

Monday, July 12th, 2021

Minister Murray Rankin
Minister of Indigenous Relations and Reconciliation
Province of British Columbia

Re: Open letter to Minister Murray Rankin – DRIPA Survey and Provincial Action Plan

Dear Minister Rankin:

The BC Metis Federation has been made aware that there is a Declaration on the Rights of Indigenous Peoples Act (DRIPA) DRAFT ACTION PLAN and that the Province is looking for feedback from Indigenous people. Our leadership has encouraged members to complete this Provincial form of consultation but we must write to express our deep concerns. The following clarifies our concerns.

BC Metis Federation must clarify that the legislation defines “Indigenous governing body” as an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982. BC Metis Federation meets this definition and we assert our right to self-govern on behalf of our members and partner communities since 2011. Despite the governing role of the BC Metis Federation the Provincial Government is not fulfilling and actually breaching the purpose of DRIPA which states that the purpose of the legislation is to: “(c) to support the affirmation of, and develop relationships with, Indigenous governing bodies:”

Interpretation

1 (1) In this Act:

"Declaration" means the United Nations Declaration on the Rights of Indigenous Peoples set out in the Schedule;

"Indigenous governing body" means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982;

"Indigenous peoples" has the same meaning as aboriginal peoples in section 35 of the Constitution Act, 1982;

"statutory power of decision" has the same meaning as in the Judicial Review Procedure Act.

(2) For the purposes of implementing this Act, the government must consider the diversity of the Indigenous peoples in British Columbia, particularly the distinct languages, cultures, customs, practices, rights, legal traditions, institutions, governance structures, relationships to territories and knowledge systems of the Indigenous peoples in British Columbia.

(3) For certainty, nothing in this Act, nor anything done under this Act, abrogates or derogates from the rights recognized and affirmed by section 35 of the Constitution Act, 1982.

(4) Nothing in this Act is to be construed as delaying the application of the Declaration to the laws of British Columbia.

Purposes of Act

2 The purposes of this Act are as follows:

- (a) to affirm the application of the Declaration to the laws of British Columbia;*
- (b) to contribute to the implementation of the Declaration;*
- (c) to support the affirmation of, and develop relationships with, Indigenous governing bodies.*

This is a substantial issue we hope the province will be willing to address to ensure Metis people and their elected leadership are properly engaged.

There are several other points of concern. The DRIPA Action Plan is ostensibly *about* Metis, but has not *included* them meaningfully nor historically. Instead, we read talking points about “a collaborative, whole-of-government approach in the partnership between Metis Nation British Columbia and the Province of B.C., respecting Metis self-determination.”

Your government appears to prioritize the goal of an exclusive political relationship with the Metis Nation BC. This subverts the inherent rights of local people and communities to freely “determine” who represents them, by ignoring consultations with BC Metis Federation (BCMF) or others. This priority subverts the need to give more decision-making to local communities and to respect the rights among Metis self determined communities to repatriate local history and patterns of identity formation. At its core, the DRIPA is about the right to claim a history, the right to define what is remembered about the past.

Judging by the Action Plan, the Province is still intent on forcing a limited form of reconciliation that is largely preoccupied with information sharing” and to “close the gap” between individual Metis and non-Metis, judging by it’s sole focus on priorities of the Metis Nation Relationship Agreement II. This reflects an old trope that Metis people are problems that need to be solved. This disguises the continued displacement and dispossession of self-determining Metis communities and sidesteps Metis taking their seats as economic, cultural and political partners in the future of this province.

The action plan purportedly recognizes that systemic racism and discrimination against Indigenous peoples exist, and then talks about fundamental changes that include education about “Indigenous history.” Yet, in the telling of Indigenous history, Metis in this province are up against a narrative of progress in our institutions controlled by the NDP government that exclude self determining Metis community voices from the narrative of BC history. This action plan is separated from Metis context and communities. This is a form of anti-Metis racism.

Some time after the Horgan government was first elected, Minister Scott Fraser engaged the BC Métis Federation to understand Métis in the province better. A report was produced, and this work built on another Federal funded report the following year called the “Land and Life Report” that supported a new narrative that is emerging, where the story starts with the existence of self-determining communities in BC’s history. This resurgent narrative has since been ignored by the BC government. The Province did not recognize this self determined history, nor did it take steps to follow up with our organization to equip our members and communities to share this history. They appeared to have their minds made up that they were not willing to sign an accord with BCMF in our own right, under a stated pretext that they didn’t want ‘duplication’ because they had already signed an agreement with the Métis Nation BC. The old trope that ‘self determining Métis communities did not exist west of the Rockies’ seemed alive and well, judging by actions of BC government officials.

The facts remain that Métis existed in the Pacific Northwest history and still exist today. The historical record is clear: unique groups of Métis peoples have a long history of establishing free and independent communities throughout BC. As early as the late 18th century, Métis fur traders, diplomats and voyageurs established themselves in the region, making the whole of Pacific Northwest prior to British colonization a large interconnecting Métis Province that was characterized by a vast mobile community that stretched all the way down into Oregon, all the way over into Montana, up into the foothills of Alberta, and encompassed British Columbia and parts of the southern Yukon territory.

In the next general period around 1820-1880, Métis were integrating and creating resource economies. They had the ability to act, to transform their particular context. They lived on and across the land. They were the product of the historical relationships prevalent at the time, primarily the fur trade, but also including Indigenous nations all throughout the Pacific Northwest. They were using the land, marrying into kinship networks of Indigenous communities. There are many different communities across the Pacific Northwest that would have identified as independent and free, nevertheless inter-connected in relationships.

This is not genealogy, but a relational web, a broad kinship network, a spider-web of relations that go across kinships, time and space. These webs include both Indigenous and settler society. Métis self determining nations responded and adapted and shifted their kinship networks across time and space. This is critical because these kinship ties are grounded in history. This new emerging narrative shows how they shaped many different ways of being Métis. They were the people who owned themselves, they had their own self government.

We are just learning how different forms of self governed mixed-blood peoples expressed themselves. They engaged in politics, in forms of self government, culturally, and in economic development. British Columbians need to know more about that. The Métis in this emerging narrative have a specific presence. Mixed heritage people formed an integral part of the fabric of the society, right into early provincial life. Métis people were central to the early political, social, and cultural development of the province. The initial research by our organization shows that Métis were extremely influential in the early stages of colonization with Great Britain, in kinship with First Nations and then the fur trade

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economy. Metis were foundational to the development of this province. Metis people have agency in their own history.

We also learned how governments consistently targeted Metis ‘self-determining’ communities in order to eradicate them and to reduce their ability to govern their own lives. The systemic attacks on mixed-heritage populations in British Columbia in the late 19th to 20th centuries were consistent with colonial systems that sought to eliminate Indigenous diversity and limit economic competition that they considered to be a hindrance to settler society ‘progress’. By the time BC entered into Confederation in 1871, settler society views of Metis had begun to shift; rather than being viewed an integral part of a growing political, economic and social order, now self-determining Metis communities were perceived as impediments in the way of the progressive future of the region.

Systemically, governments used their power to disrupt and destroy the relational networks that have established during this time. All governments targeted Metis people and tried to distinguish them, to separate them from their Indigenous kinship networks. They were forced to adapt and adopt to attempts to get them off the land, get them out of the history.

Today, BC Metis Federation represents many self-determining people and communities from across the whole Pacific Northwest that are in the process of recovering their history. BCMF seeks to partner with governments and industry in ways that allows these local communities to rebuild their own knowledge capacity and enhance their own knowledge networks. In asserting Metis self-determination and cultural resurgence, any knowledge produced is owned by the community so that we can enlarge our inventory to respond meaningfully to initiatives like UNDRIP, all in an effort to meet the needs of each unique community.

However, in stark contrast, the Metis National Council and the Metis Nation BC have sought to employ registries to ‘consolidate’ identity and restrict Metis history to a single homeland, a distinctions-based nationalism. As a representative organization, MNBC hasn’t yet been willing or able to envision a pathway to self determination and self government outside of a colonial ‘individual rights-based’ regime and genealogical registry system that are dependent on Canada’s ultimate validation. MNBC has been doubling down by spending big dollars to modernize their registry and promote benefits of ‘citizenship’. But this only serves governments and their ‘rights-based jargon’. It does little to affirm self determining communities.

Rights-based regimes dependent on Canada can only lead to rivalry and continued subjugation and dispossession. The recent arguments between the Manitoba Metis Federation and First Nations over the latest MMF/Crown agreement is a case-in-point. We know from history that Indigenous organizations that make deals that have been predicated on rights-based regimes guaranteed and funded by Canada lead to a limited amount of rights and competition over funding. More than one Metis organization has disintegrated over this competition for scarce resources over the years.

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BC Metis Federation has been engaged in current work with the Federal government around Cumulative Effects concerning the Trans Mountain expansion project (TMX). The message from the government is clear that the initiative is flexible: “The project is non-specific to TMX and supports future projects and broader policy discussions.” As well, the Federal government states that the Crown has a duty to consult whenever the Crown has knowledge, real or constructive, of a potential Aboriginal right and contemplates conduct that may adversely affect it. In effect, these local voices do matter.

Along these lines we anticipate our growing community knowledge capacity will allow us to enter into meaningful negotiations on issues and to engage in ongoing consultation on how other initiatives or legislation such as UNDRIP impact the right of self-determining communities to live in British Columbia and to be Metis in the fullest sense. It is time for the current NDP government to recognize that Metis are not outsiders in British Columbia. We are restoring our communities and our nationhood. This means that the historical and contemporary uniqueness of self-determining communities must be clearly represented in ongoing knowledge partnerships.

In conclusion, your proposed action plan states, “It is important to note that the draft action plan does not include all provincial initiatives to advance reconciliation in B.C.” BC Metis Federation calls for the province to be flexible and shift its policy accordingly toward mutual recognition to align with the priorities of BC Metis Federation and partners.

We are requesting a meeting to consider solutions to ensure BC Metis Federation, our partner communities, and Metis members are meaningfully included in this important DRIPA legislation and proposed DRIPA Action Plan.

Thank you



Keith Henry
President
BC Metis Federation

cc Board of Directors
Partner Community Leaders
Members