

# FIRST NATIONS LEADERSHIP COUNCIL

## News Release

May 1, 2024

### FNLN Calls Out Opposition Parties' Baseless and Harmful Critiques of Bill Recognizing Haida Aboriginal Title

(xʷmæθkʷəy̓əm (Musqueam), Sk̓wx̓wú7mesh (Squamish) and səliwətaʔ (Tseil-Waututh)/Vancouver, B.C.) The First Nations Leadership Council (FNLN) condemns inflammatory and inaccurate comments made by the B.C. United and Conservative Party of B.C. about Bill 25, the *Haida Nation Recognition Amendment Act, 2024*, that appear designed to instill fear and create division.

Conservative Party leader John Rustad has stated that "landowners on Haida Gwaii are at the mercy of future Haida Indigenous law," and has repeatedly tried to portray fee simple interests as being at risk.

Rather than putting fee simple interests at risk, Bill 25 and the Gaayhllid/Gíihlagalgang "Rising Tide" Haida Title Lands Agreement ("the Agreement"), confirm, protect and secure them. Expert after expert, as well as the Haida Nation and the Government of British Columbia, have confirmed that Bill 25 and the Agreement do not affect private property rights on Haida Gwaii. One recent commentary by Osler, one of Canada's leading business law firms, states that "private fee simple property interests are protected" and that to the degree there is legal uncertainty about the relationship between fee simple interests and Aboriginal title, the Agreement "aims to fill this gap in law" by providing guarantees for private property interests.

B.C. United leader Kevin Falcon has portrayed the recognition of Haida Aboriginal Title in Bill 25 and the Agreement as taking place too fast and called on government "to hold off on its rushed enactment and ensure broader consultation."

Mr. Falcon has apparently completely forgotten history that he was a part of. The Haida Nation filed the litigation about their Title that is now being partially settled in 2002 – when Mr. Falcon was in government. The Supreme Court of Canada issued the historic Haida Nation decision in 2004 – when Mr. Falcon was in government. The B.C. Government and the Haida Nation signed the Kunst'aa Guu – Kuunst'aayah Reconciliation Protocol in 2009 - when Mr. Falcon was in government. The Haida Gwaii Reconciliation Act was passed in 2010 – when Mr. Falcon was in government.

All of these steps, and others, were essential building blocks to Bill 25 and the Agreements. Over two decades the foundation for the step being taken now in Bill 25 was built, through public and transparent processes.

A quarter century is not too fast – it is actually painfully slow.

B.C. United MLA Michael Lee, in a peculiar set of comments on April 29, appears to try to imply that there is some hidden, secret agenda driven by Kwulasultun Doug White III, K.C., the Special Counsel to the Premier on Indigenous Reconciliation, as well as another pre-eminent expert in Indigenous law. Mr. Lee's evidence for this is an article written almost a year and half ago.



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The article Mr. Lee cites was written to reflect on the views of particular faith community – and has no comment on Bill 25 or Haida Aboriginal Title. Further, the main focus of the article was how from the perspective of that community, addressing issues of historic and enduring racial injustices, including reconciliation with Indigenous peoples, also requires a focus on building broader societal unity and cohesion.

At the same time, in the article the authors write “There must be new forms of agreements and understandings that structure proper, sovereign relations between Indigenous and Canadian governments” – which is a consistent message delivered year after year by the Supreme Court of Canada, and reflects how shifting to relations based on the recognition and implementation of Indigenous title and rights has increasingly been a federal and provincial policy focus for years.

Mr. Lee’s comments appear as nothing more than an attack on individuals, and a desperate attempt to create fears, where no reason for fear exists. Insinuations of hidden agendas echo the kind of conspiracy theory thinking that is too often present, and corrosive and destructive, in our contemporary politics.

The FNLC continues to be deeply disappointed by this type of fear-instilling rhetoric, which politicizes the basic human rights of the Haida and serves only to incite racist backlash towards the Haida and Indigenous peoples.

There should be serious dialogue and discourse about issues of reconciliation, Title and Rights, and racial justice. Building a stronger, better, and more resilient province for all British Columbians, means resolving issues of Aboriginal title and rights. We need our politicians, of all political parties, to do much better.

We again call upon the B.C. United Party and the Conservative Party of B.C. to stop sowing the seeds of division through misinformation and inflammatory rhetoric.

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*The First Nations Leadership Council is comprised of the political executives of the B.C. Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of B.C. Indian Chiefs (UBCIC).*

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