



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Indigenous and Northern Affairs

EVIDENCE

NUMBER 083

Thursday, November 9, 2023

Chair: Mr. John Aldag



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• (1535)
[English]

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

Welcome to the 83rd meeting of the Standing Committee on Indigenous and Northern Affairs. Pursuant to the Standing Orders, today's meeting is taking place in a hybrid format.

For those participating virtually, you have the choice of choosing the language that you'll be following—French, English or Inuktitut. In the room here, we'll turn mikes on and off. Those joining us online will need to mute and unmute themselves as needed. Now that we're in session, photos and screenshots are not allowed.

Before we head out at the end of today or tomorrow when people are travelling home for Remembrance Day, I once again want to remind members that all amendments, including subamendments, must be submitted in writing and sent to our committee clerk. Our established deadline is November 29. If you wish to propose amendments, you can involve the legislative counsel, Alexandra Schorah, with your written instructions. She'll ensure that amendments are drafted in the proper legal format.

We have two panels today. We have resources until 5:35 p.m., at which time we will have to end this. That should help us manage our time accordingly. We'll go through our first opening statements, rounds of questions, suspend briefly, bring in the second panel, go through it and then adjourn for the weekend.

In our first panel, we have Mr. Tony Belcourt. He is in person. We also have Solomon Sanderson, consultant, and Danette Starblanket, assistant professor with the University of Regina. They are both online.

Welcome to everybody. We'll get right into your opening statements.

Mr. Belcourt, before I turn to you for your five-minute opening statement, I will mention that I have a card system. When there are 30 seconds left on the clock, I'll show the yellow card. When time is up, I'll show the red card. Don't stop mid-sentence. Just wind up your thoughts so that we can move on to the next person and the next round of questions. The time goes by quickly. There's a lot of material to fit into our rounds, but we try to get as much out as we can.

Mr. Belcourt, when you're ready, please proceed.

Mr. Tony Belcourt (As an Individual): Thank you, Mr. Chair and members of the committee.

[Witness spoke in Anishinaabemowin and provided the following text:]

Makwa ga ni ga nich nit si ka sin.

[Witness provided the following translation:]

I am The Bear That Leads.

[Witness spoke in Plains Cree and provided the following text:]

Manitou sakhaigan ochi niya kyate.

[Witness provided the following translation:]

Spirit Lake is where I am from.

[English]

I'm Tony Belcourt. My spirit name is The Bear That Leads. It's a name that was given to me by former Ontario regional chief Charles Fox.

I'm from the Métis community of Lac Ste. Anne, Alberta. I have been involved as an indigenous advocate and leader for nearly 55 years: as a Métis leader in Alberta in the sixties, as president of the Native Council of Canada in the seventies and as founding president of the Métis Nation of Ontario from 1994 to 2008. I was a member of the board of governors of the Métis National Council for 15 years and a Métis nation ambassador to the United Nations and the OAS for 10 years.

I am carried by the pipe.

Maternal ancestors in my community are Cree and Sekanais women. They are the grandmothers who gave us our language and taught us our medicines, values, cultures and traditions. My paternal ancestors are French and Mohawk. In other communities of our homeland, they include the Scots and the English. In Métis communities in other parts of the Métis homeland, our maternal ancestors include the Saulteaux, Dene and Anishinabe.

The blood of our ancestors in much of our homelands is the same as that of our first nations cousins. In fact, the Cree in my area called us *âpihtawikosisân*, which means "Cree half-cousins".

The progeny of our ancestors formed the origins of our communities long before so-called outside control. These are Métis ancestors, although we were not always called Métis. In my case, we were known as *Otipemisiwak*, or “the people who own themselves”. At Lac Ste. Anne, we spoke of ourselves as *Nehiyawak*, which simply means “the people” in Cree.

In St. Laurent, Manitoba, the people there referred to themselves as *Li Michif*. The Anishinabek referred to the Métis in their communities as *Apti Nishinabek*. Governments referred to us as “half-breeds”.

I have heard opposition to Bill C-53 by those who are saying there are no Métis communities in Ontario and they don't know of any.

I would like to point out that we have a history of relationships with Ontario first nations, which includes a protocol with the Chiefs of Ontario. The purpose of this protocol was to affirm the mutual respect, recognition and support of our respective rights, interests and aspirations; to facilitate government-to-government relationships; and to establish a political process to strengthen the relationship between Ontario first nations and the Métis nation within Ontario.

We also entered into a nation-to-nation relationship with the Anishinabek Nation. It was forged in a traditional way through a sacred ceremony and an assembly of the Anishinabek Nation at Kettle and Stony Point First Nation in 2005. We both brought our songs to the drum. We brought our pipes for ceremony. We had a feast and we danced.

During that time, the Anishinabek Nation and the Métis nation worked out a harvesting accord to recognize and respect each other as nations, and agreed to conduct all discussions on the basis of respect and equality. This accord recognized the shared traditional territory and the aboriginal and treaty rights to hunt, fish and gather in the shared territory where our people have kinship ties.

I have also heard that if Bill C-53 is passed, it will be a detriment to first nations economically. This is a refrain I heard 52 years ago, when I first met with George Manuel, who was then the president of the National Indian Brotherhood. It took some time for me to get a meeting with him, and when I did, he said his chiefs didn't want him to meet with me and the government was warning him not to meet with me. They were saying there was only a loaf of bread available, and if the Métis were recognized, “Well, George, half of that loaf of bread would have to be given to them.” I said, “George, Ottawa is not a loaf of bread. Ottawa is a bakery.”

I told George we had no interest in the funds that were set aside for him through Indian Affairs. There wasn't enough for him and there was nothing for us. I told him we needed to work together to get funds for housing, for health care and for economic development. We did just that.

• (1540)

I hope this committee will see through the arguments that have been brought forward to deny the recognition of Métis rights in Canada and pass Bill C-53, so our Métis' and first nations' govern-

ments can begin to rebuild that nation-to-nation relationship for the benefit of all indigenous people.

Thank you, Mr. Chair.

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

Ms. Starblanket, we'll go to you next.

So that our colleagues know, we've had a connection problem with Mr. Sanderson. He is working on trying to join. When he gets in.... He did his sound quality test yesterday, but we'll need to suspend for a brief moment to make sure today's quality is good. We are hoping he'll be in any moment now.

While we're waiting, Ms. Starblanket, I'll go to you for your five-minute opening statement.

Professor Danette Starblanket (Assistant Professor, As an Individual): Thank you.

Good afternoon.

I come from Star Blanket Cree Nation in southern Saskatchewan. I've served first nations organizations as a first nations public servant. I've worked at the Federation of Sovereign Indigenous Nations and, for the past several years, as a sessional instructor in indigenous studies and political science. More recently, I've worked as an assistant professor in public policy at the University of Regina.

I hold a Ph.D. in public policy from the Johnson Shoyama graduate school of public policy. I also hold a Master of Arts in indigenous studies through the First Nations University of Canada, in collaboration with the University of Regina, where I gathered data and conducted research on Treaty No. 4 in southern Saskatchewan in 2001. This included gathering the oral history of the elders and knowledge-keepers, along with other primary and secondary data. Prior to that, I completed a Bachelor of Arts (Honours) in Indian studies, where I researched the history of my first nation, including Chief Starblanket's alleged and misperceived involvement in the northwest uprising of 1885. Some of the research conducted for my B.A. (Honours) informed the graduate research for my Master of Arts degree.

I'm presenting evidence today related to the historical rights of the Métis peoples, based on my understanding and training, both informal and formal.

Métis people have aboriginal rights, which include the right to hunt, fish, trap and gather, the right to self-government and the right to the land. These are inherent rights based on Métis people belonging to the group of indigenous peoples. Métis people have asserted their rights throughout the colonial history of this country. In some cases, those rights were aligned with the rights of first nations people. For example, the Métis were questioning the Crown's right to occupancy pre-treaty. The involvement of Métis people at the time of treaty negotiations demonstrates their vested interest in the outcomes that would follow.

First nations and Métis people had very different relationships with one another historically than we do today in contemporary times. The impacts of colonization changed those relationships and damaged kinship ties in very negative ways. Those relationships were familial. We knew our blood ties to one another. Certain Métis people were recognized as having rights as road allowance people during the early reserve years. Many first nations in Saskatchewan had road allowance people camped just outside their reserve boundaries. In many cases, these were our Métis relatives.

In my historical research, I found that first nations people were very concerned about the Métis' situation and pressed the Crown to deal with them in a just and fair manner. First nations people, at the time of treaty, were insistent that the government deal with the Métis in the same ways they were treating with the first nations. Métis people were interpreters, advisers, company men, witnesses and servants of the Crown during treaty negotiations. Most importantly, Métis people were the relatives of the first nations people present.

Research demonstrates that Métis people were involved in, and relevant at, many of the treaty negotiations. In the case of my research on Treaty No. 4, the spokesmen for first nations people referred to a Métis presence. Alexander Morris's textbook, which was reprinted in 1991, provides a written account—albeit a colonial account—of the negotiations for the early treaties and the post-Confederation numbered treaties up to and including Treaty No. 7. In the Treaty No. 4 negotiations, the Gambler was appointed by Loud Voice to speak for him. He was a principal chief of the Cree, so when he spoke, all listened. Loud Voice would later take up as leader of the Ochapowace Nation. He told Commissioner Alexander Morris through the Gambler that certain things were “in the way” of moving forward in the Treaty No. 4 discussions.

One thing was.... Earlier that day, the first nations people had observed that Morris was reluctant to shake the hand of a Métis person. This caused a lot of mistrust among first nations people. The Gambler described it by saying:

This morning I saw the chief of the soldiers, who asked me what is in your way that you cannot come and meet the Queen's messengers; then I told him what was in the way. And now that I am come in, what do I see? You were rather slow in giving your hand. You said that the Queen spoke through you and spoke very plainly, but I cannot speak about what you said at present; the thing that is in the way that is what I am working at.

The Gambler continued:

I told the soldier master you did not set your camp in order, you came and staid beyond over there, that is the reason I did not run in over there. Now when you have come here, you see sitting out there a mixture of Half-breeds, Crees, Saulteaux and Stonies, all are one, and you were slow in taking the hand of a Half-breed. All these things are many things that are in my way. I cannot speak about them.

• (1545)

Commissioner Morris responded to the Gambler with:

We have here Crees, Saulteaux, Assiniboines and other Indians, they are all one, and we have another people, the Half-breeds, they are of your blood and my blood. The Queen cares for them, one of them is here an officer with a Queen's coat on his back. At the Lake of the Woods last winter every Half-Breed who was there with me was helping me, and I was proud of it, and glad to take the word back to the Queen, and her servants, and...you may leave the Half-breeds in the hands of the Queen who will deal generously and justly with them. There was a Half-breed came forward to the table. He was only one of many here. I

simply wanted to know whether he was authorized by you to take any part in the Council....

I will continue as we proceed.

Thank you.

The Chair: Thank you so much for your opening statement, and I apologize for having to interrupt there. We look forward to continuing the discussion.

Colleagues, we're going to suspend briefly. Mr. Sanderson has been able to join. We just need to do a brief sound check with our clerk and the interpreters to make sure that everything is good today.

We'll resume as quickly as we can, but for the moment, we're suspended.

• (1545)

(Pause)

• (1550)

The Chair: We're just getting back into session here.

You have the floor now, Mr. Sanderson, if you'd like to go forward with your five-minute opening statement. I was explaining to the other witnesses that I'll give a yellow card when there are 30 seconds left. If you see me with a red card then you're out of time. Try to wind up at that point, but don't stop mid-sentence. I'll give you a little bit of extra time if you need it, but we want to get into our rounds of questions.

When you're ready to start, I'll start the clock for your five minutes.

Mr. Solomon Sanderson (Consultant, Former Chief, As an Individual): Okay.

What I did was I reviewed the Métis nation's self-government agreement with the feds and also the Métis nation's self-government act that recognizes self-government for Métis under federal jurisdiction and law, and the Métis capacity to make treaties and ratify treaties, and their citizenship status.

The first term for Métis, as we already heard, was half-breed. That's something that is not addressed, and they call that the code of silence. The Métis had to inherit their Indian status. When they inherited those inherent rights, they inherited the inherent sovereignty of the Indian nations, the inherent rights by sector, the inherent rights to education, health, economics, justice and so on, and the inherent right to the title of lands and resources. The inherent rights we have as Indian nations were granted to our nations by the Creator, and they're granted to our people by the Creator.

That's what the Métis have inherited from the Indian heritage they have, and they're guaranteed. Their reserves are recognized and confirmed and guaranteed with the national powers of treaty-making and the international treaties that we made. The Métis inherited Treaty No. 3 in Ontario, as you know. We are born with those rights and that status, and we inherit them from generation to generation.

Now, on the non-Indian side, they inherited the colonial benefits that the non-Indians have: the criteria for title to land and resources, for example, and, in Manitoba, the homesteads that the non-Indians occupied and improved. They met the criteria for having title to the land and resources, the Métis settlements and the Métis-occupied and -approved lands prior to treaty. That provided them the title to their lands and resources as you have under your colonial systems. This is one example of taking the best of what they inherited from both sides—the Indian and non-Indian sides. The act goes on to recognize their jurisdiction and laws. It also deals with the recognition that they have to have their own laws. That means there has to be a process in place to deal with the interface between jurisdiction and law within the Métis governments of the Métis nation and jurisdiction and law within the Métis laws, the first nation laws and the provincial and federal laws.

It also deals with the capacity to recognize citizenship. Subsection 35(2) now recognizes that the Métis are constitutionally distinct, and the portability of their rights has to be included in the Métis act. I'm talking about the portability of their inherent sovereignty, their inherent rights and treaties, treaty rights whether in community, regionally, nationally or internationally.

When you do that, keep in mind that nations make treaties; treaties do not make nations. Modern-day treaty-making creates governments. If you don't have a government in the first place, what are you doing signing a treaty? The treaties that are going to be made or that have been made by both parties need ratification and implementation under new specific and unique laws to give them legal effect.

There's a bigger picture that you need to be aware of, which most people are not aware of. The court decision in Manitoba said that the Crown is in a fiduciary relationship with the Métis as a distinct form of aboriginal peoples who cannot be ignored. It went on to say that the unfinished business of reconciliation of the Métis people in Canadian society is a matter of national and constitutional importance.

Ask yourself this: What is that all about? Here's what it's about, and most people don't know there's a bigger picture.

When we talk about the comprehensive legal and political framework governing Crown-Métis relationships, that framework is governed by what? It's the inherent sovereignty of the Métis nation, the assumed sovereignty of the Crown, the inherent rights and title by the Métis nation, the Crown treaty nations, the Métis treaty relations and the Royal Proclamation of 1763. Former Supreme Court judge Dickson called it their bill of rights that recognizes everything we're talking about.

• (1555)

Then we have the Constitution Act of 1982, with section 35 being a full box, and section 25 now applying the Royal Proclamation of 1763. Of course, when we look at that, there is UNDRIP, with Bill C-15 now having to implement United Nations declaration.

When we talk about the recognition of that framework, that broader-based framework, what does it recognize? It's that framework that governs by those instruments that I just highlighted, and it recognizes sovereign treaty relations, Crown-to-Métis relations,

nation-to-nation government relations, government-to-government relations and inherent rights to treaty rights relations.

The format for implementation, then, or what that judgment is calling for, requires the implementation of that framework respecting political relations: the equality of government jurisdiction and law in courts. Métis—

The Chair: Mr. Sanderson, I apologize for interrupting. We're at the end of the five minutes.

If there's a concluding statement you'd like to make, please do so. Then we're going to need to move into our rounds of questions.

Mr. Solomon Sanderson: Okay. That's about the end of the statement I want to make, but there's a code of silence that has to be addressed. There are 500 years of colonial policies that people can tie together historically from 1493 to 2023, and that's very critical, because that's what's being implemented today.

Thank you.

The Chair: Thank you so much.

We're going to go right into our first rounds of questions. They're six minutes each.

First, I have Mr. Schmale for six minutes.

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

Thank you to our witnesses on this very important topic.

I have a very short time, so if I jump in and cut someone off, I do apologize. It will be more in the essence of time.

Mr. Belcourt, since you're sitting in front of us, why don't I start with you?

In our last meeting, we had a conversation with the Manitoba Métis Federation. They were indicating that in order to, in their words, make this bill better, to improve this bill, they suggested removing the MNO—the Métis Nation of Ontario—from this piece of legislation. As you are a founding member of that organization, I would like to quickly get your thoughts on that.

Mr. Tony Belcourt: Thank you for the question.

I'm very sorry to hear that. I heard that and I was very sorry to hear it.

The Métis National Council has always embraced the Métis Nation of Ontario, going back to the very beginning. On the Supreme Court of Canada decision, after that decision came down in 2003, Clem Chartier, who was president at the time, said, "As Sault St. Marie is part of the larger Métis Nation, this decision will have far reaching implications on the larger Métis collective throughout the Métis Nation Homeland [throughout] Western Canada. The people who stand charged before you today are descendants of the Historic Métis Nation, and more specifically, the historic Métis community at Sault Ste Marie."

What is really baffling to me is why the Manitoba Métis Federation would rely on the decision of the Supreme Court of Canada in *Regina v. Powley*, so that the people there could enjoy the constitutional right to hunt and fish for food. It's kind of hypocritical to me that, on the one hand, you want to rely on the Supreme Court of Canada's case on Sault Ste. Marie and then you turn around and try to say the community doesn't exist.

• (1600)

Mr. Jamie Schmale: Some of the justification for that.... I'm just reading from their transcript here. They are talking about membership and some questions around how the MNO works its membership list. Did you want to comment on those concerns?

Mr. Tony Belcourt: The Métis Nation of Ontario's registry requires those who register to provide evidence that they are a descendant of a historic Métis community. That registry has been reviewed many times for its veracity and validity.

Mr. Jamie Schmale: I'll quote the Manitoba Métis Federation when talking about their membership and how they align their membership. When we questioned them, the quote was.... I've lost the quote.

They basically—I'm paraphrasing here—referenced, of course, Louis Riel. They referenced the beading they have, as you do as well, and their connection to jigging—that type of thing. Did you maybe want to put forward how membership in Ontario is granted if you know it off the top...? I know you've been....

Mr. Tony Belcourt: Membership is not granted on what we wear.

Mr. Jamie Schmale: No, that's the quote I'm using from the Manitoba Métis.

The Chair: I'm just going to pause your clock for a second.

Mr. Sanderson, you're not muted, so I just want to see if you can mute. Perfect.

I'll start the clock again for you, Mr. Schmale.

Mr. Jamie Schmale: I guess the point I'm trying to make is that when the Métis in Manitoba were asked that question, that was basically the answer. I've lost the quote here, but that was basically the answer in a roundabout sort of way.

I just want to talk about how Ontario looks at its members and determines its membership.

Mr. Tony Belcourt: As I said, our people are from historic communities that existed prior to outside control. As per the guidelines in *Powley*, these are the people who are entitled to enjoy a constitutional right, and our people provide that documentation. It has been reviewed many times, and I'm sure the MNO would say, "Fine. If you want someone to review it again, go ahead."

Mr. Jamie Schmale: Okay. Perfect.

I just want to get Mr. Sanderson in.

The Chair: Mr. Sanderson, if you can unmute yourself now....

Mr. Solomon Sanderson: What is your question?

Mr. Jamie Schmale: It is with regard to membership. I don't know if you have a question on that or a comment.

Mr. Solomon Sanderson: I certainly do.

It's up to the Métis nation and the Métis people to identify all their inherent rights and their status. When they do, they interpret those rights based on their own world view and philosophy, traditions, customs, practices, values, beliefs and the Métis language. Then there are collective and individual duties and responsibilities to all those inherent rights, including Métis inherent sovereignty.

They know all that, and what are their plans and studies to implement their inherent rights by sector, such as the inherent right to education, the inherent right to health, or the Métis inherent right to justice and economics? This is looking at the whole economy, which is community-based, regional, national and international, with all your inherent rights and treaty rights intact in every sector of the economy, with ownership and benefits identified through a trade and commerce act with the Métis nation. Once you do that, you have your special laws and policies that implement your inherent rights and the Métis identification of their status.

Some Métis have legislated their own citizen pacts and laws. One guy from Ontario came from a Métis community here to Saskatchewan, and he was denied Métis status. What are the Métis doing, rejecting the portability of their status and their rights that I just talked about earlier? They have no authority to be doing that. They have to change their citizenship act to respect the recognition of the Métis, no matter where they are in Canada or outside of Canada. The portability of the Métis status and rights is critical. The Métis nation has to come together.

Remember that earlier I said that the Métis nation has to deal with the internal interface of jurisdiction and law? You only put your finger on one of the issues that will impact the Métis nation and the Métis government. It's respecting citizenship and membership and how they implement that to complement the rights and status of the Métis and the portability of their rights and status—

• (1605)

The Chair: Mr. Sanderson, we're going to need to stop here. We're a bit over the time, and we do need to get to the next witness. Thank you so much.

Ms. Atwin, you're next with six minutes.

Mr. Sanderson, you might want to mute yourself again until we get going. Thank you.

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

It's wonderful to be back at INAN. It's good to see everyone, especially for such a historic study. I thank our witnesses so much for being with us today.

On Tuesday, we heard from a Métis lawyer, Jason Madden, and he asserted that the two clear goals of this legislation are recognition and affirmation and then the legal framework for future treaty-making. Would you agree with those assertions as the key principles of this bill?

I'll direct that to Mr. Belcourt.

Mr. Tony Belcourt: That's my understanding of them.

Mrs. Jenica Atwin: We've heard concerns over the perceived potential for supremacy of future treaties over other existing agreements, as well as a lack of oversight by Parliament.

What do you say to those assertions?

Mr. Tony Belcourt: Would you repeat that?

Mrs. Jenica Atwin: Some of the concerns we've heard are that this future treaty-making process would have a lack of parliamentary oversight, and could also potentially have these agreements be superior or be seen as given that supremacy over other existing treaties or agreements.

What would you say to those assertions?

Mr. Tony Belcourt: In any treaty-making process, there are two sides. I'm sure the federal side is going to make sure it's not going to be overpowering another treaty. The treaty process that has been set aside, or the established precedent, for treaty-making in Yukon is the one that, as Jason Madden said, is the preferred one for us. I certainly support that.

Mrs. Jenica Atwin: Would Mr. Sanderson or Ms. Starblanket like to add anything to that question?

Mr. Solomon Sanderson: I can address that.

I mentioned earlier that nations make treaties; treaties do not make nations. The current ones that are in place, like the Yukon treaty... That's a treaty creating the governments of our nations. That's like saying that they didn't have a government to make a treaty in the first place.

Keep in mind that it's the national powers of treaty-making that you're talking about, of the governments of our nations. They have the power to implement those treaties under their jurisdiction and laws and to give them legal effect, not just ratification.

Yes, there will be overlap in many areas, and that has to be addressed. You're now back to the issue I mentioned earlier: the interface of government jurisdiction and law. The national powers of treaty-making and the implementation of treaties respecting territorial boundaries and lands and treaty rights in every sector have to be addressed formally under your jurisdiction and laws.

When do you deal with the interface of jurisdiction and law between the Indian nations and the Métis nations, the federal government and the provincial governments? That treaty process is not valid in terms of dealing with these political issues that I'm talking about. That's what the judgment said. You have to rectify the Métis relations with the sovereignty of Canada and the Constitution.

Your problem is that most people don't know what that framework is all about. That's been my experience, even with members of government, Parliament, ministers and the opposition. They don't know what that framework is about, but it's been there since

1982. They're still implementing the BNA Act of 1876. That's the comment I have.

However, let's understand the national powers of treaty-making. We talk about treaties and treaty rights. We never discuss the national powers of treaty-making, yet they're very valid. That's one of the national powers of governing. The national powers of governing are governing internal, external and international affairs.

The self-government policy provides governing of only internal affairs. That's not inherent sovereignty. The inherent sovereignty provides for the recognition of your jurisdiction for the internal, national and international political and governing affairs. That's my position regarding the issue you're talking about.

However, when do we go to that political agenda and elevate this administrative and legal agenda to a political agenda dealing with these major political agenda items I'm talking about that I've tabled with you? By the way, I provided you with inherent rights charts. I provided you with a comprehensive legal and political relations chart, as well as the self-journey of self-termination under the 500 years of colonial policies. That document highlights those in about two pages, so you have those charts.

• (1610)

Mrs. Jenica Atwin: Excellent. Thank you very much, Mr. Sanderson.

I have only about 30 seconds left.

As we say where I come from, you ate your Wheaties. Thank you for bringing your best energy, and thank you very much for that response.

The Chair: Thank you.

We're going to go next to Madame Gill.

I expect that the question may be in French. If you're English and you're not bilingual, if you need to select another language, you can do that on your controls.

Madame Gill, whenever you're ready, the floor is yours for six minutes.

[*Translation*]

Mrs. Marilène Gill (Manicouagan, BQ): Thank you, Mr. Chair.

I thank all the witnesses who are here with us today.

I know that the topic we are studying right now is tough. As one of my colleagues just said, this is an historic moment, but we are facing some challenges.

I will start with you, Mr. Belcourt.

Earlier, you mentioned something. You said that you wish the committee could see more clearly what is coming out of the arguments against Bill C-53. I am paraphrasing what you said, but you get the idea.

I would have liked to hear more before your comments about these arguments, even though some have already been raised. I would also like you to tell us what committee members should be seeing in these arguments.

[*English*]

Mr. Tony Belcourt: I'm sorry, but I think there might have been something lost in the translation. I didn't quite understand the question.

The Chair: I'll stop the clock here.

[*Translation*]

Mrs. Marilène Gill: Thank you, Mr. Chair.

I will try to be brief. I want to spare the interpreters. That is why I do not want to speak too quickly.

You mentioned earlier that you would like the committee to see clearly what is coming out of the arguments being made against Bill C-53. I would have liked to hear your comments on these arguments and what you want the committee to see in these arguments.

• (1615)

[*English*]

Mr. Tony Belcourt: I think the argument against the bill is that it is going to impact on the economies, for example.

Is that what you mean?

[*Translation*]

Mrs. Marilène Gill: In fact, I want to know which arguments go against the bill, in your view.

You said you want the committee to see clearly what is coming out of the arguments. I wanted to give you the opportunity to talk about the arguments being made by the opposing party so that you, Tony Belcourt, could tell us what you think about the arguments being made against Bill C-53.

[*English*]

Mr. Tony Belcourt: On the arguments against the recognition of the Métis people, specifically the Métis of Ontario, I can only suggest that, first of all, there have been a lot of agreements that have been established between governments and the Métis of Ontario based on the legitimacy of our people and our communities—the historic reality of our communities.

People are saying that there are no Métis communities in Ontario. In the case of Sault Ste. Marie, do you not trust the decision of the Supreme Court of Canada? That firmly agreed with the decision of the judge at trial that the community very definitely did exist. The decision at trial was that governments have a duty to make arrangements with the rest of the Métis.

We don't need to go to trial for every single community. Surely, that's not what needs to be done. A precedent has been set. The Supreme Court of Canada said that this is the criteria for a community exercising a right.

[*Translation*]

Mrs. Marilène Gill: I am sorry to interrupt you, but I have very little time and, with what happened, I miscalculated the time I have

left. In any case, you could send us other responses in writing if we run out of time.

You raised the argument of legitimacy, but you think other arguments should be made to the committee? If so, do you want to talk about those and tell us what we should be looking at?

[*English*]

Mr. Tony Belcourt: I do intend to present a written submission with 10 pages.

I'm going to address the issues one at a time in that paper.

[*Translation*]

Mrs. Marilène Gill: I would like to hear from Ms. Starblanket on the same topic.

In fact, I am interested in hearing all the witnesses, both from Ontario and Saskatchewan, on the arguments against this bill.

[*English*]

Prof. Danette Starblanket: Thank you.

I believe that, when we're looking at what's happened with colonization throughout our history, we've seen a real breakdown in those relationship. We've come to compete with one another within first nations communities, between Métis and first nations, and between Métis communities. This is part of our colonized face now. This is who we are. We have to work to decolonize those ways of thinking.

I think we have to understand that, upon contact, we started to create Métis societies. Métis culture came to be born. From there came communities. Métis folks were all over this place that we now occupy and today is called Canada. They did occupy these regions. They moved amongst these regions. As I've mentioned earlier, they were very involved with first nations people. As far as trappers and hunters, they were taking up those avocations as well, those ways of life, and surviving from them. I think that historical existence has to be understood and it has to be realized.

I think we also have to realize that we have come to break each other down. That's who we are today—tearing each other apart. Unfortunately, that's where we're at. We have to heal that. We have to move towards changing that. I hope that's where we're at.

There are people who will put those arguments against Bill C-53 forward, but I think we have to look at that history and those Supreme Court decisions that have been made and the positions of the Métis people. Their voices and their oral history are really important. I think that all has to be taken into account.

As far as talking about recognition—

• (1620)

The Chair: I'm sorry. I'm going to have to jump in. We're at the end of the six minutes, and I have another person waiting.

We need to jump now to Ms. Idlout.

When you're ready, the floor is yours for six minutes.

Ms. Lori Idlout (Nunavut, NDP): [*Witness spoke in Inuktitut, interpreted as follows:*]

First of all, I want to thank the witnesses for coming here to make statements, because what you have brought to us today is very important.

I want to ask this of Tony Belcourt.

You were actively involved in the Powley decision when you were president of the MNO. At this committee, there have been some disagreements on what Powley means for Métis in Ontario. Can you tell us who Powley applies to?

Mr. Tony Belcourt: Thank you very much for the question.

The case of *R. v. Powley* is about whether or not the Métis person, or people in that case—Stephen and Roddy Powley—had a constitutional right to hunt and fish for food. The constitutional rights of first nations have gone through the Supreme Court various times, dealing with various questions concerning their rights.

The Supreme Court upheld a decision that the rights of the Métis of Sault Ste. Marie were not extinguished. As you know, the Constitution, section 35 says, “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”

Our rights were previously denied as existing by governments, so at the Supreme Court, in the Powley case, we proved that the rights of the Métis people at Sault Ste. Marie were not extinguished by the Robinson treaty.

Contrary to the desire of the first nations chiefs at the time to include the Métis people in that treaty, they were denied specifically. Because of that, the court decided that their rights to hunt and fish for food were not extinguished. Of course, that then leads to the question, if the right to hunt and fish for food wasn't extinguished, what about all the rest of the rights?

The rights of our people throughout the Métis homeland now, and with regard to the right to hunt and fish for food specifically, are very clear. They have that constitutional right. We now need to elaborate with governments on other rights that exist.

Our right of self-determination is another right that is understood and recognized widely. We need governments to have the tools to change their laws to accommodate our right for self-government. That's what Bill C-53 is all about, and that bill will specifically relate to the Métis nation in Ontario, Saskatchewan and Manitoba.

• (1625)

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you for your answer.

My next question is for Danette Starblanket. You were talking about the Métis nation existing within Canada.

[*English*]

You were talking about the occupation of the Métis. Do you think that history of occupation leads to the right to have self-government?

Prof. Danette Starblanket: Absolutely. There is absolutely no doubt whatsoever. Métis have the right to self-government, the

rights to the land. They require a land base in order to operate as a government. At the time of treaty, the Crown was trying to keep them from this. They prevented, as you heard Mr. Belcourt say, in the treaties.... We know that in Treaty No. 4, they prevented the Métis from being what we referred to as “treated with” at that time, to be receiving the same the rights that the “Indians”—the language used at the time—were receiving.

We were very concerned about their existence, about their rights as first nations people. We wanted our cousins to be dealt with properly and not to be ignored. They absolutely are entitled to the right to self-government, the rights to the land, the rights to a land base—not just the the rights to hunt, fish, trap and gather—all those aboriginal or inherent rights, as some people will refer to them, because they are Métis people. They are of our blood. There's no question whatsoever. They haven't been dealt with properly since contact.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Solomon Sanderson, you had your hand raised. I'm giving you this opportunity to respond as well.

The Chair: There's only less than a minute, so if you could give your thoughts briefly.

Mr. Solomon Sanderson: I just wanted to say that, yes, you inherited your status, in terms of your sovereignty, all your inherent rights by sector, like I mentioned earlier, and your inherent title. The Métis nation has all that, but you're not implementing them.

It's the responsibility of the Métis, individually and collectively, to come together on how you implement them under your jurisdiction and law. You have to elevate your agenda from an administrative agenda to a political agenda that deals with your political relations, treaty relations, judicial relations, economic relations, fiscal relations and international relations, along with your inherent rights, treaties and treaty rights relations. That's the agenda you need, politically, for the questions you're asking because you need political answers not administrative, technical answers from the courts or from bureaucrats. You need to resolve that politically between your governments, the Métis nation and the federal government, and between the Indian nations and their governments.

Technically, in terms of the title to land and the resources of Indian nations, today, we occupy only 2% of the lands in Canada. Who are we sharing all the rest of the land and resources with? If we can't help the Métis get their fair share of land and resources in Canada, there's something wrong with us. They're entitled to it.

It's time we talked about it politically, and that agenda has to be addressed politically.

• (1630)

The Chair: I'm going to jump in, Mr. Sanderson. That's the end of Ms. Idlout's time.

We do have another panel that we need to set up, so we're going to have to end this panel now.

I'd like to thank our three witnesses for being here: Mr. Belcourt, Ms. Starblanket and Mr. Sanderson.

We'll end this part of the session. I'm going to suspend, and then we'll bring in our second panel. We'll do that as quickly as we can and get right into our second round. We'll be going no later than 5:35.

That's the plan. For now, we are suspended.

• (1630) _____ (Pause) _____

• (1635)

The Chair: Welcome back, everyone. We're now back in session.

I would like to welcome our second panel. Since everybody is here in person, I'll go through just a couple of things.

Now that we're back in session, no photos or screenshots are allowed. You have the option of translation on your consoles in front of you. If you have any questions, our clerk can help you.

All of you were here for the last panel, so you've seen how it goes. I'll do the same thing. I will indicate when there are 30 seconds left, and then the red card will indicate that the time is up. It's just so that we can keep the flow of the conversation moving. Don't stop mid-sentence. Finish your thought when you have the floor.

We have lost one witness. We're trying to locate the fourth panelist for today. We have been in contact, and we're hoping that she's at security or something.

We're going to get started with our three witnesses.

Thank you for being here.

First of all, we have Chief Linda McVicar from the Animakee Wa Zhing #37 First Nation. We have Steve Meawasige, council member of a first nation band, and we have Ronald Quintal, president of the Fort McKay Métis Nation.

Welcome to the three of you. We'll go through five-minute opening statements.

Chief McVicar, if you're ready, I'm happy to turn the floor over to you.

Chief Linda McVicar (Animakee Wa Zhing 37 First Nation):
[Witness spoke in Anishinaabemowin and provided the following text:]

Ziigwaanikwe nindizhinkaaz. Mooz dodem. Animakee Wa Zhing doonji.

[Witness provided the following translation:]

My name is Ziigwaanikwe. My clan is Moose. I am from Animakee Wa Zhing.

[English]

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

I'm honoured to be here on the unceded territory of the Algonquin nation to speak of matters that strike at the heart of Canada's relationship with Treaty No. 3 and all treaty territories in Ontario.

My name is Linda McVicar. I'm the elected chief of Animakee Wa Zhing First Nation, part of the Anishinabe nation in Treaty No. 3.

Do you know what a cuckoo's nest is?

A cuckoo doesn't build its own nest. It instead lays its eggs in other birds' nests. That is what's going on here. Métis have used our Anishinabe kin with mixed European ancestry to insert themselves in our treaty, misrepresenting themselves in an 1875 half-breed adhesion. Ask anyone with mixed heritage today if that makes them less Anishinabe. I say unequivocally that this has nothing to do with the separate Métis people in Treaty No. 3. It has everything to do with Anishinabe self-determination of their citizenship in 1873, which resulted in the 1875 adhesion in Treaty No. 3.

I am here to ask that this bill not pass. This bill is contrary to your own constitutional law and to your treaty relationship with us. Allowing this bill to become law would be wholly inconsistent with the honour of the Crown. It would make a mockery of my community and nations' aboriginal and treaty rights recognized under your constitution.

This bill is contrary to your constitutional law because it creates a doorway to the right to self-government for groups who don't have the history that your Supreme Court has made clear must necessarily be the foundation for this inherent or Creator-given right. Parliament does not have constitutional authority to create constitutional rights where none exist, yet this is exactly what this bill tries to do.

To be clear, UNDRIP does not create rights. It is a recognition of the inherent jurisdiction of pre-existing nations and treaties that exist between indigenous people and the Crown.

Clause 8 of the bill says that Canada recognizes Métis governments "set out in column 1 of the schedule" as being "authorized to act on behalf of the Métis collectivity set out in column 2", and that this column 2 collectivity "holds the right to self-determination, including the inherent right of self-government recognized and affirmed by section 35 of the Constitution".

Who are these column 2 collectivities in Ontario? They are collectives of non-status Indians from our first nations, who have been allowed to belong to the Métis corporation in Ontario. This includes the so-called northwestern Ontario Métis community, which claims rights through our treaty. There was no distinct Métis community and no Métis nation living or governing within Manito Aki when we entered into Treaty No. 3 with the Crown. There were the half-breeds living amongst us who were part of our Anishinabe nation.

In its *Powley* decision in 2003, your own Supreme Court established criteria for identifying Métis communities that could have section 35 rights in your Constitution. There must be a group “with a distinctive collective identity, living together in the same geographical area and sharing a common way of life” with “some degree of continuity and stability”. This distinctive collective identity in a specific geographical area must have been well established before effective Crown control in that area.

The northwestern Ontario Métis community does not meet these criteria, yet this bill would recognize them as having section 35 rights. Section 35 is not a melting pot. We don't all wait to see what each other proves as rights and say, “Yes, me too.” Self-government is an inherent right. It must come from being a nation and having your own laws in Ontario, which did not happen for any Métis community. In *Manito Aki*, it could not happen without our consent.

Canada will break its commitment to Treaty No. 3, irreparably harming our relationship, if there is a section 35 treaty made in *Manito Aki* with the Métis. The bill requires no due diligence and no consultation to Treaty No. 3 before a treaty is entered into and comes into effect. It does not even permit parliamentary oversight.

• (1640)

The minister's job is not done here. He should be questioned about allowing this cuckoo's nest. Our kin with mixed ancestry is a fact of first nation history and cannot be the basis of an inherent right to self-government.

This bill is problematic and must not go forward. The honour of the Crown demands this. Truth must come before reconciliation.

Meegwetch.

The Chair: Thank you, Chief McVicar, for your opening statements.

Mr. Quintal, if you're ready for your opening five-minute statement, the floor is yours, please.

Mr. Ronald Quintal (President, Fort McKay Métis Nation): Thank you.

[Witness spoke in Cree]

[English]

My name is Ron Quintal. Since 2005 I have been president of the Fort McKay Métis Nation, the authorized government of the Fort McKay Métis community. I am also the elected chairperson of the Alberta Métis Federation, a collective of eight independent Métis communities.

My community is located in northern Alberta, between Fort McMurray and Fort Chipewyan. Our Métis community traces its history to the original forts established by French traders in the early 1800s amidst the Cree and Dene peoples who inhabited what is now northern Alberta. The present-day community can trace its lineage directly to the original families of Boucher, Piché and Tourangeau.

The Fort McKay Métis community has persisted together for over two centuries as a people. Our members continue to engage in

harvesting as their ancestors did. Our members continue to look to each other for leadership and support. For this reason, our community began incorporating various bodies to formally represent our community, including the Red River Point Society, established in 1970; MNA Local 122, established in 1992; and MNA Local 63, established in 2002.

At the time our community incorporated the MNA locals, the Métis Nation of Alberta was acting as a Métis advocacy group. That all changed around 2016, when the MNA changed from working to assist Métis communities to asserting itself as a government over those communities. That may have been welcomed by some communities, but it was not welcomed by ours and so many other Métis communities throughout Alberta.

The MNA's constitution, prompted by its negotiations with Canada, asserts that the MNA and its successor Métis government represents the Alberta Métis and all Métis communities. Fort McKay and other Métis communities have made it very clear that this assertion is not true. Despite that, Canada agreed to the same assertion being entrenched in its February 2023 agreement with the MNA, which states that the MNA is the government of the Métis nation in Alberta, defined as comprising both registered citizens and the Alberta Métis communities whose members are entitled to become its citizens. Imagine a foreign nation suggesting that it had the authority to speak on behalf of not only its own citizens but also Canadian communities simply because those community members could join that nation.

Bill C-53 now proposes to give Parliament's blessing to this hostile and undemocratic takeover of Alberta Métis communities by formally recognizing, in clause 8 of the draft bill, the MNA as the “Indigenous governing body that is authorized to act on behalf of” the Métis nation within Alberta.

I come to this committee on behalf of the Fort McKay Métis Nation to alert this House that the federal government does not properly understand the Métis of Alberta and that Bill C-53 is based on that flawed understanding that the MNA represents all Métis communities in Alberta, which it does not.

In its present form, Bill C-53 is a threat to Métis communities in Alberta and represents a massive step backward and not forward toward reconciliation. It threatens to unilaterally assimilate all Métis and Métis communities under an organization that lacks the consent of the governed.

If this committee declines to recommend rejecting this bill, the Fort McKay Métis nation asks that you instead amend the bill and expressly limit the recognition granted by Parliament in clause 8 such that it confines recognition to those Métis communities that have collectively and democratically chosen to be represented by the listed Métis governments.

To be clear, if this bill passes in its current form, we will fight it in court. We will not be governed by the MNA. This Parliament cannot legislate away our sovereignty. To attempt to do so is not only paternalistic. It also represents a huge blow toward the efforts of reconciliation.

We have had to fight the MNA for our identity and for our right to exist. We have had to use the courts to do so. We have won every court case, and all this while the MNA had no rights of recognition. I fear to see what will come if Canada passes this bill and the MNA has rights that are recognized. We will be there to stand our ground and to continue to defend our Métis communities.

● (1645)

We will defend this to the very end.

Hay hay.

The Chair: Thank you for your opening comments.

Lastly, we will go to Steve Meawasige.

When you're ready, the floor is yours.

Mr. Steve Meawasige (Council Member, First Nation Band, As an Individual): Thank you, Mr. Chair.

Good afternoon, everyone.

My name is Steve Meawasige. My number is 2010036101. I am an Anishinabe from the Serpent River First Nation here in what is now known as Ontario.

I come here today to support Métis people in their fight to have their rights recognized. Most certainly, I'm here to support my lovely wife Donna Grenier. She, like so many other Métis people, is feeling persecuted at this time by the Indian chiefs opposing this bill. I know of some Métis people who have decided it is better to be an Indian under the act than to be Métis. There are also many, like my wife, who say they are Métis and will always be Métis, even if given the chance to become Indian.

In 1848, Chief Shingwauk offered the Métis community in Sault Ste. Marie an opportunity to join his band. History teaches us that only four of them agreed to join. All the other half-breeds said they were Indian enough without binding themselves under the chief. Those people who joined were also his children-in-law.

To me, this says a lot about who they are, who my wife is and what it means to be Métis. I believe that, if this bill is passed into law, it would help the Métis and Indians work together for the greater good, as the chiefs many years ago envisioned.

I am not sure what impact my statements will have on my nation or other nations in Ontario, but I strongly believe this needs to be said. I will accept the consequences that may or may not come my way for speaking my truth for the Métis nation.

Many of our ancestors lost their identity through assimilation, and this continues today. My great-great-grandchildren may never know they had a native person in their lineage because of the Indian Act. This bill provides hope that, someday, Canada will allow all Indians to identify who our citizens are. Then, self-determination for us will become law.

This is an important step in Canada's path towards reconciliation. It will protect our lineage. When we are here discussing this legislation, we must think about the next seven generations. Today, we are seeing the outcomes and repercussions of the government not recognizing indigenous rights over the last 150 years. We need to make sure we are not ignoring these rights again. It is always very emotional for me to speak about the next seven generations, knowing there may be ones not yet born who will someday look back and say, "Someone was thinking of me." This is how we live—by the seven generations and the seven grandfathers teachings.

This is not about a land grab or hunting rights. This is about who they are. I can't decide for other people what they believe in, but I need to stand up and support the Métis who want self-determination. I know it's what many of us want for our communities. This is about Canada recognizing the Métis rights that were acknowledged in section 35 of the Constitution, after robust consultation with the indigenous people across the land. It's clear there are complex and deeply rooted issues that need to be addressed to ensure justice, reconciliation and self-determination for all indigenous communities. The issue of recognizing the rights and identity of Métis people is an important one. Métis people have a distinct culture and history. Acknowledging their rights and self-determination is crucial for fostering unity and understanding among all indigenous communities in Canada.

The struggle for self-determination, cultural preservation and the recognition of indigenous rights is ongoing. It's important for governments to work collaboratively with indigenous nations to address these issues. The concept of "nation to nation to nation" discussions is a step in the right direction, as it can help create a framework for meaningful dialogue and collaboration between indigenous peoples and the Canadian government.

This is our way. We have seen this with the nation-to-nation relationship between the Métis and the Anishinabe in 2005. It's essential for the government and society as a whole to listen to the voices of indigenous people, support reconciliation efforts and take meaningful steps towards addressing historical injustices in order to improve the lives of indigenous communities. The journey towards reconciliation is ongoing, but it is a path that can lead to a more inclusive and equitable Canada for everyone.

● (1650)

I hope this committee understands both its important role in ensuring the passage of this bill but also its role in ensuring that we are not pitting Métis and first nations peoples against each other.

We must remember that we are still navigating a colonial system on our path to reconciliation. Doing what is right is often never easy, but this path is an important one.

Thank you.

● (1655)

The Chair: Thank you for your opening comments.

I will get right into the rounds of questioning. First up, I have Mr. Schmale, who will have six minutes on the floor.

Mr. Jamie Schmale: Thank you, Chair.

Thank you to our witnesses. It is a very important topic. I have lots of questions, and we are short on time.

Mr. Quintal, maybe I'll start with you. Given your words today and your position not only with Fort McKay but also with the Alberta Métis Federation, did you relay these comments to the government when it consulted you about this legislation?

Mr. Ronald Quintal: Thank you for the question.

The quick and easy answer is absolutely. Throughout the entirety of the process to reach this draft of the bill, we sent multiple letters to the federal government opposing and requesting consultation in relation to what this bill could look like. Throughout the entirety of that process, up until February of this year, that was the only time that the federal government actually reached out to have a discussion, after they had signed the agreement.

I guess the shortest way I can answer is that, throughout the entirety of drafting the bill and the discussion throughout it, there was zero consultation with my community or the other seven Métis communities of the Alberta Métis Federation.

Mr. Jamie Schmale: Just to confirm, you had to request consultation.

Mr. Ronald Quintal: Yes, we have.

Mr. Jamie Schmale: It was not forthcoming until after February, as you mentioned, when the agreement was signed.

Mr. Ronald Quintal: That is correct. Throughout the process we wrote letters. We tried to contact the Ministry of Indigenous Relations and, unfortunately, there was just no reciprocation throughout the process.

Mr. Jamie Schmale: In your comments, you talked about the Métis Nation of Alberta. If this legislation passes as is, it would then, in your words, basically assume membership for all Métis in your area and elsewhere.

Looking at the text, though, I see that it isn't really clear where that is. Maybe you could expand on that.

Mr. Ronald Quintal: The biggest issue for us in relation to this is that the Métis Nation of Alberta, under their constitution.... The *Otipemisiwak* Métis government held a referendum for that last year, and Bill C-53 will bring that constitution into force. They basically claim all Métis in Alberta.

Whether you're card-carrying or not, whether you are a member of their organization, they have essentially made it very clear that they will be usurping their authority to come into your community and to make very clear to government and industry that they are the sole representative.

With that said, we've dealt with this same behaviour. We've dealt with the same way of doing business with the Métis Nation of Alberta, without any rights recognition, without any legislation in place, and we've had to battle that throughout the courts for the last number of years, at least six years, with multiple legal cases. Every one that we've had, we've actually won.

What terrifies me is that, if this legislation is brought into effect, without limitations or amendments to be taken into serious consideration.... A Métis Nation of Alberta without rights recognition already cost my community half a million dollars in court costs. What would a Métis Nation of Alberta with rights recognition do? That's what scares me and terrifies the rest of the independent Métis communities in Alberta.

Mr. Jamie Schmale: Just to confirm, I did a bit of research. Your community is actually bought land. You have a jurisdiction that you're responsible for.

Mr. Ronald Quintal: That's correct. We've declared self-government. We have a constitution. We own all of our own lands. We bought them, fee simple, from the government. We had to go out and get mortgages to do so. We own all of our own homes. We deliver all of our programs. We deliver all of our own employment and social services, 100% through the dollars that we've been able to generate from the energy industry.

The reality for us is that we've already asserted our rights. We have the lands for those assertions, and it is within our traditional territory, which we have asserted in partnership with the Fort McKay First Nation, with whom we share an almost identical traditional territory.

The easiest way to answer, Mr. Schmale, is that, yes, we already have the infrastructure and the government, if you would, in place to be able to represent our people.

• (1700)

Mr. Jamie Schmale: Okay. Thank you very much.

I want to go quickly to Chief McVicar, if I could.

Some of the testimony we've heard in this series of meetings as we've studied this bill has been around membership with the Métis of Ontario. You referenced it a bit in your speech.

Are there any amendments that you would be comfortable with to satisfy some of the concerns you have?

Chief Linda McVicar: I would say no. This treaty that's mentioned in the bill is about land—and it has to be, if it's a self-government-based agreement. The Anishinaabe Nation in Treaty No. 3.... When we asked Canada to explain to us what information it was relying on in entering into these agreements with claimed Métis within our treaty territory, we were stonewalled.

Canada has shown us that it is not interested in protecting our interests. By way of a very specific example, my first nation has been negotiating a treaty land entitlement claim for a long time. It's essentially a land claim. The northwestern Ontario Métis community, one of the schedule 2 collectivities, and the MNO claimed that they have land-based rights in all of Manito Aki.

Mr. Jamie Schmale: To clarify, this piece of legislation only talks about the governance of these three organizations.

The Chair: I'm sorry. Before you answer, I'm just going to say that we are at the end of the six minutes, but if you'd like to, please give a brief response and then I'm going to move to the next member for their questioning.

Chief Linda McVicar: Lands or no lands, Canada must do its due diligence and make sure that it's not recognizing section 35 rights of groups that do not have those inherent rights.

The Chair: Thank you.

We're going to go to Mr. Battiste next.

The floor is yours for six minutes.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Thank you for that, Mr. Chair.

It's interesting. We've talked about the Constitution quite a bit in these discussions over the past few weeks. As colleagues on all sides, we're just trying to find a way to recognize something that has been a long time coming—more than a hundred years—as well as make sure that we're hearing from all concerned parties.

When we talk about the Constitution Act of 1982, it's important to realize that section 35 recognizes first nations, Inuit and Métis, but it goes further on that. It says that the existing aboriginal and treaty rights “are hereby recognized and affirmed.” That's a key line in there. My father was part of the negotiations as they exist now. The government said, “Yes, we can read these treaties. We know they're there, but we don't know if they still exist.” A lot of the litigation that has gone forward on section 35 has been proving that these rights still exist.

As the Mi'kmaq, we've proven two separate sets of rights, but for some reason, in this study, we've heard many people say that this legislation grants existing rights without any kind of wording in the purpose of this act that gets to that.

How do we balance trying to figure out the internal governance of the Métis with making sure that we're not doing anything around existing rights without going to the first nations that might be triggered by a duty to consult with some of the things moving forward?

Steve, I want to start with you. Maybe you can help me. Dive into your thoughts around that.

Mr. Steve Meawasige: First of all, this bill isn't about land rights or anything else. It's about Métis people being able to self-determine who their community is. We know historically that they had... What did they call them? It was the “road allowance people”. That's common knowledge across Ontario.

I agree with you. The government has been getting this wrong for well over a hundred years. I don't want to correct you. It may be 150 or 170, but the government has been getting it wrong for a long time. Let's get it right this time. I hope we do.

Mr. Jaime Battiste: Chief McVicar, we've had the Métis organizations come to this committee and say that this is not about rights to land and this is not about rights to resources. The drafters have said to us that any potential treaties that may impact first nations would definitely trigger a duty to consult those first nations.

Do you disagree with that in terms of what the wording is of this legislation? If so, can you point to the phrase in this legislation that would impact first nations' treaty rights?

• (1705)

Chief Linda McVicar: I'm sorry. I'm thinking of the wording. It does say that it's opening the door in the bill to treaty negotiations. When you're talking about treaty, as I said earlier, it's about land. I don't think that.... Let me see here. Excuse me.

Mr. Jaime Battiste: Just to help you out with that thought, they said that if there is an impact to first nations lands or resources, that would trigger a duty to consult. That way first nations would have to be consulted if there was ever the contemplation of that, which they have admitted to.

If we put in something that said that, if this legislation impacts first nations rights at all, there has to be a duty to consult with those first nations, would that be an agreeable amendment for you?

Chief Linda McVicar: No, because there's a lack of due diligence. You're giving them rights that did not exist and were not well established before effective Crown control in our area. You didn't talk to us at all, so it's missing our law. We have Anishinabe Animakee, and we have a governance structure that was existing prior to effective control, and we have not been consulted. It's not based on historical fact.

Mr. Jaime Battiste: I guess the difficulty that we have, though, is that the Powley decision is based out of Ontario. How do we get around the fact that for 20 years we have established that Powley is law in Ontario, and then ask to take the Ontario Métis out of the only recognized section 35 precedent in Canada?

Chief Linda McVicar: Powley was about hunting moose. This is about self-government. That is what you're talking about, and you're talking about treaty. In the bill, it does say “treaty”, and you can't talk about treaty without talking about a land base. Powley was about harvesting rights. We have cases that we've taken to court, hundreds of them, about harvesting rights as well. There's a big difference from us.

I did explain what we're having happen with all of the Anishinabe nations. Ontario and Canada are already putting the Métis into consultations with us about land, about resources, about water. It's just going to magnify that. It's just going to make it all that much more difficult for us to assert our rights, which are inherent.

The Chair: That takes us to the end of the six minutes.

We'll go now to Madame Gill.

[*Translation*]

Mrs. Gill, you have six minutes.

Mrs. Marilène Gill: Thank you, Mr. Chair.

I also want to thank the witnesses who are here with us.

As I keep saying, this topic is necessary, but tough. As I did during the first part of the meeting, I will leave space for each person since some are vehemently against the bill and others fiercely defend it.

The proposed amendments might help make the bill somewhat acceptable to a minority of the witnesses. I would like to hear all three of you comment on the arguments raised by the opposing party and tell us how you would respond to those arguments.

You have already talked about it to some extent in your testimonies, but I want to give you the opportunity to elaborate.

I would like to hear you one after the other. Perhaps Mr. Meawasige could start, followed by Mr. Quintal and Mrs. McVicar.

• (1710)

[*English*]

Mr. Steve Meawasige: I don't think they should start consultation now. Once it is passed, that's when it starts affecting other first nations. That's when consultation has to start. It's not even to that point yet. Consultation starts after. When it starts affecting me, then I expect them to come and talk to my leaders.

If we don't get this right this time, it could be another 150 years. My ancestors—my great-great-grandchildren not yet born—will no longer become Indian, and I don't think that's right. My great-grandchildren, as well as anybody else in this room.... Your great-grandchildren would love to see what nationality they come from, whether you're Italian, Greek, Chinese or whatever. It matters to everybody in this room.

In 150 years, your descendants should say, "Hey, my great-great-grandmother and great-great-grandfather sat in that room 150 years ago and thought about me to protect my rights. They were thinking of me."

Mr. Ronald Quintal: Thank you for the question.

I'm going to speak more specifically about Alberta. I believe there's a major discussion going on within the Métis Nation of Ontario. I want to make sure that I speak to where my strength is and that is my province.

What I will speak to is this: I was part of the negotiations and discussion in terms of how we, as Métis people, can have representation within Ottawa. Again, the entirety of the indigenous population is in an identity crisis in Canada. It's not specific to Métis people.

I do believe that we need to make very clear before any type of legislation moves forward that limitations need to be built in. There also needs to be a higher level of criteria when it comes to awarding any type of indigenous citizenship, especially when it comes to Métis citizenship.

Would I be willing to consider amendments? Absolutely. I came here prepared to look at having that conversation. I came here prepared to look at how this bill could be crafted to protect my community and at the same time create carve-outs for other independent Métis organizations to have a similar conversation with Canada. With that said, I can only speak to what I know. I know the treat-

ment that I've received from the Métis Nation of Alberta. That's all I can speak to.

What I will say is this: I have siblings and a mother who are members of the Métis Nation of Alberta. I'm torn here because I'm representing my people, but I have my family. The reality is, though, that I'm here to represent the community—the nation of Fort McKay Métis Nation.

I would say there needs to be more work. I agree with Steve that we need to get it right. I know that we need to get it right.

The only way that we can get it right is through putting in the work. The reality for me, where I do disagree with Steve, is on consultation. We need to get the cart before the horse in this circumstance. There should have been consultation leading through this process. There should have been dialogue with the people who were going to be affected through this legislation.

In my mind, that is essentially what is hurting the entirety of the conversation. It's the fact that there wasn't enough due diligence put forward when dealing with such a critical issue surrounding Métis rights, which will lead to treaties. Again, there are conversations in Alberta where first nations are also asking questions about what this means for their treaty territory.

Thank you.

[*Translation*]

Mrs. Marilène Gill: Mrs. McVicar, we have just a few seconds remaining so you might not have enough time to answer my question. If you wish, you can send supplementary information to the committee.

[*English*]

Chief Linda McVicar: Do I have a bit of time or none?

The Chair: You can answer if you can do it in under a minute.

Chief Linda McVicar: As I said earlier, I don't think there's a possibility of an amendment.

This bill has a lot to do with land. Even if it were not about land, Canada has to do its due diligence to make sure it's not recognizing the section 35 rights of groups that don't have the history that confers such rights. Canada has not done this due diligence, so no amendments can fix this bill.

• (1715)

The Chair: Thank you.

We'll go now to Ms. Idlout, who is joining us online.

Ms. Idlout has six minutes. The floor is yours

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you, Mr. Chair.

Thank you to the witnesses. This is a very important matter that you have put before us. What you are saying is very similar, because the bill is very important.

I have a question for Ronald. You seem to be saying that, when the federal government consulted with you in preparing Bill C-53, what you said was ignored.

What did you say to the government that was ignored, and what needs to be heard now?

Mr. Ronald Quintal: What we said, within our correspondence with the federal government, was very clear. There needs to be conversation. There needs to be a conversation with Métis communities that are not a part of the Métis Nation of Alberta. There needs to be a conversation, so that protections are built in. There needs to be a conversation, so that when this bill comes to fruition, and when we reach this stage of the process, we would have had an ability to entertain that conversation.

We sent this multiple times and, again, the correspondence we sent was in opposition to the Métis Nation of Alberta, and strictly to that, because of the fact that we were under constant threat in terms of the treatment of our Métis communities through litigation.

With that said, what we said to the government is that this is so critical. Former minister Marc Miller had a conversation with us after the self-government agreements were signed in February. He gave us 15 minutes. I made it very clear to him that the process leading up to Bill C-53 was not just sloppy; it was lazy, because there was no work put in to make sure that we got this right.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you. You have really clarified that excellently.

I now have a question for Linda.

What expertise do you bring in knowing whether treaties lead to land rights?

Chief Linda McVicar: The expertise I have is only from my own practical experience as a leader at the negotiation tables with Canada and Ontario. Since the framework agreement with the MNO, and what we're facing, that's the practical experience I have seen.

Regarding expert experience, I am not an expert. I have a lawyer and advisers. I'll admit that. It all comes back to not doing your due diligence and not being careful about who you're going into treaty with. Actually, you have an obligation to protect our inherent rights from being infringed upon, under article 8 of UNDRIP.

I'll just stop with that. *Meegwetch.*

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you.

I now have a question for Steve.

Steve, I am so proud of you, and I want to work with you. You want to be united with other nations: with first nations, Métis and the Inuit. You are right.

Together, how can you and I have more solidarity as indigenous peoples of Canada?

• (1720)

Mr. Steve Meawasige: Thank you for those kind words.

I agree that what we need to do is sit down and talk people to people, not nation to nation. We need to sit down and talk about who we are and how everybody has been affected by this. We're affected by the opioid crisis. We're affected by water. We're affected by murdered and missing women.

Nobody draws the line on that. Nobody can say, "Oh, you're more affected than I am." We're all affected the same. The Indian Act treated us all the same way.

It was you who decided about residential schools. It was you who decided everything that has brought us to this table today. It is you people who can now say, "Maybe we got it right this time. We passed Bill C-53 and now all three nations are working together."

I think that's what it will take to make us work together, all three nations.

The Chair: Lori, you're out of time.

I'm going to move now to Mr. Zimmer, who has the floor for five minutes.

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

I want to start off by saying that's a great part of this particular committee, INAN, the indigenous and northern affairs committee. It's a place for indigenous communities to be heard.

We know that indigenous communities are struggling this very day because of the carbon tax. We have heard from first nations, Métis and Inuit leaders across Canada that it is a challenge for their communities.

An article from this week was entitled "Ontario Indigenous group wants exemption to carbon tax". It says, "Chief Abram Benedict says policy is unfair to Indigenous communities". A similar comment from a Métis group from the Northwest Territories was that what this carbon tax does is cost struggling indigenous families more. A real simple message is "axe the carbon tax". There's another message from another leader. This particular leader is an Inuit leader from Nunavut, a former MLA for Nunavut, who said that her Inuit priorities are how the carbon tax is affecting Nunavut cost of living.

That's what brings me to the motion before us today, which I gave notice for as of Tuesday. It reads:

That pursuant to standing order 108(2), given that Ontario Grand Chief, Abram Benedict of the Akwesasne First Nation says the carbon tax is an unfair policy for Indigenous communities, that the committee undertake a study of five meetings, to examine the impact of the carbon tax on first nations communities across Canada, that the Minister of Crown-Indigenous Relations and the Minister of Indigenous services appear, and that the committee seek additional resources in order to accommodate these meetings.

I understand that there's a friendly amendment being offered by Ms. Idlout to add a few groups. In speaking with Ms. Idlout, we have spoken about adding "Inuit and Métis" to this particular motion so that it's all-inclusive.

I will move that, Mr. Chair.

Again, if Ms. Idlout has a comment to make about her friendly amendment, I would like to give her some time to do that.

The Chair: I'm setting up a speaking list. I have Mr. Battiste, Mr. Viersen and Madame Gill. We will start with those three.

Mr. Battiste, we'll go to you first.

Mr. Jaime Battiste: First off, I want to apologize to the witnesses that this testimony has been sidetracked with this motion. I respect that you guys have done a lot to get here to testify, and I apologize. Sometimes these things happen at committee, where, necessarily, the committee study takes a back seat to the agenda of a certain party.

With that, I want to say that I think we should call this to a vote.

The Chair: Thank you. I need to go through the speaking list.

I have Mr. Viersen.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Mr. Chair.

I would just apologize on behalf of the Government of Canada that they are unable to tax Canadians equally across the country, and that's what this motion is about: ensuring that home heating fuel is not taxed across the country. I'm happy to vote on this motion.

• (1725)

The Chair: I have Madame Gill and then Ms. Idlout.

[*Translation*]

Mrs. Marilène Gill: Thank you, Mr. Chair.

I read the motion. I did not have the chance to talk to Mr. Zimmer, but if we ended up debating it, I would also propose some amendments.

Before going any further, I would like to apologize to the witnesses, who are here to talk about something else.

First, there is the issue of first nations representation. The motion calls for ministers to appear without any regard, in my opinion, for the First Nations, Inuit or Métis. I think they need to speak for themselves. They have to do it themselves. That is a serious flaw in the motion to not even talk about those directly concerned. That is one thing.

Then, the issue is the carbon tax. Obviously, other chiefs will talk about climate change and the repercussions on their communities. I would like to see that in the motion. We have been able to address this a few times in committee. Some chiefs talk about the carbon tax, of course, but I think that this is part of the same discussion.

The question of budgets is the whips' responsibility, in my opinion. I would also like that to be mentioned in the motion.

If you want me to send my amendments, Mr. Chair, I can do so. I already have them in both official languages.

[*English*]

The Chair: I just want to clarify before I go to Ms. Idlout. Are you putting forward any amendments to the...?

[*Translation*]

Mrs. Marilène Gill: Some have already been proposed, I believe. What is more, Mrs. Idlout also proposed one. I am not sure that it was tabled.

Can you tell us where things stand? I am prepared to propose my amendments. To me, the motion is not acceptable.

[*English*]

The Chair: The motion from Tuesday was distributed, but none of the amendments have been distributed.

[*Translation*]

Mrs. Marilène Gill: Indeed, but I have amendments to propose. I can send them to the clerk, if you want.

[*English*]

The Chair: Ms. Idlout, the floor is yours.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you, Mr. Chair.

I would like to verify what Mr. Zimmer said about talking about this with him, because we both agree that Métis nations should be included. If we're going to vote on it, then I would say yes to an amendment. I would vote on it if there was an amendment.

Thank you.

The Chair: Are you making that amendment?

I need clarification because, if we have an amendment, we need to deal with the amendment and then the motion as amended.

Ms. Idlout, are you putting forward an amendment at this time?

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Yes, I would want it amended to state that Inuit and Métis nations be included with the first nations.

Thank you.

The Chair: Okay.

Next on the speaking list I have Mr. Zimmer and then Mr. Battiste.

Mr. Bob Zimmer: Thank you, everybody.

Again, I appreciate your comments.

Ms. Gill, I'll answer your question. All these groups and witnesses would appear to tell their stories. Again, it's all about having their voices heard, like we've been hearing ourselves. It's a place for them to come to committee to have their voices heard on this particular issue.

The Chair: I'll go to Mr. Battiste.

Lori, I'm not sure if your hand is still up from the first intervention or if you want to get back on the list.

Mr. Battiste.

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

We only have one minute left of committee time, and I'd like to make a motion to adjourn debate.

The Chair: That then becomes a votable motion, so I'm going to call the vote on adjourning debate at this point.

• (1730)

Mr. Jaime Battiste: You might want to go around, because I don't think the people appearing virtually are seeing what you're doing.

Mr. Jamie Schmale: Is the motion to adjourn debate?

The Chair: Yes, it is.

(Motion agreed to: yeas 6; nays 5)

The Chair: This remains on the books, and when it comes back, we will have the amendments to deal with.

I also previously ruled that, when motions come forward and the clock's running, we let it run. We've reached the end of the five minutes, and we have resources until 5:35.

Anyway, next on the list would be Mr. Carr, and we would have—

Mr. Jamie Schmale: I have a point of order, if I could.

Is there a way to extend it so each party gets to finish off their round?

The Clerk of the Committee (Ms. Vanessa Davies): We have resources until 5:35.

The Chair: Yes, so that's....

It's Mr. Carr's turn.

Okay. Go ahead, Mr. Battiste.

Mr. Jaime Battiste: Chief McVicar, you said that the treaties all have to be about land. The peace and friendship treaties in the Atlantic don't speak to land at all. How can you say, if we're talking

about treaties in Canada, that they have to be about lands when the peace and friendship treaties don't mention land at all?

Chief Linda McVicar: That may be, but from what I've witnessed, this is going to be about land because it's already being brought forward at the consultation tables. I—

Mr. Jaime Battiste: You do realize that there are first nations treaties in Canada that don't mention land. Is that correct?

Chief Linda McVicar: I'll have to take your word for that, but this is not what this one is about. I beg to differ about this one.

Mr. Jaime Battiste: Okay, so the presumption is that this is a treaty and that this will be about land without having that indicated in the legislation.

Chief Linda McVicar: I'll tell you again, based on my experience, they're definitely talking about land on a regular basis. They're also talking with proponents about getting into resource agreements. I mean, it's clear and evident, and they're purchasing land, so just to talk about....

Mr. Jaime Battiste: Chief, we'll leave it at that. We don't have too much more time.

Chief Linda McVicar: Yes, that's okay. We can leave it.

Mr. Jaime Battiste: That's the only question I have. We have only one minute.

The Chair: We're not going to get into another question.

I'll take the last minute to thank our witnesses. Thank you to the three of you for joining us here today.

We were able to confirm a bit of a mix-up with our fourth witness for today, so we will be submitting a request for her to send us a written brief if she would like to.

For the three of you, if you have additional thoughts based on the conversation today, we can take up to 10 additional pages in written material, so please feel free to weigh in with additional comments.

With that, colleagues, I'd like to wish everyone safe travels home. I hope that everyone gets to Remembrance Day ceremonies. Have a safe constituency week, and we will see you when we get back in a week.

The meeting is adjourned.

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