

## **Backgrounder on Metis Harvesting Rights in Alberta**

In September 2003, in the *Powley* case, the Supreme Court of Canada affirmed that Métis have constitutionally protected harvesting rights. Following the *Powley* decision, the Alberta Government and the Métis Nation of Alberta negotiated and entered into the Interim Métis Harvesting Agreement (IMHA) to accommodate Métis harvesting practices throughout the province. The IMHA effectively accommodated Métis harvesting in Alberta for over 2 ½ years until the Alberta Government cancelled the IMHA, fulfilling Ted Morton's failed leadership bid promise to the Alberta Fish and Game Association.

In July 2007, Ted Morton, as the Minister for Sustainable Resource Development (SRD), implemented a unilateral and arbitrary Métis Harvesting Policy, where SRD officers now attempt to determine who is Métis in Alberta. Morton's Policy also excludes Métis living in most of central and southern Alberta.

In August of 2007, the Métis Nation of Alberta Annual General Assembly unanimously rejected Morton's Policy. The Métis Nation of Alberta adopted its own Métis laws of the hunt and has been defending Métis harvesters abiding by Métis laws who have been charged by the Alberta Government. To date, over a dozen Métis harvesters, including, Elders, single mothers and entire families, have been charged from throughout all of Alberta.

In April 2008, the Provincial Court of Alberta appointed one case management Judge to oversee all of the Métis harvesting cases in the province. It is expected that a Métis harvesting rights test case will proceed to trial in 2009, combining existing charges from throughout central and southern Alberta locations.

On December 2, 2008 the Métis Nation of Alberta (MNA) launched a historic legal action against the Alberta Government in the Alberta Court of Queen's Bench. The action seeks a series of declarations that Métis in Alberta have the right to harvest throughout Alberta and that the province's current regulatory regime is unconstitutional in its application to the Métis. The MNA decided to file the claim because the recent actions of the provincial government including the termination of the Interim Métis Harvesting Agreement, the unilateral implementation of a restrictive Métis harvesting policy and the laying of 25 charges have created a repressive climate in Alberta that is deterring the Métis from exercising their right to harvest. This climate undermines the ability of the Métis to enjoy their way of life, maintain their relationship to the land and pass on their customs, practices and traditions to future generations.

May 2009 - Medicine Hat harvesting trial begins.