



## BC ASSEMBLY OF FIRST NATIONS

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Prince George, BC V2K 5S3  
Website: www.bcafn.ca

**BCAFN ANNUAL GENERAL MEETING**  
**September 21, 22, & 23, 2022**  
**Hybrid - In person & online via Zoom**

**Resolution 30/2022**

**SUBJECT: ALIGNMENT OF FORESTRY SUCCESSORSHIP WITH UN DECLARATION**

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**MOVED BY: CHIEF DON TOM, TSARTLIP FIRST NATION**

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**SECONDED BY: KUKPI7 ROSANNE CASIMIR, TK'EMLÙPS TE SECWEPEMC, STK'EMLÚPSEMC  
TE SECWÉPEMC**

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**DECISION: CARRIED**

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### WHEREAS:

- A. First Nations in BC have an inherent right to self-determination including jurisdiction over, Title to, and the stewardship of, their respective territories, including the ownership, management and agreements made over their unceded lands, waters, forests and resources;
- B. successorship under the Labour Relations Code normally applies when a business is sold, leased, transferred or disposed of from one entity to another, but it does not usually apply to forest tenure or harvesting rights that do not involve the sale of a business. The Minister of Labour, Harry Bains, initiated the Industrial Inquiry Commission (IIC) on November 9, 2021, to address forestry successorship with First Nations forest tenure and harvesting rights and appointed Vince Ready and Amanda Rogers to lead the IIC. The subsequent [Report and Recommendations](#) were made publicly available on July 28, 2022;
- C. the BC Assembly of First Nations, the Union of BC Indian Chiefs and First Nations Summit, working together as the First Nations Leadership Council (FNLC), made a submission to the IIC on December 16, 2021, regarding the IIC's mandate, lack of meaningful consultation and

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compliance with the *United Nations Declaration on the Rights of Indigenous Peoples Act* (Declaration Act), and asserted that First Nations receiving a transfer of forest tenure should be able to exercise self-determination over successorship;

- D. the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

**Article 19:** 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.

**Article 21(1):** Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, ... employment.

**Article 26(1):** Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired;

**Article 26(2):** Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired;

- E. the IIC final recommendations, in summary, state that successorship should apply in a tenure transfer if forestry operations are continued or resumed within a specific time, First Nations receiving tenure have an opportunity to negotiate amendments to collective agreements to address inconsistencies with the UN Declaration, successorship should not be extended to contractors through BC Timber Sales and the government should further review unionization in this context, and the government should expand programs for compensation and retraining opportunities for both unionized and non-unionized employees displaced by the government's reallocation of forest tenures;
- F. the unilateral recommendation on applying successorship to First Nations forest tenures and harvesting rights was not made in consultation with First Nations peoples, and First Nations peoples were not signatories to such collective agreements or tenures and should not be beholden to them;
- G. applying successorship rights to the forestry industry is inconsistent with the intent of section 35, case law, and represents a marked departure from the purpose and intention of section 35 of the *Constitution Act*;
- H. the constitutional and inherent Title and Rights of First Nations peoples in BC are violated by the recommendations of the IIC report, in particular the right to self-determination as upheld in the

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UN Declaration, and the report therefore renders the promise of reconciliation hollow and of no use or effect; and

- I. First Nations peoples have inherent rights to self-governance over matters related to our lands, including forestry matters within our territories, and this demands greater consideration than has been undertaken in this legally flawed IIC report.

**THEREFORE BE IT RESOLVED THAT:**

1. the BCAFN Chiefs-in-Assembly reject the Industrial Industry Commission (IIC) report on forestry successorship because the recommendations do not uphold the self-determination of First Nations in BC over their forests, and are not aligned with the UN Declaration or the Declaration Act;
2. the BCAFN Chiefs-in-Assembly direct the Regional Chief to work with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council, to call on the provincial government to *not* proceed with the IIC recommendations, and instead, honour their fiduciary duty to First Nations people and ensure that the provincial government's work aligns with the implementation of the UN Declaration, free, prior and informed consent and self-determination over successorship; and
3. the BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council, to continue advocating for meaningful and robust consultation with First Nations unencumbered by tenures and collective agreements that they were not signatories to.

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