

FIRST NATIONS LEADERSHIP COUNCIL

News Release

December 7, 2023

FNLN Supports BC's Release of Distinctions-Based Approach Primer and Clarification of BC's Position on Métis Rights

(xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səilwətał (Tsleil-Waututh)/Vancouver, B.C.) The First Nations Leadership Council (FNLN) supports the Province of British Columbia's (BC) release of its long-overdue [Distinctions-Based Approach Primer](#) (Primer) and applauds BC for clarifying its position on Métis rights in what is now known as British Columbia. As noted in the Primer, a distinctions-based approach, and appropriate respect for Indigenous laws and jurisdictions, means that the scope of rights enjoyed by an Indigenous People is contextual and that BC's relations and dealings with First Nations, Métis, and Inuit must be conducted in a manner that is appropriate for the specific context, recognizing and respecting the distinct and different histories, rights, laws, legal systems, and systems of governance of each.

First Nations in what is now known as British Columbia have long called for the Crown to take a distinctions-based, not pan-Indigenous, approach in all its interactions and relations with First Nations, Métis, and Inuit. BC confirmed its commitment and need to taking a distinctions-based approach through the *Declaration on the Rights of Indigenous Peoples Act* Action Plan, and the *Draft Principles Respecting the Province of British Columbia's Relationship with Indigenous Peoples*. The Primer includes helpful direction to provincial ministries and agencies which emphasize the importance of engaging with appropriate rights holders and ensuring that such engagement understands and is based on the history, diversity, and distinctiveness of those rights holders.

With respect to Métis rights in what is now known as British Columbia, the Primer confirms what First Nations have always known: "...there are no existing land, water, or air-based Métis rights or associated inherent jurisdiction in British Columbia." FNLN and First Nations in what is now known as British Columbia have loudly and consistently defended the territories of First Nations against unfounded Métis rights assertions. Most recently this culminated in UBCIC, the BC Assembly of First Nations, and the First Nations Summit – supported by the Manitoba Métis Federation – unanimously passing mirrored resolutions denouncing Métis colonialism in First Nations' territories in British Columbia, and the Crown's past and ongoing facilitation of it. BC's release of the Primer is an important first step in BC responding to First Nations' clear calls for accountability on this pervasive and deeply important issue, and in BC respecting First Nations' title, rights, jurisdictions, laws, legal systems, and systems of governance within and with respect to their territories.

Chief Don Tom, UBCIC Vice-President, stated, "First Nations in what is now known as British Columbia know their territories, histories, and neighbors and they are clear that no rights-bearing historic Métis communities have ever existed here. Despite this fact, Métis organizations, including the Métis Nation British Columbia and BC Métis Federation, have so far failed to be good guests on our territories and regularly assert they have land and water-based inherent and constitutionally protected rights and related jurisdiction. The release of the Distinctions-Based Approach Primer signals that BC is committed to ceasing the role it has historically played in enabling these organizations and we welcome this important first step."



BRITISH COLUMBIA
ASSEMBLY OF
FIRST NATIONS

1004 Landooz Rd.
Prince George, BC
V2K 5S3

Ph: 778-945-9910
Fx: 778-945-9916



FIRST
NATIONS
SUMMIT

1200-100 Park Royal South
West Vancouver, BC
V7T 1A2

Ph: 604-926-9903
Fx: 604-926-9923
Toll Free: 866-990-9939



UNION OF
BRITISH COLUMBIA
INDIAN CHIEFS

401 – 312 Main Street
Vancouver, BC
V6A 2T2

Ph: 604-684-0231
Fx: 604-684-5726

Regional Chief Terry Teegee, remarked, “We know, and our laws, legal orders, and histories tell us, that First Nations are the only Indigenous Peoples with any claims to land, water and air-based rights in what is now known as British Columbia. We are at a time where our First Nations are increasingly confronted by unsubstantiated claims and related infringements to their inherent and constitutionally protected land, water, and air-based rights. This is unacceptable and is perpetuated by a systemic failure by provincial and federal governments to understand the distinctions between Indigenous Peoples, particularly First Nations and Métis. This Distinctions-Based Approach Primer is much needed and must be seriously actioned in order to begin to undo damage done by past ignorance. Far too often our First Nations have been, unacceptably, asked to educate public and private sector actors on these distinctions. BC’s commitment to a distinctions-based approach will help ensure that we are all allies in this work, resting upon a strong, principled foundation from which we can continue to evolve our relationship.”

“It is undeniable that First Nations are the original inhabitants of what is now known as British Columbia and have been here since time immemorial. For many generations, our people have fought tirelessly to protect our inherent and constitutionally protected title and rights, including in the colonial Canadian court. In BC, First Nations are the only Indigenous Peoples that hold and exercise inherent, constitutional, and human rights in respect of land, water, and air, and associated jurisdiction, and it is incumbent on the provincial government to formally and unequivocally respect this. We welcome the release of the provincial government’s Distinctions-Based Approach Primer. It will be a valuable first step in ensuring clarity on these matters and assisting in preventing intrusions in First Nations’ territories and infringements on their inherent laws, legal systems, jurisdictions, and systems of governance”, stated Hugh Braker of the First Nations Summit Political Executive. He added, “Now the priority is to develop concrete guidance to the provincial public service on what it means to engage in and build relations with First Nations in BC that are distinct from any relations with Indigenous Peoples from elsewhere who are guests here and to whom the provincial government does not owe the same obligations.”

-30-

The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC).

For further information, contact:

Hugh Braker, FNS, Phone:	604-812-2632
Regional Chief Terry Teegee, BCAFN Phone:	250-962-1603
Chief Don Tom, UBCIC, Phone:	604-290-6083