

Opening Remarks of
President Clément Chartier
Métis National Council to
Standing Senate Committee on Aboriginal Peoples
Ottawa, Ontario
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Mr. Chairman and Committee members, thank you for the opportunity to participate in your hearing today.

On a number of occasions since my last appearance, I have had the pleasure of meeting Gerry who has encouraged me to identify some of the priorities of the Métis Nation going forward that could benefit from study by your committee.

I also recently appeared before the House of Commons Standing Committee on Aboriginal Affairs where I set out some of these priorities.

Chris Warkenton, the chairperson of that Committee, had assured me that the name change of the department to Aboriginal Affairs and Northern Development Canada was more than cosmetic and expressed the government's intention of dealing with the issues and interests of the Métis as well as First Nations and Inuit.

Indeed, I was impressed by his Committee's preparedness for my appearance and the depth and relevance of the questions posed.

In the same spirit of openness and cooperation, I hope that we can today begin a similar exploration of Métis Nation priorities that can become a greater part of public policy consideration by Parliament and the government.

First, I should provide a brief overview of the Métis National Council.

We are the national government of the Métis people in our historic homeland encompassing the prairie provinces and extending into Ontario and British Columbia. Our Homeland also extends into the Northwest Territories and northwest USA, historically known as the "Old Northwest".

We represent approximately 400,000 people, about one third of the total Aboriginal population in Canada.

Our five provincial affiliated organizations or Governing Members all use province-wide ballot box elections for determining their leadership and adhere to the same Métis Nation citizenship code in registering their citizens.

They administer and deliver a variety of federal and provincial government programs and services, mostly through arms-length affiliated institutions, in areas including labor market development, business financing and economic development, housing, child and family services, education, and culture.

Our priorities fit squarely within the scope of your broad study mandate to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples.

In itself, the title of that study speaks to the challenge we face in dealing with the government of Canada.

Despite the recognition of the Métis in the Constitution as one of the three Aboriginal peoples in Canada, and in the 2003 *Powley* decision of the Supreme Court of Canada as a full-fledged rights-bearing Aboriginal people, successive federal governments have maintained that our land rights have been extinguished by law.

In practice, this means that, with the exception of the Métis north of 60, the federal government excludes us from its land claims resolution process.

This federal position has a particularly adverse impact on Métis communities when it relates to the Duty to Consult and Accommodate.

Industry routinely ignores or heavily discounts our interest in the planning of major projects throughout our homeland.

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

Section 31 of the *Manitoba Act* provided for a land grant of 1,400,000 acres of land to the children of the Métis heads of families toward the extinguishment of the Aboriginal title.

This provision was critical to the deal negotiated by the first Métis Provisional Government under Louis Riel and the Macdonald government in 1870.

It resulted in the *Manitoba Act* and the creation of the province of Manitoba, which at that time, had close to a 90% Métis majority.

A ten year delay in the distribution of these lands amidst a rapid influx of settlers from Ontario led to the exodus of the majority of the Métis.

The *Dominion Lands Act* of 1879, a result of continuing Métis demands for title to their lands, provided for land grants for those Métis outside Manitoba. It must be noted that in the implementation of both the *Manitoba Act* and the *Dominion Lands Act* we were dealt with as individuals and not on a collective basis, as should have been the case.

Only after the Métis in the Saskatchewan Valley formed a second provisional government under Riel's leadership and waged a war of resistance against an invading Canadian army in 1885, did the federal government begin to act on its legislation.

The process it chose to fulfill its obligations, a series of Half-breed Commissions to issue scrip in lieu of land to the Métis in the rest of the Prairies, northeastern BC and the Mackenzie District, was so replete with fraud that the Supreme Court of Canada depicted it as a "sorry chapter in our nation's history".

A thirty year battle in the courts over the unfulfilled Métis land grants promised by the *Manitoba Act* that has been driven by one of our Governing Members, the Manitoba Métis Federation, will reach the Supreme Court of Canada on December 13th.

The Métis National Council is an intervener in this case.

This case will likely alter the way in which the federal government views the rights of the Métis as the Manitoba Court of Appeal has already upheld certain principles that should have significant implications going forward.

It should also be noted that the Métis National Council and our Governing Member in Saskatchewan, the Métis Nation-Saskatchewan, have filed a Statement of Claim in northwestern Saskatchewan regarding the unfulfilled land grants promised under the *Dominion Lands Act*.

The MMF case will open the door to similar claims and litigation across our historic homeland in western Canada where scrip was issued.

The continued exclusion of the Métis from the federal land claims resolution process and from test case funding to bring these claims forward surely deserves the scrutiny of this committee.

Your recommendation for expanding the existing land claims process or establishing a new Métis Claims Commission to settle our claims would offer a useful alternative to costly litigation.

The federal abrogation of responsibility to deal with our land claims is part of a broader denial of constitutional responsibility for Métis.

This federal position results in the exclusion of Métis from federal Aboriginal education and health care benefits.

It underlies the federal government's refusal to date to take responsibility for compensating Métis victims of the residential school system other than the small numbers who attended Indian residential schools recognized by the Settlement Agreement.

Having attended the infamous Métis residential school in Ile-a-la-Crosse, Saskatchewan, I can attest to the horrors of that system and to the anguish of the hundreds of survivors, some of whom have already passed away, those still living often in poor health, who have still not received any redress despite the high hopes raised in the Prime Minister's apology.

Therefore, another priority issue for the Métis Nation that can be advanced through the scrutiny of this Committee is our current initiative with the federal government to break the jurisdictional impasse and expand the relationship between Canada and the Métis Nation in a practical way.

The background to this is the Métis Nation Protocol between the Métis Nation and the Government of Canada concluded in 2008 that to date has focused heavily on economic development.

Our work on economic development, first with Minister Strahl and now Minister Duncan, has produced practical and meaningful results and builds on the success of our Métis Nation labor market and financial institutions over the past few decades.

The federal Ministers and I have also been able to bring Ministers from the five westernmost provinces and their senior officials into a process to develop a strategy for promoting greater and more effective Métis participation in economic development.

This collaborative work has resulted in a series of federal and provincial investments in Métis Nation financial institutions providing loan and equity capital to Métis entrepreneurs.

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

Shortly after the recent federal election, I proposed to the Prime Minister that we utilize the Métis Nation Protocol process to conclude accords on governance and economic development in order to accelerate the progress we have made to date.

The proposal is built on the mutual interest of the federal government and the Métis National Council in reducing the federal bureaucracy as it relates to Métis affairs and strengthening the governance capacity of the Métis Nation to administer and deliver important services such as economic development.

It also builds on the efforts of the Métis Nation to strengthen our governance at the national level with a new Métis Nation constitution, a process that has been supported by the federal government.

It is our hope that the discussions on these accords we recently began with Minister Duncan will lead to new authorities and firmer fiscal arrangements.

Furthermore, we hope that these new authorities together with our existing democratic accountability and citizenship institutions will shape a new Métis Nation constitution that could be recognized under

federal legislation as the source of self-government for the Métis Nation.

This committee may be able to furnish valuable insight into how this legislation, a *Canada-Métis Nation Relations Act*, could be crafted.

On that note, I will turn it over to the Chair and look forward to your questions.