



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN 17<sup>th</sup> ANNUAL SPECIAL CHIEFS MEETING**  
**March 3 & 4, 2021**  
**Online via Zoom**

**Resolution 12/2021**

**SUBJECT:** REJECTION OF MÉTIS ASSERTION OF RIGHTS OUTLINED IN THE MÉTIS NATION  
BRITISH COLUMBIA REPORT: *A TALE OF TWO NATIONS: HIGHLIGHTING THE*  
*INEQUITIES OF THE TREATMENT OF THE MÉTIS IN BC*

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**MOVED BY:** KUKPI7 WAYNE CHRISTIAN, SPLATSIN

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**SECONDED BY:** CHIEF KEITH CROW, LOWER SIMILKAMEEN INDIAN BAND

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**DECISION:** CARRIED

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**WHEREAS:**

- A. in October 2020, the Métis Nation British Columbia (MNBC) released a report entitled, *A Tale of Two Nations: Highlighting the Inequalities of the Treatment of the Métis in BC* (the "Report");
- B. the Report sets out MNBC's position, amongst other matters, that Métis people in BC have a credible claim to Aboriginal rights within BC as a "Nation" and that they are entitled to increased recognition, equity with First Nations governments and economic engagement. The Report makes the following general claims:
1. The BC government should recognize and accommodate Métis Aboriginal rights in the province, including harvesting rights and other rights relating to territory, without the consent of First Nations governments.
  2. MNBC is an "Indigenous governing body" ("IGB") under the *Declaration on the Rights of Indigenous Peoples Act* ("DRIPA") and should have been part of discussions and negotiations around the drafting and implementation of DRIPA.

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**Certified copy of a resolution adopted on the 4<sup>th</sup> day of March 2021**

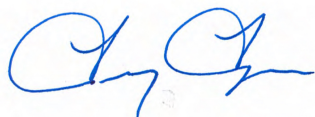
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**Terry Teegee, BC Regional Chief**

3. The continued failure of BC to recognize Métis rights in British Columbia breaches *DRIPA*.
  4. Funding opportunities for Métis people are inadequate and should be equitable in all areas to funding provided to First Nations;
- C. the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:
- Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned;
- D. First Nations in BC are proper title and rights holders and have inherent rights and title, inherent laws and legal systems and jurisdictions which we have exercised prior to contact and which continue to exist. There is no legal foundation for MNBC's claim that Métis peoples have site-specific Aboriginal rights as required to meet the test in *R. v. Powley* and the courts have confirmed that there is no evidence within BC of a historic or contemporary Métis community which was later confirmed in *R v. Willison, 2006 BCSC 985*;
- E. the Métis are an "Indigenous peoples" under the *UN Declaration on the Rights of Indigenous Peoples*, but *DRIPA* appropriately adopts a distinctions based approach in acknowledgement that not all Indigenous peoples have the same rights. Section 1 (2) of *DRIPA* reads: "For the purposes of implementing this Act, the government must consider the diversity of the Indigenous peoples in British Columbia, particularly the distinct languages, cultures, customs, practices, rights, legal traditions, institutions, governance structures, relationships to territories and knowledge systems of the Indigenous peoples in British Columbia."

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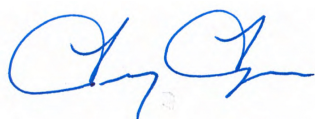
- F. The federal and provincial governments have adopted principles respecting their relationships with Indigenous peoples, which also include the principle of a distinctions-based approach to ensure that the unique rights, interests and circumstances of First Nations, Métis and Inuit are acknowledged, affirmed and implemented;
- G. MNBC is a contemporary charitable organization and not a Nation or people in British Columbia with distinct territories, traditions and legal systems at the time of contact with Crown representatives and colonial explorers. Furthermore, those who are Métis within the meaning of section 35 have a familial connection to historic Manitoba Métis settlements. Therefore, Métis cannot be considered to be a people with connection to the territories within British Columbia, and the MNBC does not meet the definition of an Indigenous Governing Body authorized within *DRIPA* to act on the behalf of an Indigenous peoples that hold recognized and affirmed section 35 rights that can be exercised in BC; and
- H. First Nations are committed to working alongside Métis people on issues of shared concern, such as improvement of social, health, and economic outcomes, and elimination of racism and discrimination. These collaborations must be founded on the recognition of the different histories of First Nations and Métis people in what is now British Columbia and be grounded in appropriate data and evidence.

**THEREFORE BE IT RESOLVED THAT:**

1. the BCAFN Chiefs-in-Assembly rejects as factually and legally inaccurate the claims advanced in the Métis Nation British Columbia report, *A Tale of Two Nations: Highlighting the Inequalities of the Treatment of the Métis in BC* which attempts to assert the existence of Métis Aboriginal rights in BC, and claims that the Métis Nation British Columbia (MNBC) holds Indigenous Governing Body status in British Columbia under the *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*;
2. the BCAFN Chiefs-in-Assembly call upon and fully expects the Province of British Columbia to apply a principled and accurate assessment of these claims made by the MNBC, and to uphold the distinctions based requirements of DRIPA, section 35 jurisprudence and the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples*, in order to prevent unfounded assertions of Métis rights that would infringe or interfere with the original, inherent Indigenous title and rights holders in BC; and
3. the BCAFN Chiefs-in-Assembly continues to invite collaboration with Indigenous organizations, including the MNBC, on matters such as anti-racism and social and health improvement initiatives, where this collaboration is properly grounded in historic reality and available evidence, and respect for First Nation Title and Rights holders in British Columbia.

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**Terry Teegee, BC Regional Chief**