

# "THE PEOPLE WHO OWN THEMSELVES": RECOGNITION OF MÉTIS IDENTITY IN CANADA



Report of the Standing  
Senate Committee on  
Aboriginal Peoples

June 2013

The Honourable Vernon White, Chair  
The Honourable Lillian Eva Dyck, Deputy Chair

Cover artwork by students Amber Gordon, Alesian Larocque and Destiny Auger

*Ce document est disponible en français.*



Available on the Parliamentary Internet:

[www.parl.gc.ca](http://www.parl.gc.ca)

(Committee Business — Senate — 41<sup>st</sup> Parliament, 1<sup>st</sup> Session)

This report and the Committee proceedings are available online at

[www.sen.parl.gc.ca](http://www.sen.parl.gc.ca)

Hard copies of this document are also available by  
contacting the Senate Committees Directorate at  
613-990-0088 or at [ABORIG-AUTOCH@sen.parl.gc.ca](mailto:ABORIG-AUTOCH@sen.parl.gc.ca)

## Table of Contents

Membership .....	ii
Order of reference .....	iii
Introduction.....	1
Background: Aspects of Métis identity.....	5
A. Historical Aspects .....	5
B. Legal Aspects.....	8
C. Political Aspects.....	11
D. Cultural Aspects.....	14
What the committee heard: perspectives on Métis identity .....	16
A. Identity and Definition .....	17
B. Registration and Statistical Information .....	31
C. History and Genealogy.....	41
D. Relations between Canada and the Métis.....	45
Observations and recommendations .....	52
A. Identity and Definition .....	52
B. Registration and Statistical Information .....	54
Concluding remarks .....	62
Appendix I – Community profiles: expressions of Métis identity .....	63
A. Saint Laurent, Manitoba: Culture and Identity .....	63
B. Cross Lake, Manitoba: Individual and Collective Identities.....	65
C. Duck Lake and Batoche, Saskatchewan: Historic and Contemporary Communities .....	66
D. Ile-a-la-Crosse, Saskatchewan: Education and Identity .....	68
E. Buffalo Lake, Alberta: The Métis Settlements .....	70
F. Kelowna, British Columbia: Rediscovering Identity .....	71
G. Northwest Territories: Métis North of 60 .....	73
Appendix II – Witnesses .....	75

## MEMBERSHIP

---

### THE STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

#### 41<sup>th</sup> Parliament, 1<sup>st</sup> Session

(June 2, 2011 - )

The Honourable Vernon White  
*Chair*

The Honourable Lillian Eva Dyck  
*Deputy Chair*

and

The Honourable Senators:

Lynn Beyak  
\*James S. Cowan (or Claudette Tardif)  
Jacques Demers  
\*Marjory LeBreton, P.C. (or Claude Carignan)  
Sandra Lovelace Nicholas  
Jim Munson  
Dennis Glen Patterson  
Nancy Greene Raine  
Asha Seth  
Nick G. Sibbeston  
Scott Tannas  
Charlie Watt  
\*Ex officio members

*Other Senators who have participated in this study:*

The Honourable Senators Salma Ataullahjan, Patrick Brazeau, Larry W. Campbell, Jane Cordy, Linda Frum, Leo Housakos, Yonah Martin, Don Meredith, Gerry St. Germain, P.C. and John D. Wallace

*Committee Clerk:*  
Marcy Zlotnick

*Analyst from the Parliamentary Information and  
Research Service of the Library of Parliament:*  
Shauna Troniak

## ORDER OF REFERENCE

---

Extract from the *Journals of the Senate* of Wednesday, March 28, 2012:

The Honourable Senator St. Germain, P.C., moved, seconded by the Honourable Senator MacDonald:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the evolving legal and political recognition of the collective identity and rights of the Métis in Canada, and, in particular on,

- (a) the definition, enumeration, and registration of the Métis;
- (b) the availability and accessibility of federal programs and services for the Métis;
- (c) the implementation of Métis Aboriginal rights, including those that may be related to lands and harvesting.

That the Committee submit its final report no later than June 30, 2013, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

After debate,

The question being put on the motion, it was adopted.

Gary W. O'Brien

*Clerk of the Senate*



## INTRODUCTION

---

This study concerns the recognition of the Métis as one of Canada's Aboriginal peoples.

The subject matter of this study, while simply stated, is complex and may be open to misinterpretation. Before further outlining the scope and objectives of this study, it may be helpful to clearly state what this study is *not* about.

This study does not purport to define who the Métis are as an Aboriginal people. The committee acknowledges that the identity of Canada's Aboriginal peoples is a matter for peoples themselves to determine.

However, the committee is of the view that the issue of Métis identity must be openly discussed and better understood by the federal government and Canadians at large. Such an understanding is necessary in order to establish and maintain appropriate relations between the Métis and the federal government. This study is therefore aimed at initiating a constructive public discussion on the identity of the Métis and their recognition by the federal government for legal and policy purposes.

To be sure, the Métis have attained recognition as an Aboriginal people in the past few decades under the Canadian Constitution and the common law. Key among these developments was the inclusion of the Métis as one of the "aboriginal peoples of Canada" in section 35 of the *Constitution Act, 1982*.<sup>1</sup> In 2003, the Supreme Court of Canada in *R. v. Powley* recognized that the Métis have "full status as distinctive rights-bearing peoples" and established criteria to determine Métis Aboriginal rights under section 35.<sup>2</sup>

Despite these important legal developments, the questions of precisely who the Métis are and how they may be identified for various purposes have never been comprehensively

---

<sup>1</sup> Department of Justice, *Constitution Acts, 1867 to 1982*.

<sup>2</sup> *R. v. Powley*, 2003 SCC 43.

addressed. These questions become more urgent to address as the Métis continue to organize politically and assert their constitutional rights.

At the same time, the number of Métis is rising across Canada. Statistics Canada notes that, between 1996 and 2006, the population of Canadians who self-identify as Métis nearly doubled to approximately 390,000. By 2031, the agency estimates that the population of self-identifying Métis could increase to between 500,000 and 850,000.<sup>3</sup>

It is in this context that the committee undertook this study. Beginning in March 2012, the committee heard from a variety of stakeholders across Canada, at formal hearings in Ottawa and other urban centres, as well as at many informal meetings in locations across Western Canada and the Northwest Territories.<sup>4</sup>

The committee was privileged to hear and learn from Métis witnesses about their histories, cultures, and experiences within contemporary Métis communities. The evidence heard was extremely interesting, valuable, and often eye-opening, as issues relating to Métis identity are not generally well understood outside of these communities. The following report will survey, though not attempt to fully address, the range of important social, political and legal issues raised by witnesses in the course of this study. This approach is consistent with the study's main objective, which, as stated above, is to generate further constructive dialogue on the identity and recognition of the Métis.

Before moving into the substance of this report, this committee wishes to emphasize three general points to help frame the discussion to follow.

---

<sup>3</sup> Statistics Canada, *Population Projections by Aboriginal Identity, 2006 to 2031*, p. 26.

<sup>4</sup> Brief profiles of the Métis communities in these locations also appear in Appendix I.



The first point relates to the fundamental importance of identity, and the recognition of that identity, to individual well-being and group cohesion.<sup>5</sup> Identity is fundamental to how people view themselves, their communities, and the world at large. Before moving into a broader discussion of Métis identity, the committee wishes to acknowledge that this subject matter holds extremely important cultural and personal significance for many people.

Secondly, self-identifying Métis across Canada are diverse in terms of their historic roots and cultural connections. In the course of this study, the committee heard from Métis individuals and communities in many different parts of the country, with many different reasons for why they identify as Métis. The approach of this committee was not to question claims as to individual or community identities, but rather to listen and to gather perspectives into an overall picture of self-identifying Métis across Canada.

Thirdly, questions of identity are closely related to, though different from, questions of identification for legal or policy purposes. Identity, as noted above, is a matter for peoples themselves to determine. This study is concerned with the legal and political recognition of the Métis, which necessitates a practical discussion of issues relating to group definitions, membership criteria, and other means of identification. The main problem that this study will seek to address is how to combine these two needs – to self-identify and to identify for legal and policy purposes – practically and appropriately.

The title of this report provides some guidance as to how to approach this problem. The phrase “the people who own themselves” is translated from the Cree word *otipemisiwak*, which some say was used historically to describe the Métis.<sup>6</sup> As will be revisited later in this report, this concept, which stresses the freedom of the Métis people, has been noted and used by some

---

<sup>5</sup> “Métis identity” in this report refers more generally to the concept of “ethnic identity.” Ethnic identity includes an individual’s sense of belonging to a group or community and the behaviours and practices associated with one’s belonging to that community. See James Frideres, “Aboriginal Identity in the Canadian Context,” *The Canadian Journal of Native Studies*, XXVIII, 2(2008):313-342, and Sebastien Grammond and Lynne Groulx, “‘Finding’ Metis Communities,” *The Canadian Journal of Native Studies*, 1 (2012), pp. 33-48.

<sup>6</sup> The word has also been translated as “the free people” or “those who command themselves.” See Diane Payment, *The Free People – Otipemisiwak: Batoche, Saskatchewan, 1870 – 1930* (Ottawa: National Historic Parks and Sites, 1990), and Peter Bakker, *A Language of Our Own: The Genesis of Michif, the Mixed Cree-French Language of the Canadian Metis* (Cary, North Carolina: Oxford University Press, 1997), pp. 64-65.

Métis in reference to themselves. Métis people were recognized by others and have seen themselves appropriately reflected in the phrase “the people who own themselves.”

This report is organized into three parts. The first part provides brief background information relevant to a legal and policy discussion of Métis identity. The next section summarizes the evidence heard within four general themes: Identity and Definition; Registration and Statistical Information; History and Genealogy; and Relations between Canada and the Métis. The final section highlights the committee’s key observations and recommendations to the federal government in relation to these issues.

## BACKGROUND: ASPECTS OF MÉTIS IDENTITY

---

The question of Métis identity is very complex and, as noted previously, not within the mandate of this committee to answer. Still, a general understanding of the issues affecting modern Métis identity is an essential precursor to understanding how the Métis may be appropriately recognized as one of Canada's Aboriginal peoples.

This question includes complex historical, political, cultural and legal dimensions. For many Métis individuals and communities, their sense of identity is influenced by a combination of these key factors. The following section therefore surveys the issues surrounding these key factors, in order to provide relevant background information and to contextualize the discussion presented in the next section of this report.

### A. Historical Aspects

Since the 17<sup>th</sup> century, several populations of mixed Aboriginal and European ancestry have formed along the routes of the Northwest fur trade. It is not definitively known, however, exactly where and when these populations began to perceive themselves as a people separate from their Aboriginal and European forebears.

The written record of the fur trade from the early 19<sup>th</sup> century, includes references to distinctive mixed-ancestry peoples by terms, often with pejorative connotations, such as *métis*, *halfbreed*, *country-born* and *bois brûlés* ("burnt wood"). Some mixed-ancestry people were historically referred to as *otipemisiwak*, which in Cree meant "the free people" or "the people who own themselves."

Much of the written history of the Métis focuses on the people who emerged at the Red River Settlement, in and around the present-day city of Winnipeg, in the early 19<sup>th</sup> century. At this time and place, mixed-ancestry populations began to identify collectively as "métis" and as a "nation" with rights in relation to lands and self-government. Between 1815 and 1885, the Métis rose up in arms several times to resist the fur trade policies of the Hudson's Bay Company and

later the land settlement policies of the Canadian government, which the Métis perceived to threaten their existence as a people.

Following the Red River Rebellion of 1869-70, the Métis, led by Louis Riel, took part in the negotiation of the *Manitoba Act, 1870*<sup>7</sup> that brought the province into Confederation. The act contained provisions for a land base and political autonomy for the Métis at Red River, including a 1.4 million acre land grant to the children of the Métis, to be distributed through “scrip” (certificates or vouchers redeemable for land or for money that could be used to purchase land).<sup>8</sup> However, the *Manitoba Act* largely failed to resolve the tensions underlying the Red River Rebellion, and in fact contributed to the creation of new disputes between Canada and the Métis.<sup>9</sup>

In the 1870s, many Red River Métis moved to areas within present-day Saskatchewan and Alberta, where they joined or established new Métis communities. In these areas, the federal government attempted to settle Métis land claims through the *Dominion Lands Act, 1879*, which provided for land “... to satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories, outside the limits of Manitoba...”<sup>10</sup> In 1885, the Macdonald government established the first scrip commission, known as the “North-West Half-Breed Scrip Commission,” to review and settle Métis land claims in the historic North-West Territories.

---

<sup>7</sup> *Manitoba Act, 1870*, R.S.C. 1985, App. II, No. 8. The Act was enacted by the Parliament of Canada in 1870, and given constitutional status by the British Parliament in the *Constitution Act, 1871*.

<sup>8</sup> For more information on the Métis scrip system, see Library and Archives Canada, [Métis Scrip Records](#).

<sup>9</sup> The Supreme Court of Canada recently released a decision regarding the federal government’s obligations surrounding the land grants to Métis promised in the *Manitoba Act*. The majority concluded that section 31 of the *Manitoba Act* “constitutes a constitutional obligation to the Métis people of Manitoba, an Aboriginal people, to provide the Métis children with allotments of land.” Section 31 created a “solemn constitutional obligation” toward the Métis that engaged the honour of the Crown and thus “required the government to act with diligence in pursuit of the fulfillment of the promise.” Finally, the Court held that “the Métis are entitled to a declaration that Canada failed to implement s. 31 as required by the honour of the Crown.” [Manitoba Métis Federation Inc. v. Canada \(Attorney General\)](#), 2013 SCC 14, para. 9.

<sup>10</sup> See *Dominion Lands Act*, 42 Vic., c. 31, 1879, amending 35 Vic., c. 23, 1872; and Library and Archives Canada, [Métis Scrip Records: North-West Half-Breed Commissions](#).

However, such efforts again did not resolve tensions, and armed conflict between the Canadian government and the Métis, led by Gabriel Dumont and Louis Riel, broke out at Duck Lake in March 1885. Following subsequent battles, the Northwest Rebellion ended with the trial and execution of Louis Riel on 16 November 1885.

Today, Louis Riel and the other leaders of the Red River and Northwest Rebellions are widely regarded as important defenders of Métis rights and ways of life. The events surrounding the struggles of the Red River Métis are important chapters in Canadian history, and are remembered for the significant role they had in the development of a Métis people and the expansion of Canada's Confederation.<sup>11</sup>

The histories of other mixed-ancestry populations in other parts of Canada are perhaps not as well remembered or popularly recounted as that of the Red River Métis. Many of these populations pre-date the Red River Métis, such as those who emerged from the early 18<sup>th</sup> century in the Great Lakes region of Ontario.<sup>12</sup> Other mixed-ancestry populations were instrumental to the expansion of the fur trade west of the Rocky Mountains.<sup>13</sup> The history of mixed-ancestry people in the North has been traced to the end of the 18<sup>th</sup> century, with the establishment of fur trade posts around Great Slave Lake.<sup>14</sup>

In the 20<sup>th</sup> century, and in particular following the constitutional recognition of the Métis in 1982, several communities with shared identities based on their mixed ancestry began to

---

<sup>11</sup> For more on the history of the Red River Métis and its leaders including Louis Riel and Gabriel Dumont, see generally Donald Purich, *The Métis* (Toronto: Lorimer and Company, 1988), Patrick Douaud, ed., *The Western Métis: Profile of a People* (Regina: University of Regina, 2007), and Louis Riel, *The Collected Writings of Louis Riel*, Vol. 1-4 (Edmonton: University of Alberta Press, 1985).

<sup>12</sup> See Jacqueline Peterson, "Many Roads to Red River: Métis Genesis in the Great Lakes Region, 1680-1815" in Jacqueline Peterson and Jennifer S.H. Brown, eds., *The New Peoples: Being and Becoming Métis in North America* (Winnipeg: University of Manitoba Press, 1985, pp. 37-72, and Patsy Lou Wilson MacArthur, "'Where the White Dove Flew Up': The Saguingue Métis Community and the Fur Trade at Southampton on Lake Huron" in Ute Lischke and David T. McNab, eds., *The Long Journey of a Forgotten People: Métis Identities and Family Histories*, pp. 329-348.

<sup>13</sup> See Jean Barman, "At the Edge of Law's Empire: Aboriginal Interraciality, Citizenship, and the Law in British Columbia" 24 Windsor Yearbook of Access to Justice 3 (2006), and George Goulet and Terry Goulet, *The Métis in British Columbia: From Fur Trade Outposts to Colony* (Calgary: published by the author, 2008).

<sup>14</sup> Stephanie Irlbacher-Fox and the Fort Providence Métis Council, *Since 1921: The Relationship between Dehcho Métis and Canada* (Fort Providence Métis Council, 2007).

describe themselves as Métis. As will be explored later in this report, these include communities located across Atlantic Canada and Quebec. However, disagreement among self-identifying Métis continues over whether it is appropriate to apply the term to any mixed-ancestry populations outside Western Canada that are not ancestrally connected to the people of the Northwest fur trade.

This disagreement is rooted in complex historical, cultural and political factors and will be surveyed, but not be resolved, in the course of this study. At this juncture, the committee observes that an important point of disagreement relates to whether the Métis emerged as a people solely from this historic fur trade, or whether Métis identities may continue to form in the contemporary era.<sup>15</sup>

## B. Legal Aspects

### **PART II: RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA**

Recognition of existing aboriginal and treaty rights

**35.** (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Definition of “*aboriginal peoples of Canada*”

(2) In this Act, “*aboriginal peoples of Canada*” includes the Indian, Inuit and Métis peoples of Canada.

The Métis are named, along with Indian and Inuit peoples, as one of the “aboriginal peoples of Canada” in section 35(2) of the *Constitution Act, 1982*.<sup>16</sup> In a recent Federal Court decision,<sup>17</sup> the Métis were declared to be “Indians” within the meaning of section 91(24) of the

---

<sup>15</sup> The process by which new ethnic groups form is generally referred to as “ethnogenesis.” For more on ethnogenesis in the Métis context, see generally Jacqueline Peterson and Jennifer S.H. Brown, eds., *The New Peoples: Being and Becoming Métis in North America* (Winnipeg: University of Manitoba Press, 1985).

<sup>16</sup> Part II of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

<sup>17</sup> *Daniels v. Canada*, 2013 FC 6.

*Constitution Act, 1867*, and are therefore under federal jurisdiction<sup>18</sup> The Métis are thus recognized under the Constitution of Canada, though the full effect of this recognition is largely determined through related legal and policy developments.

In *R. v. Powley*, the Supreme Court of Canada recognized that the Métis have “full status as distinctive rights-bearing peoples” and set out an analytical framework for the recognition of Métis Aboriginal rights under section 35 of the *Constitution Act, 1982*. As part of this framework, the Supreme Court articulated three broad indicia of Métis identity for the purpose of claiming Métis rights under section 35: self-identification as Métis; ancestral connection to a historic Métis community; and acceptance by the contemporary manifestation of that historic community.<sup>19</sup> The Court further observed that:

[t]he term Métis in s. 35 does not encompass all individuals with mixed Indian and European heritage; rather, it refers to distinctive peoples who, in addition to their mixed ancestry, developed their own customs, ways of life, and recognizable group identity separate from their Indian or Inuit and European forebears.<sup>20</sup>

The Court stated that the above three criteria were not intended as a definition of Métis for section 35 purposes, but rather indicated the “important components of a future definition.” The meaning of “Métis” in section 35 therefore remains to be determined.

No federal legislation defines the term “Métis.” Given various developments in Aboriginal law and policy, including an emerging right of self-determination in international law,<sup>21</sup> some have argued that defining “Métis” is not a matter for the courts or legislators to

---

<sup>18</sup> This decision was appealed to the Federal Court of Appeal on 6 February 2013.

<sup>19</sup> *R. v. Powley*, 2003 SCC 43, paras. 30-34.

<sup>20</sup> *Ibid.*, para. 10.

<sup>21</sup> See for example [\*United Nations Declaration on the Rights of Indigenous Peoples\*](#), A/61/L.67/Annex (12 September 2007).

unilaterally determine.<sup>22</sup> Indeed, under federal legislation only registered (status) “Indians” are defined under the *Indian Act*, a statute initially enacted in 1876.<sup>23</sup>

While the *Indian Act* does not set out a definition of Métis, many Métis were affected by the 1985 amendments to the status provisions of the act (commonly referred to as Bill C-31). These amendments were intended to restore status and related rights to women who had lost their status under gender-based discriminatory provisions in the *Indian Act*.<sup>24</sup> In some cases, individuals who had lost Indians status because of these provisions began to identify themselves as Métis, and applied to be reinstated after Bill C-31 came into effect. In other cases, many people who had long identified as Métis became eligible to register as Indians under the *Indian Act*.

Métis is defined under one piece of provincial legislation. The Alberta *Métis Settlements Act*, which sets out in part the legal framework governing the eight Métis settlements in Alberta, generally defines “Métis” as “a person of aboriginal ancestry who identifies with Metis history and culture.” The *Métis Settlements Act* also sets out the membership criteria for the Settlements; these criteria generally prohibit an individual registered under the *Indian Act* or an Inuit land claims agreement from gaining membership in the Métis settlements.<sup>25</sup>

The membership provisions of the Alberta *Métis Settlements Act* were recently upheld by the Supreme Court of Canada. In *Alberta v. Cunningham*, it was argued that the provision excluding Métis who are also status Indians violated the guarantee of equality under section 15 of the *Charter of Rights and Freedoms*. However, the Supreme Court upheld the provision under an exception in the *Charter* that allows “ameliorative programs” to confer benefits on one

---

<sup>22</sup> See for example Paul L.A.H. Chartrand, “Defining the ‘Métis’ in Canada: A Principled Approach to Crown-Aboriginal Relations” in Frederica Wilson and Melanie Mallet, eds., *Métis-Crown Relations: Rights, Identity, Jurisdiction, and Governance* (Toronto: Irwin Law, 2008), pp. 27-70, and Larry Chartrand, *Métis Identity and Citizenship*, Vol. 12, No. 5, Windsor Review of Legal and Social Issues (2001), pp. 5-54.

<sup>23</sup> *Indian Act*, R.S.C., 1985, c. I-5, sections 2 and 6.

<sup>24</sup> For a primer on the status-related amendments to the *Indian Act* up to 2003, see Megan Furi and Jill Wherrett, *Indian Status and Band Membership Issues*, BP-410E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, February 1996 (Revised February 2003).

<sup>25</sup> *Métis Settlements Act*, R.S.A. 2000, c. M-14.



targeted group that are not conferred on others in some circumstances. According to the Court, the benefit conferred by the Alberta Métis Settlements was “the enhancement and preservation of the identity, culture and self-governance of the Métis through the establishment of a Métis land base.”<sup>26</sup>

### C. Political Aspects

Two main organizations – the Congress of Aboriginal Peoples (CAP) and the Métis National Council (MNC) – state that they represent the Métis in their relations with the federal government. Each organization has a different approach to defining its Métis constituency and membership.

The CAP, founded in 1971 as the Native Council of Canada (NCC), states that it represents all “off-reserve Indian, Inuit, and Metis people” in Canada. It defines its constituency largely in terms of their location off-reserve and/or exclusion from recognition under the *Indian Act*, band membership provisions, comprehensive land claims agreements, or various Aboriginal organizations. It does not advance a definition of Métis, but states that the term includes “distinctive mixed-blood population[s]” across Canada.<sup>27</sup>

This broad view of Métis follows the approach of the late Harry Daniels, a past president of the NCC and key figure in the constitutional talks leading up to the inclusion of the Métis in section 35 of the *Constitution Act, 1982*. Mr. Daniels argued for an inclusive concept of Métis that recognized individuals and communities across Canada that self-identified as Métis.<sup>28</sup>

The MNC was created in 1983 by the leaders of the three prairie-based organizations of the NCC just prior to the initial First Ministers' Conference on Aboriginal Constitutional Matters. The MNC states that it broke off from the NCC at that time because “[i]ts pan-Aboriginal approach to issues did not allow the Métis Nation to effectively represent itself.”<sup>29</sup>

---

<sup>26</sup> *Alberta (Aboriginal Affairs and Northern Development) v. Cunningham*, 2011 SCC 37.

<sup>27</sup> Congress of Aboriginal Peoples, [CAP Constituency](#).

<sup>28</sup> See for example the Report of the Royal Commission on Aboriginal Peoples, 1996. Volume 4 Perspectives and Realities. Chapter 5 – Métis Perspectives. Appendix 5F: Correspondence Concerning the Métis of Labrador.

<sup>29</sup> Métis National Council, [What is the MNC?](#)

As suggested in the previous statement, the MNC's view is that it represents a nation with a common history and ancestry. In particular, the MNC states that the Métis Nation is made up of descendants from distinctive mixed-ancestry fur trade communities that emerged in "west central North America" during the 18<sup>th</sup> and 19<sup>th</sup> centuries.<sup>30</sup>

The MNC adopted the following definition of "Métis" in 2002:

"Métis" means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry<sup>31</sup> and who is accepted by the Métis Nation.<sup>32</sup>

In order to be accepted as members (or "citizens") of the Métis Nation, self-identifying Métis residing in the five provinces where the MNC is active – Ontario, Manitoba, Saskatchewan, Alberta and British Columbia – must meet the above definition and provide any documentation required by the relevant provincial organization to prove their ancestry.<sup>33</sup>

Aboriginal Affairs and Northern Development Canada (AANDC) maintains relations with the Métis through its Métis and Non-Status Indian Relations Directorate (previously the Office of the Federal Interlocutor for Métis and Non-Status Indians). The office was first established in 1985 during the Aboriginal Constitutional Conferences as a centralized bureaucracy to deal with Métis and non-status Indian issues.<sup>34</sup> AANDC has pursued bilateral discussions with the CAP and the MNC on various issues. For the CAP, these discussions are framed by an accord signed in 2005; for the MNC, discussions are framed by the *Métis Nation*

---

<sup>30</sup> Métis National Council, *The Métis Nation*.

<sup>31</sup> The "Historic Métis Nation" is understood as having emerged during the fur trade and as being geographically bounded within an area encompassing the three Prairie Provinces (Manitoba, Saskatchewan and Alberta) and parts of Ontario, British Columbia and the northern United States.

<sup>32</sup> See Métis National Council, *Citizenship*.

<sup>33</sup> The five provincial organizations of the MNC are: Métis Nation of Ontario, Manitoba Metis Federation, Métis Nation of Saskatchewan, Métis Nation Alberta, and Métis Nation British Columbia.

<sup>34</sup> Aboriginal Affairs and Northern Development Canada, *Bilateral Relationships*.

*Protocol*, signed in 2008. The documents highlight a range of matters for discussion, including governance, education and economic development.<sup>35</sup>

Federal policy does not define who a Métis person is and the federal government does not maintain a Métis registry. Neither the accord with CAP nor the *Métis Nation Protocol* expressly deals with identification or membership issues. However, AANDC reports that it is working with the MNC and its five provincial organizations to develop registries of their members. According to AANDC, the development of these registries is required to comply with the Supreme Court's direction in *Powley* to identify those Métis who may claim section 35 harvesting rights.<sup>36</sup>

North of 60, relations between the federal government and the Métis primarily involve land and self-government claims. Métis are included as beneficiaries under three comprehensive land claims agreements in the Northwest Territories,<sup>37</sup> while other Métis groups are involved in ongoing claims negotiations.<sup>38</sup> Beneficiaries under these agreements are generally defined by their familial connections to Aboriginal persons who resided within the claim area prior to 1921, the year Treaty 11 was signed with the Dene.<sup>39</sup>

---

<sup>35</sup> See [\*Accord on Cooperative Policy Development between the Congress of Aboriginal Peoples and the Government of Canada\*](#) (2005) and [\*Métis Nation Protocol\*](#) (2008).

<sup>36</sup> With regard to membership in Métis communities, the Supreme Court stated: "it is imperative that membership requirements become more standardized so that legitimate rights-holders can be identified." The Court further noted the need for such processes of identification to be "objectively verifiable." See *R. v. Powley*, para. 29, and Aboriginal Affairs and Northern Development Canada, [\*2010–2011 Departmental Performance Report\*](#), p. 82.

<sup>37</sup> These are: the *Gwich'in Comprehensive Land Claim Agreement* (effective 1992); the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* (1994); and the *Tlicho Land Claims and Self Government Agreement* (2005).

<sup>38</sup> For example, the Northwest Territory Métis Nation (formerly the South Slave Métis Tribal Council) is negotiating a land and self-government claim on behalf of the Métis of Hay River, Fort Resolution and Fort Smith, NWT. See Northwest Territory Métis Nation, [Home](#).

<sup>39</sup> For example, the *Gwich'in Comprehensive Land Claim Agreement* defines "Gwich'in" as a someone of Gwichi'in (Loucheux) ancestry who resided in the Gwich'in territory prior to 1921, or was adopted by such a person (and the adoptee's descendants) (Section 4.1.1).

## D. Cultural Aspects

Culture is an important factor affecting the legal and political recognition of the Métis in Canada. For example, the 1996 Report of the Royal Commission on Aboriginal Peoples stated:

Many Canadians have mixed Aboriginal/non-Aboriginal ancestry, but that does not make them Métis or even Aboriginal ... What distinguishes Métis people from everyone else is that they associate themselves with a culture that is distinctly Métis.<sup>40</sup>

Similarly, in *Powley*, the Supreme Court stated that the purpose of section 35 vis-à-vis the Métis “is to protect practices that were historically important features of these distinctive communities and that persist in the present day as integral elements of their Métis culture.”<sup>41</sup>

In the fur trade era, the culture of the Métis was informed by their Aboriginal and European ancestors, often blending the two traditions into a culture that was uniquely Métis. For example, many mixed-ancestry fur trade communities across Canada developed their own languages, including Michif (a regionally varied blend of French and various Aboriginal languages including Cree and Dene) and Bungi (a blend of Cree, Ojibwe and English). Other cultural characteristics associated with this fur trade era culture include the arrow sash (ceinture fléchée), along with traditional forms of fiddle music, jigs and square dances. Other important aspects of traditional Métis culture, and those to which the Supreme Court primarily refers in *Powley*, are harvesting practices including hunting, trapping, and gathering.

These general descriptions should not, however, obscure the diversity of Métis traditional culture. With origins among many Aboriginal peoples and successive waves of French and British traders, cultural variations among the Métis developed by region or community, or over time. Not all Métis hunted, for example, or wore the sash, or spoke an Aboriginal language. Not all participated in the fur trade. Some were merchants or businessmen, politicians, fishers or farmers. Many continually blended and adapted aspects of their Aboriginal and European

---

<sup>40</sup> Report of the Royal Commission on Aboriginal Peoples, 1996. Volume 4 Perspectives and Realities. Chapter 5 – Métis Perspectives.

<sup>41</sup> *R. v. Powley*, 2003 SCC 43, para. 13.

cultures into the local Métis culture. Over time, these diverse cultural characteristics, drawn from a number of traditions, were incorporated into diverse Métis individual and collective identities.

Many aspects of Métis culture have been preserved and are practiced today. Many Métis, for example, continue to harvest resources in traditional ways. Cultural and educational institutions, such as the Gabriel Dumont Institute in Saskatchewan, preserve valuable material culture and offer educational resources on Métis culture and language. Cultural events and festivals, including the Métis Nation of Saskatchewan's annual Back to Batoche Days, play an important role in preserving the Métis traditional culture and strengthening the contemporary community.

Many Métis have also lost their cultural connections through the generations. The reasons for this are complex and include the effects of racism and discrimination, residential schools, social dislocation, and political marginalization. Although these issues persist, the stigma associated with being Métis has receded in the present generation, and particularly following the recognition of the Métis under section 35 of the *Constitution Act, 1982*. Many descendants of those who denied their Aboriginal ancestry have since re-discovered their ancestral connections, and are now defining for themselves the nature of their connection to their Métis culture.

## WHAT THE COMMITTEE HEARD: PERSPECTIVES ON MÉTIS IDENTITY

---

This study is broadly about Canada's recognition of the Métis. Though the Métis were formally recognized as an Aboriginal people under section 35 of the *Constitution Act, 1982*, there has since been no comprehensive effort to discuss the meaning of this recognition in practical terms. This study is therefore intended to contribute in a preliminary way to a necessary public dialogue with Canada's Métis people on these issues.

In the course of this study, the committee heard evidence directly tied to the legal and political recognition of the Métis as well as more broadly related to the history and experiences of the Métis in Canada. The committee welcomed all evidence relating to collective and personal histories that was offered, particularly as this study presented the first opportunity for many to engage in dialogue on Métis identity at the federal level. Though not all contained in this report, much of this evidence forms part of the official record of this study. In addition, several Métis groups and communities visited by the committee during its fact-finding mission across Western Canada and the Northwest Territories are profiled in the appendix to this report. All evidence heard by the committee provided important insight into the ways in which individuals and communities identify themselves as Métis.

By discussing and clarifying some of the complex issues surrounding contemporary Métis identity, the committee hopes that this study will contribute to the development of concrete federal actions to engage and recognize the Métis as one of Canada's Aboriginal peoples. To this end, this report will highlight the evidence heard in the course of this study within four general themes: Identity and Definition; Registration and Statistical Information; History and Genealogy; and Relations between Canada and the Métis. Recommendations to the federal government in relation to the issues surveyed within these themes are presented in the next section of this report.

## A. Identity and Definition

Métis identity is a complex, multifaceted concept. As noted in the previous section of this report, it is a question that includes important historical, legal, political and cultural dimensions.

Identifying the Métis for various purposes is a separate, but related, issue. Definitions allow for the identification of a particular group for a particular purpose (e.g. claiming harvesting rights) and can be applied through membership criteria and other means of identification.

Therefore, “identity” involves expressions of who individuals and groups understand themselves to be, while “definitions” indicate who these groups are formally recognized to be, either by the group itself or by others.

While issues surrounding Métis identity and definition cannot be fully explored in this report, some important points have been drawn out from the testimony heard in the course of this study. Views surrounding Métis identity and definition differed broadly among the regions of Western and Central Canada, Eastern Canada, and the North. The following surveys these regional differences, while also taking note of some important sub-regional variations in these views. Evidence regarding the effects of two sets of legal classifications affecting the Métis in all regions – Indian status and the *Powley* criteria –is also surveyed below.

### (i) Western and Central Canada

Across Western Canada, the committee heard that many Métis define themselves as descendants of mixed-ancestry fur trade communities that emerged across the Northwest region of North America in the 18<sup>th</sup> and 19<sup>th</sup> centuries. Witnesses emphasized the importance of factors such as culture, language and kinship connections to their sense of group identity. Together, these factors created an overall picture of an ethnically distinctive Aboriginal people. For example, lawyer Jean Teillet told the committee that “[t]he Métis have a culture, a language and a

*“You do not  
see me with  
the  
headdress ...  
or drums.  
You see me  
with a fiddle  
and a guitar.  
That is who  
we are.”  
– Lyle  
Letendre*

*... we came  
with a variety  
of names. The  
Cree Indian  
used to call us  
“the people  
that owned  
themselves...”  
– David  
Chartrand*

history. We have stories and geography. We have genealogical connections that tie us by kinship, history and all of those things together.”<sup>42</sup> Lyle Letendre of the Kelly Lake Métis Settlement Society, making the point even more succinctly, stated: “You do not see me with the headdress ... or drums. You see me with a fiddle and a guitar. That is who we are.”<sup>43</sup>

The Métis have been described by others in various ways. David Chartrand, President of the Manitoba Metis Federation, noted that the Métis were recognized by First Nations as a distinct group:

“... we came with a variety of names. The Cree Indian used to call us “the people that owned themselves...”<sup>44</sup>

Melanie Omeniho, President of Les Femmes Michif Otipemisiwak – Women of the Métis Nation, noted that, in terms of their recognition in Canadian history and under the Constitution, “[w]e have often been called ‘the forgotten people’.”<sup>45</sup>

The Métis National Council (MNC) is the main political representative of the Métis in Western Canada. It views the Métis as a distinct, rights-bearing Aboriginal people with cultural and ancestral connections to historic fur trade communities that developed “between the Upper Great Lakes and the Rockies.”<sup>46</sup> As noted previously, the MNC and its provincial organizations adopted the following National Definition of Métis in 2002:

“Métis” means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation.<sup>47</sup>

According to the MNC, the “historic Métis Nation was based within a “homeland” that includes the three Prairie Provinces (Manitoba, Saskatchewan and Alberta) and parts of Ontario, British Columbia and the northern United States.”<sup>48</sup>

---

<sup>42</sup> *Evidence*, 2 May 2012.

<sup>43</sup> *Evidence*, 1 October 2012.

<sup>44</sup> *Evidence*, 24 September 2012.

<sup>45</sup> *Evidence*, 15 May 2012.

<sup>46</sup> *Evidence*, 15 May 2012.

<sup>47</sup> See Métis National Council, [Citizenship](#).



Several witnesses told the committee that this geographic limitation is too narrow to capture all mixed-ancestry peoples with valid claims to Métis identity. For example, the committee heard from an organization, the Quebec Métis Nation, which traces its history to treaty relations between First Nations and French fur traders in the early 18<sup>th</sup> century. Claude Riel Lachapelle, a spokesperson for the organization, stated that they represent Métis with ancestral connections to the Métis in Western Canada:

*Being told  
that you are  
not Metis is  
a bit of an  
insult, I can  
assure you.  
– Guy M.  
Savoie*

The Metis in western Canada are all from Lanaudière, Quebec, from places like Terrebonne and Saint-Gabriel-de-Brandon. It is all closely tied to the fur industry with the North West Company. That is an undeniable fact, and we cannot change it. We have always maintained our family clans.<sup>49</sup>

In a similar vein, Guy M. Savoie, Elder, L'Union nationale métisse Saint-Joseph du Manitoba Inc. told the committee:

My great-grandmother was a Vertefeuille. She came from northern Quebec. Vertefeuille is a name you do not find in Europe. And even today, the [Manitoba Metis Federation, a provincial organization of the MNC] says that she was not Metis because she came from Quebec. [...] This is a little difficult to swallow, you know. Especially when, as a family, we have traditions that are handed down from father to son, from mother to daughter, for three, four, five, six generations. Being told that you are not Metis is a bit of an insult, I can assure you.

The committee also heard that many in the West who were long-standing and active members of Métis communities were excluded from membership in MNC provincial organizations because they did not meet the MNC National Definition. Carrie Bourassa, Associate Professor of Inter-Disciplinary Programs at the First Nations University of Canada, described this issue in the following terms:

Individuals who have local memberships have been turned away when trying to register with their provincial organizations, often over what

---

<sup>48</sup> Ibid.

<sup>49</sup> *Evidence*, 21 November 2012.

are perceived as criteria that are not relevant in their home communities.<sup>50</sup>

Dwight Dorey, National Vice-Chief of the Congress of Aboriginal Peoples, also criticized the MNC National Definition as excluding many people who have legitimate claims to Métis identity. As noted in the previous section of this report, the CAP takes a broad view of Métis as including self-identifying Métis from across Canada. He stated:

We do not agree with the MNC's definition of Métis. It has been clearly stated by the Métis National Council leadership that it is a distinction-based definition that is relative to their definition of Métis nationhood, or the Métis Nation, which is exclusive. It is geographically defined and, from our perspective and from the people that we represent who are of mixed blood, does exclude thousands — not hundreds but thousands — of Métis people outside of that Métis Nation as they define it.<sup>51</sup>

Despite these concerns about under-inclusiveness, witnesses generally acknowledged that the MNC should be able to define its own membership in ways that reflect its views of its own constituency. The MNC told the committee that it represents the Métis Nation, a group with ancestral ties to the Red River Métis who have rights to land and self-government that are rooted in their particular history within a particular region of Western and Central North America. The MNC also told the committee that its National Definition was the product of consultations and negotiations with its membership and provincial organizations.

The committee also heard from several other communities and organizations that represent Métis across Western and Central Canada. For example, two politically independent Métis communities in Ontario – the Red Sky Métis Independent Nation and the Historic Saugeen Métis – similarly define their members in terms that emphasize ancestral connections to a particular historic mixed-ancestry community. For example, Red Sky Métis Independent Nation's members are descendants of the 84 “half-breed” signatories to the 1850 Robinson Superior Treaty.

---

<sup>50</sup> *Evidence*, 20 June 2012.

<sup>51</sup> *Evidence*, 30 May 2012.

Representatives of several historic Métis communities across Western Canada – including Cross Lake, Manitoba; Ile-a-la-Crosse, Saskatchewan; and Kelly Lake, British Columbia – stated that these communities are and always have been Métis communities. They told the committee that they strongly identify as Métis and know who their members are. Many members of these communities were also registered with a provincial organization of the MNC or other Métis organization. For reasons that will be explored in a later section of this report, many other committee members were registered as Indians under the *Indian Act*.

In Alberta, the eight Métis Settlements comprise the only dedicated land base for the Métis in Canada. The definition of Métis applied by the Settlements, as set out in provincial legislation, is “a person of aboriginal ancestry who identifies with Metis history and culture.” Membership criteria for the Settlements, also defined by provincial legislation, require that members register only as Métis, and bar registered Indians or Inuit from membership in the Métis settlements, with one narrow exception.<sup>52</sup> Without an express geographic limit, however, the committee heard that this definition can include Métis with Aboriginal ancestry both within and outside Western Canada.

In British Columbia, the committee heard that distinctive Métis identities developed beginning in the early 19<sup>th</sup> century. Historian George Goulet noted that many Métis communities were built up around the fur trade in the Pacific Northwest:

[The Métis] came with the three great explorers and they all belonged to the North West Company. They all built forts. Prior to their merging with the Hudson Bay Company in 1821 under the continuing name of the Hudson Bay Company there was something like 71 forts in the Pacific Northwest, and those communities built up around them. They became the cities, the towns and the communities that are part of British Columbia today.<sup>53</sup>

Jean Barman, Professor Emeritus of History at the University of British Columbia, also noted the effect of 19<sup>th</sup> century prairie migration and the gold rush on the development of the Métis population in British Columbia:

---

<sup>52</sup> See *Métis Settlements Act*, R.S.A. 2000, c. M-14, section 75.

<sup>53</sup> *Evidence*, 1 October 2012.

The 1858 gold rush, which attracted thousands of mostly unattached men from across North America, including Chinese and Mexicans earlier working in California, expanded and redirected Metis formation by virtue of those opting to stay very often partnering with either an indigenous woman or a Metis daughter of the fur economy... The numerically larger source of Metis in British Columbia is not, however, the fur economy or the gold rush, but rather Prairie migration, initially to the northeast on the far side of the Rockies, as in Kelly Lake ...<sup>54</sup>

The committee heard that the fur trade-era Métis of the Pacific Northwest were culturally similar to Métis elsewhere, but with some distinctive features. For example, while the staple food of most Métis fur traders was pemmican, those in the Pacific Northwest ate dried salmon. Many fur traders West of the Rockies spoke Chinook Jargon, a patois combining mainly the Chinook and French languages.

Despite their rich history, the committee heard that official records of Métis in the Pacific Northwest are few compared to other parts of Canada. For example, records from the Treaty Eight Half-breed Scrip Commission, which covered a large swath of the Canadian Northwest, are not available in British Columbia.<sup>55</sup>

Two province-wide political organizations state that they represent Métis in British Columbia: the Métis Nation of British Columbia (MNBC, the provincial organization of the MNC) and the British Columbia Métis Federation. As noted previously, the MNC defines its members as ancestrally connected to the Métis Nation Homeland, which extends west to the Rocky Mountains. The committee heard that the B.C. Métis Federation, by contrast, defines its membership in terms that can include Métis from across British Columbia and outside Western Canada in some circumstances. Keith Henry, President of the British Columbia Métis Federation, estimated that substantial numbers of self-identifying Métis may not, for historical and other reasons, meet the MNC National Definition:

---

<sup>54</sup> [Evidence](#), 20 March 2013.

<sup>55</sup> [Evidence](#), 23 October 2012 (Frank Tough, Professor, Native Studies Faculty, University of Alberta). See also Jean Barman and Mike Evans, [Reflections on Being, and Becoming, Métis in British Columbia](#). BC Studies, No. 161, Spring 2009, p. 67.

Of the 60,000 [self-identified Métis in British Columbia in the 2006 census], I would think it is at least 50 per cent if not more [who are excluded by the MNC National Definition]. There are the Hudson Bay Company forts and the Northwest Company in B.C. With respect to how those communities integrated, a substantive number of people are sort of sitting in limbo, do not have representation, do not take part in their own governance which is another inherent right, so it is a substantive issue in British Columbia.<sup>56</sup>

The committee also heard from several organizations that provide social services to Métis in urban centres across British Columbia. These organizations noted that many of their clients have experienced inter-generational alienation from their Aboriginal identity. The reasons for this loss of identity are complex, and the effects of this loss are even more so. As Victoria Pruden, Vice President, Métis Nation of Greater Victoria, stated: “I think in our communities ... we can see the connection between unresolved trauma, fractured identity, fractured parenting and the socio-economic effects.”<sup>57</sup> The committee heard that many urban populations do not belong to a Métis organization or identify with a particular historic Métis community, but do identify as Métis. In addition, the committee heard from Métis social service organizations based in the Okanagan region that provide help to individuals interested in researching their ancestry. The committee heard that this re-discovery of Métis identity has had a positive social and personal effect on many urban Métis people.

## **(ii) Eastern Canada**

The committee heard from several individuals and groups in Eastern Canada who self-identify as Métis. These witnesses generally defined themselves as people of mixed ancestry with close connections to their First Nations heritage. For these Métis, identity was found in the mixture of ancestries and cultures that they represented, including French, Acadian, Mi’kmaq and Maliseet.

The history of mixed-ancestry populations in Eastern Canada is complex and varied. This history is not well recorded in official records or other written sources, though witnesses shared

---

<sup>56</sup> *Evidence*, 1 October 2012.

<sup>57</sup> *Evidence*, 1 October 2012.

with the committee their oral histories about the historic development of their communities. For example, Tanya Dubé, Board Member of the Canadian Métis Council, stated:

Our oral history shows that ... [in] 1755, when the British took the French and expelled them from Eastern Canada, [they] not only took the French but also Aboriginal women and children, since they were intermarried, as well as those who were affiliated with the French. Those who fled and hid continued their way of life.<sup>58</sup>

The committee heard that many Métis in the East retain strong cultural connections to their Aboriginal ancestors. For example, Ronald Surette, Director of Economic Development, Kespu'kwitk Metis Council of Yarmouth and District, identified his people as originating from unions of Mi'kmaq women and early French explorers in the 16<sup>th</sup> century. He stated:

Since then that culture has continued. I live like my forefathers. We go in the woods, gather our wood, do our own fishing and plant our own gardens. We go to shore to gather seaweed. Everything is organic. That is how our forefathers lived and we still live today. That is how many of our people in different communities all live.<sup>59</sup>

The committee heard that, for some, Métis identity is based in a broader sense of affinity to one's ancestors. Jerome Downey, Federal Government Liaison, Eastern Woodland Métis Nation of Nova Scotia, stated that Métis identity "is one of those things that you feel. [...] It is a self-identification with an aspect of your ancestry, your heritage and your lineage. For us, it is very much driven from a genealogy standpoint."<sup>60</sup>

*We go in the woods, gather our wood, do our own fishing and plant our own gardens... That is how our forefathers lived and we still live today.*  
– Ronald Surette

*We have embraced the term "Métis" even though we otherwise know ourselves as Indian because that is the only option available to us under the Canadian Constitution*  
– Daphne Williamson

---

<sup>58</sup> *Evidence*, 5 December 2012.

<sup>59</sup> *Evidence*, 21 November 2012.

<sup>60</sup> *Evidence*, 5 December 2012.

Representatives of Métis organizations based in Eastern Canada told the committee that they generally accept members who self-identify as Métis and can show proof of Aboriginal ancestry. Some organizations, such as the Sou'West Nova Metis Council and the Kespu'kwitk Metis Council of Yarmouth and District, emphasize connections to particular communities or to a particular region. Others, such as the Métis Nation of Canada and the Canadian Métis Council, register members from across Canada.

The committee heard that the Congress of Aboriginal Peoples (CAP) represents some Métis groups in Eastern Canada. As noted in the previous section of this report, the CAP defines its constituency in terms of their exclusion from legal and political recognition elsewhere. All of the above noted groups told the committee that they struggle to be recognized as Métis people by some other Métis organizations and by both levels of government.

Indeed, for some, adopting the term Métis is a means toward gaining recognition as an Aboriginal people. Daphne Williamson of the Sou'West Nova Métis Council, which represents descendants of the Nova Scotia Wampanoag of Cape Sable Island, stated:

We have embraced the term “Métis” even though we otherwise know ourselves as Indian because that is the only option available to us under the Canadian Constitution in order to claim our heritage [...].<sup>61</sup>

In general, witnesses from the East emphasized cultural and community connections, and generally viewed their mixed ancestry as the primary source of their identity and of their rights. As Kim Nash-McKinley, President and Chief, New Brunswick Aboriginal Peoples Council, stated:

If you are Cree and French, if you are Ojibwa and French and English, it is your Aboriginal ancestry that gives you that Aboriginal right.<sup>62</sup>

### **(iii) North of 60**

The first fur trading posts in the North were established around Great Slave Lake by the Hudson's Bay and Northwest companies in the late 18<sup>th</sup> century. Of approximately 3,500 Métis

---

<sup>61</sup> *Evidence*, 21 November 2012.

<sup>62</sup> *Evidence*, 30 May 2012.

presently living across the Northwest Territories (NWT),<sup>63</sup> many are originally descended from these Dene, European (French and Scottish/Orkney) and mixed-ancestry traders. Others are descended from Red River Métis who settled in the NWT beginning in the 19<sup>th</sup> century.

Bill Enge, President of the North Slave Métis Alliance, told the committee that many Métis in the NWT traditionally supported the fur trade as transporters and multilingual interpreters:

... our Metis people did speak Michif and several other languages. As you know, Metis were multilingual. They spoke French, English, Michif, Dogrib and Chipewyan. One of the hallmarks of the Metis was that they were good interpreters and transporters of the furs. Our people were definitely multilingual in that context.<sup>64</sup>

Today, many Métis communities in the NWT have negotiated or are in the process of negotiating modern land claims and self-government agreements. Such claims are rooted in a complex history partly in connection with the signing of Treaty 11 in 1921. These modern agreements generally define their beneficiaries by their familial connections to those who were located in the relevant portion of the treaty territory in 1921 or before.

The Northwest Territory Métis Nation is negotiating a land claims agreement with Canada on behalf of the Métis in the South Slave region of the NWT. Their Agreement-in-Principle (AIP) defines their beneficiaries as “Indigenous Métis,” meaning a person of Aboriginal (Chipewyan, Cree or Slavey) ancestry who resided in, used or occupied any part of the region in or before 1921, and descendants and adopted family members of these people.<sup>65</sup>

---

<sup>63</sup> The 2006 Census found that 1% of approximately 390,000 self-identifying Métis in Canada lived in the Yukon Territory (805) and the Northwest Territories (3,580).

<sup>64</sup> *Evidence*, 17 October 2012.

<sup>65</sup> See Northwest Territory Métis Nation, *AIP – Agreement in Principle*.



#### (iv) Indian Status

Indian status is a legal classification entitling registered individuals to certain rights and benefits set out in the *Indian Act*.<sup>66</sup> The committee heard that many self-identifying Métis populations have, for various legal and policy-related reasons, been recognized by the federal government as non-status Indians, or in some circumstances recognized as status Indians under the *Indian Act*.

The committee heard that the term Métis has, at times, been used to refer to non-status Indians. Marilyn Poitras, Assistant Professor of Law at the University of Saskatchewan, explained:

We have a history in this country of including non-status people in the definition of Métis. We have seen people drift on and off of that list on a regular basis, quite high-profile people. People who were denied status for various sexist reasons in the past were lumped in. It was a catch-all for some time about where you were going to fit. You were Métis if you did not fit in under a First Nation's category. You can see when you look at our history that that still happens.<sup>67</sup>

In other cases, Métis may be registered Indians under the *Indian Act*. The committee heard from several witnesses who identify as Métis but had accepted Indian status, particularly after Bill C-31 in 1985. For example, members of the community of Cross Lake, Manitoba, told the committee that all in the community strongly identify as Métis, but almost all are status Indians under the *Indian Act*. David Chartrand, President of the Manitoba Métis Federation, also noted the issue of Indian status in many of these historic Métis communities:

A lot changed after Bill C-31 of course came, and people began to move towards accessing the Bill C-31 treaty card. But they have no place to go, so they still live in these communities. They still wanted to be Métis but they took the card for health reasons or hunting reasons at the time before hunting rights came into play here. But it is still predominantly strong Métis communities. The culture is still Métis. When you go inside, it is still Métis communities....<sup>68</sup>

---

<sup>66</sup> The eligibility criteria are in section 6 of the *Indian Act*; these require primarily that registered individuals have a minimum “blood quantum” (or degree of Indian ancestry).

<sup>67</sup> *Evidence*, 26 September 2012.

<sup>68</sup> *Evidence*, 24 September 2012.

Despite these practical considerations, witnesses indicated that some Métis choose not to apply for Indian status despite their eligibility. Some did not apply because they identified as Métis, or belonged to a Métis organization or community that did not allow members to register as Indians under the *Indian Act*. For example, representatives of the Métis settlements in Alberta told the committee that many members of the Métis settlements were eligible to become status Indians.<sup>69</sup> The committee also heard that applications to the five MNC registries are sent to the federal government to ensure that the applicant is not already a status Indian.

The result of such membership requirements is that many individuals with mixed First Nations-Métis parentage must choose to be officially recognized as one or the other. For example, Marilyn Poitras told the committee that her husband is a status Indian, while she identifies as Métis; but their child must be registered as either Indian or Métis.

My son is registered at the Sweetgrass First Nation. Because of the way the identity's been set up with the Métis Nation-Saskatchewan and the Métis National Council, the baby that I carried in my body for 9 months and gave birth to ... will never be a half-breed. He is being denied the right to be Metis because he is on an Indian registry.<sup>70</sup>

Some witnesses indicated that families will eventually reclaim their Métis identity, as generations lose their status under the *Indian Act* over time by “marrying out” (i.e. partnering and having children with non-status individuals). David Chartrand stated that the descendants of those who lose their Indian status will reclaim their Métis identity in future generations:

... Bill C-31, the way it is designed, is that those First Nations, they will bury themselves completely out. Those children, now going back to [the MNC] definition, will one day become Metis again.... those children will still be able to find their lineages back to their Metis community through our definition established by the Supreme Court of Canada, and you are going to find an upsurge again. You will see a Metis shrinking, but we are going to come back up again in probably 20 years or 50 years. They are going to come in great numbers.<sup>71</sup>

---

<sup>69</sup> The *Métis Settlements Act* bars registered Indians or Inuit from membership in the Métis settlements, with one narrow exception. See *Métis Settlements Act*, R.S.A. 2000, c. M-14, section 75(2).

<sup>70</sup> *Evidence*, 24 September 2012.

<sup>71</sup> *Evidence*, 24 September 2012.

## (v) The *Powley* Criteria

The Supreme Court of Canada released the *Powley* decision in 2003.<sup>72</sup> As noted previously, the decision established that the Métis are a rights-bearing people under section 35 of the *Constitution Act, 1982*, and set out a framework for determining who may claim Métis Aboriginal rights under section 35. *Powley* established three broad criteria to identify the Métis for the purpose claiming Métis Aboriginal rights under section 35. An individual must: (1) self-identify as Métis; (2) show an ancestral connection to a historic Métis community; and (3) be accepted by a contemporary community that exists in continuity with a historic rights-bearing community.<sup>73</sup>

The *Powley* decision did not purport to define the Métis. Instead, the Supreme Court's three criteria – self-identification, ancestral connection, and community acceptance – are broad “indicia of Métis identity for the purpose of claiming Métis rights under [section] 35.” With the *Powley* criteria, the Court outlined the “important components of a future definition” of Métis under section 35, while emphasizing “that the creation of appropriate membership tests before disputes arise is an urgent priority” (emphasis in the original).<sup>74</sup>

*The federal government does not establish identity. The organizations, the collectivity itself, determines their identity.*  
– Elizabeth Tromp

Witnesses had wide ranging interpretations of the significance of the *Powley* decision to the questions of Métis identity and the identification of the Métis for section 35 purposes.

According to federal government officials, *Powley* has assisted the MNC and its provincial organizations in identifying Métis rights-holders. Elizabeth Tromp, Assistant Deputy Minister of the Métis and Non-status Relations Directorate, Aboriginal Affairs and Northern Development Canada, explained:

---

<sup>72</sup> *R. v. Powley*, 2003 SCC 43.

<sup>73</sup> On the third factor, “community acceptance,” the Court stated: “[t]he core of community acceptance is past and ongoing participation in a shared culture, in the customs and traditions that constitute a Métis community’s identity and distinguish it from other groups.” *Ibid.*, para. 33.

<sup>74</sup> *R. v. Powley*, para. 30.

The federal government does not establish identity. The organizations, the collectivity itself, determines their identity. When the *Powley* decision was rendered, the court strongly suggested that there needs to be a way to objectively verify who the Metis are for the purposes of Aboriginal rights and rights that might be established. Therefore, the federal government has been funding the provincial affiliate organizations of the Métis National Council, so from Ontario west, to develop their membership systems so that they can identify, consistent with that definition set out in *Powley*, who the Metis are in an objectively verifiable way.<sup>75</sup>

Peggy Stone, General Counsel and Director, Negotiations, Northern Affairs and Federal Interlocutor, Department of Justice, told the committee that legal uncertainty remains with respect to the existence of *Powley* Métis outside Western Canada. She stated that, to date, no communities in Atlantic Canada have successfully claimed a defense based on *Powley*, because “with the particular facts in those cases, that in terms of an individual claiming a defence as a Metis to a charge of fishing without a licence, a historic Metis community has not been found in those particular areas in the Atlantic.”<sup>76</sup>

Catherine Bell, Professor of Law, argued that Métis who do not fit the *Powley* criteria may still be recognized as Métis and claim rights under section 35. In particular, she distinguished between section 35(1), which recognizes “existing aboriginal and treaty rights,” and section 35(2), which more generally recognizes the “aboriginal peoples of Canada”:

... there is a difference between being recognized as Metis in section 35(2), which defines the Aboriginal peoples of Canada, and being a Metis person who has distinctive Metis rights arising from ancestral connection to a distinctive Metis historical and contemporary community. That is, contemporary self-identifying Metis communities may have rights arising from different historical foundations.<sup>77</sup>

By contrast, some witnesses viewed the *Powley* decision as having determined more broadly that section 35 excludes mixed-ancestry people who do not fit the *Powley* criteria. As lawyer Jason Madden stated:

---

<sup>75</sup> *Evidence*, 27 March 2012.

<sup>76</sup> *Evidence*, 11 December 2012.

<sup>77</sup> *Evidence*, 28 September 2012.

[It is] not sufficient to say, "I am a bit of this and a bit of that. I self-identify as Métis because I cannot figure out, am confused or find some ancestry behind me." What section 35 and *Powley* were about was that it was not good enough to just have mixed-ancestry people.<sup>78</sup>

Dwight Dorey, National Vice-Chief, Congress of Aboriginal Peoples maintained that *Powley* interpreted the constitutional meaning of Métis too narrowly.

While the *Powley* decision was a burst of hope for Métis harvesting rights, the criteria set out by the Supreme Court are problematic. Experts have warned us that Métis who cannot meet such a narrow interpretation of the term Métis are likely to become the new forgotten peoples.<sup>79</sup>

Many witnesses were concerned that the effect of *Powley* would be to deprive their group or community from official recognition. June Scudeler, President of the Vancouver Métis Community Association, highlighted the situation of the urban Métis. She stated:

... the *Powley* decision leaves out urban Métis, some of whom have lived in cities for generations. An individual must first demonstrate membership in present-day Métis community that can trace its existence back to an historic Métis community with a distinctive culture, which is an impossibility for many Métis.<sup>80</sup>

The above demonstrates the wide range of opinions on the significance of *Powley* to the question of Métis identity and definition. The committee notes that this is a matter of legal interpretation, and observes only that, while not intended as a comprehensive definition of Métis, the *Powley* criteria have provided an important framework for understanding who the Métis are under section 35.

## **B. Registration and Statistical Information**

In the 2006 Census, approximately 1.2 million people identified themselves as an Aboriginal (First Nations, Inuit or Métis) person; approximately 390,000 of these individuals identified themselves as Métis.

---

<sup>78</sup> *Evidence*, 2 May 2012.

<sup>79</sup> *Evidence*, 30 May 2012.

<sup>80</sup> *Evidence*, 1 October 2012.

As with all data collected by the Census, the above data are self-reported. Unlike census data on registered Indian and Inuit populations, however, the data on the Métis are collected without the benefit of a generally accepted group definition or other means of identifying individuals who belong to this segment of the Aboriginal population.<sup>81</sup>

Many Métis organizations across Canada maintain registries or databases of their members. Membership criteria, along with practices for gathering and maintaining membership data, vary among organizations. Unlike registered Indian and Inuit populations, many of these registries are not overseen or otherwise supported by the federal government.

For the above reasons, the committee notes that an important question remains with respect to the reliability and accuracy of current statistics on Canada's Métis population. A discussion of the efforts of the federal government and Métis organizations to register members, and assemble accurate Métis population numbers and other statistical information is provided below.

#### **(i) Membership Systems**

In *Powley*, the Supreme Court highlighted a need for “objectively verifiable” processes to identify Métis rights-holders. As noted previously, officials from AANDC told the committee that, since *Powley*, the department has worked with the MNC and its five provincial affiliates to set up “objectively verifiable” registries of their members, including appeal mechanisms. Criteria for inclusion in these registries are set out in the MNC National Definition of Métis, which the MNC and AANDC stated is consistent with the *Powley* criteria.

From the perspective of the federal government, the post-*Powley* registries serve to facilitate identification of Métis Aboriginal rights-holders. Diane Robinson, Director, Aboriginal Relations, Métis and Non-status Relations Directorate, AANDC, noted:

It comes down to the purpose. With the Métis National Council and affiliates, the purpose is so that we can rely on their systems for harvesting so our enforcement officers can identify someone on the ground as being a potential rights bearer instead of having that

---

<sup>81</sup> In general, First Nations may be registered under rules set out in section 6 of the *Indian Act*. Inuit are registered by criteria set out in their respective land claim agreements.

individual carry a whole whack of genealogy if they choose to harvest without a license.<sup>82</sup>

Clément Chartier, President of the MNC, told the committee that, from the perspective of the MNC, the purpose of these registries is to identify rights bearing Métis, “so there is no conflict in the future when people are exercising their rights.” President Chartier further clarified that the MNC’s position “is that if you are born a citizen of the Métis Nation, you are a rights-bearing person, so we are registering everyone.”<sup>83</sup>

Robert Doucette, President, Métis Nation Saskatchewan further noted the significance of the registries to negotiations on harvesting with both levels of government:

It is vitally important for any future agreements that we have been talking about here with respect to harvesting programs and services, both levels of government need to have certainty about who they are representing and who they are negotiating with. These registries are vitally important to any future developments with respect to Métis people in the country called Canada and the Province of Saskatchewan.<sup>84</sup>

Gary Lipinski, President, Métis Nation of Ontario, stated that the importance of having a functioning registry includes both identifying rights holders and keeping statistics for the purpose of delivering targeted programs and services:

It is not all just about hunting and fishing. It goes to the identity of a people as well. It also, on another level, plays itself out in the delivery of programs and services. Obviously the governments make a lot of investments in helping to bring Aboriginal people up to the same level as mainstream society, so if you do not have a means of identifying who the beneficiaries are for your programs, how do you know you are getting proper return on your investment.<sup>85</sup>

*... if you do not have a means of identifying who the beneficiaries are for your programs, how do you know you are getting proper return on your investment [?]  
– Gary Lipinski*

---

<sup>82</sup> *Evidence*, 11 December 2012.

<sup>83</sup> *Evidence*, 15 May 2012.

<sup>84</sup> *Evidence*, 24 September 2012.

<sup>85</sup> *Evidence*, 6 June 2012.

The MNC's provincial organizations reported that, to date, a total of almost 80,000 individuals have been registered in the post-*Powley* registries. This represents almost one quarter of approximately 337,000 individuals who self-identified as Métis in these provinces in the 2006 census. However, since only those above the age of 16 are registered by the MNC's provincial organizations, the proportion of self-identifying Métis that will be covered by these registries is probably higher. For example, the Métis Nation of Alberta reports 45,000 registered members out of a self-identified (Census) population of approximately 85,000; and as Lorne Gladu, Chief Executive Officer, Rupertsland Institute (a subsidiary of the Métis Nation of Alberta), explained:

The thing is that the youth in our community, from what the statistics are telling us, roughly 40 per cent of those individuals are under the age of 16 and therefore not eligible to hold MNA membership. That represents 40 per cent of the Metis population; 45,000 represents more than 50 per cent of the population. Therefore, really there is a 10 per cent gap in terms of existing individuals who could be making application to the organization.<sup>86</sup>

Officials from AANDC commented that a 2008 AANDC audit indicated that the registries “were all at different levels and stages of progress. Part of what was recommended by the evaluators was certain areas to target, but in particular they thought there was a need to develop common standards across the board.”<sup>87</sup> Officials further reported that “[t]his fiscal year, the Canadian Standards Association has been engaged to work with government and funded Metis groups to develop a methodology to verify the quality and integrity of these membership systems.”<sup>88</sup> By 2017, officials hoped to have “maybe four [registries] ready to be called objectively verifiable.”<sup>89</sup>

The leaders of the MNC and some of its affiliates expressed concern with a lack of sustained funding for the costs associated with maintaining their registries, including issuing and renewing membership cards, and managing membership databases. For example, Clément

---

<sup>86</sup> *Evidence*, 28 September 2012.

<sup>87</sup> *Evidence*, 11 December 2012.

<sup>88</sup> *Evidence*, 27 March 2012.

<sup>89</sup> *Evidence*, 11 December 2012.



Chartier, President of the MNC, stated that the amount of federal resources for registries has decreased since the immediate post-*Powley* era. As a result, he stated, “[r]ather than building up on what we had, we have kind of retrenched. There is a huge backlog of people that need to be [registered].”<sup>90</sup>

The committee heard that many other Métis organizations are also registering members, some of which reported membership in the thousands. The membership criteria and registration practices of these organizations reportedly varied. Several witnesses also told the committee that one or more organizations are selling memberships to individuals without requiring proof of ancestry.

Officials from AANDC told the committee that since the *Powley* decision it has also worked with CAP affiliate organizations in Eastern Canada and Quebec to develop their membership systems. However, the nature of its support for these systems differs from that for the MNC registries. AANDC officials told the committee that “[w]e do not deal with those organizations on the basis of *Powley* Métis rights and building objectively verifiable systems. We do work with those organizations to help them build their membership systems, because it is still important for them to know and be able to identify their membership.”<sup>91</sup>

*... a definition of rights-bearing Métis communities must respect diversity of Métis communities right across Canada and not reflect political agendas.*  
– Patsy L. McArthur

Representatives of the CAP did not, however, report any current work with AANDC in the development of their affiliates’ membership systems. Dwight Dorey, National Vice-Chief of the CAP told the committee that he was “not aware of any CAP affiliate that receives funding to support their work on enumeration or registration of Métis.”<sup>92</sup>

---

<sup>90</sup> *Evidence*, 15 May 2012.

<sup>91</sup> *Evidence*, 27 March 2012.

<sup>92</sup> *Evidence*, 30 May 2012.

Many Métis communities and organizations not affiliated with either MNC or CAP have established their own membership systems. Patsy L. McArthur, Secretary-Treasurer of the Historic Saugeen Métis, told the committee that maintaining an independent registry is an aspect of the right of the Métis to identify themselves:

[...] independent rights-bearing historic Métis communities across Canada have the right to identify their own citizens and maintain their own registries; [...] governments must be encouraged to provide resources to independent Métis communities to identify their rights-bearing members, as provided to similar others; and [...] a definition of rights-bearing Métis communities must respect diversity of Métis communities right across Canada and not reflect political agendas.<sup>93</sup>

## (ii) Statistical Information

Several witnesses noted that there is a general lack of reliable and accurate statistical information on the Métis across Canada. The committee heard that demographic and other statistical information (e.g. social statistics) are not often collected specifically on Métis populations; and, when Métis-specific data are collected, criteria for the identification of Métis populations may be unclear or inconsistently applied. In the view of several witnesses, a lack of reliable and accurate statistical information on the Métis has, in turn, led to a lack of overall knowledge of this population's needs and effective policy to respond to such needs.

Canadian Census data on the Métis, as with data on other Aboriginal populations, is based on self-reporting. Statistics Canada notes that the population of self-identified Métis nearly doubled between the 1996 and 2006 Censuses, to almost 390,000. By 2031, the agency estimates that the population of self-identified Métis could increase to between 500,000 and 850,000.<sup>94</sup>

According to Statistics Canada, the growth in the Métis population may be mostly attributed to an increasing tendency for people to identify themselves as Métis (or “intragenerational ethnic mobility”).

*I firmly believe  
that there are  
well over 100,000  
Métis people in  
Manitoba today.  
– David  
Chartrand*

---

<sup>93</sup> *Evidence*, 13 June 2012.

<sup>94</sup> Statistics Canada, *Population Projections by Aboriginal Identity, 2006 to 2031*, (2012), p. 26.

Officials from Statistics Canada indicated that reasons for this growth in self-identification might include “increasing recognition of rights, or it could be that people found out about their background and that is who they feel. We do not know exactly the reasons, but we have monitored it over time.”<sup>95</sup>

The 2006 Census found that 87% of people who self-identified as Métis lived in either the western provinces or in Ontario.<sup>96</sup> Some witnesses saw room for much more growth in the Métis population over present numbers, particularly in the West. For example, David Chartrand, President, Manitoba Métis Federation, stated:

Métis now constitute 6.3 per cent of Manitoba's population and over 40 per cent of all Aboriginal people in the province. In my view, even these counts are low. If everyone who could trace their ancestry to the historic Métis nation of the old Northwest were to identify, I firmly believe that there are well over 100,000 Métis people in Manitoba today.<sup>97</sup>

Aaron Barner, Senior Executive Officer, Métis Nation of Alberta highlighted a gap in the present capacity of Métis organizations to respond to the growth rate in the Métis population:

I once read that the population growth of the Metis Nation is like a cultural tsunami... I can tell you that the [Métis Nation of Alberta] feels like a tiny little village that is about to be engulfed by that tsunami.<sup>98</sup>

The committee heard that, in general, Métis people fare better on several social indicators (e.g. employment rate) than other Aboriginal Canadians, but that gaps remain relative to non-Aboriginal Canadians. For example, the 2006 Census found that the participation rate of Métis

---

<sup>95</sup> *Evidence*, 28 March 2012 (Jane Badets, Director General, Census Subject Matter, Social and Demographic Statistics, Statistics Canada).

<sup>96</sup> The 2006 Census centred 85,500 (22%) in Alberta, 73,605 (19%) in Ontario, 71,805 (18%) in Manitoba, 59,445 (15%) in British Columbia, and 48,115 (12%) in Saskatchewan. Around 4,515 (1%) lived in territories, including 805 in the Yukon Territory, 3,580 in the Northwest Territories and 130 in Nunavut. The 2006 Census also counted 27,980 (7%) in Quebec and 18,805 (5%) in the Atlantic Provinces (Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland and Labrador).

<sup>97</sup> *Evidence*, 24 September 2012.

<sup>98</sup> *Evidence*, 28 September 2012.

people in the labour force was slightly higher (70%) than the non-Aboriginal population (67%);<sup>99</sup> however, the unemployment rate of Métis people was higher (10%) compared to the non-Aboriginal population (6%).<sup>100</sup> The median annual income of Métis people (\$21,000) was higher compared to Inuit (\$17,000) and First Nations (\$15,000) people, but lower than the non-Aboriginal population (\$27,000).<sup>101</sup>

While few federal funds are targeted to respond specifically to the needs of Métis people, various federal programs and services for Aboriginal peoples may be accessed by those who self-identify as Métis. Lisa Wilson, Director of the Gabriel Dumont Institute of Native Studies and Applied Research Inc. explained:

... [access to] federally funded programs is ... based solely on the self-identity question. If a client comes into one of our offices and asks for service, self-identifies as a Metis person, then under that contract we are expected to provide them with service. Then the difference of course is that we use the self-identification and the community validation together in our other programs. That is the way that the [Gabriel Dumont Institute] board of governors operates.<sup>102</sup>

The committee heard that the Aboriginal Skills and Employment Training program (ASETS) is an important mechanism through which the federal government seeks to improve the participation of Aboriginal peoples in the Canadian economy. The program provides funding (\$1.68 billion over five years ending in 2015) to Aboriginal organizations to offer training linked to labour market demand. Seven out of 80 current ASETS agreement holders are Métis organizations, including the Gabriel Dumont Institute, Métis Settlements General Council and several provincial organizations of the MNC.

The committee heard that ASETS has measurably improved employment and training opportunities for many Métis people. As officials from Human Resources and Skills Development Canada (HRSDC) indicated:

---

<sup>99</sup> The participation rate for First Nations and Inuit was 59% and 61% respectively.

<sup>100</sup> The unemployment rate for First Nations and Inuit was 18% and 20% respectively.

<sup>101</sup> See generally Statistics Canada, [2006 Census: Data Products, Aboriginal Peoples Topic-Based Tabulations](#).

<sup>102</sup> [Evidence](#), 26 September 2012.

Over 96,000 clients have been served by Metis agreement holders under ASETS and its predecessor strategy since 1999. At least 33,000 people have become employed and approximately 6,600 have returned to school.<sup>103</sup>

Several agreement holders highlighted the success achieved by their organizations under the ASETS program; some noted that some agreements have allowed organizations to create endowments with ASETS funds to support post-secondary education for Métis students. The Manitoba Metis Federation and the Métis Nation of Alberta each valued their post-secondary education endowments at around \$14 million.

With respect to the health of the Métis population, data from the 2006 Census reveal that 58% of Métis self-reported their health status as “excellent or very good”, compared to 62% of the general population. Rates of chronic disease among the Métis were generally higher than in the general population; for example, 21% of Métis reported having arthritis (compared to 13% in the general population), and 16% reported high blood pressure (compared to 13%). According to the Public Health Agency of Canada’s own surveillance data, 60% of Métis adults are overweight or obese, compared to 51% in the non-Aboriginal population.<sup>104</sup>

The committee heard that some federal funds have been available to support health data gathering and research on Métis populations. Between 2005 and 2010, \$3.2 million was provided through Health Canada’s Aboriginal Health Transition Fund to support five projects led by the MNC’s provincial organizations. According to officials from Health Canada, these projects were aimed at “better understanding Metis health needs, increasing Metis awareness of available provincial health services, data collection and analysis on Metis health, and better health policy.”<sup>105</sup>

---

<sup>103</sup> *Evidence*, 28 March 2012 (James Sutherland, Acting Director General, Aboriginal Affairs Directorate, Skills and Employment Branch, Human Resources and Skills Development Canada).

<sup>104</sup> *Evidence*, 24 April 2012 (Martha Israel, Acting Director General, Centre for Health Promotion, Public Health Agency of Canada).

<sup>105</sup> *Evidence*, 24 April 2012 (Kathy Langlois, Director General, Community Programs Directorate, First Nations and Inuit Health Branch, Health Canada).

Officials also noted that “[t]here are a number of programs and activities administered through the Public Health Agency of Canada that benefit Metis along with other Aboriginal people.”<sup>106</sup>

The Métis Nation of Ontario, for example, reported accessing funds through the Public Health Agency of Canada for a multi-year research project on chronic diseases among the Métis population in Ontario. In 2012, the organization released a study entitled *Chronic Diseases in the Métis Nation of Ontario* that tracked the rate of chronic disease and related health care interventions among its membership.<sup>107</sup>

*We are one of the most under-studied populations ... There is power in data to be able to say, "Hey, we are not doing well over here."*  
– Carrie Bourassa

The committee also heard that the post-*Powley* registries contain detailed demographic and other statistical information on Métis populations, which has been used to support the research and activities of the MNC provincial organizations. For example, Laurel Katernick, Director of Registry, Métis Nation of British Columbia, stated:

We do keep track within our citizenship database, we are able to break it down demographically within our regions, how many citizens are registered by gender, by age group ... We are able to break down the statistics and the demographics within the Central Registry and to provide that information internally to our staff. For example, ... on our Child and Family Services portfolio ... we are able to provide ... information as to how many children in care have registered for Metis identification in the province of B.C. ... There is definitely a connection there. The information definitely is helpful and useful.<sup>108</sup>

Despite various efforts to research and develop statistical data on Métis populations, several witnesses told the committee that there remains overall a lack of reliable and accurate demographic and other statistical information on various social indicators, including health status, employment rates and use of social services. Some witnesses indicated that the problem of defining the Métis has led to confusion in collecting and analyzing data on Métis populations; others noted a lack of coordinated effort to assemble Métis-specific data in various domains. Whatever the cause, the overall paucity of data has led to uncertainty around the needs of the

---

<sup>106</sup> Ibid.

<sup>107</sup> *Evidence*, 6 June 2012 (Gary Lipinski, President, Métis Nation of Ontario). See also Métis Nation of Ontario, [\*Chronic Diseases in the Métis Nation of Ontario\*](#) (March 2012).

<sup>108</sup> *Evidence*, 1 October 2012.

Métis, as well as around what legal and policy changes would answer these needs. As Carrie Bourassa, Associate Professor of Inter-Disciplinary Programs at the First Nations University of Canada, stated:

We are one of the most under-studied populations. Coming from an Aboriginal person, you might think: You want to be studied? There is power in data to be able to say, "Hey, we are not doing well over here." I know we are not. Poverty is endemic in our communities.<sup>109</sup>

Elder Elize Hartley from the Native Women's Association of Canada provided a concrete example of this challenge:

So many of our little children are going into care. A staggering 30% of foster care children are either Metis or First Nation. That makes it more complicated for the Metis, because there is a lack of [consensus] on the number of Metis kids. Without the knowledge of the total population, we cannot effectively do programs for them.<sup>110</sup>

### **C. History and Genealogy**

The committee notes that, while self-identifying Métis across Canada are diverse in many ways, universal among Métis witnesses was a strong sense of connection to their history. Many witnesses provided the committee with information about the historical genesis of their communities. Many others had done extensive research into their own family histories and genealogies.

The committee was frequently told that written records on the history of the Red River Métis are generally available to individuals interested in researching their community or family histories. Relevant genealogical records may be obtained at provincial archives; in some cases individuals may receive assistance from their provincial MNC organization or a genealogical organization that specializes in this area. For example, David Chartrand of the MMF told the committee that:

...an historic Métis ancestor is a person listed in a Manitoba land grant, scrip affidavit or described as half-breed or Métis in the 1901 Census. The MMF has an agreement with the St. Boniface historical society,

---

<sup>109</sup> *Evidence*, 20 June 2012.

<sup>110</sup> *Evidence*, 20 June 2012.

which houses extensive church archives, to produce professional genealogies on behalf of applicants.<sup>111</sup>

Other research initiatives, such as the Métis National Council Historical Database, have made historical documentation on the Red River Métis accessible online. Frank Tough, Professor of History at the University of Alberta, where the database is hosted, described the project as follows:

Basically, when there was a good flow of money under the post-Powley implementation, that money came to the University of Alberta as research contracts. ... That is why we know what we know, and that is why we had an online historical database built, which provides text summaries. There are ... copies of the original documents [and] a component that allows Metis individuals to build their own family tree online. One of the first things it does is runs off and looks for all sorts of possible matches. It is very organized. ...The big complaint about my database is that I need to put more data up there.<sup>112</sup>

For many, discovering or learning more about their Métis family histories can have a profound effect. As Randall Ranville, Genealogist with the Métis Cultural and Heritage Resource Centre, explained:

Some of the people are just beside themselves; they are just amazed at their colourful ancestry. Some of them actually get emotional and tears roll down their face because they are part of this community, this history, and this phenomenal existence of those who were caught in the middle. [...] Some were never told [...].<sup>113</sup>

The committee heard from several sources that costs of obtaining a genealogical record are high and for many can be prohibitive. To address this, some MNC provincial organizations provide additional resources to assist applicants through the detailed and costly application process to obtain a genealogical record. The committee also heard that several members of the same family are generally able to rely on one genealogy in order to establish Métis ancestry for the purpose of obtaining membership in a Métis organization. Alternative forms of identification may also be accepted in some circumstances. For example, Val Arnault-Pelletier, Aboriginal

---

<sup>111</sup> *Evidence*, 24 September 2012.

<sup>112</sup> *Evidence*, 23 October 2012.

<sup>113</sup> *Evidence*, 24 September 2012.



Coordinator, College of Medicine, University of Saskatchewan told the committee that a letter from the community may suffice to show eligibility for an equity seat in the faculty:

In Saskatchewan, we are fortunate in that many of us know each other and we understand the kinship ties. At least we understand the relationships. You can usually get a genealogy letter from the community.<sup>114</sup>

Some witnesses from Eastern Canada told the committee about their efforts to establish the existence of historic Métis communities in the context of court proceedings. These witnesses stated that compiling and maintaining the historical records of their ancestors was difficult, because of a lack of archival sources to do the research, and a lack of financial and other support to conduct the research. For example, Daphne Williamson of the Sou'west Métis Council, told the committee:

We could not find an archaeologist, a historian or a genealogist anywhere in Nova Scotia who would go against the grain to support us in any way whatsoever. I hired experts from the U.S. who have worked with the American Wampanoag community. First, they know who we are. Second, they were the only ones who would dare to speak against the conventional view.<sup>115</sup>

Following the *Powley* decision, the Department of Justice conducted a historical research program designed to ascertain in what regions of Canada *Powley* Métis may exist. Peggy Stone from the Department of Justice explained that

it was a study by historians that looked at the history of the country and whether or not, from an historical and ethnological perspective, Metis, as harvesters, following the *Powley* test, could be identified across the country.<sup>116</sup>

A total of 15 research projects were undertaken on historic Métis communities, covering a wide range of geographic areas, from British Columbia to Newfoundland and Labrador. The results of these research projects were not publicly available; a description of the research appears on the Department of Justice website.<sup>117</sup>

---

<sup>114</sup> *Evidence*, 26 September 2012.

<sup>115</sup> *Evidence*, 21 November 2012.

<sup>116</sup> *Evidence*, 11 December 2012.

<sup>117</sup> Department of Justice, *A Program of Research Related to Historical Métis Communities*, JustResearch, Issue No. 15 (2008).

Witnesses expressed varied opinions on the significance of the studies and whether they should be publicly released. Bill Enge, President, North Slave Métis Alliance, recommended that “Canada establish policy directives to require government officials to identify modern Metis communities on the basis of the post-2003 Department of Justice studies of the 15 regions and any other similar studies.”<sup>118</sup> Other witnesses, particularly those who had not seen the contents of reports affecting their regions, would not recommend relying on or releasing the reports without further knowledge of the reports’ contents and methodologies.

Daphne Williamson of the Sou-West Nova Métis Council, stated that “if you release research results, you should make sure that the research has actually accounted for all of the perspectives and as much of the information available as possible ...”<sup>119</sup>

*I think we have only just begun scratching the surface of Métis research in Canada.  
– Brenda Macdougall*

Many witnesses stressed that a vast amount of research on Métis history remains to be done, particularly in areas outside Red River. Frank Tough, Professor of History at the University of Alberta, told the committee that the Red River Métis must be viewed in the appropriate historical context:

I do not subscribe to the view, as sometimes it is misrepresented by others, that all Métis have to have some connection to Red River. Red River is simply the metropolis of the Métis Nation, a metropolis of the fur trade.<sup>120</sup>

Similarly, Brenda Macdougall, Chair of Métis Research at the University of Ottawa, stated:

There has been a fixation on Red River as the source and centre of all things Métis and that does not necessarily reflect a true historical interpretation of who the Métis people were and who other 19th century and 18th century people understood them to be. I think we have only just begun scratching the surface of Métis research in Canada.<sup>121</sup>

---

<sup>118</sup> *Evidence*, 17 October 2012.

<sup>119</sup> *Evidence*, 21 November 2012.

<sup>120</sup> *Evidence*, 23 October 2012.

<sup>121</sup> *Evidence*, 25 April 2012.

The committee also heard that oral histories are an important aspect of the historical record on the Métis. Denis Gagnon, Canada Research Chair on Métis Identity at the University of Saint-Boniface, emphasized the full story of the Métis that can only be elucidated through oral history. He urged the development of the historical record “by consulting oral tradition sources, conducting interviews on the ground and relying on putting the need to produce archival records in its proper context.”<sup>122</sup>

*Canada's  
relationship with  
Métis is distinct  
from that with  
First Nations or  
Inuit.  
– Elizabeth  
Tromp*

The overall picture is that current knowledge of Métis history and efforts to research and document that history vary across the country. Yet such information may help answer some fundamental questions in relation to Métis identity; for example, when communities in various parts of the country may have begun to identify as distinctively Métis. Troy DeLaRonde, Métis Chief, Red Sky Métis Independent Nation, summarized these issues in these terms: “The history of the Métis in Canada has only partially been told, and it is as diverse as it is rich.”<sup>123</sup>

#### **D. Relations between Canada and the Métis**

Recognition is fundamentally about the relationship between Canada and the Métis. One aspect of this relationship, as surveyed in the previous sections of this report, is in how the Métis represent themselves and are identified for various legal and policy purposes. Another important and related aspect, and the one that will be surveyed in this section, involves the relations established between Canada and Métis communities and organizations.

The committee heard that, from the federal government’s perspective, its relationship with the Métis is limited mainly by a lack of jurisdiction.<sup>124</sup> Instead, Canada views the provinces as the level of government having the primary relationship with the Métis. Elizabeth Tromp, Assistant Deputy Minister of Métis and Non-status Relations Directorate, AANDC, noted:

---

<sup>122</sup> *Evidence*, 24 October 2012.

<sup>123</sup> *Evidence*, 28 November 2012.

<sup>124</sup> However, as noted previously, the Federal Court of Canada recently declared that the Métis are “Indians” within the meaning of section 91(24) of the *Constitution Act, 1982*, and are therefore under federal jurisdiction. This decision is under appeal to the Federal Court of Appeal. See *Daniels v. Canada*, 2013 FC 6.

Canada's relationship with Métis is distinct from that with First Nations or Inuit. For example, living off-reserve, Métis receive most of their basic social programming from provinces and not from the federal government. Provinces have their own deep relations with Métis people and organization, especially in Western Canada. There are also no federal Métis act, no federal registry of Métis people and no Métis reserves.<sup>125</sup>

*... "It's the Métis; someone else will deal with it." That is the public policy reality in Canada today.*

*– Marc LeClair*

From the perspective of many other witnesses, unresolved jurisdictional issues have affected the relationship between Canada and the Métis. According to Dwight Dorey, National Vice-Chief of Congress of Aboriginal Peoples, this “jurisdictional vacuum” has manifested in a lack of programs and services for Métis.

...we are trapped in a jurisdictional vacuum where non-status Indians and Métis have few government programs or initiatives to address our needs. Let me give you an idea of the financial scale of this issue. Of the \$10 billion per year that the federal government invests in Aboriginal-specific programming, almost 90 per cent goes to assist on-reserve status Indians who comprise less than one-third of the total Aboriginal population. This is why Métis and non-status Indians continue to be underserved by governments and why we have not reached our full potential in Canadian society.<sup>126</sup>

Similarly, Marc LeClair, Bilateral Coordinator for the MNC, also felt that jurisdictional issues have affected the availability of programs and services for the Métis.

When it comes to Métis it is not only health; it is education and it is across the board. Some provinces pay attention to it a little bit, but by and large health and wellness, maternal health, child rearing, "It's the Métis; someone else will deal with it." That is the public policy reality in Canada today.<sup>127</sup>

---

<sup>125</sup> *Evidence*, 27 March 2012.

<sup>126</sup> *Evidence*, 30 May 2012.

<sup>127</sup> *Evidence*, 15 May 2012.

As noted in previous sections of this report, however, Canada has taken action in respect of the Métis in several areas, including in the development of the MNC's membership registries. Officials from federal departments including Human Resources and Skills Development Canada and Health Canada also highlighted several federal programs and services that are accessible to the Métis. These include the Aboriginal Skills and Employment Training Strategy (ASETS), Aboriginal Head Start in Urban and Northern Communities (AHSUNC), and various initiatives under AANDC's Urban Aboriginal Strategy.

The federal government also participates in tripartite negotiations on a range of issues with several provinces and Métis and non-status Indian organizations. For example, in Manitoba, a tripartite negotiations agreement between Canada, Manitoba and the Manitoba Metis Federation has existed since 1987. According to provincial officials, that agreement has spawned multiple initiatives for the Métis in the province:

With many of the developments we have seen over the years, probably the first part of the development originated from the table in the creation of the Louis Riel Institute, the initial discussions on Métis Child and Family [Services], which lead to the Métis [Child and Family Services] Authority. Now ... we have the Métis Economic Development Fund. Many of the initiatives started from that tripartite table and development. Then once developed, they are usually handed off either to be overseen or to be run by a stand-alone agency or organization.<sup>128</sup>

David Chartrand also noted that tripartite negotiations have contributed to some important economic development initiatives for the Métis in Manitoba:

We do have a \$10-million fund we negotiate with Canada. We have a federal fund under the [Métis Economic Development Fund] ... We also have a capital corporation we administer that has a fund of \$8 million. That fund was under Aboriginal Business Canada and is now under the full authority of the [Manitoba Metis Federation]. So these three entities are now working together to create the economic engine for the Métis people in Manitoba.<sup>129</sup>

---

<sup>128</sup> *Evidence*, 24 September 2012 (Eleanor Brockington, Director, Policy and Strategic Initiatives, Manitoba Aboriginal and Northern Affairs).

<sup>129</sup> *Evidence*, 24 September 2012.

Canada has also established bilateral relationships with CAP and the MNC, two national organizations who include the Métis in their constituencies. The reported scope and strength of these relationships, however, varied.

Canada and the MNC signed the *Métis Nation Protocol* in 2008. It commits the parties to engage in discussions on issues including economic development, Métis Aboriginal rights, health, education, and lands and resources.<sup>130</sup> Clement Chartier, President of the MNC, indicated that the Métis Nation Protocol had established a positive bilateral negotiations process, though concrete results could not be reported as yet:

We have not yet dealt with the outstanding residential schools issue that is in the protocol. We have not yet dealt with the outstanding rights issues, including land. For the economic development aspect, the protocol has not served us yet, but we still have hope that it will, and we will not abandon it. We believe it is a good process and we are hoping that it will be the springboard for the two accords we have put forward, the one on governance and the one on economic development.<sup>131</sup>

Canada and the CAP signed an *Accord on Cooperative Policy Development* in 2005 on issues including health, housing, and economic development.<sup>132</sup> Though CAP representatives stated that the accord would soon be formally renewed, the progress achieved to date under the accord was unclear. The CAP's representatives maintain the accord was not implemented:

Unfortunately, that accord was created and sat on a shelf and did not have political legs. We have approached the federal government to renegotiate an accord that actually will be a living document that has some substance to it so that we can address many of these issues.<sup>133</sup>

---

<sup>130</sup> *Métis Nation Protocol*, 5 September 2008.

<sup>131</sup> *Evidence*, 15 May 2012.

<sup>132</sup> See Aboriginal Affairs and Northern Development Canada, Office of the Federal Interlocutor for Métis and Non-Status Indians, *Bilateral Relations*.

<sup>133</sup> *Evidence*, 28 November 2012 (Ron Swain, National Vice-Chief, New Brunswick Aboriginal Peoples Council).

Officials from AANDC stated that its relations with the CAP have focused on supporting its operations and developing a policy and legislative agenda:

With respect to CAP, its solid bilateral agreement with the federal government is focused on strengthening its governance structure to help it better represent its constituents. [...]The government is engaged with the Congress of Aboriginal Peoples on its strategic priorities through a policy road map exercise. CAP's road map looks to deliver measurable results for its constituents and to help implement key and strategic changes to the Indian Act, such as those being implemented through Bill C-3 [amendments to the *Indian Act*'s status provisions].<sup>134</sup>

Officials from AANDC stated that, in addition to the above noted bilateral discussions, Canada engages with the Métis through various commemorative events. For example:

...in 2009, former Minister Strahl led a contingent of Métis veterans and leaders to Juno Beach, France, to honour Métis contributions to the wars. In 2010, the government declared it to be the Year of the Métis; and, among other events, the government celebrated with Métis people from all over the country the one hundred and twenty-fifth anniversary of the Battle of Batoche, one of the seminal events in our country's history.

AANDC officials also highlighted that “[i]n 2010 and 2011, our minister hosted provincial ministers and Métis leaders at two economic development symposiums that resulted in significant investments in Métis economic development by federal and provincial governments.”<sup>135</sup>

In the NWT, Canada is engaged in two land claims negotiations with the Métis. One negotiations process is with the Northwest Territories Métis Nation (formerly the South Slave Métis Tribal Council), and the other is with the Dene and Métis of the Deh Cho region. However, another Métis organization – the North Slave Métis Alliance (NSMA) – told the committee that it is not formally recognized by either the federal or territorial governments. As Christopher Devlin, Counsel for the North Slave Métis Alliance explained:

---

<sup>134</sup> *Evidence*, 27 March 2012 (Elizabeth Tromp, Assistant Deputy Minister, Métis and Non-status Relations Directorate, Aboriginal Affairs and Northern Development Canada).

<sup>135</sup> *Evidence*, 27 March 2012.

The Government of the Northwest Territories says they will not recognize the NSMA until Canada does. Canada says we will not recognize the NSMA until the court tells us. The court is still reserved. This is an example of how the construction of Métis identity gets passed around for political expediency and no one sits down and actually engages in the rights-based analysis.<sup>136</sup>

*Identity is fluid  
... [T]hese are  
individuals we  
are talking  
about, not  
things.*

*– Denis Gagnon*

Métis groups in Eastern Canada also told the committee that they are not formally recognized by the federal or provincial governments. For example, Ronald Surette of the Kespu'kwitk Métis Council of Yarmouth told the committee that:

The Métis in Nova Scotia are living like our forefathers, but nobody wants to identify us as a group. We have to prove in order to identify ourselves. [...] The Province of Nova Scotia wants us to have site-specific information to prove to them before they will say, yes, they are Métis, and the same for the federal government. For example, somebody has to break the law and we have to have a court case to prove that there are Métis in our area.<sup>137</sup>

Daphne Williamson of the Sou'West Nova Métis Council, also noted that neither the federal nor provincial governments formally recognize her organization, or the mixed-ancestry community on Cape Sable Island, Nova Scotia, that the organization represents.

According to Sheila Surette, the courts, applying the *Powley* test, have also not to date recognized Métis rights claims in her region.

As eastern Métis, our organization has not been recognized, either provincially or federally, as it pertains to rights. No tax exemptions, no hunting and fishing rights, no educational grants, bursaries or assistance for small businesses. [...] The date given in the ruling was 1670. The judge ruled that there was no Métis community in our area prior to European control in 1670.<sup>138</sup>

---

<sup>136</sup> *Evidence*, 17 October 2012.

<sup>137</sup> *Evidence*, 21 November 2012.

<sup>138</sup> *Evidence*, 21 November 2012.



Several witnesses told the committee that the federal government's current approach to relations with the Métis is too narrow. Some witnesses felt that the federal government should be open to engaging with more self-identifying Métis groups. For example, Denis Gagnon, Canada Research Chair on Métis Identity, University of Saint-Boniface, stated:

Identity is fluid. But these are individuals we are talking about, not things. ... These are people who have an awareness, who have their life and want to defend their rights. They present who they are, and it would be respectful to say, very well, we will try to understand why, instead of telling them they are not who they claim to be.<sup>139</sup>

The benefit [of being Métis] is to maintain your culture, be different, and negotiate a fair and equitable place within the Canadian federation. That has not happened yet.  
– Larry Chartrand

Others similarly recommended that Canada enter into broad-based discussions with the Métis on their relationship with Canada. For example, Larry Chartrand, Associate Professor of Law, University of Ottawa, stated:

One of the benefits, of course, of being indigenous ... is to be able to assert political independence and negotiate a relationship with Canada on equal terms. That would be a fundamental right from which indigenous peoples, including the Metis community, who satisfy that criteria of a nationhood or "peoplehood," would benefit ... The benefit is to maintain your culture, be different, and negotiate a fair and equitable place within the Canadian federation. That has not happened yet.

Similarly, Paul Chartrand, Retired Professor of Law, stated that negotiations are the appropriate path toward fully recognizing the Métis under section 35:

I should say that the task before you is a part of the broader project of making the constitutional recognition of section 35 of the 1982 act effective. [...] There is no point passing legislation on an unwilling government; an unwilling government trying to act because of case law — that does not work very well. ... The best way is to work it out.<sup>140</sup>

---

<sup>139</sup> *Evidence*, 24 October 2012.

<sup>140</sup> *Evidence*, 24 September 2012.

## **OBSERVATIONS AND RECOMMENDATIONS**

---

This report has surveyed issues relating to the recognition of the Métis by the federal government within four broad themes: identity and definition; registration and statistical information; history and genealogy; and relations between Canada and the Métis. The following are the committee's observations and recommendations on the issues raised within these themes during the course of this study.

### **A. Identity and Definition**

The committee notes that there is no one-size-fits-all concept of Métis identity. Instead, complex historical, cultural, legal and political factors have led to diverse expressions of Métis identity across Canada.

Witnesses from Eastern Canada generally stated that their Métis identity is a manifestation of their mixed ancestry and connections to their Aboriginal culture and heritage. This is in contrast to the dominant view of the Métis witnesses from Western Canada, who largely described themselves as descendants of historic fur trade communities whose distinct mixed-ancestry identities formed during the 18<sup>th</sup> and 19<sup>th</sup> centuries.

The issue of Métis identity is broader, however, than contrasting approaches between East and West. Many Métis across Canada are expressing their identities in ways that differ from the general approaches in the East and West. These include the Alberta Métis settlements and the Métis in the NWT.

The committee notes that there is disagreement among the Métis about the particular meaning of the term, and to which self-identifying mixed-ancestry people it should apply. This is an important question that, as noted previously, is not within the mandate of this study to consider. However, the committee observes that all witnesses who appeared before the committee spoke genuinely about their claims to Métis identity.

Universal among Métis witnesses were a keen knowledge of their family and community histories, and an intense pride in their Métis identity. The committee observes that the Métis have a strong sense of their own identity. They know who they are, even if they are not recognized by others.

Indeed, it is one thing to identify as Métis; it is another to be recognized as such. The committee heard from many witnesses with strong senses of their own Métis identity who, for various reasons, were not recognized as Métis by others. The challenge for the federal government is in conceiving an approach to recognition that does not unduly exclude those with genuine claims to Métis ethnic identity across Canada. Given the diversity of expressions of Métis identity across Canada, a context-based or regional approach to decision-making on these issues will likely be required to account for this diversity.

The courts have declined to articulate or impose a definition of “Métis”. Instead, the courts have recognized a federal responsibility to act and engage with Métis populations on various issues of concern, including identification of the Métis. In *Powley*, for example, the Supreme Court of Canada stated that the development of appropriate Métis membership tests and more systematic methods for identifying Métis rights-holders was an urgent priority. The Federal Court, in a decision currently under appeal,<sup>141</sup> recently held that the Métis and non-status Indians are “Indians” under the *Constitution Act, 1867*, and are therefore within federal jurisdiction. Most recently, in the *Manitoba Metis Federation* decision, the Supreme Court of Canada declared that Canada failed to follow through with Métis land grants under the *Manitoba Act, 1870*, as it was required to do.

The committee believes that a principled approach to the recognition of the Métis by the federal government must begin with efforts at reconciliation with groups who have suffered past wrongs. A better understanding of Canada’s Métis will also, in the view of this committee, eventually emerge from principled discussions around this history and its continued effects.

---

<sup>141</sup> [\*Daniels v. Canada\*](#), 2013 FC 6.

Reconciliation would include addressing unfulfilled promises, such as the obligations enshrined in the *Manitoba Act*, and discriminatory policies, such as the funding and operation of residential schools. The committee believes that reconciliation is necessary in order to provide a solid foundation for present and future generations of Métis in Canada. As the Honourable Gerry St. Germain, former chair of this committee, stated:

It is important that we should seek to do justice in our own time, and you cannot legislate wrongs back into rights. However, there is an opportunity now. I have to commend David Chartrand [of the Manitoba Metis Federation] and those who led the court case and who persisted and persevered through all of this.

In my case, I have been blessed. I feel that there are many people in that homeland, such as young children, who deserve opportunities for education, health care and economic development as they progress through their educational process.<sup>142</sup>

Issues surrounding Métis identity and recognition are very complex. However, this complexity should not, in the view of this committee, deter the federal government from endeavouring to understand and to move forward on these issues. The committee hopes that this report will contribute to a discussion on recognition between the federal government and the Métis, and that a clearer understanding and awareness of these issues within the federal government will translate into improved engagement with Métis groups, better design of programs and services, and other federal actions to concretely benefit and improve the lives of Métis Canadians.

## **B. Registration and Statistical Information**

The committee heard that Métis communities and groups across Canada are defining their membership in ways that aim to match their views of their own ethnic identities. These views are informed by their diverse historical, cultural, social and political realities.

For example, the MNC National Definition registers descendants of Métis communities that developed at the Red River settlement and along the historic fur trade routes of the

---

<sup>142</sup> [Evidence](#), 20 March 2013.

Northwest in the 18<sup>th</sup> and 19<sup>th</sup> centuries. They collectively define these communities as the Métis Nation, whose shared history includes the first Métis scrip processes, and the series of armed conflicts known as the Red River and Northwest Rebellions. In the MNC's view, the descendants of these communities retain the rights in relation to lands and self-government that their ancestors struggled to have recognized.

Other Métis communities across Canada are registering members according to their own shared identities. The Red Sky Métis Independent Nation in Ontario, for example, registers descendants of the 84 “half-breed” signatories to the 1850 Robinson Superior Treaty. The Alberta Métis settlements register members according to membership criteria that reflect the unique development of their communities in the 20<sup>th</sup> century. Many other Métis groups across Canada are compiling membership lists and issuing membership cards according to their own criteria.

The federal government is involved only in the development of the MNC's five provincial registries. The reason, according to AANDC, is that the MNC National Definition is compatible with the *Powley* criteria, and the MNC registries are therefore an alternative means of identifying Métis rights-bearers. Expenditures for this program were \$8.8 million in 2010–2011 and \$9.5 million in 2011–2012.<sup>143</sup> AANDC's most recent Report on Plans and Priorities indicates that the department will continue to “support development of objectively verifiable Métis membership systems consistent with Supreme Court's *R. v. Powley* [2003] decision.”<sup>144</sup>

The committee notes that this approach is, however, inadequate for identifying Métis rights-holders. The MNC National Definition and the *Powley* criteria are similar, but not the same; and not all members of the MNC's provincial organizations claim section 35 harvesting rights. Instead, Métis rights-holders have generally been identified by courts applying the *Powley*

---

<sup>143</sup> Aboriginal Affairs and Northern Development Canada, *2010–2011 Departmental Performance Report*, p. 82, and *2011–2012 Departmental Performance Report*, ch. 5.3.

<sup>144</sup> Aboriginal Affairs and Northern Development Canada, *2013–14 Report on Plans and Priorities - Aboriginal Affairs and Northern Development Canada and Canadian Polar Commission*, p. 9.

criteria, or through harvesting agreements between the MNC's provincial organizations and provincial governments.

While such registries may assist in identifying some Métis rights-holders in some circumstances, the committee believes that another and more immediate, practical use of these registries is to gather demographic and other important statistical information on Métis populations.

The current approach of the federal government toward collecting statistical information on the Métis relies heavily on self-identification and self-reporting through the Canadian Census. The committee is concerned about the accuracy and reliability of such data, particularly as it is virtually the sole source of federal statistical information on the Métis.

As several witnesses told the committee, a lack of accurate and reliable data results in knowledge gaps on the current status and needs of Métis communities on a broad range of issues. These include issues in relation to health, child welfare, social services, and economic development.

The committee believes that an important first step toward appropriately recognizing the Métis is to have a clear understanding of how the Métis are currently identified and of relevant data available on the Métis. The committee therefore recommends:

**Recommendation No. 1: That Aboriginal Affairs and Northern Development Canada, in collaboration with relevant government departments and Métis organizations, develop and implement a strategy for gathering and analyzing demographic and other statistical information on Métis populations, with a view to identifying current knowledge gaps and opportunities to improve access to reliable and accurate statistical information on Métis populations.**

### **History and Genealogy**

The history of the Métis people and their role in the settling of Canada are not, on the whole, very well documented or understood. Witnesses who appeared before the committee

shared unique and fascinating histories surrounding the origins of their families and communities. Given the importance of this history to development of this country, the stories of the Métis deserve to be celebrated and more widely told. In addition, a better appreciation of Métis history will contribute to a better understanding of who the Métis are today.

Access to relevant documentation on Métis history varies across the country. The histories of the Métis in the Red River region and in other regions covered by successive federal scrip commissions are among the best documented. Descendants of the Métis in other regions, including many in Eastern Canada and British Columbia, are struggling to find the resources to document their histories. In all regions, the process of researching and gathering historical documentation is often expensive and time-consuming. Many communities and organizations across the country have made maximum efforts to document this history with minimal support from outside sources.

Following the *Powley* decision, the Department of Justice initiated a historical research program to help determine where rights-bearing Métis communities might exist across Canada. To help guide its response to the *Powley* decision, the department launched 15 research projects on the development of historic mixed-ancestry communities in several parts of the country, including British Columbia, the Northwest Territories, and Newfoundland and Labrador.

While the results of this research are not public and may be controversial, the committee views this research as a potentially important source of information on the history of these communities and the federal government's understanding of their role in the history of Canada. The committee stresses, however, that any comprehensive research program on the Métis must incorporate oral histories and other methods of ascertaining the Métis' own views of their histories.

The committee heard from several competent and committed independent research organizations and academic researchers who are engaging with Métis communities and gathering important historical documentation on the development of these communities. These include the important work of the independent researchers at various universities and applied research

institutions, such as the Gabriel Dumont Institute. Some have done this work with the support of the federal government, such as through the Canada Research Chair program or the Métis National Council Historical Database.<sup>145</sup> Overall, however, few federal funds currently support Métis-specific historical research, and few research programs currently exist to research and document this history.

Historical research on the Métis is in its early stages. The federal government has already contributed to the development of the historical record by initiating its post-*Powley* research program. This committee believes that the need to develop historical knowledge of the Métis remains urgent. The federal government should make such work a priority, in recognition of the evolving understanding of the Métis and their relationship to the Crown, particularly following the *Manitoba Metis Federation* and *Daniels* decisions. Historical research is critical to understanding who the Métis are and what their rights are as an Aboriginal people of Canada. The committee therefore recommends:

**Recommendation No. 2: That Aboriginal Affairs and Northern Development Canada, in recognition of the evolving understanding of the Métis and their relationship to the Crown, develop, in collaboration with Métis organizations and communities, a plan that will:**

- **Build on the work and capacities of existing researchers and research institutions to identify relevant historical documentation on the Métis, including documents held by federal government departments, and to make this data readily accessible; and**
- **Develop and propose an appropriately resourced research program to support, through an application process, Métis communities and organizations in gathering information on the development of their historic communities, including written documentation and oral histories.**

### **Relations between Canada and the Métis**

The federal government's current approach to formal relations with the Métis has three main components. First, AANDC engages in bilateral discussions with two national organizations – MNC and CAP. Second, AANDC maintains tripartite relationships with the four

---

<sup>145</sup> See Métis National Council Historical Online Database, [Home](#).



western provinces and Ontario and the MNC's organizations in those provinces. Third, Canada has settled or is currently negotiating land claims agreements with several Métis groups in the NWT. No other Métis groups have a consistent, formal relationship with the federal government.<sup>146</sup>

The committee is of the opinion that existing bilateral and tripartite discussions outline a solid framework for relations between Canada and the Métis, even if progress on some of these discussions has been modest to date. None of the parties to bilateral discussions reported clear, concrete outcomes from the discussions, though all parties pledged their continued commitment to these processes. CAP told the committee that it recently renewed its protocol agreement; the committee notes that the MNC's current protocol agreement expires in September 2013. Tripartite discussions in the western provinces and Ontario have contributed to the development of important initiatives in areas including child welfare and economic development.<sup>147</sup>

While Canada has thus established a framework for relations with two national Aboriginal organizations, the committee is concerned that discussions in many areas have stagnated and are in need of a renewed commitment toward achieving concrete results on key issues.

The committee also notes the concern of some witnesses that the department's current network of relationships is not broad enough to include all groups that represent significant Métis constituencies.

The committee acknowledges that a barrier to engaging with other Métis groups is whether all such groups that self-identify do, in fact, legitimately represent the Métis. The federal

---

<sup>146</sup> It should be noted that AANDC has provided funding for capacity development to several organizations representing Métis and non-status Indian constituencies. In 2008, AANDC reported that these organizations included the five provincial organizations of the MNC, the Métis Settlements General Council, the Gabriel Dumont Institute, and CAP's affiliate organizations in Prince Edward Island and Nova Scotia. See Aboriginal Affairs and Northern Development Canada, *Evaluation of the Federal Interlocutor's Contribution Program and Powley: Management of Métis Aboriginal Rights*, 25 February 2008, p. 3.

<sup>147</sup> The committee notes that bilateral discussions between the Métis and various provinces have also produced important, concrete results, most notably harvesting agreements in Manitoba and Ontario.

government has rightfully refrained from advancing a general definition of Métis that includes some and excludes others. However, the federal government will need to decide, for its own purposes, whom to formally recognize and on what basis.

An effective course of action to meet this challenge is to engage with Métis groups, with a view to better understanding their views on Métis identity and the basis on which they claim to represent Métis constituencies. The committee stresses that Métis themselves must be able to determine their own membership and representation. The committee believes that the proper approach for the federal government toward understanding who the Métis are must, therefore, focus on who the Métis understand themselves to be.

The committee emphasizes that engagement with various groups does not by itself create rights or obligations. The purpose of such engagement is to improve understanding and awareness and, on this basis, to decide what further federal actions to appropriately recognize the Métis are needed and warranted.

Finally, the committee notes that many Métis witnesses expressed a desire to broadly engage with the federal government, and officials from AANDC also expressed their openness to engaging in dialogue with local and regional Métis groups.

The committee therefore recommends:

**Recommendation No. 3: That Aboriginal Affairs and Northern Development Canada continue to support bilateral and tripartite negotiations with parties, including the relevant national Aboriginal organizations, and to begin to engage with local and regional groups representing Métis constituencies across Canada, with a view to developing a coherent and comprehensive approach to relations between Canada and the Métis; and, in particular:**

- **Renew its commitment to bilateral and tripartite discussions with parties, including the relevant national Aboriginal organizations, by clearly identifying, in collaboration with these parties, priority issues for discussion, concrete objectives, and timelines for the achievement of these objectives;**
- **Develop an action plan for engagement with local and regional Métis groups with regard to their views on Métis identity and the bases on which they claim to represent Métis constituencies, and table a progress report on the action plan with this committee by 1 June 2014.**

## **CONCLUDING REMARKS**

---

This study has sought to address the following question: How can the federal government recognize the Métis in a manner that fundamentally respects the ways in which the Métis view themselves?

The recommendations in this report are proposed as first steps. They do not provide the answer, but rather define a process toward finding an appropriate answer.

This committee believes that the federal government must take immediate and concrete steps to better understand who the Métis are. This requires, at its base, an inquiry into who the Métis understand themselves to be.

This will be no easy task. It is, however, an urgent and important one.

## APPENDIX I – COMMUNITY PROFILES: EXPRESSIONS OF MÉTIS IDENTITY

---

In September and October 2012, the committee travelled to several Métis communities across Western Canada and the Northwest Territories. The committee held several fact-finding meetings with a variety of stakeholders, including community leaders, educators, harvesters, social service providers, and elders. The meetings generated interesting and wide-ranging discussions on Métis identity in these communities.

While the full range of issues discussed could not be incorporated into the report, the following provides a descriptive account of key issues drawn from these discussions. Brief narratives from seven communities are presented below; each includes brief background information and descriptions of some key issues affecting Métis identity in the contemporary community.

### **A. Saint Laurent, Manitoba: Culture and Identity**

The Saint Laurent area, located along the southern shore of Lake Manitoba, was first inhabited by Métis families who migrated north from the Pembina territory in the United States in the early 1820s. Other early Métis in the area included those who migrated from the Red River Settlement, in and around present-day Winnipeg. The Métis who established semi-permanent settlements in the area were primarily fishers, traders with the fur company posts, and socio-economic intermediaries with the local Cree and Assiniboine populations.<sup>148</sup>

The traditional economy in Saint Laurent continues to be based around the lake fishery; other traditional sources of livelihood include hunting, trapping, gardening and farming. Recent legal and policy developments have supported Métis Aboriginal harvest rights in the area. In 2009, the Provincial Court of Manitoba, applying the *Powley* criteria, found that a historic Métis community and associated hunting rights existed across a large portion of southwestern

---

<sup>148</sup> See Nicole St-Onge, *Saint Laurent, Manitoba: Evolving Métis Identities, 1860 – 1914* (Regina: Canadian Plains Research Center, University of Regina, 2004); and Guy Lavallée, *The Métis of St. Laurent, Manitoba: Their Life and Stories, 1920 – 1988* (Winnipeg: Published by the Author, 2003).

Manitoba.<sup>149</sup> Provincial government and conservation officials have since worked with the Manitoba Metis Federation (MMF) to develop rules for recognizing Métis harvesting rights across southern Manitoba, culminating in the September 2012 harvesting agreement between the Province of Manitoba and the MMF.<sup>150</sup>

The Michif language spoken in the area, generally a mixture of French and Cree, was historically a vital element in the development of Métis group identity in Saint Laurent.<sup>151</sup> The language, along with music, dress, harvesting activities and other aspects of material culture remain important to Métis identity and ways of life in the area. Indeed, Saint Laurent is featured in a permanent exhibition of contemporary Aboriginal life and identities at the Smithsonian's National Museum of the American Indian in Washington, D.C.<sup>152</sup>

The Michif language is an important aspect of Métis identity in Saint Laurent, despite a range of historic and contemporary challenges to its continued use and preservation. The old mission schools in the area, for example, actively discouraged previous generations from speaking the Michif language. Today, the influence of English is increasing as the community continues to grow and change demographically. Another challenge relates to the nature of the language itself: Michif is primarily a spoken language with many regional variations, which complicates efforts to compile a common written vocabulary or design education curricula.

In supporting the use and preservation of Michif, local educators told the committee that families are the best teachers of the language to the younger generations. Their pedagogical approach focuses on providing programs to support parents in transmitting the language and culture to their children, integrating lessons in Aboriginal culture into the existing provincial

---

<sup>149</sup> *R. v. Goodon*, 2008 MBPC 59 (CanLII).

<sup>150</sup> See Manitoba Metis Federation (MMF), *Natural Resources*, and Government of Manitoba, *Metis Natural Resource Harvesting*. As part of this negotiated arrangement, the Métis exercise their rights to harvest in accordance with the traditional laws set out in an MMF document entitled *Metis Laws of the Harvest*. See Manitoba Metis Federation, *Metis Laws of the Harvest (Third Edition)*.

<sup>151</sup> It should be noted that Métis peoples across Canada have spoken many Aboriginal languages that include Michif (e.g. Michif-Cree, Michif-Dene) and other distinct combinations of Aboriginal and European languages (e.g. Bungi, Chinook).

<sup>152</sup> Smithsonian Institution, National Museum of the American Indian, *Our Lives: Contemporary Life and Identities*.

curriculum, and teaching values relating to personal and group identity, diversity and multiculturalism. As one educator noted, Métis students must recognize who they are before they can recognize the person in front of them.

## **B. Cross Lake, Manitoba: Individual and Collective Identities**

The Métis community of Cross Lake is located approximately 520 kilometers by air north of Winnipeg on the shore of the Nelson River, where the river enters Cross Lake. The community was first established in 1795 as a trading post of the Hudson's Bay Company. The Métis here are largely descended from Cree populations and Scottish company fur traders who settled in the area. The men of the community have a proud tradition as "trip-men" on the York boats that travelled the difficult and dangerous inland routes between the Red River settlement and York Factory on Hudson Bay.<sup>153</sup> Today, many community members call themselves "half-breeds," a reclaimed term used to reflect their Scottish and Cree heritage.<sup>154</sup>

The landscape of the area was significantly altered in the early 1970s with the construction of the Churchill-Nelson River hydroelectric dam project. The flooding caused severe effects on the local ecology and undermined the traditional hunting, trapping and fishing ways of life of many Aboriginal communities, including the Cross Lake Métis community and the adjacent Cross Lake First Nation. In 1977, the Governments of Canada and Manitoba, Manitoba Hydro (a provincial power utility), and five Northern Manitoba First Nations signed the *Northern Flood Agreement* (NFA).<sup>155</sup> Although there is disagreement among the parties with respect to the agreement's implementation, the NFA was originally intended to compensate for damages suffered by the signatory First Nations as a result of the flooding. However, Métis communities and some First Nations affected by the flooding were not parties to the NFA.<sup>156</sup>

---

<sup>153</sup> See Archives of Manitoba, *Hudson's Bay Company – Cross Lake*; and Frederick J. Alcock, "Past and Present Trade Routes to the Canadian Northwest," *Geographical Review*, Vol. 10, No. 2 (Aug., 1920), pp. 57-83.

<sup>154</sup> English-speaking mixed populations in the area were commonly, and pejoratively, called "half-breeds" by non-Aboriginal populations in the 19<sup>th</sup> and early 20<sup>th</sup> centuries.

<sup>155</sup> See Office of the Arbitrator, *Northern Flood Agreement*.

<sup>156</sup> For more on the complex history and legal claims surrounding the *Northern Flood Agreement* in Manitoba, see Thibault Martin and Steven M. Hoffman, eds., *Power Struggles: Hydro Development and First Nations in Manitoba and Quebec* (Winnipeg: University of Manitoba Press, 2008); and Aboriginal Affairs and Northern Development Canada, *Background - Manitoba Northern Flood Agreement: Implementation*.

In 2010, following approximately 20 years of litigation and negotiations, the Métis community of Cross Lake reached a settlement with the Province of Manitoba and Manitoba Hydro for damage caused by the Churchill-Nelson River project. The settlement agreement provides for financial compensation, the transfer of several thousand acres of land to the community, and the establishment of a co-management committee to help manage resources within a registered trapline area.<sup>157</sup>

Cross Lake became an “incorporated community” under the Manitoba *Northern Affairs Act* in 2010,<sup>158</sup> with powers and responsibilities similar to a municipality. While the community welcomed this change in its local government, representatives told the committee that the community still wishes to be recognized and dealt with as a representative Métis community by other levels of government. The community has accessed federal funds for isolated programs accessible to the Métis but does not otherwise have a relationship with the federal government.

While Cross Lake retains a strong sense of its distinct Métis culture and identity, almost all individuals in the community are registered (status) Indians under the *Indian Act*. Many regained status or chose to register for the first time following the reforms to the *Indian Act* status provisions under Bill C-31 in 1985. Community members described the choice to register as difficult, but necessary for many people, given the benefits available to registered Indians under the act. Others in the area have chosen not to accept Indian status because they self-identify as Métis. Community leaders indicated that the issue of Indian status, while largely a personal one, has affected their ability to hold the people together as a Métis community.

### **C. Duck Lake and Batoche, Saskatchewan: Historic and Contemporary Communities**

In the 1870s, many Métis migrated from the newly formed province of Manitoba and established communities in the North-West Territories along the banks of the North and South Saskatchewan rivers. Many of the families who settled in these areas had long traditions as buffalo hunters, trappers, and suppliers and freighters for the North-West fur trade.

---

<sup>157</sup> See *Cross Lake Community Settlement Agreement* (2010).

<sup>158</sup> *The Northern Affairs Act* (2006), C.C.S.M. c. N100.



In the spring of 1885, disputes over land surveying and other federal policies broke into armed conflict between the Métis, led by Louis Riel and Gabriel Dumont, and the North-West Mounted Police. The Battle at Duck Lake was the first of a series of battles between the Métis and police and militia forces, which culminated in the Battle of Batoche in May 1885.<sup>159</sup>

This history is now commemorated at many sites and events in the area, including the Batoche National Historic Site, the Duck Lake Regional Interpretive Centre, and an annual cultural festival known as Back to Batoche.<sup>160</sup>

The Métis in the Duck Lake and Batoche areas impressed upon the committee a deep sense of their history, genealogical roots and identity as a Métis people. The committee heard that many community members had invested much time and many resources in learning their family histories and genealogies, and knew the network of families that comprised the Métis communities in the area.

However, community members emphasized that the membership criteria of various Métis political organizations did not fit with their view of themselves or their communities. The criteria of the Métis Nation of Saskatchewan (a provincial organization of the Métis National Council) were described as too narrow, excluding many community members whose Aboriginal ancestry was tied to areas outside the Métis Nation Homeland.<sup>161</sup> Organizations whose only criterion for membership was self-definition were too broad, lacking important ties to the community's shared sense of history and place.

---

<sup>159</sup> These armed conflicts are known collectively as the North-West Resistance, or the North-West Rebellion. For more on this history, see Walter Hildebrandt, *The Battle of Batoche: British Small Warfare and the Entrenched Métis* (Ottawa: Environment Canada, 1989).

<sup>160</sup> The committee visited and met with stakeholders at all of these locations in the course of this study. See Parks Canada, *Batoche National Historic Site*; Duck Lake Historical Museum Society, *Duck Lake Regional Interpretive Centre*; and Métis Nation – Saskatchewan, *Back to Batoche Days*.

<sup>161</sup> According to the Métis National Council and its provincial organizations, the "historic Métis Nation was based within a "homeland" that includes the three Prairie Provinces (Manitoba, Saskatchewan and Alberta) and parts of Ontario, British Columbia and the northern United States.

For example, the president of a local affiliate of the Métis Nation of Saskatchewan told the committee that she is not officially eligible for membership in the provincial organization because her Aboriginal ancestry is tied to Quebec.

The committee heard that further dialogue with communities was needed around more inclusive definitions of Métis and appropriate membership criteria. Such a dialogue was needed to establish, as one community member put it, a strong foundation on which to build present-day and future Métis communities.

#### **D. Ile-a-la-Crosse, Saskatchewan: Education and Identity**

The northern Saskatchewan community of Ile-a-la-Crosse was established in 1776 as a main Hudson's Bay Company trading post, and is the second oldest permanent settlement in Saskatchewan.<sup>162</sup> Most Métis in the community have French surnames, reflecting their descent from local Cree women and French-speaking voyageurs from Quebec.<sup>163</sup> Ile-a-la-Crosse is the birthplace of Louis Riel's father, Louis Riel Sr., and the gravesite of his sister, Sister Marguerite Marie Riel (Grey Nuns).<sup>164</sup>

Beginning in 1847, the community was the site of a Catholic mission boarding school, which, for a period of time, was designated for Métis children. Others from the community attended the nearby Beauval Indian Residential School, which operated from 1895 to 1983.<sup>165</sup> Former students of the boarding school at Ile-a-la-Crosse told the committee of their experiences at the school. Like many other survivors of this sad chapter in Canadian history, these survivors recounted experiences of severe physical abuse, isolation from family and community, and being forbidden from speaking the Michif language. The committee further heard that the physical and

---

<sup>162</sup> The oldest community is Cumberland House, Saskatchewan, established two years earlier in 1774.

<sup>163</sup> However, a few English and Scottish traders from the Red River settlement in Manitoba also established families in the community in the 19<sup>th</sup> century. See Robert Jarvenpa and Hetty Jo Brumbach, "Occupational Status, Ethnicity, and Ecology: Metis Cree Adaptations in a Canadian Trading Frontier," *Human Ecology*, Vol. 13, No. 3 (Sep., 1985), pp. 309-329.

<sup>164</sup> See Gabriel Dumont Institute, Virtual Métis Museum, *Gravesite of Sister Marguerite Marie (Sara) Riel*.

<sup>165</sup> See Larry Chartrand et al., *Métis History and Experience and Residential Schools in Canada* (Ottawa: Aboriginal Healing Foundation, 2006); and Gabriel Dumont Institute, Virtual Métis Museum, *Brenda MacDougall Discusses the Community of Ile a la Crosse* (22 March 2002).

psychological after-effects of these experiences included loss of language, culture, community connections and parenting skills.<sup>166</sup>

In 2007, a settlement was reached with the federal government on behalf of former students of Indian Residential Schools, which included processes for individual compensation and an apology delivered by the Prime Minister to the survivors of the schools.<sup>167</sup> While the Beauval school was included on the settlement agreement's list of recognized residential schools, the mission boarding school at Ile-a-la-Crosse was deemed ineligible for inclusion under the terms of the settlement agreement.<sup>168</sup> Community leaders told the committee that they are continually working to gain recognition for the survivors of the Ile-a-la-Crosse school.

In the 1970s, the community took greater control over education by establishing its own school board to administer and develop educational programming for the local elementary and secondary schools. The board works under provincial education legislation and curricula to provide culturally appropriate programming to students in the community, including programs to teach the Michif language, Métis fiddling and traditional outdoor skills.<sup>169</sup> Though such programs are non-compulsory or extra-curricular, they have a high participation rate among students. School officials stated that a key measure of the local school board's overall success has been the increase in high school graduation numbers, which reportedly grew from none prior to the establishment of the board, to over 300 since 1979.

---

<sup>166</sup> In November 2012, the Truth and Reconciliation Commission of Canada held hearings in Ile-a-la-Crosse as part of its mandate to bear witness to the legacy of the residential school system and to guide a process of reconciliation among all Canadians. For more information on the mandate and activities of the Truth and Reconciliation Commission, see Truth and Reconciliation Commission, *Home*.

<sup>167</sup> Right Honourable Stephen Harper, "Prime Minister Harper offers full apology on behalf of Canadians for the Indian Residential Schools system," Office of the Prime Minister, Ottawa, 2008.

<sup>168</sup> See Indian Residential Schools Settlement – Official Court Website.

<sup>169</sup> See Ile-a-la-Crosse School Division, *Home*; and Sakitawak Cultural Site, *Home*.

## E. Buffalo Lake, Alberta: The Métis Settlements

The eight Métis settlements in northern Alberta, with a combined area of 1.25 million acres (506,000 hectares), comprise the only collective Métis land base in Canada. The settlements are largely the product of a unique history in the province in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, which combined Métis political action with provincial efforts to improve the socio-economic circumstances of the Métis.<sup>170</sup>

In 1990, provincial legislation codified a negotiated framework for the governance and management of the Métis settlements.<sup>171</sup> The framework includes several local and regional government institutions with delegated authority over a wide range of areas, including areas previously under municipal and provincial jurisdictions.<sup>172</sup> In general, the eight local settlement councils have largely municipal-like powers to enact by-laws on matters of local governance and to run local programs and services. The regional Métis Settlements General Council enacts binding policies in specified areas that collectively affect the settlements, holds underlying title to the settlement land base, and manages collective settlement funds. A tribunal handles disputes relating to lands and membership in the settlements.

The Buffalo Lake Métis Settlement, located approximately 200 km northeast of Edmonton, has a membership of approximately 1,200 and a land base of 87,000 acres (35,356 hectares). The lands of all the settlements are owned under a unique structure of ownership known as “provisional title.” Under this system, each member of the settlement is allocated 10 acres; landowners can sell their lands to another member or to the General Council. Future expansion of land is not contemplated in the legislation; the committee heard that Buffalo Lake had recently purchased adjacent lands to expand its land base.

---

<sup>170</sup> For details on the legal and political history of the Métis settlements, see Catherine Bell and Harold Robinson, “Government on the Métis Settlements: Foundations and Future Directions” in Frederica Wilson and Melanie Mallet, eds., *Métis-Crown Relations: Rights, Identity, Jurisdiction, and Governance* (Toronto: Irwin Law, 2008), pp. 437-474, and T.C. Pocklington, *The Government and Politics of the Alberta Metis Settlements* (Regina: Canadian Plains Research Center, 1991).

<sup>171</sup> See in particular *Alberta-Métis Settlements Accord* (1989), and *Métis Settlements Act*, R.S.A. 2000, c. M-14.

<sup>172</sup> See Government of Alberta, Ministry of Aboriginal Relations, *Metis Settlements*; Métis Settlements General Council, *Home*; and *Métis Settlements Appeals Tribunal*, *Home*.

The provincial legislation establishing the settlements outlines both a broad definition of Métis (“a person of aboriginal ancestry who identifies with Métis history and culture”) and particular criteria and processes for obtaining membership in the Métis settlements. The criteria contain a restriction against membership for those who have registered as an Indian under the *Indian Act*, or as an Inuk for the purpose of a land claims agreement, with narrow exceptions.<sup>173</sup> This restriction was recently upheld by the Supreme Court of Canada as justified “[i]n order to preserve the unique Métis culture and identity and to assure effective self-governance through a dedicated Métis land base.”<sup>174</sup> The committee heard that many current members of the settlements would likely be eligible to be registered as status Indians under the *Indian Act*, but for this restriction against Indian registration in the settlements’ membership criteria.

The committee heard that the settlements are not formally affiliated with the Métis Nation and its provincial organization, the Métis Nation of Alberta. However, some settlement members are also members of the MNA. Community leaders in Buffalo Lake told the committee that its membership criteria also allow the settlement to accept members from outside the province, including those who, for reasons relating to the geographic origins of their Aboriginal ancestry, may not qualify for membership with the MNA.

## **F. Kelowna, British Columbia: Rediscovering Identity**

The City of Kelowna and many other communities in the Okanagan region are home to many Métis from across Canada, including those who have relocated to B.C. within the last few generations. Several local organizations of the Métis Nation of British Columbia (MNBC) are based in and around Kelowna; in addition, several community-based organizations provide a variety of social services, including housing and child and family services, to Métis populations in the Okanagan region. The committee met with several of these organizations in Kelowna, including the Métis Community Services Society of British Columbia, the Métis Commission for Children and Families of British Columbia, and the Okanagan Métis and Aboriginal Housing Society.

---

<sup>173</sup> See *Métis Settlements Act*, R.S.A. 2000, c. M-14, sections 1(j), 75, 76 and 90.

<sup>174</sup> *Alberta (Aboriginal Affairs and Northern Development) v. Cunningham*, 2011 SCC 37, para. 86.

These organizations told the committee that the term “Métis” is used in British Columbia to describe populations with mixed Aboriginal and European ancestry, as well as those with ancestral ties to the historic Métis in the Red River region. Local Métis service providers, including those mentioned above, serve all self-identifying Métis populations and work to address their common social needs.

Methods of identifying Métis in the region include “community cards” and “provincial cards.” Representatives of local chapters of the MNBC told the committee that they issue “community cards” to Métis based solely on self-identification. Particularly since the *Powley* decision, the MNBC has emphasized the “provincial cards” as the primary means of Métis identification. However, many Métis community members have opted not to enter the detailed and expensive process to obtain a provincial card, and continue to rely only on community cards to demonstrate their membership in the local Métis community.

The committee heard that many Métis in B.C. have, over the generations, lost their connections to their Aboriginal culture and heritage, due to complex factors including racism, discrimination and social dislocation. One important aspect of the work of these service providers is in assisting individuals to rediscover their Aboriginal heritage through genealogical research. Service providers told the committee that many Métis, while generally aware of their Aboriginal ancestry, have, over generations, lost their connections to particular Aboriginal ancestors or historic Métis communities. As the costs associated with doing the required historical research can be very high, some social services organizations access funding through the provincial government to assist in doing genealogical research. In some cases, individuals may use this research to gain membership in the Métis Nation of British Columbia.

The effects of re-discovering one’s Aboriginal heritage are profound for many. For example, one service provider told the committee about the genealogical research her organization did on behalf of two siblings in the foster care system. The organization obtained some initial information from their great grandmother, and later traced the family ancestry to one of the founders of the Batoche Métis settlement in Saskatchewan. The organization reported the

information to the great grandmother, who indicated that this knowledge made her feel like she “was somebody.”

## **G. Northwest Territories: Métis North of 60**

Two historic treaties cover parts of the NWT – Treaty 8 (1899) and Treaty 11 (1921).<sup>175</sup> The treaty commissions for these respective historic treaties with the Dene were also given the authority to investigate Métis claims under special “Half-breed Commissions.” While a few Métis in the NWT took treaty, most Métis were issued money or land scrip. Land scrip was only issued in areas covered by Treaty 8; Métis in Treaty 11 territory were issued only money scrip because of a lack of arable land in the area. The Treaty 11 Half-breed Commission, for example, accepted scrip applications from the Métis after Treaty 11 was signed; and the federal government issued 172 scrip payments in the amount of \$240 per person between 1924 and 1927.<sup>176</sup>

The committee heard that early written records on the Métis in the NWT are scarce. However, both written and oral histories cover the experiences of a prominent Métis ancestor, François Beaulieu II (1771-1872). His descriptions of Métis and Dene ways of life in the region are published in the writings of a Catholic missionary named Émile Petitot, and remain an important written source on the history of the Métis in the NWT.<sup>177</sup>

Among the unique rights and benefits of the Métis in the NWT are those negotiated under three comprehensive land claims agreements.<sup>178</sup> Negotiations are ongoing with respect to two

---

<sup>175</sup> Treaty 8 covers parts of northern Saskatchewan, Alberta, and British Columbia, and a southern portion of the NWT. Treaty 11 covers parts of the NWT and a southern portion of Yukon. For a map illustrating these boundaries, see Aboriginal Affairs and Northern Development Canada, *Historical Treaties of Canada*.

<sup>176</sup> Library and Archives Canada, *Métis Scrip Records – Treaty 11 Commission*.

<sup>177</sup> See Émile Petitot, *En route pour la mer Glaciale* (Paris: Letouzey et Ané, 1887), and Parks Canada, *Backgrounder: François Beaulieu II (C. 1771-1872)*.

<sup>178</sup> These are: the *Gwich'in Comprehensive Land Claim Agreement* (which came into effect in 1992); the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* (1994); and the *Tlicho Land Claims and Self Government Agreement* (2005).

additional land claims agreements that count Métis as beneficiaries.<sup>179</sup> Métis residents of the NWT are also eligible for certain non-insured health benefits, including dental and prescription drug benefits, through the territorial government.

While the Métis have attained recognition in some areas, the committee heard that they struggle to be recognized in others. For example, Michif (here a mixture of French and Dene) is not among the 11 Aboriginal languages recognized under territorial legislation. Federal funds to preserve the Michif language were at one time accessible through Heritage Canada, but those funds have now ceased.

The Northwest Territory Métis Nation (NWT MN) is currently in negotiations with Canada and the NWT on the first Métis-only land claim agreement in Canada. The group had been involved in negotiations on a joint Métis/Dene agreement since the early 1980s, but the agreement was never ratified. In 1996, the parties signed a Framework Agreement to begin this negotiation process, which in 2012 reached an Agreement-in-Principle (AIP).

Eligibility criteria under the future agreement are expected to revolve around a concept of “Indigenous Métis.” This term refers to those Métis who can trace their ancestry in the treaty territory back to 1921. The committee heard that those Métis who arrived in the region after 1921 would be considered “non-Indigenous Métis” with no rights under the agreement. The AIP also defines Métis as separate from other Aboriginal peoples, and thus status Indians would not be eligible to become beneficiaries under the agreement.

---

<sup>179</sup> One is with the Northwest Territories Métis Nation (formerly the South Slave Métis Tribal Council), and the other involves the Dene and Métis of the Deh Cho region. See Aboriginal Affairs and Northern Development Canada, *General Briefing Note on Canada’s Self-Government and Land Claims Policies and the Status of Negotiations*, (January 2012), pp. 56–58.



## APPENDIX II – WITNESSES

---

Meeting Date	Agency and Spokeperson	Brief
March 27, 2012	<p><b>Aboriginal Affairs and Northern Development Canada:</b></p> <p>Elizabeth Tromp, Assistant Deputy Minister, Office of the Federal Interlocutor;</p> <p>Diane Robinson, Director, Aboriginal Relations, Office of the Federal Interlocutor;</p> <p>Michael Nadler, Director General, Negotiations East.</p> <p><b>Department of Justice Canada:</b></p> <p>Peggy Stone, General Counsel and Director.</p>	X
March 28, 2012	<p><b>Statistics Canada:</b></p> <p>Jane Badets, Director General, Census Subject Matter, Social and Demographic Statistics;</p> <p>François Nault, Director, Social and Aboriginal Statistics Division;</p> <p>Cathy Connors, Assistant Director, Social and Aboriginal Statistics Division.</p> <p><b>Human Resources and Skills Development Canada:</b></p> <p>James Sutherland, Acting Director General, Aboriginal Affairs Directorate, Skills and Employment Branch.</p>	X

<b>Meeting Date</b>	<b>Agency and Spokeperson</b>	<b>Brief</b>
April 24, 2012	<p><b>Health Canada:</b></p> <p>Kathy Langlois, Director General, Community Programs Directorate, First Nations and Inuit Health Branch.</p> <p><b>Public Health Agency of Canada:</b></p> <p>Marla Israel, Acting Director General, Centre for Health Promotion.</p>	X
April 25, 2012	<p><b>As individuals:</b></p> <p>Larry Chartrand, Associate professor, Faculty of Law, Common Law Section, University of Ottawa;</p> <p>Brenda Macdougall, Chair, Métis Research, Department of Geography, Faculty of Arts, University of Ottawa.</p>	X
May 2, 2012	<p><b>As individuals:</b></p> <p>Jean Teillet, Lawyer, Paper Salter Teillet;</p> <p>Jason T. Madden, Lawyer, JTM Law.</p>	X X

<b>Meeting Date</b>	<b>Agency and Spokeperson</b>	<b>Brief</b>
May 15, 2012	<b>Métis National Council:</b> Clément Chartier, President; Marc LeClair, Bilateral Coordinator.  <b>Les Femmes Michif Otipemisiwak – Women of the Métis Nation:</b> Melanie Omeniho, President.	X
May 30, 2012	<b>Congress of Aboriginal Peoples:</b> Dwight Dorey, National Vice-Chief; Julian Morelli, Advisor.	
June 6, 2012	<b>Métis Nation of Ontario:</b> Gary Lipinski, President.	X
June 13, 2012	<b>Historic Saugeen Métis:</b> Patsy L. McArthur, Secretary-Treasurer.	X
June 20, 2012	<b>Native Women’s Association of Canada:</b> Elder Elize Hartley, Executive Council.	X
	<b>First Nations University of Canada:</b> Carrie Bourassa, Associate Professor, Inter-Disciplinary Programs.	X

Meeting Date	Agency and Spokeperson	Brief
September 24, 2012	<b>Ministry of Aboriginal and Northern Affairs Manitoba:</b>	
	Eleanor Brockington, Director, Policy and Strategic Initiatives.	
	<b>Manitoba Metis Federation:</b>	X
	David Chartrand, President;	
	David Boisvert, Policy Advisor.	
	<b>As an individual:</b>	
	Paul Chartrand, Retired Professor of Law.	
	<b>Metis Child, Family and Community Services:</b>	
	Eileen Sanderson, Kinship Care Worker.	
	<b>Metis Culture and Heritage Resource Centre Inc.:</b>	
	Randall Ranville, Genealogist.	

Meeting Date	Agency and Spokeperson	Brief
September 26, 2012	<p><b>Métis Nation Saskatchewan:</b></p> <p>Robert Doucette, President;</p> <p>Gerald Morin, Vice-President;</p> <p>Louis Gardiner, Treasurer.</p>	
	<p><b>College of Medicine, University of Saskatchewan:</b></p> <p>Valerie Arnault-Pelletier, Aboriginal Coordinator.</p>	
	<p><b>As an individual:</b></p> <p>Marilyn Poitras, Assistant Professor, University of Saskatchewan.</p>	
	<p><b>Métis Family and Community Justice Services Saskatchewan Inc.:</b></p> <p>Nora Cummings, Métis Senator;</p> <p>Lynn LaRose, Chief Executive Officer.</p>	
	<p><b>Gabriel Dumont Institute of Native Studies and Applied Research Inc.:</b></p> <p>Lisa Wilson, Director.</p>	

Meeting Date	Agency and Spokeperson	Brief
September 28, 2012	<b>Métis Nation of Alberta:</b> Aaron Barner, Senior Executive Officer.	
	<b>Rupertsland Institute:</b> Lorne Gladu, Chief Executive Officer.	
	<b>Aboriginal Metis Citizens Alliance of Canada:</b> Garry Boudreau, President; Brenda Blyan, Metis citizen.	
	<b>As an individual:</b> Catherine Bell, Professor of Law.	X
October 1, 2012	<b>Métis Nation of Greater Victoria:</b> Victoria Pruden, Vice-President.	
	<b>Métis Nation British Columbia:</b> Bruce Dumont, President; Laurel Katernick, Director of Registry.	
	<b>British Columbia Métis Federation:</b> Keith Henry, President; Daryl Piper, Vice-President.	X

<b>Meeting Date</b>	<b>Agency and Spokeperson</b>	<b>Brief</b>
October 1, 2012	<b>As individuals:</b> Terry Goulet, Metis historian; George R. D. Goulet, Metis historian.  <b>Kelly Lake Metis Settlement Society Inc.:</b> Lyle Letendre, President.  <b>Vancouver Métis Community Association:</b> June Scudeler, President; J. Paul Stevenson, Elder.	         X         X
October 17, 2012	<b>North Slave Metis Alliance:</b> William (Bill) A. Enge, President; Christopher Devlin, Counsel.	X
October 23, 2012	<b>As an individual:</b> Frank Tough, Professor, Native Studies Faculty, University of Alberta.	X

<b>Meeting Date</b>	<b>Agency and Spokesperson</b>	<b>Brief</b>
October 24, 2012	<b>L'Union nationale métisse Saint-Joseph du Manitoba Inc.:</b>  Gabriel Dufault, President;  Guy Savoie, Elder.  <b>As an individual:</b>  Denis Gagnon, Chairholder, Canada Research Chair on Métis Identity, University of Saint-Boniface.	X
November 6, 2012	<b>Sou'West Nova Metis Council (Nova Scotia Wampanoag of Cape Sable Island):</b>  Daphne Williamson, Lawyer.  <b>Kespu'kwitk Metis Council of Yarmouth and District:</b>	X
November 21, 2012	<b>Québec Metis Nation:</b>  Claude Aubin, Spokesperson;  Claude Riel Lachapelle, Spokesperson.  <b>Métis Nation of Canada:</b>  Bryce Douglas Fequet, Founder.	X



Meeting Date	Agency and Spokeperson	Brief
November 28, 2012	<p><b>New Brunswick Aboriginal Peoples Council:</b></p> <p>Kim Nash-McKinley, President and Chief;</p> <p>Ron Swain, National Vice-Chief (Congress of Aboriginal Peoples).</p>	X
	<p><b>Red Sky Métis Independent Nation:</b></p> <p>Donelda DeLaRonde, Executive Director;</p> <p>Troy DeLaRonde, Métis Chief;</p> <p>Susan Blekkenhorst, Consultation coordinator;</p> <p>John Edmond, B.A., M.A., LL.M., Legal Counsel.</p>	
December 5, 2012	<p><b>Canadian Métis Council - Intertribal:</b></p> <p>Tanya Dubé, Secretary/Treasurer and Board Member.</p> <p>Eastern Woodland Métis Nation of Nova Scotia:</p> <p>Jerome Downey, Federal Government Liaison.</p>	

Meeting Date	Agency and Spokeperson	Brief
December 11, 2012	<p><b>Aboriginal Affairs and Northern Development Canada:</b></p> <p>Christopher Duschenes, Director General, Aboriginal and External Relations Branch;</p> <p>Diane Robinson, Director, Aboriginal Relations, Métis and Non-status Relations Directorate.</p> <p><b>Department of Justice Canada:</b></p> <p>Peggy Stone, General Counsel and Director, Negotiations, Northern Affairs and Federal Interlocutor.</p>	X
March 20, 2013	<p><b>As individuals:</b></p> <p>The Honourable Gerry St. Germain, P.C., former senator.</p> <p>Jean Barman, Professor Emeritus.</p>	X
No specific date	<p><b>Government of Manitoba:</b></p> <p>Fred Meier, Deputy Minister of Conservation and Water Stewardship.</p>	X
No specific date	<p><b>Association des Acadiens-Métis Souriquois:</b></p> <p>Paul D. Tufts</p>	X