



WITHOUT PREJUDICE

August 13, 2021

Ms. Audrey Poitras
President
Métis Nation of Alberta
#100 Delia Gray Building
11738 Kingsway Avenue NW
EDMONTON, AB T5G 0X5

apoitras@metis.org

Dear President Poitras:

On behalf of the Government of Canada, I am writing to reaffirm Canada's ongoing commitment to working with the Métis Nation of Alberta ("MNA")—as the government of the Métis Nation within Alberta—to advance and implement the June 27, 2019 MNA-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 Alberta, as a part of the larger Métis Nation, has long been self-governing. The MGRSA also recognizes that the MNA is mandated to represent the Métis Nation within Alberta 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 MNA's longstanding recognition as the government of the Métis Nation within Alberta over multiple generations beginning in the early 20th century, 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 MNA Bylaws. We appreciate that the MNA currently has one of the largest Métis Nation registries in western Canada, totaling over 47,000 citizens.

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-

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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 \$24,633,746 million in order to further implement the MGRSA and our respective commitments to advancing self-determination for the Métis Nation within Alberta. In addition, Canada is committed to working with the MNA 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 MNA, the Métis Nation-Saskatchewan (“MNS”), the Métis Nation of Ontario (“MNO”) and Canada’s negotiators on advancing the commitments in the MGRSA.

In addition, as provided for in the November 16, 2017 Framework Agreement for Advancing Reconciliation between MNA and Canada, Canada remains committed to exploring with a view to settling the outstanding claims of the Métis Nation within Alberta against the federal Crown, including, but not limited to, those claims related to Métis scrip. Canada recognizes that the MNA is an appropriate party to engage with on these potential Métis claims based on the commitments made in the MGRSA and the November 16, 2017 Framework Agreement for Advancing Reconciliation between MNA and Canada. Moreover, as noted above, Canada recognizes the authorization the MNA receives from citizens in relation to these matters, as set out in the MNA Bylaws. Accordingly, subject to funding authorities, Canada is committed to providing the MNA with additional funding in this fiscal year to support historic research related to Métis scrip. I have also asked my officials to meet with you to follow up on your counsel’s letter dated July 29, 2021 with respect to *Durocher et al. v. HMTQ* (Court File No.: T-1690-19).

We have clearly heard from the MNA that it has concerns about the potential implications for the MNA 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 MNA 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 MNA 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 MNA 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 MNA 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 MNA and applied to its MGRSA. In particular, I have heard from the MNA that it is seeking the following:

1. Co-development of a mutually agreeable “Alberta Métis Rights Recognition and Self-Government Implementation Agreement” with Canada that supplements and complements the MGRSA, is "legally enforceable and justiciable” between the MNA 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 MNA is already a Métis Nation government and the government of the Métis Nation within Alberta;
 - ii. recognition that the MNA is the democratic representative government of the Métis Nation within Alberta and has responsibility for providing responsible and accountable self-government;
 - iii. recognition that the MNA is mandated to represent the Métis Nation within Alberta 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 Alberta'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 MNA's current definition of Métis, as set out in the MNA Bylaws, which is consistent with the definition of Métis used by other Métis Nation governments and recognizes that the MNA represents its citizens as well as those Métis Nation citizens that are entitled to be citizens;
 - v. immediate recognition of the MNA's core areas of jurisdiction in areas such as citizenship, selection of MNA 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 Alberta Métis Rights Recognition and Self-Government Implementation Agreement;
 3. Inclusion of a "no favoured nation clause" in the above proposed Alberta 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 MNA 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 MNA and other Métis Nation governments as well as what we have clearly heard from the MNA (as set out above), Canada is willing to begin collaborative work with the MNA in order to seek the necessary mandates in an attempt to address the MNA's formal requests related to applying the new federal rights-recognition policies and techniques employed in the MMF Agreement to our agreements with the MNA, 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 November 16, 2017 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 MNA represents the Métis Nation within Alberta. Clearly, within Alberta, on some of these issues the Government of Alberta may also need to be involved. We recognize that the MNA's longstanding relationship with the province through the MNA-Alberta Framework Agreement provides a potential opportunity for collaboration. In addition, Canada is committed to consulting and accommodating the MNA, as required, if and when these negotiations with other Métis Nation governments may impact the Métis Nation within Alberta'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 MNA. Our ongoing relationship with the MNA—as the government of the Métis Nation within Alberta—is fundamental and central to advancing reconciliation with the Métis Nation as a whole.

Sincerely,

A handwritten signature in blue ink that reads "Carolyn Bennett". The signature is written in a cursive style with a blue ink color.

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