechanism for enforcement within Canada's action plan. This enforcement must apply to the accountability and responsibilities of Canada but must also address enforcement of provincial adherence. The absence of an enforcement mechanism that establishes and monitors cross-governmental compliance means that the rights affirmed by the UN declaration lack the force of law. The rights affirmed by the UN declaration need to be enforceable rights, and not mere aspirational goals.

To realize and fulfill the intent of UNDRIP, Canada must also, aside from holding a broad and transparent engagement and consultation process, ensure that the writing of federal laws is not done in secrecy in order to be consistent with the declaration.

The MN-S is continuing to consult with its citizens and will be preparing its own Action Plan and further recommendations to Canada. The MN-S expects the implementation of UNDRIP to continue to be an ongoing process, requiring a cooperative approach between the MN-S and the Crown and which will include continuous engagement, consultation, and collaboration to assess and ensure effectiveness and accountability into the future.

This position paper represents a working draft and has not yet been approved by the MN-S Provincial Métis Council (PMC) and Métis Nation Legislative Assembly (MNLA). Assessment of UNDRIP and UNDA and discussion with MN-S governing members continues. These assessments and continued discussions will inform the MN-S Action Plan action plan.

“We may be a small community and a half-breed community at that – but we are men; free and spirited men and we will not allow even the Dominion of Canada to trample on our rights.” – Louis Riel

Appendix A:

Glossary and UNDRIP Guide

<i>Michif Word</i>	<i>Cree Word</i>	<i>Dënë Word</i>	<i>Translation</i>	<i>UNDRIP Concept</i>
<i>Kwaayesh Aashtaayaahk</i>	<i>Kwayskahstahsoowin</i>	<i>Ĕła nıdeł Ĕła Ĕghədəleda há</i>	Setting things Right (Michif/Cree) Gathering to work together (Dënë)	Reconciliation
<i>Aansaamb Wichihwaywin</i>	<i>Mâmawi Wetaskaw Wiyîhcikêwin</i>	<i>Ĕła nuhəgharı Ĕłk'əsi ʔę snı (Dënë)</i>	All parties come in peace and mutual agreement (Michif/Cree) Together through our words we say yes (Dënë)	Free, Prior, and Informed Consent.
<i>Tipaymishooyaahk</i>	<i>Otipemisiwak</i>	<i>Ĕdě ts'ën K'oidé</i>	The people who own themselves (Michif/Cree) We have authority (Dënë)	Self- determination of Métis Peoples

Appendix B:

Overview of the Métis Nation within Saskatchewan

For over two centuries, the Métis Nation within Saskatchewan, as part of the Métis Nation, has exercised its inherent rights to self-determination and self-government through various means and measures, including, but not limited to, the following:

- petitioning, asserting, and acting on both individual and collectively-held Métis interests, aspirations, rights, and claims, including land claims in respect of the Métis homeland in Saskatchewan;
- organizing politically and coming together at the local, regional, and provincial levels to create the MN-S, as well as its predecessors, including the Saskatchewan Métis Society (“**SMS**”), the Métis Society of Saskatchewan (“**MSS**”), and the Association of Métis and Non-Status Indians of Saskatchewan (“**AMNSIS**”);
- adopting, implementing, and enforcing its own *Constitution*, which establishes its own democratic governance structures and institutions at the local, regional, and provincial levels, including the Métis Nation Legislative Assembly, which serves as the governing authority of the Métis Nation within Saskatchewan;
- determining its own citizenship as well as developing and maintaining its own objectively verifiable citizenship registration system;
- negotiating with other governments within Canada with respect to Métis rights, interests, and claims; and
- adopting, implementing, and enforcing its own laws, policies, and collective decision-making.

Despite the MN-S’s representative role on behalf of the Métis Nation within Saskatchewan being well-established and acknowledged, other governments and Canadian law has often denied the rights, interests, and claims of the Métis, including the mandate of the MN-S as a Métis government.

In response to requirements set by other governments, the Métis Nation within Saskatchewan has incorporated the Métis Nation – Saskatchewan Secretariat Inc. under provincial legislation within Saskatchewan to act as its legal and administrative arm in order to administer policies and programs, to facilitate funding arrangements, and to establish intergovernmental relations.

The Métis Nation within Saskatchewan’s history of exercising its inherent rights to self-determination and self-government are more specifically set out below.

In the early 1930s, the Métis Nation in southern Saskatchewan organized to address issues pertaining to the Métis scrip system and Métis claims to land, and they formed the “Half-Breeds of Saskatchewan” to represent Métis interests in southern Saskatchewan.

At the same time, the Métis Nation in Saskatchewan founded the SMS to address issues pertaining to Métis poverty, lack of education, lack of employment, land displacement, and hunting issues in southern and central Saskatchewan, and by 1939, there were over 20 “Locals” (the

SMS's community-based representative structures) in rural and urban centres throughout Saskatchewan.

In 1964, the Métis Nation in Saskatchewan formed the MSS to represent the Métis in southern and central Saskatchewan, and the Métis Association of Saskatchewan (“**MAS**”) to represent the Métis in northern Saskatchewan and non-status Indians.

In 1967, the MSS and the MAS merged, retaining the name of the MSS, and in 1975, the MSS was restructured as the AMNSIS.

In the early 1980s, as part of the process to patriate Canada's Constitution, the AMNSIS, along with other Indigenous communities and governments, participated in the constitutional processes that led to the inclusion of section 35 in the *Constitution Act, 1982*, which expressly includes the Métis as one of the “aboriginal peoples of Canada”.

In 1988, the AMNSIS held a referendum to limit its membership to citizens of the Métis Nation within Saskatchewan only, which referendum passed, and the organization returned to the name of the MSS.

In 1993, the Métis Nation within Saskatchewan passed the MN-S *Constitution*, which defines the Métis Nation within Saskatchewan as a people, set out the MN-S's core values and laws, and details the mechanisms of the MN-S as the democratic government of the Métis Nation within Saskatchewan.

Since 1993, the MN-S has amended the *Constitution*, and it has enacted legislation to supplement the *Constitution*, in furtherance of its role as the democratic government of the Métis Nation within Saskatchewan.

In 1995, Canada recognized in the *Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government* that the inherent right of self-government is an existing Aboriginal right under section 35 of the *Constitution Act, 1982*.

Based on this approach to Métis self-government, the MN-S and Canada engaged in bilateral processes that included the provision of capacity support for the MN-S and its institutions.

In 1996, the Royal Commission on Aboriginal Peoples final report was released that included a series of recommendations with respect to the Métis, including, that “[p]olitical negotiation on a nation-to-nation or analogous basis be the primary method of resolving Métis issues.”

In the mid to late 1990s, Métis began to turn to the courts to seek judicial clarity in relation to the nature and scope of Métis rights protected by section 35 of the *Constitution Act, 1982*.

In 2001, the MN-S, as a founding member of the Métis National Council (“**MNC**”), participated in and supported the adoption of a national definition of citizenship within the Métis Nation through a MNC General Assembly.

In 2003, the Supreme Court of Canada (“**SCC**”) released its decision in *R. v. Powley*, which encouraged the development of a “systematic method of identifying Métis rights-holders” based on “[objectively verifiable] proof of self-identification, ancestral connection, and community acceptance” to ensure that “the difficulty of identifying members of the Métis community must not be exaggerated as a basis for defeating their rights under the Constitution of Canada.”

Since 2003, the MN-S, along with other governing members of the MNC, has worked with Canada to develop a federal response to *R. v. Powley*, which has included the development of national standards as well as ongoing capacity funding to the MN-S for the development of an objectively verifiable system for the identification of Métis Nation Citizens as well as Métis rights-holders based on the criteria set out by the SCC in *R. v. Powley*.

In addition to *R. v. Powley*, over the last two decades, the SCC has also provided additional guidance with respect to the nature and scope of Métis rights, interests and claims in *Alberta (Aboriginal Affairs and Northern Development) v. Cunningham*, 2011 SCC 37, *Manitoba Métis Federation Inc. v. Canada (Attorney General)*, 2013 SCC 14, *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12, as well as ongoing direction to the Crown and the Métis to negotiate with a view to achieving constructive arrangements or agreements and just settlements that advance reconciliation.

The Métis Nation within Saskatchewan authorizes and mandates the MN-S to assert and advance collectively-held Métis rights, interests, and claims on behalf of its Citizens, their community, and the Métis in Saskatchewan, including by negotiating and arriving at agreements that advance, determine, recognize, and respect Métis rights.

Based on the above, Canada has engaged in intergovernmental relations with the MN-S and its predecessors and since 2016, Canada has engaged in renewed discussions and negotiations with the MN-S that have led to common understandings being reached and consolidated through a series of agreements that advance reconciliation between the Parties, including:

- on April 13, 2017, Canada and the MNC and its Governing Members, including the MN-S, signed the *Canada-Métis Nation Accord*;
- on February 22, 2018, the MN-S and Canada signed the *Memorandum of Understanding on Advancing Reconciliation*;
- on July 20, 2018, the MN-S and Canada signed the *Framework Agreement for Advancing Reconciliation*;
- on June 27, 2019, the MN-S and Canada signed the *Métis Government Recognition and Self-Government Agreement*;
- on July 19, 2019, the MN-S, Canada, and the Île-à-la-Crosse Boarding School Steering Committee Inc. signed the *Memorandum of Understanding for Île-à-la-Crosse Exploratory Discussions*;
- on May 6, 2020, the MN-S and Parks Canada signed the *Memorandum of Understanding Respecting Indigenous Peoples Open Doors Program*; and
- on April 1, 2021, the MN-S and Canada signed the *Interim Fiscal Financing Agreement*.

In 2017, the MN-S began negotiating with Canada under the Recognition of Indigenous Rights and Self-Determination (“**RIRSD**”) process to explore new ways of working together to advance the recognition of Métis rights and self-determination in Saskatchewan.

In 2019, the MN-S and Canada set up a side table under the RIRSD process to specifically negotiate a resolution of all Métis land claims in Saskatchewan, including a land claim

commenced by the MN-S and the MNC in respect of the Métis homeland in Saskatchewan in 1994.

As of 2022, the MN-S has over 26,000 registered Citizens based on an objectively verifiable system that registers Métis Nation Citizens and identifies Métis rights-holders. As part of Canada's response to *R. v. Powley*, this registration system has undergone periodic reviews by third parties.