
Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
JULY 11, 12, & 13, 2023; HALIFAX, NS

Resolution no. 44/2023

TITLE: Protect First Nations Rights and Interests from Unfounded Métis Rights Assertions

SUBJECT: Treaties, Lands, Justice

MOVED BY: Chief Scott McLeod, Nipissing First Nation, ON

SECONDED BY: Brittane Laverdure, proxy, Lower Post First Nation, BC

DECISION Carried; 2 abstentions

WHEREAS:

- A. First Nations across Turtle Island have inherent, constitutional, and human rights, including inherent rights that are protected by Treaty, 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 applied and exercised throughout the entirety of their territories today, as affirmed by section 35 of the Constitution Act, 1982 and the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).
- B. Across Canada, in what is known as Ontario and British Columbia, Métis groups and organizations including the Métis Nation of Ontario (MNO), the Métis Nation of British Columbia (MNBC), and the BC Métis Federation (BCMF), and Métis groups, organizations, and individuals associated with the foregoing and otherwise (the Métis) are asserting broad and unfounded land and water-based inherent and constitutional rights, including to self-government, resource revenue sharing, and traditional harvesting rights, including related jurisdiction, on the traditional and Treaty territories of First Nations.

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- C. In Ontario, the governments of Canada and Ontario have facilitated the assertion of Métis rights by, among other things, requiring project proponents to consult with the MNO and other Métis organizations about resource development on Treaty lands and during Treaty Land Entitlement (TLE) processes, and taking steps toward recognition of six new Métis communities in Ontario by MNO through negotiating and signing a self-government agreement (2019), and a Métis Government Recognition and Self Government Implementation Agreement in 2023. It is anticipated that the Government of Canada will seek to introduce implementation legislation as soon as possible and negotiate a full self-government treaty within two years despite the fact that there may be significant evidence that the “new” historic Métis communities do not meet the criteria in *R. v. Powley* and are based on assertions that individuals in Ontario have historic ancestors with mixed First Nations heritage.
- D. In British Columbia, the governments of Canada and BC have facilitated the unfounded assertion of Métis by, among other things, funding research by the MNBC and the BCMF into the supposed existence of Métis communities in British Columbia and involving the MNBC and BCMF in rights based consultative processes, matters, and initiatives relating to, among other things, major resource projects and coastal protection.
- E. The foregoing actions of the governments of Canada, Ontario, and BC interfere with First Nations’ Treaty and inherent rights during the TLE process, diminish Treaty harvesting rights, diminish the benefits First Nations are entitled to in Impact Benefit Agreements, appropriate First Nations cultures and traditional practices, and have caused undue financial and other benefits to improperly accrue to the Métis, all at the expense of First Nations and in violation of the inherent, constitutional, and human rights and title of First Nations, and contrary to the inherent laws, legal systems, systems of governance, and jurisdictions of First Nations.
- F. It is unacceptable and antithetical to reconciliation with the pre-existing sovereign First Nations, for the governments of Canada, Ontario, and British Columbia to stay silent on the issue of unfounded Métis rights assertions, and it is an infringement of the inherent, constitutional, and human rights of First Nations, and wholly inconsistent with the UN Declaration and the United Nations Declaration on the Rights of Indigenous Peoples Act (Canada), and the Declaration on the Rights of Indigenous Peoples Act (BC), for the Government of Canada and provincial governments to facilitate unfounded Métis rights assertions.
- G. In Chiefs’ of Ontario Resolutions 21/44, passed at the November 2021 Chiefs of Ontario Fall Chiefs Assembly, Resolution 22/25A and Resolution 22/26A, passed at the June 2022 Annual Chiefs Assembly, and Resolution 21/36S, passed at the September 2022 Special Chiefs Assembly, the Ontario Chiefs-in-Assembly recommitted to challenging the governments of Ontario and Canada and to support efforts to commence legal challenges to the Métis Nation of Ontario’s asserted rights.

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- H. Prior political and legal efforts to prevent the Métis from interfering with First Nation territories and rights in Ontario and British Columbia have not been sufficient.
- I. First Nations strongly support the recognition of Indigenous rights but reject the creation of rights by the governments of Canada, Ontario, and British Columbia for groups that may never existed historically as culturally distinct, stable, political Indigenous entities, and First Nations support the efforts by legitimate Métis rights-holders to oppose unfounded Métis rights assertions throughout the country.
- J. First Nations in Quebec, Manitoba, and the Atlantic regions similarly oppose unfounded Métis rights assertions within their territories.
- K. Federal Bill C-53, *An Act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan, to give effect to treaties with those governments and to make consequential amendments to other Acts*, only refers to the recognition of certain Métis governments in Alberta, Saskatchewan, and Ontario.
- L. First Nations inherent, Treaty, ancestral, and traditional lands and waters existed prior to the creation of provinces and territories across so-called Canada.

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

1. Affirm that no land, air, or water-based inherent and constitutional Métis rights exist in Ontario or British Columbia, and that any non-land, air, or water-based inherent and constitutional Métis rights that may exist in Ontario or BC do not supersede the inherent, constitutional, and human rights of all First Nations, including inherent rights that are protected by Treaty, and are subject to and necessarily limited by the inherent laws, legal systems, systems of governance, and jurisdictions of First Nations.
2. Direct the Assembly of First Nations (AFN) to seek resources immediately to support national and regional advocacy and work to examine and address the issue of unfounded Métis rights assertions and the role of the Government of Canada, provincial governments, and industry in facilitating these assertions.
3. Seek resources for the AFN to coordinate with each interested region as soon as possible, a national campaign, including social media, communications, legal, and political strategy, to advance national advocacy opposing unfounded Metis rights assertions and the role of the Government of Canada and provincial governments in facilitating these assertions.
4. Direct the AFN Interim National Chief to advocate politically, including by scheduling a meeting with the Prime Minister as soon as possible, against unfounded Métis rights assertions and the role of the Government of Canada and provincial governments in facilitating these assertions.

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5. Direct the Interim National Chief to demand that the Government of Canada cease and desist in any and all negotiations with the Métis Nation of Ontario (MNO), including proceeding further in the legislative process with the implementation legislation for the MNO-Canada Métis Government Recognition and Self-Government Agreement (MNO Implementation Legislation), until such time as First Nations in Ontario are meaningfully consulted and give their free, prior, and informed consent to any overlapping arrangements in their territories.
6. Direct the Interim National Chief to demand that the Government of Canada, provincial, and territorial governments cease to provide any grants to the Métis and Métis organizations in respect of the rights of First Nations.
7. Direct the AFN to support coordination efforts of a demonstration at Parliament Hill when the House of Commons returns in September 2023 against the MNO Implementation Legislation.

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