

FIRST NATIONS LEADERSHIP COUNCIL



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May 18, 2023

Honourable Murray Rankin, K.C.,
Minister of Indigenous Relations and Reconciliation
Via email only: IRR.Minister@gov.bc.ca

Honourable David Eby, K.C.,
Premier of BC
Via email only: premier@gov.bc.ca

RE: Rejection and Denouncement of Métis Colonialism in British Columbia and the Province's Past and Ongoing Facilitation of it

Dear Minister Rankin and Premier Eby:

First Nations in what is now known as British Columbia (“**B.C.**”) demand that a matter of urgent importance be immediately addressed by the Province of British Columbia (“**Province**”): Métis colonialism in what is now known as B.C., being carried out through the Métis Nation British Columbia (“**MNBC**”) and the BC Métis Federation (“**BCMF**”), and Métis individuals and organizations associated with MNBC and BCMF and otherwise (collectively, the “**Métis**”), and the Province’s past and ongoing facilitation of it.

As you know, the Métis have regularly made false, unfounded, and deeply offensive assertions that they have independent land and water-based inherent and constitutionally protected rights throughout the entirety of B.C., including related jurisdiction. These assertions have been made publicly and through Métis “acts” and “policy” such as MNBC’s *Natural Resource Act* and *Laws of the Hunt, First Edition*, and MNBC and BCMF’s respective Consultation Guidelines.

The Métis have made such assertions with increasing frequency and such assertions have resulted in the Métis being wrongfully involved and included in rights-based consultative processes, matters, projects, and initiatives within B.C. This includes rights-based consultative processes, matters, projects, and initiatives of the Province, and proponents acting on the Province’s behalf, which have caused undue financial and other benefits to improperly accrue to the Métis at the expense of First Nations.

The Métis have sought to justify their false, unfounded, and deeply offensive assertions with spurious and self-serving “evidence” and “arguments” that wholly ignore the inherent, constitutional, and human rights and title of First Nations, and seek to undercut the laws, legal systems, systems of governance, and jurisdictions of First Nations. This tactic is reminiscent of the dehumanizing Doctrine of Discovery and *terra nullius*, and unquestionably constitutes a form of Métis colonialism in B.C.

As you are well aware, UBCIC, the BC Assembly of First Nations, and the First Nations Summit, both acting independently and collectively as the First Nations Leadership Council, as well as First Nations, First Nations organizations, and

First Nations aggregates, have consistently pushed back and defended against the assertions and actions of the Métis. We have also wholly objected to the Province's involvement of the Métis in rights-based processes, matters, projects, and initiatives, including the Province's funding of Métis involvement in the foregoing. We have appealed to the Province directly, we have corresponded with the Métis, and we have acted respectfully pursuant to our authorities, inherent laws, legal systems, systems of governance, and jurisdictions.

Despite this, the Métis have continued to fail to be good guests in our territories and the Province has, incredibly, enabled the Métis and has directly and actively facilitated Métis colonialism in violation of our inherent, constitutional, and human rights and title.

This must end. The honour of the Crown is engaged. The Province must cease facilitating Métis colonialism by undermining First Nations' title, rights, and jurisdiction and incentivizing the Métis to make assertions of rights in First Nations' territories.

Most recently, it has come to our attention that a letter dated May 12, 2023, was sent by Minister Rankin to Lissa Dawn Smith, President of MNBC, a copy of which is enclosed. In that letter, and among other things, Minister Rankin makes the following statements and commitments on behalf of the Province:

1. The Province recognizes MNBC as the representative government of Métis in B.C.
2. The Province looks forward to strengthening the Province's and MNBC's government-to-government relationship and establishing a reconciliation agreement with MNBC.
3. The Province is committed to a distinctions-based approach with MNBC in a manner that acknowledges the specific rights, interests, and priorities of Métis people in meaningful consultation and collaboration to implement Métis self-determination and self-government.
4. The Province recognizes that Métis people in B.C. have certain Aboriginal rights as one of the three distinct Indigenous peoples under section 35.

This is utterly and completely offensive and unacceptable to First Nations in B.C.

The Haida Nation, who has fought tirelessly in defence of its inherent, constitutional, and human rights and title since time out of mind, had to engage the Province *to pass legislation* in order for the Province to recognize the Council of the Haida Nation as its governing body, and that the Haida have inherent rights of governance and self-determination. Yet, for the Métis, who hold no land, water, or air-based inherent or constitutionally protected rights or associated jurisdiction in B.C., and are visitors in B.C., this appears to have been accomplished through the sending of a letter to an organization that has not demonstrated that is authorized to act on behalf of Indigenous peoples that hold rights in B.C. recognized and affirmed by section 35 of the *Constitution Act, 1982*. This is beyond incomprehensible.

We are also deeply troubled by the Province's apparent intention of establishing a reconciliation agreement with MNBC, as referenced in Minister Rankin's letter. First Nations in B.C. are proper title and rights holders within their territories, with inherent, constitutional, and human rights, and inherent laws, legal systems, systems of governance, and jurisdictions, which they have applied and exercised throughout the entirety of their territories prior to contact and continue to exist and be applied and exercised throughout the entirety of our territories today.

Accordingly, to the extent that any “reconciliation” agreement the Province intends to negotiate with MNBC or any other Métis representative body may affect our inherent, constitutional, and human rights and title, or is contrary to First Nations’ inherent laws, legal systems, systems of governance, and jurisdictions, we fully expect that the Province will, consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *Declaration on the Rights of Indigenous Peoples Act*, consult and cooperate with First Nations in B.C. in order to obtain their free, prior, and informed consent prior to the Province entering into any such agreement. Any failure of the Province to do so will be vigorously opposed.

MNBC is not an Indigenous Nation or government. MNBC is a representative body that advocates on behalf of a largely arbitrary group of Métis individuals who reside within the arbitrary colonial borders of B.C. No Métis communities exist or have ever existed in B.C., and MNBC and those it represents do not hold inherent or constitutionally protected land, water, or air-based rights or associated jurisdiction in B.C.

Accordingly, we demand that the Province immediately confirm that, with respect to MNBC, BCMF, any other Métis representative body, and Métis rights in B.C., it is the Province’s position that:

1. MNBC, BCMF, and any other Métis representative body that asserts inherent or constitutionally protected land, water, or air-based rights or associated jurisdiction in B.C are not Indigenous Nations, governments, or Indigenous governing bodies;
2. no Métis communities exist or have ever existed in B.C.;
3. the Métis hold no land, water, or air-based inherent and constitutionally protected rights in B.C.;
4. the Métis have no jurisdiction over any lands, waters, or resources in B.C.; and
5. to the extent that they do not infringe upon the inherent, constitutional, and human rights and title of First Nations, and are not contrary to the inherent laws, legal systems, systems of governance, and jurisdictions of First Nations, *the Métis Nation* may hold inherent and constitutionally protected rights to self-government in matters relating solely to their internal affairs that may be exercised in B.C.

We further demand that the Province cease facilitating Métis colonialism in B.C. and, without limitation:

1. immediately and publicly retract Minister Rankin’s letter to Ms. Smith;
2. make its position with respect to Métis rights in B.C. public and clearly communicate that position to MNBC, the BC Métis Federation, and any other Métis representative body that asserts inherent or constitutionally protected land, water, or air-based rights or associated jurisdiction in B.C; and
3. promptly remove the Métis from any rights-based consultative processes, matters, projects, or initiatives in B.C. that implicate the inherent, constitutional, and human rights and title of First Nations and cease funding Métis involvement in any such consultative processes, matters, projects, or initiatives.

It is unacceptable - and antithetical to reconciliation with the pre-existing sovereign First Nations - for the Province to stay silent on the issue of Métis rights and Métis colonialism in B.C. It is an infringement of the inherent, constitutional, and human rights and title of First Nations in B.C., and wholly inconsistent with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *Declaration on the Rights of Indigenous Peoples Act*, for the Province to actively facilitate Métis colonialism in B.C.

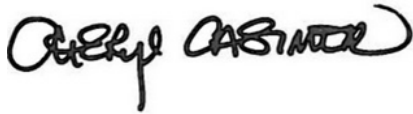
First Nations in B.C. stand united on this issue and will vigorously defend our title, rights, and jurisdictions, and forcibly oppose any further inaction or action by the Province that tacitly or explicitly facilitates Métis colonialism in B.C., and the Province's relationship with First Nations will suffer accordingly.

We look forward to your prompt and positive response.

Your truly,

FIRST NATIONS LEADERSHIP COUNCIL

On behalf of the FIRST NATIONS SUMMIT



Cheryl Casimer



Robert Phillips



Hugh Braker

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip



Chief Don Tom



Chief Marilyn Slett

On behalf of the BC ASSEMBLY OF FIRST NATIONS:



Regional Chief Terry Teegee

Cc: BC First Nations

Ref. 58917

May 12, 2023

President Lissa Dawn Smith
Métis Nation British Columbia
380 - 13401 108 Avenue
Surrey BC V3T 5T3

Dear President Lissa Dawn Smith:

The Province of British Columbia (Province) recognizes Métis Nation British Columbia (MNBC) as the representative government of Métis in British Columbia (BC). The Province looks forward to continuing to work together to strengthen our government-to-government relationship, aligned with our 2021 Letter of Intent to pursue a "whole of government" approach to shaping our commitments and establishing a reconciliation agreement.

In 2006, MNBC and the Province signed the Métis Nation Relationship Accord, which was renewed in 2016 as the Métis Nation Relationship Accord II. Federally, in 2017, the Canada-Métis Nation Accord was signed by the Prime Minister, acknowledging the Métis Nation's right to self-determination and self-government. The following year, a Memorandum of Understanding between Canada and MNBC was signed to continue advancing Métis self-determination in British Columbia.

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Ministry of
Indigenous Relations
and Reconciliation

Office of the
Minister

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The Province is committed to a distinctions-based approach in our work with Métis Nation BC in a manner that acknowledges the specific rights, interests, and priorities of Métis people in meaningful consultation and collaboration to implement self-determination and self-government, and the Province recognizes that Métis people in BC have certain Aboriginal rights as one of the three distinct groups of Indigenous peoples in Canada under Section 35 of the *Constitution Act, 1982*.

The Province looks forward to continuing to work together to achieve the distinctions-based commitments outlined in the *Declaration on the Rights of Indigenous Peoples Act* Action Plan, and to achieving our shared priorities and outcomes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Murray Rankin".

Murray Rankin, KC
Minister of Indigenous Relations and Reconciliation