



THE MÉTIS NATIONAL COUNCIL
RALLIEMENT NATIONAL DES MÉTIS

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February 14, 2006

Rt. Honourable Stephen Harper, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, Ontario K1A 0A2

forever

Dear Mr. Prime Minister:

On behalf of the Métis National Council I would like to congratulate you on your recent electoral win and becoming the 22nd Prime Minister of Canada. The Métis Nation looks forward to working with you and your government in order to make progress on our agenda with the federal Crown.

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As you may be aware, the Métis Nation is one of the three constitutionally recognized Aboriginal peoples in Canada. Our Homeland spans the Prairie provinces and extends into Ontario, British Columbia and the Northwest Territories. We have a unique culture, language (Michif), way of life and self-government structures. We also have a long history of political action within Canada to protect our identity, rights and lands within the Canadian federation.

More recently, on September 19, 2003, the Supreme Court of Canada, in *R. v. Powley*, affirmed that Métis are a 'full-fledged rights bearing people'. Moreover, the Supreme Court held that our constitutional rights must be recognized, accommodated and protected by the Crown. The *Powley* case was a turning point in our often frustrating and confrontational relationship with the federal government.

Following our victory in this long fought legal battle, Prime Minister Paul Martin and his government made a concerted effort through words and actions to begin the process of engagement and reconciliation with the Métis Nation. Over the last two years, we have seen much progress in our relationship with Canada. For example, the federal government made strategic investments in the Métis Nation, including resources to assist our governments with the implementation of the *Powley* decision. We were witness to a Throne Speech which committed to find the place of the Métis in federal policies, along with progress on increasing Métis inclusion in federal "Aboriginal" initiatives. We signed the *Canada-Métis Nation Framework Agreement* (a copy is attached) which recognized the Métis Nation, as an Aboriginal people, and committed to establishing a negotiations process to address the Aboriginal and Treaty rights of the Métis people. We negotiated and signed onto the historic *Kelowna Agreement* which provides for specific commitments to the Métis Nation, including resources to support Métis-specific bursaries, a Métis Nation Housing Institute, a Métis Nation Centre of Excellence in Innovations and Education and investments in Métis-specific child care.

As you can see, at this time, there is a significant amount of goodwill and many federal commitments to the Métis people that need to be fulfilled. The Métis Nation's leadership is optimistic that we can ensure these opportunities are not lost. Part of this optimism flows from the reality that we have had productive and results-oriented relationships with previous Progressive Conservative federal governments. Former Prime Minister Brian Mulroney recognized the Métis Nation in words and actions throughout his leadership. His government initiated the successful 'Pathways to Success' program which has evolved in the Aboriginal Human Resource Development Strategy – a best practice for the Métis Nation. A Progressive Conservative government collaboratively worked with the Métis Nation by introducing and passing a resolution in the House of Commons recognizing Louis Riel and the contribution of the Métis Nation to Canada. Most significantly, as a part of the *Charlottetown Accord*, the *Métis Nation Accord* was agreed to by the Mulroney government which would have established a multilateral process with Canada, the provinces from Ontario west and the Northwest Territories to deal with Métis claims, lands and self-government. I am attaching a copy of the *Métis Nation Accord* for your reference.

We believe the time is right to begin implementing the multilateral processes envisioned within the *Métis Nation Accord* as well as the bilateral commitments in our recently signed *Canada-Métis Nation Framework Agreement*. Similar to how your government has identified 5 priorities for action, I am writing to you to outline the Métis Nation's key priorities that we hope to make progress on with your government. Our leadership wants to seize upon the goodwill that has been slowly building with the federal Crown. We cannot let cynicism and frustration once again permeate our relationship. Simply put, the Crown must fulfill its constitutional obligations to Aboriginal peoples as well as honour its promises to us. In that spirit, I propose the following actions:

1. Implementation of the *Kelowna Agreement*

The *Kelowna Agreement* represents the culmination of over 14 months of dedicated efforts of the three constitutionally recognized Aboriginal peoples and all other governments within Canada. It was a historic process and resulting agreement that must be honoured by the Crown.

As a leader for the Métis Nation, I sat in a room with the Prime Minister, all Premiers and other Aboriginal leaders and committed to the *Kelowna Agreement* on behalf of the Métis Nation. It was a significant event in the eyes of our people and cannot be simply ignored in light of a change in the political landscape in Ottawa. Even Premiers acknowledged that the 'honour of the Crown' was in that room in November 2005. Unfortunately, our history with Canada is plagued with deceit and unfilled promises on behalf of the federal Crown. The courts have referred to these actions as 'sorry chapters' in our history. It would be truly unfortunate if the *Kelowna Agreement* became yet another sorry chapter in our history with Canada.

I ask you why Aboriginal peoples would be willing to work with the federal government if hard negotiated agreements can simply be overturned on a whim? If the Crown cannot be held to account, Aboriginal peoples will once again be forced to the courts to ensure promises made are promises kept by the federal Crown. I do not see this course as action as productive for our people or your government.

With that said, I am hopeful we do not end up in a place where mistrust and frustration once again permeates our relationship. The Métis National Council looks forward to implementing the explicit commitments made to the Métis Nation in Kelowna: a Métis Nation Centre of Excellence in Innovations and Education; a Métis Nation Housing Institute; capital for Métis bursaries; a Métis Nation Multilateral Forum with Canada and the provinces from Ontario west; Métis-specific child care and health supports, etc. Just as important we must ensure that accompanying federal financial commitments are realized. These financial resources are essential in meeting the objectives we collectively set in Kelowna. I am optimistic that your government will see the benefit in honouring the Crown's commitments to Aboriginal peoples. As well, I hopeful you see the *Kelowna Agreement* as an investment in Canada's future, not just a financial burden on your government's next budget.

2. Implementation of the *Canada-Métis Nation Framework Agreement*

Similar to the issues discussed above in relation to the *Kelowna Agreement*, in May 2005, the Métis Nation signed the *Canada-Métis Nation Framework Agreement* with the federal government. It is an agreement with the federal Crown (not a specific political party). As well, it is an important development in our evolving bilateral relationship with Canada. Some important components of the agreement include:

- Recognition of the Métis Nation as an Aboriginal people with a territory, language, way of life and self-government structures;
- Engagement of a new partnership based on recognition of the Métis National Council and its Governing Members as the legitimate representatives of the Métis Nation;
- A commitment to establish negotiations process to address the Aboriginal and Treaty right of the Métis;
- Canada's commitment to engage in a multilateral process with the Métis National Council, its Governing Members and the provinces from Ontario westward on identified subject matters, including, Métis lands;
- A commitment to Métis-specific socio-economic investments to close the gap between Métis and other Canadians (*e.g.*, investments in Métis bursaries, resources for *Powley* implementation, economic development initiatives, etc.)

We look forward to moving forward on the implementation of this agreement on a government-to-government basis. I am hopeful that our respective senior representatives can re-engage negotiations in the very near future in order to begin realizing the objective and commitments made within the Framework Agreement.

3. Addressing Section 91(24) of the *Constitution Act, 1867*

For our people, many of the Crown-Aboriginal issues we have to deal with are much more complex and illusive than for the Aboriginal peoples and governments represented by the Assembly of First Nations and the Inuit Tapiriit Kanatami, and advocacy organizations such as the Native Women's Association of Canada and the Congress of Aboriginal Peoples. In particular, if any substantial progress is to be made with respect to our people, the issue of s. 91(24) of the *Constitution Act, 1867* which authorizes the government of Canada to enter into relationships with the "Aboriginal peoples" or "Indians" and their governments must be resolved.

To date the federal government maintains that s. 91(24) does not encompass the Métis and therefore uses it as an excuse not to enter into substantive self-government processes with the Métis Nation, establish processes to resolve outstanding Métis claims or provide most government services to the Métis Nation: services which are generally provided to Indian and Inuit peoples. In order to move past this roadblock for progress, the Métis National Council proposes using the 1939 *Re Eskimos* case as a precedent and that the federal government refer the question of whether the Métis fall within the term "Indians" in s.91(24) to the Supreme Court of Canada. Of course, in this initiative, the Métis National Council and its Governing Members would be provided adequate resources to represent our legal interests in this reference case.

4. Passing a *Canada-Métis Nation Relations Act*

It is proposed that your government pass an Act acknowledging the historic contributions of the Métis Nation, recognizing the Métis National Council and its Governing Members as the representatives of the Métis Nation in its relationship with Canada, and the central role that they play in providing public services to Métis people, accountability and so forth. As a part of the follow up from the *Canada-Aboriginal Peoples Roundtable*, the Métis National Council provided a detailed overview of this initiative within our Negotiations Roundtable policy paper. This initiative would build upon the *Canada-Métis Nation Framework Agreement* and the subject matter of the Act could be negotiated between our respective officials and leaders.

5. Fairly Addressing Métis Claims and Land Issues - Métis Scrip and the Dominion Lands Acts (1874-1930)

Land issues continue to be an important, yet mostly unresolved issue for the Métis people with the federal Crown. We continue to be largely a landless Aboriginal people in a country that we call home and helped build. Even the United Nation's Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples, made particular note of this unacceptable reality in Canada. Last year in his report to the United Nations, examining Aboriginal human rights and fundamental freedoms in Canada, the Special Rapporteur concluded, "Métis land claims have not been dealt with in any significant way, except partially in Alberta, leaving the Métis without a land and resource base and with no way of settling their grievances at the national level." In order to begin to address this unacceptable reality, I offer the following four options for action:

- a. The scrip process and legislation providing for the process (with related Orders in Council) were the creations of the federal government, acting unilaterally without the free and informed consent of the Métis. As the legitimacy of this legislative action and related processes is highly questionable, and as the federal government unilaterally imposed this scrip system/process on the Métis, the federal government should initiate a judicial review in order to determine if such action was legally capable of extinguishing the Aboriginal title of the Métis, and if it was, whether extinguishment actually was effected as the system was so fundamentally flawed and rife with fraud. In any such judicial review, the Métis National Council and its Governing Members would have to be accorded standing as a party, with the fiscal resources to participate in a meaningful way. Or:
- b. The establishment of a fifty million dollar fund for the Métis National Council to continue with its current and future litigation with respect to the questions outlined in paragraph a). In particular, the Métis National Council is a party, along with the Métis Nation – Saskatchewan and the Métis of northwest Saskatchewan in a Statement of Claim filed in 1994, seeking a declaration that the Métis of northwest Saskatchewan continue to have Aboriginal title to the lands and resources of northwest Saskatchewan. Further, the Governing Members from the prairie provinces through the Prairie Métis Leaders Forum are currently exploring the potential for filing Statements of Claim throughout the rest of the prairie provinces outside of northwest Saskatchewan. Or:
- c. Establish a Royal Commission on Métis Land Questions, with a specific mandate to examine the questions outlined in paragraph a), reporting its findings, along with recommendations, to Parliament. The mandate and terms of reference would be worked out with the Métis National Council.

In addition, adequate fiscal resources must be made available to the Métis National Council and its Governing Members to ensure that we are able to make well researched and documented submissions to the Commission. Or:

- d. Establish a Métis Nation Claims Commission, similar to the Indian Claims Commission, which will hear submissions from the Métis National Council and its Governing Members, the federal government and provincial governments. The mandate and terms of reference would be worked out with the Métis National Council. As in paragraph c) adequate resources would be made available to the Métis National Council and its Governing Members.

In closing, I want to re-emphasize that we cannot allow the momentum and goodwill that has been building over the last few years between the Crown and the Métis Nation to be lost. Past injustices and priority Métis issues cannot be addressed through symbolic action. That is why the Métis National Council continues to reject any form of a pardon for Louis Riel as a 'solution' for addressing Métis issues. Mr. Riel and many other Métis fought and died for the rights and well-being of the Métis. That is what we continue to strive for today. That is what the federal government must address.

On behalf of the Métis National Council Board of Governors, I am requesting an opportunity to meet with you in the near future in order to discuss your government's vision for Crown-Aboriginal relations as well as to discuss the priorities I have set out in this letter. In the meantime, we look forward to meeting with the Honourable Jim Prentice, Federal Interlocutor for Métis, in order to discuss the Métis Nation's priorities and how we can move forward in a productive and collaborative manner. Once again, congratulations on your electoral success.

Yours sincerely,



Clément Chartier, Q.C.
President

- c.c. Hon. Jim Prentice, Minister of Indian Affairs and Northern Development
Federal Interlocutor for Métis and Non-Status Indians
Hon. Rod Bruinooge, Parliamentary Secretary
Federal Interlocutor for Métis and Non-Status Indians
Hon. Vic Toews, Minister of Justice and Attorney General of Canada
Hon. Marjory LeBreton, Leader of the Government in the Senate
Métis National Council Board of Governors