

Metis Nation Accord

July 27, 1992
5:00 p.m.

METIS NATION ACCORD

BETWEEN

HER MAJESTY THE QUEEN, IN RIGHT OF CANADA
AS REPRESENTED BY THE PRIME MINISTER

AND

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCES OF
BRITISH COLUMBIA, ALBERTA, SASKATCHEWAN,
MANITOBA, ONTARIO

AS REPRESENTED BY THEIR RESPECTIVE FIRST MINISTERS

AND

THE METIS NATION OF CANADA AS REPRESENTED
NATIONALLY BY THE METIS NATIONAL COUNCIL
AND PROVINCIALLY BY
THE PACIFIC METIS FEDERATION
THE METIS NATION OF ALBERTA
THE METIS SOCIETY OF SASKATCHEWAN
THE MANITOBA METIS FEDERATION
THE ONTARIO METIS ABORIGINAL ASSOCIATION
THE METIS NATION-NORTHWEST TERRITORIES

History and Background
to
Metis Nation Accord

METIS NATION ACCORD USHERS IN NEW ERA FOR METIS

An historic agreement setting out the roles and obligations of the federal and provincial governments toward the Metis Nation has been agreed to in the Multilateral constitutional process. This commentary focuses upon the chronological development of the Accord as well as a brief explanation of some of the substantive provisions.

CHRONOLOGY OF EVENTS LEADING TO THE METIS NATION ACCORD

1. September, 1991 - The federal government tables proposals to renew the Canadian federation. The Proposals call for sweeping changes to the Constitution including a commitment to address "*the appropriate roles and responsibilities of governments as they relate to the Metis.*" A parliamentary committee is struck to canvass the views of Canadians.
2. September, 1991 - In concert with the introduction of the federal proposals, the Metis National Council (MNC) is provided with resources to conduct parallel constitutional consultations with Metis people. These consultations are held on a province-by-province basis. Each provincial association conducts community consultations and produces a report.
3. October, 1991 - The Prime Minister meets the MNC leadership in Winnipeg, recognizes the Metis Nation and pledges to work with those who are ready to move ahead on constitutional issues. The Prime Minister suggests that the federal government is prepared to open up a bilateral process with the Metis Nation.
4. December, 1991- The MNC and other national organizations obtain a meeting with the Joint Parliamentary Steering Committee and obtain an agreement to convene a two day orientation session involving the whole committee. The Committee also agrees to establish a sub-committee on Aboriginal issues and further agrees to a full day meeting between the MNC and the sub-committee. In addition, the Steering Committee agrees to meet with the MNC and other national Aboriginal organizations prior to writing their final report.
5. January 11, 1992 - Ottawa. The orientation session with the Parliamentary Committee includes cultural exposé, a historical overview of Metis relations with the federal government and a description of the living conditions of the Metis.
6. January 22, 1992 - Edmonton. The MNC makes a presentation to the Joint Parliamentary Liaison Committee dealing with Aboriginal Issues. The MNC addresses all 28 constitutional proposals but focuses upon the Canada Clause, Aboriginal self-government, representation in the Senate, participation in Constitutional discussions, jurisdiction and responsibility for Metis under section 91(24).

7. February 11, 1992 - Ottawa. The MNC makes it's final presentation to the Joint Parliamentary Committee and focuses upon the division of powers, Metis self-government, Metis representation in the Senate, the ongoing process, the Canada Clause and recognition of Quebec as a distinct society. The MNC places particular emphasis upon section 91(24), Metis land base and the PM's promised bilateral process.
8. March, 1992. - Ottawa. The Joint Parliamentary Committee delivers its report but stops short of recommending an amendment to section 91(24) as requested by the MNC. The Committee Report does recommend that the federal government respond to the Metis desire for land and resources. (The Committee Chairs subsequently advise the MNC that the only reason for not recommending a change to 91(24) was because the Committee also recommended the abolishment of 91(24) in another section of its report).
9. March 2, 1992 - Toronto. The MNC prepares a discussion paper and makes a presentation to the provincial Native Affairs Ministers. The MNC focuses upon obtaining provincial support for an amendment to section 91(24). Most Ministers agree that the federal government is responsible and include this in the final report.
10. March 12, 1992 - Ottawa. The MNC is invited to an inter-governmental affairs meeting of Ministers. The MNC presentation focuses upon the need for the federal government to assume its responsibility for Metis under section 91(24). The MNC also seeks and obtains a commitment for Metis participation in all future constitutional discussions.
11. March 13-15, 1992 - Ottawa. A special constitutional conference is held to review Aboriginal constitutional matters. Representatives from all prairie Metis organizations converge on Ottawa and succeed in making Metis issues the focal point of the conference. Metis Senators from Manitoba and Alberta lead the effort in the workshops and on the conference floor.
12. April 8, 9 & 14, 1992 - Halifax/Ottawa. The Multilateral talks commence and the MNC elevates the issue of responsibility for the Metis under section 91 (24) to the top of the agenda. The federal government indicates it is not prepared to amend section 91 (24) but agrees to place the issue on the agenda for Edmonton.
13. April 29 & 30, 1992 - Edmonton. The MNC pushes for a commitment from provincial governments to support an amendment to section 91(24) and obtains support. The federal government indicates that it would consider an amendment to section 91(24) if the provinces share in the responsibility to Metis. The MNC, the provinces and the federal government agree to set up a Task Force to pursue the issue further and to make an interim report to a Ministerial luncheon in Saint John. Ministers also agree to bring the issue back to the formal process in Vancouver.

14. May 5, 6 & 7, 1992 - Saint John. A task force of officials meets and produces a report on Metis issues for Ministers. The report is adopted by Ministers and contains four major commitments:
- The federal government will not reduce services to Indians in response to an amendment to Section 91 (24);
 - Provinces and territories will not reduce services to Metis in response to an amendment to Section 91 (24);
 - All parties agree to participate in negotiations regarding the provision of a land base for Metis; and
 - The federal and provincial governments agree to participate in and fund an enumeration and registration process for Metis.
15. May 11-13, 1992 - Vancouver. The MNC advances the Metis agenda by confirming the agreements reached in St. John at the public Multilateral meeting and tables a draft Treaty containing these commitments as well as several others. The MNC obtains an agreement to convene a special Meeting of Ministers to deal with Metis Issues, including the Treaty, in Montreal. The Special meeting is to be chaired by Jake Epp who has just agreed to the Prime Ministers request that he assume the role of Metis Interlocutor.
16. May 20-22, 1992 - Montreal. Jake Epp chairs the special Metis Task Force meeting of western provincial Inter-governmental Affairs Ministers and paves the way for progress in the multilateral process. The multilateral meeting of Ministers reviews the progress made in the special Task Force meeting and supports the majority of the substantive elements of the document. The MNC and Ministers agree that the commitments ultimately reached will be in a legally binding Accord that is both enforceable and justiciable. Minister agree to review a final draft of the Accord and the issue of section 91(24) in Toronto.
17. May 26-30, 1992 - Toronto. Ministers agree to remaining elements of the Metis Nation Accord and Minister Clark indicates that on the basis of the Accord he is prepared to recommend an amendment to section 91 (24) to the federal Cabinet.

SUBSTANTIVE ELEMENTS OF THE ACCORD

Signatories- Parties to the Metis Nation Accord include the Government of Canada, provincial governments in the traditional Metis Homeland- Ontario, Manitoba, Saskatchewan, Alberta, British Columbia together with the Metis National Council and the provincial member organizations in these provinces and in the Northwest Territories. While the government of the Northwest Territories was initially included as a signatory, it was subsequently decided that they would not sign the agreement.

Legal Status- Unlike a political accord, the Metis Nation Accord will be a legally-binding, enforceable and justiciable agreement. It is expected that the federal and provincial governments will be required to enact legislation to make it legally binding and enforceable. Final legal language of the Metis Accord is being drafted to ensure consistency with Section 35 dealing with self-government and other financial provisions contained in the Aboriginal constitutional package.

Definition of Metis- Essentially, the definition includes the descendants of those Métis who emerged as a distinct people and national community in Ruperts Land. It also includes those people who have been absorbed by the Metis Nation. The Accord recognizes the MNC as the National representative of the Metis Nation and each of the MNC provincial affiliates and the Ontario Metis and Aboriginal Association and Metis Nation Northwest Territories as the Provincial and Territorial representatives of the Metis Nation. The Accord calls for the establishment of a central registry and enumeration process.

Metis Land and Resource Base- One of the most significant features of the Metis Nation Accord concerns a commitment by governments to negotiate a land base with the Metis Nation. The Accord specifically commits governments, except Alberta, to make Crown lands available to Metis self-governing institutions and to provide Metis individuals and self-government institutions with access to lands and resources. The value of the transfers will be taken into account in self-government negotiations. Canada and the provinces further agree to hash out the process for negotiating lands. To bolster these commitments, governments have also agreed to constitutionally entrench a commitment to negotiate land with the Metis.

Financing arrangements- The Accord also sets out cost-sharing arrangements between the federal and provincial governments to enable Metis institutions to operate and deliver programs. These cost-sharing arrangements commit Canada and the provinces to provide Metis institutions with "transfer payments" to enable Metis institutions to establish similar types of programs and services to those enjoyed by other Aboriginal peoples. This will be accomplished without a reduction of services by either level of government to the Metis.

Other elements of the agreement to be ratified at the upcoming First Ministers' Conference include:

- a commitment by governments to enter into tripartite self-government negotiations with the Metis (this parallels the commitment in the constitution);
- a commitment by governments to transfer control over the portion of Aboriginal programs and services currently available to Metis to Metis Institutions; and
- a commitment not to reduce funding for Status Indians ;

In addition to the Accord and amendment to section 91 (24), an agreement-in-principle has also been reached to entrench Metis Settlements lands in Alberta. This marks an historic milestone for the protection of Metis Settlement lands in Alberta.

These gains have been achieved alongside the entrenchment of the inherent right to self-government, guaranteed representation in the Senate, the establishment of an ongoing constitutional process, and recognition of a third order of government in the Canada Clause. There has also been significant progress on a political accord which would commit Parliament to undertake consultations on guaranteed representation in the House of Commons and secure greater Metis input into the selection of Supreme Court justices.