



**SPECIAL CHIEFS ASSEMBLY**  
December 2-3-4, 2025, Ottawa, ON

**Resolution no. 61/2025**

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<b>TITLE:</b>	<b>Clarifying Approaches to Métis Rights in First Nations' Territories</b>
<b>SUBJECT:</b>	Rights and Treaties
<b>MOVED BY:</b>	Chief Dennis Pashe, Dakota Tipi First Nation, Unceded Oceti Sakowin Territory, MB
<b>SECONDED BY:</b>	Chief Wilfred King, Kiashe Zaaging Anishinaabek First Nation (Gull Bay First Nation), ON
<b>DECISION:</b>	Carried by consensus

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**WHEREAS:**

- A. The Assembly of First Nations (AFN) is mandated to advocate for the recognition, affirmation, and protection of First Nations' Inherent rights, Treaty rights, and Aboriginal title, consistent with Section 35 and 25 of the *Constitution Act, 1982*, the *United Nations Declaration on the Rights of Indigenous Peoples*, and AFN First Nations-in-Assembly Resolutions.
- B. First Nations are rights holders who hold Inherent and Treaty rights set out in our own governance and legal systems, as well as constitutionally protected rights under Section 35 and 25 of the *Constitution Act, 1982*. First Nations alone interpret and describe our Inherent rights through our laws and legal traditions, customary law, and international law. In practice, this means that First Nations rights cannot be undermined by colonial interpretations of these rights.
- C. First Nations' Inherent rights exist regardless of treaties, and for many Nations—including the Dakota Oceti Sakowin in Manitoba—territorial rights are unceded and based on continuous occupation, governance, and law prior to and after the formation of Canada.
- D. The federal and provincial governments have committed to a distinctions-based approach in their relationships with First Nations, Inuit, and Métis, yet in practice have failed to adequately define and reconcile Métis rights when such claims overlap with the territories and rights of Treaty First Nations or unceded Inherent rights holders.
- E. In Manitoba, the Crown recognizes Numbered Treaty territories (Treaties 1–5), Dakota Oceti Sakowin traditional territory (unceded), and the Manitoba Métis Federation's assertions of rights and jurisdiction—

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all within overlapping geographic regions—yet has no clear, transparent, or rights-based process to identify, prioritize, and reconcile the spectrum of rights holders in the context of Aboriginal Title, resources, and economic participation.

- F. Without clear definitions and reconciliation of rights in such overlapping contexts, Crown decision-making risks infringing upon First Nations' constitutionally protected rights, creating conflict, undermining the honour of the Crown, and perpetuating the infringement and displacement of First Nations from their territories.
- G. In 2003, the *R. v. Powley* case resulted in the Supreme Court of Canada establishing a test to determine Métis Aboriginal rights under Section 35 of the *Constitution Act, 1982*. It requires a claimant to prove membership in a historic Métis community that continued into a contemporary community, with a practice integral to that community's culture that existed prior to colonial control. The test also examines if the right was extinguished and if a current infringement is justified.
- H. 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* provided a proposed framework for the future implementation of treaties and self-government agreements between Canada and the Métis. First Nations repeatedly called for the rejection of Bill C-53 making clear numerous concerns including the lack of clarity within the Bill as to how overlapping First Nations rights, jurisdiction, and interests with the Métis were to be addressed. As a result of First Nations' advocacy, Bill C-53 did not receive royal assent.
- I. The AFN has several resolutions relating to concerns regarding Bill C-53 including:
- a. Resolution 55/2024, *Continued Rejection and Denouncement of Métis Illegitimate Rights Assertions*;
  - b. Resolution 81/2023, *Urgent Protection of First Nations Inherent and Treaty Rights from Ongoing Illegitimate Rights Assertions*; and
  - c. Resolution 44/2023, *Protect First Nations Rights and Interests from Unfounded Métis Rights*.
- J. There have been an increased number of challenges in rights recognition between First Nations and the Métis. First Nations, often asserting historical and territorial claims, have taken legal recourse to address issues related to land use, resource management, and cultural heritage. The legal disputes arise from disputed overlapping historical and geographical connections, prompting First Nations to seek clarity and recognition within Canada's legal framework.
- K. Canada has committed to addressing these fundamental challenges through the following Action Plan Measures (APMs) of the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan:
- a. APM # 24 (Shared Priority), which commits the Government of Canada to "remove and address jointly identified barriers to settlement and co-develop approaches for the implementation of the right to self-determination through treaties, agreements and other constructive arrangements, as well as through new policies and legislative mechanisms."
  - b. APM # 31 (Shared Priority), which commits the Government of Canada to "work in collaboration with Indigenous partners to identify opportunities to reform and strengthen the foundational elements that support rights-based negotiations and approaches."

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- L. To date, Canada has not meaningfully implemented these commitments.
- M. The lack of a process to resolve such conflicts amounts to the Government of Canada offloading its responsibilities onto First Nations. First Nations do not have sufficient financial resources to engage in litigation to protect their rights and interest. Further the offloading of the Government of Canada's responsibilities onto First Nations has the potential to create a range of adverse effects and challenges.
- N. National, regional, and First Nations consultation processes are needed to develop respectful processes to recognize Inherent rights and jurisdiction while ensuring adequate safeguards to address overlapping claims and infringement of First Nations rights. Canada must establish fair, open, and timely mechanisms to secure recognition of First Nations' inherent and Treaty rights.

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

1. Reaffirm Assembly of First Nations (AFN) Resolution 55/2024, *Continued Rejection and Denouncement of Métis Illegitimate Rights Assertions*, including continued calls to the Government of Canada to immediately develop and implement public, comprehensive, appropriate, consistent and whole of government distinctions-based approaches and frameworks with respect to Canada's relations with First Nations, Métis, and Inuit, in consultation and cooperation with First Nations rights holders.
2. Call upon the federal government to ensure that any approach to recognition does not diminish, infringe, or supersede existing Treaty First Nations' rights or unceded Inherent First Nations' rights in the same territory.
3. Call upon the AFN to support First Nations for engagement with Canada through the development of tools, guidance, and supporting materials to engage with Canada on the development of these approaches and or frameworks.
4. Direct the AFN to advocate that any federal framework for defining and recognizing Métis rights must:
  - a. Be grounded in Section 35 and 25 of the *Constitution Act, 1982*, Supreme Court jurisprudence, and the *United Nations Declaration on the Rights of Indigenous Peoples*;
  - b. Include a transparent, distinctions-based process for identifying and verifying rights holders in overlapping territories;
  - c. Require the Crown to engage in formal consultation and consent processes with First Nations before extending rights recognition to other groups in those territories;
  - d. Provide the necessary resources and sustainable, needs-based funding for consultation and negotiation;
  - e. Be based on independent research and evidence; and
  - f. Ensure that political bodies involving legitimate Métis are recognized and accepted by the First Nations in those respective regions.
5. Call upon all provinces, including the Province of Manitoba and the Province of Alberta, to immediately disclose its current process for identifying rights holders in territories where numbered treaties, unceded inherent First Nations territories, and asserted Métis territories overlap, and to suspend any rights

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recognition processes that risk infringing upon First Nations' rights until the distinctions-based framework is in place.

6. Direct the AFN to provide a report at a future Assembly, summarizing implementation of this resolution, including through informing First Nations on existing Crown practices across Canada in overlapping rights contexts to support future First Nations policy positions to safeguard First Nations' jurisdiction, title, and Treaty rights.
7. Direct the National Chief to stop engaging, attending events, and being photographed with the president or representatives of the Métis National Council (MNC), as this fundamentally undermines the work and position of the Ontario region. The MNC currently only represents the Métis Nation of Alberta and the Métis Nation of Ontario. All other Métis bodies have left the National Council.

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