



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Aboriginal Affairs and Northern Development**

---

AANO • NUMBER 006 • 1st SESSION • 41st PARLIAMENT

---

**EVIDENCE**

**Tuesday, October 18, 2011**

—  
**Chair**

**Mr. Chris Warkentin**



## Standing Committee on Aboriginal Affairs and Northern Development

Tuesday, October 18, 2011

• (1100)

[English]

**The Chair (Mr. Chris Warkentin (Peace River, CPC)):** I'd like to call to order the sixth meeting of the Standing Committee on Aboriginal Affairs and Northern Development.

Colleagues, we do have some special guests with us today. We have representatives from the Métis National Council, including Clément Chartier, John Weinstein, and Marc LeClair. We do want to thank all three of you, and I know you've brought some additional support with you today. Thank you so much for taking the time to be here.

Certainly, we're hopeful to have testimony from different first nations and aboriginal organizations to our committee as we undertake the mandate of this committee, which is to consider those things that are important to people living in these respective communities and to do what we can as a committee to encourage the government in a particular direction. We hope, as a committee, that we have four years to undertake our work, but we don't want to waste a single day, so we do thank you for your attendance here today.

Mr. Chartier, you and I had an opportunity to be in Grande Prairie this summer, and I do want to thank you for coming here formally and for choosing to meet in Grande Prairie. Obviously, that's a special place in my heart because it's one of the larger centres in my own constituency. It was a wonderful time that you as an organization had to spend time together. I know it was a really valuable experience for those people in Grande Prairie and the surrounding area, so thank you so much.

We're going to turn it over to you now. We want you to feel free to take as much time as you want. We've invited you to hear from you, so within the time constraint that we do have today—it's one hour—we do want you to feel free to take as much time as you need in your opening statement.

**Mr. Clément Chartier (President, Métis National Council):** Thank you, Mr. Chairman.

Good morning, members of the committee. Thank you for this opportunity to appear before you today.

During the summer, as you've just heard, I had the pleasure of meeting Mr. Warkentin at the 83rd annual general assembly of the Métis Nation of Alberta in Grande Prairie, Alberta.

At that time, Chris—if I can call him that—told the delegates that the name change of the department was more than cosmetic and he

expressed the government's intention of dealing with the issues and interests of the Métis and Inuit peoples, as well as first nations. That was welcome to us.

I was invited to appear before this committee and to suggest some topics that you could consider for further study over the coming months. In this spirit of openness and cooperation, I am here today to identify some of the priorities of the Métis Nation that I believe could benefit from your study.

First, I should provide a brief overview of the Métis National Council, for those who are not familiar with it. We are the national representative of the Métis people in that part of our historic homeland encompassing the prairie provinces and extending into Ontario and British Columbia. We represent approximately 400,000 people, about one-third of the total aboriginal population in Canada. However, I'll say that is an estimate. We do not have an accurate census count—although since 2004, through the assistance of the federal government, we have been making efforts to register our people.

Our five provincial affiliated organizations, or governing members as we call them, all use province-wide ballot box elections for determining their leadership, and adhere to the same Métis nation citizenship code in registering their citizens. They administer and deliver a variety of federal and provincial government programs and services, mostly through arm's-length affiliate institutions in areas that include labour market development, business financing and economic development, housing, child and family services, education, and culture.

The first of our priorities for your consideration could be the outstanding land rights of the Métis people resulting from the unfulfilled provisions of the two federal statutes that had recognized these rights, the Manitoba Act of 1870 and the Dominion Lands Act of 1879.

• (1105)

With the sale of Rupert's Land by the Hudson's Bay Company to Canada in 1869, the first Métis provisional government under Louis Riel took control of the Red River Settlement and negotiated the admission of Manitoba as a province into Confederation through the Manitoba Act. The Métis constituted close to 90% of the 11,000 inhabitants of the new province.

Section 31 of the Manitoba Act provided for a land grant of 1.4 million acres to the children of Métis heads of families, toward the extinguishment of aboriginal title. A ten-year delay in the distribution of these lands amidst a rapid influx of settlers from Ontario led to the exodus of the majority of the Métis.

Continuing political action of the Métis outside the new province forced the Government of Canada to recognize Métis land rights in the Dominion Lands Act in 1879. The failure of the federal government to act on this legislation led to the formation of the second Métis provisional government in the Saskatchewan Valley, again under Riel's leadership.

The federal response was an armed invasion, leading to the North-West Resistance of 1885, the defeat of the Métis Nation at the Battle of Batoche, and the execution of our leader Louis Riel on November 16, 1885. As for the cause of the resistance—the failure of Ottawa to fulfill its promise of land—the federal government set up a series of half-breed commissions to issue scrip in lieu of land to the Métis in the rest of the Prairies, northeastern B.C., and the Mackenzie District of the Northwest Territories during the late 19th and early 20th centuries. This process was so replete with fraud that the Supreme Court of Canada in 2003 depicted it as a “sorry chapter in our nation's history”.

When the federal government transferred its responsibility for public lands and natural resources to the prairie provinces in 1930, its position was that Métis land rights had been extinguished by law and that the Métis themselves were a provincial responsibility. Provincial Métis associations formed on the Prairies during the Depression of the 1930s to continue the struggle for land and recognition. This action led the province of Alberta to set aside close to 1.3 million acres as the Métis Settlements in the early 1940s in northern Alberta—which, to this day, is the only Métis land base in Canada.

In 1982, the Métis were recognized in the Constitution as one of the three aboriginal peoples in Canada, but the federal government continued to argue that our land rights had been extinguished by law.

The Métis National Council pressed the case for a land base and self-government during the four first ministers' conferences on the rights of aboriginal peoples during the 1980s, but these conferences resulted in an impasse.

A short time later, we came close to breaking the impasse when, in October 1991, Prime Minister Mulroney recognized the Métis Nation and sought our participation in the Canada round of constitutional consultations.

On March 10, 1992, Parliament unanimously passed a resolution recognizing the unique and historic role of Louis Riel as a founder of Manitoba and supporting the attainment of the constitutional rights of the Métis people.

The Charlottetown Accord and a companion document, the Métis Nation Accord, appeared to represent a major breakthrough. The Charlottetown Accord provided for a constitutional amendment to subsection 91(24) of the Constitution Act 1867, making explicit federal jurisdiction for all aboriginal peoples. The Métis Nation Accord committed the federal government and the five westernmost provinces to negotiating a land base and self-government with the Métis National Council and its governing members.

The defeat of the Charlottetown Accord in the national referendum of October 1992 dashed our hopes for a negotiated settlement of our outstanding rights and forced us into the courts. A series of court battles culminated in the Powley decision of the

Supreme Court of Canada in 2003, recognizing the Métis as a full-fledged, rights-bearing people with constitutionally protected harvesting rights, that is, hunting and fishing rights.

• (1110)

The court also established a test of objectively verifiable criteria for membership in a Métis rights-bearing group that coincided with our own criteria for Métis Nation citizenship. These criteria are self-identification, as well as ancestral connection to and acceptance by the historic Métis Nation community.

The background I have just provided on the outstanding historical and constitutional rights of the Métis people will soon command the attention of the federal government. A 30-year battle in the courts over the unfulfilled Métis land grants promised by the Manitoba Act, which has been driven by one of our governing members, the Manitoba Métis Federation, will reach the Supreme Court of Canada in December. In fact, it's scheduled to be heard on December 13. The Métis National Council is an intervenor in this case. This case will likely alter the way in which the federal government views the rights of the Métis, as the Manitoba Court of Appeal has already upheld certain principles that should have significant implications going forward.

It should also be noted that the Métis National Council and our governing member in Saskatchewan, the Métis Nation-Saskatchewan, filed a statement of claim in northwestern Saskatchewan in 1994 regarding the unfulfilled land grants promised under the Dominion Lands Act. The Manitoba case will open the door to similar claims and litigation across our historic homeland in western Canada, where a scrip was issued.

A number of critical issues that could be subject to the scrutiny of your committee arise from the litigation. For one, there is the continued exclusion of the Métis from the federal land claims resolution process and from test-case funding to bring these claims forward. Another is the negative impact of the federal government's position regarding Métis land rights on the duty to consult and accommodate with respect to Métis communities.

Industry routinely ignores or heavily discounts our interest in the planning of major projects throughout our homeland. I would hope that your committee could look into these policy issues and do so in a non-partisan way. The reality is that the federal government's position since the natural resources transfer agreements in 1930 has been the same, regardless of which political party has been in power.

A second priority issue this committee could examine is the continued denial of federal jurisdiction for dealing with the Métis—again a position that has been adopted by successive federal governments, regardless of political affiliation. This position results in the exclusion of Métis from federal aboriginal education and health care benefits. It also impacts on the federal government's refusal, to date, to take responsibility for compensating Métis victims of the residential school system, other than the small numbers who attended Indian residential schools, as well as its refusal, to date, to deal with the World War II Métis Nation veterans.

Having attended the infamous Métis residential school in Île-à-la-Crosse, Saskatchewan, in the riding of my good friend, member Clarke, I can attest to the horrors of that system and to the anguish of the hundreds of survivors, some of whom have already passed away, and of those still living—often in poor health—who have still not received any redress because the Prime Minister's apology and the Truth and Reconciliation Commission only apply to those schools within the Indian residential school system.

My emphasis on long-outstanding legal and moral issues is not meant to convey the impression that our relationship with the current government is all confrontational. It certainly is not.

●(1115)

The Métis National Council and the Government of Canada concluded a Métis Nation protocol in 2008, copies of which I have here. Unfortunately, they have not been translated into French, which we will do forthwith. They are available for your consideration, if you choose to have a copy.

To date, this Métis Nation protocol has focused heavily on economic development. Our work on economic development, first with Minister Strahl and now Minister Duncan, has produced practical and meaningful results and builds on the success of our Métis nation labour market and financial institutions over the past few decades.

The federal ministers and I have also been able to bring ministers from the five westernmost provinces and their senior officials into a process to develop a strategy for promoting greater and more effective Métis participation in economic development. This collaborative approach has resulted in a series of federal and provincial investments in Métis nation financial institutions, providing loan and equity capital to Métis entrepreneurs.

We have also benefited considerably from the Prime Minister's strong interest in our issues, economic development in particular, during the three meetings he has had with me and other national aboriginal leaders during the past three years.

A third priority issue for the Métis nation that this committee can study is our current initiative with the federal government to expand the relationship between Canada and the Métis Nation. Shortly after the recent federal election, I proposed to the Prime Minister that we use the Métis Nation protocol process to conclude accords on governance and economic development to accelerate the progress that we have made to date. The proposal is built on the mutual interest of the federal government and the Métis National Council to reduce the federal bureaucracy as it relates to Métis affairs and to strengthen the governance capacity of the Métis nation to administer and deliver important services, such as economic development.

It also builds on the efforts of the Métis nation to strengthen our governance at the national level with a new Métis constitution, a process that has been supported by the federal government. We hope that the discussions we will soon be starting with Minister Duncan—in fact, our meeting is on Thursday—on our proposed accords will lead to new authorities and firmer fiscal arrangements. Furthermore, we hope that these new authorities, together with our existing democratic accountability and citizenship institutions, will shape a new Métis Nation constitution that could be recognized under

federal legislation as the source of self-government for the Métis nation. This committee may be able to furnish valuable insight into how this Canada-Métis nation relationship legislation could be crafted.

On that note, Mr. Chairman, we look forward to your questions and comments. Thank you.

●(1120)

**The Chair:** Thank you, President Chartier. We appreciate your testimony today.

Committee members, we're probably only going to have time for the first round. I'm going to give some leeway to the length of your time because we want everybody's questions to be answered—but we probably won't have time to extend much past the seven minutes.

Ms. Duncan, for seven minutes.

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Thank you very much, and thank you for attending. It's very important that we get your input and recommendations on the matters our committee should be reviewing.

I understand that cases by both the Saskatchewan Métis Nation and the Manitoba Métis Nation are proceeding through the courts. It's my understanding that both the Saskatchewan and Manitoba Métis nations are seeking similar kinds of results to what Alberta achieved, so I'd appreciate some explanation along those lines.

In the accord that you negotiated back in 1992 as part of the Charlottetown Accord, I would like some clarification on whether it is your assumption that the protocol supersedes that. The accord specified in provision 11 that the Métis Settlements General Council in Alberta had the sole right to negotiate, conclude, and implement intergovernmental agreements. I'm just wondering if you are here also speaking for the Alberta general council? Should we also be getting some input from them, for example, on how things have worked out under their settlement claim?

Are the court cases proceeding on behalf of the Saskatchewan and Manitoba Métis nations along the same general line as the Alberta Métis have been able to resolve? Could you outline that? It's my understanding that they now have a relationship with the provincial government and that provincial laws apply to the settlement lands, although there are some issues that remain in dispute.

I'm just trying to get a feeling for this. You said very clearly in your brief that you're seeking equal access to the land claims and self-government processes—access to education, medical benefits, and so forth. How does that jive with the agreement reached in Alberta? What is being asked for in the court cases?

**Mr. Clément Chartier:** Thank you.

First of all, it's maybe just semantics, but there is only one Métis Nation. Although some say Métis nation of Ontario, Métis nation of Alberta, there is only one Métis Nation.

In terms of the results achieved in Alberta, in the 1930s, after the federal government reported that the rights of the Métis had been extinguished, there were court challenges of fraud by some Métis individuals with respect to their particular entitlement. At the end of the day, the Alberta government decided to set up a commission. The commission basically recommended that lands be set aside for the Métis to continue to live their way of life in the forests and the lakes. That was done, but not based on legal rights but on addressing socio-economic interests. It was the provincial government that took that initiative.

Now with regard to the two cases that are going forward, the Manitoba one is strictly on sections 31 and 32 of the Manitoba Act, which was to provide land to the Métis. That's the legal question: was it fulfilled? In the Saskatchewan case, we're saying that scrip was incapable of extinguishing the aboriginal title rights of the Métis, and alternatively, if it had been capable of extinguishing them, it did not because of the fraud that vitiated.... Again, that's a legal argument.

We've been trying, particularly the Métis National Council, to resolve this at the political table since 1983. We've put forward the right of self-determination and the right to self-government, and throughout the process we've been doing that. With the failure in 1992, we decided we had to use the courts because there was no other option.

In terms of subsection 91(24), which states the federal government has the jurisdiction to deal with Indians and the lands reserved for the Indians, the Supreme Court, in 1939, said the Inuit were to be included in a reference case. We've been trying to get a reference case for the last 40 years as well. Hopefully this issue is going to be resolved soon. There is a case by the Congress of Aboriginal Peoples on that specific issue, so that may be resolved.

Because of the position of the federal government that our rights were extinguished—they're saying we have no responsibility for the Métis, or jurisdiction, because "Indians" means Indians as defined by the Indian Act, and also the Inuit, because of the Supreme Court of Canada—that remains an outstanding issue.

With regard to the accord of 1992, we negotiated an accommodation with then minister Joe Clark, and the Prime Minister and others, that there would be an explicit amendment saying that subsection 91 (24) applied to all aboriginal peoples, not just the Métis, because the Inuit wanted clarification also. So that was the agreement. But because of federal-provincial jurisdictions and constitutional law, and so on, to allay the fears of the Alberta government and the Métis settlements' members, we provided in the Constitution that this would not affect the provincial jurisdiction of setting aside the land. That provision was included to save that.

In fact, the big issue you may want to consider and to talk to the settlements about is that the Alberta government and the Métis settlements, supported by the Métis National Council, are in agreement that the Constitution be amended to constitutionalize those land bases in Alberta. It only takes the federal government and the Province of Alberta to make that amendment because it only affects that particular province. The amending formula is there, but for some reason Canada has not agreed to do that yet. That's something this committee could look at.

We believe there is a role for the provincial governments, but our position is that the federal government has the jurisdiction to deal with all aboriginal peoples. We say that when the term "Indian" was used in the Constitution in 1867, it was synonymous with aboriginal peoples. It includes the first nations, the Métis, and the Inuit people. But we are not seeking to be "Indians" under the Indian Act, and neither of course are the Inuit. There are distinctions between the legislative definitions and the Constitutional definition of "Indian".

● (1125)

**Ms. Linda Duncan:** If I have any time, I'll give my colleagues the option—

**The Chair:** You are fine, but I did give you some additional time, as I promised.

Mr. Wilks, for seven minutes.

**Mr. David Wilks (Kootenay—Columbia, CPC):** Thank you, Mr. Chair.

Thank you, Mr. Chartier, and company, for coming today.

I have a few questions, Mr. Chair, that I'll ask individually, if you don't mind.

You had mentioned how many individuals you have with the Métis National Council. Does that include the Métis north of 60 who reside in Quebec and eastern Canada?

Do you want me to ask you all five questions first, Mr. Chartier?

● (1130)

**Mr. Clément Chartier:** Yes.

**Mr. David Wilks:** Okay.

Two, of the number of people whom you represent, how many individuals are registered members in the five provincial affiliates?

Three, can you expand upon what you see for the provinces and the relationship this may hold?

Four, you indicated that you would like to see this proposed Métis Nation constitution recognized in federal legislation. What else do you see this legislation encompassing?

Finally, Mr. Chair, what impact would the proposed federal legislation have on your current governance structure with the provincial affiliate?

**Mr. Clément Chartier:** Thank you, Mr. Chair.

First, we talk about the historic Métis Nation, a distinct people who emerged primarily in western Canada, but also extend into Ontario—with a common history and common language, Michif, and with a flag—having all the indicia that make a people a people. So we're not talking about mixed ancestry people; we're talking about a people.

And we do extend into the Northwest Territories, and at this time, the Métis in the Northwest Territories are not affiliated with the Métis National Council, through their choice.

Part of the criteria we have for joining the Métis National Council is that you have to have the ballot box selection—one person, one vote—and it has to be Métis only. In 1994, the Métis Nation of the Northwest Territories decided that, no, they were going to continue with their way of electing people, and also retaining non-status Indians or Bill C-31 members. I'm not quite sure where they are right now. They are part of our nation but they're not part of our governance and infrastructure.

You asked about the Métis in eastern Canada. Well, I don't know of Métis in eastern Canada. I know there are people of mixed ancestry, and I do know they call themselves Métis, but they're not part of the historic Métis Nation homeland, or part of the Métis Nation itself, so they wouldn't be Métis Nation citizens. But we're not going to go out there and say that they can't identify or express who they are. They're just not part of our nation, in the same way that the Blackfeet are not part of the Cree or not part of the Haudenosaunee. We're a distinct people.

How many of our people are registered? I don't have those statistics, but we've been going through a process. In 2002, we adopted criteria to make clear who the citizens of our nation are, and in 2003, the Supreme Court of Canada basically reaffirmed that. Since 2004, the federal government has provided us with money to do a registry of our people, and we're still in the process of doing that.

For example, I think in Saskatchewan we had about 40,000 people who had signed up for membership prior to that. Now they're going through the whole process. We need everyone to reapply because there may be some who don't fit the criteria. They may be of mixed ancestry, but they may not be descendants of the historic Métis Nation.

The Supreme Court of Canada, again, has been very clear on that. And this year, in the Cunningham case, dealing with Métis settlements, the Supreme Court of Canada stated that settlement lands were set aside for the Métis, and the purpose is so that.... The land is important for the identity and culture of the Métis. It stated that removal of people who have taken Indian status under Bill C-31 is a legitimate exercise. So basically, we have some confirmation from the highest court and recognition of our existence as a distinct people.

We are in the process, and it'll take us several more years, and perhaps longer, of coming to an exact number of who we actually represent, because the benefits that people get from joining are the right to vote and the right to participate in our democratic processes. But there is no real benefit attached to it, as there is with Indian status for non-insured health benefits, and so on and so forth. I'm sure if we had that, more people would probably register, but we're hoping people register because of the affiliation they want. But it's not a requirement. They're still Métis, we still represent them. So we can't give you an accurate number. We could always find a number for where we're at in re-registering our people, but I couldn't give you that today.

In terms of the relationship with the provinces, we have the protocol. At the Council of the Federation meetings, I've asked the five premiers, from Ontario westward, if the federal government invited them to the table, would they come. They said yes, to deal

with issues. So based on that, in September—a couple of months later—Minister Strahl and I entered into this protocol for a bilateral relationship. But there's also a permissive multilateral relationship where we would invite the provinces to engage with us, including on a number of issues—health, education, and economic development.

• (1135)

Thus far the five provincial governments have engaged with us on economic development. We've had two Métis economic development symposiums. Our last one was where the Minister of Aboriginal Affairs and Northern Development, who is also the federal interlocutor for the Métis, sat with the five ministers of aboriginal affairs and our leadership. We did this in December, and we've agreed that our senior officials will continue meeting, and in 2013 we'll come back to principles with a national economic development strategy for the Métis. So we're in that process.

I've written a letter to Minister Aglukkaq and raised it with the Prime Minister—I believe that was in February—that we'd like to have a similar process with respect to health, asking the federal minister to invite her provincial counterparts to come to the table with us. We see a big role for the provinces in this; we're not saying the federal government has to carry the full load.

In terms of legislation and legislating our constitution, a big issue is the financing of our governance. We want to move toward block funding. Currently we get 30 to 40 agreements at different times for small amounts, and most of our time is taken up doing reports and looking at these things. Treasury Board guidelines have permitted block funding for about four years now, so we are engaging again with the federal interlocutor to look at these issues.

What impact would the constitution have on our provincial affiliates? Basically the Métis National Council comprises the five provincial affiliates, or governing members as we call them. As we talk about our own constitution we're also looking at their constitutions to see how they will fit. At the very end we should at least have a division of powers, and jurisdictions would be very clearly spelled out, similar to the Constitution Act of 1867 with the division of powers.

They are very supportive. We are in a two-and-a-half year process. We hope by December 2013 to adopt internally a constitution and then move to the next stage. This process is being funded by the federal government.

**The Chair:** Thank you.

Ms. Bennett, for seven-plus minutes.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Thank you.

Thank you for coming.

In going forward, and with your hope for some approaches not only on economic development but also on health and education, I wonder if you would just tell me how your people are doing in terms of health and educational outcomes at the present time.

**Mr. Clément Chartier:** Again, I can only speak in generalities. In terms of health, the Manitoba Metis Federation did a study with respect to diabetes, which was concluded sometime last year. That has been provided to the Prime Minister's Office and to Minister Aglukkaq. The study covers Manitoba and used the government system to track visits made to doctors by patients willing to participate in the study. Basically it was found that the Métis are the population with the highest incidence of diabetes in that province.

Again, at the Métis National Council we have no capacity to deal with health. We now have somebody working on this issue but we really don't have the capacity to address that. We do know there are a lot of senior citizens on fixed incomes who have to make a choice between buying food or getting prescription medicines, or trying to balance both. They also have difficulty, particularly in remote areas, getting to hospitals. For example, I am from Buffalo Narrows. If people from Buffalo Narrows need to see a dentist or a doctor, particularly eye doctors, or need to go for checkups, they have to drive five hours to Saskatoon, and if family can't take them then they can't go. If they're under 65 and on social services, then social services will cover this, but once you turn 65 you lose your benefits under provincial social services. So it is very critical.

In terms of education, we do have assets. Previous to that it was HRSDC, and we had the MHRDAs as they were called, and we were able to work out with the federal government an arrangement where we could deal with universities to set up endowment funds. There are some small amounts of scholarships that can go to Métis. They're not big but they're helpful. Primarily our people need to rely on student loans and the small amounts of scholarships out there.

We are beginning to engage with CMEC, so we will be looking at how better we can put forward positions.

Other than that, I don't have anything else to add.

Marc has been dealing with some of these issues.

• (1140)

**Mr. Marc LeClair (Bilateral Coordinator, Métis National Council):** Generally speaking—and I don't mean this in a negative way—the Métis population is better educated, has higher earned incomes, and has greater labour force participation rates than first nations, primarily because of geography. But we fall far below what the Canadian standards are, so we're somewhere in the middle.

We try to be as positive as we can about this. Rather than saying how badly off we are, we like to make a business case for investment in our population. Right now we have about \$50 million in training money, and we probably need \$50 million more. David Chartrand likes to say that we're essentially the working poor in Canada, for the most part. That leaves us just above the low-income cutoffs, and all the rest of it. So our ability to get post-secondary education is impacted severely. That's one area where we've had to work out a deal to use some of our training money for education.

The other thing we like to point out is that we are taxpayers. From the last estimate of our population, we comprise one-third of the entire aboriginal workforce. One-third of the people who are working are Métis—and it's about \$1 billion. So we pay the freight. We pay the janitor here and the salaries here. As I was saying to Clém on the way over that we've been coming here for 30 years.

We've gone through six prime ministers and I don't know how many ministers of Indian Affairs. We've come to committee after committee after committee, and at some point we'd like to have a longer conversation with you on a big issue, which is the land issue.

We've been to the Supreme Court on French language rights in Manitoba. We negotiated those. We got denominational school rights recognized. Now for the first time we take forward our land rights on December 13. That's going to have some implications. We'd like you to have a look at not only that issue but also the Dominion Lands Act, where the same process was used. That's throughout the entire northwest.

So we think it's worth your effort. We welcome an opportunity to discuss with you all those land questions. That's why we're here.

**Hon. Carolyn Bennett:** We know that health outcomes are related to secure personal cultural identity. We have very good evidence that when people's land claims and governance are sorted out, those things improve. So even around the Manitoba study on diabetes, how could the Government of Canada help with this? Is there a separate Métis diabetes strategy? What would be the remedy, now that we have this evidence showing that diabetes is far worse among Métis than any other population in Canada?

**Mr. Clément Chartier:** Basically, it will take more than the federal government; we need to find provincial governments as well. I think what we have proposed to the Prime Minister and Minister Aglukkaq would be a step in the right direction for the seven jurisdictions to get together to discuss this issue and examine how we can go forward.

The provinces get substantial transfer payments each year to provide health care and other services to citizens within the province. If we could be more astute about how we can transfer some of those dollars directly to Métis health care, that certainly would be a big help. But we would have to do some considerable research to come up with an answer like that.

Certainly I think there is enough money out there. We just need to have some of it redirected; but we need to have federal-provincial-Métis nation cooperation and collaboration on how we can best do that.

• (1145)

**The Chair:** Thank you very much.

Mr. Rickford is next for seven-plus minutes.

**Mr. Greg Rickford (Kenora, CPC):** Thank you, Mr. Chair.

Thank you to the witnesses.

Clément, I appreciate your mentioning northwestern Ontario as an important part of the Métis Nation.

I also want to thank you, John, for sending me this book. I tried to start it the past few nights and realized it was a page-turner and something I shouldn't be reading late at night. I tried to get to a bit of it before we met, but I only received it a couple of days ago. I appreciate that.

Marc, you raised an interesting point, as did Clém, in your speech about land issues. I just want to put out at the forefront here that one of the things the committee is drawing closer to looking at is land-use modernization and sustainable economic development.

Unfortunately, I'm not, as you can well understand, in a position to discuss litigation, but I want to make it clear to you—and certainly, Marc, with regard to your point—that I think the land issue is on the table to the extent that it's resolved, and I see this potential study as something that is going to take some time. So I hope we'll be back and able to address that to a certain extent. Now probably isn't the time. I note that you do have a 1.3 million-acre land base in Alberta. Perhaps we'll visit that at that time.

But what we were thinking about was this constellation, if you will, of legal instruments and, certainly with respect to the Métis Nation, policy instruments that build on sustainable economic development.

I think what we've heard from you today will compel us to take a more serious look at a component that includes policy instruments. I'm going to talk a little bit about that here.

Clém, flowing from the 2008 Métis Nation protocol, I note there were some exchanges between you and the Prime Minister about things like the funding from the Clarence Campeau development fund, which came from the federal government, and the Métis Economic Development Organization. I suspect these are part and parcel of the important work you did, as you said, with Minister Strahl when he was the minister responsible for Indian Affairs. That was the title at that time, and of course, there was Minister Duncan.

I'm going to stop there and just get you to expound on those two organizations or funds. Talk a little bit about the substantive dimensions of economic development and, notably, how you have done very well in labour force participation in financial institutions.

I'll let you go with that, Clém.

**Mr. Clément Chartier:** I'm just going to answer briefly, and I'll have either John or Marc speak to the funds.

I just want to say in terms of land, to make this clear, that we are excluded from every process the federal government has, and so—

**Mr. Greg Rickford:** I understand that. I just can't discuss it. Unlike my colleagues, I'm part of the government. It's not a topic that—

**Mr. Clément Chartier:** No, I know. I just want to make others aware that it's something we want to work at.

In terms of the funds, I believe it's the result of our Métis economic development and symposium process and of the engagement and the relationship we've developed with the federal government.

**Mr. Greg Rickford:** Would you characterize that as largely positive? It appears that it has given rise to some good initiatives.

**Mr. Clément Chartier:** I believe the protocol is good and the Prime Minister has endorsed it specifically, and I believe it is well....

But, Marc, could you elaborate?

**Mr. Marc LeClair:** It has provided a framework for us. If you look at the area of economic development, when we get with provinces, we're always trying to encourage them to do something. So through the federal leadership, whether it's through the MRED program, a resource development program, or the syndicated loan fund, we've been able to create these institutions that are much needed. At the same time, by bringing everybody together, we got the Province of Ontario to put \$30 million into economic development for the Ontario Métis. We'd like to do the same thing in B.C.

We're gamers. We like to engage, and we like to get the provinces involved. We make no bones about it. We bring them all together and try to redirect the resources that we pay in taxes to our institutions, just as you are directing the till of the federal government, right? You move it around. We like to come here and say that we're an investment that Canada needs to make.

As Clém said, there are 400,000 of us. We are the biggest indigenous nation in North America. There's no single indigenous nation with a larger population than ours.

• (1150)

**Mr. Greg Rickford:** If I could just interrupt you there. It sounds to me like we have some great leadership on behalf of your organization and this current government on these key initiatives, but that we have some inconsistencies perhaps amongst the provinces. I think my colleague earlier was hedging towards fleshing out some of those issues, and I take note of that.

Clém, in your speech you said that this has given rise to some “practical and meaningful results and builds on the success of our... labour market financial institutions...” Can you just characterize very briefly what those results have been in practical terms? I would appreciate knowing the size of the nation, and that sort of thing. Let's drill down just a little bit here.

**Mr. Clément Chartier:** In terms of specifics, there's the Métis Entrepreneurship Fund, which is something we brought forward to the federal government in engaging our three Métis capital corporations in Manitoba, Saskatchewan, and Alberta. We're lacking them still in B.C. and Ontario. But in Ontario, of course, as Mark mentioned, the government did set aside a fund for economic development. So they're moving in that direction.

The Métis Entrepreneurship Fund makes syndicated small business loans in excess of \$250,000, which was our previous cap.

**Mr. Greg Rickford:** The loan equity capital.

**Mr. Clément Chartier:** Yes, so we can go up to \$1 million now, which is very significant. That fund is owned and operated by our Métis capital corporations. Initially the federal government has invested \$3 million and we're looking at the potential of \$14 million over five years—again subject to demand and, of course, performance. That's very significant and something new for us.

The MREDS that Marc mentioned—

**Mr. Greg Rickford:** Do the organizations themselves do the performance evaluations?

**Mr. Clément Chartier:** No. We led the process and our three capital corporations are driving it. They've come up with an agreement as to how they're going to administer it. There's no increase in the administration, so it's basically all going out. I think it's going to be very successful.

In terms of the MREDs, the major resource and energy development funds, the federal government and Saskatchewan invested \$6 million of equity capital in a fund fully owned and operated by a Métis nation institution, the Clarence Campeau Development Fund. In Manitoba the provincial government and that federal government invested \$4 million in an equity capital fund owned and operated by the Metis Economic Development Organization out of the Manitoba Métis Federation. As Marc mentioned, and I just said, the provincial government in Ontario, in agreement with the Métis Nation of Ontario, has created a \$30 million fund for Métis business development over 10 years. Again, this was an outgrowth of the dialogue that took place in the symposiums that we had. In Manitoba, the Manitoba government set aside \$10 million for Métis economic development in that province.

In terms of the private sector, we invite the private sector to these symposiums as well. We're making good relationships with them, not at our insistence but of the industry itself. An example is Synovis and the Métis community of Conklin, Alberta, who reached a resource revenue sharing agreement. I think it's estimated to be about \$40 million to \$60 million over 40 years, depending on the growth.

Those are examples of where the Métis Nation sitting with government and industry can make substantial progress.

**The Chair:** Thank you.

We only have our witnesses for an hour and we want to take advantage of that full hour, so we're going to go into the second round.

I'm going to give Mr. Bevington just three minutes, as I understand he has a short question. And, if he can ask a very short question, I think Mr. Rafferty has a question as well. If that is possible, then we'll give three minutes to each side as well.

• (1155)

**Mr. Dennis Bevington (Western Arctic, NDP):** Thanks, I'll move quickly on this, Mr. Chair.

My question to you is about those who are not here at the table, the NWT Métis Nation. You said there was no one involved in land negotiations, but they are. Is that not correct?

Yes, so we have one Métis group in Canada that has definitely been recognized as part of the land negotiation, through their inclusion in the original comprehensive claim in the Northwest Territories. Would it be a good idea to have these guys in front of this committee to hear their position? I ask because their success in negotiating land in the Northwest Territories may also assist in the struggle your people have right across the country.

**Mr. Clément Chartier:** Yes, I fully agree. That may be part of the reason too—but you'd have to ask them—why they're not too closely associated. But they are the exception.

Even though scrip was distributed in the Northwest Territories, the federal government in its wisdom has decided to renegotiate, or to

negotiate for the first time. Hopefully that will set a precedent for south of 60 as well.

**The Chair:** Mr. Rafferty, did you have a question?

**Mr. John Rafferty (Thunder Bay—Rainy River, NDP):** Yes, thank you, Chair.

This is perhaps for Clém, or even John can answer this question. It's an educational question.

You have lots of members in my riding of Thunder Bay—Rainy River. The issue that comes up the most for your members in my riding is post-secondary education and being able to afford that post-secondary education. Métis members go through the regular process like every other Canadian does now.

What would you like to see for your members in the way of federal government jurisdiction, or at least help, in terms of post-secondary schooling for Métis families in your jurisdiction?

**Mr. Clément Chartier:** I think it's of tremendous help to individuals in the Métis community or the first nations community, or the Indian community, to have assistance for education without having to face a large debt when they get through. I know that some of the people in my community are looking to see their kids go to university, but they don't know how to get the resources to do that.

I'll use myself as an example. I went to law school in the early 1970s. At that time, the Government of Saskatchewan had the NRIM program, the non-registered Indian Métis program. We received the same allowances that status Indians got for books, for living allowances, for tuition.

So I was fortunate to be able to get through three years of law school without incurring a big debt. Well, I probably couldn't have gone without it.

**Mr. John Rafferty:** Would the goal, then, to be on par with first nations students, for example?

**Mr. Clément Chartier:** That would be the ideal, but certainly any kind of assistance we can get would also be good—and substantially more than what's in place now. Certainly to be able to move in that direction would be good.

In terms of health, a program from the 2004 accord enabled moneys for Métis to enter into medical fields, into health fields of various kinds. That funding is still in place. Many people have taken advantage of that. It does help. There's been a big increase in the number of Métis nurses and Métis entering other medical professions.

So I think that can be taken as an example.

**The Chair:** Thank you very much.

The final questioner will be Mr. Seeback for three minutes.

**Mr. Kyle Seeback (Brampton West, CPC):** Great.

Clément, and everyone, I want to thank you for coming today. It's been very informative to me as a person with limited information on some of these issues. So I thank you for the information you've given me. I've found it to be very informative and helpful.

I just want to take a moment to go back to page 8 of your opening statement, where you talked about “strengthening the governance capacity of the Métis Nation to administer and deliver important services such as economic development”.

Can you paint a picture for me and explain to me how you envision that coming to fruition?

**Mr. Clément Chartier:** Essentially, as I mentioned earlier, we get some funding from the federal government. A lot of it is on a project basis, which causes us grief because of the funding cycles.

Currently, with our core funding, which should be a no-brainer and should just flow, we don't sign contribution agreements until, say, August. We have to operate from April 1 to August.

In terms of the environment, we just found out several weeks ago that we're not getting funding for some of the environmental projects that we've been getting funding for in the past. We'd retained the staff person to continue carrying out that work and go to meetings. We got caught at the end of the day without funding.

We're looking to have block funding so that we will know what we have at the start of the year, that we will know what we can do and can adjust to the budgets that we feel are important, so that at the end of the day we can make one report as opposed to forty reports.

It's something we are working toward. We are talking to the federal interlocutor about that. How soon we'll get there, I don't know. But it certainly would help us to have determined, dedicated funding amounts so that we could operate without having to worry about that and without having to go to the banks and getting loans at exorbitant interest rates and so on.

That essentially is what we're looking at.

• (1200)

**Mr. Marc LeClair:** I'll give you an example. The registries are very important because now that the Supreme Court has recognized the Métis as rights-bearing people, you need to know who has the

right to hunt and who doesn't have the right to hunt, right? It's a very important issue.

The financing system we're on now is year by year. In the first year of the program, everybody had to lay off their staff in the registries because the funding wasn't secure, but was proposal driven. What we feel is an essential governance service with these registries—and they need to build them—is that they be done by program. So what we want to do is fundamentally implement what the federal Liberal Party brought in with the inherent right to self-government policy. They never applied it to us, so we've never been in negotiations.

We started tripartite self-government negotiations in 1985 after we didn't get a constitutional amendment. They said, “Well, we need to define before we sign”. We said, “Okay, we'll define before we sign”. We started the tripartite process in each province. It was supposed to be about governance; it hasn't been about governance. As for the inherent right policy, it applies to aboriginals, but if you're Métis, it doesn't apply to you.

So what we want to do on the governance thing is to get a government-to-government relationship. As Clém said, we don't want to have to deal with the financing system and the lack of recognition. We want to take a mature, responsible, public policy approach, and if you could help us, that would be great.

**The Chair:** Thank you very much.

On that note, there are probably still questions to be asked, but as we endeavour to undertake our responsibilities, I'm sure we will have an opportunity to speak again.

Colleagues, I'm going to adjourn this meeting. Then we're going to break for a few minutes so committee members can greet our witnesses. What I want to do, though, is ask those who are in the subcommittee to stick around, because we'll move in camera as expeditiously as possible.

This meeting is adjourned.

---





**MAIL  POSTE**

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**1782711  
Ottawa**

*If undelivered, return COVER ONLY to:*  
Publishing and Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,  
retourner cette COUVERTURE SEULEMENT à :*  
Les Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of  
the House of Commons

### **SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and  
Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5  
Telephone: 613-941-5995 or 1-800-635-7943  
Fax: 613-954-5779 or 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
<http://publications.gc.ca>

Also available on the Parliament of Canada Web Site at the  
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

### **PERMISSION DU PRÉSIDENT**

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les  
Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5  
Téléphone : 613-941-5995 ou 1-800-635-7943  
Télécopieur : 613-954-5779 ou 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
<http://publications.gc.ca>

Aussi disponible sur le site Web du Parlement du Canada à  
l'adresse suivante : <http://www.parl.gc.ca>