



## FRAMEWORK AGREEMENT FOR ADVANCING RECONCILIATION

**THIS FRAMEWORK AGREEMENT** is executed in quadruplicate this 20th day of July, 2018.

### **BETWEEN:**

**MÉTIS NATION - SASKATCHEWAN**  
as represented by its President  
("MNS")

-and-

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA**  
as represented by the Minister of Crown-Indigenous Relations and Northern Affairs  
Canada  
("Canada")

(hereinafter referred to collectively as the "**Parties**" and individually as a "**Party**")

**WHEREAS** the Métis are one of the Indigenous peoples who lived in the historic Northwest prior to Canada's westward expansion and have developed shared customs, traditions and collective identities rooted in kinship, their unique relationship to the land, and a distinct culture and way of life;

**AND WHEREAS** the historic injustices the Métis have suffered as a result of the colonization and dispossession of their lands and resources have prevented them from fully exercising their rights, including their right to self-determination, in accordance with their needs, interests and aspirations;

**AND WHEREAS** the Parties recognize the need to respect and promote the inherent rights of the Métis in Saskatchewan, which derive from their political, economic and social structures and from their distinct culture and traditions, including rights to lands and resources;

**AND WHEREAS** the Citizens of the Métis Nation in Saskatchewan have established the Métis Nation - Saskatchewan as the government mandated to advance Métis rights, self-government and self-determination for the Métis in Saskatchewan, as well as to represent its Citizens through democratic governance structures;

**AND WHEREAS** the Parties acknowledge that greater control by the MNS over developments affecting its Citizens and their lands and resources will enable them to maintain and strengthen their rights, governance structures, institutions, distinct culture and traditions, and promote development in accordance with their needs, interests and aspirations;

**AND WHEREAS** Section 35, *Constitution Act, 1982*, states that "the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed" and "the 'Aboriginal peoples of Canada' includes the Indian, Inuit and Métis peoples";

**AND WHEREAS** the Supreme Court of Canada has noted that Section 35, *Constitution Act, 1982*, calls for a process of reconciliation between the Crown and Aboriginal peoples through which the rights and outstanding claims of Aboriginal peoples are determined, recognized and respected through honourable negotiations with the goal of reaching just and lasting settlements, and that while Aboriginal claims can be, and are, pursued through litigation, negotiations are the preferable method of reconciling state and Aboriginal interests;

**AND WHEREAS** the Supreme Court of Canada in *R. v. Powley* held that "the inclusion of the Métis in section 35 represents Canada's commitment to recognize and value the distinctive Métis cultures and that modern day Métis communities may possess Aboriginal rights protected by section 35 of the *Constitution Act, 1982*, based on their pre-effective control practices, customs and traditions that are integral to their distinctive existence and relationships to the land";

**AND WHEREAS** Canada has fully endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") without qualification and committed to implement UNDRIP in partnership with Indigenous Peoples, and in accordance with Canada's constitution;

**AND WHEREAS** the MNS, as the government of the Métis in Saskatchewan, represents its Citizens throughout all of Saskatchewan and is mandated to engage in reconciliation and to assert and protect Métis rights and outstanding claims;

**AND WHEREAS** Canada is committed to working, on a nation-to-nation, government-to-government basis, with the MNS, through bilateral negotiations with the MNS, in order to advance reconciliation and renew the relationship through cooperation, respect for MNS rights, and moving beyond the status quo;

**AND WHEREAS** the Parties have agreed that they will engage in the Recognition of Indigenous Rights and Self-Determination process as a means to identify a mutually agreeable path forward to advance reconciliation between Canada and the MNS;

**AND WHEREAS** it is recognized that the situation of the Métis varies from region to region in Saskatchewan, and that the significance of regional particularities should be considered, including the MNS reaffirming its commitment to assist and support the



North West Saskatchewan Métis Council ("**NWSMC**") in its pursuit of self-government as per Article 6.1 of the MNS Constitution, which provides as follows:

The Métis Nation – Saskatchewan shall assist, support, recommend and facilitate the Regions forming the North West Saskatchewan Métis Council to develop, establish and implement Métis governance for their Métis communities.

**AND WHEREAS** the Métis of Northwest Saskatchewan have initiated a claim for their homeland, filed in Saskatoon, on March 1, 1994, court file #002A0029 COFA, and it is intended that the claims made out in this action will be addressed in processes and discussions contemplated by this Framework Agreement;

**AND WHEREAS** it is intended that all land claims made by the Métis to land in Saskatchewan will be addressed in processes and discussions contemplated by this Framework Agreement;

**AND WHEREAS** the Parties executed a Memorandum of Understanding on February 22, 2018, and based on that memorandum have agreed to engage this Framework Agreement.

**NOW THEREFORE the Parties agree as follows:**

## **1. DEFINITIONS**

The Parties agree that the following definitions apply in this Framework Agreement:

**"Citizen"** means an individual who is defined as a citizen of the MNS based on the guidelines established by the MNS, as may be amended from time to time.

**"Claims"** means all land claims made by the Métis to land in Saskatchewan, including the Métis of Northwest Saskatchewan land claim, court file #002A0029 COFA.

**"Designated Representatives"** means individuals designated by each Party by Section 3 of this Framework Agreement.

**"Final Agreement"** means the agreement contemplated by Section 4 of this Framework Agreement.

**"Framework Agreement"** means this agreement.

**"Including"** means "including without limitation" and the words following shall not be considered to set forth an exhaustive list.

**"Incremental Agreements"** means those agreements contemplated by Section 4 of this Framework Agreement.

**"Interim Measures"** means the measures contemplated by Section 4 of this Framework Agreement.

**"Main Table"** means the regular meetings of the Designated Representatives contemplated by Sections 3 of this Framework Agreement.

**"Negotiation Process"** means the mutually agreeable process set out within this Framework Agreement.

**"Shared Objectives"** means the mutually agreeable overarching goals and objectives of the Parties as set out in Section 2.

## **2. SHARED OBJECTIVES**

2.1. The Parties agree that the Shared Objectives of the Negotiation Process are to:

2.1.1. develop a renewed nation-to-nation and government-to-government relationship between Canada and the MNS that advances reconciliation between the Parties by:

2.1.1.1. recognizing and supporting the MNS government decision-making authority over matters affecting Métis rights, lands, and resources in a manner that is respectful of, and that maintains and strengthens, the distinct culture, traditions and institutions of the Métis;

2.1.1.2. establishing and developing effective inter-governmental processes between the MNS and Canada that facilitate a nation-to-nation and government-to-government relationship; and

2.1.1.3. working towards reaching bilateral or trilateral arrangements that invest in, support and enhance the cultural, social, physical, emotional, spiritual and economic well-being of the MNS and its Citizens.

2.1.2. jointly develop a relationship between Canada and the MNS consistent with the purposes of Section 35, *Constitution Act, 1982*, by establishing processes wherein the rights and the Claims of the MNS, its Citizens and its respective communities in all regions of Saskatchewan may be recognized and respected;

2.1.3. improve the well-being of the MNS and its Citizens from a cultural, social, physical, emotional, spiritual and economic perspective; and



2.1.4. foster the MNS and its Citizens' successful participation in the economies of Saskatchewan and Canada more broadly.

- 2.2. The Parties agree that the Shared Objectives set out in Section 2.1 will be advanced through engaging in the Negotiation Process described in Section 3 with a view to arriving at mutually agreeable arrangements or agreements as further described below.

### 3. **NEGOTIATION PROCESS**

- 3.1. The Parties commit to engaging in a Negotiation Process that fosters an open exchange of ideas, the frank discussion of interests and the joint analysis of issues including those set out in Schedule A. The Parties further agree that the Negotiation Process will be carried out in a manner cognizant of and consistent with the Shared Objectives.
- 3.2. As a general principle, informal discussions are encouraged between the Parties and any statements made during the Negotiation Process, whether written or oral, will be without prejudice and will not be attributable to any Party.
- 3.3. Each Party shall appoint Designated Representatives to the Negotiation Process who will be responsible for the conduct and coordination of all negotiations and for keeping their principals updated throughout the negotiation meetings. The Designated Representatives will jointly agree to a schedule of negotiation meetings and the locations of those meetings. It is expected that the Designated Representatives will meet, at a minimum, once every 6 to 8 weeks. Unless otherwise agreed to by the Designated Representatives, the negotiation meetings will not be formally chaired.
- 3.4. The Parties agree that new or additional Designated Representatives may be appointed to engage in discussions on specific sectoral matters, including, but not limited to, decisions relating to Interim Measures or Incremental Agreements identified in Section 4 of this Framework Agreement.
- 3.5. The MNS is committed to establishing internal processes to ensure the views and perspectives of its Citizens, communities and regions are meaningfully represented and advanced in the Negotiation Process and to provide ongoing direction to the MNS's Designated Representatives. Canada recognizes that these internal processes shall be solely determined by the MNS.
- 3.6. Prior to beginning negotiations on any subject matter, the Parties will each make a presentation of their interests in relation to that subject matter.

Roles and responsibilities of the Parties will be determined on the basis of the subject matter and the interests presented.

- 3.7. Negotiations will be conducted at the Main Table. The Main Table will be responsible for:
  - 3.7.1. managing the Negotiation Process, including setting a workplan, schedule and priorities;
  - 3.7.2. negotiation of any arrangements or agreements to be brought to the Parties for their consideration;
  - 3.7.3. implementing and managing openness and information sharing amongst the Parties throughout the Negotiation Process; and
  - 3.7.4. implementing dispute resolution mechanisms as may be agreed to by the Parties.
- 3.8. The Parties, together, may create ad hoc working groups to research and report on specific issues or concerns as they deem fit. Any such working groups will report to the Main Table.
- 3.9. The Parties agree that the Negotiation Process shall respect, support and complement existing bilateral processes or initiatives in place between the MNS and Canada or the MNS and Saskatchewan.
- 3.10. Nothing in this Framework Agreement limits the ability of the Parties or Saskatchewan, if appropriate, to engage in or develop future bilateral processes, arrangements or agreements outside of the Negotiation Process.

#### **4. NEGOTIATION OUTCOMES**

- 4.1. The Parties are committed to focusing their respective efforts on negotiating arrangements that are timely, results-oriented and aimed at achieving the Shared Objectives.
- 4.2. While not intended to be exhaustive or restrictive, the Parties have identified a series of subject matters that may be discussed as a part of the Negotiation Process, as set out in Schedule A.
- 4.3. The goal of the Negotiation Process, identified in Section 3, shall be realized through a Final Agreement, which the Parties recognize may be comprised of a series of arrangements or agreements, that effectively achieves the Shared Objectives.
- 4.4. In order to achieve timely results toward advancing reconciliation and fulfilling the Shared Objectives, Designated Representatives may seek



approvals from the Parties for the following types of arrangements or agreements over the course of the negotiations:

- 4.4.1. Interim Measures: Measures intended to protect the interests of the MNS, its Citizens and its communities; and
- 4.4.2. Incremental Agreements: Agreements on an individual or a group of matters set out in Schedule A in advance of, or in lieu of, a Final Agreement.
- 4.5. Consistent with the results-oriented negotiation approach set out above, the Parties will focus their initial efforts and resources on reaching Interim Measures that address matters of priority for the MNS and Canada within 2 years of the signing of this Framework Agreement. The priority issues will include an agreement or framework between the MNS and Canada that sets out a mutually agreeable process for addressing federal Crown consultation with the MNS, and where required, accommodation, including the provision of consultation capacity funding.
- 4.6. Consistent with the results-oriented negotiation approach set out above, the Parties will focus their initial efforts and resources on reaching Incremental Agreements within 2 years of the signing of this Framework Agreement that recognize the role, functions and jurisdictions of the MNS government, including its relationship with other governments, that establish the new nation-to-nation, government-to-government relationship between the MNS and other governments, that establish fiscal arrangements between the MNS and other governments, that address the legal status, capacity and core governance functions of the MNS government, and establish dispute resolution processes.
- 4.7. The Parties agree, notwithstanding 4.5 and 4.6, that the Claims are a key priority in the Negotiation Process.

## **5. INVOLVEMENT AND PARTICIPATION OF SASKATCHEWAN**

- 5.1. The Parties recognize the significance of Saskatchewan's participation in a process to advance reconciliation with the MNS and agree that Saskatchewan may be invited to attend negotiation meetings held pursuant to this Framework Agreement, as may be agreed upon by the Parties.
- 5.2. Subject to the agreement of the Parties, Saskatchewan may become a participant in the Negotiation Process, where it indicates willingness, on any subject matter, Interim Measure, Incremental Agreement or aspect of the Framework Agreement discussed and negotiated between the Parties.

- 5.3. Where the MNS, Canada and Saskatchewan agree, this Framework Agreement may be amended to include Saskatchewan as a Party.

## **6. COMMUNITY AND PUBLIC AWARENESS AND CONSULTATION**

- 6.1. The Parties may agree to develop mutually agreeable communication materials or undertake joint information, engagement or consultation sessions with the public or other relevant stakeholders as required.
- 6.2. The MNS is responsible for engagement and consultation with its Citizens, locals, regions, the MNS Council, the MNS Legislative Assembly as well as relevant stakeholders including but not limited to youth groups, veterans groups, regional committees and women's councils.

## **7. FUNDING AND CAPACITY**

- 7.1. The Parties recognize that the MNS requires reasonable capacity to participate in the Negotiation Process contemplated by this Framework Agreement. To support the MNS's participation in the Negotiation Process, Canada agrees to seek authority to provide funds in support of capacity funding to address the items outlined in the Negotiation Process.
- 7.2. In addition to the commitment set out in Section 7.1 of this Framework Agreement, and subject to federal eligibility and program requirements, the MNS may access federal policies, funding and initiatives that support the participation of Aboriginal peoples in land, resources and self-government negotiations with Canada, which are subject to yearly appropriations of funds by Parliament.

## **8. GENERAL**

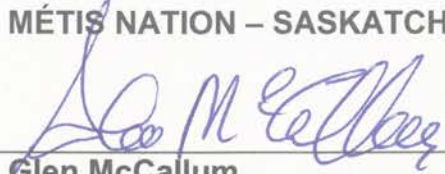
- 8.1. Nothing in this Framework Agreement is intended or is to be interpreted so as to define, create, recognize, deny, affect or amend any rights, duties or obligations of any of the Parties.
- 8.2. Nothing in this Framework Agreement creates any legally enforceable obligations.
- 8.3. Subject to access to information and privacy laws, all negotiations conducted under this Framework Agreement and all related documents are confidential, subject to settlement privilege and without prejudice to legal positions the Parties may have or may take in any legal proceeding.
- 8.4. Nothing in this Framework Agreement is intended to constitute Crown consultation or accommodation obligations that may be owed by Canada to the Métis or the MNS in Saskatchewan.



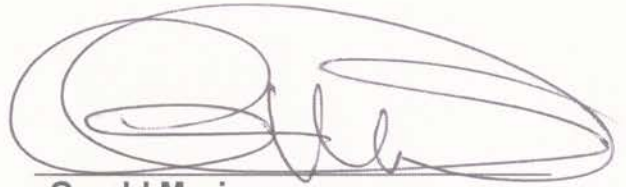
8.5. This Framework Agreement may be amended upon the written agreement of the Parties.

**IN WITNESS WHEREOF THIS FRAMEWORK AGREEMENT** has been executed by the Parties as of the date first written above.

**MÉTIS NATION – SASKATCHEWAN**

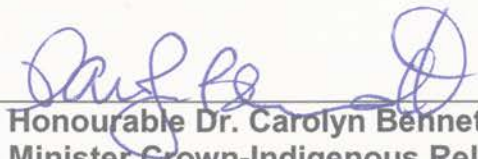
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**Glen McCallum**  
**MNS President**

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**Gerald Morin**  
**MNS Vice-President**

**HER MAJESTY THE QUEEN IN  
RIGHT OF CANADA**

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**Honourable Dr. Carolyn Bennett**  
**Minister Crown-Indigenous Relations**



## **SCHEDULE A**

### **SUBJECT MATTERS FOR THE NEGOTIATIONS**

The Parties may address the following subject matters in the Negotiation Process:

#### **1. Land Claims:**

- a. The Northwest Saskatchewan Land Claim
- b. The Claims

#### **2. Land Related Issues**

- a. The role of land in any agreement or agreements
- b. Quantum, selection and management of potential settlement lands
- c. Water and subsurface rights
- d. Wildlife, fishing and fisheries
- e. Forestry
- f. National and provincial parks
- g. Protected areas
- h. Environmental assessment
- i. Land management
- j. Trans-boundary, shared territories and overlapping claims
- k. The MNS involvement and participation in initiatives relating to federal lands, including national parks, fisheries, federal environmental assessment processes, etc.
- l. Potential disposal of federal Crown lands within Saskatchewan where those lands may form a part of any future arrangement or agreement reached by this Framework Agreement

#### **3. Reconciliation Issues**

- a. Various matters, including the Métis scrip process and Île-à-la-Crosse Métis Boarding School, recognition of Métis (provincial) historical sites including Fort Qu'Appelle, Green Lake and Yorkton
- b. Parks Canada and the MNS will explore and discuss a full range of options related to the management of Batoche National Historic Site.
- c. Section 35 rights related matters including all relevant duty to consult matters
- d. Intergovernmental relationships
- e. Constitutional status of agreements
- f. Implementation, including an implementation plan for a Final Agreement
- g. Education initiatives to improve public awareness of Saskatchewan's Métis history
- h. Clarity with respect to the MNS's Section 35 rights and related claim(s)
- i. Shared decision-making and the potential role of land in future arrangements or agreements
- j. Veteran's issues

#### **4. Governance Issues**

- a. Citizenship and registration matters
- b. Constitution and governance
  - i. Structure and institutions of the MNS government
  - ii. Jurisdiction and authority to make laws
  - iii. Process for law making
  - iv. Application and enforcement of the MNS government laws
  - v. Legal status and capacity of the MNS government
- c. Fiscal arrangements to support the MNS governance
  - i. Financial transfer arrangements
  - ii. Resource revenue sharing
- d. Tax matters

#### **5. Cultural, Social, Physical, Emotional, Spiritual and Economic Well-being of the MNS, its Citizens and its communities**

- a. Development of indicators and determinants of a healthy, secure and prosperous Saskatchewan Métis Community
- b. Collection of baseline data on the Saskatchewan Métis Community to identify gaps and needs in relation to shared indicators and determinants
- c. Funding for the delivery, devolution or intergovernmental services agreements, to address needs and close gaps in the following areas:
  - i. Language, culture and heritage
  - ii. Education and training
  - iii. Child care
  - iv. Early childhood development
  - v. Child and family services
  - vi. Administration of justice
  - vii. Housing and infrastructure
  - viii. Health services and promotion
  - ix. Economic development
  - x. Statistics and policy research
  - xi. Other areas as may be agreed by the Parties

#### **6. Well-being/Cultural/ Rights Protection Fund(s)**