



RED RIVER MÉTIS SELF-GOVERNMENT RECOGNITION AND IMPLEMENTATION TREATY

PLAIN LANGUAGE BACKGROUNDER

The purpose of this plain language backgrounder is to highlight specific clauses of the Treaty between the Red River Métis and His Majesty the King in Right of Canada (“Canada”), together known as the “Parties”, and to explain more fully some of the concepts in the Treaty. There are sections of the Treaty that are not discussed in this document, and it is encouraged that Citizens review the Treaty for further details once it becomes available.

As well, for more information, there is an FAQs available at the Manitoba Métis Federation (MMF) website. If you have any questions that are not addressed by this backgrounder, in the FAQs, or at our consultation meetings, you can email your questions to Treaty@mmf.mb.ca

The Treaty is introduced by a preamble, organized into chapters, and followed by appendices. For ease of understanding the overall structure, the following is its layout:

Preamble;

Chapter 1: Definitions and Interpretation;

Chapter 2: Purpose and Status of this Treaty;

Chapter 3: Recognition and Legal Status of the Red River Métis;

Chapter 4: Particular Red River Métis Jurisdictions:

- Red River Métis Citizenship;
- Selection of MMF Representatives;
- MMF Structures, Operations, Procedures, Assets, Financial Management, and Financial Accountability;
- Accountability;
- Administration, Enforcement, Prosecution, and Adjudication;
- Included Authority;
- Judicial Review;

Chapter 5: Other MMF Functions and Responsibilities:

- Registry of Laws and Judicial Notice;
- Red River Métis Culture and Language;
- Child and Family Services;

Chapter 6: Access to Information and Privacy;
Chapter 7: Fiscal Matters;
Chapter 8: Tax Treatment;
Chapter 9: Supplementary Self-Government Negotiations and Arrangements;
Chapter 10: General Provisions:

- No Effect on the Constitution of Canada;
- Canadian Charter of Rights and Freedoms;
- No Effect on Other Indigenous Peoples;
- Section 31 of the Manitoba Act, 1870;
- Preservation of Rights;
- International Legal Obligations;

Chapter 11: Dispute Resolution;
Chapter 12: Implementation;
Chapter 13: Application of Federal Laws;
Chapter 14: Judicial Proceedings;
Chapter 15: Ratification;
Chapter 16: Amendment;
Chapter 17: Miscellaneous;
Chapter 18: Communications;
Appendix A;
Appendix B.

The above Preamble and Chapters are summarized below:

PREAMBLE

The Preamble recognizes and sets out the unique history of the Parties with a focus on the Red River Métis. The Preamble provides the background leading to this Treaty and identifies some historic milestones.

The following are some highlights from the Preamble:

- For over two centuries the Red River Métis has exercised its inherent rights to self-determination and self-government (para B).

- The Red River Métis became the founder of Manitoba and Canada’s negotiating partner in Confederation (para E).
- After governing its province peacefully, the Red River Métis faced a Reign of Terror resulting in many of its people being widely dispersed in search of peace and security (para E).
- Canada recognizes and respects the unique history, traditions, culture, and rights of the Red River Métis (para G).
- The MMF is the recognized government of the Red River Métis, deals with the Red River Métis aboriginal section 35 rights, and represents the beneficiaries of the MMF Land Claim which is the section 31 *Manitoba Act* 1870 promise of land (para J).
- Canada required the MMF to incorporate to enter into funding arrangements and work with the MMF on an intergovernmental basis (para K).

CHAPTER 1: DEFINITIONS AND INTREPRETATION

Definitions

The following are key definitions to keep in mind while reviewing the Treaty:

- **“Effective Date”** – which is the date that the Treaty takes effect and comes into force.
- **“Fiscal Arrangement”** – this will accompany the Treaty and will include an agreement that will provide for funding from Canada to the MMF to fulfil its responsibilities.
- **“Jurisdiction”** – means the authority to make Red River Métis laws.
- **“MMF Constitution”** – is the MMF constitution first adopted in 1967 and continuously amended by the Assembly.
- **“MMF”** – is the democratic representative government of the Red River Métis and, until the Effective Date of the Treaty, includes the MMF Inc.
- **“Supplementary Self-Government Arrangement”** – is an amendment to the Treaty to include another Red River Métis Jurisdiction.
- **“Tax Treatment Agreement”** – means an agreement with respect to how the MMF and other agreed-upon Red River Métis institutions will be treated for tax purposes.

Of particular importance in the Definitions section is describing who we are – the **“Red River Métis”**. A summary of the definition is as follows:

The Red River Métis is a distinct Indigenous collectivity and people historically also known as the Manitoba Métis;

It was established with its own identity, language, culture, institutions, and way of life throughout the historic Northwest and centred in the Red River Valley;

Today our citizens live within the province of Manitoba as well as elsewhere inside and outside of Canada;

The Red River Métis is distinct and not a part of any other Indigenous collectivity;

The Red River Métis collectively holds the rights of self-determination and self-government;

Interpretation

The interpretation section talks about the Preamble being part of the Treaty, it is not just background information. It also states that it can be used to interpret and implement the Treaty.

CHAPTER 2: PURPOSE AND STATUS OF THIS TREATY

Purpose

The purpose of the Treaty is, among other things:

- To recognize, support and advance the exercise of the section 35 rights of the Red River Métis.
- It contains the agreement of the Parties around certain or particular Red River Métis section 35 rights of self-government.
- To recognize the MMF's role, functions and authority as the government of the Red River Métis.
- To commit the Parties to negotiate additional areas of Red River Métis self-government and Jurisdiction.
- To be the foundation to continue to address the MMF Land Claim and other claims that may relate to the Métis Scrip System.

Status

This section explains that this Treaty is a treaty within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

Section 25 states that the guarantee of certain rights and freedoms in the Charter shall not be construed to abrogate or derogate from any aboriginal or treaty rights. This means it does not abolish, make invalid, or take away from any aboriginal or treaty rights.

Section 35 states that existing aboriginal and treaty rights are recognized and affirmed ...

This section also states that this Treaty has the force of law, is binding on all persons and bodies (in Canada) and engages an important principle of constitutional law– the honour of the Crown – which dictates how Canada must engage with Indigenous peoples in good faith.

CHAPTER 3: RECOGNITION AND LEGAL STATUS OF THE RED RIVER MÉTIS

In this Chapter Canada recognizes the Red River Métis right to self-determination and its inherent right of self-government.

Importantly, this Chapter explains that the Red River Métis is the legal entity or “person” – it is not the MMF government that is the legal entity – and explains that Red River Métis has all the rights and abilities as a natural person which includes the ability to enter into agreements, hold property, sue/be sued, and hold/spend/invest/borrow money.

It states the MMF is the government of the Red River Métis and has the responsibility to provide responsible and accountable self-government. It also states that the Red River Métis acts exclusively through the MMF in exercising its collective section 35 rights and the Land Claim.

The collective rights of the Red River Métis can only be exercised by the collective and citizens of the collective, Individuals cannot take these rights over to any other collectivity.

The Red River Métis’ inherent right to self-determination and self-government is not based on Canada signing this Treaty – Canada agrees that we have these rights regardless of whether we entered into this Treaty or not. These rights are inherent and are not conditional on Canada’s acceptance or acknowledgement and exist with or without the Treaty.

Nothing in the Treaty extinguishes any section 35 constitutional rights – the Red River Métis are not giving anything up by entering into this Treaty.

CHAPTER 4: PARTICULAR RED RIVER MÉTIS JURISDICTIONS

Red River Métis Citizenship

This section talks about the Red River Métis ability to make laws with respect to Citizenship. It explains that individuals who have their MMF Citizenship card prior to the Effective Date of the Treaty will continue to have their Citizenship (paras 21 and 23).

This Chapter allows for individuals to only be enrolled as a citizen, member, or participant of one collectivity at a time. However, there is an exception if an individual is unable to leave a collectivity to come back to the Red River Métis (para 26).

This section states that if there is a conflict between a Red River Métis law and a Federal Law in this matter, our law prevails (para 29).

Selection of MMF Representatives

The MMF can make laws regarding how MMF representatives are elected (para 31).

This section states that if there is a conflict between a Red River Métis law and a Federal Law in this matter, our law prevails (para 32).

MMF Structures, Operations, Procedures, Assets, Financial Management and Financial Accountability

The MMF has the ability to make laws in relation to, among other things, its structures, operations, procedures, finances, and assets (para 33).

This section states that if there is a conflict between a Red River Métis law and a Federal Law in this matter, our law prevails (para 35).

Accountability

The MMF will make laws regarding how it will be accountable to Red River Métis Citizens (para 36).

This section states that if there is a conflict between a Red River Métis law and a Federal Law in this matter, our law prevails (para 37).

Administration, Enforcement, Prosecution, and Adjudication

The MMF has the ability to make laws to create institutions, offences, or other bodies to administer our laws (para 38). The MMF can also make laws to impose sanctions such as fines for violation of such laws (para 40). The MMF can also take steps to enforce and prosecute these laws (para 43, 44, 46, and 47).

This section states that if there is a conflict between a Red River Métis law and a Federal Law in these matters our law prevails (para 39 and 41).

The MMF has the ability to make laws to assist in the voluntary settlement of a dispute between Red River Métis Citizens (para 53).

CHAPTER 5: OTHER MMF FUNCTIONS AND RESPONSIBILITIES

Registry of Laws and Judicial Notice

The MMF will maintain a public registry which contains Red River Métis laws (para 57). The MMF already has established a registry of laws on our website. Judicial notice will be taken of this Treaty which means that we do not have to prove to a court it is valid and binding (para 59).

Red River Métis Culture and Language

The MMF can preserve, promote, and develop Red River Métis culture and language (para 64).

Child and Family Services

This section restates that Child and Family Services has been acknowledged by Canada as a right of self-government. Acknowledged as the Indigenous Governing Body, the MMF is currently in negotiations with Canada and Manitoba to develop a Coordination Agreement for MMF jurisdiction, including our laws, to apply to Red River Métis children and families in the provision of these services.

CHAPTER 6: ACCESS TO INFORMATION AND PRIVACY

This Chapter deals with access to information and privacy matters. It essentially puts the MMF on equal footing to a provincial government when it comes to dealing with Canada and accessing information and the privacy of certain data (paras 69-75).

CHAPTER 7: FISCAL MATTERS

This Chapter talks about the ongoing financing of the MMF and how it is a shared responsibility of the MMF and Canada (para 76).

It also states that the Parties will work to enter into fiscal arrangements that, among other things, ensure that the MMF has sufficient, predictable, stable, and flexible funding to ensure it can meet its needs (para 77).

CHAPTER 8: TAX TREATMENT

This Chapter talks about the Parties entering into a Tax Treatment Agreement which will deal with how the MMF and other agreed to Red River Métis Institutions will be taxed by Canada (para 83).

CHAPTER 9: SUPPLEMENTARY SELF-GOVERNMENT NEGOTIATIONS AND ARRANGEMENTS

This Chapter explains the concept of Supplementary Self-Government Arrangements which will be additional areas of Red River Métis Jurisdiction including law making authority to be added to the Treaty in the future once negotiated. Either Party may request to sit down and negotiate these further areas of MMF Jurisdiction (para 87).

It outlines the types of things that will be contained within these supplementary arrangements such as which laws prevail in a conflict, enforcement of the laws, and more (para 91).

CHAPTER 10: GENERAL PROVISIONS

Canadian Charter of Rights and Freedoms

This section states that the *Charter* applies to the MMF (para 94).

No Effect on Other Indigenous Peoples

This is an agreement about the Red River Métis, for the Red River Métis – this Treaty states that it does not affect any other Indigenous people (para 95).

Section 31 of the *Manitoba Act, 1870*

This section outlines a Treaty commitment by Canada to negotiate with the MMF and attempt to agree to an approach and schedule to deal with the Land Claim from the 2013 *MMF v Canada* Supreme Court of Canada case (para 98).

International Legal Obligations

If there is an International Legal Obligation that Canada is not complying with as a result of a Red River Métis Law, the Parties will work together to make sure Canada is able to comply (para 102).

CHAPTER 11: DISPUTE RESOLUTION

This Chapter refers to Appendix “A” which is attached to the Treaty and provides a detailed procedure for how the Parties will resolve any disputes that arise regarding the content of the Treaty (para 103 and Appendix “A”).

CHAPTER 12: IMPLEMENTATION

This Chapter provides for an Intergovernmental Relations Committee which will be made up of representatives of both Parties and will operate for a term of five years or as the term may be extended. This committee will work to implement the terms of the Treaty (paras 104-111).

CHAPTER 13: APPLICATION OF FEDERAL LAWS

This Chapter talks about how Federal laws will continue to apply to the Red River Métis and how the Parties will handle a conflict (paras 112-113).

CHAPTER 15: RATIFICATION

This Chapter refers to Appendix “B” which is attached to the Treaty and outlines the process that the MMF is engaging in with Citizens in order for the Red River Métis to ratify the Treaty in accordance with our customs and practices (paras 120-125 and Appendix “B”). Following ratification, Canada’s responsible Minister will recommend Implementation Legislation to Parliament to approve and give the force of law to the Treaty.

CHAPTER 16: AMENDMENT

Provincial Governments

This Chapter allows for any provincial government to sign on to the Treaty in the future, however, the Treaty is still binding on all provinces and territories, regardless of if they sign on or not (para 131).

CHAPTER 17: MISCELLANEOUS

This Chapter contains mostly general provisions (paras 132-137).

CHAPTER 18: COMMUNICATIONS

This Chapter contains definitions, processes, names and addresses for communications between the parties under this Treaty.

Note on chapter and paragraph references: Due to ongoing revisions to the Treaty the chapter and paragraph (“para” or “paras”) numbers and names are subject to change.