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Introduction

The Métis Rights and Reconciliation Community Engagement sessions provide an important venue for MNBC Citizens and self-identified Métis to give feedback and direction on s.35 rights and the following subjects: Consultation; Natural Resources; Métis Veterans; Citizenship Registry; and proposed MNBC Budget Legislation. We had 439 participants fill out our sign in sheet and roughly 500 people attend phase one.

We are at a time of a growing awareness on the part of the Government of Canada and the Province of British Columbia (the Province) of the importance of moving towards the goal of reconciliation between Indigenous people in Canada, including the Métis, and the governments of Canada and British Columbia. A federal report on reconciliation with Métis from the Minister’s Special Representative, Thomas Isaac, which includes recommendations, was tabled in June 2016, and there are clear and unambiguous commitments from the federal and provincial governments to advance reconciliation with Métis.

Further, there is clear recognition by the federal government that reconciliation must be action oriented, that this action must be swift, and that the process of reconciliation must fully acknowledge the rights of Métis people, as enshrined in s. 35 of the Canadian constitution.

These very important developments (and others) are the result of decades of dedicated effort and reflect the collective aspirations of the Métis Nation.

It is necessary that Métis people have a say in how best to achieve this goal, as well as what they believe reconciliation between Métis and government should look like. As the recognized official governing body of Métis in BC that represents nearly 90,000 self-identified Métis in the province, MNBC needs to have a strong understanding of the needs of Métis people in BC. MNBC understands that it is crucial that it operate in a way that best serves the Métis Nation, within BC.

Provincial Engagement

MNBC has held 18 engagement sessions in Phase One of Two, across the province in a number of different Métis Chartered Communities. These engagement sessions occurred between May 15, 2018 and July 12, 2018. MNBC will use fall 2018 and winter 2018/19 as an opportunity to continue to engage with Métis with more sessions in Phase Two. In addition to the comments received at each session, written correspondence has been received from Métis people across British Columbia, and will contribute to these processes.
Moreover, we are taking additional efforts to ensure that the voices of women, youth, and Elders are heard during this process. Specific summits on the subject of reconciliation will be held for Métis women and Métis youth in the fall. This process of engagement on these vitally important subjects will be a first-time opportunity to hear directly from some Métis people regarding their hope for reconciliation, and the future of the Métis Nation.

Broadly, the focus of each engagement session was what rights and reconciliation look like to Métis people. MNBC elected leaders, staff, and numerous volunteers within different ministries were in attendance. The objectives of the engagement are to:

1. engage with as many of the nearly 90,000 self-identified Métis people in the province as possible regarding their expectations of reconciliation for Métis people,
2. identify the desired outcome of reconciliation for Métis people in BC,
3. raise awareness and understanding of regional staff from all ministries to the wants and needs of Métis people in achieving reconciliation, and
4. lay out a path leading to reconciliation for Métis people in BC.

These engagement sessions take place in a climate of reconciliation and relationship building between the Métis people and the government. The findings in these engagement sessions will contribute substantially to MNBC’s ongoing efforts to extend and build upon the remarkable achievements of the past in advancing Métis rights. The findings will also greatly assist MNBC in moving forward with this agenda in years to come, as we work together to strengthen the accomplishments of those who have come before us and lay a solid groundwork for those who will follow.

This report is intended to provide a snapshot of the input we received so far and support further discussions on what should be included during negotiations and in development of our own internal processes. We want to share what was heard so far and test whether we have understood the issues and recommendations presented to us by Métis people in BC. This will invariably change as we continue to receive input.

Engagements took place in:

- Prince George on May 15, 2018,
- Quesnel on May 16, 2018,
- Williams Lake on May 17, 2018,
- Kamloops on May 23, 2018,
• Merritt on May 24, 2018,
• Princeton on May 25, 2018,
• Chilliwack on June 14, 2018,
• Abbotsford on June 15, 2018,
• Surrey on June 16, 2018,
• Trail on June 18, 2018,
• Nelson on June 19, 2018,
• Fort St. John on June 25, 2018,
• Dawson Creek on June 26, 2018,
• Chetwynd on June 27, 2018,
• Hudson Hope on June 28, 2018,
• Campbell River on July 10, 2018,
• Comox/Courtenay on July 11, 2018, and
• Nanaimo on July 12, 2018

What We Have Heard So Far

A diverse range of subjects were discussed in the 18 engagement sessions from across the province between May and July 2018, most notably the following:

• recognition of s. 35 rights and self-determination;
• reconciliation with the Province of British Columbia;
• citizenship registry and community acceptance;
• consultation with Métis citizens on natural resource related issues;
• Métis women;
• MNBC budget legislation;
• Métis Veterans; and
• other important matters.

Feedback on the Sessions

MNBC handed out questionnaires to the attendees of each session to gauge their responses to the sessions themselves. MNBC received decisively positive responses from attendees to the engagement sessions, with the following being just some of the general comments received:

• “Good job and well done by each representative”;
“Great people – very helpful”;  
“It was excellent”;  
“More than I ever expected. Thank you.”;  
“Excellent! Awesome! Thank you!”; and  
“I found each topic to be informative and wish to thank each and every person there for doing such a great job.”

Recognition of s. 35 Métis Rights and Implementation of the Rights Framework

R. v. Powley notes with regard to Aboriginal rights that “[t]he inclusion of the Métis in s. 35 is based on a commitment to recognizing the Métis and enhancing their survival as distinctive communities”. A key part of this decision articulates who the Métis are under s. 35. As Jean Teillet notes:

The Court said that the term “Métis” in s. 35 refers to distinctive Métis peoples who, in addition to their mixed ancestry, developed their own customs, way of life, and group identity – separate from their Indian, Inuit or European forebears [. . .]. The Court said that the term “Métis” does not include all individuals with mixed Indian and European heritage.

The Supreme Court of Canada in Powley stated that Métis claimants must establish that they belong to an identifiable Métis community, which they defined as “a group of Métis with a distinctive collective identity, living in the same geographic area and sharing a common way of life”. Furthermore, it went on to state that the criteria for establishing Métis identity for the purpose of claiming Métis rights under Section 35 include self-identification as a member of the Métis community, evidence of an ancestral connection to an historic Métis community; and a demonstrated acceptance into a modern Métis community. The Métis National Council and it Governing Members has adopted this test for citizenship since 2002.

In order for an individual to exercise s. 35 rights as a Métis person, they and their activity must pass what is now known as the Powley Test. The following ten criteria make up this test:

(1) Characterization of the right;

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4 Supra, at para. 31-33.  
(2) Identification of the historic rights bearing community;
(3) Identification of the contemporary rights bearing community;
(4) Verification of membership in the contemporary Métis community;
(5) Identification of the relevant time;
(6) Was the practice integral to the claimant’s distinctive culture;
(7) Continuity between the historic practice and the contemporary right;
(8) Extinguishment;
(9) Infringement; and,
(10) Justification.  

It is important to note that Section 35, as well as all existing Canadian law, indicates that treaty rights do not “trump” Métis rights, and there is no hierarchy of rights under Section 35. One of the principles that Thomas Isaac underscores in his report is the principle that “Métis rights are protected equally along with First Nations (Indian) and Inuit Section 35 rights”, as such a principle is “unassailable and fundamental in nature”.

Introduction to Discussion

The Government of Canada is working with Indigenous communities at about 60 discussion tables across the country to explore new ways of working together to advance the recognition of Indigenous rights and self-determination. These discussions represent more than 320 Indigenous communities, with a total population of more than 700,000 people. The goal is to bring greater flexibility to negotiations based on the recognition of rights, respect, cooperation and partnership. At these tables, Canada and Indigenous groups can explore new ideas and ways to reach agreements that will recognize the rights of Indigenous groups and advance their vision of self-determination for the benefit of their communities and all Canadians.

Here in British Columbia, MNBC and the federal government have been meeting to discuss how we should move forward on identifying and advancing Métis Section 35 rights and self-determination in this province. A Memorandum of Understanding for Advancing Reconciliation was signed between MNBC

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8 *Ibid*, at 33.
and Canada on July 25, 2018. As a result, we expect to proceed to formal negotiations later this fall. If successful, will lead to a final agreement and self-government. There are some 16 different subject matters that will be discussed. MNBC welcomes input from Métis people on these subject matters. The process for moving forward is jointly designed by the parties through co-developed agreements (such as Letters of Understanding, Memoranda of Understanding and Framework Agreements).

What We Heard

- There needs to be equal opportunity and representation in resource management;
- Métis need to be viewed as equals to First Nations;
- There needs to be a recognition of Métis natural resources rights;
- A community space for Métis in urban settings would allow for cultural practices, teachings, and events.
- “The provincial government must and should review any and all of its current legislation and policies that relate to the Métis Nation BC and its citizens, and ensure it is consistent with UNDRIP within a context of the 2016 federal report of Thomas Isaac.”
- Métis should receive “health and dental benefits that are financially reachable for all Métis, especially seniors and children”.
- The following were some of the subject matters that Métis at these sessions stated should be included in discussions with the Province on s. 35 Métis rights:
  - Healthcare, including
    - Prescription medications,
    - Extended health benefits for things like eyeglasses and dental appointments/dentures,
    - Hearing aids,
    - Optometrist,
    - Wheelchairs and other mobility devices,
    - A specific emphasis on children and elders, and
    - Travel and hotel coverage during surgery;
  - Education, including
    - Early learning,
    - Ensuring that Métis youth receive the same opportunities as First Nations youth, and
    - Post-secondary funding beyond bachelor degrees;
  - Hunting and fishing rights, including
    - Free tags and licensing, and
Establishment of youth camps;

- Housing, including
  - Housing for seniors,
  - Housing for single mothers,
  - Housing that would allow pregnant mothers to have their children in town, and
  - Funding grants for repairs for homes owned by Métis individuals;

- Children and families, including keeping children in safe environments, and intervening when family life is deteriorating for children;

- Economic development, business opportunities, and revenue sharing that would also address the issue of Métis contractors being ignored in favour of First Nations contractors;

- Taxation, including fuel and tax exemptions or savings;

- Land base, whether for harvesting or commercial buildings;

- Childcare;

- Employment and Training;

- Wildlife/fisheries resource stewardship and harvesting;

- Citizenship;

- Justice, including making Métis aware of resources available to them;

- Dispute resolution;

- Language, culture, and heritage;

- Accommodation for seniors and low-income families;

- Land grants, including designated Métis land in BC; and

- More assistance for Métis women.

**Reconciliation with the Province**

The engagement MNBC has had with the Province of British Columbia recently is a result of the Métis Nation Relationship Accord II (MNRA II). MNRA II is an agreement signed between MNBC and the Province on November 16, 2016, that replaced the first MRNA signed in 2006. MNRA II received the full endorsement of the Minister of Indigenous Relations and Reconciliation (the Minister) on behalf of the new Government in November 2017.

The purpose of MNRA II is to “[c]ontinue to strengthen existing relationships based on mutual respect, responsibility and sharing, [c]ontinue to improve engagements, coordination, information sharing and collaboration”, and to work towards closing the gap on the quality of life between Métis people and other British Columbians. The MNRA II was signed with the goal of reconciliation between the Province
and the Métis people. Since the signing of MNRA II, and particularly since November 2017, there has been significant engagement between the Province and MNBC. The amount of engagement increased significantly as the result of a letter that was sent from the Minister to his ministerial colleagues raising their awareness of the MNRA II, and noting that “the MNRA aligns with the Provincial Government’s shared commitment to adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples and the Calls to Action of the Truth and Reconciliation Commission”.

The purpose of discussing the MNRA II in the community engagement sessions is to brief Métis people on the recent engagement between the various ministries of the Province and the MNBC on important matters in 2017/18 and to receive input from Métis people on what reconciliation means to them. In other words, what steps or initiatives should the provincial government take to meaningfully address reconciliation for Métis people in British Columbia?

What We Heard

- As resource communities in the north, Métis people/citizens need to be involved and supported in economic opportunities in order to build their communities.
- “Adopt UNDRIP across the government’s scope of responsibility versus just endorsing it.”
- “Métis people should see their face in the face in BC government elected officials who develop legislation, administer policy, and deliver programs and services to the Métis.”
- There should be a “broad program of equality and equity policy, and funding initiatives reflecting UNDRIP and tied to demonstrable and measurable results should be implemented based on MNBC consultation and advice.”
- There should be “clear, open and unequivocal recognition of the Métis people by the BC government with all s. 35 rights”.
- “Why do we have to fight tooth and nail for things that First Nations get as a recognized right?”
- There should be “accommodations for seniors that is not going to break the seniors and/or their families financially.”
- “I believe that it is time that BC steps up and recognizes Métis as an aboriginal group as per Section 35, and that they deal with us as a distinct group and quit trying to put us in conflict with the First Nations.”
- “[Reconciliation] with recognition of our rights and wrong-doings of the past being righted in a way that satisfies everyone. Now that we’ve finally got a seat at the grown-up table, we can start having real discussions as to how reconciliation can be achieved.”
“I personally believe that the Métis people’s physical health being poorer than that of the general population is tied to wrongs of the past, for which many of our people still suffer mental health issues. More mental health support from the Government of Canada can help right this.”

“The Province of British Columbia is already doing a fairly good job with physical health, and if the First Nations Health Authority proves to be an effective mechanism for their people, then maybe a similar program could work for us.”

“The local First Nations are always the first to be approached whenever a school district wants to be more inclusive of Indigenous teachings in this province. Having our story included in all our children’s education is an important step toward reconciliation for me.”

In terms of land rights, even if traditional Métis land were returned to the Métis, “we have spread so far that they will do little good for those that choose not to return.”

“Just like with the federal government, a designated Métis (provincial) deputy minister who responds directly to the minister would open up all of the necessary avenues for reconciliation.”

“[The government should] publicly apologize, and hand over the legal administrative responsibility for child welfare and veteran’s affairs [as it pertains to Métis] in BC to MNBC.”

Participants at the sessions stated that reconciliation between Métis and the Province should focus on the following topics:

- Recognition of hunting and fishing rights;
- Housing, including for seniors and single parents;
- Healthcare, including prescriptions, Pharmacare, dental care, and eye care;
- Childcare;
- Education, including early learning and a Métis curriculum;
- Accessibility for people with disabilities; and
- Senior care, including programs like Meals on Wheels.

**Proposed MNBC Budget Act**

At this year’s Métis Nation Governing Assembly, Métis Nation of Greater Victoria proposed the creation of an MNBC Budget Act. It was decided that this proposal would be presented to communities for further discussion.

The reasons provided for the Budget Act were as follows:

A. Passing a budget by an elected legislative body is one of the internationally recognized key markers of a democratic government.
B. A budget must be based on sound fiscal management using the best information available; importantly, it is also an aspirational document taking into account a nation’s vision of the future, its culture, and community needs.

C. The creation of priorities, involving community representatives’ direct knowledge of local needs as well as MNBC’s knowledge of the nation’s relationship with other partners and inter-governmental agreements, engenders a well-informed budget which is transparent and responsible to its citizens.

D. The Métis Nation British Columbia’s vision statement is to “…build a proud, self-governing, sustainable Nation in recognition of Inherent Rights for our Métis citizens”; consequently, in order to take up the responsibilities that will be devolved to it, MNBC must develop the mechanisms, procedures, and capacity to do so.

E. It is expedient to adopt the Budget Act so as to prepare the nation for recognition as an autonomous level of government which operates using international best practices of democratic accountability.

What We Heard

- “Public trust and credibility in the financial accountability of our Nation overall as it relates to fiscal responsibility of the Métis Nation as a whole in its financial accountability with public funds” is an important issue facing the Métis community that should also receive attention during MNBC budgeting.
- Ensure all financial matters under the control of Charter Communities are conducted in strict accordance with Canadian generally accepted accounting principles (GAAP), and the accounting standards for not-for-profit organizations in BC.
- “The MNBC should be held accountable first and foremost to the Métis people of this province.”
- “If we are to receive government funding and be respected by all other Canadians, transparency is necessary. Otherwise, it looks as if we have something to hide in our spending.”
- “If we act like a corporation, we will continue to be treated like a ‘special interest group’ instead of a government responsible to its people.”
- “I am in agreement with and fully support our MNBC leadership’s reasons for the proposed new budget legislation.”
- Respondents recommended the following be funded in the MNBC budget:
  - paid positions within each Chartered Community, such as for board members, a manager, or a secretary;
  - themed grants, such as for climate change, etc.;
  - events celebrating National Aboriginal Day and Louis Riel Day, with media used to advertise what is happening;
- scholarships at the high school and university level, as well as assistance for grad expenses;
- special Métis grad sashes;
- a store selling community goods; and
- there should be a provision included for a self-imposed bi-annual external audit, which is then made public to MNBC members.

**MNBC Natural Resource Act and the Duty to Consult**

**The Honour of the Crown and the Duty to Consult**

The implication of collectively embodied rights extends to the Crown’s duty to consult, which it must oblige when it “contemplates conduct that might adversely impact potential or established Aboriginal or Treaty rights”. Since Aboriginal rights are collective rights, it follows that under this duty the Crown, which can be the Provinces or Territories and/or proponents, consults with leaders who represent the interests of a rights-bearing Aboriginal community. Thomas Isaac states that “there is no doubt, at law, the Crown’s duty to consult Aboriginal peoples applies to Métis”.

MNGA Resolution:

A. The Métis Nation British Columbia (“MNBC”) governs the Métis citizens of British Columbia through its constitution, legislation and the ministerial authority provided therein.

B. In recognition of the cultural and traditional use of the natural resources of British Columbia, the MNBC enacted the *Natural Resources Act* to authorize, guide and carry on the principles of traditional and environmentally sound harvest management of the natural resources by the Métis Citizens of British Columbia.

C. Sub-Articles 3.1 to and including 3.4 of the *Act* establishes, among other things, “natural resource regulations, policies and guidelines; sound conservation practices and measures; protects the sustenance and cultural needs of the Métis Citizens; and ensures adequate consultation on all natural resource issues”.

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10 Thomas Isaac, *ibid*, at 16.

E. Resolution 12 was tabled to be reviewed by the British Columbia Métis Assembly of Natural Resources (“BCMANR”).

F. The BCMANR met in Prince George, B.C. on June 10 and 11 of 2017 to review the Act, as well as review the BCMANR Policies and Procedures and MNBC Consultation Guidebook (the “Guidebook”).

G. The Guidebook was adopted by MNBC in February of 2009.

H. The political landscape has changed both provincially and federally since 2009, and the legal landscape has changed in that period of time as well.

I. The Guidebook does neither accurately reflect current government policy nor the current body of caselaw.

J. The National Energy Board Act, Fisheries Act, Canadian Environmental Assessment Act, and Navigable Waters Act are currently undergoing proposed changes.

K. The MNBC Board of Directors is committed to ensuring meaningful engagement with Métis citizens.

As a result of additional discussion at the 2018 MNGA, Regional Captains of the Hunt (BCMANR) and MNBC Natural Resources staff consulted in the community engagement sessions with MNBC communities and citizens regarding the Guidebook, in order to table a report to the Annual General Meeting in September of 2018 with proposed changes and recommendations to ensure meaningful engagement with Métis citizens.

**What We Heard**

- Ensure traditional knowledge is a focus in the guidelines.
- Transparency is crucial at all levels of engagement and consultation. Who is compiling the data? Who is writing the reports? Will there be biases and how will this be addressed?
- More open communication between Captains, presidents, and MNBC staff and board.
- Involve and engage with local communities along proposed project routes early on in the process.
• Build trust with community members, as some are worried that personal information may be shared with the government.
• Use more local community representatives to help plan meetings, events, and/or engagement sessions.
• Use incentives to get more people at meetings and to get people to do surveys.
• Use multiple communication methods.
• Build better relationships with non-card holding Métis, and perhaps share information about meetings or sessions with friendship centres, Métis service providers, and other organizations.
• Adjust to community needs, as some want a lot of engagement, while other communities want minimal contact.
• “I believe the MNBC should voice the opinion of its members (whether they are invited to do so or not) on any issue that might infringe upon any of its member’s traditional rights, regardless of where they may be.”
• “Regions and chartered communities should be given the option to provide input in any consultation process, and any input they provide should be weighed according to the effect whatever action is under discussion could have. This respects all members’ rights to opinion and expression without putting excessive limitations on government and industry that otherwise end up in court.”
• “There are barriers at every level [of the consultation process], right from the Chartered Communities affecting consultation with local politics, all the way to the federal government not consulting at all, with MNBC and the provinces in between being selective about who to listen to and when.”
• I believe that the existing [MNBC governance] structure is effective [at facilitating consultation with Métis citizens], but it does have its flaws, such as local politics affecting who gets heard. There is also the lack of involvement from most members, which creates additional challenges.”
• “Adding a consultation grievance mechanism at the MNBC level [would ensure more effective consultation]. Ensuring that each Chartered Community has a physical location where those without internet access can still be heard [would also achieve the same goal].”
• “Having designated deputy ministers (or whatever the title may be) exclusively for the Métis at each level of government [would ensure MNBC’s consultation process is being followed by governments and proponents].”
• MNBC needs to make more frequent updates – via email or on the website/social media. Do not have to be detailed or long, but enough to make community members feel a part of the process.
• Make information shared easier to understand – too many long detailed legal documents and reports make people disengage. They will not understand what is being asked of them or why
engagement is so important unless it is broken down and clear (government documents, industry, etc.)

- Follow up is important – make sure people understand how their concerns are being met and where their information is being used (or how). More people would engage if they understood the importance of sessions and felt like their voices mattered.
- Gather more feedback on when to engage with communities: natural resources development projects, environmental assessments, employment opportunities, conservation efforts, climate change, Rights, health, housing
- Face-to-face meetings are helpful and meaningful
- Sending individual e-mail invites to community members may help get better engagement
- Assign a local rep to contact individual community members
- Consultation should occur on both regional and local levels
- MNBC should post questions and materials before meetings
- After the meetings have a “30-day” timeline to submit feedback. Deadlines are helpful to get people to reply.
- Consultation need to have a holistic approach. It needs to incorporate more culture, youth, Elders and women. It needs to be more inclusive.
- Create a set of rules to follow before making any decisions. How do you balance environment issues and economic issues?
- Initial meetings on a proposed project should be held between MNBC and the affected communities without the proponent present. “Keep money out of it”
- Create specific distribution lists for each project
- We have MNBC and our elected leaders to make decisions on our behalf

Environmental related comments:

- Conservation is key
- The land is linked to health and wellness. We need the land to be healthy for us to be healthy
- We should be able to get permits for youth to get meat for Elders
- Concerns that hunting in the future will only be for the “rich”.
- Without healthy resources we will not have harvesting in the future (community members discussed examples of logging practices in the Okanagan and water quality issues from agricultural practices in the Lower Mainland).
- Herbicides are affecting our water, lands, and wildlife negatively
- Create better working relationships with First Nations. We have many shared interests in conservation and stewardship.
• MNBC needs to support more green initiatives and not just pipelines (look into solar and wind)
• Invest in better environmental monitoring research
• Concerns about population declines in numerous species, including salmon, moose, shorebirds, and other species.

**Community Acceptance**

**Introduction**

MNBC wanted to hear from MNBC Citizens, Community members and other Métis people who may not be Citizens or Community members regarding the subject of Community Acceptance (CA). Community Acceptance is a requirement of the MNBC Constitution and Citizenship Act before an applicant can be approved to receive their MNBC Citizenship. While most Chartered Communities through their Presidents or designate sign off on the CA letter/form fairly quickly, some Chartered Communities are either taking an extraordinary long time to review and accept new Citizenship applicants for CA, or not considering them at all. As a result, some applicants have been waiting as long as three or four months or even longer for acceptance by the Community, while in one or two cases the Communities have not reviewed the CA referral at all and never sign off on the CA letter/form.

There are also some other problems that have arisen in some Communities when considering applications for CA. MNBC is concerned about this issue, and is looking at some possible options to address the situation and would appreciate the input of MNBC Citizens, Community members and other Métis people who may not be Citizens or Community members regarding the subject of CA before making any decisions regarding possible legislative amendments. The topic of CA has been brought before the MNBC Board, Citizens, Community members and other Métis people who may not be Citizens or Community members at the MNBC AGM, MNGA, Board meeting, regional sessions etc. several times over the past three years.

**MNBC Constitution and Legislative Requirements**

A. Under provisions of the MNBC Constitution, to be a Métis Citizen you must meet four (4) criteria. The criteria are detailed in Article 61 of the MNBC Constitution.

**Citizenship**

61. Métis means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation.
61.1. “Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in Historic Métis Nation Homeland.

61.2. “Historic Métis Nation Homeland” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-Breeds as they were then known.

61.3. “Métis Nation” means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the “aboriginal peoples of Canada” within Section 35 of the Constitution Act of 1982.

61.4. “Distinct from other Aboriginal Peoples” means distinct for cultural and nationhood purposes.

Note – “Accepted by the Métis Nation” in Article 61 is underlined here for emphasis only. The MNBC Constitution then defines the “Métis Nation” in Article 61.3. There is no specific reference to it being a Chartered Community, but rather the Nation as a whole.

B. Under provisions of Article 3 of the MNBC Citizenship Act, an applicant must comply with several conditions.

ARTICLE THREE - COMMUNITY ACCEPTANCE

3.0 The MNBC shall accept an application for citizenship as a Métis Citizen upon Applicant providing to the Registrar a written application together with sufficient Genealogical evidence which, if accepted by the Registrar, is proof that the Applicant is of Métis ancestry, is accepted by a Métis Community and that the Applicant complies with the following conditions:

3.1 The Applicant normally resides within the Métis Community area or Métis community and the jurisdiction of the MNBC;

3.2 The Applicant expressly held him/herself out to be Métis in the Métis Community and/or within the jurisdiction of the MNBC;

3.3 The authorized Métis Community shall make its decision impartially, in good faith and shall, in all matters relating to a Citizen or the MNBC act as a fiduciary to the interests of the Citizen or the MNBC as the case may be and shall employ a transparent process that is consistent with the MNBC Constitution.

Note – “is accepted by a Métis Community” in Article 3 is underlined here for emphasis only.
Concerns

One concern relates to the length of time it takes to obtain sign-off from a Community. As noted in the introduction, while most Chartered Communities are processing the “Community Acceptance” step fairly quickly by signing off on the Acceptance letter that is emailed to each President, some Communities are taking an extraordinary long time such as a three or four months to even respond, while a small number take longer than that to consider the Acceptance question, if they do at all. MNBC is concerned about such a delay in the process. While MNBC understands that in the case of those Presidents who engage with their Boards regarding the question of accepting applications, that the process needs to allow for time for that Community Board to meet, MNBC is of the view that applicants ideally should not have to wait for several weeks – in some cases – for the CA letter/form request to be considered. It is worthy of note that in many Communities, the Presidents themselves are able to simply sign off on the letters of Community Acceptance. In such cases, the turnaround time is usually two weeks or less.

A second concern involves the CA process, but is a different obstacle. This one relates to a small number of Communities who are requiring applicants for CA to bring in their genealogy and family history for review by one or more members of the Chartered Community Board. This practise is taking place even though the MNBC Registrar has completed the review of the entire application, including genealogy and family history, and has verified that they have met the criteria in Article 61 of the MNBC Constitution. In the case of some applicants for Citizenship, there is highly sensitive information in their files such as perhaps adoption history, past marriages, children born before present relationships. All MNBC Citizenship Registry staff have sworn a notarized oath of confidentiality and must comply with privacy law requirements. That is not the case with most Chartered Communities.

Registry staff handles all information contained in the files of applicants/Citizens with the utmost of confidentiality. There is no provision in the Citizenship Act nor is there any requirement in the Citizenship Act for a Community to require an applicant to bring in their family genealogy and history for review. MNBC is concerned about this practice and recommends that Communities do not subject any applicant to such a review.

What We Heard

- There is a difference of opinion regarding the extent that MNBC should be involved in the process of Métis citizenship, specifically the community acceptance (CA) process.
  - Most respondents in the sessions in northern BC stated that the current CA process does not work, and most are not in favour of it.
The most common comment received in these sessions on this issue was that MNBC should be solely responsible for determining Métis citizenship, and Chartered Communities should not require anything further or have any part in the process.

Some responded that perhaps MNBC could notify the appropriate Chartered Communities after one of their members obtains citizenship.

However, in the sessions in the Kootenays, Okanagan, and Lower Mainland, a vast majority of respondents (approximately 95%) favour the community acceptance (CA) process remaining as it is with a time-frame added, such as a two-week window for signing off on CA letters and forms.

In the above Chartered Communities, a very small percentage (approximately 5%) are in favour of CA being facilitated by the MNBC Central Registry, so that once an applicant has had his/her application approved by the MNBC registrar, CA should automatically be granted via the Central Registry.

Respondents in the Vancouver Island sessions had mixed opinions on the issue, with most wanting MNBC to be solely responsible for the CA process.

“I don’t believe any Chartered Community should be allowed to deny any Métis person community acceptance.”

“I support community acceptance only by the [MNBC] registrar based upon the legal interpretation and intent of Section 35 of the Canadian constitution, which the local Chartered Community has no legal authority to undermine or repudiate.”

“I have personally heard significant anecdotal concerns about the integrity of our local membership and citizenship application process, which are enough to cause me great concern as a citizen about the process. Community acceptance has no legitimacy if it does not operate in strict accordance with the legal precedent and intent of guaranteed Métis rights under section 35 of the Canadian constitution.”

“I do support formal notification to the local Chartered Community of citizenship and community acceptance having been granted to the individual by the MNBC registrar with positive encouragement to that new citizen to engage and participate with the local Chartered Community in a manner based upon their individual desire, and which their personal circumstances allow.”

Others mentioned that the current system would work if MNBC ensured the process of CA would be the same throughout all Chartered Communities, with all of them making it a priority.

Those communities that supported MNBC being completely responsible for the CA process also stated that there should be a two-week maximum for the Chartered Communities, at the very least.
• The following were general comments on the current CA process:
  o It takes too long;
  o Some Chartered Communities do not seem to make the CA process a priority;
  o It is very tough to get in contact with staff in some Chartered Communities;
  o Some Chartered Communities seem to favour some applicants over others;
  o Some of the requests for Métis citizenship are unrealistic, such as mandatory attendance
    at one or more monthly general meetings to have the CA form signed, or the mandatory
    requirements for copies of genealogical documentation;

**Women’s Issues**

Métis Women of British Columbia (MWBC) are focused on empowering Métis women to fulfill their
potentials in all aspects of their lives: physical health and well-being, cultural connection, community
involvement, family well-being, education, and economic security. MWBC are entrusted to enhance and
empower the rights of Métis Women and to ensure that Métis Women's voices and political
representation are prioritized at the community, regional, provincial and national level.

MWBC are preparing for their AGA and summit to be held in the coming months. In preparation for this
event, they, in partnership with MNBC, undertook a provincial needs assessment, and hosted regional
gatherings, which became part of the MNBC community engagement.

**What We Heard**

• Provide the following for Métis women:
  o Métis-specific safe haven houses for women;
  o Funding to help low-income Métis women repair their homes that are in need of repairs;
  o Funding for education opportunities for Métis women;
  o Domestic violence services for Métis women;
  o Specific Métis-sensitive services to ensure senior Métis women do not fall through the
    cracks, which would deal with
      ▪ health,
      ▪ housing,
      ▪ transportation, and
      ▪ food security;
  o A women’s help group;
  o Métis women who can perform or share knowledge during gatherings for Métis women;
  o More events specific for Métis women, including
    ▪ workshops,
women’s circles,
- healing, and
- smudge; and
  - Various Métis-specific family support mechanisms.

**Other Issues**

**Health**
- Métis should be provided with the following:
  - Medical support for low-income earners;
  - Support for Métis with disabilities;
  - Métis specific health services and health unit; and
  - Mental health services.

**Housing**
- A Métis housing society should be established;
- More affordable housing for both buying and renting should be made available to Métis citizens using Crown land; and
- There should be more housing in remote communities.

**Programs and Services**
- More programs aimed at Métis youth should be established;
- The delivery of services for Métis should be equal across the province;
- All Chartered Communities should provide daycare for Métis families; and
- More programs aimed at Aboriginals should open to Métis.

**Education**
- Métis should receive:
  - Funding to pay off post-secondary debt;
  - Career change supports for all ages;
  - Courses in the Michif language; and
  - Métis coordinators in schools apart from Aboriginal coordinators.

**Child Welfare**
- More rights for Métis children that will strengthen their pride in being Métis; and
- Delegated agencies should receive more funding to provide services and programs for Métis children in care
Veterans

- Métis Veterans of British Columbia (MV-BC) briefed attendees on aspects of what MV-BC does to support Métis Veterans. Very few community members were aware that MV-BC existed. Topics included:
  - Number of MV-BC members
  - What is a Veteran
  - Veterans Affairs Canada New Pension for Life
  - Federal Government acknowledgement of inequitable treatment of WWII Métis Veterans upon demobilization from WWII.
  - Provided handouts (Veterans Act, MV-BC Veterans Application, General letter on Métis Veteran issues, Press Release on WWII Métis Veterans, PPTs and WWII Métis Veterans application).
  - PowerPoint presentation on the New Pension for Life and MV-BC.

Conclusion

On July 25, 2018 the Government of Canada and the Métis Nation British Columbia took an important step to renew and strengthen their government-to-government relationship by signing a Memorandum of Understanding (MOU) on reconciliation.

This MOU, co-developed between MNBC and Canada, represents a joint commitment to identify challenges, opportunities and priorities. This MOU reflects the work going on across the Métis Nation with Governing Members on a path to self-determination. We are committed to working in partnership to find constructive, shared solutions aimed at closing socio-economic gaps, advancing reconciliation and building a long-term relationship which will not only benefit members of the Métis Nation British Columbia but all Canadians.

This report is meant to be a snapshot of the input we have received so far. While the sessions held by MNBC have dealt with a number of different topics, they all centre around the goal of reconciliation between government and the Métis people. As Thomas Isaac wrote in his 2016 Report of the Minister’s Special Representative on Reconciliation with Métis: Section 35 Métis Rights and the Manitoba Métis Federation Decision, “[r]econciliation is more than platitudes and recognition. Reconciliation flows from the constitutionally protected rights of Métis protected by Section 35 and is inextricably tied to the honour of the Crown, and must be grounded in practical actions.” That is why it is crucial that both MNBC, Canada and British Columbia understand the needs of Métis in this province in order to understand the necessary steps needed to move closer towards reconciliation.
We will continue to seek feedback and input in Phase Two of this initiative. We would welcome your input and encourage you to send your feedback by email to mrrce@mnbc.ca. A final report will be issued in March 2019.