



Final Report on the Daniels Symposium

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TABLE OF CONTENTS

Background of the <i>Daniels Symposium</i>	Page 3
Key Symposium Speakers	Page 5
Quotes from What We Heard	Page 9
Discussion Panels Overview	Page 11
Discussion Panels Questions	Page 12
Breakout Sessions - What We Heard	Page 18
Summary	Page 24

BACKGROUND OF THE DANIELS SYMPOSIUM

As a result of the Supreme Court of Canada's (SCC) landmark decision regarding *Daniels v. Canada* on April 14th, 2016, the Congress of Aboriginal Peoples (CAP) has repeatedly advocated for the Government of Canada to address the needs and interests of off-reserve Métis and Non-Status Indians (MNSI) in accordance with the SCC's ruling that Métis and Non-Status Indians are "Indians" under section 91(24) of the Constitution Act, 1982. The ruling confirms Canada's fiduciary responsibility to Métis and Non-Status Indigenous Peoples who are not affiliated with specific reserves.

In seeking guidance and direction on the *Daniels* decision, the federal government agreed to provide funding for CAP to develop and undertake a national symposium to enable meaningful dialogue between grassroots Indigenous Peoples, stakeholders, legal experts, and the Government of Canada on *Daniels*. The overall purpose of the *Daniels Symposium* was to bring together a representative cross section of CAP's grassroots constituency for a two day engagement on *Daniels* in regards to what the SCC's decision means for the MNSI of Canada and specifically what the 'next steps' should be in regards to advocacy, policy and program development for CAP and the federal government.

This report summarizes the proceedings of the *Daniels Symposium* in addition to highlighting key concerns, priorities, and recommendations from CAP's grassroots constituency regarding next steps with the federal government in relation to the *Daniels* decision.

The symposium took place on the unceded Traditional territory of the Algonquin in Ottawa on March 21st and 22nd, 2017, with the additional setup of four satellite locations across the country to enable grassroots members' a national voice on *Daniels*. Individuals were able to participate virtually in the proceedings via locations in Corner Brook (Newfoundland), Montréal (Québec), Winnipeg (Saskatchewan), and Edmonton (Alberta).

A grouping of delegates (including one for Youth and one for Elders) from each of CAP's Provincial and Territorial Organizations (PTOs) attended and participated in the symposium in Ottawa. In order to include diverse voices from across the nation and in addition to the four satellite locations, webcasting and live-streaming capabilities were put in place by the event

organizers. This degree of nationwide participation ensured that CAP would be able to accommodate the request by the Hon. Carolyn Bennett, Minister of Indigenous and Northern Affairs (INAC), that the proceedings included as great a number of CAP's grassroots constituency as possible in order for INAC to gain a better understanding of the needs and interests of MNSI.

In being able to ensure that the cultural traditions of off-reserve Indigenous People were both respected and included, the symposium commenced with a ceremonial march that began at Parliament Hill, proceeded to the Supreme Court of Canada, and reached its final destination of the symposium's venue at the Marriott Hotel whereupon a flag ceremony and youth drumming was undertaken. Throughout the two days, additional cultural performances took place including fiddling and Inuit throat singing. Duties for the Master of Ceremonies were undertaken by CAP's Senior Manager of Communications, Nigel Newlove, and Panel Moderation by APTN's Todd Lamirande.

The *Daniels Symposium* provided a forum for focussed discussions on building a greater understanding of membership, programs/services, misconceptions and potential avenues to bring about positive changes. Accordingly, CAP set about to establish a symposium platform for progressive dialogue that would produce greater insights on grassroots needs and concerns, mobilize future legislation, and address strategies to improve the lives of its constituency.

This interactive dialogue took the form of three discussion panels and two breakout sessions over the two day event. Each panel consisted of an equal balance of representatives from grassroots, academia, and legal backgrounds in order to ensure that all sides of the selected issues revolving around the *Daniels* decision were fully addressed.

KEY SYMPOSIUM SPEAKERS

To bring a broader and greater context to the Symposium and the discussion panels, a selected number of guest speakers participated over the course of the event. As with the panels, the list of speakers drew upon grassroots, academia and legal backgrounds.

After the opening ceremonies on Day One, **CAP National Chief Robert Bertrand** gave a welcoming address which focused on the paramount need and requirement for reconciliation between the federal government and our off-reserve Indigenous Peoples:

“Senator Murray Sinclair, speaking in his previous role as Chair of the Truth and Reconciliation Commission of Canada, stated:

“Reconciliation is not an Aboriginal problem; it is a Canadian one. Reconciliation requires that a new vision, based on a commitment to mutual respect, be developed.”

The case of *Daniels v. Canada* is a powerful example of the injustices that have been rendered to our people over successive decades when government, both federal and provincial, has subjected our human rights as a political football to be passed back and forth.

Reconciliation starts with inclusion. As inclusion is key to repairing the Government of Canada’s relationship with Indigenous Peoples, government must include the advancement of rights and legislation for our people, regardless of status or residence, in all present and future policy development and implementation.”

Paul Chartrand, a committee member of the Royal Commission on Aboriginal Peoples (1996), gave a historical overview of the case of *Daniels v. Canada* from the legal perspective and its relation to CAP and its constituency.

Mr. Chartrand’s presentation was followed by a fireside session with the **Hon. Carolyn Bennett, Minister of INAC**. This session was moderated by Nigel Newlove with the participation of CAP National Chief Bertrand.

Minister Bennett stated that she was glad to have the symposium as a kind of pan-Canadian event. Such events are important in order that the "broad range of perspectives is taken into consideration". Minister Bennett was looking forward to hearing what transpires.

The Minister spoke of the ongoing process between INAC and CAP regarding the approval and implementation of a renewed Political Accord. Referring to Prime Minister Justin Trudeau's promise to renew the relationship with Indigenous people, the Accord will be grounded in the need for true partnerships and grassroots connections. Minister Bennett stated that she wanted everyone at the symposium to feel heard and that they were starting this long process of next steps in a good place.

Lastly, Minister Bennett reiterated that the federal government wants to be a true partner with CAP as they move forward. The deliberations stated at the symposium will be taken very seriously in a "genuine relationship."

The afternoon of Day One saw a video tribute to the late Harry Daniels followed by a statement by Mr. Daniels' son, **Gabriel Daniels**. Speaking about his father, Gabriel cited that for Harry, his decision to enter politics was to get the land back for his people. What Harry Daniels accomplished with the *Daniels* case has given CAP the ability to do so and this was something that Gabriel stated should be the focus of CAP's constituency.

Todd Russell, President of NunatuKavut, gave the keynote address. President Russell affirmed that the *Daniels* decision is part of the solution and that solution is about a relationship with the Government of Canada, a true one about reconciliation.

He further stated that the decision marks a way forward and that the way forward is one of action, and a call to action by the SCC. There will be those who want to narrow the interpretation, but that would be against the decision itself.

President Russell affirmed that CAP's grassroots members are nothing without their land. Our people still hunt and fish, forage, pick medicines, etc. It is these are the things that connect us and make us who we are.

Reinforcing that the *Daniels* decision belongs to CAP, President Russell stated that CAP has to be at the negotiating table, that distinctiveness is not a barrier to inclusion and that there is not just one type of Indian, Métis, Inuit; we all have a place.

It's about acknowledgement, respect and equality; about dignity of individuals and the collective. For President Russell, the *Daniels* decision was the Supreme Court's call to action and they framed it as part of the journey of reconciliation.

There is hope and opportunity in the *Daniels* decision and even in this new federal government; the words have been spoken and they have meaning to us. We need to make sure that their actions live up to their words and need to move from the battlefield of the court to tables of opportunity for our people.

Tony Belcourt, one of the founding members of the Native Council of Canada (now CAP), presented his perspective on the *Daniels* case, stating that much of what he heard at the symposium echoed things his people were talking about in the years before. It is still a matter for Indigenous people to define who they are, to lobby for, and to establish legitimacy in the eyes of everybody (Indigenous people, government, media, etc.).

Dwight Dorey, who was a close friend of Harry Daniels and present alongside Mr. Daniels when CAP initiated *Daniels vs. Canada*, stated that there was a pressing need to start focusing on the who, what, when, and where. A need to determine formula for measuring scope of cultural identity; that it is not up to the federal government or anyone else to do this. It is up to Indigenous people, everyone here, to do it.



The late Harry Daniels (centre)



Fireside Session with Moderator Nigel Newlove, CAP National Chief Robert Bertrand and Carolyn Bennett, Minister of Indigenous and Northern Affairs Canada

QUOTES – WHAT WE HEARD

“First of all, thank you again for the amazing symposium. Please understand some people have waited their whole life to travel to Ottawa to see our leaders. Having CAP in Ottawa to lobby for us, makes the Symposium one of the greatest days in our History. I firmly believe CAP was meant to be there, meant to be our voice, while others out in the community can be your eyes and ears...”

“...we, the Aboriginal Community have to beg, plead, go to court with lawsuits to receive the respect and monetary commitments agreed upon by our ancestors and former government official (Representatives of the crown), when we hear the governing power of the day state that they always honor the former governing power's commitments.”

“No length of time can remove one’s Métis citizenship such as 8 generations and an individual is no longer considered a Métis citizens with rights and privileges. Today, you see Métis standing before you with their heritage intact even after generations of Government denial.”

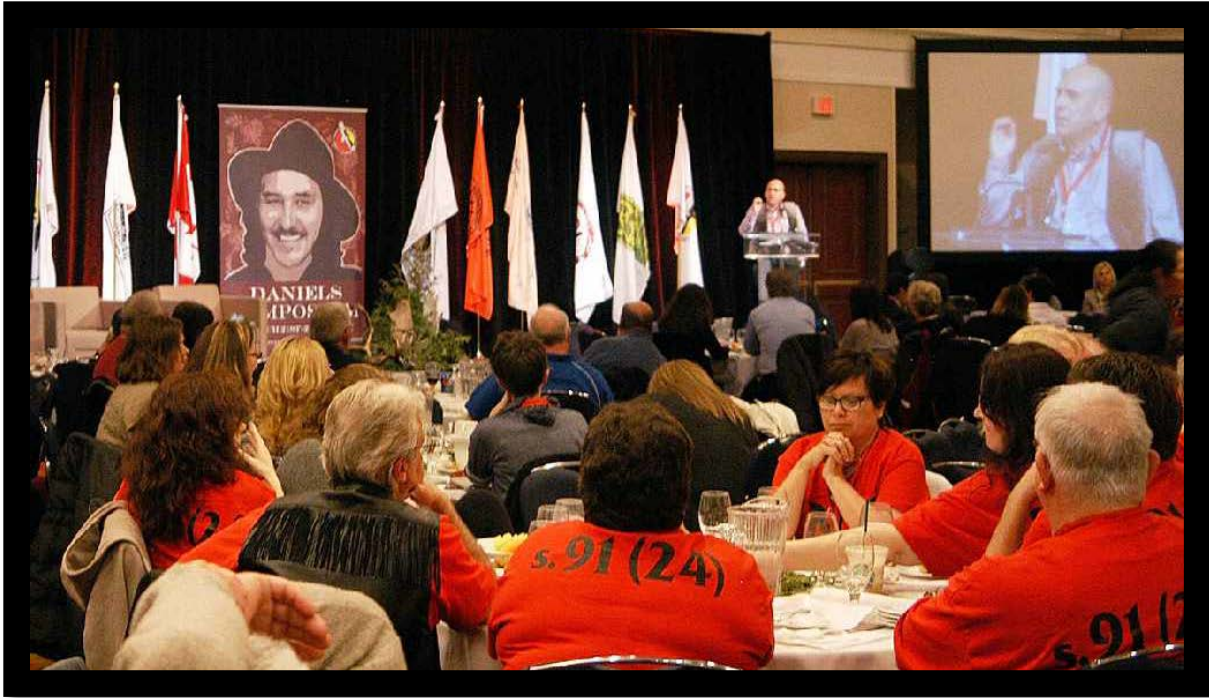
“We ask for the same equal rights and privileges of other Indigenous people and will negotiate from there.”

“...just remember that when you tell people that they don’t exist, you're talking about people, not statistics.”

“Focus on the good, & let the people know that you [CAP] are recognized in the eyes of the government...”

“We have to be at the bargaining table...”

“We want our rights to education, health, housing, hunting, harvesting, fishing, trapping, trade and territories to be recognized in light of the Harry Daniels decision in April 2016.”



President Todd Russell of NunatuKavut giving Keynote Address



Tianna Fisher, Youth Representative & Delegate, Ontario Coalition of Indigenous Peoples

DISCUSSION PANELS OVERVIEW

Over the two days of the *Daniels Symposium*, three discussion panels were held examining a diverse number of issues related to the *Daniels* decision.

Panel One, entitled ***Grassroots Voices***, aimed to provide insights in Métis and Non-Status Peoples, current forms of registration, the Crown's role and responsibility, and grassroots concerns. The inclusion of this panel was to provide some context into the history of governmental policies that have led to enfranchisement, arising complications in defining diverse groups, and future enrolment criteria that may potentially benefit or hinder applicants.

The following representatives made up this discussion panel:

- Kim Beaudin, CAP National Vice Chief
- Gerald Cunningham, Alberta Métis Settlement General Council
- Randy Drover, Qalipu
- Larry Chartrand, University of Ottawa
- Jaimie Lickers, Gowlings WLG
- Darryl Korell, Westaway Law Group

Panel Two, ***Programs, Services, and Misconceptions***, aimed to focus on the needs and misconceptions of what Métis and Non-Status Peoples are eligible to and whether or not they will be included within the *Indian Act*. The panel was also set up to try and focus on the clear demands of those in attendance and dispel social stigmas and stereotypes.

The following representatives made up the discussion panel:

- Jody Stonehouse, University of Alberta
- Gary Gould, Off-Reserve Bill C-31
- Amanda LeBlanc, One Sky Friendship Centre
- Sebastien Grammond, University of Ottawa
- Lanise Hayes, Nelligan O'Brien Payne LLP
- Bradford Morse, Thompson River University

Panel Three, ***Representation and Next Steps***, took place during the second half of Day Two, and attempted to build upon the insights from the two previous panels and morning breakout sessions. Discussions also focused on best options to safeguard equity, service provisions, and access to a comprehensive system that could assist to ensure and support the rights of Métis and Non-Status Peoples.

The following representatives made up the discussion panel:

- Scott Clark, CAP Board Member
- Paula LaPierre, Kichesipirini Algonquin First Nation (Non-Status)
- Tianna Fisher, Youth Representative for Ontario Coalition of Indigenous Peoples
- Dawn Lavell-Harvard, Trent University
- Andrew Lokan, Paliare Roland Rosenberg Rothstein LLP

These panel discussions brought forth a host of questions from both the Ottawa venue and the four satellite locations. Along with those in attendance, the invited panelists unpacked these questions and explored potential answers. A sampling of questions posed by symposium attendees reflect for the urgent need for CAP and the federal government to work together to implement solutions for its grassroots members.

Question: Regarding the reconciliation process with the federal government, what mechanisms will be in place to ensure that the decision won't be diluted or have work arounds?

- The SCC [Supreme Court] ruling was a huge victory and what we need to do is create a table, and be at the table, a negotiation table. We can talk all we want, but need to be there. [We must] Advocate towards that, what comes out of this symposium and our next steps forward. Our [National] Chief [Robert Bertrand] will work hard to do that.

Question: When I look at “misconceptions” that’s what worries me—these claims, when are they [the federal government] going to actually put action to the words?

- What CAP needs to do is make it clear to the federal government that off-reserve Indians are part and parcel of these programs; have to be political; we must make it part of our daily rhetoric when dealing with the federal and provincial governments; if they

don't do it, they're simply being racist; don't tell us that the only Indians are those who live on reserve; we need to now be political and that's the role we need to take.

Question: Is there more of a prejudice you're dealing with in defining Métis rights?

- It's difficult to take individuals and place them in boxes (Métis, status, etc.). It's easy to put the onus on an individual; a lot of these problems are a result of interference of federal government in our traditional ways of defining members and communities and once you interfere, it's very difficult to step back and put the system back together.
- People didn't fit into any particular box; those people needed to find a new community. To now tell them they don't qualify...there are too many examples to see the practical fall-out of federal interference in traditional governance forms. Bill C-31 interfered and removed people from communities and trying to fix that harm has been a decades' long problem that we're still dealing with today.

Question: Who is going to tell us we're Métis, who is going to define the Métis. The government is deciding who are the Indians, do we want the same thing for Métis?

- The *Daniels* case can help us further our own arguments toward recognition. The case didn't define who is Non-status or Métis; it decided that everyone is part of responsibility of government under 91(24). It's a good starting place, but it also recognized that, based on the earlier *Powley* decision, that Métis and Non-status communities have a right to determine their own members, etc., whether we want the courts to define who we are, it's something we need to think about in terms of UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and our rights to self-determination. Otherwise it's just a racist, colonial policy perpetuated by government.
- The *Daniels* case also recognized that that's the responsibility of communities, to decide who their membership is. The case recognized that this history of colonization and the assimilation/identity denial policies have had negative effects on an individual's ability to connect to a community and destroyed cohesion of Indigenous communities. There are people caught in that dilemma and the federal government has responsibility to legislate with respect to them.

- We don't know what that responsibility is yet, but we need to press government to prepare policy to require them to commit resources to repair identity harms over the last 150 years. That source of obligation comes from the *Daniels* case itself and from various provisions of the UN declaration in particular Article 9 ["Indigenous peoples and individuals have the right to belong to an Indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right." Article 9, UNDRIP]. Federal government has agreed to comply with that.
- It also requires state to provide effective mechanisms to redress that, so the federal government is on the hook to repair the harm that it has caused. *Daniels* can be used as support in furthering that objective.

Question: Should the *Indian Act* be amended to include Métis and Non-Status Indians (MNSI)?

- *Indian Act* divides Indigenous groups in Canada, need to revise or repeal *Indian Act*.
- Some are interested in reviving traditional structures of "membership" / "registration" and working with everyone.
- Need to develop a collective, united, and inclusive definition of MNSI.

Question: Where do things go from here?

- *Indian Act* is the fundamental root of all problems, any amendments, its repeal or replacement must be carefully studied and understood.
- More litigation will most likely need to occur, *Daniels* decision will be a challenge to implement at the political level.

Question: Will this case mean more litigation?

- Possibly if *Daniels* is to translate into gains politically or legislatively.

Question: What's the difference between Métis and Non-status?

- Need to keep process open that each individual can decide how they identify within our broader tradition.

- Self-determination starts with our concepts. We have to start acting accordingly by defining ourselves.
- “Need conversations about citizenship, about being inclusive of members, and stop dividing and looking at how to label each other...when we talk about nation-to-nation, it’s up to us to speak for ourselves.”

Question: Should the federal government be using *Powley* to identify Métis?

- *Powley* makes reference to the broad identities; that list isn’t exhaustive; when brought into court process, that process itself is limited; only certain records allowed.

Question: How can Métis and Non-status claim jurisdiction over their lands and people?

- Need to use the international arena.
- “We are peoples of the world but as long as we keep using the terms of the *Indian Act*, we perpetuate the division among ourselves.”
- In defining who is Métis or Non-Status for the purposes of 91(24), can generate controversy and divisiveness among Indigenous Peoples, and can be a distraction. Need a broad, non-specific term.

Question: What does grassroots mean?

- “We say that it takes a village to raise a child, but in an urban context you don’t often see the village.”
- Need to develop a new model of governance in an urban setting; engage youth and elder councils, engage parents struggling and pull them into a process, also pull in all agencies and government services.
- “Grassroots means maintaining traditional governance.”
- Grassroots means healing through elders.

Question: Nation-to-nation relationship with Canada leaves out other groups. Some bands are more discriminatory even than the *Indian Act*; how do we change this? Is it through law? How do we switch the conversation to include all these people who aren't in a "nation"?"

- Need a clear understanding of what nationhood means.
- "Article 18 UNDRIP, which Canada has endorsed, says we have the right to our own decision-making (see Article 18); doesn't say it has to be through AFN... it's up to us to hold that light on the Canadian government and remind them of their international obligation; need to create opportunities for our grassroots to speak for themselves."

Question: How do each of us as PTOs move "duty to consult" along in their provinces? Get the premiers to recognize that they also have a responsibility under 91 (24).

- May need to initiate a legal case, big undertaking, however government could be challenged if only consulting with "status" Indians and excluding others.
- "Government is using *Powley* to interpret *Daniels* case; to exclude all those groups who represent MNSI of the east; in doing this the government is discriminating against us and it's unconstitutional."
- Need to work through CAP affiliates to bring all people from the east and lift that discrimination.
- Role of everyone to take action and share information on *Daniels* to enhance awareness and gain support.
- Need to use some international protocols (ie. inter-American protocol). Under UNDRIP we have the right to choose who speaks for us; this is a powerful tool; only recognizing certain groups goes directly against UNDRIP.
- Need legal experts to point out flaws in the arguments used to exclude CAP and Native Women's Association of Canada by suggesting CAP is "just" a corporate entity; we're not the only ones that are "just" legal entities that way.
- Need to be prepared to stand up and exercise our rights...need to be ready with our members to take a stand; 2/3 live off-reserve; yet access to funding is exact

opposite; “we need to start demanding our right for transportability of our rights regardless of where you live.”

- “If recognition of a broader definition of governance can be accepted by CAP and we can look deeper into determinations of *Daniels* case, we can maybe see that, within the requirements, Non-Status Indian rights should be determined on case-by-case, we could use unceded territory to access independent and expert resources in international law and history in building capacity to examine our own history, unwritten Constitution, which should be integrated into future proceedings.”
- Need more public awareness and promotional efforts around CAP mandate and activities. Need to get more vocal in the newspapers.
- “A matter of going to federal government to insist that it do what *Daniels* report said they should do, tell them to take responsibility and see what happens.”
- “Right now is most important time to take action, carry momentum forward, international eye is on Canada; use that to bring about accountability to see it in their generation; defend their rights.”
- “In the last couple of days we talked about how the government doesn’t define us, or we need a status card, we all know; that’s what this decision means; it’s an opportunity to get rid of those terms; we need to deliver those terms to the government, need to work on the definition; I want us all to go home and get involved in whatever way you can.”

BREAKOUT SESSIONS – WHAT WE HEARD

Two pivotal breakout sessions took place in coordination with symposium attendees on the morning of Day Two. The purpose of these meetings was to bring forth exactly what CAP's grassroots constituency wants to see from the federal government going forward after the Supreme Court's decision on *Daniels* in terms of priorities.

Programs & Services Session

- With increasing membership, such as in Qalipu, increased funding for education, housing, and cultural preservation.
- Inclusion of off-reserve members in housing policies and funding.
- Need various programs and services that are equal to what status Indians on-reserve receive, such as housing for low-income families.
- Enhance strategic planning, tripartite negotiations with Federal-Provincial-Territorial (FPT) governments, guided by principles of inclusion for all Indigenous peoples. Need to implement what's negotiated with governments through an Accord.
- Enhanced engagement with MNSI living in urban areas and cities.
- Urge CAP to press governments to stop using *Powley* to identify membership.
- NGOs should be working with communities to find the best ways to implement *Daniels*.
- Need for support services to keep MNSI children out of foster care.
- Need for housing for elderly.
- Services that address and meet basic needs, food, shelter.
- Need to end discrimination between First Nations and Métis.
- Increased funding to programs and services that are based on needs that are working well and best practices.
- Take a holistic approach in looking at issues.
- Determining membership is a fundamental issue that needs to be resolved before looking at program and service needs regarding *Daniels* decision.
- Need an evidence-based approach to determining what programs and services are needed.

- Propose a department for Métis established in parallel with First Nations department so that both communities can have access to government programs and services. Work together as done in early NCC (Native Council of Canada) days.
- Do a cost-analysis on meeting the needs of Métis in the short-term. Develop policies for the longer term.
- What does a meaningful relationship between CAP and the federal government look like? How can CAP build stronger relationship?
- More social support for Indigenous youth.
- Need help to “mobilize” to have Métis rights and needs recognized.
- Need to strategize how CAP, PTOS’s, and communities can apply pressure to government to get on with developing an Accord and getting *Daniels* decision implications worked out. Need to make them accountable about what has been promised versus actually delivered.
- Need effective way to share knowledge about what’s available/working in programs and services across country.
- Need to develop self-accountability, move “beyond the hurt” and develop compassion and forgiveness.
- Need to advocate for core funding for PTOs.
- More involvement and support from CAP in the areas of employment, or fostering volunteer opportunities, innovative programs such as community gardens in the cities
- More Indigenous community ownership and promotion of grassroots successes, self-governance, self-determination, etc.
- Collaboration with schools and universities on research and evidence based programs and policies.
- Seek support from libraries to help communities research their genealogy, family history, etc.
- CAP should assist in bringing back native knowledge and understanding at the grassroots level. Need native history and culture taught in schools to strengthen youth identity.
- Need to incorporate ceremony in CAP events.

- Need improved services for identifying learning disabilities among Indigenous children to assist with supports in ensuring they are successful in their education.
- Need support for proper engagement when asked to provide feedback on environmental impact of various developments. Indigenous representatives need assistance to get training in this area and presentation skills.
- Want CAP to advocate with various levels of government on housing for Indigenous, elderly, other specialized groups so they can live together in communities, instead of spread out.
- Need increased access to health care, including Elders.
- Want CAP to establish a list of Elders in each province.

The following is a summary of the main themes that resulted from this breakout session:

- Grassroots communities will need to determine their overall priorities.
- There is a need for a transparent and tailored process in working with the federal government.
- Education and housing programs.
- Service mobility, no matter where you are, should be available.
- Continued sustained long-term funding; should be no rush to create new programs; see what programs exist that can be used.
- Establish ongoing dialogue with the federal government.
- Programs and services should be within the Calls To Action as established by the Truth and Reconciliation Commission of Canada; to incorporate traditional values, be evidence-based, and include access to training.

Registration & Membership Session

- Need to examine the “definition” of MNSI.
- Need to better understand the meaning of *Daniels* decision and the federal fiduciary responsibility (91/24); for all intents and purpose MNSI are included in that definition, “Indian.”
- Need to refocus from membership to citizenship – our rights, entitlements, that’s what we have and the courts have affirmed that; government is slow to define what this means, we need to define it for ourselves, it’s about self-determination.
- To examine concerns around additional people showing interest that weren’t involved in any organization before who are now trying to get on a membership list.
- Need to examine who are the MNSI that will be recognized going forward. How do MNSI register? How will the process be determined? CAP will need to be involved.
- Need investment to do research around defining ourselves as nations and having discussions on who we are, our histories are missing.
- Need to revisit one of the RCAP recommendations which was to rebuild our nations to define ourselves and what are our entitlements; this is a critical component.
- Need to address anomalies in the enrolment process; i.e. twins where only one has status.
- CAP needs to provide support and be at forefront of the Qalipu issues around membership.
- Need to identify /determine who our community members are. Non-Status need to have a way to be represented, to vote.
- Concern over a central registry for Métis which may result in exclusion. Need one that is developed in collaboration with organizations.
- Interest in ensuring that people on membership are not abusing their rights, hunting or fishing, in it for monetary benefits. Need to have a policy that allows them to retract membership.
- More awareness on the work and role of CAP; Métis Nation of Alberta wanting to represent members and asking them to sign documents.

- Need to have access to genealogy services to trace back origins and family tree.
- Need to define and use terminology such as “citizen” or “citizenship” as opposed to “members” or “membership.”
- Need to be fully informed and undergo proper/lawful/respectful process. Métis Nation of Alberta asked for oath as a citizen/member that took your inherent rights as Métis and put them into a collective without proper procedures.
- Ensure that CAP maintains open and clear communications.
- Request that CAP become involved in current court case involving the Métis Nation of Alberta. Some don’t agree with their definition of Métis, those east of Red River are excluded (other than small portion in Ontario).
- Should not allow government to define us in regards to *Daniels*; need to determine our own definition – what do we have in common?
- Need to be at the table equally with FPT governments to have our interest represented; have distinct culture and values.
- Request for CAP to take leadership role in uniting and bringing organizations together – create synergies.
- Recommendation to work collectively and inclusively – a roundtable including members from across Canada. Need increased participation in order to have a bigger presence, in order for government to take CAP and organization seriously.
- Need to define and determine what benefits will flow from the rights that are not clear in Section 35. MSNI now fit under Section 35.
- Need for further examination of identity, defining and membership. Supreme Court of Canada opened the door to MNSI to negotiate with Canada to achieve parity with other Indigenous Peoples in terms of programming and funding, questions around individual identity and community acceptance arose. SCC said “there’s no consensus on who’s an Métis or Non-Status Indian, nor does there need to be”; it could be used as a general term for anyone with mixed heritage; no one exclusive Métis people in Canada; court also said that definition for Non-Status Indian is imprecise; as the SCC left the door open, it’s up to us; *Article 33 of UN Declaration* says “Indigenous peoples have right to

determine own identity or membership in accordance with their customs...have right to select membership of their institutions.” Impacts real people who have the right to define themselves; if we don’t we risk have it imposed on us. In *Powley*, MNSI should technically be able to access relationship with federal government. *Powley* didn’t apply to Section 91 (24); again, according to those of Aboriginal ancestry are covered under Section 91 (24) regardless of community acceptance.

- Request that CAP work with the Métis Federation of Canada.
- Examine the potential for CAP to have a national registry or accept the genealogy.
- Concern that CAP needs to start showing interest in the Maritimes.
- PTOs need to take leadership roles and meet with their provincial representatives.

The following is a summary of the main themes that arose out of this breakout session:

- CAP has to take leadership role; concept of round table or large meeting like this that is inclusive and invites all.
- As Indigenous people we are responsible for our own definition; no federal registry.
- Need human and financial capacity; need to properly research and identify those communities.
- Registries that we create, whatever form, have to have integrity; we have people coming forward now whose Indigenous ancestry is so distant, they’re not part of our community; difficult issue; have to come to terms with that ourselves.
- Have to come up with definitions; we’ve circulated United Nations broad principles; will be extensive work on definitions and registry, plus ratification process.
- Inclusion: don’t want to turn our backs on fellow MNSI.

SUMMARY

Harry Daniels stated that, “A just society is not just for some us and not for others; it has to be for everyone.”

The questions, answers, and results from the discussions led at the *Daniels Symposium* clearly illustrate the need for overdue and positive change in regards to the Government of Canada’s responsibility towards the Métis and Non-Status Indians and the resulting working relationship that should be implemented through the Congress of Aboriginal Peoples.

A message written down on a napkin and submitted to CAP by an attending participant at the close of the symposium read:

“Grassroots are being left behind – how can we lift people out of *Indian Act* despair?”

This question encapsulates the distinct sense of urgency that hundreds of thousands of Indigenous People are feeling today. The final ruling rendered by the Supreme Court of Canada on *Daniels vs. Canada* is the key to ensuring that each and every Indigenous person in this country has equal access to the same rights, programs and services. The Government of Canada cannot turn their back on anyone.

Discussions emanating out of the three panels and breakout sessions reflect a need for Indigenous grassroots people to work together to determine their own priorities as they relate to the *Daniels* decision. These priorities must be communicated with the federal government through the establishment of an ongoing dialogue with CAP and its constituency.

Participants felt there was a need for further examination of identity and defining membership to determine as to how the MNSI will be recognized by the federal government going forward. Through *Daniels*, the Supreme Court of Canada has opened the door for MNSI to negotiate with the government to achieve parity with other Indigenous Peoples in terms of programming and funding, questions around individual identity, and community acceptance. In regards to programs, services, and initiatives, there is a need for sustained long-term funding which includes the accommodation of service mobility; this being vitally important for off-reserve

Indigenous Peoples as a large percentage end up falling through the jurisdictional cracks when transitioning from an on-reserve to an off-reserve urban, rural, or remote setting.

Furthermore, the maintenance and creation of programs and services should incorporate traditional values, be evidence-based, and include access to training.

As a result, the Congress of Aboriginal Peoples must take a leadership role and be an active participant at the table with the federal government. To do so requires further government support through human and financial capacity supports for CAP and its PTOs. Symposium participants also felt that as a national Indigenous organization recognized by the Government of Canada, CAP should work equally with Federal, Provincial and Territorial governments to have the interests of all off-reserve Indigenous Peoples represented.

In his closing remarks, CAP National Chief Robert Bertrand reflected on the momentum of the people present at the *Daniels Symposium* and the determination to mobilize change for off-reserve Indigenous Peoples. Inclusion, recognition, membership, programs and services; these are issues affecting each and every one of CAP's constituency.

Chief Bertrand believes that the *Daniels Symposium* will be the foundation for the relationship between CAP and the federal government. CAP and its PTOs are perfectly positioned to engage with the government to bring recognition, programs, services, and rights to off-reserve Indigenous Peoples.

This is an immediate need for solutions which are long overdue. The injustices stretch back to Confederation. In this anniversary year, the Government of Canada needs to follow through on their promises for reconciliation.

The *Daniels Symposium* saw large numbers of people from all regions and ages voice their concerns and priorities. Each of the discussion panels ran past allotted times due to the volume of participants.

The Congress of Aboriginal Peoples is calling on the Government of Canada to take action. The ideas and questions taken from this report will provide the government with concrete ideas on

how to approach CAP's victory with *Daniels vs. Canada* through the evolution and implementation of a renewed working relationship.

In the Supreme Court's decision on *Daniels*, Supreme Court Justice Rosalie Abella stated:

“As the curtain opens wider and wider on the history of Canada's relationship with its Indigenous peoples, inequities are increasingly revealed and remedies urgently sought. Many revelations have resulted in good faith policy and legislative responses, but the list of disadvantages remains robust. This case represents another chapter in the pursuit of reconciliation and redress in that relationship.”

An opportunity for such a remedy lies in honouring the Supreme Court's final decision on *Daniels v. Canada* and for the federal government and the Congress of Aboriginal Peoples to come together under progressive reconciliation in the form of equal rights recognition, programs and services, engagement, and consultation on all issues affecting our people.

