



MEMORANDUM

TO: All MNA Members

FROM: Audrey Poitras, MNA President

DATE: March 7, 2017

RE: Summaries on Recent Court Cases on Métis Consultation

In December 2016, the Alberta Court of Queen's Bench released two decisions dealing with Métis consultation issues. As we have always done when important cases dealing with Métis rights are released by the courts, the MNA asked its legal counsel to prepare summaries on these two cases to share with members. These two summaries are attached to this memo and are also available on the MNA website at: www.albertametis.com.

It is important to note that neither the MNA or MNA Region 1 were involved in these two court cases. These cases were solely advanced by the Fort Chipewyan and Fort McMurray Locals. In particular, in the Fort Chipewyan case, the Local advanced an argument that it was a rights-bearing Métis community and that it was owed Crown consultation. As outlined in the attached summary, the court rejected those arguments based on the facts in that case.

Overall, these two court cases re-affirm the need for the MNA, its Regions and its Locals to work—together—to ensure our collectively-held Métis rights are respected and protected throughout Alberta. It is very clear from the court's decision that all three levels of Métis government **must** arrive at a mutually agreeable way forward to effectively deal with Crown-Métis consultation issues. MNA Locals cannot do it alone, any more than one Regional Council or the Provincial Council could unilaterally dictate or impose an approach.

Simply put, we must work—together—to develop and implement consensus-based solutions or we run the risk of governments using our internal divisions against us as a way to continue to deny rights-based Métis consultation in Alberta. With that said, I believe we are well placed to make consensus-based progress over the next few months in implementing our *Statement of Principles for Métis Consultation and Accommodation*, which were adopted by the 2016 MNA Annual General Assembly. In the interim, I wanted to provide these case summaries, which will need to inform our strategies and approaches going forward.

If you have any questions about the attached summaries or would like more information on the status of the MNA's ongoing work in relation to consultation issues as well as our discussions with Alberta, please contact the MNA's Co-Ministers for Métis Rights (Karen Collins or Bev New) or Bruce Gladue, the MNA's Director of Sustainable Development and Industry Relations, through the MNA Head Office in Edmonton.

I am optimistic that—together—we will be able to make progress on this important Métis rights-related work over the next few months!