



November 21, 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 James Flaherty  
Minister, Finance  
House of Commons  
Ottawa, ON K1A 0A6

Dear Prime Minister Harper and Honourable Ministers:

I am writing today with regard to Bill C-45: *Jobs and Growth Act, 2012*. As with Bill C-38 in the spring of this year, First Nations have expressed both concern and opposition to the unilateral and wide-sweeping changes to legislation and regulations made through omnibus legislation.

The amendments to the *Fisheries Act* and the *Navigable Waters Protection Act* fail to respect Treaties and First Nation rights.

I have noted previously that 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”.

Your government has not listened to these words and you continue to ignore the voices of First Nations.

Furthermore, the inclusion of amendments to the *Indian Act* in such omnibus legislation precludes full examination of their intent and impacts. This is unacceptable and does not uphold the Honour of the Crown.

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The Crown-First Nations relationship enshrined in Treaties and protected in the Constitution demands an approach that recognizes and respects First Nation rights, responsibilities and interests. As this has clearly not been the case with Bill C-45, the Assembly of First Nations must oppose the bill.

Respectfully,



Shawn A-in-chut Atleo  
National Chief