

PUBLICATION: GLOBE AND MAIL

DATE: 2009.06.10

PAGE: S1

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Federal official scolds B.C. for native-rights bill Letter from deputy minister for Indian Affairs shows Ottawa's concern about being left in the dark on Recognition Act

JUSTINE HUNTER VICTORIA The B.C. government is jeopardizing relations with Ottawa on critical aboriginal issues with its handling of a proposed new law on native rights, a letter obtained by The Globe and Mail warns.

The federal government has not commented publicly on the proposed Recognition Act, which has been described in B.C. as a "seismic shift" in the province's approach to land claims.

"While the Government of Canada fully respects British Columbia's ability to take whatever legislative and litigation steps that it sees fit, the federal government has played and wishes to continue playing a key role in resolving Aboriginal issues of critical importance to all concerned," wrote Michael Wernick, the deputy minister for Indian and Northern Affairs.

"Being briefed in the short-term future on these matters and the apparent significant shifts in longstanding approaches . . . will be critical in ensuring that this remains the case." The March 23 letter is addressed to Bob de Faye, the provincial deputy minister for Aboriginal Relations.

Mr. Wernick scolded his provincial counterpart for leaving Ottawa entirely out of the loop.

"We have recently learned through media reports that the government of British Columbia is considering landmark legislation dealing with questions that are at the core of many initiatives, such as treaty negotiations, litigation and policy development." But it was the last-minute decision to pull out of a native fishing court case - a manoeuvre that was tied to winning aboriginal support for the Recognition Act - that seems to have rankled Ottawa even more.

Mike de Jong, B.C.'s Aboriginal Relations Minister, met the province's native chiefs in March.

He was seeking support for the unprecedented legislation that would recognize aboriginal rights and title and lay the groundwork for revenue-sharing on such resources as mining and forestry.

On the eve of that meeting, he let it be known that the province was dropping out of a native fishing-rights case that had been before the B.C. Supreme Court for 125 days. In the week after that meeting, Madam Justice Nicole Garson had expected to hear final arguments from federal and provincial lawyers disputing the Nuu-chah-nulth Tribal Council's fishing claim.

Instead, the province decided not to submit a final argument, leaving Ottawa alone to carry the case to its conclusion.

"It is in this context that I would like to express our concern," Mr. Wernick wrote. "You will understand that such an unprecedented, unexpected and last-minute decision founded explicitly on the legislative proposal raises many questions as we think forward to what the province is thinking . . . in any number of matters." He went on to note that Ottawa will eventually have to respond to media questions that have been raised about the proposed recognition act. Those answers "are likely to create at least some controversy," and a courtesy briefing from B.C. would help "avoid unnecessary misunderstandings and wrong impressions." The proposed recognition act is still being drafted.