



Reconciling Métis Rights: Strategies for Negotiations with the Crown

DOUGLAS R. EYFORD, Q.C.
Eyford Partners LLP

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Métis Rights and Comprehensive Land Claims

1. A brief history of treaty-making in Canada:
 - Historic treaties, and
 - Modern treaties;
2. Métis rights and aspirations and Canada's comprehensive claims policy;
3. Some observations and comments on reconciliation.

What is a Comprehensive Land Claim

The term “comprehensive land claim” was coined in the 1970s to describe the Government of Canada’s broad and exhaustive approach to modern treaties encompassing:

- the ownership of lands,
- self-government,
- fish and wildlife harvesting rights,
- participation in land and resource management,
- financial arrangements,
- capital transfer, and
- resource revenue sharing.

Treaty Making in Canada: A Chronology

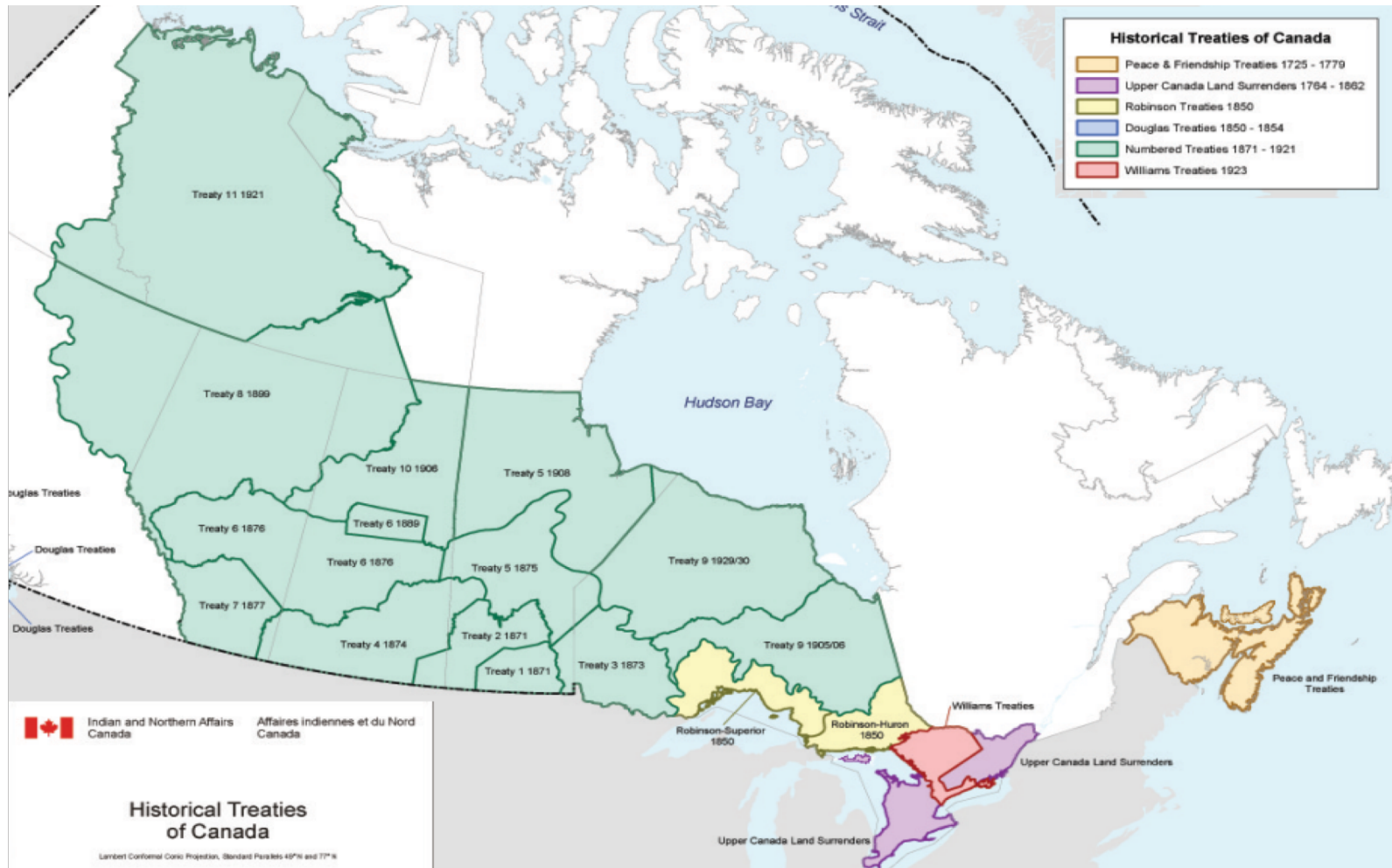
1763	The Royal Proclamation
1871-1921	The Numbered Treaties
1927	Amendment to <i>Indian Act</i>
1969	Statement of the Government of Canada on Indian Policy
1973	<i>Calder et al v. Attorney-General of British Columbia</i>
1973	Statement on Claims of Indian and Inuit People
1981	<i>In All Fairness: A Native Claims Policy</i>
1982	Section 35 of the <i>Constitution Act, 1982</i>
1991	<i>Report of the British Columbia Claims Task Force</i>
2008	<i>Honouring the Spirit of Modern Treaties: Closing the Loopholes</i>
2014	<i>Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights</i>
2018	Recognition and Implementation of Indigenous Rights Framework



The Royal Proclamation - 1763

And whereas it is just and reasonable, and essential to Our Interest and the Security of Our Colonies, that the several Nations or Tribes of Indians, with whom We are connected, and who live under Our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to, or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds...

Canada's Historic Treaties 1701-1921



Prohibition From Pursuing Land Claims

Indian Act, R.S.C. 1927, s. 141

141. Every person who, without the consent of the Superintendent General expressed in writing, receives, obtains, solicits or requests from an Indian any payment or contribution for the purpose of raising a fund or providing money for the prosecution of any claim which the tribe or band of Indians to which such Indian belongs, or of which he is a member, has or is represented to have the recovery of any claim or money for the benefit of the said tribe or band, shall be guilty of an offence and liable upon summary conviction of each such offence to a penalty not exceeding two hundred dollars and not less than fifty dollars or to imprisonment of any term not exceeding two months.

The White Paper - 1969



Nishga Tribal Council Aboriginal Title Claim 1968 - 1973



Patriation of the Constitution - 1982



Rights of Aboriginal Peoples of Canada

Section 35 of the *Constitution Act*, 1982 provides:

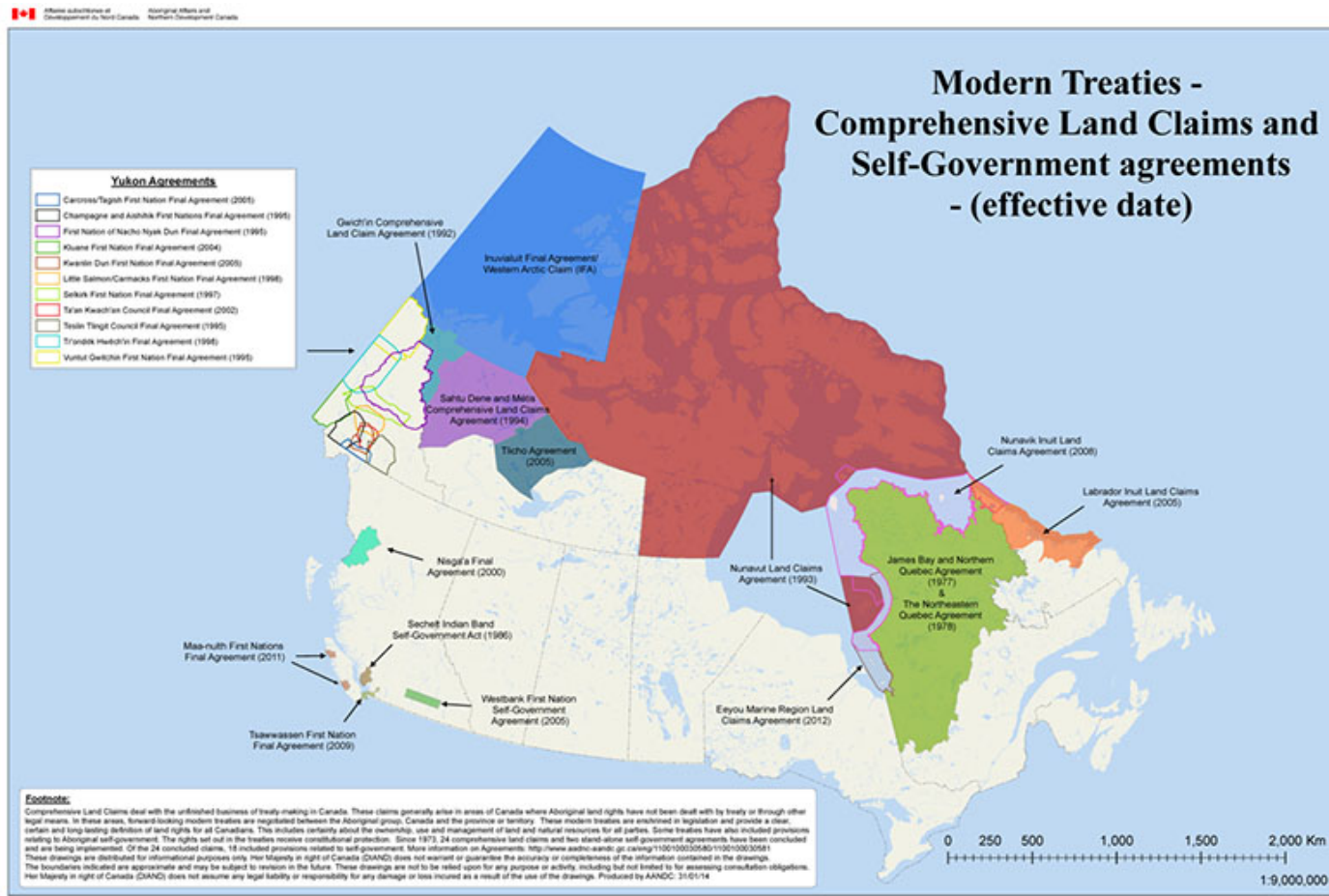
35(1) The existing aboriginal and treaty rights of the aboriginal peoples in Canada are hereby recognized and affirmed.

(2) In this Act, “aboriginal peoples of Canada” includes the Indian, Inuit and Métis Peoples of Canada.

(3) For greater certainty, in subsection (1), “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Canada's Modern Treaties 1973 - 2014



Renewing the Comprehensive Claims Policy

A New Direction: Advancing Aboriginal and Treaty Rights, 20 February 2015

Canada should:

- develop a reconciliation process to support the exercise of Métis section 35(1) rights and to reconcile their interests; and
- establish a framework for negotiations with the Manitoba Métis Federation to respond to the Supreme Court of Canada's decision in *Manitoba Métis Federation v. Canada*, 2013 SCC 14.

Components of Reconciliation

- Acknowledgement;
- Apology; and
- Redress.

Canada's Current Approach to Reconciliation

- Development of a Recognition and Implementation of Indigenous Rights Framework; and
- Implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*.

THANK YOU

Douglas R. Eyford, Q.C.
(604) 899-5226
deyford@emlawyers.ca