



BC ASSEMBLY OF FIRST NATIONS

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BCAFN ANNUAL GENERAL MEETING
October 28, 29 & 30, 2025
Hybrid - In person & online via Zoom

Resolution 38/2025

SUBJECT: UPHOLDING FIRST NATIONS RIGHTS PRIORITIES IN THE 2026 REVIEW OF THE CANADA-US-MEXICO AGREEMENT

MOVED BY: CHIEF JERRY JACK , MOWACHAHT/MUCHLAHT FIRST NATION

SECONDED BY: CHIEF GEORGE LAMPREAU, SIMPCW FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. First Nations have and continue to hold inherent rights to trade and trade relations, including the right to cross the Canada-United States border freely, consistent with our inherent rights and traditional practices that predate colonial boundaries and policies;
- B. *The United Nations Declaration on the Rights of Indigenous Peoples* states:
Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;
Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State;
Article 36: Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations, and cooperation, including economic and trade activities, with their own members and other peoples across borders;

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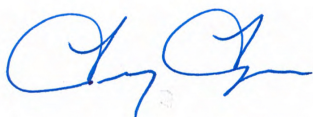
Terry Teegee, BC Regional Chief

Article 37.1: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements;

Article 37.2: Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

- C. the Canada–United States–Mexico Agreement (CUSMA) entered into on July 1, 2020, replacing the North American Free Trade Agreement (NAFTA), is a free-trade agreement between Canada, the United States, and Mexico which modernizes trade rules among the three countries with respect to trade relations, intellectual property, labour standards, environmental protections and rules of origin for automobiles while maintaining duty-free access for most goods traded between the countries;
- D. CUSMA is the first Canadian free trade agreement (FTA) to substantively include Indigenous peoples. It included the creation of an Indigenous Working Group (IWG) and the general exception related to Indigenous Peoples' rights, which ensures Canada's obligations to Indigenous peoples under the Canadian Constitution cannot be diminished or undermined by commitments under an FTA.
- E. In subsequent Canadian FTA negotiations, including the Canada-Ukraine Free Trade Agreement (CUFTA), and the Canada-Ecuador Free Trade Agreement (CEFTA) the IWG was replaced with Indigenous Peoples Advisory Groups (IPAGs), to allow IPAG members to access text relating to Indigenous peoples in real-time and provide feedback and suggestions throughout the negotiation process;
- F. CUSMA contains a six-year joint review clause requiring Canada, the United States, and Mexico to undertake a formal review, commencing on or before July 2026, to determine whether the agreement will be extended or subjected to annual reviews until 2036;
- G. upholding First Nations' priorities in the 2026 CUSMA review aligns with the mandates of BCAFN to advance economic self-determination, ensure the Crown's duty to consult and obtain free, prior and informed consent (FPIC) is upheld, and position First Nations in British Columbia (BC) as valuable partners in North American economic governance and strategies;
- H. the 2026 CUSMA review presents both risks and opportunities for First Nations in BC. These include exposure to tariffs in key sectors such as forestry, fisheries, and energy, as well as the potential to secure recognition of First Nations' trade rights, and favourable international procurement access;

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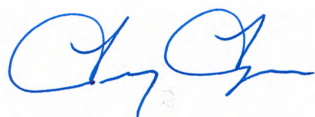
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- I. First Nations in BC hold inherent and Treaty rights to engage in trade and commerce, including cross-border economic activity, as affirmed in BCAFN Resolution 07(f)/2017 and BCAFN Resolution 28/2024;
- J. the Assembly of First Nations (AFN) Chiefs-in-Assembly passed Resolution 21/2025, which reaffirm the right of First Nations to trade freely across borders and calls for First Nations inclusion in all future trade negotiations, including CUSMA;
- K. the Declaration Act Action Plan commits Canada to co-developing policy guidelines with Indigenous peoples on international issues affecting them, enhancing participation in global decision-making, and ensuring First Nations' voices are reflected in trade and economic agreements; and
- L. despite these commitments, First Nations lack a formal, distinctions-based mechanism for participation in the CUSMA review process, leaving First Nations in BC excluded from the review process.

THEREFORE BE IT RESOLVED THAT:

- 1. The BCAFN Chiefs-in-Assembly affirm that First Nations in British Columbia must be actively and meaningfully engaged in the 2026 CUSMA Review, consistent with the United Nations Declaration on the Rights of Indigenous Peoples Act (the Declaration Act) and the Declaration Act Action Plan;
- 2. The BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to call on Global Affairs Canada (GAC) for the creation of an Indigenous Peoples' Advisory Group for the 2026 CUSMA review, continuing the best practice set in the CUFTA, and CEFTA negotiations, ensuring direct representation of First Nations rights holders from British Columbia;
- 3. the BCAFN Chiefs-in-Assembly call upon the Government of Canada to:
 - a. Recognize First Nations' inherent and Treaty rights to trade freely across borders, including mobility rights affirmed under the Jay Treaty;
 - b. Ensure that any CUSMA amendments uphold First Nations jurisdiction, economic sovereignty, and the principles of free, prior and informed consent (FPIC);
 - c. Provide dedicated capacity funding to support First Nations participation in trade policy development, legal analysis, and negotiation forums related to CUSMA;
- 4. the BCAFN Chiefs-in-Assembly direct the Regional Chief to collaborate with the AFN and other provincial territorial organizations to ensure alignment of national advocacy on the CUSMA review and to report back to the BCAFN Chiefs-in-Assembly at the next Assembly with an update on progress; and


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5. the BCAFN Chiefs-in-Assembly affirm their commitment to upholding First Nations economic self-determination by ensuring that international trade frameworks, including CUSMA, reflect First Nations values, jurisdiction, and rights to participate fully and equitably in regional and global economies.

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