POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 4 Winter 2019 ARTICLE 5

The Métis and the Courts: Interrogating Métis-Focused Supreme Court Decisions in Canada

By Thomas Feth

This paper is broadly concerned with the politics of the Canadian constitution, with its primary focus being the relationship between the Métis and the Supreme Court of Canada. The Métis are one of three Aboriginal groups in Canada that are officially recognized in the Constitution Act, 1982, along with the First Nations and the Inuit. The Act sparked a new era of Canadian jurisprudence and Indigenous activism through the courts. Despite the hopes of the Métis, major Supreme Court decisions vis-à-vis Métis issues since 1982 have been questionable, if not problematic. This paper discusses Métis identity, jurisdiction, equality rights, and the question of Métis title in relation to four Supreme Court decisions. The paper aims to provide an overview of the most pertinent issues and cases in Métis constitutional law while arguing that Métis-focused Supreme Court decisions have done little to improve the position and status of the Métis people in Canadian society, while some judgments have even undermined them.

Introduction

The Métis are a distinct cultural group in Canada and are officially recognized in the *Constitution Act, 1982* as one of the three distinct Aboriginal groups in Canada along with the First Nations and the Inuit. Métis people in Canada trace their origins to unions between European traders and Indigenous women in pre-Confederation Canada. A collection of these unions subsequently led to an ethnogenesis: the creation of a new people and nation. However, Métis people have long struggled for equal rights and recognition in Canada. After the establishment of Red River Colony in 1811 in present-day Manitoba, the region was populated over time by mixed-ethnicity peoples who came to be known as Métis. The federal government of Canada purchased the territory in 1869, but the Métis feared hostility and assimilationist policies. Subsequent tensions resulted in the Red River Resistance, led by Métis leader Louis Riel and his provisional government, against the Government of Canada. In 1870 the Métis and Canada reached an agreement that led to the creation of the province of Manitoba, just three years after Canada's founding. However, fifteen years later, new conflicts developed, especially over the division and distribution of land in the new province. Another Métis uprising, the North-West Rebellion led again by Riel, was sparked

with the goal of protecting Métis land, rights, and identity. Unfortunately for the Métis rebels, the rebellion was crushed, Riel was executed, and the Métis were set up to be marginalized for years to come.

Almost 100 years after the rebellion, the *Constitution Act, 1982* recognized the Métis as one of the three distinct Aboriginal groups of Canada. As a legal document, the *Act* sparked new hope for the Métis in Canada. Many disadvantaged groups looking to improve their status and position in Canadian society looked to the *Act* with hopes of making progress through the courts. However, since the *Constitution Act, 1982* was entrenched in Canadian law, Métis rights cases have typically lagged ten to fifteen years behind First Nations cases.[1] That is in part a consequence of the complicated nature of Métis rights and the struggle over what it means to be Métis in Canada. This paper explores this topic further by offering an answer to the following question: to what extent has the Supreme Court been a resource for improving the position and status of Métis people in Canadian society? In order to answer this question, I will discuss the implications of Métis-focused Supreme Court decisions, especially those in relation to Métis identity, jurisdiction, equality, and Aboriginal title. Through an exploration of these topics, I will ultimately argue that the Supreme Court has not been a satisfactory resource for the Métis people in Canadian society. Major Supreme Court decisions have done little to improve the position and status of the Métis people in Canada, and some judgments have even undermined them.

The Question of Métis Identity

Undoubtedly, a complication in the ability of the Supreme Court to formulate judgments on Métis constitutional questions has been the debate over who we consider the Métis to be in Canada. According to the 2016 Canadian Census, 587,545 Canadians identify as Métis,[2] but there is considerable controversy in Métis communities across the country over what it means to be Métis. Some make a problematic distinction between so-called "lowercase *m*" and "uppercase *M*" Métis people. The lowercase "métis" can be used more generally to refer to individuals who have mixed indigenous and other ancestries, while the uppercase "Métis" can be used to refer to individuals who are historically members of a distinct Métis community: such as the Métis Nation which was historically and geographically located near Red River.[3] The distinction could look like this: we could call the child of a Cree Woman and a European Man "métis," with the child identifying as half-Cree and half-European, rather than "Métis." However, these conceptions are not useful because they are artificial, do not include a meaningful definition of what it means to be Métis, and conflate the separate meanings of "Métis" and "mixed." The idea that Métis refers simply to mixed individuals is racialized logic.[4] Instead, many Métis

[1] Karen Drake and Adam Gaudry, "'The Lands…Belonged to Them, Once by the Indian Title, Twice for Having Defended Them…and Thrice for Having Built and Lived on Them': The Law and Politics of Métis Title," *Osgoode Hall Law Journal* 54, no. 1 (Fall 2016): 1.

[2] "Aboriginal peoples in Canada: Key results from the 2016 Census," Statistics Canada, released October 25, 2017, https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm.

[3] Larry Chartrand, "Métis Constitutional Law Issues," in *The Oxford Handbook of the Canadian Constitution*, ed. by Oliver, Peter C., Patrick Macklem, and Nathalie Des Rosiers, (New York, New York: Oxford University Press, 2017), 369.

[4] Chris Andersen, "The Supreme Court ruling on Métis: A roadmap to nowhere," *The Globe and Mail*, April 14, 2016, accessed December 7, 2018, https://www.theglobeandmail.com/opinion/the-supreme-court-ruling-on-metis-a-roadmap-to-nowhere/article29636204/.

advocate for a conception of "Métis" that is either a "singular exclusive Métis Nation definition" or a "more broader open-ended definition."[5] Proponents of the former often criticize the latter.

R. v. Powley, or the *Powley* ruling, is a decision by the Supreme Court from 2003 which defined Métis rights under section 35(1) of the *Constitution Act, 1982*. In *Powley*, the Supreme Court defined "Métis" as "a category representative of mixed-ancestry communities that have demonstrated a continuity to a particular historical Métis community that existed prior to "effective European control" over the relevant territory."[6] In section 35(1), the court argued, the term "Métis" "does not encompass all individuals with mixed Indigenous and European heritage; rather, it refers to distinctive peoples who, in addition to their mixed ancestry, developed their own customs and recognizable group identity."[7] The court additionally included three criteria for individuals who we can consider to be rights-bearing Métis: self-identification, ancestral connection, and community acceptance.[8] While there are strengths to this definition, Larry Chartrand argues that this definition and criteria set by the Supreme Court in *Powley* has the potential to divide Métis communities between those who do and do not qualify for rights under the court's criteria, which could effectively create "second class Métis."[9] For example, members in certain Métis communities can include those who may not be able to prove an ancestral connection to a historic Métis community. Chartrand outlines a scenario in which a status Indian woman, who could have lost her Indian status by marrying a non-status Indian before the introduction of Bill C-31 in 1985, could have joined a Métis association and passed on Métis identity to her children.[10] These children, however, would lack an ancestral connection to the Métis community and would therefore not qualify for Métis rights as outlined by the Supreme Court in *Powley*.

The conception of Métis identity outlined by the Supreme Court in *Powley* added new dynamics and complications to the debate concerning Métis identity in Canada. The extent to which this debate has had implications in other Supreme Court decisions is discussed below. Nevertheless, the status of many self-identifying Métis people in Canada was not improved by the *Powley* decision, nor was the question of Métis identity fully resolved.

Métis Identity and Jurisdiction

Thirteen years after the *Powley* ruling, the Supreme Court came to a decision concerning Métis identity and legislative jurisdiction that was questionable if not problematic for Métis people in Canada. Some have praised the *Powley* ruling for its criteria on Métis identity, but others have criticized it for its "judicially imposed"[11] conception of Métis identity by a "foreign institution,"[12] along with the ideas discussed above. Métis rights scholar Paul Chartrand argues that the Métis themselves should have the right to determine who is Métis—not the courts—but also acknowledges that an understanding of Métis

[5] Larry Chartrand, "Métis Constitutional Law Issues," 369.
[6] Ibid.
[7] *R. v. Powley*, [2003] 2 S.C.R. 207, 2003 SCC 43, preamble. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2076/index.do.
[8] Ibid., para. 30.
[9] Larry Chartrand, "Métis Constitutional Law Issues," 370.
[10] Ibid.
[11] Ibid.
[12] Ibid.

identity under the law will ultimately involve the Crown and the courts.[13] The conundrum in part demonstrates why Métis constitutional questions are so complicated in Canada. However, *Powley* was not the last Supreme Court decision to shift the debate on Métis identity.

Daniels v. Canada is a Supreme Court decision from 2016 which generated commentary and debate in the Canadian legal community. *Daniels* further complicated the question of Métis identity, and the conception of Métis identity in the judgment itself is problematic. The case has led to controversy and even infighting within the Métis community. In the *Daniels* decision, the Supreme Court ruled that "Métis and non-status Indians are "Indians" under s. 91(24) of the *Constitution Act, 1867*," meaning that Métis people in Canada fall under federal legislative jurisdiction (as section 91 concerns the constitutional division of powers). In the Supreme Court's conception of Métis identity in *Daniels*, the court wrote that "there is no consensus on who is considered to be Métis"[14] and that the term "can be used as a general term for anyone with mixed European and Aboriginal heritage."[15] However, in *Powley*, as discussed above, three criteria (self-identification, ancestral connection, and community acceptance) are used to determine Métis identity and therefore whether an individual had certain Aboriginal rights or not. Chris Andersen argues that with this new conception the court appears to have reversed or at least challenged its own conception of Métis identity set in *Powley* with *Daniels*.[16]

While the Supreme Court gave an explanation for the discontinuity, the issue remaining is that the *Daniels* conception of Métis identity is inherently problematic. The disconnect comes from the fact that *Powley* and *Daniels* are concerned with different sections of the Constitution and therefore have different purposes. Section 91(24) sets out jurisdictional obligations owed to Indians (which now includes all Indigenous peoples, including Métis) while section 35(1) created a framework for Aboriginal rights, land claims, and treaty negotiations. Both decisions still have repercussions for the Métis and their distinct identity. When the Supreme Court decided in *Daniels* that "Métis" could simply mean mixed heritage, it undermined the idea that the Métis are a culturally distinct people and community.[17] It also led to conflicts between Métis groups battling for bargaining power with and recognition by the federal government.[18] While *Daniels* may have provided a next step in the reconciliation process for many Indigenous peoples across Canada, it further complicated the concept of Métis identity and arguably the distinct status of the Métis people in Canada.

---

[13] Paul Chartrand, "Defining the 'Métis' of Canada: A Principled Approach to Crown-Aboriginal Relations," in *Métis-Crown Relations: Rights: Identity, Jurisdiction, and Governance*, edited by Frederica Wilson & Melanie Mallet, (Toronto: Irwin Law, 2008), 35-36.

[14] *Daniels v. Canada* (Indian Affairs and Northern Development), 2016 SCC 12, [2016] 1 S.C.R. 99, para. 17. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/15858/index.do.

[15] Ibid.

[16] Chris Andersen, "The Supreme Court ruling on Métis: A roadmap to nowhere," *The Globe and Mail*, April 14, 2016, accessed December 7, 2018, https://www.theglobeandmail.com/opinion/the-supreme-court-ruling-on-metis-a-roadmap-to-nowhere/article29636204/.

[17] Larry Chartrand, "Métis Constitutional Law Issues," 382-383.

[18] Karina Roman, "Métis infighting follows historic Daniels ruling by Supreme Court," *CBC News*, July 12, 2016, accessed December 7, 2018, https://www.cbc.ca/news/politics/metis-daniels-supreme-court-status-1.3675612.

Equality Rights and the Métis

In relation to Métis identity and equality rights under the *Charter*, the Supreme Court ruled in 2011 that the Government of Alberta could strip certain Métis individuals of their Métis settlement membership benefits: a decision that is deeply problematic for a number of Métis people. After the *Constitution Act, 1982* became law in Canada, the province of Alberta responded to the inclusion of the Métis in section 35(2) of the *Act* by establishing a Joint Métis-Government Committee to review the status of Métis-focused legislation in Alberta. This culminated in the *Métis Settlements Act* (*MSA*) which established an updated legal framework for eight Métis settlements in the province. The *MSA* includes a number of sections related to self-governance and membership requirements for the Métis settlements. In *Alberta v. Cunningham*, a group of complainants took issue with sections 75 and 90 of the *MSA* because "[t]he former prohibits status Indians (under the *Indian Act*) from obtaining Métis settlement membership [and] the latter calls for the termination of the Métis settlement membership of members who register as status Indians."[19] The complainants were lifelong members of the Peavine Métis Settlement in Alberta, and applied for Indian status under the *Indian Act* to receive particular health benefits, but as a consequence, they lost their Métis settlement status and benefits. In response to an appeal by the complainants, the Alberta Court of Appeal found that sections 75 and 90(1)(a) of the *MSA* did discriminate against status Indians and were thus unconstitutional per section 15 of the *Charter* (equality rights).

In 2011, the Supreme Court overturned the Alberta Court of Appeal's ruling that the section 15 *Charter* rights of the complainants were violated. The Supreme Court confirmed that the law (the *MSA*) was discriminatory but also that it was saved because that discrimination was justified under section 15(2) of the *Charter*.[20] The Supreme Court argued that one of the purposes of the *MSA* was to preserve the uniqueness of Métis identity and culture, and that excluding status Indians from membership in Métis settlements served that purpose.[21] Furthermore, the court confirmed that governments were allowed to implement programs that only benefit one group, with no obligation remaining to help another group with that same program (in accordance with section 15(2)). The provisions in the *MSA* were therefore justified through the goal of substantive equality.[22]

The Métis Nation cheered the decision by the Supreme Court in *Cunningham*,[23] as one of the goals of the *MSA* was the protection of the distinct Métis identity. While the position of the court and the Métis Nation is understandable, this paper takes issue with the ultimate ruling. Joseph Marcus argues that the decision "employs one injustice to rectify another" by denying the complainants access to benefits under both the *Indian Act* and the *MSA*. The group of Métis individuals in *Cunningham* are those who face

[19] Ankur Bhatt, "Cunningham v. Alberta: Aboriginal "Double Dipping"," *TheCourt.ca*, April 8, 2010, accessed December 7, 2018, http://www.thecourt.ca/cunningham-v-alberta-aboriginal-double-dipping/.
[20] *R. v. Cunningham*, 2010 SCC 10, [2010] 1 S.C.R. 331, preamble. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7849/index.do.
[21] Ibid.
[22] Joseph Marcus, "Alberta v. Cunningham: The Substantive Power of Section 15(2)," *TheCourt.ca*, September 14, 2011, accessed December 7, 2018, http://www.thecourt.ca/alberta-v-cunningham-the-substantive-power-of-section-152/.
[23] "Métis Nation Applauds Supreme Court's Decision on Alberta Métis Settlements," Metis Nation, July 21, 2011, accessed December 7, 2018, http://www.metisnation.ca/index.php/news/metis-nation-applauds-supreme-courts-decision-on-alberta-metis-settlements.

legitimate disadvantages in their day to day lives—a reality which the court acknowledged—and took action to improve their circumstance by registering as status Indians. Ralph David Cunningham, one of the complainants, had one parent who was Métis and one parent who was status Indian.[24] Is Cunningham not entitled to both sets of rights as both a Métis and status Indian person?[25] Or is this a case of double-dipping as some others have argued? This paper defends the former, and ultimately disagrees with the decision of the Supreme Court. The individuals in question, identifying as both Métis and status Indians, were discriminated against when their membership status as Métis was revoked, especially when considering that these individuals registered as Indians in order to receive particular healthcare benefits. Registering as a status Indian should not eliminate one's Métis status nor question their Métis identity. It is reasonable to argue that one can be both Métis and status Indian—as the Alberta Court of Appeal had concluded. One aspect of one's identity should not undermine another. While the decision of the Supreme Court in *Cunningham* aims to protect Métis identity and principles of equality under the *Charter*, it takes benefits away from individuals who identify as both Métis and status Indian—a reality which harms the position of many self-identifying Métis people in Canada.

Métis Title?

On the issue of Aboriginal title, a recent Supreme Court decision implicitly and incorrectly suggested that the Red River Métis in Manitoba were historically not enough of a collective group to establish Métis title. In Canadian constitutional law, Aboriginal title refers to the inherent Aboriginal right of a group to particular land or territory based on the Aboriginal group's ancestral territories. The concept is tied to the idea that Indigenous peoples and their systems of law existed before contact with Europeans—especially before European control—and therefore those groups still have a right to their historical lands. Over time, many Aboriginal groups have tried and failed to establish Aboriginal title through the courts, but in 2014, the Supreme Court of Canada for the first time declared Aboriginal title. In 2014, *Tsilhqot'in Nation v. British Columbia* established Aboriginal title for the Tsilhqot′in First Nation. The result of the decision meant that, as the title-holder, the Tsilhqot′in had the power to approve or reject resource development projects on their lands.[26] Just one year prior to this decision, the Manitoba Métis Federation had attempted to claim Aboriginal title through the Supreme Court but was denied. In 1997, the Supreme Court outlined a test by which Aboriginal title could be claimed in its *Delgamuukw v. British Columbia* decision: "(i) the land must have been occupied prior to sovereignty, (ii) if present occupation is relied on as proof of occupation pre-sovereignty, there must be a continuity between present and pre-sovereignty occupation, and (iii) at sovereignty, that occupation must have been exclusive."[27] The case of the Métis in Manitoba arguably passes this test, but the Supreme Court rejected their claim in the 2013 decision *Manitoba Métis Federation v. Canada*. The court rejected the claim based on the argument that "the Métis used and held land individually, rather than communally, and permitted alienation."[28] This reasoning is flawed because through this argumentation the court

[24] Ankur Bhatt, "Cunningham v. Alberta: Aboriginal "Double Dipping"."
[25] Joseph Marcus, "Alberta v. Cunningham: The Substantive Power of Section 15(2)."
[26] *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 256, preamble. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do.
[27] Ibid., paras. 25-26.
[28] *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, 2013 SCC 14, [2013] 1 S.C.R. 623, para 56. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/12888/index.do.

conflated collective rights with communal land holding, and communal land holding is not a requirement of Aboriginal title,[29] nor is the alienation of land lots.[30]

Historically, many Métis settled along the Red River in present-day Manitoba, establishing their homes and settlements while working as traders and/or farmers. Similar to the historical French Canadian seigneurial system, the Métis along Red River had narrow, individual land lots which were occupied with permanence as the Métis farmed and built enduring structures.[31] The Court argued, however, that because Métis individuals and not the Métis people collectively owned these plots of land along Red River, it meant that the Red River Métis did not have Aboriginal title to the land.[32] The decision of the Supreme Court is troubling because, as Drake and Gaudry argue, communal land holding is simply not a part of the test for Aboriginal title.[33] The logic of the court, Drake and Gaudry argue, stems from the idea that "jurisdiction can only be exercised in the form of communal land holding,"[34] but there were other avenues in which the Métis exercised their jurisdiction. The Red River Métis governed their communities with their own laws, and their communities collectively utilized the long-lot system for land holding along the River.[35] Furthermore, regarding land alienation, Drake and Gaudry also argue that Aboriginal nations were permitted to alienate individual lots so long as they retain their Aboriginal title—or jurisdiction—over the land,[36] which further bolsters the argument that inalienability should not have been fatal for the claim.

Regardless, the Supreme Court ruled against the claim of Métis title. The failure of the *Manitoba* decision is particularly troubling for Métis communities across Canada. The "intensity of occupation in the Red River valley" by the Red River Métis and the strength of their claim is arguably the strongest of any Métis community in Canada.[37] With this outcome, the prospect of granting Métis title to another Métis community seems significantly more difficult, and is therefore a big blow to many Métis across Canada.

Concluding Thoughts

This paper has argued that the Supreme Court has largely been an ineffective resource for the Métis people as they aspire to improve their position in Canadian society. The outcomes of the Supreme Court decisions discussed in this paper have not been enough to substantially improve the status of the Métis in Canada, and some rulings have made matters worse. With *Powley* and *Daniels*, the Supreme Court complicated the question of Métis identity and distinctiveness. In *Cunningham*, the Court upheld a discriminatory law, which stripped certain individuals in Alberta of their Métis membership status and

[29] Karen Drake and Adam Gaudry, "'The Lands…Belonged to Them, Once by the Indian Title, Twice for Having Defended Them…and Thrice for Having Built and Lived on Them': The Law and Politics of Métis Title," 4.
[30] Ibid., 45.
[31] Ibid., 40.
[32] Manitoba Metis Federation Inc. *v.* Canada (Attorney General), [2013] 1 S.C.R. 623, 2013 SCC 14, para. 56.
[33] Karen Drake and Adam Gaudry, "'The Lands…Belonged to Them, Once by the Indian Title, Twice for Having Defended Them…and Thrice for Having Built and Lived on Them': The Law and Politics of Métis Title," 43.
[34] Ibid., 46.
[35] Ibid.
[36] Ibid., 45.
[37] Ibid., 40.

benefits due to their choice to register as status Indians (thus, essentially a punishment for their mixed heritage). In *Manitoba*, the Court denied Aboriginal title to the Manitoba Métis whose ancestors historically inhabited the Red River region and were instrumental in the founding of that province, and the modern Metis Nation as a whole. When considering the dynamics of power in the Canadian state, it is unsurprising to discover that its institutions serve to protect the power of that state, rather than relinquish it to disadvantaged groups. This is especially evident in the plight of the Métis in Canada. If Canada is to meaningfully attempt reconciliation with its Aboriginal peoples, it must accept the argument that the highest arbiter of laws in the land has not done enough for its Aboriginal peoples: especially with regard to the Métis. Canada—and its courts—must do better.

References

Andersen, Chris. "The Supreme Court ruling on Métis: A roadmap to nowhere." *The Globe and Mail*, April 14, 2016. https://www.theglobeandmail.com/opinion/the-supreme-court-ruling-on-metis-a-roadmap-to-nowhere/article29636204/.

Bhatt, Ankur. "Cunningham v. Alberta: Aboriginal "Double Dipping"." *TheCourt.ca*. April 8, 2010. Accessed December 7, 2018. http://www.thecourt.ca/cunningham-v-alberta-aboriginal-double-dipping/.

Chartrand, Larry. "Métis Constitutional Law Issues." In *The Oxford Handbook of the Canadian Constitution*, edited by Oliver, Peter C., Patrick Macklem, and Nathalie Des Rosiers, 367-385. New York, New York: Oxford University Press, 2017.

Chartrand, Paul. "Defining the 'Métis' of Canada: A Principled Approach to Crown-Aboriginal Relations." In *Métis-Crown Relations: Rights: Identity, Jurisdiction, and Governance*, edited by Frederica Wilson & Melanie Mallet. 27-70. Toronto: Irwin Law, 2008.

Daniels v. Canada (Indian Affairs and Northern Development), 2016 SCC 12, [2016] 1 S.C.R. 99. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/15858/index.do.

Drake, Karen and Adam Gaudry. "'The Lands…Belonged to Them, Once by the Indian Title, Twice for Having Defended Them…and Thrice for Having Built and Lived on Them': The Law and Politics of Métis Title." *Osgoode Hall Law Journal* 54, no. 1 (Fall 2016): 1–52.

Manitoba Metis Federation Inc. v. Canada (Attorney General), 2013 SCC 14, [2013] 1 S.C.R. 623. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/12888/index.do.

Marcus, Joseph. "Alberta v. Cunningham: The Substantive Power of Section 15(2)." *TheCourt.ca*. September 14, 2011. Accessed December 7, 2018. http://www.thecourt.ca/alberta-v-cunningham-the-substantive-power-of-section-152/.

Metis Nation. "Métis Nation Applauds Supreme Court's Decision on Alberta Métis Settlements." July 21, 2011. Accessed December 7, 2018. http://www.metisnation.ca/index.php/news/metis-nation-applauds-supreme-courts-decision-on-alberta-metis-settlements.

R. v. Cunningham, 2010 SCC 10, [2010] 1 S.C.R. 331. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7849/index.do.

R. v. Powley, [2003] 2 S.C.R. 207, 2003 SCC 43. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2076/index.do.

Roman, Karina. "Métis infighting follows historic Daniels ruling by Supreme Court." *CBC News*. July 12, 2016. Accessed December 7, 2018. https://www.cbc.ca/news/politics/metis-daniels-supreme-court-status-1.3675612.

Statistics Canada. "Aboriginal peoples in Canada: Key results from the 2016 Census." Released October 25, 2017. https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm.

Tsilhqot'in Nation v. British Columbia, 2014 SCC 44, [2014] 2 S.C.R. 256. https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do.