

# MEMORANDUM OF UNDERSTANDING (“MOU”)

Made effective this 27th day of September, 2018

## BETWEEN:

The **MÉTIS NATION** as represented by the President of the Métis National Council (“MNC”)

## AND

The **MI’KMAQ OF NOVA SCOTIA** as represented by the Thirteen Mi’kmaq Saqmaq (“the Mi’kmaq of Nova Scotia”)

(Referred to herein collectively as the “Parties”)

## FOUNDATION STATEMENTS OF ACCORD

The Mi’kmaq signed Peace and Friendship Treaties with the Crown, which were confirmed by the Supreme Court of Canada in *Simon* (1985), *Marshall* (1999) and *Sappier Gray* (2006);

The Mi’kmaq of Nova Scotia have never surrendered, ceded or sold Aboriginal title and continue to practice their Aboriginal Rights through hunting, fishing and stewardship of the resources/environment since time immemorial;

The Parties are concerned about individuals claiming Métis identity and declaring the presence of Métis Nations in the Province of Nova Scotia;

The Mi’kmaq of Nova Scotia are concerned with the establishment of other groups who claim they have *Constitution Act, 1982* Section 35 rights within Nova Scotia;

The Courts have recognized the Métis Nation as being geographically located in the historic Northwest of Canada;

The MNC, which has represented the Métis Nation nationally and internationally since 1983, passed a resolution stating, “there is only one Métis Nation, and that the geographic homeland of the Métis Nation is the historic northwest, which entered into confederation in 1870 through the negotiations of the Métis provisional government led by President Louis Riel”;

The Supreme Court of Canada in *Powley* (2003) established the process to determine Aboriginal rights for Métis, which requires a claimant to have a current and historic connection to a legally recognized Métis community;

The *United Nations Declaration on the Rights of Indigenous Peoples* states in article 33 that “Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions”, and that “Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures”;

The Mi'kmaq of Nova Scotia will define for themselves who is Mi'kmaq in Nova Scotia;

The MNC and its governing members have defined for themselves who is Métis and the process of citizenship;

Only these two Parties have the Right to recognize and define citizenship within their respective Nations;

Courts in both Nova Scotia and New Brunswick have repeatedly stated that the date of effective European control in the Maritimes is 1670 and that those asserting their Métis identity have not proven the existence of Métis communities in the Maritimes before 1670, or that there are historic rights-bearing Métis communities in the Maritimes, including Nova Scotia, at any time before or after 1670;

The Supreme Court of Canada, for the purposes of Aboriginal title, has affirmed that the date of British sovereignty for mainland Nova Scotia is 1713 and 1763 for Cape Breton;

### **AGREEMENT OF COOPERATION**

The Parties agree to cooperate as follows:

- To recognize each other's Nationhood within their respective traditional and current territories;
- To work collaboratively on the issue of individuals misrepresenting themselves as Métis in Nova Scotia;
- To create a joint Métis Nation-Mi'kmaq of Nova Scotia working group;
- To establishing a cultural awareness initiative within each other's territory to educate the public at large with respect to legitimate Métis Nation and Mi'kmaq issues;
- To holding meetings, as needed, between leadership to ensure that the goals and objectives of this MOU and the joint Métis Nation-Mi'kmaq of Nova Scotia Working Group are being met.

**Mi'kmaq of Nova Scotia**

**Métis Nation**

  
per: Chief Terrance Paul

  
Per: President Clément Chartier

  
Per: Chief Sidney Peters