



Ref. 58871

May 30, 2023

Lissa Dawn Smith
President
Métis Nation British Columbia
Email: lsmith@mNBC.ca

Dear President Lissa Smith:

I am writing as a follow-up to my correspondence to you of May 12, 2023, and to set out some perspectives upon which the Province intends to advance its work with Métis Nation British Columbia (MNBC). I recognize that my previous correspondence could result in misinterpretation of the Provincial position in respect of these matters. I regret any misunderstanding that may have caused, particularly in respect of certain distinctions and terms which were not carefully set out. To that end, this correspondence is intended to replace and supersede my May 12, 2023 letter.

We understand that MNBC agrees with and accepts the Province's distinctions-based requirement as outlined in the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act). This approach has a legal foundation in the *Constitution Act, 1982* and the Declaration Act, and should be taken in respect of Indigenous legal orders. This approach has also been affirmed by the Province in policy and practice. In that context, and as part of the political and socio-economic work of addressing the legacy of colonization, systemic racism, and advancing reconciliation, the Province is committed to working with MNBC to, among other things, close gaps in socio-economic outcomes for Métis people living in BC and to recognize and value Métis cultures. This work is distinct in scope, nature, and purpose from Government-to-Government relations with First Nations in BC.

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The Province's understanding is that, to date, there has been no court decision that has confirmed the existence of any identifiable historic rights-bearing Métis community in what is now BC. As such, at the present time, our understanding is that while Métis people, including in BC, hold section 35 rights, those rights do not include any site-specific rights within BC. As a result, Métis rights do not trigger the same Crown obligations with respect to lands and resource decisions that are owed to First Nations under section 35(1).

The Provincial government intends to continue to work with MNBC as it advocates for the interests of Métis people in BC. While the Province agrees that Métis people in BC have non-site-specific section 35 rights, our view is that, at present, MNBC does not have status or authority as an Indigenous Governing Body within the meaning of the Declaration Act. In part, this view is informed by our understanding that section 35 rights are held collectively, and therefore an Indigenous Governing Body under the Declaration Act must be authorized by the proper rights-holding collective. The Province supports the work of MNBC, as part of the Métis National Council, towards self-determination, which the Province understands as part of the broader, collective work of expressing the rights and interests of Métis people in Canada. The Province also understands that MNBC is in the process of determining its position on the nature and content of Métis section 35 rights in BC.

The Province is committed to strengthening its relationship with MNBC, and with Métis people across the province, as we seek to honour the diverse and unique needs of all Indigenous peoples in BC. The Province will continue to work together with MNBC to achieve the distinctions-based commitments outlined in the Declaration Act Action Plan, and to achieve our shared priorities and outcomes.

Sincerely,



Murray Rankin, KC
Minister of Indigenous Relations and Reconciliation

CC: Colette Trudeau, CEO
Métis Nation British Columbia

Tom McCarthy, Deputy Minister
Ministry of Indigenous Relations and Reconciliation

Jennifer Melles, Assistant Deputy Minister
Ministry of Indigenous Relations and Reconciliation