



## SUMMARY

### Statement of Principles on Crown Consultation and Accommodation with Métis in Alberta

#### ***Background***

The *Statement of Principles on Crown Consultation and Accommodation with Métis in Alberta* (“Statement of Principles”) will be presented to the Annual General Assembly (“AGA”) of the Métis Nation of Alberta (“MNA”) being held on August 5 to 7, 2016.

The Statement of Principles was developed over a period of 6 months by the MNA Consultation Policy Technical Working Group (“TWG”), the members of which are volunteers appointed to represent each of the MNA’s 6 Regions. Karen Collins and Bev New, the MNA’s Provincial Council Ministers of Métis Rights and Accommodation, were also active participants in the TWG’s work.

It is hoped that the AGA will endorse the Statement of Principles to serve three purposes:

- 1) To be a guiding document for upcoming negotiations between the Government of Alberta and the MNA aimed at developing a provincial Non-Settlement Métis Consultation Policy;
- 2) To facilitate negotiations between the MNA’s Provincial, Regional, and Local Councils aimed at achieving consensus based regional consultation protocols that will define the processes by which the Crown and industry will consult with the MNA in specific geographic areas in the province;
- 3) To serve as the basis for the preparation of proposed amendments, as required, to the Métis Nation of Alberta’s *Policy Guidelines Regarding the Duty to Consult and Accommodate Métis Aboriginal Rights and Interests in Alberta* (July 2009).

The Statement of Principles is not meant to be an enforceable document that establishes the consultation process. Rather, it is meant to guide further work that must now be done to develop an enforceable consultation process to which the MNA’s Provincial, Regional, and Local Councils can consent.

#### ***The Technical Working Group***

The TWG was formed following recommendations received at workshops on Métis consultation held with the MNA’s 6 Regions and to which the leadership of all of the MNA’s Locals were invited. The members of the TWG were as follows:

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**Region 1**

Carmen Wells  
Eddison Lee Johnson

**Region 2**

Annette Ozirny

**Region 3**

Grant Britton (resigned)  
Emile Lavalee  
Kirk Poitras

**Region 4**

Kelsey Bradburn  
Cliff Superneault

**Region 5**

Emma Lee New

**Region 6**

Walter Andreeff  
Ken Browning

The TWG's mandate was:

To reach consensus on the main substantive points the MNA Provincial Office, Regions and Locals want to see reflected in provincial government policy for consultation with Métis, with the goal of providing for recognition of the need to consult with s. 35 rights-bearing Métis collectives in the manner they choose to be consulted.

In fulfillment of its mandate, the TWG developed the Statement of Principles. The principles, summarized below, are intended to provide a guiding hand to the MNA in negotiating a Non-Settlement Metis Consultation Policy with Alberta. They are also meant as a starting point for negotiations between the MNA's Provincial, Regional, and Locals Councils to develop consensus based regional consultation processes. This is not a *policy*, but the principles that will guide the development of a policy and the other documents needed to implement it. Each principle is thoroughly explained in the complete Statement of Principles.

The term "MNA" as used in the Statement of Principles refers to the Provincial, Regional, and Local Councils taken together. This serves as an acknowledgement that these three levels of Métis government share the responsibility of protecting and advocating for Métis rights, claims, and interests and that, in doing so, they must cooperate and coordinate their efforts.

***The Statement of Principles***

In brief, the principles, which are interrelated and must be read as a whole, are as follows:

- 1) **Purpose of Métis Consultation and Accommodation in Alberta.** Consultation must allow for both the MNA and the Crown to understand and assess the adverse effects of proposed developments or policies on Métis rights, interests, and claims in Alberta. Accommodation must seek to prevent or limit and address these adverse effects through consent seeking engagements that aim to achieve mutually agreed upon arrangements.
- 2) **In Engaging in the Consultation and Accommodation Process, the MNA seeks Five Interrelated Objectives:**

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- a. Protection of the Environment.
  - b. Protection of Métis Rights, Claims, and Interests.
  - c. Protection of Métis Culture, Traditions, and Quality of Life.
  - d. Advancing Métis Self-Determination and Self-Government.
  - e. Moving Towards a Modern Day Treaty.
- 3) **Métis Rights are Collective Rights.**
  - 4) **The Crown's Duty to Consult is Owed in Relation to Rights, Claims, and Interests.**
  - 5) **The MNA—including as it does Provincial, Regional, and Local Councils—is Authorized to Deal with Crown Consultation on behalf of Regional, Rights-Bearing Métis Communities in Alberta.**
  - 6) **The MNA—including as it does Provincial, Regional, and Local Councils—is Empowered to Determine who will Conduct Consultations with the Crown on behalf of Potentially Affected Rights-Bearing Métis Communities.**
  - 7) **The Responsibilities of the MNA's Provincial, Regional, and Local Councils Must be Clearly Defined.**
  - 8) **The Consultation Process must Ensure the Fulfillment of the Crown's Obligations.**
  - 9) **The Consultation Process must be Meaningful.**
  - 10) **The Consultation Process must be Flexible.**
  - 11) **The Consultation Process must Reflect Democratic Values.**
  - 12) **The Consultation Process must be Consensus Based.**
  - 13) **The Consultation Process must be Transparent.**
  - 14) **The Métis are Entitlement to Benefits of Development in their Territory.**
  - 15) **Benefits Should Accrue where Impacts are Most Felt.**
  - 16) **The Consultation Process must Ensure Accountability.**
  - 17) **The MNA—including the Provincial Council, Regions, and Locals—must have sufficient Capacity to Participate meaningfully in the consultation Process.**

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**18) The MNA's Provincial Council, Regions, and Locals are Encouraged to Coordinate and Cooperate in the Consultation Process.**

**19) The Consultation Process must Follow Reasonable Timelines.**

The Statement of Principles also contains a glossary of terms, which further explains the meaning of various terms of interest used throughout the document.

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