



NORTHWEST TERRITORY MÉTIS NATION

NEWS RELEASE

INDIGENOUS MÉTIS ABORIGINAL RIGHTS

FORT SMITH (July 19, 2018) - There is a belief amongst some First Nations that First Nation people are the only Aboriginal rights holders; this is an incorrect presumption and not based on law or fact. The NWTMN has constitutionally protected Aboriginal rights. The denial of our Aboriginal rights is politically motivated and must stop. The NWTMN is concerned that First Nation members have been misled about the existence of Métis rights.

The NWTMN is comprised of Indigenous Métis from the communities of Fort Resolution, Fort Smith, and Hay River. The Indigenous Métis used and occupied land and resources in the Northwest Territories before the presence of any form of government and long before the signing of any treaties with First Nations. The *Royal Proclamation of 1763* protects the Aboriginal rights and title of the NWTMN from dispossession. The Métis Nation was self-governing prior to the formation of the NWT. Politically, the Indigenous Métis were one of the original participants in the formation of the Métis and Non-Status Indian Association of the NWT in 1972 and worked closely with the Dene Nation.

In 1982, “the existing Aboriginal and treaty rights of the Aboriginal people of Canada are hereby recognized and affirmed,” in Section 35(1) of the *Constitution Act, 1982*. Section 35(2) defined Aboriginal peoples to include “the Indian, Inuit, and Métis peoples of Canada.” Aboriginal rights were recognized independent of treaty rights as they should be. Métis citizens of Canada do not have treaty rights at this time. Some First Nations have Treaty rights. Currently, NWTMN Members’ possess existing and recognized Aboriginal rights which are equal to Treaty rights of First Nations peoples.

Métis were full and equal participants in the Dene/Métis comprehensive land claim negotiations during the 1980s. During those negotiations, the Métis collaborated with the Aboriginal governments, including the Akaitcho. Now we find it surprising that First Nations are trying to deny the recognition of Indigenous Métis Aboriginal rights when we were equal partners with the First Nations in the former Dene/Métis negotiations.

After the collapse of the Dene/Métis process, both Canada and the Government of the Northwest Territories agreed to negotiate a comprehensive land and resources agreement with the NWTMN. By doing so, both governments recognized Indigenous Métis aboriginal rights. At the conclusion of the current negotiations, the NWTMN will have a Treaty Final Agreement that will be constitutionally protected by section 35 of the *Constitution Act, 1982*.

In 2004, the Supreme Court of Canada in the *Haida Nation Case* held that the government's acceptance of an Aboriginal groups' land claims negotiation is an acknowledgment by government of that group's Aboriginal rights.

In 2016, the Supreme Court of Canada in the *Daniels* case confirmed that the Government of Canada has responsibility and authority to provide programs and services to Métis. The NWTMN has advocated that Canada treat the NWTMN equitably with First Nations in respect to funding and the delivery of programs and services.

In May 2016, the Minister of Indigenous and Northern Affairs announced Canada is now a supporter, without qualification, of the *United Nations Declaration on the Rights of Indigenous Peoples*. Under Article 26 of *UNDRIP* the NWTMN has a right to our lands and resources, and to engage in our traditional activities:

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

On February 14, 2018, Prime Minister Trudeau announced an engagement process to formalize the recognition and implementation of Indigenous rights through new legislation and policies. Prime Minister Trudeau announced that "First Nations, Inuit and Métis Peoples" will be involved in the development of the Recognition and Implementation of Rights Framework. This is further recognition by the Government of Canada of Indigenous Métis aboriginal rights.

On May 30, 2018, Parliament passed, “Bill C-262 - An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples”. The NWTMN looks forward to Canada honouring the implementation of the Declaration in respect to Métis rights.

The rights of Indigenous Métis Members to harvest are unrestricted with no seasons or limits on the harvest throughout our traditional territory including throughout the NWT. Our aboriginal rights to harvest are based upon our inherent rights being within our homelands before government came into our country and as such we have a right to govern ourselves as well. The Indigenous Métis Members of the NWTMN have a right to build and utilize traditional use cabins throughout the traditional territory of the NWTMN. This right has always been exercised by the Indigenous Métis Members and our Indigenous Métis Members will continue to do so.

Anyone who believes that a treaty trumps Aboriginal rights does not fully understand the basis of Aboriginal rights. Aboriginal rights have existed from time immemorial and although this term is mostly used by First Nations it also applies equally to Métis. Métis people arose through the union of Indigenous people and Europeans through successive generations, and historic use and occupation of lands resulting in a unique and distinct culture. Our rights as Métis existed before government control just like the rights of First Nations existed before government control. For other Indigenous groups to deny the rights of Métis people is to deny their own rights. The rights of Aboriginal people including ourselves are not dependent upon a written historic Treaty or Agreement.

It is our hope for the future that we can share this land and put our efforts to the betterment of our people. The Governments wrongly assumes our rights are merely “asserted” which is incorrect and has contributed to First Nations wrongly assuming our rights are secondary. The NWTMN will continue to advocate for the implementation of our Aboriginal rights and reconciliation measures for past and ongoing injustices.

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