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Métis Nation of Ontario, Ottawa Sign Memo of Understanding

Signa A. Daum Shanks
Osgoode Hall Law School of York University, sdaumshanks@osgoode.yorku.ca

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Métis Nation of Ontario, Ottawa sign memo of understanding

JEFF BUCKSTEIN

The Métis Nation of Ontario has signed a Memorandum of Understanding (MOU) to advance reconciliation with the federal government. The parties announced, with September 2017 as the deadline to arrive at a framework agreement.

The anticipated framework agreement would establish a formal negotiations process based on mutually agreeable subject matters, including Métis self-government, lands, rights and outstanding claims against the Crown. The parties, announced, with September 2017 as the deadline to arrive at a framework agreement.

"If the parties are able to develop a mutually acceptable framework agreement through the exploratory discussion table, the Minister of Indigenous and Northern Affairs Canada will then take measures aimed at obtaining a formal negotiation mandate," the MOU explained.

Margaret Froh, president of the Métis Nation of Ontario, expressed optimism during the signing.

"Today, we celebrate this new relationship—one based on respect and recognition," she said. "I thank the minister and the government of Canada for their strong leadership on advancing reconciliation with the Métis Nation of Ontario through this nation-to-nation, government-to-government agreement that further solidifies a strengthened relationship with Canada."

This reference to the Métis Nation of Ontario as having a nation-to-nation relationship with the federal government is quite significant, noted Signa Daum Shanks, a professor and director of indigenous outreach at Osgoode Hall Law School in Toronto.

That wording is also contained within the MOU, which states, "There is considerable uncertainty about what [those] rights are, and what territory they apply to. ... So the fact that the federal government has agreed to sit down and talk to the Métis to try to work out a framework is a helpful step.

David Busrey

Bennett Jones LLP

"Canada is committed to working, on a nation-to-nation, government-to-government basis with the Métis Nation, through bilateral negotiations with the MNO, to advance reconciliation and renew the relationship through co-operation, respect for Métis rights and ending the status quo."

"It’s one of the most strongly phrased MOUs I’ve seen involving an indigenous government," said Daum Shanks.

This MOU is a step toward reconciliation, which will help achieve certainty, said David Busrey, co-leader of Aboriginal law with Bennett Jones LLP in Vancouver.

One is the unique nature of Métis heritage, in particular the mixed ancestry of Métis people. This raised issues around the legal identity of the Métis, and it was not until the Supreme Court decision in Powley that a test was established for determining who is Métis for the purposes of s. 35 of the Constitution Act, 1982.

"It’s part of a broader legal objective to advance reconciliation—an important first step to kick off that reconciliation process," she added. "Until recently, Métis groups have been sitting on the sidelines while other Aboriginal groups have been engaged in processes enabling them to move the needle forward on issues such as the Crown duty to consult."