
Assembly of First Nations

Assemblée des Premières Nations



June 19, 2012

Honourable Stephen Harper
Prime Minister, Canada
House of Commons
Ottawa, ON K1A 0A6

Honourable Keith Ashfield
Minister, Fisheries and Oceans
House of Commons
Ottawa, ON K1A 0A6

Honourable Joe Oliver
Minister, Natural Resources Canada
House of Commons
Ottawa, ON K1A 0A6

Honourable Diane Findley
Minister, Human Resources
and Skills Development Canada
House of Commons
Ottawa, ON K1A 0A6

Honourable Peter Kent
Minister, Environment Canada
House of Commons
Ottawa, ON K1A 0A6

Dear Prime Minister Harper and Honourable Ministers:

I am writing today to reiterate the position of First Nations' with regard to certain key provisions of Bill C-38: *Jobs, Growth and Long-term Prosperity Act*. First Nations are united in their concern and opposition to the unilateral and wide-sweeping changes to legislation, regulations and policy contained in Bill C-38, in particular those relating to our lands and resources.

The amendments to the *Fisheries Act*, the *National Energy Board Act (NEB Act)*, as well as the provisions of the new *Canadian Environmental Assessment Act, 2012 (CEAA 2012)* fail to respect First Nation rights.

Canadian law recognizes and enforces the duty to consult and accommodate First Nations when Crown conduct or omission may adversely impact established or potential Aboriginal and Treaty rights. The United Nations Declaration on the Rights of Indigenous Peoples, which Canada endorsed in November 2010, recognizes in article 19: "that States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them".

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As I said in my remarks to the Subcommittee on Bill C-38 (Part III):

First Nations will vigorously oppose any attempts by the crown to erode or evade lawful obligations and responsibilities ... First Nations will not stand for such unilateral actions and will take all avenues available to them to prevent further derogation of their rights.

Furthermore, you are in receipt of a number of letters from First Nations and their duly mandated Treaty and Regional organizations opposing this approach. The Crown- First Nations relationship enshrined in Treaty and protected in the Constitution demands an approach that recognizes and respects First Nation rights, responsibilities and interests.

Respectfully,



Shawn A-in-chut Atleo
National Chief