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## No aboriginal title

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**Re: *Land ownership is the question (letter, May 23).***

Norman Dale claims that my letter (Who owns B.C.?, May 19) illustrates his paraphrase of George Santayana's famous saying that "*those who cannot remember the past are condemned to repeat it.*"

He also mentions that Santayana was British when in fact he was a lifelong Spanish citizen who was raised and educated in the U.S. and was an American philosopher.

It seems that Mr. Dale's quarrel is with Gov. Douglas, who the B.C. government in 2007 declared, on Douglas Day, was a visionary, a sensible leader and a humanitarian whose reputation for fairness made him a natural choice to be the first governor of the colony.

The British government has never at any time said that Gov. Douglas acted illegally, nor has any British court ever suggested that he acted illegally. The British government could have removed him and overturned his decisions. Instead, he was rewarded with a knighthood.

Mr. Dale implies that property owners in B.C. hold their property illegally. The Supreme Court of Canada routinely rejects such arguments.

Gordon Campbell's proposed *Recognition and Reconciliation Act* would recognize aboriginal title over all Crown land, and some suggest over privately held lands. The Supreme Court rejected the conferring of aboriginal title in the absence of clear evidence of regular and exclusive pre-sovereignty occupation. The court made clear that more seasonal or occasional visits to an area was not sufficient to establish aboriginal title.

Also, the free movement of welcoming of fur traders, explorers, prospectors, miners, missionaries, Hudson's Bay Company personnel and government officials would work to undermine claims to exclusive control, and would make it virtually impossible to establish aboriginal title in B.C. except for a few villages. Furthermore, the Supreme Court of Canada does not conclude its decisions with a request for the government to negotiate.

Unfortunately, the Campbell government, in its apparent rush to recognize aboriginal title, has chosen to ignore the Supreme Court rulings on aboriginal title rather than be guided by them. His government which was elected by about 26 per cent of B.C.'s registered voters, has no mandate to give away title to B.C. lands to a small group based on race. Such legislation must be voted on in a referendum of all B.C. citizens.

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