



Initially, Bill C-53, which aims to recognize Métis governments in Alberta, Ontario and Saskatchewan, seemed to be a good news story for the Trudeau Liberals. The bill, which was introduced last June, is part of an aggressive government effort to finalize agreements with Indigenous groups, settle legal claims and honour the Trudeau administration's high-profile commitment to creating new relationships with [Indigenous peoples](#) in Canada.

In 2021, the government recognized the Manitoba Métis Federation as the democratic representative of the Métis in that province. The new bill would rectify Canada's long-term failure to recognize Métis in other provinces and lead to the signing of new treaties, as required by the Supreme Court of Canada. But the bill, which is currently being studied by a parliamentary committee, quickly attracted strong objections from [First Nations](#) and some Métis advocates.

The Métis people emerged among the children of French fathers and First Nations mothers, with the family groups coalescing in the late-18th and early-19th centuries in the Red River region (what is now southern Manitoba) into a unique and dynamic new nation. They took up farming in the area but became a powerful force on the western plains through their dominance of the buffalo hunt and the production of pemmican for the Hudson's Bay Company fur trade.

The Métis pushed back against official British representatives at the Battle of Seven Oaks in 1816 and experienced a nation-building victory over the Sioux in the Battle of Grand Coteau in 1851. The superbly organized buffalo hunt

provided an economic role, political structure and powerful sense of collective purpose. Politically, the Métis, led by Louis Riel, led the resistance against the expansion of Canada to the West from 1869 to 1870, and bore the brunt of Upper Canada's Anglo-Protestant anger after the Red River uprising.

Mixed relationships were a common element in the evolution of the fur trade and along the expansion of settlements. In some parts of the country, families blended into mixed-ancestry communities. More commonly, however, the children of these relationships were raised either in a First Nations community or among the settlers. The Red River nation-building experience was not replicated evenly across the country.

In modern parlance, the Red River Métis and other mixed-blood Métis groups have been folded together under the Métis label, although this is not historically or culturally accurate. For the Métis of Western Canada, the name applies only to people who can trace their ancestry to the original Métis of the Red River region. The Manitoba Métis Federation holds to this concept most strongly and, like other Métis, does not like to see their rights and claims commingled with those of other peoples of mixed Indigenous and European ancestry. People in Ontario and further east and in British Columbia, many with deep fur-trade roots, might meet the legal definition of Métis and have still ill-defined [Indigenous rights](#), but they are not, in the eyes of the Red River Métis and their descendants, eligible for treaties on the same basis as the Western Canadian Métis.

[Proposed legislation would grant Métis self-governing status, power to negotiate with Ottawa](#)

Starting after Confederation and the addition of Rupert's Land in 1870, the Métis under the leadership of Riel and Gabriel Dumont played a vital role in the expansion of the Dominion of Canada to the Prairie West. The combination of the destruction of the plains buffalo and the early settlement of the region dislodged the Métis and sparked protests that culminated in the North-West Resistance of 1885. After the military conflict in the North-West Territories (in present-day Saskatchewan and Alberta), the federal government effectively turned its back on the Métis, leaving them to founder in the legal and political wilderness for generations.

A 2016 Supreme Court ruling, [Daniels v. Canada](#), finally underscored the federal government's obligation to recognize the Métis. The ruling described the Métis and non-status Indians as being caught in a "jurisdictional wasteland

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with significant and obvious disadvantaging consequences.” It was a monumental judgment for the Métis and non-status Indians; as Dwight Dorey, national chief of the Congress of Aboriginal Peoples at the time, said, “Now, hopefully, we will not have to wait any longer to sit at the table.” Negotiations proceeded, with surprisingly little public attention.

Expectations of a uniform celebration of Métis recognition quickly faded. As negotiations began between the federal government and various Métis groups, the involvement of the Métis Nations of Saskatchewan and Alberta was viewed as a logical extension of the discussions under way with the Manitoba Métis Federation.

People of mixed ancestry in Eastern Canada demanded similar consideration, and the Métis Nation of Ontario pushed hard and successfully to be included in the negotiations. Other critics spoke up. Some, including some First Nations, oppose the extension of Indigenous and treaty rights to the Métis, believing that Métis harvesting and land rights, if included in the treaties, would erode their access to the resources of their territories. There is a fear in some quarters, too, that expanding the rights of the Métis will reduce First Nations’ authority over resource development and resource revenue sharing, while also increasing the claims on the federal purse.

The Métis Nation – Saskatchewan works extensively with First Nations in the province, and generally, positive relationships have prevailed. The Métis National Council, representing Métis of Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia, is a strong supporter of the legislative process and has expressed dismay with delays in the approval of Bill C-53, but has struggled with the pushback by western Métis and many First Nations about the inclusion of the Métis of Ontario.

[The task of rescuing the Assembly of First Nations begins now](#)

Ontario stands somewhat apart from the Red River Métis. There are many people in Ontario of joint Indigenous and European ancestry and the Métis Nation of Ontario verifies the ancestry of each applicant for citizenship. Some communities in Ontario have large populations of people of mixed ancestry that are key partners in the Métis Nation of Ontario. With a small number of exceptions, however, the membership of the MNO cannot trace their ancestry to Red River. There is also overlap and confusion about Métis and First Nations membership lists, with people and family lineages showing up in both groups.

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Not surprisingly, many prominent First Nations leaders in Ontario are profoundly upset about the MNO's assertion of Indigenous rights. Critics have spoken out sharply about Bill C-53, demanding that the legislation be withdrawn and insisting that the federal government consult widely with First Nations and the [Assembly of First Nations](#) before proceeding further. These critics even challenge the legitimacy of the Métis Nation of Ontario, specifically taking issue with the identification of six specific communities as being genuinely "Métis."

First Nations in Northern Ontario, backed by the Assembly of First Nations, want the legislation abandoned, claiming that the Métis people have no standing in First Nations' traditional territories. Chief Scott McLeod of the Nipissing First Nation offered [a blunt assessment](#): "It's rather insulting. It's like now that things are better, you can get the advantages of being Indigenous without suffering the atrocities. This slice of pie for Indigenous funding is only so big, and it's inadequate to begin with, and now we're being forced to share those resources with quote-unquote Métis." The First Nations criticism is intense, arguing that some of the ancestors claimed by current Métis members as Métis were officially First Nation individuals, instead. Several First Nations leaders have described this as "identity theft," a loaded phrase given the current [national debate](#) about "pretendians."

More generally, the Ontario First Nations challenge the proposition that having combined Indigenous and non-Indigenous ancestry makes one legally Métis on the same basis as the Red River Métis. The Métis Nation of Ontario's looser definition of Métis contrasts with that of the Manitoba, Saskatchewan and Alberta Métis Nations, where historic connections to community are fundamental, but the MNO definition is consistent with the still ill-defined constitutional rights of the Métis reflected in Section 35 of the 1982 Constitution Act. The ambiguity of the Constitution Act has left room for membership codes and processes to vary between Métis Nations and associations, in contrast to the rigid and formulaic approach to status under the Indian Act.

A particularly intense and bitter battle is now raging on social media. Advocates for the Métis Nation of Ontario are accused of fabricating history and undermining the legitimacy of the Red River Métis. There is sustained criticism of the federal government's "flexibility" with Indigenous identity, with some commentators also criticizing the approach taken to the identification of

the [Algonquins of Ontario](#) and the [NunatuKavut of Labrador](#). Accusations fly furiously in all directions.

Métis identity, to put it simply, is generally well-understood on the Prairies and focuses largely on people whose ancestry traces back to the Red River Métis and, more broadly, to ancestors of fur-trade relationships. In generations past, individuals often hid or obscured their Indigenous roots and emphasized their European ancestry, largely because of widespread discrimination and the absence of significant financial or other practical benefits arising out of Indigenous ethnicity.

Now, with the re-empowerment of Indigenous governments and the recognition of Indigenous rights, the opposite is the case. Many people who can claim some Indigenous ancestry, often very distant in time and not always clearly documented, are coming forward to identify as First Nations or as Métis. This is particularly the case in Central and Eastern Canada, where the Métis communities were smaller and the populations were more disparate, and where there were no equivalents of the complex, effective and strong Red River and Western Canadian Métis.

Coming to terms with this surge of Indigenous identification is causing considerable difficulty for governments and politicians. The unmasking of “[pretendians](#)” – non-Indigenous people who successfully passed themselves off as Indigenous, often for decades – is the most public illustration of this trend. But the emergence of claimants to First Nations and Métis status has become surprisingly widespread, with considerable pushback from First Nations and long-standing Métis communities.

Historical Métis communities and the individuals clearly associated with them must have their constitutional rights and their standing as Indigenous peoples recognized, as the Supreme Court has clearly indicated. The claims of others, which are primarily genealogical and not cultural and economic, are at best problematic, and must be considered carefully and respectfully.

There is a great deal at stake and an urgent need to get it right. The Manitoba Métis Federation and the Métis Nation – Saskatchewan have long-established and highly credible citizenship registries, and few, if any, doubt their legitimacy. At further remove from the West, the integrity of the membership lists is in doubt and requires much more clarity about the requirements and

the registration processes. In the end, it is the credible, well-established nations that will negotiate treaties with the federal government.

The Métis treaties under discussion at present are at preliminary stages and do not automatically convey land and resource rights, beyond those previously established through settlements or court decisions. Because the Métis do not have First Nations-like reserves and live primarily in communities with substantial non-Métis populations, extensive collaboration with provincial and territorial authorities will be required as the Métis governments evolve and assume new governmental responsibilities. They will, for sure, expect to be consulted on major resource projects and to be compensated for disruptions to their economy and culture. The treaty-making envisaged in Bill C-53 is, to be clear, the start of new relationships, and not the final word.

It was perhaps inevitable that the federal government's legislation would be tripped up by the First Nations-Métis controversy over identity, membership and Métis rights generally. The government has taken a flexible approach to the acknowledgment of the rights of hitherto unrecognized peoples, broadening the scope and reach of Indigenous rights in Canada. But as the contretemps over Métis rights under Bill C-53 demonstrates, expanding the recognition of one group can be seen as an attack on the rights of another.

The parliamentary committee examining Bill C-53 has extended the time to study the legislation into February or March, with growing attention to the identity and memberships issues. The government's approach has hit a significant speed bump, but the process of recognizing Métis Nations will continue, potentially through a process surrounded by legal challenges, political controversy and public confusion.

It is ironic and unfortunate that the resolution of the Métis identity question is going to rest with national political institutions and laws rather than with the Métis people themselves. It does not have to be thus. The Métis National Council is in the process of establishing an expert panel of academic experts to consider questions of membership. This process is to be embraced, even at the cost of a delay in the legislative process, as a primary means of depoliticizing the current system and building confidence in the approaches and claims of the provincial councils.

But two things are certain: The Métis Nations deserve official recognition, and major progress is finally being made.

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Who is Indigenous? Métis? For me, it is sorting out to be about two things.

In the Canada I grew up in, you could not be Indigenous—"Indian"—Métis—"MAY'-tee" (the English twist)—"Half Breed"—"Breed"—without experiencing prejudice and discrimination. It just came with that skin. Anyone who doubts the ubiquity of this racism has never been Brown/Red and fell mutually in love with the pretty White daughter of a leading citizen. When your Brown/Red daughter or sister was sexually exploited, "fit to be ___ed but nothing more" by lascivious White men, you knew what it meant to be "Indigenous."

I have put "Indigenous"—"Indian"—Métis—"MAY'-tee"—"Half Breed"—"Breed" all together because my people and community made few, fuzzy, ignorant, lazy, and usually mistaken, distinctions between them.

A strange thing: my parents and family were not very good "haters," thank goodness. (I had to go to South Africa during the worst bitter years of apartheid to meet people who "really knew how" to hate.) We could easily show kindness and give respect to individual Metis from the Sand Plains who had mainly settled around Fort Ellice (where the Qu'Appelle and Assiniboine rivers meet). But typically this played out as "He's a good Indian" meaning he is a good labourer and doesn't drink himself stupid, or at least is funny and harmless when he does. A young Metis woman could be liked, but it was always whispered—or we were outright warned if we didn't catch on quickly enough—"look where she comes from (e.g. her mother, likely showing the ravages of hard work, pregnancies, illiteracy, and poverty), and to which she will return. You would be consigning yourself and your children to a life on the wrong side of the tracks." When we create categories of "good" and "bad" we also ignore that this "good" one will have "bad" ones, relatives and friends, he or she loves dearly and rightly, and cannot but identify with most. We conveniently overlook too the fact that we in the first place might have a poor, simplistic, and self-serving conception of what it means to be a "good person."

The other criteria is only indirectly (at most) affected by prejudice. If you hid your Indigenous ancestry, could it not be said you avoided experiencing the prejudice and toll exacted by racism? Do you therefore deserve a share of the compensation those who actually suffered are receiving? If you protest, "But I lost the right to enjoy a key part of my identity!" the rejoinder is. "Really? How much?" You may rightly enjoy that identity now, but you can't have your cake and eat it too (a life unharmed by prejudice, with compensation added as though you had been harshly harmed). Irony: With "Bear" in my name, my father's birth at a place with First Nations history, and the fact my "brown as a berry in summer" father was accused of being an "Indian" by a jilted suitor, the question for me has always hovered. But a DNA test proved otherwise. TJB