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• (1535)

[English]

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

Welcome to the 85th meeting of the Standing Committee on Indigenous and Northern Affairs.

Pursuant to the Standing Orders of the House, today's meeting is taking place in a hybrid format. Now that we're in session, there are no screenshots, photos or recordings allowed.

We'll skip the formalities for the virtual participants because, if our members haven't figured it out by now, we have larger problems.

I welcome those who are online.

For those in the room, welcome to all of our witnesses. We have an excellent team here who will work on turning your microphones on and off. If you need interpretation, you need to select the language of choice.

When we get into questions, I have a card system here. When there are 30 seconds left, I'll show the yellow card. When the time is up, we'll have a red card. Don't stop mid-sentence; finish your thought, and we'll move on to the next person. Having discussions is an important part of the meeting. It's pretty rigid in how we do it, but I want to give everyone the time they need to share the thoughts they have within the restrictions we're operating within.

Before we introduce our first panel, I want to remind members that all amendments, including subamendments, must be submitted in writing and sent to our committee clerk by noon tomorrow, Wednesday, November 29. If you wish to propose amendments, you can include the legislative counsel, Alexandra Schorah, with your written instructions. She'll ensure that amendments are drafted in the proper legal format.

Now, to jump right into it, we have on our first panel, to continue our discussion of Bill C-53, three organizations represented. First, we have Wendy Goulet and Jason Harman from the Cadotte Lake Métis Nation. We have Justin Roy, councillor, Kebaowek First Nation; and Dave Lamouche, president and Brenda Blyan, vice-president of Metis Settlements General Council.

If I got anybody's name wrong, I apologize. You can fix it when you get your chance to speak.

Each of the organizations will have a five-minute opening statement.

We start with Wendy and Jason, when you're ready. I'll start the clock when you start speaking. You'll have five minutes.

Ms. Wendy Goulet (Treasurer, Cadotte Lake Métis Nation): *Tansi kahkiyaw.* Thank you for having me today. My name is Wendy Goulet. I have travelled to Ottawa today to speak on behalf of my nation, the Cadotte Lake Métis Nation.

Before I speak about the draft bill, I want to talk a little about my community. Cadotte Lake is an independent, self-governing, rights-bearing Métis community with distinct historical roots. Our community is located in the Peace River-Lesser Slave Lake area, approximately 500 kilometres northwest of Edmonton, Alberta.

Our community holds protected constitutional rights as the direct descendants of the historic community founded by the Carifelle, Noskey, Thomas, Supernant, Manitosth, Chalifoux and Cardinal families. These families make up our community to this day. It is about my community's rights that I come to speak today.

Many of the speakers in favour of this bill have spoken about how Métis self-government recognition is long overdue and, equally, that it is the right of the Métis to choose their own government. I agree; 100%, I agree.

However, this House must not make an error in a rush to make up for the historical wrongs committed against the Métis and trample over Métis rights in the name of many over a few.

Bill C-53 is a blunt instrument. If enacted, it will allow one Métis group in Alberta, the Métis Nation of Alberta, to exclusively represent the rights of all Alberta Métis communities, including my own. My community did not vote to pass its rights to the Métis Nation of Alberta. My community was not asked or consulted by Canada or the Métis Nation of Alberta about the agreement that has bartered our rights away.

Instead, together, Canada and the Métis Nation of Alberta have defined the Métis nation within Alberta, which appears in the schedule of this draft bill as the constituency of the Métis Nation of Alberta, to include all Alberta Métis communities, as long as those community members could join up with the Métis Nation of Alberta.

The 2023 agreement was signed in February 2023 between the Métis Nation of Alberta and Canada. It was tabled with Bill C-53 as a sessional paper. Métis nation within Alberta means the Métis collectively and is comprised of Métis nation citizens who are citizens and Métis communities in Alberta whose members are citizens and individuals who are entitled to become citizens based on their connection to these Métis communities living in Alberta and elsewhere. This overreach cannot be permitted. It is not in accordance with the principles of self-determination and self-government. It is other government and other determination.

I recommend that this committee amend the schedule to remove the Métis Nation of Alberta and the Métis nation within Alberta until such time as an agreement that defines that term is properly restricted to confine it solely to registered members of the Métis Nation of Alberta.

Thank you.

• (1540)

The Chair: Thank you for those opening comments.

I'll go with the order on my list. I have Mr. Justin Roy next.

I know that this is our second attempt at getting you here, so it's good to see you in person.

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

Mr. Justin Roy (Councillor, Kebaowek First Nation): *Meegwetch*, Mr. Chair.

Good afternoon. *Kwe kwe*.

Thank you for the opportunity to testify with regard to this important but awkward discussion.

I do this on behalf of Chief Lance Haymond and the rest of my council members of Kebaowek First Nation.

First of all, the Crown representatives and Canada need to find ways to discuss these matters on a nation-to-nation basis. It is awkward not to have that existing relationship to inform the Crown of how it may impact Kebaowek on matters such as this. To be clear, we would have a problem with any discussion of Métis rights and Métis nation recognition in any part of our unceded territory.

We intervene today to draw attention to the fundamental importance of the glacial pace of Crown reconciliation related to title and rights. There are multiple unfulfilled obligations that those rights impose on the Crown, which we continually bring to the attention of governments, the public and our citizens. If we finally had the attention we deserve, we would not be nearly as busy intervening in parliamentary processes, and we would be focused on the governance and developments in front of us in our territory.

It's the lack of true recognition of title and rights that brings us here today. There is a lack of true recognition of our self-determination and our rights to decide for ourselves who the Algonquin Anishinabe of our nations and our territories are. The new-found expression of settler citizens claiming the right to indigenous lands and title through self-identification is a sharp contrast to our governance systems, which have accountability, kinship and relatedness

built into our understanding of who we are and who our relatives are.

In Canada, the federal Indian Act has caused confusion and has misinformed generations of non-status Indians about how to keep their ancestral connections to territories. The Indian Act has disconnected them from their true Anishinabe governance systems. Yes, the problem here with Bill C-53 has been the century and a half of the Indian Act and ignoring the indigenous human right to self-determination, or running roughshod over this right through subsections 6(1) and 6(2) of the Indian Act. This is a deliberate strategy to disrupt our connections and practices of living on our territories, and we address that in our communities through restoring ourselves and our relationships.

The issue of the recognition and protection of inherent rights is, or should be, paramount to any Crown government regarding sovereign indigenous peoples and their relationship with us. Unfortunately, we have to say that there are still many flaws in our relationship with the Crown, as well as continued colonial and unilateral policy that would contradict the principles found in Bill C-53.

Let me remind you that the British Crown, and later the Canadian government, took our lands by force, without our consent, without compensation. Our people suffered greatly as a result. Ignoring these historic injustices is unacceptable.

This is still going on. We have several concurrent battles to wage because of our unrecognized title, which hampers our capacity to govern our territory. This means that we must, in a piecemeal fashion, commit to challenging Crown decisions that will lead to impacts on our titles and rights.

That is why we felt it important to come today to shed light on a pressing issue that weighs heavily on our hearts: the Canadian Nuclear Safety Commission's pursuit of licensing for the permanent NSDF—near surface disposal facility—on the Chalk River, Ontario, site, along with many other nuclear files.

This proposal is causing deep concern within our communities. We are concerned about the health of the river, the animals and all life that depends on the great Kichi Zībī, the Ottawa River. The proposed handling and storage of nuclear waste in such close proximity to our sacred river, the Kichi Zībī, is a risk that cannot be taken lightly. This river holds immense spiritual and cultural importance for the Algonquin nation and the communities that will be directly impacted by environmental issues. This will disconnect us in two ways from the lifeblood of our ancestral lands. First, it will have impacts on the environment itself. Second, it will, through generational knowledge of the fact that nuclear poisoning has been allowed to occur, result in our citizens' being cautiously proactive by staying away from a potential source of harm to their human health. This will result in a severing of this key spiritual relationship between our people and the Kichi Zībī itself.

Our utmost concern is the lack of proper consideration for fundamental self-determination, a human right to free, prior and informed consent, a right safeguarded by both Canadian and international laws. We understand that Canada is consulting a group with no recognized section 35 rights about this project. This is the danger of recognizing a corporate body such as the Métis Nation of Ontario. It has no historic relationship, and certainly no pre-existing legal order or relationship, with the great Kichi Zībī. That relationship rests with the Algonquin nation and the 11 recognized communities.

We implore the Government of Canada to comply with its obligations to recognize and protect our rights, and to voice its opposition to this endeavour to recognize a group of people who have not yet proven that they are section 35 rights holders. To be clear, this legislation must be withdrawn, and real consultations with the rights and title holders have to occur.

• (1545)

Thank you. *Meegwetch*.

The Chair: Excellent. That was right down to the second.

Thank you so much for that. We appreciate it.

Lastly, we're going to Mr. Dave Lamouche, president, and Ms. Brenda Blyan, vice-president, from the Metis Settlements General Council.

Whenever you're ready, whoever is offering the remarks, the floor is yours.

Mr. Dave Lamouche (President, Metis Settlements General Council): [*Witness spoke in Cree*]

[*English*]

Good afternoon, Chair and honourable members of the committee.

As the duly elected president of the Metis Settlements General Council, I am proud to be here today, along with my colleague, vice-president Brenda Blyan.

I also acknowledge our settlement leaders, who are seated behind us today to observe the proceedings.

For nearly a century, we have been entrusted by our people to protect our land, our culture and, more importantly, our future. It is no different today, particularly as it relates to the significant deliberations on Bill C-53.

Our written submission provides a robust history of who we are as the Métis settlements in Alberta. It is our responsibility, passed on to us by our forefathers, the Métis Famous Five and those who followed them, to ensure that our voices are always heard.

In the wake of the north-west Métis risings in the late 1800s, our Métis settlement leaders worked hard to ensure Métis prosperity in Alberta, and subsequently to secure our 1.25 million acres of lands, a land mass equalling the size of Prince Edward Island.

In the 1990s, Alberta saw fit to entrench our lands under the Alberta constitution. Through legislation, they recognized and com-

mitted to our settlement government, which now serves our people across eight settlement communities.

We are the only group that has appeared before you regarding Bill C-53 who can lay claim to being recognized under existing provincial legislation and a Crown relationship that is backed by a constitutional amendment.

Like you, as governors of the people of the land, we are also responsible for the care of those who live in the settlements that we govern, including for housing, infrastructure, water and sewer systems, waste management, land management, emergency and protective services and other important duties of care. Just as Canadian citizenship comes with responsibilities for both citizens and the government, the same is true for the Metis Settlements General Council and our people.

Today, we commend those who strive to attain the goal of federal recognition of Métis rights and self-government. Our immediate goal is to build upon our current framework agreement with the Government of Canada for our own federal government legislation. Given the complexities of our unique position, we remain deliberate in our actions and measured in our approach to this work.

While we want to see forward movement on Métis rights, we believe that Bill C-53 has the effect of overlapping with authority that is long held by MSGC within Alberta. When the arrangement made between the Métis Nation of Alberta and the Government of Canada is looked at as a whole, there is significant lack of clarity on jurisdiction and responsibility, and there is a risk of short- and long-term impacts.

In our view, Bill C-53 compounds that lack of clarity. Despite what the MNA and the Crown assert, we believe that Bill C-53 and subsequent agreements will ultimately impact us and our people. This must be addressed. The bill must be specific, explicit and clear—unequivocal—on these points. The committee has heard several times that the bill should not affect anyone else, even inadvertently.

We have proposed two amendments to the legislation. We believe that they specifically ensure that the intent of the bill or subsequent agreements do not inadvertently infringe on the rights and legislated obligations of the Metis Settlements General Council or other indigenous governments' responsibilities. We are happy to provide those proposed amendments to the committee via the clerk for your consideration.

In conclusion, I want to impress upon you today how critically important the recognition of Métis rights in Canada is. However, we must do so with care and consideration of unintended consequences of such actions where unique and complex and long-standing jurisdictional responsibilities exist, where land and land rights may be impacted and where care of the settlements and those who reside in them are concerned.

• (1550)

Ekosi. Kinanâskomitinâwâw.

With that, thank you for your time today. We look forward to your questions.

The Chair: That's perfect. Thank you so much for those opening statements.

For our members, I understand we have received the two proposed amendments you referenced and have them in for translation. They will be distributed to members as soon as we get them back, so thank you for getting those in.

Of course, for the witnesses, following the meeting, if you have anything you'd like to submit, we do take additional written briefs of up to 10 pages.

We're going to get into our discussions now. First up, I have Mr. Vidal, who will have the floor for six minutes.

For those who are new to the committee proceedings, I let the members very much direct the time. The time goes quickly, so they may interrupt you to go to another question. That's just how it goes. Each member will control who they direct their questions to.

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

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

I want to thank you all for taking time to be here with us, and I want to recognize your community members back there as well. They all came to be part of this process this week, and that shows the importance of the journey for everybody.

I've said a few times as we've framed our discussions in these hearings around this piece of legislation that this is a very significant or even defining moment in our history. We are really determined and we're trying to get it right to make sure we determine the right outcome, not just for Métis people but for all Canadians.

I'm going to start with you, President Lamouche, and with Vice-President Blyan if she wants to be in on this discussion as well.

President, in your comments, you talked about overlap and a lack of clarity, and you talked about looking for that specific clarity that would maybe give you some comfort with this legislation. I know we've had conversations in the past about some of the specific aspects of the February agreement with the Métis Nation of Alberta, and the government has talked about some clarity around citizenship and about how there's nothing in this agreement that impacts Métis settlements.

Can you clarify for us what your concerns are or flesh out the overlap or the lack of clarity that is troubling you on this?

• (1555)

Mr. Dave Lamouche: There are three pieces of documentation that the Métis nation put together. First, they voted on what is called the Otipemisiwak Métis Government Constitution, and part of the language of the constitution talks about where the MNA would help the Metis Settlements General Council entrench their lands under the Canadian Constitution. There's language in there that talks about their having exclusive rights to the Métis communities and the members of the MNA.

When it talks about Métis communities and an exclusive representative or a government that talks for all Métis in Alberta, for us, what it is saying is that it includes the Metis Settlements General Council, but we've always been two separate organizations. The Métis Settlements General Council has been around for many decades—nearly a century, actually—and we have governed ourselves ever since, under Alberta legislation. The MNA did kind of stem from the Metis Settlements, and they became an organization in more urban areas—the people who didn't want to be in the communities. I think there is language in their constitution and their self-government agreement that purports to say they represent all Métis in Alberta, and then there's a clause that says they do not affect the Metis Settlements, so, to us, they're kind of pushing and pulling at the same time.

Mr. Gary Vidal: My time is very limited. I'm sorry. I want to get to another question, so perhaps you can share that in some way that is appropriate for you.

I appreciate the fact that you come with not only concerns but also some solutions. I appreciate the fact that you're offering some amendments, and very clearly. If those amendments were accepted by the committee—the people who have a say around this table—would that suffice in a way that makes you comfortable? I think I got from you a couple of elements that could be in those amendments: one, clarity around the impact on other rights; and two, a bit more clarity around the definition of who is represented by the MNA. That's the substance of what I think I caught.

Could you clarify for me, in the time we have left, whether Metis Settlements would be comfortable with this legislation, if amendments address some of those concerns?

Mr. Dave Lamouche: Yes, the amendments we are proposing would make it clear that the act does not recognize or affect the indigenous rights of any other groups or governments in column one. Therefore, if the amendments were accepted, they would help reassure all parties that the provincial Métis associations being recognized by the act do not represent them.

Mr. Gary Vidal: Thank you. I appreciate that. Like I said, offering solutions is always a positive way to approach it.

I have 20 seconds left, so I'm going to give you 20 seconds.

What's the last, most important thing you'd like this committee to hear at this time?

Ms. Brenda Blyan (Vice-President, Metis Settlements General Council): We want to protect the jurisdictions of the lands we have developed over the last 100 years and that we continue to live on. The way this bill is written, those jurisdictions are impeded upon. We want to make sure our lands are not impacted.

Mr. Gary Vidal: Thank you.

The Chair: Thank you.

I will now go to Mr. Battiste, who will have six minutes.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): I'd like to thank Metis Settlements for their interventions today.

I'm finding it a bit hard to understand the objections of Metis Settlements to the Métis Nation of Alberta. As a first nation...coming from one area of the Mi'kmaq, I find that, if there were something beneficial to all Mi'kmaq, but not to that district, I'd have a hard time coming here and stopping the rest of my nation from gaining the same rights I've acquired.

I'm trying to understand. Can you explain to us why Metis Settlements is opposed to the MNA?

• (1600)

Mr. Dave Lamouche: How are we opposed to the MNA? We're saying we're opposed to the legislation, the way it's currently written, because there is a lack of clarity on who represents whom.

The MNA agreement and the MNA constitution talk about having exclusive jurisdiction over the Métis people and communities within Alberta. When the language in the agreement and constitution talks like that, it includes all Métis communities and settlements. We're saying, "No, that's not right. We're different. We have our own history. We have our own legislation. We're our own government. The MNA doesn't represent us."

Mr. Jaime Battiste: Would you say you're different because you're more advanced than the other Métis in Alberta in terms of establishing your rights?

Mr. Dave Lamouche: Yes. We have long-established Métis land and membership. We've been operating as a self-government for many years. A society or non-profit organization coming in and saying it has jurisdiction over the settlements is insulting and appalling.

Mr. Jaime Battiste: Let me clarify this, for a second. The purpose of Bill C-53 is to get that exact, explicit and clear vision you are talking about, in terms of who represents whom.

Should it be up to the government to determine that, or should we not pass that over to the Métis themselves to determine, then come back...? I understand there is always going to be opposition to every discussion and move forward, but isn't that part of democracy? You have your opposition toward things that may be important to the whole, which some do not agree with.

Mr. Dave Lamouche: In an ideal world, that should have happened. That should have happened way back before any agreement was signed by the Métis Nation of Alberta and Canada. We should

have been consulted with. If our government was being talked about, we should have known what was going on. In this case, it didn't happen.

Mr. Jaime Battiste: Aren't those the steps we're actually taking with this legislation? It's to recognize and say, "Go back," and then figure out what your internal jurisdiction is, to use your words, and who represents whom.

Isn't that all part of the process of self-determination that's recognized by UNDRIP, which is to get to where you're asking them to be when they actually make treaties in the future?

Mr. Dave Lamouche: First of all, I don't know what the process is. If you think this is the right process, we're now at the stage where we come to a consultation process. I think all of this would have been avoided, from our perspective, if the conversations had happened before among us, the MNA and Canada.

We signed a framework agreement with Canada back in 2018, and we haven't advanced our negotiations since then. All the negotiations were happening with the MNA.

Mr. Jaime Battiste: Mr. Roy, you brought up subsections 6(1) and 6(2) of the Indian Act. Part of the duty of the Crown is to act honourably with indigenous communities in Canada.

Do you think the honourable thing for us to do—and I ask this as a status Indian myself—is to say to Métis and Inuit in Canada, "Since I can't pass down my status in perpetuity, no else should," or do you think the proper thing is to, instead, figure out how to make first nations able to pass down that status under the Indian Act?

Mr. Justin Roy: That's a very good question.

I still consider myself a young leader within my community and my nation. I truly don't have all the answers to questions of that nature. Is the Indian Act 100% correct in how it's written and how it's made us live for the last 150 years? No, it's not. Is what's being proposed here a solution that's better than, say, the Indian Act? I don't agree with that.

Is there somewhere in the middle where, again, if we have the proper leaders of our communities, leaders of our nations, elders, cultural keepers, land protectors...? Note, there are people who have been pushing and striving for a lot of these issues to be resolved over these past generations. If we had these people around the table, I think we could find solutions to the questions you are asking me today.

• (1605)

Mr. Jaime Battiste: Are you aware that on November 20, the government opened up considerations and consultations around removing the second-generation cut-off?

Mr. Justin Roy: No, I wasn't aware, but I'm glad to be made aware.

Mr. Jaime Battiste: Okay.

The Chair: That's the end of that time.

We're going to go to our next member, Madame Gill, who I believe is online.

Madame Gill, the floor is yours.

[*Translation*]

You have the floor for six minutes.

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

I also thank all the witnesses.

I'd like to ask Mr. Justin Roy about what he said earlier. I believe that at the beginning of his presentation, he mentioned that he would see a problem with any discussion of certain rights or recognition of rights on the territory of the Kebaowek Nation.

What would be the impact of Bill C-53 on the titles and rights of the Kebaowek Nation, if passed?

Mr. Justin Roy: Thank you for the question, Ms. Gill.

[*English*]

The impact on Kebaowek rights.... Again, we're in numerous battles every single day, every single week, on projects, whether they're waste dumps, bridges, dams, pipelines or what have you. We want to be equals at a table. We want to have our rights and our titles recognized. We want to have our indigenous jurisdiction recognized. We want to have our unceded Algonquin territory recognized. Until that happens....

When we are trying to sit at the table with the Crown, its regulators, its agencies and proponents of projects, it's tough to have meaningful communication and dialogue, because we're not equals at this table.

What's even more concerning is that not only are we not equals at this table, but others, supposed rights holders and title holders, are sitting at the same table, having their voices listened to, however you want to put it, when, again, an indigenous community is trying to speak and voice its concerns.

It's tough to pinpoint exactly what the impact on our rights would be regarding this legislation and projects currently taking place on our unceded Algonquin territory. The biggest impact is that our rights have yet to be recognized, including our titles, our jurisdiction and our unceded territory.

[*Translation*]

Mrs. Marilène Gill: We are currently negotiating a treaty with the Métis Nation of Ontario. This could affect you too, as the scope of this treaty could extend to both sides of the Ottawa River.

Do you fear that, should a treaty be negotiated with the Métis Nation of Ontario, it would also affect the rights of the nations on the other side of the Ottawa River?

Mr. Justin Roy: Once again, thank you for the great question.

[*English*]

I'm sorry. I'm still a bit nervous. It's my first time doing something like this.

Can you repeat part of the question, Madame Gill? I apologize. I'm overthinking it a bit.

[*Translation*]

Mrs. Marilène Gill: I understand very well that it is stressful to appear before us to talk about a bill that requires difficult discussions.

I'll try to put things as simply as possible. Bill C-53 would recognize the Métis Nation of Ontario as a government. This could lead to treaty negotiations.

Do you believe these potential negotiations could affect your title and rights, given your territory?

• (1610)

Mr. Justin Roy: Thank you for repeating your question.

[*English*]

Yes. If this bill were to go through, it would have large impacts on our unceded Algonquin territory, only because we have been the rights and title holders of these lands since time immemorial.

There has never been an established Métis community up and down the Ottawa River, the Kichi Zībī, or anywhere within its watershed. These have been Algonquin Anishinabe lands from time immemorial.

Again, I cannot speak for the rest of the lands in Ontario, especially anywhere outside of unceded Algonquin territory, but if we were to give rights to and recognize the rights of a Métis nation of Ontario that encompasses any part of the great Kichi Zībī, it would impact our rights as Algonquin people. That is why we're here today. It's to speak about the issues and the ramifications of something like this taking place.

Yes, it would have large impacts on our rights, because, again, there has never been a Métis community nation within the Algonquin nation's unceded Algonquin territory.

[*Translation*]

Mrs. Marilène Gill: Mr. Roy, what I gather from your testimony is that you want the government to move quickly. You say they don't listen to you enough. And yet, it's having an impact on your community, much like Bill C-53 might.

Could you tell us more about these consequences for your community? You said that, in terms of reconciliation, the pace was glacial or very slow—I can't remember the word you used.

In the short term, what would be the consequences? How could we work better and make sure you're heard?

[*English*]

The Chair: We're at the end of our six minutes here. If you want to respond in one or two brief sentences, you can, and then we'll move to the next person in this round.

[*Translation*]

Mr. Justin Roy: Thank you for this question as well.

[*English*]

I'll try to make this as quick as possible.

Being a leader in my small community, there are lots of times when I wish we could put a stop to everything for a week, a day, a month or a year, to just catch up on things that we need to play catch-up on.

This is a perfect example of when I wish we could sometimes do that. I know reality does not allow for it, but to put a stop on the life around this, so that we could sit down and have the time as people, as organizations and as governments to figure out these larger issues regarding rights and titles, whether it's for first nations, Métis or Inuit here in Canada....

Again, it will have impacts on our rights. If we only had the time to sit down as equals around the table to figure out these problems, it would be, I think, a great success for all people across Turtle Island.

The Chair: Thank you.

I neglected to welcome two special guests today: Mr. Martin Shields and Mr. Blake Desjarlais. Welcome to both of you.

We're going to turn it over now to Mr. Desjarlais for his six minutes of questioning.

Mr. Blake Desjarlais (Edmonton Griesbach, NDP): That's wonderful. Thank you very much, Mr. Chair.

My honourable colleagues, it's a pleasure to join you again. I know it's not often that I make an appearance in this committee, but every time I do I'm left with the impression that we've done good work, and I hope today is no different.

For the members who are present with us today, of course, it's my unique pleasure to welcome you all here today, and most particularly, the president and the vice-president of the Metis Settlements General Council. As a member of one of the Métis settlements, it's a tremendous honour for me to be able to see you in this place, fighting for and standing for what you believe in. It's been a hard-fought legacy of the Métis people for generations, and it's no different today. I want to commend you and honour you for that leadership.

I want to acknowledge, too, the leadership that's present and gathered here today, particularly my leadership from the Fishing Lake Métis Settlement, Arlene, Billy and Tyson. Thank you for joining us, and thanks for coming to Ottawa.

I have questions that I'll ask following a preamble, because that will assist the members of this committee in understanding what I believe to be a very unique circumstance that we're in.

The Metis Settlements, much like some of the other Métis representatives and albeit first nations, find themselves in a unique position of moving terrain. The moving terrain that Canada has created in this country is one that is very difficult to stand on, and one that has often caused divisive and problematic pieces of legislation, from the Indian Act to today, with this piece of legislation.

It is no secret that trust is paramount in this process. You are embarking on a journey of building trust, which I thank you for, and I commend you for supplying amendments that seek to do that.

Métis people undoubtedly have a right to self-determination and self-government. It is a constitutional section 35 right that Métis people, for the better part of their history in this place, have attempted to exercise. In the very early parts of Canada's history, they exercised it by way of Louis Riel and the provisional government in Manitoba, where the honourable Mr. Carr is from and which he represents.

I worked on this exact issue with your father, who was a very honourable member. He supplied us all the attention we needed during that time, as well, to help advocate for these positions.

Following that, of course, the Métis again attempted to establish the right to self-government in Alberta by way of a movement to establish lands for their preservation and enhancement. At that time, it was the position of the Crown to ignore the fact that Métis people had collective rights. These collective rights were not remedied until 2016, when the federal government lost a Supreme Court case, *Daniels v. Canada*, after which the terrain moved once more.

The political terrain on which Métis people found themselves prior to 2016 was one on which the federal government said, "Provinces, you are responsible, not us." In lieu of that advocacy, the Province of Alberta, by way of its own authority, granted the Metis Settlements General Council 1.25 million acres of land, constitutionally protected by way of an amendment to the Alberta constitution, to exercise what was at that time in 1938—and is again today—the right to self-determination.

That playing field moved dramatically in 2016. In 2016, the opposite became true: Now the federal government was the driver of this legislation, leaving the Métis people and settlements in what the Tom Isaac report and the Supreme Court of Canada have consistently found to be a jurisdictional wasteland. The Tom Isaac report, a report commissioned by this government, suggested that the government and the Crown had a duty and obligation to remedy this.

How do we remedy it? Well, we've tabled a piece of legislation that does in fact advance Métis self-government for parties, to which they have the right. I agree that they have the right, and I support that right, but it should not, through the exercising of that process, leave out those like the Metis Settlements General Council, those who have long advocated—for over a hundred years, as Vice-President Blyan mentioned—for this protection and even convinced the Province of Alberta to do so by way of a lawsuit. Do you know how hard it is to convince a provincial government to amend its constitution? It's only happened once in this country, and the Métis people did that. It's worth honouring the contributions they've made.

I believe there's a path forward. One important thing that Métis people have always prided themselves on, and which I would invite our first nations and Inuit members of our society to also participate in, is the project of bringing together our positions, because our enemy is in fact a Crown that is unwilling and unable to recognize that multiple claims can exist at the same time, and that those claims can all be heard in a fair, equitable and accessible way. I really commend the Metis Settlements General Council for providing us—and I think all members of this committee—a possible solution that should unite us in unanimity in this place.

• (1615)

I believe we can find, from this very difficult piece of legislation in which all you members have participated, a way forward that makes certain there are more winners—and I'd hope winners—than losers.

Now I'd like to turn to my questions for President Lamouche.

In relation to membership, how do you feel that this legislation presents complications to how membership is completed on the Métis settlements? Membership is residency-based and applicable to the Métis settlements membership tribunal, which is governed by the quasi-judicial branch. How could that work be impeded by way of membership that would recognize aboriginal rights in a different group, like the Métis Nation of Alberta?

Mr. Dave Lamouche: I'd like to thank you for those comments, Blake. They really resonate with the Metis Settlements General Council and all settlements, and I'm sure the people sitting behind us. Thank you for that.

The biggest issue that we have on membership and how it is affected is the jurisdictional issue, like who authorizes whom to speak for them. If we have dual membership, both with MSGC and MNA, to whom do you give your allegiance to speak on behalf of your section 35 stuff? Having membership in a Métis settlement is very significant. The membership comes with many responsibilities—to the land, to your housing, to the people—because you are part of this whole community. There are obligations and also benefits.

However, belonging to the MNA has no responsibilities. You can have membership—

• (1620)

The Chair: I'm sorry, Mr. Lamouche, but I'm going to have to interject. We are at the end of this time.

I am hoping to get one more round of 15 minutes in, so if you could conclude your thought, we will move to the next questioner.

Mr. Dave Lamouche: Yes. It creates confusion to have dual membership, because the bottom line is a jurisdictional issue.

The Chair: Thank you. I'm sorry to interrupt, but the next round goes pretty quickly.

I have Mr. Viersen online as the first up for this round, and Mr. Viersen will have five minutes.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Mr. Chair, and I want to thank the witnesses for being here.

My first question is for Ms. Goulet.

The committee has been told by the Métis Nation of Alberta and the Métis National Council that this bill will affect only people who have voluntarily chosen to join those named organizations. Do you feel that this is the case?

Ms. Wendy Goulet: No, I don't. The definition of the Métis nation within Alberta is defined broadly to include Métis individuals who voluntarily join it and also Alberta Métis communities.

I would point you to the definition in the agreement.

“Métis Nation within Alberta” means the Métis collectivity that:

(a) is comprised of:

i. Métis Nation Citizens who are Citizens; and

ii. Métis Communities in Alberta whose members are Citizens and individuals entitled to become Citizens based on their connection to these Métis Communities living in Alberta and elsewhere;

I'd like to point out that this was just added into the agreement in 2023. If you look back in the 2019 agreement, subparagraph ii. wasn't included.

Thank you for the question.

Mr. Arnold Viersen: Mr. Roy, would you be okay with this bill if it excluded land from any possible agreement that the federal government would enter into with the Ontario Métis?

Mr. Justin Roy: I don't want to make it as simple as saying just excluding land would make it amenable and we would be agreeable to the act and how it is being proposed. If we want to put it in a simple solution, that could be part of it, sure. I think that the best solution is bringing the Algonquin nation and other nations that are now within the province of Ontario around a table, as equals, to discuss these matters in detail.

To just say that removing the land that maybe touches Kebaowek or the Algonquin nation from the bill would make us all agreeable to the act is tough for me to say as just one individual. Again, truly, we hear a lot about reconciliation, but what we forget to mention all the time is the word “truth”. It’s “truth and reconciliation”. Having the truth spoken openly around the table, having those kinds of conversations as equals, is how we believe we come to true reconciliation.

Mr. Arnold Viersen: To the Metis Settlements General Council, do you have any comments around the fact that this is divided into province-specific Métis organizations rather than a Métis nation?

We heard from the Manitoba Métis, basically saying there is just one Métis Nation, and it has its heritage in Batoche, Seven Oaks, Louis Riel and Gabriel Dumont, in those characters from history and in the historical connection to that community.

Do you have any comments around that?

Mr. Dave Lamouche: Yes, we do.

Most of our Métis people have historical connections that come from the eastern part of Canada, and many of them have come to Alberta as well.

There is a Métis Nation in Canada. We’re not saying we’re not part of that Métis Nation. What we are saying is that there are two governments in Alberta. One is being recognized under Bill C-53, but the Metis Settlements General Council has been around for many years. It operates and has responsibilities as a government within Alberta. We, too, are working towards our federal recognition, and we are also working towards our treaty with the federal government.

Since Daniels, as Blake mentioned earlier, since 2016, things have changed, and we are moving towards that goal as well. What we are saying is that one government cannot overreach and take over another government within Alberta.

• (1625)

Mr. Arnold Viersen: What would your relationship be with something you call the Métis Nation of Canada? What is your relationship with that?

Mr. Dave Lamouche: The historical Métis in Canada are a nation, and we are part of that nation, whether it’s MMF, Saskatchewan Métis or Alberta Métis. I think many of us who have historical roots to the real, historical Métis.... We are a Métis Nation in Canada. That’s what I mean.

Mr. Arnold Viersen: Thank you.

The Chair: That’s the end of our five minutes.

We will now go to Mr. McLeod, who will have his five minutes.

Mr. Michael McLeod (Northwest Territories, Lib.): Thank you, Mr. Chair, and welcome to everybody here.

Mr. Chair, it feels good to be in a room where there are more indigenous people than non-indigenous for a change.

Some hon. members: Hear, hear!

Mr. Michael McLeod: This is a very interesting discussion and a very difficult one, and it’s a very complex situation.

I belong to the Métis in the Northwest Territories. I spoke Michif for six years of my life until I attended federal Indian day school, so I am deeply rooted in the culture. Most of my relatives play the fiddle. I dance jig.... No, I should say that I used to dance jig 40 pounds ago—

Voices: Oh, oh!

Mr. Michael McLeod: —so I am very well versed in the history of the Métis and the Métis settlements in Alberta. When they were formed, it was significant for all of us. We were actually probably a little bit jealous, because we wanted the same thing.

However, our organizations in the Northwest Territories do not belong to the Métis National Council. We have two camps in the Northwest Territories. One is Métis Nation of the Northwest Territories, and then there is another camp, which I belong to, which works together with the first nations to pursue land tenure, governance and all the different pieces required for self-government.

My question is for you, Wendy Goulet, because you made the point that this bill gives exclusive rights to the MNA. I get the sense that if there were negotiations happening with your government at the same time this was happening, then maybe we wouldn’t be in this situation. It seems like one has overtaken the other.

Is that the situation? From where I sit, I don’t see the Métis Nation of Alberta taking over your organization or taking over your communities. You still have that option. You still have that opportunity.

Ms. Wendy Goulet: I see it this way. The Métis Nation of Alberta agreement in place today was made in 2023. It adds the clause about the Métis communities in Alberta. I’m not a member of the Métis Nation of Alberta. However, because I could be, all of a sudden they are speaking for me and my rights. How does that work?

Number two should not be in there at all. If it were just the Métis Nation of Alberta speaking for Métis Nation of Alberta citizens, that’s fine. That’s how it should be. However, they cannot speak for somebody who hasn’t given them the right. That’s my constitutional right. It’s our right. It’s not our right to give them or for them to speak for us. They never came to me. Canada never came to me to ask me if it could speak on my behalf and about my historical right to my community.

Yes, it's good that they're doing this. Again, if that part is out of there.... If the bill goes forward but they take “Métis Nation of Alberta” or “Métis Nation within Alberta” out of the schedule, that's fine. Let's go back and have it defined clearly. The Settlements should be in there. They should be at the table. I don't understand how they weren't at the table with the federal government to begin with.

I get it. We're little. We don't have legislation.

That's not your question. I'm sorry.

• (1630)

Mr. Michael McLeod: I want to say thank you for bringing the recommendations. I think we need more of those.

I still don't understand how the Métis Nation of Alberta would represent you if you're not on their list. If you're not a citizen or member of their organization, don't you still stay independent, with your own indigenous government?

Ms. Wendy Goulet: We would, in theory, but it's not clearly defined. With your legislation, you end up going back to the agreement for the definition, because you don't have it defined in your bill. It's not defined, so where do you go? You go back to the agreement to find the definition. You go back there, where it says that within Alberta, any Métis eligible to be a part of the Métis Nation of Alberta.... Then, they are speaking for us. If it were clearly defined in the bill....

I know you can't change that, but you could recommend they take that part out, in that last table. Then it's fine. That was an agreement made between the Government of Canada and the Métis Nation of Alberta. That was just injected. The 2019 agreement did not have that in it. All of a sudden, in 2023, it's in there. Why?

The Chair: I'm sorry. We're out of time on that.

We're now going to Madame Gill for her two and a half minutes.

This one goes very quickly.

[*Translation*]

Mrs. Marilène Gill: Mr. Chair, I'd like to ask Mr. Roy a question again. In his opening presentation, he talked about self-identification. It's a subject that seems to have come up several times today.

I'd like to know what he means by “self-identification” in this case. Does he consider that there are inequities between first nations and Métis nations?

Mr. Justin Roy: Thank you for the question.

[*English*]

I'll start with the second question.

I won't sit here today and speak about whether there are inequalities between first nations rights or titles and Métis rights or titles. I'm here on behalf of my community, the Kebaowek First Nation, which is part of the greater Algonquin Nation. Again, if I'm going to talk about inequalities or not being equals, I'd rather speak about how we're unequal with the Crown.

[*Translation*]

Mrs. Marilène Gill: Actually, my question was poorly worded. That's not what I meant.

You talk about self-identification. Is this a phenomenon that only concerns Métis nations and not first nations? My question remains the same. How might this influence your perception of the bill?

Mr. Justin Roy: Thank you for the clarification.

[*English*]

Again, I think it comes back to “nation to nation” and trying to be equals around a table. By speaking nation to nation, we're going to hear about all of our concerns and objections—all the positives, negatives and what have you. When we don't get to speak nation to nation, we're just left as.... I don't like it when terms such as “indigenous groups”, “Métis group” or “Inuit group” get used, because we are not a group. We are nations within the nation of Canada.

We need to be equals when we are sitting around any table, whether it's the breakfast table or this table we're sitting at here today. We need to be equals, and we need “nation to nation”. I can't speak about what that looks like within the Inuit nations, the Métis nations or the first nations, in general. I can speak about what that would mean for Kebaowek. It's being equal with the Crown and its regulators, agencies and ministries when we talk about anything—the replacement of a hydro pole or the potential impacts of Bill C-53 on our rights and titles.

The Chair: Thank you.

We're going to move to our final witness for this round. It is coming back to Mr. Desjarlais, I believe.

You have two and a half minutes.

• (1635)

Mr. Blake Desjarlais: Thank you very much, Mr. Chair.

Since this will be our final round of testimony from folks, I want to thank all of you sincerely for being here today. As my friend Mr. McLeod mentioned, it is a good day when many indigenous people can occupy this place and provide testimony to take up space. I think that's the room and space that we're allowed, and I really appreciate that.

Now I want to turn to what are important questions that have to be answered by the Metis Settlements in relation to its relationship with the Métis Nation of Alberta. In particular, it's about the process you've taken in order to attempt to find a common solution and a common ally in this information.

I understand that there may have been correspondence between the two groups.

Can you explain the history of correspondence and how that history of correspondence is related to the two groups? Where do you folks stand today?

Mr. Dave Lamouche: We've been here for just over a year, Blake. Ever since we came on, the only correspondence we got was a congratulatory letter from then-president Poitras. As far I can remember, they did not request a meeting but asked if we were available for a meeting.

We responded to them and said that yes, we would like to have a meeting, and then it went silent. After that, a few days before the minister from CIRNAC came—a week before—we got another letter from Martin Reiher, saying that they would be signing a self-government agreement with the MNA. We responded and said that we needed to talk about it. It was too late.

Subsequently, when Andrea Sandmaier became president, we asked to have a meeting. We reached out to her and said that we needed to talk about our issue here about their constitution and their self-government agreement. We needed to resolve some issues that we have.

We had a very good conversation with them for about two and a half hours. We extended the olive branch and said that if we want to resolve this issue, get back to us and let's talk.

Since then they haven't gotten back to us. We even extended the olive branch, saying that we'd get our legal person to talk to their legal person to start the conversation. Nothing has transpired further than that.

The Chair: With apologies, we're at the end of the time for this panel.

I would like to thank all of the witnesses for being here today. I hope it was a gentle introduction to the committee process for those of you who are here for the first time. We really appreciate your testimony. Thank you for making the time to join us.

Thank you to everybody in the public who has also taken time to travel here and be with us today.

We're going to now suspend and bring in our second panel. I would ask people to stay close by. We're going to do the sound checks, and we'll get started as quickly as we can.

For now, the meeting is suspended.

• (1635) _____ (Pause) _____

• (1645)

The Chair: We're back in session.

We're having a problem with Mr. Isaac's sound quality. We will keep him online while the back room tries to deal with it to see if we can get the sound quality to the point where we can involve him in the discussion. At this point, I will get us started with the other two opening statements. If we can get Mr. Isaac on for his opening statement, that will be good. Otherwise, we will not be able to hear his testimony. It's just one of those requirements we have.

I'd like to welcome Adam Browning, president of Métis Nation of Alberta Association Local 2003. From the Assembly of First Na-

tions, we have the interim national chief, Joanna Bernard. Joining us in person is Julie McGregor, senior legal counsel with the Assembly of First Nations.

Let's start with Adam Browning for his five-minute opening statement.

When you're ready, Mr. Browning, the floor is yours.

• (1650)

Dr. Adam Browning (President, Métis Nation of Alberta Association Local 2003): Thank you very much, Chair.

I just want to make sure you're able to hear me. The panellists could hear each other, but they couldn't hear us in the room.

The Chair: Yes. You're good now.

Dr. Adam Browning: Thank you, sir.

My name is Dr. Adam Browning. Since 2019 I've been president of the Métis Nation of Alberta Local 2003. We are the chosen representatives for a large community of Métis in southern Alberta. Until this past September, we were part of the Métis Nation of Alberta Association, the MNA.

The MNA, in our view, is a provincial corporation drawn along provincial boundaries. It is not a rights-bearing historical community. From our point of view, it's an advocacy organization, much like the Assembly of First Nations.

By contrast, our Métis community here traces its history to forts and settlements inhabited around Cypress Hills and Belly River, in what is now southern Alberta. Many of our members descend from families that have existed here for over 200 years, and we continue to exist here as a distinct people.

Our community incorporated our current body as a local within the MNA, with the MNA acting as an advocacy group. Our current council and our many past leaders remain with us as elders. They have observed that the MNA has sought to assert itself as a government over our community.

If, with respect, Bill C-53 is successful, it will see the MNA constitution complete this attempt to assert control over our people. The new MNA constitution asserts that the MNA and its newly-formed Métis government represent all Alberta Métis and Métis communities. We feel this assertion illegitimately arrogates power to the MNA to broadly govern Alberta Métis.

While we're certainly in support of our self-governments, our Métis community has not agreed to cede our communal constitutional rights to the MNA. We were deeply concerned with Canada's February 2023 funding agreement with the MNA, whereby Canada stated that the MNA is the government of the Métis Nation of Alberta, comprising both registered members of the MNA and Alberta Métis communities.

Canada and the MNA are using individuals with no connection to our community to assert control over our community. While this may be convenient and politically expedient for Canada, it is contrary to section 35 of the Constitution. Most of all, it concerns us that Bill C-53 proposes to formally recognize the MNA in clause 8 of the draft bill as “an Indigenous governing body that is authorized to act on behalf of the Métis” within Alberta.

Bill C-53 provides us with zero consultation with Canada or the MNA corporate leadership. This is done while providing millions in unaccounted funding to the MNA, of which little to none enters our community. This legislation, in our view, is top down. The consultation approach to self-government must, with respect, be rejected by this committee.

The MNA also repeatedly rejects any court oversight of its actions, claiming to be a mere corporate entity. This bill will continue that judicial gap and impunity for the MNA by carving it out of the Federal Court like all first nations are currently subject to. In our view, this is unconstitutional, and it creates a government that is not subject to independent courts.

Mr. Chair and committee, with respect, there is no Métis nation unified across all of Alberta. As you've heard from other communities, that is an incorrect assertion. We are many distinct communities with distinct rights. Bill C-53, in its present form, is a threat to Métis communities in Alberta, such as mine, notwithstanding commitments made to the Truth and Reconciliation Commission and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

This bill, in its current form, errs in the recognition of who the Métis in Alberta are. The recognition of the MNA, as the indigenous governing body that is authorized to act on behalf of the Métis nation within Alberta, represents, in our view, an infringement on the section 35 rights of local Métis communities, such as the one I represent with pride here today.

With respect, to the committee, we'd like to make two concluding statements. Bill C-53 should be rejected in its current form. I appeal to you on behalf of my community, and on behalf of my elders. We are a large community. This bill should limit recognition to Métis communities that have collectively and democratically chosen to be represented by their listed Métis government. Barring such an amendment, our community leadership will oppose any legislation that infringes on our sovereignty.

• (1655)

Thank you very much, Mr. Chair and committee. That's my opening statement.

The Chair: Thank you for that opening statement.

We'll now go to the Assembly of First Nations, to interim Chief Joanna Bernard.

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

Ms. Joanna Bernard (Interim National Chief, Assembly of First Nations): *Kwe kwe* and greetings.

My name is Joanna Bernard, interim national chief for the Assembly of First Nations and a regional chief for New Brunswick.

First I would like to acknowledge that I'm speaking to you from the traditional territory of the Wolastoqiyik and that the committee is gathered today on unceded Algonquin territory.

I would like to thank the committee for inviting me to speak on Bill C-53 on behalf of the Assembly of First Nations. It is critical that you hear first nations' concerns about the potential impact of Bill C-53 and the Government of Canada's failure to consult with first nations on this legislation.

First, I will provide opening remarks, and then I will turn it over to Julie McGregor, senior legal counsel for the AFN, to provide our comments on Bill C-53.

In July 2023, the first nations in assembly passed resolution 44/2023 to protect first nations rights and interests from unfounded Métis rights assertions. This resolution directs the AFN to voice its opposition to unfounded Métis rights assertions and the role of government in recognizing those unfounded assertions.

The Assembly of First Nations is a national advocacy organization for first nations; the AFN is not a government or a rights holder. For centuries, the Government of Canada has failed to recognize, implement and uphold first nations rights. Existing policies such as the comprehensive land claims and inherent rights to self-government policies deny first nations title and rights.

First nations rights, which are recognized and affirmed by section 35 of the Constitution, should be upheld and implemented in the same manner as those of all other indigenous groups. Currently, first nations must prove their inherent rights to self-government through costly and time-consuming legal battles with the federal, provincial and territorial governments. There is no first nations equivalent to Bill C-53.

The broad generic recognition of Métis rights is unfair and gives preference to one particular aboriginal group. In this context, the broad recognition of Métis rights through Bill C-53 shows how arbitrary and unfair the processes are to recognizing indigenous rights. Bill C-53's broad recognition of Métis rights creates a deep sense of unfairness for first nations whose rights have been denied by the Government of Canada.

The federal government has failed to adequately consult first nations prior to tabling Bill C-53. Canada has not met its minimal duty to consult first nations, nor has it upheld the principles of free, prior and informed consent in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

The honour of the Crown requires the Government of Canada to act honourably in all its interactions with indigenous peoples. First nations have raised serious, credible concerns about the potential impacts of Bill C-53. Advancing Bill C-53 without proper consultation with first nations is inconsistent with the honour of the Crown.

I would like to thank the committee for the opportunity to provide input on Bill C-53, and I will now turn it over to Julie McGregor, senior legal counsel for AFN, to provide further comments.

Thank you.

• (1700)

The Chair: Thank you, and there's about a minute and a half left.

Ms. Julie McGregor (Senior Legal Counsel, Assembly of First Nations): Thank you, Mr. Chair and members of the committee.

My name is Julie McGregor. I'm senior legal counsel with the Assembly of First Nations. I'm also a member of the Kitigan Zibi Anishinabeg First Nation, part of the Algonquin nation. This is my territory—my unceded territory.

I want to take the brief time I have to go over a few points on the interim national chief's remarks that she's already provided and maybe key in on the three issues that we want to focus on with the time we have.

Bill C-53 broadly recognizes Métis inherent rights and jurisdictions. This broad recognition fails to consider the potential impacts on first nations and does not include safeguards to prevent infringement on first nation rights. It doesn't include a process for addressing overlaps of infringements on inherent treaty and aboriginal rights. While the stated intent of this legislation—we've been told this by many committee members—is for internal matters related to Métis self-governance, it sets the stage for future negotiated treaties that may relate to those issues.

As well, Bill C-53 allows further Métis-Crown treaties to be ratified by Governor in Council rather than requiring scrutiny by Parliament and first nations. Given the potential significant adverse impacts to first nations rights and interests, Bill C-53 should be subject to approval by Parliament and to an opportunity for meaningful input by first nations. You heard this even from the previous panel that came before you.

The Government of Canada should explain clearly why it has advanced a lower threshold for approving Métis-Crown treaties, which differs from the process for many of the treaties signed between the Crown and first nations. Failure to provide a clear and convincing answer to this question will heighten the serious concerns regarding the fairness with which first nations are being treated with their rights recognition versus how Métis rights are being treated under this legislation.

Meegwetch.

The Chair: That's great. Thank you so much.

I'm just going to check with our clerk on Mr. Isaac. We were trying a new way of connecting him.

No. We don't have him yet.

With apologies to our members, we will have to proceed without Mr. Isaac. If he's still online, we can—

A voice: He's still on the phone.

The Chair: Okay.

They're still trying to figure out a solution to the technical problem. If they're able to sort it out, we may still be able to bring him in. For now, we do need to start our first round of questions.

Mr. Viersen, will you be going first?

Mr. Arnold Viersen: Sure—although I thought Mr. Schmale was going first.

The Chair: He's offered it to you, if you want to go first.

Mr. Arnold Viersen: Okay.

The Chair: You have six minutes.

Mr. Arnold Viersen: Thank you, Mr. Chair, and I want to thank the witnesses for being here.

Mr. Browning, you represent a local. It's my understanding that these locals were kind of under the umbrella group of the Métis Nation of Alberta. Is that correct?

Dr. Adam Browning: That is correct.

Mr. Arnold Viersen: Now, some folks from locals have been concerned about the fact that the locals are being dissolved with Bill C-53. Is that the case?

Dr. Adam Browning: That's my understanding, sir.

Mr. Arnold Viersen: Many of these locals have millions of dollars in assets. What happens to those assets as Bill C-53 progresses?

Dr. Adam Browning: Right now, with locals not being under the umbrella of the Métis Nation of Alberta and their new bylaws, as they move towards transitioning from bylaws to a constitution, those assets would be dissolved and transferred to the Métis Nation of Alberta, as would local decision-making.

Mr. Arnold Viersen: Many of these locals would have amassed these assets over the last number of years. Your local communities would lose control of them.

Dr. Adam Browning: Yes.

Mr. Arnold Viersen: Has there been any concern raised in your community about this?

Dr. Adam Browning: Like other communities, we're concerned about the transition or the transfer of assets. The biggest concern for us is that, you know, as Métis, we don't have a lot. The biggest concern for us is rights and representation and the ability to see local decision-making that would affect our rights. That's something that we were not prepared to have derided. That's our primary concern. I think a secondary concern was the transfer of assets.

Mr. Arnold Viersen: One of the interesting things around this discussion is that there's a lot around self-determination and self-governance, yet the federal government seems to have funded this entire initiative. Is that your assessment of this as well?

• (1705)

Dr. Adam Browning: That is another primary concern of ours, and that would be my assessment.

Mr. Arnold Viersen: It seems the federal government is a live player in Bill C-53, given the fact that it's putting money into determining who is the rights holder, essentially.

Dr. Adam Browning: With respect, that's one of our concerns.

Mr. Arnold Viersen: It's been noted that signing a treaty with the Métis Nation of Alberta would be similar to signing a treaty with the AFN.

Would you agree with that statement?

Dr. Adam Browning: That was one of the statements I made in my opening remarks, and that would be a central concern for us.

Mr. Arnold Viersen: I am going to move to Ms. Bernard.

I think you were making the same case. Could you elaborate on that as well?

Ms. Joanna Bernard: Yes. I do believe that it will infringe on first nations' rights, lands and title if they are to create more treaties with the Métis.

I believe the Métis have their rights, but I question the membership list as we move forward. First nations stop after the second generation, and there is no accountability for the Métis membership as the government has done with first nations. There is that unfairness also.

Mr. Arnold Viersen: I'm going back to Mr. Browning around the assessment of who is Métis. That is essentially what this is trying to get at.

Do you think the government has been trying to use a broad paintbrush across the country? What do you have to say about the fact that they are from Alberta, Saskatchewan and Ontario, rather than a Métis nation as one body?

Dr. Adam Browning: Mr. Viersen, that would be another central concern for us.

I am concerned on behalf of my community and our leadership that the federal government's legislation is seeking to legislate our identity. Our identity is linked to historic communities.

Like my colleague, Joanna Bernard, I have concerns as well about the registries and who could be qualified as Métis. I understand there is some present contention with indigenous identities generally. I'm best positioned to speak to Métis identity in Alberta.

Before any legislation moves forward, I would agree that it needs to be stipulated who specifically our Métis citizens are. We're concerned that this needs to be abundantly clear. We're not prepared to have our historical rights and our kinship ties, which are local to our communities, derided by an affiliate group that should be an advocacy group that's defined by provincial boundaries.

We have Métis communities across the border, in the United States. When we meet each other, we don't greet each other by saying, "I'm a member of the Métis Nation of Alberta"; we greet each other through our names, our kinship and the historic ties of where we come from.

Thank you.

Mr. Arnold Viersen: Often I see witnesses questioned about what specific clause they are concerned about in the bill.

Would you say that you're more opposed to the entire premise of the bill, rather than a specific clause?

Dr. Adam Browning: We are concerned with the premise of the bill.

With that said, there is a primary issue for us with clause 8, which is with respect to the Métis Nation of Alberta governing our area and our historic community. I think we would be willing to work with the federal government on this bill if we could be consulted. It could be improved if it is refined and some of the central areas of concern addressed.

That is a primary area of concern. There are several. I would say the most central concern would be clause 8 and the arrogation to a provincial non-profit or corporation of what we feel are our community rights.

Mr. Arnold Viersen: Thank you.

The Chair: That's the end of the time.

For those who are joining us for this panel, I should have mentioned that I have a handy card system. The yellow card means there are 30 seconds left in the round and the red card means the time is up and to finish your thought, but don't stop mid-sentence.

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

• (1710)

Mr. Jaime Battiste: Thank you for that. My question is for the representatives under AFN.

Several times during this committee, we've heard from first nations that this legislation grants rights. I heard the interim national chief saying the same thing, about granting rights that first nations do not have.

When asking the presidents of the organizations, they all said that this is about internal governance—it's not about land; it's not about resources, and it's not about anything where they would have to go to court.

I've often challenged first nations to show where in the legislation these rights that are being conferred to land or resources exist.

As the advocate group for first nations across Canada, can the national chief or her legal counsel point to the clause in which we grant rights to lands or resources through this legislation?

Ms. Joanna Bernard: Yes, I will leave that for the legal counsel for the AFN. We were prepared for that question.

Ms. Julie McGregor: No, the legislation does not include an explicit reference to land—

Mr. Jaime Battiste: Resources. Is that correct?

Ms. Julie McGregor: —or resources. However, it also doesn't explicitly say that this legislation is solely related to internal governance matters either.

Mr. Jaime Battiste: Building upon that, if we were to create—

Ms. Julie McGregor: Can I finish my answer, please?

Mr. Jaime Battiste: Yes. Absolutely.

Ms. Julie McGregor: Thank you.

As you said, you've asked this question several times of first nations, about why they think this involves lands and resources. If you look at it from a first nations perspective, all of our rights—our inherent rights and our governance, most specifically our governance—are tied to our relationship to the land. It seems to be a very colonial, non-indigenous perspective to say, “You can have legislation with respect to the inherent right to self-governance” and then bifurcate that from our land, our resources and our people, because that's where we derive our laws, our rights and our governance from.

Because we weren't consulted in this process, as the national chief said, we are left to question.... Because land is not explicitly written into this legislation and because internal governance is also not explicitly written into this legislation, how will that affect our rights to land?

There's also no provision for resolving any conflicts with existing treaty rights or land rights.

Mr. Jaime Battiste: I have only five minutes to ask questions.

Would the legal counsel be comfortable...? We have legislation that's currently going through, Bill S-13, which reads:

Every enactment is to be construed as upholding the Aboriginal and treaty rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982, and not as abrogating or derogating from them.

Would AFN be more comfortable if we inserted that exact language within this legislation to ensure that nothing in this act could abrogate or derogate from first nations' recognized rights?

Ms. Julie McGregor: The AFN has made written submissions to the committee. If you look at page 20 of our written submissions, we addressed the non-derogation clause.

Mr. Jaime Battiste: I'm not sure if that was a yes or a no.

Ms. Julie McGregor: It's not a yes-or-no question.

If I'm allowed to elaborate on what I mean, the non-derogation clause alone would act as a reminder that first nations have rights in this case only because of the broad wording of clauses 8 and 9 under “Métis Governments” in Bill C-53. The rights described there are very broadly written, so a non-derogation clause would act only as a reminder that, “Oh yeah, first nations have rights too.”

Mr. Jaime Battiste: Do you—

Ms. Julie McGregor: A non-derogation clause would not have the intended effect of remedying the issues with Bill C-53. It would also put a burden on first nations, because it would be the first nations who would then have to challenge the legislation in court. As you heard from the interim national chief, first nations already have the tremendous burden of having to prove their rights and get the recognition that this legislation already affords the Métis.

Mr. Jaime Battiste: The rights to internal governance, though... The assumption from AFN is that if we are going to give people rights to governance, we're also going to give them rights to land. We're just inconsistent with what we've done in places like Qalipu—

• (1715)

Ms. Julie McGregor: No. That's not what we said. We said that from our perspective, we don't understand how you can bifurcate the two, because that's not an indigenous perspective. Again, “internal governance” is not included in the wording of this legislation.

Mr. Jaime Battiste: I think all of the stakeholders have said this is about internal jurisdiction; that's what the purpose of this is, under the purpose of this act. I guess the question—

Ms. Julie McGregor: Are first nations supposed to take the word of the stakeholders who were involved in this process, when they themselves were not a part of the process?

Mr. Jaime Battiste: I guess the question would then be what the amendments are that you're asking for.

Ms. Julie McGregor: If this is just about internal governance, the legislation should say that.

The position of the AFN and the mandate of the AFN is to request that the entirety of the legislation be withdrawn until there is a consultation process that accords with the UN Declaration on the Rights of Indigenous Peoples on free, prior and informed consent, as well as the duty to consult, because that did not take place.

Mr. Jaime Battiste: If the roles were reversed and we were doing first nations legislation, would we need to consult with the Métis and Inuit before internal governance under AFN or first nations was approved?

Ms. Julie McGregor: If we take Bill C-92 as an example, the child welfare legislation, I believe they were consulted. Bill C-92 is actually a really good example of the difference with first nations. Bill C-92 recognizes the jurisdiction and inherent right of first nations to their children, and that was limited to children.

We are currently awaiting a decision of the Supreme Court of Canada on whether Quebec's challenge to that legislation will be upheld. That just shows you the stark difference in terms of what first nations have to prove and the legal challenges they have to manoeuvre in order to have their inherent rights and jurisdiction recognized.

The Chair: Thank you.

Madame Gill, are you there and ready to go with your questions?

[Translation]

Mrs. Marilène Gill: Yes, I'm with you.

The Chair: All right.

You have the floor for six minutes.

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

I'm not with you in the room, but I'm with you in spirit.

I thank all the witnesses for being here.

I have questions for Ms. Bernard and Ms. McGregor from the Assembly of First Nations. Mr. Browning could answer them as well.

In her opening statement, Ms. Bernard referred to the principles of reconciliation. I don't want to put words in her mouth, but she said that the bill contravened the very principles of reconciliation.

Ms. Bernard, I'd like you to elaborate on the fact that it would contravene these principles.

[English]

Ms. Joanna Bernard: I don't have my translation on. I do understand French, but regarding the question itself, I wasn't quite sure, Madame Gill.

[Translation]

Mrs. Marilène Gill: May I, Mr. Chair?

[English]

The Chair: Perhaps we can get Madame Gill to rephrase her question, or if you want to use the interpretation, there is an option on your screen. You are able to select floor audio, English or French.

Ms. Joanna Bernard: I see.

The Chair: If you want to try that, I've stopped the clock until we sort out the translation issue. I can get Madame Gill to restate her question, and then we'll continue with the timing. There are five minutes left.

Do you want to try a different language, or shall we get Madame Gill to rephrase the question in French, and then we'll carry on?

Ms. Joanna Bernard: I believe Julie is in the room, so maybe we'll go to legal counsel, if she understood the question. That would be easier.

The Chair: Are you good to go, Ms. McGregor?

Ms. Julie McGregor: Yes. As I understand the question, it's how this legislation goes against the principles of reconciliation. As the interim national chief said in her opening remarks, we were not consulted on this legislation beforehand. This is the first opportunity we've actually had to voice concerns from the first nations perspective.

There's also the fact that there is no mechanism for dispute resolution with respect to overlapping claims of Métis and first nations rights. This is very much a situation of the government pitting indigenous groups against each other, and that is very much against reconciliation.

From our perspective, reconciliation means that the government takes responsibility for what it has done, implements the existing treaties of first nations, and recognizes the rights and title of first nations rights holders. That is part of reconciliation, and it seems in many ways that the first nations have to go through an abundance of processes, parliamentary among them, to have those rights recognized. Then, in the sweep of a pen in this legislation, very broadly worded Métis rights—the inherent right to self-government—are provided.

First nations are nowhere near the table when this is being discussed. That goes against reconciliation. “Nothing about us without us” is an important part of reconciliation, and we need to be at the table when those decisions are being discussed and made.

● (1720)

[Translation]

Mrs. Marilène Gill: Thank you.

Ms. Bernard, would you like to add anything? If not, I'll move on to another question, which also concerns your presentation.

You used a term that we've heard several times on the committee, “inequity.” Would it be possible for you to give us examples of inequity between first nations and Métis?

[English]

Ms. Joanna Bernard: I believe that, in reference to reconciliation and moving forward, it's not fair, as stated by Ms. McGregor.

I want to note another example.

In our first nations communities, after a second generation of one native parent and one non-native parent, we lose our rights. This becomes a huge issue. Ask every Canadian. Fifty per cent of Canadians are going to say they're Métis—that they're half aboriginal or descendants. My concern, at the end of the day, is about the money that will be used for indigenous people in Canada to ensure they are direct descendants, not 10 generations down. It's not fair to us. We have to stop after the second generation. Our children are not recognized. Where is the fairness in that?

There's no accountability for membership under the Métis. I truly believe they have rights, but to what extent? Are you going to put half of Canada on their list?

Thank you.

[*Translation*]

Mrs. Marilène Gill: Thank you, Ms. Bernard.

Mr. Browning, if you wish, I invite you to speak on the two issues I've addressed, reconciliation and inequity.

[*English*]

Dr. Adam Browning: The roots of both of those words have reconciliation qualities. They're process words. They involve the act of reconciliation and reciprocal accountability between both parties. At no point have I or my community been consulted on this process. We feel as if, notwithstanding what UNDRIP states.... It's just about common sense and reaching a place where we have a voice. We wrote letters to the previous minister of Crown-indigenous relations and the Prime Minister several times, without even...an acknowledgement in response. The last time we wrote was in February 2023.

I represent several thousand Métis in southern Alberta. We care about what our registry looks like and who claims to be Métis. We also care that we're spoken to. At no point did we even get an acknowledgement in response. None of that speaks to equality or reconciliation, from my perspective.

The Chair: Thank you.

That takes us to the end of your six minutes, Madame Gill.

I'm now going to move to Ms. Idlout.

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

Ms. Lori Idlout (Nunavut, NDP): First of all, thank you to all the witnesses for appearing today. I appreciate all of the testimony I've heard. What has been shared is all very important.

I'd like to ask my first set of questions to Adam onscreen.

I noted your concerns about who is authorized to represent Métis in Alberta. Since you weren't consulted on this important piece of legislation, I wonder what kind of guidance you can provide to parliamentarians, in order to make sure we understand who is authorized and how that must be measured.

• (1725)

Dr. Adam Browning: In terms of Métis identity, we're complex and unique. I believe that, in section 35 of the Constitution, our rights are recognized at the historic level within the Métis home-

land. That should be fairly specific. I don't think having a provincial corporation meets that threshold. That's my first concern.

The second thing is about the threshold of recognition and how it is done. That's the process. There were millions of dollars spent in Alberta on an advertising campaign. I had single parents with signs paid for by the federal government that said, "Vote yes for a constitution". I don't think that meets the threshold for recognition. That wasn't our process in having a constitution adopted. We put in a request to the Auditor General to see the funding agreement on how that was paid for. We got redacted pages.

Coming back to what a fair process looks like for recognition, I think it means starting with a constitution. Then I think we need to go right back to the beginning and talk about how we meaningfully consult with these historic communities, which are the rights bearers.

That's if I understood the question.

Thank you.

Ms. Lori Idlout: The second paragraph of the preamble, sub-clause 4(b) and clause 8, as you've mentioned as well—specifically clause 8—legislate that, for example, the MNA is authorized to act on behalf of the Métis in Alberta.

My question to you is this: How do we know if the MNA is the authorized Métis group that should be making decisions about Métis laws and Métis governance in Alberta, for example?

Dr. Adam Browning: I think that, in that example, the recognition of the Métis as a representative for our historic rights-bearing communities needs to come expressly. That needs to be written; it needs to be stated. What we have, to the contrary and very much in the public, are Métis local communities that have been fighting in Alberta courts to have timely elections. With concerns about the funding we have available, it really makes it difficult for a community like mine. We don't have lawyers at our table. We have a large community, and it makes it difficult for us to make sure we're fairly represented. I think Canada needs to ensure that this process is transparent and accurate, and to make sure we have democratically elected them to represent our rights and have consented to such. No such consent was given by my community, regardless of a statement made by Cassidy Caron of the Métis National Council, I think, to this committee that 97% of the people had voted. With respect, that is not correct. I think they had about 16,000 out of 60,000-plus Métis consent to this after a really problematic process. That is not a democratic endorsement from my community.

My community leaders stand unanimously with me on this on behalf of my community—that we oppose that.

Ms. Lori Idlout: *Qujannamiik.*

My next question is for the AFN. I leave it to the AFN to decide who will answer my questions.

I know that we've heard, since we started studying this bill, that first nations haven't felt that their rights, as acknowledged in UN-DRIP, have been recognized.

If you had the guidance to give this government about what FPIC means and why FPIC is so important, how would you make sure it had been followed to ensure that Bill C-53 could have been different from what we see today?

Ms. Joanna Bernard: I would like to answer that.

As mentioned by Ms. McGregor, it's "nothing about us without us".

One senator asked me at one point, "What would codevelopment look like?" I'm going to tell you now: It's from the concept, from the beginning of an idea of a policy, a bill or legislation. We should be involved from the very beginning. This is where the problem lies with this legislation and with many others. They develop the legislation, and they present it and say, "This is what we've come up with." That has to stop. We need to be at the beginning of any idea of a bill or legislation. We need to codevelop, with consultation done with all indigenous groups.

Thank you.

• (1730)

Ms. Julie McGregor: I think the interim national chief has adequately stated that.

Also, we're calling for the establishment of a national consultation process with first nations to enable the Government of Canada to develop a respectful process to recognize Métis inherent rights and jurisdiction while ensuring adequate safeguards to address overlapping claims and infringement of first nations rights, to ensure that those safeguards are in place.

Meegwetch.

The Chair: That's the end of the six minutes.

Colleagues, we have resources until 5:36 today. As all of the panels have been very important, and we did lose a bit of time in our switchover between panels, I'm going to suggest that we do a rapid-fire round of 90 seconds per group. It will probably be one question with nice, tight answers from the witnesses, if that's possible. I just want to give you one more chance to get in there.

With that, we'll go over to Mr. Schmale for the first 90 seconds.

The floor is yours.

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

I have 90 seconds, so I have time for one question in three parts.

This is for the Métis Nation of Alberta. Can you tell me the line of text, either in the agreement or in the legislation, that points to any potential forfeiture or seizure of property, or anything that imposes on your ability to work within your members?

Second, is there anything preventing you from entering into your own self-governance agreement with the Government of Canada?

Finally—and this is for the AFN—is there any amendment or anything that could be done in this piece of legislation that would ease your concerns about potential membership?

Thank you.

Dr. Adam Browning: I believe the first two questions were for me.

In terms of the concern about forfeiture, that was developed in the constating documents that the Métis Nation of Alberta have in their constitution, which were developed in consultation with Canada for their funding agreement. We understand that they would be enacted fully should this bill come into effect. It is stated plainly and specifically that there would be a forfeiture of assets and, frankly, gerrymandering carried out in our local communities, and they would redefine their areas.

The second specific concern with this bill is that it takes away our representation. That's in clause 8, where it refers to who the rights holder is and specifically that the rights are for the MNA to represent us, the Métis within Alberta. That is inclusive. There is no definition within there of Métis communities, and by default that prevents us as a community from seeking that recognition directly with Canada.

The Chair: Thank you.

We're going to our next 90-second question.

Mr. McLeod, the floor is yours.

Mr. Jamie Schmale: She didn't respond.

The Chair: You're out of time.

Mr. Michael McLeod: Thank you, Mr. Chair, and thank you to everybody who presented today.

I'm from the Northwest Territories, so I'm quite familiar with indigenous governments having challenges with other indigenous governments. We have situations in which the Métis and the Dene don't agree. We have situations in which the Inuvialuit and the Dene or the Métis don't agree. We have situations in which one land claim government will not agree with another land claim government.

I think we've all realized that good communication is the key. I don't think anybody is questioning that consultation should take place, especially if the rights of one indigenous government potentially impact those of another indigenous government. This legislation is establishing a framework and recognizing the rights of three Métis governments.

I want to ask both Adam Browning and Joanna Bernard, and the legal people too, whether they feel there's a duty to consult and to simply recognize that another indigenous government has the right to govern itself.

The Chair: I'm sorry, but we have only 20 seconds before I need to go to Madame Gill. Whoever would like to....

Ms. McGregor, do you want to take it?

• (1735)

Ms. Julie McGregor: I want to be sure that I understand the question.

You're asking if the duty to consult should be limited to recognizing other indigenous groups' rights?

Is that what you said?

I'm sorry, Mr. McLeod, but I missed the last point of your question.

Mr. Michael McLeod: Do I have time to ask?

The Chair: Very, very briefly summarize and get a quick response. We do need to move on.

Mr. Michael McLeod: My question is whether you feel there's a duty to consult, to simply recognize that another indigenous government has the right to govern itself.

Ms. Julie McGregor: If there are existing treaty rights, first nations rights or inherent rights or section 35 rights, then, yes, absolutely, I do think there is a duty to consult.

The Chair: Thank you.

Madame Gill, the floor is yours for 90 seconds.

[*Translation*]

Mrs. Marilène Gill: I'll be very brief, Mr. Chair.

Correct me if I'm wrong, but I think the Assembly of First Nations has mentioned several times that the bill simply shouldn't be considered. Something else should be done, particularly following the consultations.

Mr. Browning, should we improve the bill or should we reject it and start all over again?

[*English*]

Dr. Adam Browning: With respect, I'm not in your position. Were I to be in the perfect world, yes, I think under the duty to consult that inherently our section 35 rights for the historic communities, should they meet that threshold, should be acknowledged. That would be a simple amendment, in my view, inside this bill. I think that could replace pieces of clause 8 that recognize at least the Métis Nation of Alberta—I won't speak for the other provinces—as the affiliate that represents our collective rights within Alberta. I think that needs to be simple and that the recognition at the historic community level needs to be in there, because that's where our section 35 rights are. I think we could work with this bill if that were a starting point.

The Chair: Madame Gill, there's just five seconds left.

[*Translation*]

Mrs. Marilène Gill: Mr. Chair, I think Ms. Bernard wanted to speak.

[*English*]

The Chair: Sure.

Go ahead, Ms. Bernard.

Ms. Joanna Bernard: The AFN advocates on behalf of first nations, but we believe there are rights of other indigenous groups, so that's not our concern. It's just the process the government went through to get this bill through. It needs to be stopped and started. I'm not saying that we scrap the whole thing; we can take it and use it, but we need to start at the beginning here and do it right. We don't want to have to go to court and fight with the government.

The Chair: Thank you.

Lastly, Ms. Idlout, you have 90 seconds.

Ms. Lori Idlout: *Qujannamiik*. My question will be for Adam.

Maybe a subclause can be added under clause 8 to say that if there is a dispute about who is authorized to represent the Métis, that a dispute resolution will be added. Would that also be sufficient to make sure that while we're recognizing the important right of Métis to self-government, there could be a recognition that a dispute resolution might need to happen among different Métis groups?

Qujannamiik.

Dr. Adam Browning: I'm going to confer with my colleague, Ms. Bernard, representing the Assembly of First Nations. We may seem like we have different approaches on this, but I concur that we need to go back to the start, because we really can't bifurcate this. I could take this back to our leadership, and I could speak on it at this point, but it is inherently problematic.

I think it would be a start for us to work with pieces of the bill. We could look at non-derogation clauses and dispute resolution clauses when it comes to making sure that these rights aren't encroaching either on other indigenous groups or on our historic Métis communities, as a start. We could look at what that looks like.

I don't think we could commit at this point to seeing something broadly to say that there's a dispute resolution process, because, with respect to our member, there hasn't been enough trust built in the process by consulting with us from the beginning. I'm a linguist, not a lawyer. Until I see it and study it, and until I convince our elders and others to engage our legal teams to actually look at it, we'd be careful not to commit to anything at this point.

The Chair: Thank you.

We are out of time. I would like to thank all of our witnesses for being here today. Again, your insights are very important as we undergo consideration of Bill C-53.

Colleagues, with that, we are now adjourned for today.

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