



BRITISH COLUMBIA
ASSEMBLY OF
FIRST NATIONS

507-100 Park Royal South
West Vancouver, BC
V7T 1A2

Ph: 604-922-7733
Fx: 604-922-7433



FIRST
NATIONS
SUMMIT

1200-100 Park Royal South
West Vancouver, BC
V7T 1A2

Ph: 604-926-9903
Fx: 604-926-9923
Toll Free: 866-990-9939



UNION OF
BRITISH COLUMBIA
INDIAN CHIEFS

500-342 Water Street
Vancouver, BC
V6B 1B6

Ph: 604-684-0231
Fx: 604-684-5726

FIRST NATIONS LEADERSHIP COUNCIL

News Release

FOR IMMEDIATE RELEASE
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Forests Are Not the Crown's to Sell Privatization Proposals Would Create Chaos, Not Certainty

Coast Salish Territory/Vancouver – The industrial privatization of BC Forests through outright sales or long-term leases of large tracts of land cannot be one of the outcomes of the latest initiative from Premier Gordon Campbell, the province's First Nations leaders warned today.

In the absence of the settlement of the outstanding land question in the province, proceeding with certain industry proposals for such privatization or forest tenure reform would be a massive act of bad faith that will only add to legal conflicts and the province's current land title quagmire, First Nations leaders warned.

"We welcome Premier Gordon Campbell's announcement of a roundtable to review government forestry regulations in a bid to find ways to rejuvenate the ailing industry," said Shawn Atleo, Regional Chief of the BC Assembly of First Nations.

"We know the urgency of the situation and are willing to explore options for addressing our respective interests through government-to-government talks. Rejuvenation must occur through the reconciliation of First Nations and Crown titles as required by section 35(1) of the *Constitution Act*. Attempting this through the Premier's Roundtable process alone would be inconsistent with numerous Supreme Court of Canada rulings and with the recent *Tsilhqot'in* decision rendered by Mr. Justice Vickers of the BC Supreme Court on November 18, 2007", said Chief Atleo.

"Some industry advocates have proposed selling off Crown land to raise revenues and give industry security of tenure and the province's chief forester has publicly raised the idea as a possibility – and this is definitely a non-starter due to the unresolved land question in this province," added Grand Chief Edward John of the First Nations Summit political executive.

"Rather than creating any certainty, privatization would clearly increase uncertainty and add to the legal issues that now exist. It would leave both the taxpayer and industry on the hook for unrealized investment and future compensation costs," said Grand Chief Stewart Phillip, President of the union of BC Indian Chiefs.

The recent BC Supreme Court decision in *Tsilhqot'in v. BC* made this evident yet again. The Xeni' Gwetin First Nation in central BC challenged the Crown's authority to provide a forest license to a third party within their territory and Justice Vickers ruled that it has sufficient evidence to prove title to at least 50% of their territory.

The *Tsilhqot'in* also questioned the authority of the *BC Forest Act* and stated it does not apply to Aboriginal title lands. In our opinion the Crown cannot sell lands or even provide tenure without the free, prior, and informed consent of the First Nation whose territory is impacted.

Resource development projects are now being stalled or quashed in British Columbia because of unresolved title issues, with recent examples including the Kemess North mine proposal, the Enbridge Gateway pipeline, and the Pembina pipeline. All of these stalled projects involved land privatization or the granting of tenure that amounted to several thousand hectares or less.

New privatization proposals could involve areas encompassing hundreds of thousands or perhaps millions of hectares of land where ownership has yet to be resolved.

First Nations will not discuss privatization until their title and rights issues have been addressed in a meaningful and effective way. BC's First Nations recognize the importance of certainty and encourage government and industry to work with First Nations to achieve this laudable goal.

-30-

The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs.

The Council works together to politically represent the interests of First Nations in British Columbia and develop strategies and actions to bring about significant and substantive changes to government policy that will benefit all First Nations in British Columbia.

For more information please contact:

Grand Chief Stewart Phillip
President, UBCIC:

250-490-5314

Ryneld Starr
BC Assembly of First Nations:

604-922-7733

Colin Braker
Communications Director
First Nations Summit:

Office: 604-926-9903
Cell: 604-328-4094