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• (1615)

[English]

The Chair (Mr. John Aldag (Cloverdale—Langley City, Lib.)): Good afternoon, everyone.

I apologize for the delayed start, but we had votes, and votes always take priority here. We're now at a point where we can get started.

I'd like to, first of all, call this meeting to order.

Welcome, everyone, to meeting number 82 of the Standing Committee of Indigenous and Northern Affairs.

Pursuant to the Standing Orders, today's meeting will be in a hybrid format. There are no screenshots, photos or recordings allowed now that we are in session.

For today, we are going to have interpretation in three languages: French, English and Inuktitut.

Speaking of Inuktitut, I wanted to just raise to everybody's attention that today is a special day. It is International Inuit Day, so this is a very important day for our committee to celebrate. I just wanted to get that on the record. I hope everyone gets a chance to reflect on the relationship we have with the Inuit peoples and how we can continue moving forward in society.

For those participating in person, welcome. We have one witness online for the first panel. I would just ask people to speak slowly and clearly, so that our interpreters can do their jobs.

Just before we get into opening statements, I also want to remind members that we need to start giving some thought to amendments for this legislation. The note I have is simply that as we approach the deadline for submitting amendments, I'd like to remind members that all amendments, including subamendments, must be submitted in writing and sent to our committee clerk. The deadline we established is November 29. That will come up quickly, so start giving thought to those amendments and subamendments. If you wish to propose amendments, please send your written instructions to the legislative counsel, Alexandra Schorah, and she will ensure that amendments are drafted in the proper legal format.

With that, as the official business is done, we'll get right into welcoming witnesses.

With our first panel, we have Al Benoit, chief of staff, senior adviser, Manitoba Métis Federation; and William Goodon, minister of housing, Manitoba Métis Federation. Online, we have Dr. Ken

Coates, chair, indigenous governance program, from Yukon University.

We are going to have five-minute opening statements from the two organizations. I'll give you a yellow card when there are 30 seconds left and a red card when your time is up. Don't stop mid-sentence, but wrap it up as much as you can, so that we can get into our rounds of questions. We want to give everybody a chance.

With the delay today, we are going to unfortunately have to do a bit of an abbreviated round, but I'll try to manage the time expectations for everyone here.

Everybody has gone through their sound checks.

Since we have Dr. Coates online, I think we'll start with him, just because the technology is there, and we have a visual on him. I'd like to give him his five minutes, because we never know when the technology might give up on us.

We will then come to our witnesses in the room, and then we'll get into our first round of questions.

Whenever you're ready, Dr. Coates, the floor is yours. You have five minutes for your opening statement.

• (1620)

Dr. Ken Coates (Chair, Indigenous Governance Program, Yukon University, As an Individual): I'm really honoured to be here, to have a chance to speak to the committee on an issue that I think is vital. It addresses one of the most important and long-standing gaps in indigenous rights and recognition in Canada.

I have some observations to offer and to put it in context, I guess.

Like most major indigenous policies, Bill C-53 is seeking to address a historical injustice. At some point we will get to a situation in which we're no longer having to look backward to fix the problems of Confederation, and we will look more creatively to the future.

At the time of Confederation, the Government of Canada recognized that it had to deal with the Métis. They weren't particularly happy about that. They did so, both as a distinct people and as part of the rapidly-changing society in western Canada.

At the time, the Métis were very highly regarded for their business acumen, their connections to both the newcomer and indigenous worlds, and their military prowess.

The federal government of Canada dealt with the Métis in the creation of the province of Manitoba, which was a process that did not end well for the Métis, unfortunately. They made scrip arrangements that recognized their rights to the land, but that was not managed very well. They confronted the Métis during the 1885 resistance period.

After the defeat of the Métis in 1885, the Government of Canada effectively refused to deal with the Métis as a political entity or a collective. This approach held for generations, despite frequent representations by the Métis for greater recognition by the government.

The population was dispersed for a variety of economic and social reasons. It moved to northern and western districts quite comprehensively.

Due to the lack of legal status and recognized rights as indigenous people, the Métis avoided some of the interventions that were so strongly and negatively affecting first nations people, although some Métis children were still required to attend residential schools, and they had to deal with widespread economic and social discrimination. They also lived without formal recognition of their existence as a political community.

It is to the credit of the Métis politicians and leaders that they continued their activism in subsequent years, which resulted eventually in their inclusion in the political debates over indigenous rights in the 1960s and 1970s. It also resulted in their inclusion in the patriated Canadian Constitution in 1982.

Since that time, the Métis have been working very hard, through a variety of legal and political means, to get the attention of Métis governments where section 35 of the Constitution did not result in immediate resolutions.

Court decisions gradually expanded the recognition of Métis rights. Bill C-53 is a long-overdue recognition of the existence of Métis as a rights-bearing political group and, therefore, a key element in the national and cultural fabric of Canada.

I offer a couple of other quick observations.

This recognition is a matter of global significance. We follow, around the world, the battle for the rights of indigenous people and for attention to their particular needs. The unique struggle of cultures that emerged out of the contact experience has largely been ignored. This is an important step in that regard.

The second point is that Bill C-53 capitalizes on the collective national learning from over 50 years of negotiating modern treaties and restructuring constitutionally protected partnerships. We got started in this process by negotiating very complicated—and what they thought were final—comprehensive agreements, but after more than 30 to 40 years, those agreements have been signed but not fully implemented.

That process was remarkable in that time and very appropriate. This approach is quite different. I appreciate the effort of the government and the Métis nations to do this.

It starts with a very simple and important element. We're seeing official and high-profile recognition of the Métis nations as political communities. Rather than trying to resolve all the things in a package, as happened with the modern treaties in the Canadian north, they have been working on a more foundational level. It's establishing recognition as a starting point and then allowing Métis nations to work on self-government agreements that will deal much more directly and specifically with the practical details of governance.

Bill C-53 establishes a foundation upon which the country can redefine and rebuild its relationships with the Métis.

It is a bold and, I think, valuable innovation. It will be followed by the Métis nations developing and expanding their Métis services and programs. There's actually a lot of work to be done. One of the most important pieces will be defining their relationships with individual Métis groups and with first nations more generally.

This is the start of a process. It is not the end. It establishes a foundation and recognition. There will be challenges, to be sure, on everything from boundaries to citizenship, membership and things of that sort. At least it's a vital step in the right direction, adding to and encouraging the development of Métis constitutions and Métis national governments. This process is exciting, dynamic and very important.

• (1625)

Thank you very much, Chair.

The Chair: That was excellent—right down to the seconds. Thank you very much for that.

I have to say that we're having a bit of an issue. Your camera is zooming in and out. It's giving us a bit of a 3-D effect here. It's all good. The sound quality is good, and that's what's important.

We're going to now go to our representatives from the Manitoba Métis Federation, who are in the room. I'm not sure who will be offering your comments.

Okay, Mr. Goodon, it's over to you. When you're ready, the floor is yours for five minutes.

Mr. William Goodon (Minister of Housing, Manitoba Métis Federation): Thank you. We'll both be making some presentations here.

Good afternoon, Chair, committee members and observers.

As you said, Mr. Chair, we are also proud to observe International Inuit Day. Of course, we know that tomorrow is National Indigenous Veterans Day. Our nation served in many wars and conflicts with the country of Canada.

We are pleased to be able to appear before this committee on behalf of the Manitoba Métis Federation, the national government of the Red River Métis.

As you know, we are in the final stages of finishing the Red River Métis self-government recognition and implementation treaty. We expect it to be signed by our president and the minister in the immediate future and then presented to Parliament for final ratification.

With regard to identity theft, when signing and legislating a treaty, Canada needs to ask itself who it is treating with. This was asked by the Chiefs of Ontario, and we feel the need to echo it. Who does MNO represent? It is not the historic Métis nation.

This question is unignorable. Canadians cannot take a “recognize first, ask later” approach. It needs to be answered before they can be given the recognition that the Métis of the prairies have fought centuries for.

We went to war with Canada in 1870 and 1885, and then enlisted en masse to fight for Canada in both world wars, mere decades later. Likewise, we not only built alliances with first nations in the prairies but battled against them as well. All of this is to say that we are known by Canada and our first nations neighbours in the prairies as the Red River Métis.

The individuals who call themselves Métis in Ontario are not known in Ontario. Just last week, the Chiefs of Ontario shared with this committee that their elders have no stories of Métis ever existing in their territories. This is no longer about an individual academic or author stealing an identity. This is about the attempted theft of the identity of a nation.

The people who call themselves Métis in Ontario wrap themselves in the flag of the Red River Métis. That's our flag that was flown at Seven Oaks, at Red River. To put it simply, if those claiming to be Métis in Ontario are us, then why is it called the Red River jig or the Red River cart? Why is our beadwork of prairie flowers? Why would our victories and heroes and national symbols come from the prairies?

Our nation goes back centuries. We assure the committee that these “historic Métis communities” in most of Ontario have no connection to us.

Thank you. I will now turn the microphone over to Mr. Al Benoit.

Mr. Al Benoit (Chief of Staff, Senior Advisor, Manitoba Métis Federation): Good evening, everyone.

On October 26, witnesses to this committee stated, “We deserve to advance in reconciliation, just like all other indigenous people”, and “consistent with how other indigenous self-government legislation has been considered.” They also said, “Bill C-53 is only about matters that are internal to our Métis self-government”. However, the text of Bill C-53 is inconsistent with these statements.

Firstly, there are no provisions limiting future treaties to self-government or internal matters. Secondly, Bill C-53 allows future treaties to circumvent parliamentary procedure, which is inconsistent with the treaty ratification legislation and processes applying to all other indigenous peoples. Contrary to Bill C-53, the right and proper process for modern treaties has been, since 1975, for the treaties to be negotiated, initialled and ratified by the indigenous people, signed by the parties, and then presented to Parliament. This allows Parliament to know what is in a treaty before it passes legislation and gets royal assent.

A recent example that came before this committee is the Self-Government Treaty Recognizing the Whitecap Dakota Nation Act, which received royal assent on June 22 of this past summer. The Whitecap Dakota Nation completed their treaty before legislation was introduced, not afterwards. Similarly, our soon-to-be-completed Red River Métis self-government recognition and implementation treaty will come before Parliament, together with its ratification legislation. You will have our treaty in your hand.

Bill C-53 is an unprecedented transfer of constitutional authority from Parliament to the executive. Parliament will have no further oversight or approval role in the treaty ratification. In a reversal of practice, Bill C-53 would create a troubling precedent for entering into future treaties.

Clause 5, clause 6 and clause 7 are the heart of the problem. They empower the Governor in Council to give a treaty force and effect, to acquire constitutional protection, and to give it priority over all other federal law, if it meets certain unknown requirements. There is no indication in the legislation as to what requirements, standards or criteria have to be met for the treaty to be approved. What are the contents of the treaty? What could they be? What will they be?

There is also no indication of whether subject matter must be limited to internal self-government alone. Also, one question—for which there is no indication as to what an answer might be—is this: Why is Parliament being blocked from reviewing a treaty while approving its ratification legislation? As my father would say, “That is backwards.”

If the committee feels it is right, we will suggest recommendations during our responses to questions.

In summary, with Bill C-53, Parliament is being asked to blindly approve future, unknown, yet to be written yet constitutionally protected treaties without Parliament ever seeing them.

Thank you.

• (1630)

The Chair: Thank you for your opening comments.

We're going to get right into the first round of questions.

First up, I have Mr. Vidal for six minutes.

Mr. Gary Vidal (Desnethé—Mississippi—Churchill River, CPC): Thank you, Mr. Chair.

Thank you to our witnesses, Mr. Coates, Mr. Goodon and Mr. Benoit.

Mr. Goodon, both you and the MMF in general have been very vocal in speaking out against the MNO's inclusion in this bill. It's been very public. Even today, you talked about the identity theft that comes with this. In my observations, I have not noticed the same concerns being raised about Saskatchewan and Alberta and their part in this.

Am I correct in my observation that you don't have the same concerns as Saskatchewan and Alberta?

Mr. William Goodon: Absolutely. When we look at who the historic Métis nation are and where our homeland is.... It is primarily in western Canada. We go a bit into the United States, a bit into the Northwest Territories and a bit into Ontario. However, the people we're talking about who live in Saskatchewan and Alberta are us. They're related to us. They're our cousins.

Those "historic communities" in Ontario are not us. They're not related to us. They have no connection to us. Therefore, I would say you're absolutely correct.

Mr. Gary Vidal: Thank you.

I don't want to cut you off and make it short, but my time is very limited, so I'm going to be very quick with a few more questions.

For absolute clarity, is it your position that the MNS and the MNA should have the right to be recognized as Métis governments in their respective provinces?

That's a simple yes or no, I suppose.

Mr. William Goodon: There are some nuances in there that may not be quite the issues raised by Mr. Benoit, on treaties that aren't written yet, or in having a blank cheque—

Mr. Gary Vidal: I believe that's a separate issue, but if you agreed with the process and it came back to Parliament, you wouldn't have an issue with Alberta and Saskatchewan. Is that a safe assumption?

Mr. William Goodon: I don't have a problem saying that those people in Alberta and Saskatchewan are actual, historic Métis nation citizens, but there are issues that reflect how the colonial structure has divided us. I think there are still some issues that we need to work out, and Canada is not helping us work them out.

Mr. Gary Vidal: Thank you. I appreciate that.

To Mr. Benoit's point.... I'm not going to ask you about recommendations right now, because my time is so limited and I want to ask Mr. Coates some questions, but be aware that you can provide those recommendations to us in writing as a submission, and we

would be happy to take those if we don't get to them in the discussions. Thanks for that.

Mr. Coates, thank you for being here today as well. I know you're a man with great knowledge and expertise. I think you've heard the concerns that were expressed in prior meetings, and you heard today about this very unique process that was put before us in Bill C-53. Unless you correct me, I believe it is a fact that this has never been the process used in any prior indigenous self-government legislation. The fact is that it could be approved by cabinet or by an order in council, rather than having to come back to Parliament. There's a lot at stake in this.

I'm curious to hear your comments about that, or about whether you have any concerns with that process, which has been included and identified by so many people so far.

• (1635)

Dr. Ken Coates: I have concerns in the sense that I'm very much in favour of transparency in all of these kinds of arrangements, and bringing something back to Parliament for ratification and clarification, I think, is always a good thing.

On the other hand, I like the idea of a process that actually starts with this general recognition and allows the formal arrangements to evolve over time. We spent an enormous amount of time on the earlier modern treaties in Yukon, the Northwest Territories and Nunavut. It took 20-plus years to negotiate—30 years—and most of the agreements have not been implemented.

I think it's a different kind of approach that's very practical and would proceed stepwise, but if you don't address these questions that have been asked by the Métis nation of Manitoba and others, this is going to be an ongoing sore point, which we should address ahead of time.

Mr. Gary Vidal: Thank you for that.

Let me just back the train up a bit and ask you a hypothetical question. It's quite simple, actually. If the Government of Canada had asked you, say, back in 2017 what an appropriate direction would be to take on a bill like Bill C-53 that would lessen the concerns for other rights holders, what would you have offered as a response?

I think you probably get my context. We've heard some really significant concerns about the lack of consultation, even when first nation leaders have asked to be included in the discussions.

If you were to have given some advice, say, a few years ago, what would that advice have been?

Dr. Ken Coates: My experience over time suggests that, in fact, you don't consult with one group about another group's rights. Individual groups—take the Red River Métis as an example, or the Saskatchewan Métis—can deal with their own rights and deal with them directly.

I would say that unless you deal with some of these issues of identity that have been identified ahead of time.... They have caused enormous difficulties in other jurisdictions. When people flag these things as issues to be addressed, we're called on to deal with them.

Mr. Gary Vidal: My response to that would be that so much of the success of these kinds of things is built around good relationships, good conversations and being inclusive with people. Would you agree that there could probably have been more done to include others in the consultations and conversations, which would have eased some of this?

Dr. Ken Coates: Obviously, if you have people who are raising concerns about it, there might have been other processes, but I think you also have to respect the fact that the individual Métis nations want to deal with their rights by themselves. They don't want other people giving advice and having an influence. When I talk to folks in Saskatchewan, where most of my work has been, in fact, they're quite forward about the fact that they've had long conversations with first nations and they're quite comfortable with the arrangements they have there.

I think those are issues for the Métis nations to work out with first nations, and they've actually done so reasonably well.

Mr. Gary Vidal: Thank you.

Can I just comment, Chair? That's been my experience in Saskatchewan as well, Mr. Coates. We're not hearing the same concerns in Saskatchewan, so I think you and I align on what we're hearing.

Thank you.

The Chair: Thank you.

We're now going to go over to my colleague Mr. Carr for his six minutes.

We also wanted to welcome Ms. Atwin back to our committee. It's great to see you.

Mr. Carr, the floor is yours for six minutes.

Mr. Ben Carr (Winnipeg South Centre, Lib.): Thanks, Mr. Chair.

I'd like to start by welcoming our witnesses. Mr. Coates is somebody I've actually had the pleasure of working with in other capacities. I have a great deal of respect for his knowledge on these particular issues. I'm glad to see that he's here. From my hometown, of course, I welcome Mr. Benoit and Mr. Goodon.

Mr. Benoit, I would also like to say you referenced your father saying that things might be “backasswards”. As my father would have said, perhaps it's the wrong em-pha-sis on the proper syl-lable, but I certainly appreciate the sentiment.

I want to start by asking a question. Perhaps both Mr. Benoit and Mr. Goodon can take a shot at it. We've heard a lot of concern around land, specifically, and concerns that if this legislation, as is, were to pass, in some way, shape or form this would encroach upon certain territories where rights are currently granted to both first nations and, I would imagine, from your perspective, the Manitoba Métis.

Can you comment, please, on your understanding or perception of the legislation vis-à-vis land? If my assumption is correct that you do have some concerns there, are there particular amendments within the frame of this legislation that you think would get us in a direction that the MMF would be more amenable to on that specific question?

● (1640)

Mr. William Goodon: I'm going to jump in here first and allow Mr. Benoit to clean up whatever I mess up here. I wanted to make a note. Dr. Coates talked about Métis nations, plural, and I want to make it clear that there is only one historic Métis Nation. There are Métis governance structures within what is now provincial jurisdiction, but our homeland is ours, and it is not made up of these boxes that were made by the colonial government.

One thing that may not have been brought to the attention here is what the prime purpose is, as stated in the constitution of the Métis Nation of Ontario. First and foremost, their prime purpose is land. When they say that this self-government legislation, the treaties, aren't going to be about land, that they're only going to be about internal structures, then there's an inconsistency when you look at what they say they want to do, what they're telling their members that they're going to do, and what they're telling the public and the chiefs and the committee that they're going to do. Land is an issue, for sure.

For us, in the homeland, what the land issues are for the so-called Métis in Ontario is less of an issue. I was listening and watching the first nations leadership last week, and there is a big concern. We have been supporting them and supporting their calls to be able to ask questions. For us, land is absolutely vital. It's important. We have our own process. We went to court. We won at the Supreme Court in *MMF v. Canada*. We're working on a process that's distinct and separate from this kind of work here, but yes, that is a big issue.

Mr. Al Benoit: I think what's important is that the legislation is silent. It doesn't reference what's inside a future treaty, and it doesn't make specific reference to the contents of any previous agreements. There are the 2023 agreements from February of this year. They're self-government agreements. It's mentioned in the preamble that they contemplate a treaty, but they don't use that to say what the treaties are going to be about. There is nothing that says this legislation is about land, but it doesn't say it's really about citizenship. It doesn't say it's about governance structure. It doesn't say it's about elections. It's completely silent in the legislation, because it doesn't refer to a specific table of contents for the treaty, or a table of contents of a previous agreement.

These possible future treaties are blank sheets of paper. What Bill C-53 does is give the executive and these three groups unrestricted pens with which they can write new constitutional instruments or treaties—but unrestricted.

If we were doing an analogy, I think the recommendations would be to put some lines on the page—and this is the way it's always been—so we know what is being coloured in. Is land part of it?

The Chair: I'm sorry. I'm just going to pause for a second. We have a minute left. We have bell lights. We're going to check and see what's going on here.

For our witnesses, and those in the audience, when we have bells, we have to pause. To continue through bells, we need unanimous consent.

I want to make sure we're not seeing an electrical glitch.

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): It's a quorum call.

Mr. Ben Carr: Jamie, you can't call a quorum from here.

• (1645)

Mr. Jamie Schmale: There's a first time for everything.

The Chair: Colleagues, this is a new one. I need advice from the clerk on whether we can go through quorum bells, or if we need to suspend. Just give me a second to consult. I'm going to suspend here as we get clarification. We'll get back as soon as we can.

We're suspended.

• (1645)

(Pause)

• (1645)

The Chair: We'll carry on with the discussion.

Mr. Carr, you have one minute left, and then we'll move to Madame Gill.

Mr. Ben Carr: Mr. Benoit, I will apologize on behalf of parliamentarians on this side of the House. Sometimes there are some shenanigans that take place that interfere with the important work we're undertaking here.

With the time I have remaining I will be glad to pass it back to you to finish your point.

Mr. Al Benoit: I wasn't clear. I said there was nothing written. What needs to be clear is that amendments are needed.

First, clarification is needed that section 35 land, natural resources, water and other rights are not to be included in treaties under this legislation, and that rights in these treaties will be limited to internal self-government matters only. There needs to be explicit clarity in the legislation.

Second, clarification is needed that the duty to consult is a prerequisite before treaty signing.

Third is that treaties need to be completed and signed before the treaty ratification legislation is brought to Parliament. Bring it back into the proper process.

Fourth is that section 5 should be rewritten to eliminate the ability of the Governor in Council to order a treaty to come into force before that treaty and its ratification legislation are approved by Parliament.

Mr. Ben Carr: Thanks, Mr. Benoit.

I am out of time, but I would like to follow up on that. If the MMF could provide the committee in the next couple of days, if possible, with those recommended amendments in writing, that would be helpful for us to consider while we undertake our discussion in the near future about amendments.

I thank you for your perspective on this.

The Chair: We're now going to move to Madame Gill, for six minutes.

[*Translation*]

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

Thank you, Mr. Coates, Mr. Goodon and Mr. Benoit.

I would like to ask you a question about consultation, which you just talked about. The word “consultation” has been on everyone's lips since we started hearing from witnesses on this bill.

Mr. Coates, you used the word earlier when you were talking about identity and legitimacy.

I would have liked to hear all of you tell us more about the kind of consultation you have in mind. Earlier, Mr. Benoit, you talked about form and content, or, in other words, procedure, which is very different from what might be in the treaty.

I'd like to hear from Mr. Goodon first, then Mr. Benoit, and then Mr. Coates.

[*English*]

Mr. William Goodon: Mr. Benoit has been instrumental in the work with our self-government agreements and treaty. I'm going to let him express that. My understanding of the duty to consult is that when section 35 rights could be affected—not will be, or are—there is a trigger that happens for the duty to consult. I know that the Chiefs of Ontario are absolutely correct in that their section 35 treaty rights could be affected, so there needs to be some discussion with them.

Canada seems to have learned its lesson when it asked us to do our self-government agreement and treaty. We were literally on the road across the country, doing extensive consultations and talking to Red River Métis from Toronto to Vancouver, all over Manitoba and throughout the homeland. Not only that, but it was my understanding that there were some time periods that Canada needed in order to consult with the Métis Nation of Alberta, the Métis Nation-Saskatchewan and the first nation leadership in Manitoba. They were able to find time and the ability to consult on our treaty, but apparently there wasn't that same ability to consult on Bill C-53.

• (1650)

Mr. Al Benoit: Yes. All I'll add is that “duty to consult” is about the impacting of rights.

The unfortunate part about the way Bill C-53 is structured is that this consultation on a treaty happens at some unknown period of time in the future. That's why we think it's important that in the legislation it says that the duty to consult needs to be done when these treaties are being done.

Unfortunately, there's nothing that says there is going to be a duty to consult. People talk about it, but there's nothing in law or in the legislation that says it has to be done. We are doing duty to consult with the first nations and the Métis Nation of Alberta, Métis Nation-Saskatchewan and others.

I know that recently you had someone come to the committee and say that Canada is not doing any consultations with the first nations in Manitoba. There was a 45-day period, firstly, and then it was extended another 30 days for consultation in Manitoba. Someone saying the Manitoba Métis and Government of Canada are not consulting.... We've done it internally, and it's being done externally.

[*Translation*]

Mrs. Marilène Gill: Thank you.

Mr. Coates, do you have anything to add that might provide another perspective on what we just heard?

[*English*]

Dr. Ken Coates: I'll be very brief. If you don't do appropriate consultations—and that question about “appropriate” is extremely important—you're going to be facing all sorts of conflicts and stuff down the line.

You have to get to a point, not with perfect resolution.... There will always be people having differences of opinion about everything from land and resources to rights and things of that sort, but you have to have a clear process whereby people have been allowed to speak their piece and you've heard what people had to say.

What I like about the Bill C-53 process—and there are some problems that people have identified—is that it actually transfers a lot of the responsibility for that consultation and, hopefully, the resources, to the Métis nations to let the individual groups do a lot of those discussions, because those are where the most important resolutions will actually occur.

[*Translation*]

Mrs. Marilène Gill: I don't have much time left, but I have another question.

Mr. Coates, you talked about consultation and the process. Do you think there's inequity in terms of what was done for the Manitoba Métis Federation and what was done for the other Métis nations?

[*English*]

Dr. Ken Coates: All four Métis nations, the initial governments, have actually dealt with this quite differently.

Obviously, you heard about the Manitoba situation. They've taken a very proactive and very engaging approach, and so has Saskatchewan, and Alberta a little bit less so because they have some specific community issues to deal with. Ontario has a very different pattern.

They have not followed a single pattern. I guess if I would resist anything, it would be the suggestion that the Government of Canada would impose rules on them. I think this is something that itself has to be done in consultation with the Métis nations.

The Chair: The six minutes goes fast. That's the end of that time.

Now we'll go to Ms. Idlout, who will have six minutes.

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

Thank you, Mr. Chairman. I am happy to be here today to be able to ask my questions.

I am proud that it is our International Inuit Day today and that we are taking part in it.

First, I want to ask Ken this. You are super educators yourself and you have experienced being sent to school and colonized. In reading all your material, this is what you have informed us of. Now, considering your knowledge and your education, when you are negotiating to have your self-government and when you state that Bill C-53 is not a bill to claim lands, what I'm asking is, if you were to get your self-government, would you be able to go forward without any lands?

• (1655)

Dr. Ken Coates: I should make it clear, if I didn't already, that I'm a non-indigenous person. I was raised in Yukon, so I have a northern orientation on the issues at hand, but I'm not an indigenous person and not a Métis person from Saskatchewan, but having done research on—

Ms. Lori Idlout: I'm sorry to interrupt you. I don't know how it was interpreted, but what I was trying to ask was in your colonial academic experience as a non-indigenous person, is it possible to have a self-government agreement that has no attachments to land?

Because of who you are as an academic, I'm interested in your response.

Dr. Ken Coates: That's a really excellent question.

I mentioned at the very beginning that this is a very unique exercise on global terms because, in fact, the relationship with the land has been central to all of the other modern treaties. Certainly in Nunavut, Yukon, Northwest Territories, even in urban first nations like the Tsawwassen First Nation, the land element is absolutely central.

The Métis folks, through no fault of their own, have been dispersed very widely over western Canada, pushed out of Red River through processes that our Métis colleagues know very well, but also then pushed even further, from Saskatchewan into the Northwest Territories, so you end up with a Métis population that's widely distributed. There are some Métis communities with land issues right close at hand, but many of the Métis have been pushed into all sorts of different corners.

It is a strength of the Métis nation, and I'll use the collective word here, that this community has not only flourished but actually gotten stronger over the last 50 to 100 years. Even though they have been scattered without access to control of the land, they have actually done an excellent job of mounting a political representation and putting political demands forward.

I don't know exactly what it looks like as part of the education system. I know it is a really exciting experiment and in the 21st century we can figure this out. It doesn't mean there won't be land issues to be dealt with, as our colleagues from Manitoba have already said, but, boy, this is an important sort of initiative.

The whole business of that distributed population is one that's central to all indigenous peoples. The folks from Nunavut have moved down in large numbers to Ottawa and Montreal, and you figured out systems for incorporating those individuals in your governance and in your administration. I think this is a bold experiment and one we should find a way to embrace as best we can.

Thank you.

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

Thank you.

Now I want to ask witnesses for MMF something.

You have stated that you are concerned that the Métis Nation of Ontario, as part of this panel, were studied last year, and after the study 25% were removed as relations.

I want to ask if you have been able to solve these problems. I want to ask the MMF if they could answer my question.

Mr. William Goodon: Yes, thank you very much. I'll do my best to address that.

The short answer is no. The 25% who were excluded were the very obvious ones who had little connection to anywhere, but what took place after that.... I'm not sure if the committee is aware of this, but back in 2017 the Province of Ontario and the Government of Canada all of a sudden recognized five, six or seven new communities in Ontario with no connection to the historic Métis Nation. The question we need to ask ourselves is, if they are not connected

to the historic Métis Nation, and there is only one Métis Nation, who are these people?

We've seen the first nations chiefs talk about how the ancestors who are theirs are being hijacked in order to recreate Métis communities where there were none, so it is my supposition that this agreement between the MNO.... People keep saying it's an agreement between the Métis nation or Métis people of Ontario, but these people are not Métis. They are not Métis, because they are not connected to the historic Métis Nation.

There is an agreement between people who are calling themselves Métis and the Government of Canada, but there is no agreement now in Ontario, any type of agreement, between the Métis, so-called Métis, and Canada.

● (1700)

The Chair: That's great. Thank you. That takes us to the end of the first round.

Colleagues, I'm going to look for direction now from the committee. We had a late start. I've heard from a number of members that you have commitments, as it often happens, around our regularly scheduled end time of 5:30. We have the resources to continue beyond that.

The next panel has three witnesses, so we need time to change over. It will be 15 minutes for opening statements and 24 minutes for a round of questions. That will take us well past 5:30. It will probably be closer to a quarter to six. We could either do a 15-minute extension to this panel—but that just pushes things later into the evening—or, regrettably, end it now and set up the second panel.

I'm looking for direction from the committee.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): I thought the witness testimony was excellent. I thought they had some really good recommendations that they're going to submit to us in written form. As such, if we get them in written form, I think we can move to our second panel and finish on time with one condensed round for the other one.

The Chair: Okay.

Mr. Goodon, I'll go back to you for a moment, and then I'll conclude.

Mr. William Goodon: Thank you.

I know it's probably not my place, and I'm not a member of the committee, but this is an extremely.... I was listening and watching the Chiefs of Ontario last week, and I saw their frustration when they were cut short on different items that they wanted to express.... It is the nature of the beast—I understand that—but at the same time, these issues.... We have only scratched the surface.

It is about Métis politics, but the reason it is about Métis politics is because the integrity of our nation is at stake, and to have to be pushed off to the side because of 15 minutes is hard for us to take.

I know we have the opportunity to make written submissions, and we will do that—there's no doubt in my mind. However, at the same time, if there is any opportunity for us to come back, I will stay here all week if need be and come back and speak to the committee. There's no doubt about that.

Really quickly, and I'll close after this, there are a couple of folks in your next session who both work for the Métis Nation of Ontario. There's past president Tony Belcourt, who is a consultant, and Jason Madden, who is the legal counsel for Ontario. It seems that there's a lot of leeway allowed for those voices, and I'm concerned that the actual, historic Métis nations have less of a voice.

Thank you.

The Chair: Did you guys...?

Go ahead, Mr. Carr.

Mr. Ben Carr: May I suggest that we extend the 15 minutes to our current witnesses to conclude the panel?

Mr. Jamie Schmale: Does that affect the second panel?

The Chair: We'll get one full round with our second panel.

Mr. Gary Vidal: Can we give them a second round of questions?

The Chair: We can. We have the resources to, if we want to do that.

We're trying to be as respectful.... I know you've travelled a long way. You have important things to say. Many of our members have been invited to a number of things this evening as well, and that's always the challenge we have.

I'm here to make sure that the will of the committee is met.

Ms. Lori Idlout: [*Member spoke in Inuktitut*]

The Chair: Yes, Ms. Idlout. Go ahead.

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

Yes. I would like to see them continue, because I still have some questions for them.

• (1705)

The Chair: Okay. Let's go into our second round, then. The second round is five minutes for the Conservatives, five minutes for the Liberals, two and a half minutes for the Bloc and two and a half minutes for the NDP. Let's do that.

We'll go over to Mr. Schmale. You have five minutes.

Mr. Jamie Schmale: Thank you very much, Chair.

Thank you to our witnesses for this testimony.

What we can start with is the membership in Ontario that you have spoken about many times during your time here. Could we not use traditional hunting grounds or trade paths as another way to determine membership, rather than just saying it's anything from the Red River west?

Mr. William Goodon: This is something I have been speaking on for the last five years at schools, universities and private institutions.

There is a concept in indigenous politics called nationhood, which is central. Nationhood is not about blood. It's not about the mixture. I am not Métis because I am mixed. I am Métis because I have ancestors who were Métis and because there was an ethnogenesis of our people and nation. We have markers that show us to be a nation and a people—things like language and kinship, which are so important. If you have a Métis person living in Winnipeg and one living in Edmonton, Yellowknife, Lac La Biche or anywhere in the homeland, it's guaranteed that we are related. That cannot be said for any of those new communities in Ontario, which materialized all of a sudden in 2017.

We have other markers that identify us—cultural markers. We have clothing. If you look at both of our vests today, you will see a very distinctive type of beadwork. It is Red River Métis beadwork. It belongs to.... The Red River Métis is not Manitoba. I want to make that clear. The Red River Métis is the same as the historic Métis Nation. Our flag was flown at Red River. It was not flown at Sault Ste. Marie. The Red River cart and the Red River jig, as I said, are identifiers. It's about music, dance, food and culture.

Political action is also one of the primary things that political scientists point to. We can go all the way back to what is known as the Battle of Seven Oaks—or what we call the Victory of the Frog Plain—in the 19th century, through to President Louis Riel and the Red River and North-West...and into the 20th century, as well. That was political action, where we came together to assert our rights for how we live, and for our economies and land.

These are things that make a nation and a people. These things are absent when you look at those communities. They just recreated them using circular logic in Ontario, so it's not the same thing.

Mr. Jamie Schmale: I'm sorry. I have limited time.

Would amendments that give us parliamentary approval for a treaty be something that could help ease some of your concerns?

Mr. William Goodon: Absolutely. Take MNO out of Bill C-53.

Mr. Jamie Schmale: Okay.

Rather than eliminating MNO from Bill C-53.... You mentioned earlier that no parliamentary approval.... I agree that's a concern. Only cabinet has the approval of a treaty, which, among most parliamentarians, is raising some eyebrows.

However, would having that parliamentary approval be something that could ease some of your concerns, while keeping MNO in?

Mr. William Goodon: No, because MNO are not Métis. You would be treatying with people who aren't us—who aren't Métis. You would be signing agreements with them for section 35 rights to which they have no right.

That one is a non-starter.

Mr. Jamie Schmale: Would you not agree, though, that MNO has been using Powley and others as road maps to lock down their membership?

Go ahead, Mr. Benoit.

Mr. Al Benoit: Yes. They're not just using Powley. If you go to their agreement, which is mentioned in the preamble of this legislation.... They have two quotes in there. Those quotes are directly out of MMF v. Canada in 2013. They're cloaking themselves in our court decisions, in addition to our culture, battles, symbols and leadership.

• (1710)

Mr. Jamie Schmale: Mr. Coates, do you want to add—

The Chair: We're unfortunately out of time on this one, so I'm going to have to go over to Mr. Battiste for his five minutes.

Mr. Jaime Battiste: Thank you for that.

You made some very strong comments at the opening about identity theft.

Is it your opinion that the only Métis who are recognized in Canada are those belonging to the Red River and those who have expanded out?

Mr. William Goodon: In the history of the world, colonialism happened—

Mr. Jaime Battiste: I have five minutes. Can you...?

Mr. William Goodon: Absolutely. Colonialism happened everywhere. Nowhere else in the world was there an ethnogenesis of a people like the historic Métis Nation that happened in western Canada and northwestern North America, so I would say no.

Are there folks who had mixed marriages who have part European and part first nations ancestry? Absolutely. Did that result in an ethnogenesis of a nation? No, it did not. If we're talking about a nation, then yes, there is only one historic Métis Nation.

Now, MNO likes to use the word “communities” because Powley used the word “community”. To me, that's still problematic. A community is not a nation. There could be friends, neighbours and people who live together and work together, but where are those markers I talked about, the language, the culture, the food, the dance, the music, the symbols and the heroes? Louis Riel is not their hero; he's our hero.

Mr. Jaime Battiste: Also, in your introduction, you said that the Métis homelands extend from Manitoba, Saskatchewan and Alberta. You also said the Northwest Territories, and I quote, “a bit into Ontario”.

Can you tell me how much “a bit into Ontario” is in terms of the MMF's definition of how far the Métis extend?

Mr. William Goodon: Yes. It's not just the MMF. There was a resolution that was passed in 2018 by the Métis National Council

general assembly. It's still on the books to this day. It has not been repealed.

If you look at the book by Jean Teillet, she talks about the amalgamation of the two fur trade companies, the North West Company and the Hudson's Bay Company in 1821. In 1821, that effectively closed off the portage at Rat Portage in northwest Ontario. There was no more movement; all the movement went around into the United States. Any connection that may have been there—there was only a generation or two of Métis at that time—was closed. There was no movement between those other communities and the nation. That's historic. It's in Ms. Teillet's book. I think it's quite proper.

Mr. Jaime Battiste: Thank you.

Can you share that resolution with this committee so we can have a better understanding of what was accepted by MNC's overall map of the Métis federation?

Mr. William Goodon: Yes.

Mr. Jaime Battiste: I have a tough last question.

Under the Indian Act, which I'm a part of as a status Indian, I have a cut-off clause. I can pass on my status as an Indian only two generations, to my child if I marry outside of the Indian Act.... If my child chooses to marry and have kids outside of the Indian Act, we have a second generation cut-off.

To what extent does the person of Métis ancestry go?

Mr. William Goodon: Fortunately, we are not involved in and do not participate in the Indian Act. You heard the chief's leadership last week saying that they want to be able to determine their own citizenship, and they should. It should not be a colonial structure that determines who their citizens are, who their people are. It should never have been that way.

Canada has ignored us for 150 years. In some ways, that's been a blessing, because we didn't have to be subject to that kind of meddling.

Mr. Jaime Battiste: Is there no ancestral cut-off for the Métis of MMF at all?

Mr. William Goodon: Again, being Métis is not about blood; it's not about blood quantum. It's being part of a nation and being part of the culture. Being able to participate in events, dancing the jig or playing the fiddle.... It's not about blood quantum. It never will be under our current leadership.

• (1715)

Mr. Jaime Battiste: How do you determine the ancestral part of the Powley test?

Mr. William Goodon: We don't have the Powley test. We have our own definition, which happened in 2002 before Powley, because we knew Powley was going to be problematic. Under UN-DRIP, we have the right to self-determination. Even the Supreme Court of Canada isn't going to tell us who our citizens are.

Mr. Jaime Battiste: Can you send that to our committee as well, in terms of whatever motion you have on that?

Mr. William Goodon: Are you talking about the 2002 definition?

Mr. Jaime Battiste: Yes.

Mr. William Goodon: Yes.

The Chair: Thank you.

Next we will go to Mr. Garon, who will have two and half minutes.

We have this one and Ms. Idlout's. Time goes very quickly.

[*Translation*]

Mr. Jean-Denis Garon (Mirabel, BQ): Thank you, Mr. Chair.

I'll start by thanking today's witnesses for their testimony.

Mr. Benoit, the Conservatives have already raised this issue, and I know you're not in favour of Bill C-53. I'm curious about what kind of amendments could be made that would make it acceptable to you. As I understand it, your position isn't necessarily irreconcilable, but you feel there's still a lot of work to do.

I'd really like you to elaborate on that.

[*English*]

Mr. Al Benoit: Yes. We'll send you our recommendations, but I think what's really important is that there needs to be a treaty attached to the legislation. There needs to be a way for members of Parliament to know what they're voting on when they do vote for the legislation and it gets royal assent.

So far today, we've talked about land. We've talked about the duty to consult. It has to be brought to Parliament for consideration so that the treaties aren't written on blank sheets of paper. You're not giving blank sheets of paper to them to write on. As well, clause 5 has to be completely rewritten to prevent an end run around Parliament. I know that my minister has brought up MNO possibly being severed.

What's really important...and it always seems to go back to Powley. People always talk about Powley. Powley just talked about what was happening around Sault Ste. Marie and its environs. Now it's blown up to be something that's for all of Ontario. What Powley did was create principles for membership, for citizenship, for who had rights and what communities had rights. Currently, it's focused only on Sault Ste. Marie.

In Manitoba, for the Red River Métis community, we have the Goodon decision. The gentleman sitting here went to court. What you have to realize is that a lot of things just need to be clarified. When we talk about Powley, we can't allow Powley to make things smoky and misty and vague. If you don't see something written in the legislation, don't trust that it will be there. Don't say that it points to one thing or another, because it's completely blank.

Thank you.

The Chair: We're at the end of the time, unfortunately.

Ms. Idlout, we'll go to you now for your two and a half minutes.

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

Thank you, Mr. Chair.

I want to ask the MMF a question. You said that you are concerned about identity theft, about those who claim to be Métis. If their Métis children or descendants needed support in the future, who would support them? If the Métis Nation of Ontario were not there, who would support them?

Mr. William Goodon: Well, as I said before, the huge, vast majority of the membership of MNO is not Métis. If they're not Métis, those children are not Métis. There's not a need for them to be supported by...

They can be supported as Canadians, as Ontarians. There's no doubt about that.

Ms. Lori Idlout: Thank you for that. I understand your response.

What evidence do you have that the Métis of the Métis Nation of Ontario are not Métis?

Mr. William Goodon: I think it's everything that I said before. There are no kinship connections. There is no political action that puts us together. There is no common language.

"Métis" is not a word like "Indian" or "first nations", where there are all kinds of different groups within that. Métis is a nation. It's one historic nation. All these markers that make us who we are, a distinct indigenous nation, are not present in Ontario in these new communities.

I might add that the problem is maybe not for me to try to prove a negative. The proof is that the research is absolutely sloppy. I was just given a report today by a couple of esteemed academics, Dr. Celeste Pedri-Spade and Darryl Leroux, who did a research paper on the Sault Ste. Marie Métis community. That's absolutely something that we can send to you as well, along with some of the other work that Dr. Leroux and others have done with respect to some of the other so-called Métis communities in Ontario.

We will make sure those are available to the committee as well.

• (1720)

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

With that, I need to conclude this panel.

Thank you to all our witnesses, Dr. Coates, Mr. Benoit and Mr. Goodon, for joining us here today. As we said, we're allowed to take additional written briefs, so based on the conversation today, anything you'd like to send us would be welcomed, limited to 10 pages. We have received lots of material, but anything further that you feel would help us sort through this legislation would be very much appreciated, and that can be directed to our clerk.

Mr. Jaime Battiste: [*Inaudible—Editor*]

The Chair: I have been asked for the map as well, if you could send that to us.

Folks, we're going to suspend now while we bring in the next panel. We'll be starting up as soon as we get our sound checks done and everybody has settled comfortably.

For now, we're suspended.

• (1720) _____ (Pause) _____

• (1725)

The Chair: We are ready to go. We have our second panel in place. For the second panel, we have three witnesses.

First of all, we have with us in the room elder Angie Crerar, from the Métis Nation of Alberta. Welcome.

We have two witnesses online. We have Autumn Laing-LaRose, president of the Provincial Métis Youth Council and Minister of Youth. We also have Jason Madden, barrister and solicitor.

I would like to welcome each of you joining us.

We're going to start off with our guest in the room. She has with her one of her eight daughters, I was told, who is going to be helping out, but any questions should be directed to Mrs. Crerar.

Whenever you're ready, the floor is yours. Please tell us your story.

• (1730)

Mrs. Angie Crerar (Elder, Métis Nation of Alberta): Today I am filled with gratitude and hope. I'm ready to share my story and the importance of Bill C-53 from the perspective of a proud Métis elder.

I was born in 1936 in Fort Resolution, into a loving Métis family in a small community. I was raised with a profound sense of being loved, wanted, cherished and safe in our home. My parents taught me the importance of kindness and respect for our elders. My father, a man who spoke seven languages and served as interpreter for the RCMP, really inspired me. We shared the moose and we hunted for our neighbours, which taught us the importance of generosity and community support.

My life changed forever when my mother got sick with TB in 1947. The RCMP took me away from my family and my little sisters. We were sent to Fort Resolution for residential school. It was a painful separation. My experiences at the residential school are still etched deep in my memory.

During those dark days, I held onto my father's words, "Some day, some day." Those words became a guiding light, reminding me to remain hopeful and resilient, no matter the challenges. I always knew who I was, even though we couldn't openly speak about it. My father taught me that "some day" we would have our nation recognized, and our people would stand proud.

We are determined that our children, grandchildren and great-grandchildren will accomplish great things, rooted in their Métis identity. Today, that "some day" is now.

Over the past three years I have witnessed our Métis people coming together, growing stronger and uniting like never before. My

heart is proud as I listen to the stories of survivors and elders who have endured so much yet have emerged even stronger.

I, too, am a survivor. I'm witness to the unbreakable spirit of our people. The memories of the horrors I experienced still haunt me. Since then, I have always been afraid of being hidden away and silenced.

We have almost lost our Métis nation, but we are determined to ensure that our children thrive. The time has come for our Métis people to be recognized as the nation we have always been, as we rightfully deserve.

I live in Grande Prairie, which is a community where my healing has been supported. I am blessed with 11 children, 22 grandchildren and 16 great-grandchildren. They are my life.

Some hon. members: Hear, hear!

Mrs. Angie Crerar: I will do everything in my power to ensure they have a better future.

We have come a long way from hiding. Strong leadership, especially from Audrey Poitras, has inspired us to reclaim our voices.

I want to end by telling you the importance of Bill C-53. The bill represents an opportunity to recognize the historical injustices faced by the Métis and our invaluable contribution to Canadian society. It is a chance to heal the wound of the past and build a brighter future for the Métis nation and all of Canada.

• (1735)

I ask for your support for this bill, to honour the resilience of our people.

My father was right when he said, "Someday, someday." Someday is today, because you are finally ensuring that our rights are recognized and secured for generations to come. I thank you.

The Chair: Thank you, Mrs. Crerar, for sharing your story. It's very appreciated.

We're going to go online now.

First up, I'll go to Autumn Laing-LaRose. Autumn, I missed clarifying, is with the Saskatchewan Provincial Métis Youth Council.

Welcome, Autumn. Whenever you're ready, the floor is yours for your five-minute opening statement.

Ms. Autumn Laing-LaRose (President, Provincial Métis Youth Council, Minister of Youth, Métis Nation-Saskatchewan): Thank you so much.

[Witness spoke in indigenous language]

[English]

Hello, everyone. Good afternoon. My name is Autumn Laing-LaRose.

I'm joining you today with profound optimism and a sense of purpose as the elected president of the Provincial Métis Youth Council and Minister of Youth for the Métis Nation-Saskatchewan.

First, I want to acknowledge the incredible strides that Métis people have made. Our unique identity has persevered through generations of attempted assimilation and colonialism.

I recently finished my teaching internship in Saskatoon. This took place in a public school that the Métis nation of Saskatchewan partnered with to provide funding and resources for Métis cultural programming and education.

Our grade 8 class hosted a weekly smudge every Monday, where the kindergarten students would come and join us. The first time I was able to participate, this brought tears to my eyes. Because of the work that my Métis government, Métis teachers and elders were doing, Métis children had access to cultural experiences in their classrooms.

Within my own mother's lifetime, children were being removed from their homes and beaten for speaking their language and practicing their culture, for just simply being Métis.

The Métis nation is working hard to heal the complex harms experienced by our youth from the loss of culture, language and identity. It is uniquely able to do so because of our inherent right to self-government.

Growing up, my mother worked for a Métis local, which is a core governing body of our Métis nation here in Saskatchewan. When I turned 12, I began volunteering at the children and elders' Christmas suppers that they hosted. At 18, they hired me for my first full-time job. Now I'm 27 and I work alongside them at the Métis Nation Legislative Assembly here in Saskatchewan.

Grassroots Métis governance has played a pivotal role in sustaining our culture, language and history. It is those governing bodies that give us our direction on how we move forward as Métis Nation-Saskatchewan. We have always been here, and it is time for the federal government to do its due diligence.

As Métis citizens of the Métis Nation-Saskatchewan, we have the ability to vote for our elected leaders and participate in our Métis Nation Legislative Assembly at the age of 16, because we recognize the importance of Métis youth involvement. Our lived experiences, aspirations and concerns help shape the policies and initiatives that our governance structures undertake. When integrating our voices into decision-making, we are creating a more inclusive and representative Métis government that addresses the needs of all of our members.

During the spring of this year we hosted a full-day workshop for youth about UNDRIP, before hosting a two-day conference. During this workshop, youth spoke about holding Canada accountable and wanting fewer band-aid fixes and more things that get to the heart of the issues.

The passing of Bill C-53 will further affirm our inherent right to self-government and directly impact the trajectory of our Métis nation. It acts as a stepping stone towards establishing a modern treaty between the Government of Canada and the Métis nation of Saskatchewan.

A lot of the time I hear that youth are our future. They're not just our future. We are an integral part of our present. Our voices deserve to be heard and our perspectives must be considered when

shaping policies that impact our collective well-being. To you this may be just another Tuesday, but for me it means pleading for a better future, one where I know that we're not just taken care of, but the wrongs have been made right.

Members of this committee have the rare ability to change my life forever. When you're wondering who this impacts, remember my face and the faces of those who have spoken to you, like Jordyn Playne and Hayden Stenlund.

My question to you is, will you listen to what Métis youth are saying, or will you give up this opportunity for reconciliation?

Thank you so much.

• (1740)

The Chair: Thank you so much, Ms. Laing-LaRose, for your opening statement.

We'll jump now to Mr. Madden.

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

Mr. Jason Madden (Barrister and Solicitor, As an Individual): Thank you, Mr. Chair.

My name is Jason Madden, and I'm a citizen of the Métis nation and a member of a well-known Métis community in northwestern Ontario, which is a part of the Métis nation no matter what map you use.

Over the last 20 years, I've been one of the Métis lawyers who's been in the courtrooms to ensure that the promise of section 35 of the Constitution Act, 1982, is finally implemented. I have acted as legal counsel in Métis rights cases in Ontario and southern Manitoba. I was Mr. Goodon's legal counsel in northwest and southwest Saskatchewan and in Alberta. I've appeared in all the Supreme Court of Canada cases dealing with Métis rights.

Before I go into why Bill C-53 is such an important step for the Métis, I want to bring some facts to the committee, because last week there was a lot of misinformation put before you.

Let's be clear. No one's going to tell me, Hayden Stenlund, Jordyn Playne or other Métis that our Métis families and communities don't exist. Just because someone makes a drive-by statement that Métis communities don't exist or cannot exist without their permission doesn't make it so.

Let's look at some of the historical facts from my Métis community.

If our ancestors were simply Anishinabe, there would not have been a need for a half-breed adhesion to Treaty No. 3 in 1875. It could have been an Indian adhesion. They made one with Lac Seul in 1874. Nicolas Chatelain, who signed the adhesion, was not an Anishinabe chief. If the half-breed adhesion to Treaty 3 turned half-breeds into Indians, that adhesion would say that. It does not. Read it.

In 1878, Nicolas Chatelain applied for half-breed scrip because, in his own words, Canada was breaking its promises made to the half-breeds at Fort Frances.

These are actual facts. Much of what was said last week ignored these well-documented facts and Métis history. Much of it was deeply offensive and simply untrue. I just want to say that this needs to be said for the Métis people watching this, especially the Métis youth who are watching these hearings.

Would the committee be comfortable with those remarks being made about the Québécois or other unrepresented groups in Canada? I don't think so.

While first nations have an absolute right to be consulted when their own rights and interests are adversely impacted by Crown action, the Métis have absolutely no obligation to consult or seek permission from anyone about our existence as a people and who we are. Anyone can make a broad and unfounded statement before this committee or in a commission report by consultants who aren't even historians that rejects the legal framework in Powley. That doesn't make the objection valid.

I implore the committee to read the Métis perspective section in RCAP or the Supreme Court of Canada's decision on Powley. None of this Métis history or the fight for Métis rights is "new". After 20 years, Powley remains the only Supreme Court of Canada case to confirm the existence of a historic and contemporary Métis community with section 35 rights.

Powley is about the Sault Ste. Marie Métis community, and let's just be clear: It's in north-central Ontario, not the Red River. They didn't rely on facts from the Red River in order to ground that historic community or its existence today. This community did not magically drop from the sky. It's connected to other Métis communities that were situated along old fur trade routes and water routes.

What is new is that Canada has finally begun to recognize and deal with the Métis as it should have in the past and based on the promise of section 35. Since 1982, the Métis have had the rug pulled out from under us several times: the failed constitutional conferences in the 1980s and the rejected Métis nation accord, a part of the Charlottetown accord.

In the 1990s we began to turn to the courts, and we've been successful in much of the litigation, from Powley in 2003 to Daniels in 2016.

The Supreme Court of Canada has held that, because of government denial, Métis have been forced to live in a legal lacuna, which means a legal gap that has denied Métis existence and rights. In 2011, the Supreme Court wrote, "The constitutional amendments of 1982...signal that the time has finally come for recognition of the Métis as a unique and distinct people."

Bill C-53 finally begins to get the Métis out of this legal gap. It's long-overdue recognition, and I also want to emphasize that much of the criticism you've heard about Bill C-53 is not what the bill says when you read it.

First, Bill C-53 recognizes the MNO, MNS and MNA only as indigenous governments, which, to be quite frank, they always have been, regardless of whether Parliament recognizes them as such.

Right now, these Métis governments rely on not-for-profit corporations or societies to provide them legal status and capacity, because that's the only option that was available to them.

Bill C-53 simply recognizes the reality that these are already Métis governments. It doesn't create constitutional rights, nor does it recognize any specific Métis communities in Ontario, Saskatchewan and Alberta. It recognizes the collectivities that mandate these Métis governments.

● (1745)

Secondly, Bill C-53 creates a legislative framework that future self-government treaties can sit comfortably within. I want to highlight that this isn't novel. This legislative model was used in the Yukon implementation agreement from 1994. If you ask some questions, I can point you to this schedule. At that point in time, only four treaties were ratified. Other treaties were brought in by OICs subsequently.

Bill C-53 ensures that the rug can't be pulled out from under the Métis yet again in the future and that section 35 is no longer just words without meaningful implementation. A legislative framework for future treaties is locked in. That's why it's constructed this way.

The legislation also makes it clear that multiple Métis governments represent different Métis collectivities, and each Métis rights holder gets to choose the government that represents them. These governments each have citizenship criteria that are consistent with Powley. This is set out in the self-government agreements. In addition, the registries of these Métis governments have been repeatedly reviewed and audited. Frankly, they've been reviewed more than the Indian Act registry.

To repeat the words of the Supreme Court of Canada, "The time has finally come" to recognize the Métis. Bill C-53 does just that.

The Chair: Thank you for your opening statement.

We'll get right into the questions. The first round will be six minutes for each member.

First up is Mr. Schmale.

The floor is yours.

Mr. Jamie Schmale: Thank you very much, Chair.

Thank you to our witnesses for their testimony.

Ms. Crerar, I might start with you. Congratulations on your 11 children and I missed how many grandchildren and great-grandchildren. Clearly, you hate sleep.

Voices: Oh, oh!

Mr. Jamie Schmale: Congratulations. It's a great legacy. Thank you for your story and for sharing your life experience with us.

We want to talk about the overall concerns that have been raised by the Métis settlements and Fort McKay about this legislation on governance in general. Some concerns that have been raised talk about how, if this passes, Métis who might belong to the Métis settlements would have an opt-out clause.

I want to get your thoughts about how you see this playing out if it passes in Parliament and works through the treaty process. How do you see that playing out?

Mrs. Angie Crerar: I don't usually listen to gossip, and there's been a lot of it. I don't get involved in that.

Jason, if you could answer that, I would appreciate it.

This is so important to us. We need to have the truth and nothing but the truth. The question you asked I cannot honestly answer. I have nothing to do with it.

Mr. Jason Madden: The agreements are absolutely clear. These are citizenship-based governments. Everyone who is represented by these governments mandates them to do so. If they want to be represented by a different government, unlike the Indian Act, you can actually deregister from these governments. You willingly sign up for them. That's set out in the agreements.

There is no question, then, about whether there can be other groups. You've heard from different Métis governments. There are multiple first nation governments and Inuit governments. We've been ignored for 150 years, so you can't put Humpty Dumpty back together again and expect unanimity among Métis people. We have built solid governance structures based upon our democratic will and based upon the legitimacy of these governments.

In terms of what we're asking for, the MNA is 90-plus years old. It's always been a government; it's just that Canada hasn't recognized it as such. There may be other Métis governments out there, but this is about these three Métis governments.

Mr. Jamie Schmale: I am short on time, Mr. Madden, and I do have lots of other questions, so I might cut you off. Please don't be offended if I do.

When you mentioned in your testimony about the need for consultation, you mentioned that there was really no need to do that, because it affected the governance only of these three organizations, as you just mentioned. However, in this legislation, what we're trying to work toward and trying to figure out is the piece that requires no parliamentary approval, pending a treaty. In that case, I could see the argument that the first nations are making, because if this passes as is, once this agreement is signed, the treaty is basically up to the executive branch.

• (1750)

Mr. Jason Madden: I don't think that's necessarily true, if you read what the self-government agreements say. My friends from the Manitoba Métis Federation conveniently ignored that.

Those self-government agreements say what will be within the treaty. I want to say this model was used in the Yukon. There are 14

first nations in the Yukon. At the time that implementation legislation was brought before Parliament, only four of those treaties had been signed, so there was a schedule saying, "Here are the other ones. When they get to treaties, an order in council will be passed and they'll be put into schedule II." Look at the legislation. We replicated that in light of trying to finally create this legislative cradle, so we don't get the rug pulled out from under us at a future time.

I also want to highlight that none of the historic treaties have ever been brought before Parliament. Amendments to treaties happen all the time that don't get brought before Parliament. I think those agreements clearly set out what the treaties will include. They will be self-government treaties, and those agreements are legally binding agreements guiding the negotiations.

If additional guardrails need to be put in there, that's a discussion. However, it can't be said that this has never been done before. Treaties have been brought in by order in council in the Yukon for multiple others. I don't understand why it's so different for the Métis.

Mr. Jamie Schmale: Could you clarify this for us? Should this legislation—Bill C-53—pass, what changes, aside from the part about treaty?

Mr. Jason Madden: I think two things change.

First, there's a recognition and affirmation. That's what the legislation does.

The second thing is this: It sets out a legislative framework for future treaties to be given legal force and effect.

In many ways, it's reverse-engineering the process, because we've seen, as I highlighted in my presentation, the rug get pulled out from under us, whether it's Charlottetown, constitutional conferences or changes in government. All of a sudden.... It's been 40 years since section 35, and the Métis have had no implementation on this. We don't want to see another 40 years slip by.

This legislation will anchor those future treaties.

Mr. Jamie Schmale: With 20 seconds, I don't have enough time to get into what I want to talk about.

Thank you very much, Mr. Chair.

The Chair: Thank you.

We'll jump over to Mr. McLeod, who's online with us. He's going to go first with his six minutes.

Mr. McLeod, the floor is yours.

Mr. Michael McLeod (Northwest Territories, Lib.): Thank you, Mr. Chair.

Thank you to the presenters today. They were very interesting presentations.

My first question is for Angie Crerar.

I want to say that my grandmother was also from Fort Resolution. That's where she was born. My parents both spoke three languages. My mother could speak five. In those days, the need to communicate with all the different tribes and people travelling around was very important. My sister went to the Fort Resolution residential school. She might have been there close to the time when you were there. It was very good to hear what you had to say, and it's very good to have you here.

I share with you the feeling that Métis need to have a brighter future. Our nations have gone through some difficult times, and it's time we started to get recognized. I belong to the Northwest Territories' Fort Providence Metis Council. We are part of the Dehcho negotiation process.

We're Métis, but we don't belong to any of the national indigenous organizations. When some of the national organizations come and say there is no enrolment process, that memberships are being given out like candy on the street, and that some of the Métis treaties are blank sheets, it's very.... I feel it when people say the Métis have no rights.

I want to know how that makes you feel, as an elder and a person who has lived their life as a Métis and fought for Métis rights.

• (1755)

Mrs. Angie Crerar: Thank you so much.

Thank you for your kindness and, even better, for your honesty. That is so important to us.

In my lifetime, it has not been easy, because we were not recognized.

I'm going to tell you the truth of what happened in the residential schools. I'll never forget, and I'll always have in my heart what the nuns always said to us. They said, "I left my home. I left my country. I left my family. I left everybody and everyone to come here and teach you savages the right way of the white people." They said this over and over. They also said, "There's no such thing as a half-breed. Nobody wants you. The Indians don't want you. The whites don't want you. Nobody wants you. You will never be anything."

At the time, we were very young. I was eight. I didn't get out until I was 17, turning 18 in about a month. To have them say this to you, day in and day out.... I always remembered what my mom and dad taught us. They taught us love and respect. How could we treat them like that? They treated us like dirt.

Back then, as a child, we had nobody—no one. I say with my heart and my life that it was residential schools that almost destroyed us. The strength....

We remembered what our parents told us, and we were...and some days.... I always remembered those words. I was only about seven or eight. "Some day...."

He always said, "And you, do your share and don't stand by and let everybody else work for you. You are a good half-breed."

We have helped many people. We don't talk about it. We live it. We live with respect and we have been in so much pain. If I lived to

be 100, I couldn't make you understand how we felt. Do you know what it's like to have all these kids who didn't know anything, who were being ignored and who weren't even being hugged or having a kind word said to them?

We must be strong, and we were taught by our parents.

Nobody.... Even the ones in town were all scared of us, because the priests had power, and power almost destroyed us, but we're still here. Sometimes I wonder how we did that. How did we keep our faith? I can't even explain it to myself. I can't tell myself or my kids how this happened. How did I survive? I remembered the love of my mom and my dad.

We had nobody—nobody. Do you know what it's like to have nobody, to not have just one kind word or to even have someone smile at you? No.

Here I am. I'm 87 years old, and I've learned so much. My identity is very, very, very important. That saved my life and saved so many of us from the Métis residential schools.

We were totally ignored, but we knew each other. The bishop said to the government at the time, "Send me 500 Indians and 50 half-breeds, and we will teach you. We will take the Indian out of them. They will be a credit to society."

• (1800)

What happened? What actually happened to the government? Did it come and check on us? Did it come to see? These thousands and thousands of children all across Canada were totally forgotten.

Our life was rough, but, you know, we helped each other. We were taught that since we were little. We pride ourselves that we made ourselves brave. No, they were not going to beat us. No, my mum and dad loved us too much. We were not going to let anybody ever beat us, and here I am. I'm still the same person, but I'm stronger than I was then, and I will be. I am a Métis. I'm very proud of who I am. I earned it.

Mr. Michael McLeod: Thank you.

The Chair: Thank you for sharing that personal story.

Mr. McLeod, we're out of time.

We're going to go now to Mr. Garon for his time.

[*Translation*]

You have six minutes.

Mr. Jean-Denis Garon: Thank you, Mr. Chair.

I'll start by thanking the witnesses for their testimony.

Mrs. Crerar, you're a remarkable woman, and your testimony was very touching. Thank you very much.

I'd like to ask a question and give all the witnesses a chance to respond, starting with Ms. Laing-LaRose.

The first nations representatives who testified before our committee and were opposed to Bill C-53 had certain concerns. I believe you're familiar with most of their arguments and have heard them.

What arguments would you put forward to allay their concerns and respond to their criticisms of Bill C-53?

Ms. Autumn Laing-LaRose: Thank you very much.

[*English*]

I was listening earlier today and, of course, watching the other meetings on this and seeing what's happening through media. I want to commend our colonial institutions. I think they are doing a really amazing job and are working really hard to separate indigenous people.

For me, it's heartbreaking knowing that families are being torn apart over this legislation and over what's happening. In my opinion, the advancement of one indigenous nation is a positive for all. This legislation can be used for other indigenous nations in Canada and even around the world, even when you look at the similarities that we have with Australia—our history and that colonialism. I went to the UNDRIP conference in New York, and we had an opportunity to meet with youth from around the world. One of the things we were talking about was our collective experience of colonialization, and I think that this is just a part of that.

We're getting really caught up in the fact that this legislation is simply a stepping stone to negotiate treaty. Each governing body—the Métis Nation of Ontario, the Métis Nation of Alberta, the Métis Nation-Saskatchewan—will, hopefully, with the passing of this legislation, now be granted the opportunity to take part in those negotiations for treaty within their respective governments, and that's going to be done with the first nations.

In Saskatchewan, we're working hard to make sure—and we've been very clear from the get-go—that all work we are going to be doing will be done to include them, because they are family members. For a lot of people, brothers took status and sisters took their Métis nation citizenship. There are really close ties. There needs to be a lot of consultation that takes place, and the passing of this legislation simply allows that consultation to take place.

[*Translation*]

Mr. Jean-Denis Garon: Thank you.

Mr. Madden, do you have something to add in response to my question?

● (1805)

[*English*]

Mr. Jason Madden: I think that some of the fears are the outcome of 150-plus years of ignoring the Métis.

I've spent my life in courtrooms where provincial governments have been taking these positions. Everyone has this Nimbyism—not in my backyard. We even had to go to court in Manitoba to prove that there were Métis there with rights.

It's a challenging discussion, because you've had 150 years of ignoring the Métis and not dealing with them. The answer, based on

UNDRIP, the Royal Commission on Aboriginal Peoples and the urging of the court, is not to do nothing and sit on our hands for another 40 years. It's to begin the discussion.

As Autumn says, Bill C-53 is a stepping stone to begin those discussions. If consultations are needed at the treaty stage... There is an important distinction between when consultation is required and when someone else's rights are potentially impacted, but I think some of the commentary that's come out from this about just the absolute denial of Métis existence or cognitive dissonance that the Powley case, which is from Ontario, didn't go to the Supreme Court of Canada, is just unhelpful.

We do need to begin that discussion, but I don't think it can come from a place of denial.

I think that, hopefully, through this process, one good thing in the way forward is that those discussions will at least happen. It can't be the rug being pulled out from under the Métis one more time because of concerns.

What absolutely needs to happen is reconciliation with all indigenous peoples. No one gets to go absolutely first, holding back others.

[*Translation*]

Mr. Jean-Denis Garon: Thank you.

I think I have 25 seconds left, but I'll generously let you have them, Mr. Chair.

[*English*]

The Chair: Thank you.

We're going to jump now to Ms. Idlout.

Ms. Idlout, you have six minutes.

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

Thank you, Mr. Chair.

I thank all the witnesses for their statements. You have made very important statements. I will have one question for all of you.

Jason, if you could be the first to respond, then Autumn and then Angie.

Since Bill C-53 was drafted, it saddens me to see how it has divided indigenous peoples. It seems like it is bringing about a lot of resentment and division. This bothers me. It saddens me.

I want to encourage you to lean towards solidarity as indigenous peoples—as first nations, Métis nations and Inuit.

How can we stand together in solidarity and support each other?

Jason, you are a lawyer. If you could respond to my question, I would really appreciate it.

Thank you.

Mr. Jason Madden: I think that's a great question, because that's where reconciliation ultimately needs to get to.

I will just say that I think we need to have understanding and context. I completely understand why the first nations in some places stand up and say that this is unfair, because look at what Canada's colonization project was in relation to them. It was to impose the Indian Act, control their lives from cradle to grave, and implement a status system that is racist and inconsistent with UN-DRIP. They've lived through 150-plus years of that and are digging themselves out from under it.

Métis have lived through almost the looking glass of complete denial. "If we ignore you long enough then hopefully you'll go away or get absorbed into the body politic." Now we're finally coming in to finding our place in Confederation, and we don't have the baggage and the racist legislation of the past holding us back. I get it. I understand. You can see why people.... That division is not of our own making, though, as indigenous peoples. It's because of the history of Canada that this situation has been created.

We need leadership, and for those discussions to happen.... Maybe it needs to be a bumpy ride initially, but at some point in time the discussion has to happen. I have family who are members of first nations. Those relationships run deep. When we go out hunting together, or when we go out on the land together, we're a family, but sometimes these classifications in politics divide and conquer our communities.

I think we need to keep sight of the fact that we have very different stories here, and we have to respect each other's journeys to self-determination and self-government, but one can't trump the other, and we have to sometimes look at it and have that broader discussion.

Bill C-53 is going to have to do that. Treaties will be coming at some point in time with the Métis. Those discussions need to happen with first nations. I hope that they are already, and that they will.

• (1810)

Ms. Autumn Laing-LaRose: I think I'm next.

If I may be so frank, I think the only thing missing for the committee members is popcorn, as you facilitate this structure where you're inviting indigenous nations from all over Canada to come and fight each other in this setting.

One of the things I'm thinking about for Bill C-53 is that we're doing a favour for you, essentially, by lumping these three individually distinct governments together, because the fact is that the Métis Nation of Ontario will never back down, and they'll never stop fighting for their self-government recognition and treaty. What Bill C-53 is doing is simply stating the fact that we will begin the process of negotiating.

When it comes to our first nations brothers and sisters—and I mean that quite literally, especially with the demographics here in Saskatchewan—I encourage you to invite President Glen McCallum to speak, because he's been a champion in regard to those relationships with first nations and Métis, especially with the community that he's from. We are quite literally brothers and sisters, or cousins, and family.

When I listen to our Métis elder, who has been invited here to speak, I hear her speak about the love that her parents gave her. That was the strength that allowed her to survive and to be resilient through the harsh realities of residential school. That's what I think is needed. We need to bring back the love to our communities and create space for, yes, open dialogue. Yes, we need to be having these discussions, but we need that love and we need to be ensuring that our elders and our youth are in this space. We need to remember that when we are inviting these people here, we need to do that with love.

Thank you.

The Chair: Okay. Thank you.

Unfortunately, we're out of time on this one. We do have time for a tight round. We'll go to Mr. Schmale for five minutes. I'm going to make sure, though, that we move to the next person at the end of the five minutes, and so on.

Mr. Schmale, the floor is yours.

Mr. Jamie Schmale: Thank you, Chair.

I have one question, and then I'll turn it over to Mr. Vidal.

Mr. Madden, we had just left off on the conversation about the Yukon communities and the fact that no subsequent vote was required in the legislature or in Parliament. What was the opposition like in those circumstances?

Mr. Jason Madden: Is that in relation to the passage of that bill?

Mr. Jamie Schmale: Yes, that's without a vote for a treaty that included land.

Mr. Jason Madden: I'm not aware that there was any, and my understanding is that the modern-day treaties are consistent with the umbrella final agreement that was negotiated, but those treaties are brought in by order in council. My understanding is that it wasn't contentious, which is why we've replicated the model here: It's because if it's good for the goose, it should be good for the gander, and if this wasn't a controversial technique previously and it still exists there—I know that all of the Yukon treaties have not been negotiated—that was the model used.

It met the needs of the Métis.

• (1815)

Mr. Jamie Schmale: I'm sorry. I do have to be quick, because Gary's going to nudge me out if I don't.

To be clear, leading up to that process where the conversations happened beforehand, we're not exactly certain that there was an opposition to what you're talking about.

Mr. Jason Madden: No. That legislation's been in place since 1994, and I don't understand it as being contentious or problematic in how it's structured.

Mr. Jamie Schmale: Okay. I think you can see where we're coming from on this, to play back and forth.

I'm going to turn it over to Gary. Thank you.

Mr. Gary Vidal: Thank you, Jamie.

Mr. Madden, I'm going to carry on with you for a minute. You talked about there being absolutely no obligation to consult. I get we've heard that in our discussions with the three levels of government that are looking to be included in this legislation.

Based on the agreements that were signed in February 2023, then, where does that duty to consult, that obligation to consult, come in?

Mr. Jason Madden: I think consultation obligations may be triggered in the negotiation of the treaties, if those treaties have the potential to adversely affect another indigenous group's rights.

The February 2023 agreements, though, when you read them, are about the internal processes of these governments. Why on earth would we be consulted about a band council adopting a new constitution for themselves? That would be absurd. It would be offensive.

These processes are internal. When, I would gather, the legs drop, i.e., when there may be land-related negotiations in the future or harvesting-related negotiations in—

Mr. Gary Vidal: Sir, I'm going to interrupt because I'm really limited on time. We've been told this isn't about land. You just indicated that it is about land. You said when those—

Mr. Jason Madden: I did not. I said—

Mr. Gary Vidal: When we talk about treaty, we often connect that with land. That's the understanding that we've been.... If that becomes.... You said maybe there would be a consultation process, so you're not even committing to the fact that there would be a consultation process at any point in this, potentially.

Mr. Jason Madden: No, that's not what I said at all. There absolutely would be consultations if the treaties have the potential to affect other people's rights and interests. That's very clear. Canada's been clear that in those future negotiations, consultations need to be had.

Up to where we are right now and in the legislative process, those consultations haven't been triggered, by virtue of their not affecting or impacting other people's rights.

Mr. Gary Vidal: That's fair enough, but you did say “may be”. I'm sorry. That's what triggered me on that.

My final quick question would be this. In that context, do you not think it would still have been done? I think we're seeing that in the conversation about Saskatchewan—I'm afraid I'm not going to get to President Laing-LaRose here, because I'm going to run out of time—but do you not think that doing some consultation and building some relationships would have been helpful to remove some of the contention that's in this?

Mr. Jason Madden: Absolutely. Consultation and discussions are always good. I want to highlight, though, that having a discussion where.... Where I've said that consultations are needed is when people are absolutely denying the historical facts of where Métis communities are. I don't think Métis people need to consult with others to ask, “Can we exist?” That's deeply offensive.

I think consultations need to be had when other people's rights are potentially impacted, but when you look at what the agreements do, some of the stuff you hear is hyperbole or potential things that may happen in the future that these agreements don't commit to.

These agreements don't commit to lands. They don't commit to harvesting rights. They don't commit to any of those sorts of things.

If those discussions are held in the future, Canada has been very clear that consultations will take place, and the Métis have been clear that consultations will take place, but that's not at this stage or where we're at now.

The Chair: I'm going to have to jump in. We're at the end of that question period.

We'll now go over to Mr. Battiste for his five minutes.

Mr. Jaime Battiste: My question is for Mr. Madden.

You spoke about Bill C-53 not creating any section 35 rights, as written. Can you expand on that a bit?

Mr. Jason Madden: Métis have rights because they were pre-existing. Section 35 protects only pre-existing rights. If we have those rights, we have them. You don't bestow them upon us. The ordinary legislation signed in February 2023 can't amend the Constitution.

What this is essentially doing is recognizing you as a government, but it can't create section 35 rights. Ordinary legislation can't do it. We have those rights, because we were here before Canada became Canada, and those are now constitutionally protected.

People are misrepresenting some things: “Oh, you're creating these rights.” You can't create those rights. Those rights are inherent and they flow from people being here prior to Canada becoming Canada. Those rights are constitutionally protected. What Bill C-53 does is recognize these governments in relation to their jurisdictions, citizens, etc.

• (1820)

Mr. Jaime Battiste: Would you agree, Mr. Madden—if, at some point after this legislation passes, discussions begin about resources or lands—that there would be a needed duty to consult with those in affected treaty areas?

Mr. Jason Madden: Absolutely. There's no question about it. That's the law of the land. Bill C-53 doesn't modify the duty to consult set out by the Supreme Court of Canada in any way, shape or form.

Mr. Jaime Battiste: My other question is this: You said in your statement that Powley is the only case in Canada that has recognized a distinct community in an area. Are you telling me there's no other Federal Court...or that kind of thing out of Ontario, Manitoba, Saskatchewan or Alberta, recognizing a distinct community of Métis?

Mr. Jason Madden: I will clarify.

Powley is the only Supreme Court of Canada case recognizing a community that holds section 35 rights. It's the Supreme Court of Canada case.

Following Powley, we thought people after Sparrow negotiated with first nations, or implemented that. We've had to litigate province by province—the Goodon case in Manitoba; the Laviolette and Belhumeur cases in Saskatchewan; and the Hirsekorn case in Alberta. Those have had to be litigated. In those other cases, communities have been recognized, as well, in all those provinces.

Mr. Jaime Battiste: Mr. Madden, would you provide those case laws to our clerk, so this committee can look at which communities have been recognized?

My other question is this: Besides the Powley case out of Sault Ste. Marie, are there any other distinct Métis communities that have been recognized in Ontario?

Mr. Jason Madden: The Ontario government has recognized seven historic communities within Ontario, in addition to Powley. Powley wasn't just about a right to go to court.

Mr. Jaime Battiste: I'm sorry, Jason. I think you misheard the question. I meant the courts. I understand the Ontario government has done that, but have the courts recognized any distinct Métis communities outside of Powley?

Mr. Jason Madden: No. What the courts have done with Powley is say, “Sit down, negotiate and try to figure out where those other communities are.” That's what Ontario and the MNO did for over a decade.

Mr. Jaime Battiste: When we're looking at possible amendments, do you think it's fair to ensure in the language that Bill C-53 can't grant or allow any section 35 rights? Would you think that's a fair amendment?

Mr. Jason Madden: That depends on how it would be worded.

I think we all know that Bill C-53, as ordinary legislation, can't change the Constitution and can't bestow section 35 rights on groups that may not have them. What Bill C-53 does is recognize governments.

Mr. Jaime Battiste: For greater certainty, we've had witnesses state that this right may lead to the affirmation of constitutional rights without that being proven.

I guess the amendment we would possibly be looking at is something that says, “For greater certainty, this does not grant or establish section 35 rights.”

Would you be okay with that?

Mr. Jason Madden: I would have to see the drafting, but I think the basic premise is correct. This legislation doesn't do that.

Mr. Jaime Battiste: Thank you.

The Chair: Now we're going to Mr. Garon for two and a half minutes.

[Translation]

Mr. Jean-Denis Garon: Thank you, Mr. Chair.

I have another question for you, Mr. Madden. I'd like more information about the notion of Métis citizenship. How is that determined by the organizations included in the bill? What's the process? I'd also like to know how the bill will change the process for determining who is Métis and who isn't.

You have two minutes to respond. I realize that's a big challenge, but I know you can do it.

• (1825)

[English]

Mr. Jason Madden: What we're doing is not replicating the Indian Act, where someone else tells the Métis who they are.

These governments have their own systems based upon a national definition and based upon who they represent. They have objectively verifiable registries.

As I highlighted in my presentation, many of these registries have been reviewed and audited by third parties over the years to make sure that they meet the Powley criteria. Bill C-53 doesn't modify or deal with those citizenship issues. The whole point of Bill C-53 is to recognize the jurisdiction of these governments over their own citizenship, so we don't replicate the Indian Act.

It's built into the self-government agreements. It will ultimately be built into the treaties as well. It's not about Canada taking control or telling Métis people who they are. It's about respecting that these Métis governments can run their own registries and identify their own citizenship.

[Translation]

Mr. Jean-Denis Garon: The first nations representatives who testified before the committee challenged the legitimacy of the three Métis organizations included in the bill.

In your opinion, what reason do they have for challenging that legitimacy?

[English]

Mr. Jason Madden: I will go back to the legal lacuna. There have been 150 years of, for better or worse, a recognition of the legitimacy of first nations governance through the Indian Act. Their traditional governments have been usurped and truncated in some ways by the Indian Act, but at least there's a legislative base and a recognition there.

Métis haven't had that, so now when we're.... It's not that we're the new kid on the block or anything like that. It's that you're finally recognizing. It creates tension, because sometimes there are challenges with a “crab in the pot” sort of circumstance, or if you recognize one, you're taking away from others.

I don't believe that. I think that rights can coexist, like our peoples have coexisted for generations.

That being said, that's where the tension comes from. I want to highlight that it's not of our own making. This is Canada's colonial policies coming home to roost, but the answer can't be not recognizing one of Canada's distinct indigenous peoples—the Métis—in section 35.

The Chair: I'm going to have to cut it off there.

We have resources only until 6:30 p.m., and Ms. Idlout still has two and half minutes for her questions, so we're going to squeeze that in.

Ms. Idlout, the floor is yours.

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

Thank you, Mr. Chair.

Jason, I want to ask you a question. You referred to Bill C-53, stating that it replicates the agreements of the Métis of the Yukon for self-government to implement the bill.

Can you elaborate on that, please?

Mr. Jason Madden: Sure. It's called the Yukon First Nations Land Claim Settlement Act. There's also the Yukon First Nations Self-Government Act.

Because there are 14 first nations in the Yukon, Canada wasn't able to negotiate all of the treaties with them all at the same point in time. When the legislation was introduced in the House of Commons, only four treaties had been negotiated and signed.

What that legislation said was that it would give legal force, in effect, to these four treaties, but for the remaining 10 first nations within the Yukon, when they finish their treaties, those treaties will be adopted by order in council and moved from schedule I to schedule II.

It's the exact same model that the Métis are essentially attempting to use.

Now, there are no treaties here, but we're saying that when those treaties are reached, they will be brought into force by order in council. If there's a discussion about whether those also need to be tabled with Parliament, there are techniques to do that as well.

I just want to highlight that people are saying that this is novel or it has never been done before. Plagiarism sometimes is a form of flattery. We thought that technique worked very well for the Yukon first nations. We think it works very well for us as well.

• (1830)

The Chair: Lori, you still have 30 seconds if you have any follow-up questions, but the time is almost out.

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

Thank you. I have no further questions.

I just want to thank all of you for clarifying your opinions and your thoughts on Bill C-53. Thank you very much.

The Chair: That was nicely said, Ms. Idlout.

I'd like to reiterate that: Thank you to all of our witnesses for joining us today. You've given us, again, a lot of rich testimony to work with as we consider this important legislation.

Colleagues, with that, we're adjourned.

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