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Who owns B.C.?

An article in the National Post on May 11 by Conservative MP John Cummins about who owns B.C. raises some serious concerns about Gordon Campbell's apparent desire to hand over the title to B.C. Crown land to 30 powerful yet-to-be created "indigenous nations," which would be entitled to revenues from all activities on Crown land.

Currently, more than 95 per cent of B.C. is Crown land and is held by the province on behalf of all British Columbians. Gordon Campbell has apparently proposed legislation that would recognize that Aboriginal title exists throughout B.C.; that unelected native leaders be given a veto power over mining, forestry, recreation and other development activities on Crown land, and require that all revenues from stumpage, mining royalties and recreation fees be shared with native leadership.

B.C. Aboriginal Affairs Minister Michael de Jong says apparently that the recognition legislation will be "unprecedented", and will represent change on a "seismic scale."

What is a significant part of the change is that apparently those claiming aboriginal title will not be required to provide evidence to back up their claim. Mr. de Jong says that apparently they "shouldn't be required to stand in court and provide evidence" of their history and their "presence in this part of the world," even though the Supreme Court of B.C. has apparently declared such evidence essential.

A legal opinion of the government's plans to recognize aboriginal title by two well-versed Vancouver lawyers suggests the Campbell government is unaware of the significance of this action. They have remarked that "No final court decision has actually found aboriginal title anywhere in Canada."

In 2005, the Supreme Court in its Marshall Bernard decision apparently killed the kind of aboriginal title espoused by Campbell and aboriginal leaders that would see almost all land in B.C. come under the control of new and powerful aboriginal governments merely because they are aboriginal.

Campbell, after announcing the intention to introduce recognition legislation, apparently told the Supreme Court that it was withdrawing from the Ahousaht case because the government was no longer able to take "a strictly legal position regarding the test for aboriginal title."

This was a signal that apparently aboriginal title in B.C. is henceforth to be based not on the law, but on Campbell's latest whim.

With Gordon Campbell's re-election as premier of B.C., there is a need to stop him from implementing these proposals by using referenda and recall.

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