



**ANNUAL GENERAL ASSEMBLY**  
**July 9, 10, 11, 2024, Montreal, QC**

**Resolution no. 55/2024**

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**TITLE:** Continued Rejection and Denouncement of Métis Illegitimate Rights Assertions

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**SUBJECT:** Citizenship and Identity Rights

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**MOVED BY:** Chief Wilfred King, Kiashke Zaaging Anishinaabek First Nation, ON

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**SECONDED BY:** Khelsilem, Chairperson, Squamish First Nation, BC

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**DECISION** Carried by consensus.

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**WHEREAS:**

- A.** The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
  - ii. 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.
  - iii. Article 26(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.
  - iv. Article 26(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.
- B.** The Métis Nation British Columbia (MNBC), BC Métis Federation (BCMF), and Métis individuals, Métis Chartered “Communities”, and other Métis governments and organizations across Canada (collectively, the Métis) regularly assert that the Métis have independent land, air and water-based inherent and constitutionally protected rights in BC and other parts of Canada, including related jurisdiction.
- C.** Métis governments and their organizations continue to make unfounded illegitimate rights assertions in First Nations ancestral and treaty territories, which has resulted in First Nations throughout Canada, including the Union of BC Indian Chiefs (UBIBC), the BCAFN, the First Nations Summit, and the Chiefs of Ontario (COO) denouncing illegitimate rights assertions in their territories.

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- D. In May 2024, the COO declared that the Métis Nation of Ontario (MNO) is not a legitimate organization representing Métis Peoples' and that the communities represented by MNO did not exist historically in the Ontario region.
- E. Such assertions have resulted in the Métis being wrongfully consulted, accommodated, and benefited in land, air, and water-based consultative processes, projects, and initiatives as rights holders, including those led by federal, provincial, and territorial governments, as well as third party project proponents.
- F. First Nations are the proper title and rights holders within their territories and hold Inherent, constitutional, and human rights, and Inherent laws, legal systems, systems of governance, and jurisdictions, which First Nations have applied and exercised throughout the entirety of their territories prior to contact, and which continue to exist and be exercised throughout the entirety of their territories today.
- G. There is no persuasive legal justification for the existence of land, air, and water-based inherent and constitutionally protected Métis rights in BC and Ontario, or Métis jurisdiction over any lands, air, waters, or resources in BC and Ontario.
- H. Assembly of First Nations (AFN) Resolution 44/2023, *Protect First Nations Rights and Interests from Unfounded Metis Rights Assertions*, affirms that no land, air, or water-based inherent and constitutional Métis rights exist in Ontario or British Columbia, and directs the AFN to seek resources, advocate politically, and calls on the Government of Canada to cease providing financial supports to Métis groups seeking to enforce rights on overlapping territories without consultation with First Nations.
- I. AFN Resolution 81/2023, *Urgent Protection of First Nations Inherent and Treaty Rights from Ongoing Illegitimate Rights Assertions*, supports the Innu Nation in affirming that the Nunatukavut Community Council (NCC) does not hold section 35 rights in Labrador or Quebec, and advocates for the removal of NCC from Bill S-14, *An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations*.
- J. The Government of BC has taken a first step in addressing the issue by releasing a "Distinctions Based Approach Primer" which is intended to assist the Government of BC in building an understanding of the legal basis for, and core elements of, a distinctions-based approach in all of its relations with First Nations, Métis, and Inuit in BC. The Primer publicly confirms the Government of BC's position that there are no existing land, water, or air-based Métis rights or associated inherent jurisdiction in BC.
- K. The Government of Canada continues to be the primary funder of the Métis, and regularly consults, accommodates and involves the Métis in its land, air and water-based consultative processes, matters, projects, and initiatives within Canada.
- L. The Crown Government's continued lack of due diligence and mistaken recognition of illegitimate Métis rights assertions fails to consider how these actions fail to uphold the honour of the Crown with respect to Treaty and Aboriginal rights, erode the spirit and intent of the Treaties, and ultimately threaten the rights of legitimate nations.
- M. First Nations support the legitimate claims of Indigenous peoples but note that recognition of unfounded claims undermines legitimate Indigenous Nations.

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- N. First Nations recognize that in several cases, providing proper documentation can be difficult due to a lack of access to historical archives other than the census, birth registries, and band listings. Additionally, ongoing privacy legislation prevents First Nations from accessing the appropriate documentation needed to prove First Nations identity.

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Re-affirm the rejection and denouncing of illegitimate rights assertions of the Métis within BC, Ontario, and Labrador.
2. Re-affirm that the Métis hold no land, water, or air-based inherent and constitutionally protected rights or related jurisdiction within BC, Ontario and Labrador.
3. Re-affirm that First Nations have the right to determine their own identity or membership in accordance with their customs and traditions in alignment with Article 33 of the UN Declaration.
4. Direct the Assembly of First Nations (AFN) to call on the Government of BC to continue working with First Nations in BC to build upon its Distinctions Based Approach Primer to ensure a comprehensive, appropriate, and consistent whole of government distinctions-based approach is implemented with respect to the Government of BC's relations with First Nations, Métis, and Inuit in BC, in consultation and cooperation with First Nations in BC.
5. Direct the AFN to urge the Government of Canada to immediately develop and implement a comprehensive, appropriate, and consistent whole of government distinctions-based approach with respect to Canada's relations with First Nations, Métis, and Inuit, in consultation and cooperation with First Nations rights holders, and to make that approach public.
6. Direct the AFN National Chief to advocate to the Prime Minister and the Premiers to ensure that all federal, provincial, and territorial governments uphold Canada's Duty to Consult ensuring that First Nations are adequately engaged in order to mitigate adverse impacts on their Inherent and Treaty rights, title and jurisdiction.
7. Direct the AFN National Chief to advocate to the Prime Minister and the Premiers to ensure that all federal, provincial, and territorial governments create policies and mechanisms in alignment with OCAP® principles to ensure access to historical archives and documentation for Indigenous Peoples who are disconnected from their nations to support access to evidence of their Indigenous ancestry.

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