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Postdoctoral Fellows to Speak At Osgoode Event

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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 MOU was signed on September 29, 2017, and is intended to further solidify a strengthened relationship between the Métis Nation of Ontario and the federal government.

The MOU calls for a framework agreement that would establish a formal negotiation process based on mutually agreeable subject matters, including Métis self-governance, lands, rights and outstanding claims against the Crown.

The MOU also marks a step toward reconciliation with the Métis Nation of Ontario and the federal government. It represents a significant development in the Métis Nation’s efforts to achieve self-determination and recognition of their rights and title to land.

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 Bursey
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.”

“This MOU is a step toward reconciliation, which will help achieve certainty, said David Bursey, co-leader of Aboriginal law with Bennett Jones LLP in Vancouver. The plaintiffs also asked that the federal Crown owes a fiduciary duty to Métis and non-status Indians, and further, that Métis and non-status Indians have the right to be consulted and negotiated with in good faith by the federal government.

The justices ruled it was settled law that the Crown owes a fiduciary duty to Métis and non-status Indians as a result of a previous Supreme Court decision. The plaintiffs also asked 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.”

Lee-Andersen

There are several reasons why the Métis people have faced an uphill battle in the courts historically. 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. 91(24) of the Constitution Act, 1982.

Lee-Andersen said she believes there are several reasons why the Métis people have faced an uphill battle in the courts. First, the Western Canadian provinces have agreed to sit down and talk to the Métis to try to work out a framework agreement. This MOU is a step toward reconciliation with the Métis Nation of Ontario and the federal government.

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