

# Métis Credible Assertion

## Process and Criteria

### Métis consultation in Alberta

The Government of Alberta addresses consultation with Métis organizations (other than the Metis Settlements) on a case-by-case basis. To be considered for consultation, a Métis organization must first successfully demonstrate a credible assertion of Métis Aboriginal rights through the Alberta government's Métis Credible Assertion Process.

If a credible assertion is established through this process, Alberta will consult the Métis organization when Crown land management and resource development decisions may have the potential to adversely impact credibly asserted Métis Aboriginal rights.



### Where to start

This document provides the Métis Credible Assertion criteria and process to guide Métis organizations in supporting an assertion.

Métis organizations who would like to start the process can contact the Alberta government at [ir.credibleassertion@gov.ab.ca](mailto:ir.credibleassertion@gov.ab.ca) to arrange a meeting.

### What you need to know

The credible assertion process is not proof or a recognition of rights. The process is specific to Métis organizations that seek to be consulted. The Alberta government considers information submitted by a Métis organization and determines whether the assertion is credible.



The steps of this process are outlined in a flow chart on page 3 of this guide.

The credible assertion criteria are the requirements that a Métis organization must meet. These requirements are based on current case law, including the Supreme Court of Canada 2003 decision in R v. Powley. The criteria are set out on pages 4-5 of this guide. Guidance on information sources that Alberta will consider credible in this process can be found on pages 6 and 7 of this guide.

The contact point for all questions on credible assertion is the ministry of Indigenous Relations.



The ministry works with other Alberta ministries involved in reviewing and assessing the assertion through the Métis Credible Assertion Roundtable.

**The decision maker** on the credibility of an assertion is the Executive Director of the Strategic Engagement and Policy Innovation branch within Indigenous Relations.

**Capacity funding** is currently not available to Métis organizations seeking to put forward an assertion

## Métis organization's role during the process

A Métis organization initiates the credible assertion process by contacting Alberta. The organization may meet with Indigenous Relations to discuss what information is required to establish a credible assertion and how to submit it. Email the Alberta government at [ir.credibleassertion@gov.ab.ca](mailto:ir.credibleassertion@gov.ab.ca) to set up a meeting.

For an assertion to be considered credible, Métis organizations must provide some credible and objectively verifiable information to support each of the Credible Assertion Criteria. Information may be submitted in one of the following ways:

- USB stick (preferred)
- in person – paper copies in a binder or digitally on a USB stick
- mail/courier – paper or USB stick
- email

As part of this process, the Alberta government assesses the submitted information. If Alberta identifies information gaps or if additional clarity is needed, Alberta may request further information or ask questions. It is expected that the Métis organization will respond to questions and information requests to support the assessment. Missing information and unanswered questions can stall the credible assertion process.

## Government of Alberta's role during the process

The Alberta government is responsible for receiving, storing, reviewing and assessing information and materials submitted by a Métis organization.

Submitted information is digitally stored on a secure SharePoint site, to which access is restricted.

The Alberta government will acknowledge receipt of submitted materials by email.

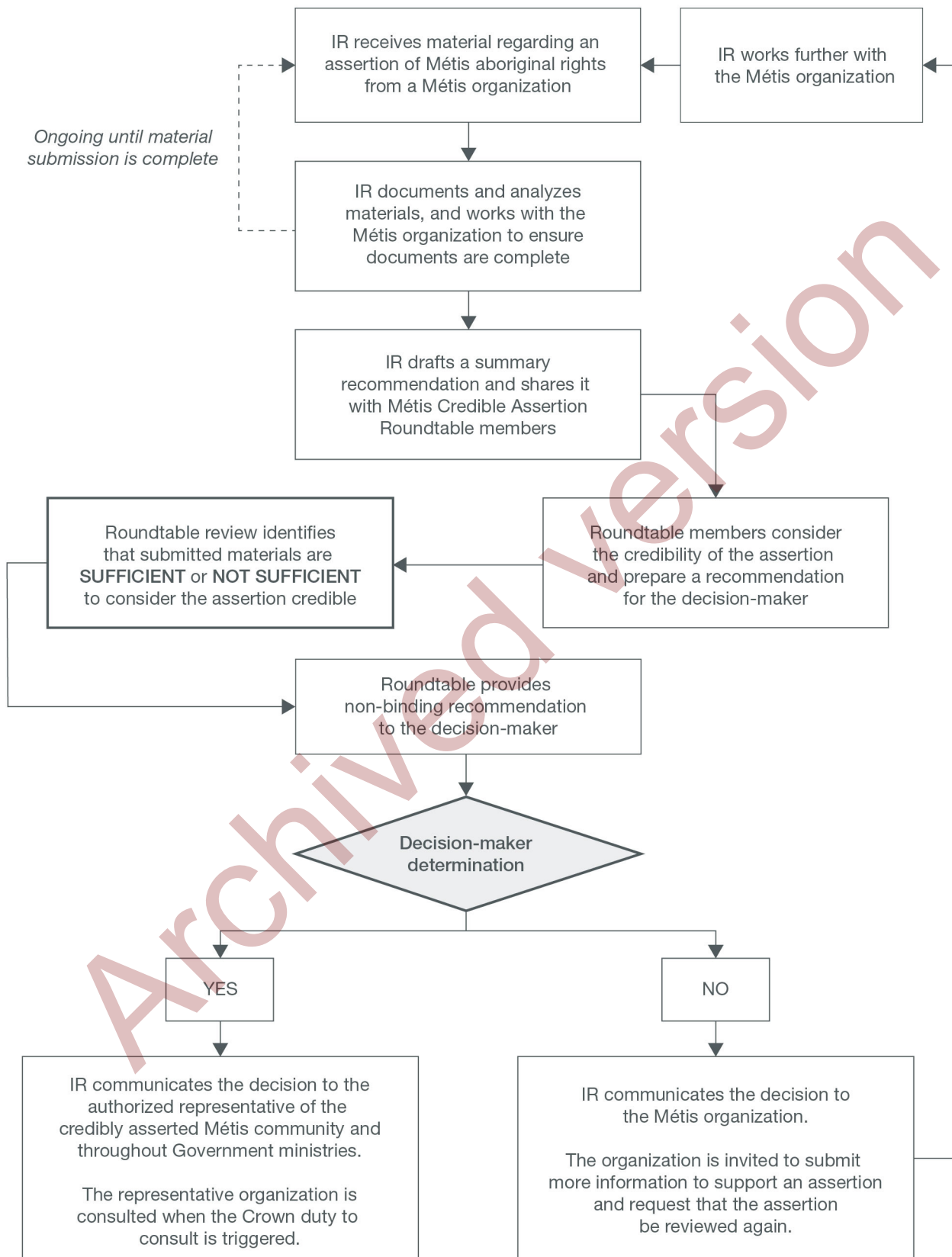
Once the submitted information has been reviewed, the Alberta government will communicate any gaps identified in the assertion materials and may ask questions. Communications may be shared through:

- email or mail
- meetings between parties. Meeting minutes will be subsequently shared by Alberta via email.

Updates will be provided to the Métis organization as the assertion moves through the process; an update can be requested at any time.



# The Credible Assertion Process



## Métis Credible Assertion Criteria

Some credible information is required on each of the nine criteria below for Alberta to determine that an assertion of Métis Aboriginal rights is credible for the purposes of consultation.

Description of criterion	Information required
<p><b>1) Characterization of the Right:</b> The characterization of the right defines the scope of the right being asserted and the location or geographic area.</p>	<ul style="list-style-type: none"> <li>• Information regarding the historical practice, custom or tradition that gives rise to the claimed Aboriginal right.</li> <li>• For site-specific rights (such as harvesting): information to show the area where the right was practiced and continues to be practiced. Large areas such as an entire province, multiple provinces or the entire country will not be accepted.</li> <li>• For harvesting rights: information regarding the ultimate use of the harvest (whether it is for food, ceremonial, exchange or commercial purposes).</li> </ul>
<p><b>2) Identification of the Historic Rights-Bearing Community:</b> The contemporary community must have its roots in an identifiable historic Métis community.</p>	<ul style="list-style-type: none"> <li>• Information to show that an identifiable Métis community (a group of Métis people with a distinctive collective identity, living together in the same geographic area and sharing a common way of life) existed prior to the date of effective European control (see Criterion #5). The historic community must be distinct from First Nations communities and settler societies in the same geographic area. The geographic area of the historic community must be identified.</li> </ul>
<p><b>3) Identification of the Contemporary Rights-Bearing Community:</b> The community must self-identify as a Métis community and be a continuation of the historic community.</p>	<ul style="list-style-type: none"> <li>• Information to show that:             <ul style="list-style-type: none"> <li>- The contemporary Métis community is in the same geographic area as the historic Métis community</li> <li>- Some contemporary Métis community members are ancestrally connected to the historic community</li> <li>- The contemporary Métis community engages in the same types of practices and activities as the historic community in the same geographic area</li> </ul> </li> </ul>

<p><b>4) Verification of Membership in the Contemporary Métis Community:</b> Three components guide the identification of Métis rights-holders within a community.</p>	<ul style="list-style-type: none"> <li>• Information to show that: <ul style="list-style-type: none"> <li>- Community members self-identify as Métis</li> <li>- Some contemporary Métis community members are ancestrally connected to the historic community</li> <li>- Members are accepted by the Métis community</li> </ul> </li> </ul>
<p><b>5) Identification of the Relevant Time:</b> For a Métis community to be considered “historic” it must have existed prior to effective European control.</p>	<ul style="list-style-type: none"> <li>• For policy purposes, pre-1900 is considered the relevant time for considering whether a Métis community in Northern or central Alberta is historic. Métis communities or organizations are not required to provide information to demonstrate that this is the case.</li> <li>• In Southern Alberta (approximately Treaty 7 territory), 1874-1878 is considered the time of effective European control, in accordance with the Hirsekorn decision. Furthermore, there are no Powley communities in southern Alberta.</li> <li>• Métis communities that assert a later date of effective European control will need to provide information to support that claim.</li> </ul>
<p><b>6) Was the Practice Integral to the Community’s Distinctive Culture:</b> Integral means that the practice, tradition, or custom was a central and significant part of the society’s distinctive culture.</p>	<ul style="list-style-type: none"> <li>• Indication that the asserted right is considered integral to the distinctive culture of the community.</li> <li>• An Aboriginal right does not need to be unique to be integral to the distinctive culture of the community. Harvesting rights have been considered integral to some Métis communities by the Courts.</li> </ul>
<p><b>7) Continuity Between the Historic Practice and the Contemporary Right:</b> The contemporary practice should be in continuity with the historic practice.</p>	<ul style="list-style-type: none"> <li>• Information to show continuity of: <ul style="list-style-type: none"> <li>- Exercise of the practice over time</li> <li>- The geographic location of the practice (for site-specific rights)</li> <li>- How the practice is exercised</li> </ul> </li> </ul>

<p><b>8) Authorization to Represent the Contemporary Métis Community:</b> An entity that purports to represent a Métis community must demonstrate that it has been authorized to do so.</p>	<ul style="list-style-type: none"> <li>Information to demonstrate that contemporary community members have authorized the entity to represent them for the purposes of asserting rights and for consultation.</li> <li>Any concerns raised regarding an entity's authority to represent a community will be carefully considered.</li> <li>Alberta will require that an asserted Métis community have only one organization or entity to represent it for the purposes of consultation.</li> </ul>
<p><b>9) Representativeness of Organization Membership:</b> An organization should be able to demonstrate that its membership is adequately representative of that community.</p>	<ul style="list-style-type: none"> <li>Alberta will not consider membership that represents less than 20% of the entire contemporary Métis community to be adequate for this criterion.</li> <li>Alberta will require that an asserted Métis community have only one organization or entity to represent it for the purposes of consultation.</li> </ul>

## Credible information sources

To support an assertion of Métis Aboriginal rights, information must be credible and verifiable.

This section provides overall guidance regarding information sources that Alberta will consider credible. A statement that Métis rights exist without information to support that assertion is not credible because the Alberta government cannot verify the information.

Primary source documents such as historical records and current membership lists are necessary to support an assertion of Métis Aboriginal rights.

Alberta requests that research and analysis accompany historical records to demonstrate their relevance. It is the responsibility of the Métis organization to determine how to do so to establish its case.

Alberta acknowledges and respects the oral traditions of Métis; summaries of oral interviews or information obtained from identified members in the organization (verbal or written) will be considered.

Alberta encourages Métis organizations to provide any information they wish to support their assertion. All information is considered in the process. This appendix provides examples of the types of documents that could be submitted, but it is not a mandatory or exclusive list.



## Helpful information sources could include the following:

- Expert reports, academic articles and published secondary source materials
- Historical records including maps, scrip records, census records, trading post records, journals, account books, correspondence, etc.
- Oral or written information from identified members
- Traditional Land Use studies, including maps
- Maps showing current and historical practice of the asserted right, identified by identified members in the relevant geographic area;
- Descriptions of how the asserted right is integral to the historic community
- Statements of concern filed in regulatory processes
- Genealogical records (for example: church records of birth, baptism, marriage, death) and family trees of identified members to the historic community including supporting records
- Records of community gatherings and cultural events
- Organization records such as
  - Society bylaws or articles of association, filed annual reports and corporate filings, resolutions and meeting minutes from annual general meetings
  - Membership list, membership requirements, and member information verification processes
  - Affidavits or written documents showing identified members' consent for the organization to represent them, with no overlaps with other organizations

### Initiate the process



Email [ir.credibleassertion@gov.ab.ca](mailto:ir.credibleassertion@gov.ab.ca)