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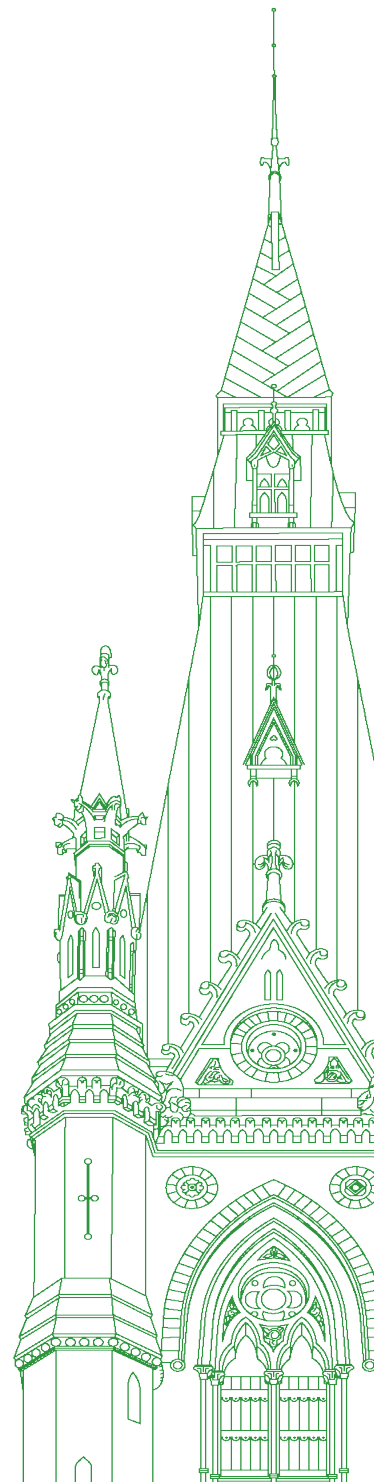
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Chair: Mr. John Aldag



Standing Committee on Indigenous and Northern Affairs

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• (1535)

[English]

The Chair (Mr. John Aldag (Cloverdale—Langley City, Lib.)): I call this meeting to order.

Welcome to the 84th meeting of the Standing Committee on Indigenous and Northern Affairs.

Pursuant to the Standing Orders, today's meeting will be in a hybrid format. Therefore, there are no screenshots, photos or recordings allowed now that we're in session. I won't go over all the virtual stuff, because Michael and Anna hopefully know what we're doing now and have enough experience there.

Before we jump into the first session today, I'd like to remind members that all amendments, including subamendments, must be submitted in writing and sent to our committee clerk. The deadline we established is November 29. That's coming up soon. Should you wish to propose amendments, please send the legislative counsel Alexandra Schorah your written instructions. She will ensure amendments are drafted in the proper legal format.

Today, we're continuing with our study of Bill C-53, an act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan.

For our first panel, I'd like to welcome Cassidy Caron, president, Métis National Council. Joining President Caron is her counsel, Alexandria Winterburn.

We need the approval of the committee to have non-speaking supports join main witnesses at the table. I am going to ask for unanimous consent to have Ms. Winterburn join Ms. Caron at the table today. Because Ms. Winterburn is appearing as legal counsel, we can't direct questions to her. We can ask Ms. Caron technical legal questions. She may need to consult with Ms. Winterburn and report back, so it's a bit of an oddity in terms of how we're structured in the committee. That's how it goes.

Some hon. members: Agreed.

The Chair: Thank you for that.

Welcome to the table as well, Ms. Winterburn.

We're going to get right into it. We have a five-minute opening statement.

Ms. Caron, whenever you're ready, the floor is yours. Then we'll move into our rounds of questioning.

Ms. Cassidy Caron (President, Métis National Council):

Thank you for this opportunity to address Bill C-53, which is a critical piece of legislation for the Métis.

I am a very proud Métis woman from Batoche and St. Louis, Saskatchewan. My ancestors fought in the 1885 resistance with a goal to preserve, protect and defend the Métis way of life. They were fighting for many of the same ideals the Métis nation continues to fight for today.

I am the president of the Métis National Council. The MNC comprises and receives its mandate from the democratically elected leadership of the governments of the provinces of Ontario, Saskatchewan, Alberta and British Columbia.

For generations, the Métis nation has been organizing, advocating, negotiating and litigating to advance Métis rights. For the past 40 years, the Métis National Council has been at the forefront of this struggle, supporting Métis governments' fight for respect and rights recognition and working together to advance the Métis nation's cultural, social, economic and political interests.

Bill C-53 is the next step forward. It will help what RCAP called the "inexcusable governmental handling of Métis...rights over the years".

We must all be clear: The promise of Métis self-government legislation is not new. To believe that it is new is yet another example of Canada's systemic amnesia. Time and time again, your governments, your processes, your special representatives, your royal commissions and your courts have recommended the negotiation of agreements that will legislatively recognize Métis self-government.

In 1982, your federation agreed to amend your Constitution to recognize and affirm the Métis nation's inherent rights in section 35, which includes the right to self-government. However, the failure of the late 1980s' constitutional conferences left section 35's promise to the Métis unfulfilled.

In 1992, Canada came close to formally recognizing Métis self-government through the Charlottetown accord, which included the Métis nation accord, which would have committed the federal and provincial governments to negotiate the implementation of Métis self-government. Also in 1992, Joe Clark, as minister for federal constitutional affairs, introduced a historic resolution in Parliament supporting the constitutional rights of the Métis. It passed unanimously. Through it, the House of Commons supported by its actions the true attainment, both in principle and practice, of the constitutional rights of the Métis people.

In 1996, your Royal Commission on Aboriginal Peoples recommended that the governments of Canada and of relevant provinces and territories be prepared to negotiate immediately with the appropriate Métis representative on the manner in which Métis self-government will be recognized. When successive Canadian governments failed to uphold their promises and their commitments, Métis turned their focus to the courts to prove that section 35 was not an empty promise to Métis.

In 2003—20 years ago—the Supreme Court of Canada unanimously confirmed in *Powley* that Métis are full-fledged rights bearers and that Métis rights are not derivative from first nation rights or less than Inuit or first nation rights. In *Powley*, Canada's highest court urged your governments to finally negotiate with the Métis and support section 35's constitutional guarantee to the Métis for the recognition and affirmation of our distinct rights.

In 2016, in *Daniels v. Canada*, your Supreme Court unanimously confirmed that Canada has a constitutional responsibility to advance relationships with Métis in the same way it does for first nations and Inuit.

There are even more examples where your processes have repeatedly led to the same recommendations calling for the full recognition of Métis rights. In 2016, Canada's ministerial special representative, Tom Isaac, released his report, which included many of these same recommendations. He reminded Canada of its duty to reconcile with Métis and adhere to the honour of the Crown, which demands full implementation of its obligations to all aboriginal peoples under section 35.

Even just this past June 2023, Canada committed in the UNDRIP action plan that, “Consistent with the commitment to co-develop approaches for the implementation of the right to self-determination, Canada will introduce federal legislation to implement the co-developed Métis Self-Government Recognition and Implementation Agreements”.

Again, none of these conversations are new. Métis rights are not new. Métis self-government is not new. What is new is that Canada is finally taking action on what it has long promised.

● (1540)

For 40 years, the Métis National Council has been the national voice for our Métis governments to advance the interests and priorities of the section 35 rights-holding Métis citizens that they represent. These are the section 35 rights holders that Canada owes a duty to. Bill C-53 is a step to ensuring Canada's now 40-year-old promise of section 35 to the Métis is finally fulfilled.

Simply put, it's time.

The Chair: Thank you so much for your opening statement.

I have to say, as someone born and raised in Saskatchewan, that I've been to Batoche many times. It's an absolutely amazing place, and I look forward to being able to visit again sometime in the future.

With that, we're going to get into our rounds of questions.

I should have mentioned at the beginning that I have a quick visual card system. This means that 30 seconds are left on the clock, and the red means that time's up. Don't stop mid-sentence, but wind up your thoughts so we can get on to the next round of questions.

I have Mr. Schmale first on my list for six minutes.

The floor is yours.

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): Thank you very much, Chair.

Thank you to our witness for appearing today. I do appreciate her view and look forward to the back and forth we're about to have.

I think some of the statements we've had, whether from chiefs in Ontario or Métis in Alberta, are about land and governance. I know that this bill touches on the operating of Ontario, Saskatchewan and Alberta, but, at the same time, what was raised is what comes next.

Grand Chief Alvin Fiddler talked about issues around land that he might perceive as issues going forward—the consultation piece he was talking about. He was pointing out that there are no exact borders, so how would you define that, potentially, if you see the treaty process as what comes next? How do you see that coming together when you have chiefs in northern Ontario saying, as in the case of Grand Chief Fiddler, that these communities do not exist, that they're “fictional”? That was his word.

● (1545)

Ms. Cassidy Caron: Thank you for the question.

First and foremost, what is really important to focus on—and we've had these conversations—is what is in this legislation and what is not in this legislation. That's what we're here to study.

The bill does not touch on the negotiation of lands. It does talk about future negotiations of treaties, but this bill fundamentally does two things. It recognizes the status quo that's existed for the last 100-plus years that these are Métis governments and they represent Métis collectivities. When treaties are negotiated, they also don't necessarily need to be land treaties.

Member Battiste has spoken about this in previous hearings. Treaties can also refer to peace and friendship treaties. They don't always necessarily lead to land. When the treaties are negotiated, if they are to impact first nations' rights, then there will be a duty to consult triggered and they will be consulted.

At this point in time, this piece of legislation does not speak to that. It's simply about the internal governance of these three Métis governments.

Mr. Jamie Schmale: Do you see it potentially coming back to land?

Ms. Cassidy Caron: I can't predict the future there.

Mr. Jamie Schmale: I think those were some of the concerns that the chiefs in Ontario were talking about. It's true that the duty to consult kicks in at the next phase, but at that point, there is no mechanism to bring that treaty piece back to Parliament. It was an order in council. I think that was the part that the chiefs were bringing to our attention.

If there was no vote in Parliament on the treaty part, the duty to consult should have happened at the beginning, because there is no recourse on the second part, if you understand what I'm saying. If the treaty comes, and it does involve land and there is the consultation, the order in council would be the final approval, not the Parliament of Canada, which would have the ability to have this kind of discussion about it.

Ms. Cassidy Caron: However, if the treaty negotiations result in something that would impact first nations' rights, that would trigger the duty to consult with that first nation prior to the conclusion of the treaty.

Mr. Jamie Schmale: Yes, that's the other part, and I think that's what we're trying to zero in on now and trying to figure out a path forward on, the fact that the Governor in Council could do this almost behind closed doors without the approval of Parliament. It could include land. It might not—you're right. It might not, but it could. I think that was the point the chiefs were trying to make, and I'm trying to figure out a happy medium here.

Would you have objections to an amendment that had a vote in Parliament on a treaty?

Ms. Cassidy Caron: Because this piece of legislation is not the Métis National Council's legislation—it is the legislation that was codeveloped with these Métis governments—any amendments would need to be reviewed and approved by those three Métis governments. The Métis National Council would then support the position put forward by those three Métis governments.

When we're talking about the order in council process for these pieces, there's a precedent that's already been set. Consistently throughout history, Canada has created double standards for the Métis, and that's exactly what this would be doing.

Again, I think it's important to know that there's a precedent and there's a process. If rights will be impacted, that will trigger a duty to consult. Those processes will be followed, and if there are amendments that are going to be made to this legislation, they have to go back in consultation and codevelopment with the partners who codeveloped this piece of legislation.

• (1550)

Mr. Jamie Schmale: Okay. I think I have only 30 seconds left. I'll try to get a quick question in so you can answer.

I was talking about testimony from the Manitoba Métis Federation. They were quite concerned about membership and how that dovetails with Ontario. How do you view membership?

I know what's in writing, and I know it's on your website, but how do you view membership in terms of historical communities, as MMF talked about with Red River?

The Chair: Very briefly, if you could give a one-sentence answer.... If this side would like to carry on with this line of questioning, they can come back to it.

An hon. member: The old chair would have given two sentences.

The Chair: We're a tight ship here. It's one sentence and then we're going to this side.

Ms. Cassidy Caron: I can't do it justice in one sentence, other than pointing to the fact that our Métis governments have objectively verifiable Métis registries.

I'm happy to build on that if a future question arises.

The Chair: Thank you so much.

We're going to go now to Mr. Battiste for his six minutes.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Thank you for being here, Cassidy.

There's been a lot of discussion at this committee about who is Métis, and there have been a lot of accusations that certain Métis organizations will allow anyone to be members and that there are no criteria. That is interesting, because when I look at MNC's website, it has a resolution passed by all that says, "Métis' means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation", which is very consistent with what was ruled in Powley.

I wonder if you have any processes in place whereby you're trying to verify the lists of various organizations, if they're compliant with the MNC's definition and if there is any kind of independent evaluation being done on that membership list.

Ms. Cassidy Caron: Thank you for the question.

There have been many. What I can say is that we know that the citizenship registries of each of our Métis governments, like I have said, are objectively verifiable. They have been audited by third parties. Each of our Métis governments applies that 2002 definition of a Métis citizen that was passed by the Métis National Council.

If I may, I'll read something that Métis lawyer Jean Teillet wrote recently for a report for the University of Saskatchewan, which emphasizes the strength of our Métis government registries. She wrote:

The Métis Nation has five regional/provincial members—Métis Nation-BC; Métis Nation of Alberta; Métis Nation-Saskatchewan, the Manitoba Métis Federation, and Métis Nation of Ontario (MNO). Each of these provincial organizations have a reliable registry that the University of Saskatchewan can utilize. Because these registries require objective evidence for citizenship to be granted, cards that are up to date and issued by them can be accepted with no further quest for information.

That was written by Métis lawyer Jean Teillet for the University of Saskatchewan. That we're all working to fight identity fraud in these institutions, individuals taking opportunities from Métis people, again, speaks volumes to the strength of our Métis registries.

Mr. Jaime Battiste: Thank you for that.

I was having a conversation with a Métis professor and friend of mine, Larry Chartrand, and he also talked about the thorough process of going through who's on these lists and that there's further work being done to evaluate. Can you speak to us a bit about what that process looks like?

Ms. Cassidy Caron: There is an internal process that the Métis National Council has been mandated to implement. That is through a 2021 resolution from our general assembly. Again, I just want to make it clear that it has nothing to do with what's in this piece of legislation—that's really important.

Who belongs to the Métis nation is for the Métis nation to decide. Therefore, we have implemented our own process that has been directed through our own democratic institutions, and we will be following that direction from our general assembly and from our democratic institutions, because Métis people are self-determining.

That's what I'll say about that.

Mr. Jaime Battiste: Within the definition, there is a certain part of it that says, “is distinct from other Aboriginal peoples”, which I assume means first nations and Inuit. When we're talking about the definition from the Métis National Council, a lot of people.... Some chiefs have come here and said, “These aren't Métis. They're former first nations.”

What your definition actually means is that they would have to be connected to a distinct Métis community, like the Red River Métis. In order to satisfy that, they couldn't just have mixed ancestry from another first nation to qualify as Métis.

Is that a correct reading of that motion?

• (1555)

Ms. Cassidy Caron: Citizenship is for section 35 Métis rights holders. Yes, communities that meet the definition or criteria of a historical Métis community have section 35.... That's correct.

Mr. Jaime Battiste: To be crystal clear and to dispel any myths, misconceptions or erroneous statements we've heard here, being Métis is not about having mixed ancestry with first nations. It's about distinct communities. Is that correct?

Ms. Cassidy Caron: “Métis” does not mean “mixed”.

Mr. Jaime Battiste: Okay. Thank you, Mr. Chair.

The Chair: You have a minute left.

Mr. Jaime Battiste: Do you expand on that? I think it was very thorough.

Ms. Cassidy Caron: Sure. I'll even talk more about the strength of our Métis registries, in that you have to be distinct from....

Many of our Métis registries use a system that audits our registries against INAC's registry for status first nations in order to make sure there is no overlap and that it is separate and beyond. When we say they are objectively verifiable or have been audited.... There are a number of processes that can show you the strength of our Métis registry.

Once again, it's so important for us to say here that, as an indigenous nation, we have the right to determine who our citizens are. We have the right to determine who belongs. That is a right the Métis nation holds.

The Chair: You have 30 seconds.

Mr. Jaime Battiste: Thank you for your testimony. I appreciate it.

The Chair: Thank you.

We're now going to Madame Bérubé.

[Translation]

Welcome, Ms. Bérubé.

You have the floor for six minutes.

Ms. Sylvie Bérubé (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Thank you, Mr. Chair.

Thank you for joining us at the Standing Committee on Indigenous and Northern Affairs, Ms. Caron.

Ms. Caron, earlier, regarding Bill C-53, you were talking about reconciliation. The first nations who oppose it are talking about broken reconciliation.

How do you interpret these words?

[English]

Ms. Cassidy Caron: I'm going to ask for clarification on the question.

Are you saying first nations are trying to move away from reconciliation?

I'm sorry. I'm just seeking clarification.

[Translation]

Ms. Sylvie Bérubé: They oppose this bill and speak of it as a breach of reconciliation.

[English]

Ms. Cassidy Caron: That's a very interesting question.

I know reconciliation means many different things to many different people. It means different things to different communities. It means different things to each one of our citizens. There are different processes that people consider to be part of reconciliation. It has, of course, been a buzzword of recent governments. It presents the opportunity to build a relationship and move forward in a good way.

Bill C-53 can be interpreted as reconciliation in action, since we are moving towards the recognition and implementation of Métis rights. That's something our communities, people, leaders and citizens have been working towards for generations.

Some would say it fits within the box of reconciliation. Others would say it is just the right thing to do. Whether or not to label it "reconciliation" is up to the individual. For first nations to decide they want to move away from using the term "reconciliation"... It's up to them to do that as well. I wouldn't force anybody to use a word they are uncomfortable using.

[Translation]

Ms. Sylvie Bérubé: On the other hand, some Métis communities have spoken out against the bill.

What do you say to these communities?

[English]

Ms. Cassidy Caron: Absolutely. Métis people have the right to choose. Again, this bill is only about the three Métis governments that are named in it, and Métis citizens have the right to choose who represents them. I think it is something that is very important to say.

Métis people really do value democracy. We know that Métis people have the right to choose that. In our instance, for the four Métis governments that comprise the Métis National Council, they total about 160,000 registered Métis citizens who chose those governments to represent them. We know, of course, there is opposition in certain provinces, say perhaps in Alberta, but it's important to recognize that 65,000 registered Métis citizens chose the Métis Nation of Alberta to represent them as their government.

We stand firm that everybody has the right to choose, and this is the pathway that our Métis governments are taking to implement this. We hope to see this piece of legislation fulfill that promise that has been promised to us for the past 40 years and talked about for generations before.

• (1600)

[Translation]

Ms. Sylvie Bérubé: Can you tell us about the impact the bill would have in your community?

[English]

Ms. Cassidy Caron: I would love to.

As I said in my introduction, my family comes from St. Louis and Batoche, Saskatchewan. I live in Ontario right now. I cannot be represented by the Métis Nation-Saskatchewan. Once the self-government agreements are fully implemented, I would then have the right to choose the Métis Nation-Saskatchewan to represent me as my government because those are my homelands.

My family comes from a really historic part of the Métis nation homeland. My family contributed to so much history. The chair mentioned the Batoche National Historic Site. The one homestead that still stands on those protected grounds is the homestead of my great-great-grandfather. Those lands are so sacred to the Métis because those are the lands where our ancestors fought for, as I said in my introduction, what we are still fighting for today: to preserve the

Métis way of life, to govern our people in the way that we know they want to be governed, to take care of our people in the way that we can take care of them and to take care of our children in the ways that we know how to take care of our children.

This piece of legislation is moving us forward in a way that we have not yet been able to, and it would be making history. It would be setting things right, and it would be truly meaningful to me as a Métis woman and, I know, to my family and my ancestors as well.

[Translation]

The Chair: There are 30 seconds left.

Thank you, Ms. Bérubé.

[English]

We will now go to Ms. Idlout.

When you're ready, you will have the floor, for six minutes.

Ms. Lori Idlout (Nunavut, NDP): *Qujannamiik, Iksivautaq.* Thank you, Chair.

Qujannamiik to the witnesses for coming here today. I'm very excited to have you.

I'm very much of the view that, just like first nations and Inuit, Métis do have a right to self-determination. I think this bill attempts to recognize that right so that, as self-governing nations, your nations will also be recognized, and Ontario, Saskatchewan and Alberta will be able to make laws that impact their people. I completely understand that.

We also as a committee have been hearing a lot of concerns about first nations' and other Métis' rights being infringed upon if this bill were to pass, so I'm going to be asking a few questions to help maybe educate us more about what this bill could mean. For example, I understand that the three Métis nations as well as you mentioned earlier that you believe in UNDRIP and that it's a good thing that UNDRIP is included in this bill.

Have you read article 19 of UNDRIP?

Ms. Cassidy Caron: I'm sure I have. I just don't know them by heart, but I have it right here with me.

Ms. Lori Idlout: I will read it very quickly. It says:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

This is an important article. You have talked about the duty to consult, which is a standard that you say hasn't been reached yet.

If you believe in UNDRIP, do you think that article 19 is being implemented during this process?

• (1605)

Ms. Cassidy Caron: I absolutely do, because what's really important about article 19 is that "States shall consult and cooperate in good faith" on "measures that will affect them".

This piece of legislation only affects Métis governments that are named within this piece of legislation. Since Bill C-53 does not impact or affect other indigenous peoples, there was no trigger that required Canada to consult with anybody else on it.

It's really important to know that it only affects those three Métis governments and the collectivities that those three Métis governments are comprised of, and that's exactly what article 19 does. I do think that this bill has met article 19 of UNDRIP.

Ms. Lori Idlout: What would you say to the first nations and to other Métis settlements who say that their rights are potentially being infringed upon and they feel their article 19 rights have not been respected?

Ms. Cassidy Caron: I would say, first and foremost, that I hope that those individuals saying those things have read the legislation and have read the self-government agreements that were signed by our Métis governments and Canada, because not only within the legislation does it say that it affects only those three Métis governments, but within the self-government agreements as well there are clauses that say that these agreements will have no effect on anybody except these Métis governments.

For example, even within the Métis Nation of Alberta self-government agreement, there is a clause that says that the title has no effect on Alberta Métis settlements. There are clauses within these agreements already that state that these will have no effect on them, so essentially what I say is that there has been, unfortunately, a lot of misinformation that has been shared throughout this committee process. *Qujannamiik* for always asking the hard questions about showing in the legislation where it will have an effect on people who are not in this legislation, because that's what's really important here. This legislation only impacts those three Métis governments, and there are clauses that say it will not affect anybody else.

Ms. Lori Idlout: In the bill, in clause 8 on page 4, there is a sentence that says, "The Government of Canada recognizes that a Métis government set out in column 1 of the schedule is an Indigenous governing body that is authorized to act on behalf of the Métis collectivity set out in column 2".

The part I want to ask you about is the question of whether those identified in that schedule are authorized. How would you help support whether they are authorized, knowing that there are Métis settlements in places like Alberta that might dispute that?

Ms. Cassidy Caron: Citizens have the right to choose who represents them. Once again, if I were a Métis person living in Alberta and I didn't choose the Métis Nation of Alberta to represent me, then I wouldn't register for citizenship within that.

The self-government agreements, this piece of legislation, only affect the Métis governments and the collectivities, those who choose to be a part of those collectivities. The individuals, the communities, that choose to be outside are not affected.

Qujannamiik.

The Chair: That takes us to the end of the first round.

We are going into a slightly shorter and faster second round.

First, I have Mr. Vidal for five minutes.

Mr. Gary Vidal (Desnethé—Missinippi—Churchill River, CPC): Thank you, President, for being here today and for the conversation.

I know that you've been following the proceedings very closely and what's been going on over the last several weeks, and you've heard the concerns. We spoke quite a bit about the Chiefs of Ontario and some of those concerns in northern Ontario.

I want to talk a little bit more about what my colleague Ms. Idlout talked about and the concerns that are being raised by Métis groups, both the MMF and the Métis settlements, the folks from Alberta. We haven't heard a lot from Saskatchewan, but we have in some of these other communities.

Maybe let me start with just framing this. Since you're the national president who represents all of these organizations or Métis people in the country, I'm going to give you an opportunity to offer your comments on what the concern is for you in the divide between your own people—between your own communities, so to speak—and what that means to you.

Ms. Cassidy Caron: Absolutely.

I come back to the democratic right to choose. It's the democratic right to choose who represents you, to vote for who represents you and to be a part of a collectivity that represents you. It's always the right to choose. That is our democratic right. Again, Métis people value democracy.

As the president of the Métis National Council, I believe what's really important here is to recognize that the Métis National Council is not a Métis government. We are comprised of Métis governments. Those Métis governments have been comprised of citizens and leaders who have been organizing for generations, who have been doing this work for generations, for so long. They have been acting as governments for our people up until this point.

Those governments were the ones who came together in 1983, 40 years ago, to say that we need a national voice at the national level and at the international level. They created the Métis National Council. I get my direct mandate from them. It's really important for me to explain that, once again, the Métis National Council is not a Métis government. We are comprised of Métis governments, and those Métis governments are the ones who represent the section 35 rights of Métis citizens. Again, we always have the right to choose.

• (1610)

Mr. Gary Vidal: Thank you. I don't want to cut you off, but I'm very limited here.

I'm going to comment back. You can maybe make a quick comment, but I want to get to one more question.

I was out in northern Saskatchewan last week, to be honest with you, talking to people in a number of Métis communities. One of the concerns about the right to choose is that, if I have the right to choose but choose not to, then I'm not going to qualify for some of the health benefits and some of those kinds of things that are going to be part of the self-government recognition. It comes with funding for providing health benefits and some of those section 35 rights. If I choose not to be represented by one of the provincial Métis organizations, then my right to choose means that I don't have access to some of those benefits.

Can you give me as quick a comment as you can in response to that? I really do want to get to one more question.

Ms. Cassidy Caron: We can talk about this, but once again, this legislation only talks about internal self-government and how the Métis governments are administered.

Mr. Gary Vidal: In fairness, President, you're talking about the individual having the right to choose who represents them in the context of the Métis settlements, compared to the MNA, in this case. That is a concern.

I don't want to get into a debate with you, because I really want to get one more question in. You and I can chat later a little bit.

Ms. Cassidy Caron: Absolutely.

Mr. Gary Vidal: We had the MMF here a few weeks ago, and I'm sure you were watching. In the context of some of the concerns they raised, they made a comment—which I think we're all aware of. They're in the final stages of treaty negotiations with the Government of Canada for MMF.

My question is actually pretty simple. I'm just curious about your response.

What happens if Bill C-53 doesn't get passed but the MMF treaty does? What does that mean to MNC and the three organizations that we're talking about in this legislation?

Ms. Cassidy Caron: What's really important to note here is that there is no one way to move towards self-government. I think that is exactly what is being demonstrated here—one Métis government moving towards self-government in one way and three Métis governments choosing to move towards self-government in another way.

What we are here to do is to talk about the implementation legislation. I think there has been a precedent set for this process previously where first nations have opted to use this process in which legislation comes first and treaty negotiations come second. That has been done successfully. I'll reference it for the committee. It is the Yukon first nations agreement. I think it's really important to know that this process is not new and that it's the option that our Métis governments have chosen to use.

Mr. Gary Vidal: I think he's going to cut me off right about now.

Thank you, Chair.

The Chair: Thank you.

We'll now go to Ms. Atwin.

You have five minutes on the clock. The floor is yours.

Mrs. Jenica Atwin (Fredericton, Lib.): Thank you very much, Mr. Chair.

Thank you so much for being here, President Caron. It's always great to have you at committee.

I would love to ask.... The majority of voices that we're hearing in support of the bill or just clarifying it for us are the voices of women. Why do you think that is?

Ms. Cassidy Caron: I love that question. Thank you so much.

Women have played a significant role in the development and the forward movement of the Métis nation throughout our history. You know, it's really important that we recognize the roles that Métis women have played historically throughout the Métis nation. Through history textbooks, we know a lot about Louis Riel, and some of us know about Gabriel Dumont, but we don't know about the women behind the scenes who were involved in the conversations and taking care of the nation behind closed doors.

Today, women are taking seats in leadership roles. I am the first elected woman to hold the presidency of the Métis National Council. Our general assembly is comprised of at least 50% women, if not more. Women have this ability to see beyond themselves and to see where we need to go in the future. This bill is exactly that. It's where we need to go in the future for the Métis nation. I would just imagine that a lot of our women see this as a positive step forward for the Métis nation.

• (1615)

Mrs. Jenica Atwin: My other favourite subject to talk about is youth. How do you see youth being involved in the implementation of the provisions in this legislation?

Ms. Cassidy Caron: Anywhere and everywhere they want to be involved. I got my start as a youth leader at the Métis National Council as well. I played a role, but it was only last month that we actually implemented a national Métis youth council. Métis youth play a huge role in the Métis nation's governance. Louis Riel was only 24 when he first took his seat as president of the first provisional government.

Young people have played such a significant role in the Métis nation. If I may, I'll take this time to thank those Métis youth who have come to this committee and so bravely testified to share their stories and to fight for the Métis nation. That's what they're doing. They are the ones who are not only the leaders of the future but the leaders of now. They see where this is going, and I have so much gratitude for those young people who have so bravely sat here and testified to this committee on this bill.

Mrs. Jenica Atwin: In 2013, the Supreme Court of Canada commented on the need for reconciliation with the Métis nation, stating, "The unfinished business of reconciliation of the Métis people with Canadian sovereignty is a matter of national and constitutional import."

Can you speak to the impacts that the long history of Métis denialism and the historical reluctance to acknowledge the existence of Métis as a nation, a rights-bearing indigenous group, have had on your people?

Ms. Cassidy Caron: In my opening statement, I referenced a lot of those pieces where there have been promises made to Métis people to implement section 35 over the last 40 years. Since the constitutional conferences, Métis leader Jim Sinclair, when those ultimately failed, said, “This is not the end. This is just the beginning... [my] people will be back.”

We are back. We are here to continue to pursue this fight to implement self-government, to do the right thing. It is a matter of constitutional import. This is the unfinished business of Confederation. Métis people have played a historic and a significant role in this country, and it's time for our people to take what is theirs and move forward in the best way possible.

Mrs. Jenica Atwin: I feel hopeful and positive about this process. Initially we thought it would be a bit more simple. We thought we would be able to move forward a little bit faster, because we see the government is here at the table seeking to truly be a partner with this codeveloped legislation.

Again, we have heard from a lot of voices who also have concerns, particularly in first nation leadership. I'm looking for guidance, really. I would characterize it as that there's some fear. There's some anger associated with it as well.

Could you help us negotiate this? Why do you think that is?

Ms. Cassidy Caron: It's because of colonialism, quite frankly. One of our young people spoke to this quite well during a previous hearing when she said that through colonialism, through colonial policies and practices, our people have been pitted against each other.

I think it's really important to know that there is not one pie that we are all taking from. Métis rights are not derivative from first nations rights. They do not take away from anybody's rights. We have these rights. Because this is new, it is scary. However, it's not new. We've been talking about this for 40 years. I'd love to continue to talk about this, but it's not new. There's not one pie. It is not taking away from.

The Chair: Thank you.

We're going to go now to Madame Bérubé for two and a half minutes.

[Translation]

Ms. Sylvie Bérubé: Thank you, Mr. Chair.

We talk a lot about legitimacy, which seems to be an issue of great importance.

What do you say to communities that question the legitimacy of the three Métis governments involved, the Métis Nation of Alberta, or MNA, the Métis Nation of Ontario, or MNO, and the Métis Nation of Saskatchewan, or MNS?

• (1620)

[English]

Ms. Cassidy Caron: Once again, I would refer to our objectively verifiable registries, the strict processes and policies that are in place for citizenship, again, making it clear that citizenship is something that is self-determined by the nation. That is a right of the Métis nation.

All of these pieces have been promised through different processes. It has been affirmed in the courts. The Supreme Court of Canada recognizes that there is at least one section 35 rights-bearing Métis community in Ontario, and that's what this legislation is about. It is self-government for these Métis governments.

[Translation]

Ms. Sylvie Bérubé: First nations testifying before the committee often mention that there was a great lack of consultation.

What do you think of this argument?

[English]

Ms. Cassidy Caron: Once again, this legislation is about only the three Métis governments—how they govern themselves, how they run their elections and how they take care of their children. What is in this legislation did not trigger any duty to consult with first nations because it does not affect anybody outside of these three Métis governments and the collectivities.

[Translation]

Ms. Sylvie Bérubé: You talked about legitimacy earlier. It's very important.

You speak of yourself as Métis. What arguments support the feeling that this bill is positive for you?

[English]

Ms. Cassidy Caron: This bill is the culmination of the last 40 years of implementing the promise of section 35 to Métis. There have been, as I stated, from 1982 up until just this past 2023, many promises that tell us we are going to get there and we are going to achieve self-government, which is an inherent right for the Métis nation.

However, time and time again.... One of our Métis rights lawyers talks about Charlie Brown and Lucy when they are going to play football: Charlie Brown goes to kick the football, but Lucy pulls the football away and Charlie Brown falls on his bum. That has happened to the Métis nation over the past 40 years. We get so close to implementing all of this work and then we “get Lucied”, as is said, and it gets taken away from us.

This piece of legislation is something that is necessary for us to continue to move forward. We really do hope that we don't get Lucied on this piece of legislation.

The Chair: That's the end of the two and a half minutes.

Next I will go to Ms. Idlout for her two and a half minutes.

Ms. Lori Idlout: *Qujannamiik*, Chair.

I understand that, back in September 2021, the MMF withdrew its membership with MNC over its concerns about the application of the citizenship criteria. I wonder if you could help in trying to dispel some of the myths about citizenship.

If a strong organization like MMF is saying that they challenge citizenship criteria, and you're talking about the legitimacy of it and the objectively verifiable mechanisms that are being used, I wonder if you could take this time to help explain what it is that you actually do so that you can help dispel some of those misunderstandings that exist right now.

Ms. Cassidy Caron: I want to once again say that all of our Métis governments apply the 2002 definition of Métis citizen that has been voted on and approved by the Métis National Council.

On the processes that are implemented, each of our Métis governments has their own citizenship registries. They have their processes to ensure all of the genealogy and the documents required to meet that definition to become a Métis citizen. That is done within each of our Métis governments.

The auditing processes that have taken place include the Canadian Standards Association's auditing of those Métis registries and the processes.

Once again, I want to highlight the work that Jean Teillet has done in the report for the University of Saskatchewan to highlight how strong these Métis registries are. I would recommend that the committee take a look at that report as well.

• (1625)

Ms. Lori Idlout: Very quickly, one of the other concerns that have been brought to me is that this is a form of identity theft. I wonder if you could help explain that it's not.

Ms. Cassidy Caron: It's just not. Métis people are recognized as one of the three indigenous peoples within section 35. There are Métis, first nations and Inuit. We know who we are. We know where we come from. We have a history. We have rights. We are the Métis nation.

This piece of legislation simply affirms the right to self-government for these three Métis governments, which have been around—some of them—for close to 100 years, doing this work.

The Chair: Colleagues, we do have time for the final part of this round, which is five minutes for this side and that side.

We'll jump right now to Mr. Schmale for five minutes.

Mr. Jamie Schmale: Thank you, Chair.

I'm going to split my time with Gary Vidal.

President Caron, if you don't want to deal with him, just feel free to talk out your answers.

I want to drill back down to what Gary was talking about in terms of the benefits and how that associates with the membership in, say, Saskatchewan—as he heard from his members in northern Saskatchewan.

Do you understand that to be true? If you are not part of, say, Métis Nation-Saskatchewan, could there be some questions in terms of getting some of the benefits that are owed?

Ms. Cassidy Caron: First and foremost, Bill C-53 is not about benefits. It is about the internal governance of these Métis governments.

Citizens have the opportunity to choose who represents them and who delivers programs and services to them. If an individual is satisfied with the governmental structure of the federal government and the provincial government that currently represent them, and they choose not to register as a Métis citizen of Saskatchewan, that is their choice.

If they choose to be represented by the Métis Nation-Saskatchewan, again, that is their choice.

Mr. Jamie Schmale: Okay. Just to clarify, let's say they are in Alberta. They belong to a Métis settlement, and it doesn't matter which one, but they choose not to join the Métis Nation of Alberta. I know it's not about benefits, but if the Métis Nation of Alberta is the governing body or the one that deals with the majority of Métis in Alberta, would there be risks that those belonging only to a settlement would lose their benefits?

Ms. Cassidy Caron: No, because there is no pie whereby the Métis Nation of Alberta is taking three-quarters of this pie and the settlements are taking this quarter. There are different ways and different approaches to doing that.

It's important, again, to reference 15.05 of the MNA's self-government agreement. It says:

Nothing in this Agreement impacts or affects the rights, jurisdiction, powers, or responsibilities of the Métis Settlements General Council or a Métis Settlement, including the ownership of Métis Settlement lands, as recognized in Alberta's Métis Settlements Act....

Mr. Jamie Schmale: Okay. That's perfect.

Ms. Cassidy Caron: It's in there.

Mr. Jamie Schmale: I just needed clarification, because we weren't sure. I appreciate that.

I am going to yield my time to Gary Vidal.

Mr. Gary Vidal: Thank you.

I'm going to come at this one more time, because I want to be certain, President.

I spoke to people in Saskatchewan last week, who told me that, when we talk about section 35 rights in the context of health, for example—health benefits—if you're a member of a first nation and you have to receive dialysis, for example, in the city of Saskatoon and you live in northern Saskatchewan, you have travel benefits and you have some of these other things through the appropriate programs.

As a Métis individual in northern Saskatchewan, you are covered by Saskatchewan Health, but the MN-S is looking to add benefits that would be the same—for travel if you have to go for dialysis and those kinds of benefits, but they say they would not receive those unless they chose to be a member of the MN-S, in this case.

You can hear where I am coming from. The rights and privileges, or the right to choose your membership is less than a free right if you're going to have a gun held to your head in the sense that some of the benefits you.... Are they misunderstanding this? I guess that would be the other option. Are they understanding the truth of this?

I'll let you clarify that.

• (1630)

Ms. Cassidy Caron: I don't think I can answer that question, quite honestly, because it's hard to comprehend. I'm going to Saskatchewan right after this, and I'd love to find those individuals and have that conversation with them, so that I could potentially clarify that with them.

Once again, members, I want to redirect you to the legislation, and what is in this legislation and what is not in this legislation. Benefits are not in this legislation.

I would love to talk to you about the fact that the Métis nation does not even have health benefits right now. We do not have non-insured health benefits, but this committee has actually provided a recommendation to government to negotiate health benefits for the Métis nation. We look forward to a time when that happens, but at this point in time this legislation does not talk about benefits. It is just about the internal governance of these three Métis governments.

I just continue to urge this committee to remember what is in and what is not in this piece of legislation.

Mr. Gary Vidal: Thank you.

Very quickly, because I think I'm nearly out of time, this has taken a long time. It started back in 2018. There's been a long process. It's gotten delayed many times through many processes.

Can you just speak to the delays? What do you think has caused all of these delays from 2018 to when the legislation finally got introduced in June 2023?

The Chair: I'd say be brief, please, with a couple of sentences, and then we do need to move to our final questioner.

Ms. Cassidy Caron: The recognition is that this piece of legislation has been longer delayed than just since 2018. It has been delayed since 1982.

Once again, simply put, it is time.

The Chair: Thank you.

Now we'll go to Mr. Battiste for the final five minutes of this panel.

Mr. Jaime Battiste: Thank you for that.

I know those questions kind of blur the lines between section 35 rights and subsection 91(24) rights in Indian Act in a way that it was really tough to answer.

Chief, to the best of your reading of this legislation, does this legislation talk at all about any of those rights that people are saying are a pie that's going to be split, or is there any kind of discussion of those section 35 rights that have not been proven by the courts in various court cases?

Ms. Cassidy Caron: No. Again, I want to refer the members to each of the Métis self-government agreements. Nothing in this agreement or the implementation legislation extinguishes, defines, creates, modifies, limits, prejudices, restricts or surrenders any Métis right.

Mr. Jaime Battiste: One of the things that people often talk... Sometimes we come into committee, and we think that we hold in-

digenous people to a higher standard than we hold our own democracies. We have our opposition—we have multiple oppositions—and as Métis leaders there are going to be disputes and disagreements, but throughout this process, we've talked a lot about how Canada moves forward with this once agreements are done.

Can you talk to me about the ratification process that might be coming for the Métis and how they would ratify these agreements internally?

Ms. Cassidy Caron: No, I can't speak to that. I'm sorry.

Mr. Jaime Battiste: I understand that it's probably a question that I should have asked the governments themselves. They all have their own...

Would you say that there is a ratification process in place for when these treaties come to some kind of conclusion, that it would not just be the Canadian government who looks at this but also the Métis themselves in those areas?

Ms. Cassidy Caron: Is that for the treaties? Yes, absolutely, there will be ratification of the treaties by our people who choose to be represented by those governments.

Mr. Jaime Battiste: Yes, so those discussions of people who were saying, "We're not involved. We're not a part of this", if they choose to have a voice and if they choose to use their voice, as they can in democratic methods, they will be heard and at some point even those who aren't on board who are Métis will have the ability to voice that through a process.

Ms. Cassidy Caron: Métis people will have a voice through the ratification process. If the treaties impact others' rights, those will be consulted on.

I want to talk about the ratification processes that have taken place up until this date. The Métis Nation of Alberta went through a process of developing their constitution for the Otipemisiwak Métis government. They went to a ratification of their 65,000 Métis citizens in the province of Alberta, and 97% of voters voted in favour of ratifying that constitution.

Métis people are very civically engaged. Métis people love democracy. They will vote if they want to vote. They will have a say if they want to have a say. The ratification of the constitution in Alberta, the Métis Nation of Alberta, is a prime example with what just took place there.

• (1635)

Mr. Jaime Battiste: In the quick minute that I have, can you talk a little bit about what the Métis scrip is and how that came along?

Ms. Cassidy Caron: No, I'm sorry, Mr. Battiste. I'm not going to talk about scrip in one minute, and also just because it does not have anything to do with this legislation.

I'd love to go for coffee with you and talk about the scrip system and future processes to settle those historical grievances, because what's important to note here is that this legislation does not provide for methods to settle those historical grievances.

Mr. Jaime Battiste: I knew that was a challenge, but I thought you'd go for it anyway.

John, I'm good.

The Chair: Okay. I'll stop the clock there.

Thank you, President Caron, for so much of your time and for being here.

Thank you, Ms. Winterburn, for joining us.

Colleagues, we're going to suspend now. We need to switch to the next panel, including a quick sound check for Mr. Abram.

Mr. Abram, if you're ready to go, we'll get your camera on and the clerk will be in touch with you.

Colleagues, for the next minute or two, we're going to suspend. We'll pull you back in as quickly as we can get the sound check done.

The meeting is suspended.

- (1635) _____ (Pause) _____
- (1640)

The Chair: I call the meeting back to order.

Unfortunately, we lost our online witness. We're trying to track him down and get him back. He was here and then he was gone.

We're going to get started with Mr. Gladue. Mr. Gladue is here from my home province of British Columbia, and he is the regional director of the Métis Nation British Columbia.

Mr. Gladue, it's wonderful to have you here. When you're ready to start, we'll turn the floor over to you for your five-minute opening statement.

Mr. Dean Gladue (Regional Director, Thompson Okanagan, Minister of Natural Resources and Minister of Sports, Métis Nation British Columbia): Good evening. My name is Dean Gladue. I am Métis. I was born in Dawson Creek in northeastern British Columbia and was raised in a Métis community known as Moccasin Flats, which is currently known as Chetwynd. My parents are Bill and Blanche Gladue, née Desjarlais. My father's Métis parents are Louis Gladue and Madeline Gladue, née Laboucane and Lafranaise. My mother's Métis parents are Joseph Desjarlais and Helen Desjarlais, née Belcourt. My family has generations of Métis people marrying Métis people. I am proud to be Métis as enshrined in the Constitution of Canada.

Thank you for your invitation to appear as a witness today. I open today with one statement and one call to Canada.

I support the self-determination of the Métis-governing members of the Métis National Council—Métis Nation of Alberta, Métis Nation-Saskatchewan and Métis Nation of Ontario. I am optimistic that Bill C-53 establishes a pathway to self-determination for Métis in British Columbia.

Today, I'm thinking of my ancestors and all the things they would want to say. My family continues to practice our language, *nehiyawk*. We speak the language, and we practice our culture very intently. To this day, I'm a son, grandson, great-grandson, brother, uncle and cousin. There are many cousins, as we know, in the indigenous world—lots of cousins.

My family lived on road allowances. My mother attended residential school. I was almost scooped out of my family at the hospital shortly after being born. I carry teachings of what it means to be Métis, the people who govern themselves—of the resistance. This was passed to me from my grandfather, my *mooshoom*, Louis Gladue. He shared what his *mooshoom*, his grandpa, said.

Also, I served 26 years in the RCMP, the Royal Canadian Mounted Police. Since 2017, I have served as an elected leader in the ministry with the Métis Nation B.C. Every generation of my family has been involved with the Métis nation and this movement since 1816.

I do this work because Métis people are struggling. I see it in my own family. Métis voices are limited. Even in the next generation we are seeing that. The policies of Canada and its provinces are still negatively impacting us. This is the outcome of Canada not recognizing Métis rights to self-government.

I carry my Métis laws with me—my right to care for my children, to speak my language—*nehiyawk*—to practice my culture, and my right to identify as Métis and to be claimed by a Métis family and nation. I have a right to be supported by Métis society and Métis government.

I am still Métis here in front of you today. My Métis government, Métis Nation B.C., submitted a brief on Bill C-53, which also supports this bill and calls on Canada to see the bill as a pathway to self-government for MNBC. Bill C-53 is Canada upholding a right of self-governance for our fellow governing members.

For you truly to uphold UNDRIP, Canada must recognize the history and cultural practices that all Métis in Canada, including section 35 rights-holding Métis living in B.C. I am sharing the Cree word. It's also a very well-known word in the Métis culture, *otipemisiwak*, which means people who govern themselves. You heard it earlier with President Caron.

Métis people have always had our laws, our ways of organizing ourselves, distinct Métis societies and recognition of Métis governance. This is key to the recognition of our rights. Métis are highly mobile through cultural practices and livelihoods. We are also a displaced people due to colonial practices such as the residential schools and sixties scoop. Métis laws, cultural governments and jurisdiction over our families were intentionally disrupted and silenced. Outcomes of Canada's laws and policies.... For example, our children, the government continues to deny our jurisdiction over our children. To this day, Métis people live in fear that their children will be taken away by the government. Once Métis children are gone without a recognized Métis government, the individual families must fight to learn where their children are. The inability of Canada to enter into government-to-government agreements with MNBC has caused this.

My story, my family's story, shared in part here with you today is an example of our Métis laws and practices. I believe that some of my family members are still alive because of my parents exercising their Métis rights. My family knows that we need a Métis nation, a Métis government, to advocate with the provincial and federal governments to respect our laws and culture and our Métis-specific services.

My family worked with Métis Nation B.C. to create Naomie's principle, in recognition of my niece Naomie. When you lose a life because of Canada's or B.C.'s policies, that affects us deeply and emotionally. This is hard to talk about. It must be talked about, because you must understand the effects of colonial government. We are creating Naomie's principle because of the continued loss of life due to the lack of culturally safe Métis wellness services. We must ensure that B.C. is a safe place for Métis to be Métis.

• (1645)

Building relationships, transformation and reconciliation is possible. Métis are doing this every day.

I hope this bill gets passed so my Métis brothers and sisters in Alberta, Saskatchewan and Ontario are recognized by Canada. Bill C-53 is a step forward on the path of reconciliation. My hope is that you also realize and understand that Métis in British Columbia are missing from this legislation. We have been forgotten. We've been known as the forgotten people for over 100 years. Our rights must be recognized and respected.

Thank you. *Maarsii*, all my relations.

[*Witness spoke in Cree*]

The Chair: Thank you so much for your opening statement.

Colleagues, we do have Grand Chief Joel Abram back from the Association of Iroquois and Allied Indians.

I am going to have to suspend while we do a very brief sound quality check. When we return, Grand Chief Abram will get into the opening statement right away.

We're suspended.

• (1645)

(Pause)

• (1650)

The Chair: We are resuming the meeting.

The quality is right on the edge of where we need it to be. Please speak very clearly and slowly. If we need to push the five minutes to allow that, we will do so, but not a lot beyond that.

For both Mr. Gladue and yourself, I use a card system. The yellow card is for when we have 30 seconds left in the allotment, and then the red card signals that we are out of time. You don't have to stop mid-sentence. You can wind up your thought, and we'll move on to the next person.

Now that we're back in session, I will say that no screenshots or photos are allowed.

When you're ready, Grand Chief Abram, the floor is yours for your five-minute opening statement.

Grand Chief Joel Abram (Association of Iroquois and Allied Indians): Thank you.

Good afternoon, members of the Standing Committee on Indigenous and Northern Affairs.

My name is Joel Abram. I'm the grand chief of the Association of Iroquois and Allied Indians, whose seven member nations include Batchewana First Nation, Eelūnaapéewi Lahnkēewiit or Delaware Nation, Caldwell First Nation, Wahta Mohawks, Oneida Nation of the Thames, Hiawatha First Nation and Mohawks of the Bay of Quinte. All together, we advocate for approximately 20,000 first nations citizens.

I am here today to speak of our strong concerns that this bill will irreparably destabilize the foundation of Canada's relations with our member nations. Our member nations affirm their sovereignty, founded in the responsibilities provided to their respective nations by the Creator. The member nations have their own constitutionalism and self-determination, including pre-existing laws that govern over treaty relationships, and they are steadfast that they cannot surrender their sovereignty, territory or way of life.

We stand united in our opposition to Bill C-53, and I am here to ask you to kill the bill. We cannot be idle when this Métis nation claims sovereign rights in our territories in southern, central and northeastern Ontario. Bill C-53 is another example of the Canadian government's attempt to assimilate and subjugate our peoples. It ignores our inherent, aboriginal and treaty rights, and prioritizes Métis rights in lands they have no indigenous claim to.

In 1969, Prime Minister Pierre Elliot Trudeau introduced a 1969 "Statement of the Government of Canada on Indian Policy", more commonly known as the "white paper". It proposed eradicating the special legal status of Indians in this country. The result was a first nations uprising and uproar that put an end to that policy. This was the beginning of AIAI: a shared commitment to our sovereignty as indigenous peoples.

We are actively participating in a similar response to Bill C-53 hoping to achieve the same result, because it seems Bill C-53 has the same endgame: eradicating the meaning of the special status we are recognized as having in your Constitution. We are widely known as a first nation organization that takes to the streets to organize demonstrations when Canada goes too far.

Subsection 35(2) is not a colonial equalizer of rights, and our member nations are still called "Indian" alongside Métis and Inuit, but this does not erase the Haudenosaunee, Lenape or Anishinabe nations' very unique and special relationship with Canada.

Co-equal first nation, Inuit and Métis policy continues the harm and damage of the Indian Act. We have communities and nations to heal and revitalize, and the Métis run up the middle with equity-seeking funding they do not deserve in municipalities that have clean drinking water, well-funded schools and first world infrastructure. More specifically, in Bill C-53, recognizing section 35 rights of groups that do not actually have that unique constitutional status waters down the significance of that recognition. This is assimilation all over again through a slightly different angle.

Our nations have treaty relationships that existed before Confederation. At no time did we recognize or have kinship relations with these distinct and separate Métis communities, let alone nations, in our territories. It is that simple. They did not exist at the requisite time they would need to in order to have an inherent right to self-government in territories near or adjacent to our nations. However, our nations must deal with these organizations, the Métis Nation of Ontario and their collectivities within municipalities in southern, central and northern Ontario, and this legislation will make their questionable and illegitimate claims real, while our inherent and treaty rights become subservient.

We were your military allies before Confederation, and we were key treaty partners who shared our territories for the settlement of southern, central and northeastern Ontario. Canada's history could have been a much different one without these important treaty relationships in the 18th and 19th centuries. Bill C-53 grants rights to a Métis collectivity not because it meets the criteria in a Métis right to self-government analysis, but because its name is added to column 2 in a schedule. We are going so far beyond Powley with this legislation.

Our lawyers inform us that differential treatment has always been part of the honour of the Crown and the Crown policy of aboriginal rights, and ignoring these doctrines is to undermine the significance of section 35 for nations that hold inherent aboriginal and treaty rights based on sacred relationships to our homelands and adherence to the law. This is assimilation all over again.

• (1655)

Not only does Bill C-53 promote assimilation by ignoring section 35 analysis, but it also subjugates our member nations and their jurisdiction to that of this modern treaty contemplated in this legislation.

Clause 7 of Bill C-53 states that a Métis treaty would take precedence over any inconsistent provisions of the bill or of any piece of federal legislation. This includes existing first nation treaty implementation legislation and means that the implementation of legitimate first nation treaties would take a back seat to the implementation of the Métis Nation of Ontario's treaty in event of any conflict.

The Chair: Thank you for your opening statement, Grand Chief Abram.

We're going to go right into our first round of questions.

For six minutes at first, I have Mr. Zimmer.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): Thank you, Mr. Chair.

Thanks to our witnesses for appearing today.

My questions will be for Dean Gladue.

We've known each other for many years, Dean, and I've always know you to be a difference maker, first as a hockey player inspiring young kids from Chetwynd back in the day, then as an RCMP officer and now as a regional director for the Métis Nation British Columbia.

You said something to me that really stuck with me many years ago: "Blessed are the peacemakers". I see your continuing with that call in your life today, in Ottawa this time. We've had conversations about what being Métis means to you. What I want to ask you about, for the sake of the committee, is this: What does it mean for you to be Métis and to be respected and recognized as Métis?

Go ahead, Dean.

Mr. Dean Gladue: That's a good question, and it's a deep question for me because all I know is being Métis. That's all my parents know, and my *mooshoom*, my grandfather, as far back as Cuthbert Grant and beyond, who was a direct descendent.

We've known to be who we are. We've known that we've had issues with Canada throughout our history. We've created our own language. We have our own distinct culture and language. We came from generations of European and first nation descent. As a result, we established our own ways and laws. We've always practised our own ways and laws.

I was raised as a road allowance kid. I was born in 1966. I was also almost taken by the sixties scoop within minutes, but because I had an uncle who could read English, he was able to say, "No, they're going to take him away. They're going to steal him". They knew that we were having children stolen from hospitals throughout Canada, especially Métis children. My mother was a residential school victim as well, which I didn't even know until 1993, because she wouldn't talk about the impacts.

The impacts and policies of Canada have definitely affected us deeply and immensely and continue to this day. I wear this pin proudly as a Métis citizen and as a Métis person because, as they say, you will live and die for your belief. I will live and die for my belief.

Nehiyaw nisitohitamowin—we speak the language; we speak the culture.

You go back home today, and you see people still struggling. In my very own family, Naomie—of Naomie's principle—died of a drug overdose last year. She suffered through her mental illness, her issues and trying to get the right help. Culturally sensitive help was not available and, as a result, she died in care, and we're going to say that. She was 22 years old. She died within a system that was colonial and not built for her success.

Yes, I am here today to say that we are Métis people, and I stand strong about what we believe and what we do. You need to know our story. I call this the grassroots Métis, the ones in the trenches, the ones who come from the resistance of 1885 who also understand the struggles we've had in this country. I believe that we are rights holders according to section 35, and I stay with that. That's why I believe I am Métis.

• (1700)

Mr. Bob Zimmer: Dean, I know you say that as a proud Canadian. You said that as a proud Canadian and Métis at the same time.

Mr. Dean Gladue: I did 100%, and I want to finish with that. We are Canadian as well. Métis is what Canada became about. We were here before Canada was even a confederation. It's about the mosaic. It's about the melting pot of Canada, and it's our time to be heard and say who we are.

I'm a strong voice, I am, but, to be a strong voice, I had to come through fire. I had to come through storms, and I have. I have many scars on my face and my body to show that, but those are hockey scars. I'm willing to go to battle even in that when I speak that because I come from a family who knows who we are.

My grandfather said, "*Api Nah pay shish.*" He would say to sit down and never forget who you come from and who you are. I never knew what he meant by that until later in my life, because he had to struggle. He says that we're the poor cousins in this country. Our first nations brothers and sisters are being heard, and we're not.

Thank you.

Mr. Bob Zimmer: That was well said, Dean. I will add that you still play a bit of hockey once in a while at the odd tournament. I know your mom and dad, Bill and Blanche. They're special to me, too, Dean. They're people who care for their neighbours in Chetwynd. They're just great folks.

We have spoken about this, and in your testimony you spoke about the issues around Métis children being disconnected from their families in the system. Can you explain a little of what you meant by that?

Mr. Dean Gladue: I'll speak for British Columbia. I'm not here to speak on behalf of Canada and the whole bigger picture, but I do support my brothers and sisters in Ontario, Saskatchewan and Alberta.

Métis children in British Columbia are the highest number of indigenous kids in care right now. We can stand behind that because we've been preaching that. Right now we don't know where our children are in British Columbia. If our children were taken away, we'd have no idea if they're in culturally sensitive homes or who they are. We're still experiencing that.

The last few suicides in care have been Métis children in British Columbia. We know that. In fact, a good friend of mine lost one of his sons. He was put in a hotel, because where does he go? It's the hot potato, we call it. First nations don't want to handle it. Nobody wants to handle it. It's "He's Métis, so we can do this." That's why the culture's so....

I was a police officer for 26 years. I saw the devastation from the ramifications of those policies. Because we don't have a self-gov-

ernment agreement in British Columbia, I believe these are still the consequences of the policies of Canada, which have been there for over 100 years for us.

Mr. Bob Zimmer: I know, Dean, you have hope—

The Chair: I'm sorry, but we're out of time on this.

Mr. Bob Zimmer: —for a better future, but thanks for your testimony.

The Chair: Thank you.

We're going to go now to Mr. Battiste, who will have six minutes.

Mr. Jaime Battiste: Thank you, Mr. Gladue, for your testimony today. Is it President Gladue?

Mr. Dean Gladue: I'm not the president. I'm a region 3 director, Thompson—Okanagan, which is the beautiful Okanagan in B.C. I'm a minister of sports and active living, associate minister of justice and the minister of natural resources. I have a bit of a portfolio there.

Mr. Jaime Battiste: For brevity I'll call you Dean—how about that?

Mr. Dean Gladue: Call me Dean. Call me "late for dinner".

Voices: Oh, oh!

Mr. Jaime Battiste: That's a lot. Congratulations on all of those roles and the good work that you're doing in your community.

I want to know a bit more about the Métis of British Columbia because I am interested. I was doing a little bit of research, and I saw in the citizenship application form that there is a lot of talk about the process and the year 1901 as an important portion of it. As well, as part of your registration for citizenship application you require a five-generation pedigree chart. Can you tell us more about the Métis of B.C. and your system of enrolment?

Mr. Dean Gladue: I'm going to do the best I can in that regard. First of all, I'm not an expert in that. I can't, really, so things may be said in jest, but I do know this: We have one of the strictest genealogy enrolments in Canada. We have a very strict one. In fact, we went through a new process here recently, a process in which we've identified some who are not of Métis descent and things that were flawed. We're growing, and I'd say this is a new time and era for us.

When I played junior hockey years ago, I used to go to these native tournaments around Canada. I recall guys showing up with a card, and we knew they weren't because they were from my hometown. We knew they were not, but they had a card because the local native team wanted them to play. Again, we're a very competitive people. That was happening back in the day. In some ways it's still happening, and we need to clean that up. We need to know who are *nehiyawk*, who are the real people.

In B.C. we're doing that. We take that seriously and with pride. We've been in B.C. for a lot of years. My family came to British Columbia because we were still nomadic. We were still running from the Prairies. We were still running from the government in the late 1950s. That's why we came to the little town called Chetwynd and created what's called Moccasin Flats. We were still squatting land. Whenever we saw the government officials, I remember hiding in a tree or behind trees in the bush. Why? Nobody knew, but later I knew why.

When I say there are impacts, we have concerns about who are going to be Métis people. I played hockey the other day with a good friend of mine. He said, "Dean, I'm a capital M, not a small m," meaning capital Métis to métis. We knew what he meant. He comes from the homeland. He comes from where we come from. We know. You know who you are, and the families know who they are.

The biggest challenge we have in B.C. is that some of them are just starting to come home. A 75-year-old-man named Phil Berlinski thought he was Polish all his life, and he passed. His mother passed many years ago. He had just found out she came from the Red River. We're still finding ourselves, but in the meantime some are trying to distinguish themselves as being Métis, but we know they're not.

We have a way to go in our genealogy. That's why we hired the experts, to make sure the right people are getting through the door.

• (1705)

Mr. Jaime Battiste: Thank you for that.

Can you talk a little bit about where the relationship is between the Métis Nation B.C. and the Red River Métis?

Mr. Dean Gladue: They're our cousins. They're our family. I, myself, come from the Chartrand family as well. I come from many Métis communities. I have 38 Métis connections. Whenever I go to western Canada, everybody says that I'm related to everybody.

That's why.... My wife is from South Africa. We always joke about it because most times we are very well connected throughout the whole country. Anywhere I go in western Canada especially, I'm related. I'm well involved in sports. Even on the first nations side, there's family.

I'm of Iroquois descent as well. I am a descendent through the Calliou and Belcourt clan, who are Iroquois.

We are interconnected in many different ways. We're still interconnected and we still practice our ceremonies and our laws. That's important to me because I know how distinctly different we are. There are those *nehiyaw moniyaw*, those Métis people who are just coming home, but they don't understand yet the heart of what it means to be Métis because they grew up with a colonial mentality.

I hope that helps.

Mr. Jaime Battiste: That was very interesting.

When we're discussing this bill, it does not include the Métis of B.C., but you're still in support of it. Can you tell me why?

Mr. Dean Gladue: It's because they're our family and they live there. Wherever I go in this world, I'm still Métis, but in Canada, they've built their culture in time and we know that.

That's why I come here to support my brothers and sisters. It's not that, if you live in a certain area, it means you're Métis. You are Métis as you move. We have to prove our existence through an evidence base.

Mr. Jaime Battiste: Would you say that this legislation, which is for the Métis, would be a win for all Métis in Canada?

Mr. Dean Gladue: It would for the capital-M Métis, yes.

The Chair: We're out of time there now.

We're going to go to Madame Bérubé.

[Translation]

You have six minutes.

Ms. Sylvie Bérubé: Thank you, Mr. Chair.

I'd like to thank the witnesses for being at the committee today.

Mr. Gladue, thank you and congratulations on everything you've become today. I hope one day you'll write a book about yourself. That would be very interesting.

For now, can you explain how passing the bill would contribute to reconciliation?

• (1710)

[English]

Mr. Dean Gladue: That last question sort of died off on me. For some reason, I can't hear the interpretation.

[Translation]

Ms. Sylvie Bérubé: Can you explain how passing the bill would contribute to reconciliation?

[English]

Mr. Dean Gladue: It will, massively. It would make me feel like a real part of Canada, a part of our growth into what my ancestors always believed in, which was to be a part of what Canada is. Louis Riel, in his very essence, and my grandfather believed that we want to build a future for our own children so we can live in a good way.

What happened throughout history was that we got forgotten, especially after the resistance of 1885. We felt we were knocked off to the side. We were just existing, as they say. We were homeless, really. For 100 years, a lot of our people were homeless. Some are still homeless just because of economics. There could be mental illness and other factors.

My family and I are the only ones among my siblings who outright own a house, to this day. Everybody else is still trying to find themselves. That has to do with the fact that they just feel unheard at the government level. I've seen it in the RCMP, as a former officer. Someone would come in and ask what band I belonged to. I'd reply, "I don't belong to a band, I'm Métis." I'd try to explain and they'd say, "You're just one of us."

Yes, we're Canadian. "One of us" is that, but I'm Métis. A Métis is a Métis is a Métis. That's what I believe we are, but within the distinction of what is all of Canada.

We need to know that our history is there. We can't lose that. Losing the language is genocide, and we're fighting like crazy to keep our culture and our language alive.

I hope that helps.

This legislation would impact us for reconciliation because we're at odds with first nations as well in some ways. We have to build bridges with our brothers and sisters. We're not taking anybody's pie. There's enough for everybody. Our services lack within our nation.

[Translation]

Ms. Sylvie Bérubé: We've asked this question before, but in your opinion, why are some first nations and Métis communities opposed to the bill?

[English]

Mr. Dean Gladue: It's because, again, they feel that.... We do come from.... I come from a descendant of a Cree kokum and an Iroquois. There was a time 300 years ago when we were Iroquois or I was Cree, but I was also a distinct Scottish and a distinct French. Through that history, we came together and created a language and a culture that was distinct and different. *Otipemisiwak*—that's what the Cree called us—"those who govern themselves", "the flower people". The first nations were seeing within us how we created our own sense of being in government, our own sense of ways of life.

In first nations, it's not about.... Forty years ago, which is when the Constitution was being put into play, were they consulted? Was there proper consultation going on? We don't know at the time. I'm going to say that I'm not an expert in that. I'm not a constitutional lawyer, but what I do know is that I have over 300 years of culture in me that says I have a voice now, and if I speak up, I'm not going to go to jail. If there are three or four of us in a gathering, we're not an illegal assembly. Those laws of the Indian Act applied to us in many ways.

Today I sit here hoping that we have a better future for our children, but we're not going anywhere. First nations are not going anywhere. We have to build a better Canada than what Canada is, and our indigenous people can play a major role in building that, because there was a time in history when we got kicked out of Canada's ways, and we were dictated what to do and where to live. Scrip came up earlier. My parents had scrip, but then you look at our stories—a simple bottle of whiskey took one family's scrip away because he had no idea what was going on.

Land base was all about, "We share the land." The European mentality was, "I want a piece of land," but we didn't know the val-

ue of it. We all did it: "I'll just go elsewhere." There was lots of land to be had in Canada. That's why we went into the bush, and we lived there and we lived off the land.

Some days my mom and dad want to go there and live back there. They want to be there, but we were in a housing project in Chetwynd. We were put into it in 1972. There was even a documentary done on my people, Moccasin Flats. It's on YouTube.

In my eyes, yes, this will build a better nation, plus we'll have better times playing when we go play aboriginal hockey together.

● (1715)

[Translation]

Ms. Sylvie Bérubé: If you could convince reluctant first nations to support the bill, what would you really want to tell them? How would you address their fears?

[English]

Mr. Dean Gladue: You are us; we are you. We all belong to the same people. We all bleed red.

I've had this debate with many. My best friend is first nations. My best friend's brother is a chief. When I live in my northern area, where Mr. Zimmer's from, in the northeast, where I grew up, where all my family still exists, we have great dialogue because we talk to each other. We haven't lost our ways with first nations where I'm from. It's about going back to that table and talking to one another.

I'm going to say this in a statement here, and I'm not going to...because of embarrassment. I have a friend whose child has a treaty card, and if you want to use blood quantum, it's 10% blood quantum. I'm almost 100% blood quantum, but I'm Métis. My great-grandfather wanted us to be free people. We will not be put—as he said—onto a farm or into a cage. We exerted our rights back in the day, and I'm learning that, but now I'm learning to speak up and hear my voice. I am my ancestors' voice now. I speak for them who were silenced, and that's why I'm a passionate person.

I consider myself a warrior, but a warrior who needs to build peace. Blessed are the peacemakers. That's how I see myself, and I hope other first nations see themselves as that, as well as others.

As we've seen, in other parts of the world, there's great strife going on. I hope we never see a Canada like that. I want to be building. I want my children and my children's children to be a part of a great Canada.

The Chair: Thank you.

I'm going to have to jump in and move to Ms. Idlout for her six minutes.

Ms. Lori Idlout: *Qujannamiik*.

I'd like to give Grand Chief Joel Abram a very quick response to the great testimony that Dean Gladue just shared with us. I don't know if you've been hearing it in my interventions, but I hope that there's solidarity among first nations, Métis and Inuit. When I heard your testimony, I didn't hear that you want a strong sense of solidarity with Métis. I wonder, having heard Dean speak, if you could share your reaction to that.

Grand Chief Joel Abram: I don't really have an issue overall with Métis people, but our real issue is in Ontario and specifically with the Métis Nation of Ontario, where they're having real claims to consultation rights and harvesting rights within our homelands. We know their objectives are about land, and this legislation is tied to that.

I'm not a lawyer, but we did speak with several about this issue. I understand that the Supreme Court of Canada has made it clear that the foundation of section 35 rights in Canadian law is about our presence in our homelands before Europeans came here. In other words, it's our pre-existing relationship with land over which the Crown now exerts jurisdiction that is the very foundation of section 35 rights in Canadian law. We can't speak about section 35 rights without speaking about land, because without that relationship with land there would be no section 35 rights.

Even in the Supreme Court's 1996 decision in *Van der Peet*, these were the words of Chief Justice Lamer:

...the doctrine of aboriginal rights exists, and is recognized and affirmed by s. 35(1), because of one simple fact: when Europeans arrived in North America, aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had done for centuries. It is this fact, and this fact above all others, which separates aboriginal peoples from all other minority groups in Canadian society and which mandates their special legal, and now constitutional, status.

More specifically, what s. 35(1) does is provide the constitutional framework through which the fact that aboriginals lived on the land in distinctive societies, with their own practices, traditions and cultures, is acknowledged and reconciled with the sovereignty of the Crown.

Recognizing that section 35 right to self-government is necessarily about land because there cannot be section 35 rights without that pre-existing relationship with specific homelands.

The Supreme Court, in *Powley*, did say that there were Métis nations in Ontario that had section 35 rights. We're not asking Parliament to ignore that, but no court in Canada, including its top court, has ever recognized Métis rights to self-government anywhere in Ontario, let alone across the entire province. When it comes to Métis in general, we don't have an issue, but we know that, specifically in Ontario, the Métis Nation of Ontario is vastly overreaching in terms of what kind of recognition they're going to be getting. That's our major concern.

If Canada had consulted with us, then it would have known that. In fact, [*Technical difficulty—Editor*] Canada has run fast in the other direction without discussion or answers. It's been acting as though we do not already have well-established treaty relationships with it. It has turned its back on a covenant chain and the process agreed to through it to resolve disputes by meeting in council and discussing issues and concerns among the treaty nations. Not only has Canada not consulted, but it's breaching fundamental treaty obligations by refusing to sit down with us [*Technical difficulty—*

Editor] to hear our concerns and engage in reasoned dialogue. The only thing that we have is this process here, today.

There's a recent decision from the Supreme Court in Quebec that talks about the covenant [*Technical difficulty—Editor*] chain and the dispute resolution process. That case involved two individuals from the Mohawks of Kahnawake, where the discussion of the covenant chain applies equally to our first nations in Ontario.

• (1720)

The Chair: I'm sorry, Grand Chief Abram, but we're losing your sound quality, so I'm going to stop here for a second. Sometimes with buffering or other things, the technical stuff I don't understand, it might get better. Give it a pause here and we'll see if the interpretation either catches up or comes back.

Can you resume? I apologize for cutting you off there. Please resume now.

Grand Chief Joel Abram: If you're going to legislate something—

The Chair: I'm getting a no. Give me a second.

Grand Chief Joel Abram: How about now? I'll slow it down a little bit.

Ms. Lori Idlout: I wanted to interrupt him anyway, John.

The Chair: The connection has destabilized—if that's a word—since we started, so it's getting a bit choppy. There's about a minute left.

Ms. Lori Idlout: Sir, I wanted to interrupt him anyway because I want to ask Dean a question.

The Chair: We're going to end there.

Ms. Idlout does have a question for Mr. Gladue, so we're going to go over to her.

There's still about a minute and a bit, Ms. Idlout.

Ms. Lori Idlout: *Qujannamiik*.

Dean, thank you so much for sharing your story. One of the sections in this bill talks about the three Métis nations seeking self-governance in Ontario, Alberta and Saskatchewan being “authorized”. With your being in British Columbia, could you describe how we could better understand how they came to be authorized to negotiate these as collectivities, what that looks like for you and why you support those three nations in that way?

Mr. Dean Gladue: First of all, as I said, we're all cousins. I have cousins. We have cousins throughout.... When we look at the different Métis settlements and the Métis traditional communities, a lot of our families started there and then they'd spread out again and again.

My mother's family ended up in the community of Kelly Lake in northeastern British Columbia, which is a known Métis community as well, but it's still trying to get recognition to this day. We've been involved with that. Métis in B.C. are saying, “We've been here. Where are our rights to be heard and voiced, and our services?”

I always say to people that evidence-based land is a whole different debate, but services and programs to help our people—making sure we're getting culturally sound programs and that our children are learning their language and their culture—we're still struggling with that in B.C. In fact, there's a bill coming through for education right now, Bill 40, that is going to take that all away from us again. It's cultural genocide in different ways.

That's why I'm a passionate person for my nation. This is the voice my ancestors wanted. Some were shut down in different ways. Some were jailed, some were shot and some ran. Some of their houses were nearly burnt throughout history. My house won't be burnt because I have fire insurance.

Voices: Oh, oh!

• (1725)

The Chair: With that, we are going to need to end this round. Unfortunately, colleagues, that's the amount of time that we have.

There is a brief in camera discussion we need to have, so I'm going to suspend. We'll need to clear the room. I need our members online to get back into the closed session as quickly as possible. It's a question of where we go next, because it's our last planned week of hearings on C-53, so there's a question I have to put to the committee on that. We're going to suspend and then resume in camera as quickly as possible.

Thank you to both of our witnesses for joining us. I really appreciate your making time to be here with us today.

[Proceedings continue in camera]

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