Affaires indiennes et du Nord Canada
Sous-ministre

Indian and Northern Affairs Canada
Deputy Minister

Ottawa, Ontario
K1A 0H4

MAR 2 3 2009

Mr. Bob de Faye
Deputy Minister
Aboriginal Relations and Reconciliation
PO Box 1900 STN PROV GOVT
VICTORIA BC V8W 9B1

Bob

Dear Mr. de Faye:

I would like to congratulate you on your appointment as Deputy Minister of Aboriginal Relations and Reconciliation. As you are well aware, this is an area that holds great possibility for historic change in relation to some of the most important public policy questions in the Canadian context. I look forward to working with you on continuing the excellent relationship that our governments and departments have had in this area for many years.

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. It is also our understanding from these media reports that First Nations leaders, business leaders, and others have been provided detailed briefings on these proposals. I am aware of your government's announcement to postpone further consideration of the legislative proposal until after this year's provincial election.

As you know, British Columbia and the Government of Canada have a long collaborative relationship in the area of First Nations policy which has led to several historic milestones in treaty making and other areas of interest to Aboriginal communities. This relationship has always recognized the ability of British Columbia and the Government of Canada to make their own decisions in accordance with their public policy objectives, jurisdictions and responsibilities. That being said, because of our strong relationship and commonality of First Nations policy matters, any decision by either the Government of Canada or British Columbia that represents a significant change of direction will necessarily have an impact on the other party.

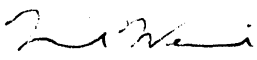
.../2

It is in this context that I would like to express our concern regarding British Columbia's decision to inform the British Columbia Supreme Court recently of its decision not to file written submissions nor to make closing arguments in the *Ahousaht* case. Again, while we respect British Columbia's right to make such a decision, 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 signaling in relation to the *Roger William* appeal, the conclusion of existing British Columbia Treaty Commission negotiations and any number of other matters. The Government of Canada has received no explanation or briefing to help us understand better your intentions or the implications that this decision may have on many other critical files before us.

With respect to the recognition and reconciliation initiative, the Government of Canada has already received a number of enquiries seeking our comments to various media reports dealing with this important initiative. We have already received several media enquiries and anticipate that others, including parliamentarians and First Nations members themselves, will ask pointed questions on the Government of Canada's reaction to and level of support for this legislative proposal. We do not expect that the postponement will alter this fact. A key question that will almost certainly be asked is whether or not the Government of Canada believes federal legislation is required or desirable. Regardless of what specific answers the Government of Canada offers to this or other questions, they will not go unnoticed and are likely to create at least some controversy from within the broad range of interested players who will follow our reactions. Given this context, having a better understanding of and appreciation for this initiative by means of a briefing will allow the federal government to provide answers that avoid unnecessary misunderstandings and wrong impressions.

I would conclude by reiterating that, 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. Being briefed in the short-term future on these matters and the apparent significant shifts in longstanding approaches, such as is the case with *Ahousaht*, will be critical in ensuring that this remains the case.

Yours sincerely,



Michael Wernick