



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 39/2025

SUBJECT: CALL FOR THE REPEAL OF FEDERAL AND PROVINCIAL FAST-TRACKING LEGISLATION

Moved BY: KUKPI7 RHONDA PHILLIPS, XAT'SŪLL FIRST NATION

SECONDED BY: CHIEF GEORGE LAMPREAU, SIMPCW FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. First Nations hold inherent and constitutionally protected title and rights to their lands, waters, and resources, which cannot be delegated, overridden, or bypassed by federal or provincial governments, delegated agencies or advisory bodies;
- B. In British Columbia, the *Renewable Energy Projects (Streamlined Permitting) Act* (Bill 14) and the *Infrastructure Projects Act* (Bill 15) received Royal Assent on May 29, 2025, giving BC overriding powers including expediting the review and approval of renewable energy and other major infrastructure projects that are deemed provincially significant by eliminating permit barriers to streamline regulatory processes and changing the legislation to allow for expedited environmental assessments, departing from the standards of the *Environmental Assessment Act*;
- C. In Canada, the *One Canadian Economy Act* (Bill C-5) received Royal Assent on June 6, 2025. This Act enacts the *Free Trade and Labour Mobility in Canada Act* and the *Building Canada Act*, with the objective to remove federal barriers to internal trade and labour mobility, expedite national interest projects, and improve domestic productivity;

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- 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, passed legislation committing 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 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

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;

(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.

Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination;

- E. Federal and provincial fast-tracking legislation has the potential to significantly impact First Nations' inherent, constitutionally protected and Treaty and Aboriginal rights, title, and jurisdiction both in their application and intended outcomes and are contrary to Crown constitutional, legislative, and environmental obligations and commitments;
- F. Premier Eby has committed that "...a private project proposed would not proceed through the faster processes outlined in [Bill 15] without the consent of the Nation whose core territory the private project is on;" however, the obligation to obtain free, prior, and informed consent is not a requirement of Bills 14 or 15, and the undefined concept of "core territory" echoes the

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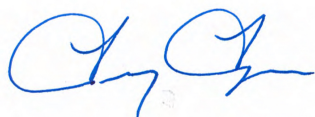
“postage stamp” approach to Aboriginal title that was roundly rejected by the Supreme Court of Canada and is wholly inconsistent with the UN Declaration;

- G. BC committed to an Interim Approach to implementing Section 3 of the *Declaration on the Rights of Indigenous Peoples Act*, which states that BC will, “in consultation with the Indigenous peoples in BC... take all measures necessary to ensure the laws of BC are consistent with the Declaration.” First Nations in BC were not approached about the development of Bills 14 and 15, and have instead attempted to engage First Nations on the regulatory frameworks for the Bills, a process that has also been fast-tracked, falling short of First Nations’ expectations;
- H. On June 19, 2025, Prime Minister Carney stated to media that, “at the heart of [C-5]...is full embrace of free, prior and informed consent [including] consultation, cooperation, [and] engagement;
- I. the government of Canada has created a new Major Projects Office (MPO) under the Building Canada Act with a mandate to “streamline regulatory approvals and advance major projects in Canada”;
- J. the government of Canada has appointed members to a new Indigenous Advisory Council (IAC) to provide advice to the MPO, without transparency on how members were selected, without terms of reference, and without clarity on how its advice will be used, raising concerns that the IAC may be used by the MPO and government of Canada to legitimize major project fast-tracking and approvals without consulting and cooperating with affected First Nations title and rights holders in order to obtain their free, prior, and informed consent; and
- K. BCAFN, working with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council, has strongly condemned the passage of Bills 14, 15 and C-5 and affirmed that they will have harmful and far-reaching consequences for First Nations’ inherent and constitutionally protected Aboriginal rights, title, and jurisdiction.

THEREFORE BE IT RESOLVED THAT:

- 1. The BCAFN Chiefs-in-Assembly call for the repeal of BC’s Bills 14, 15 and Canada’s C-5 and affirms that both the legislative process and the content of the Bills are inconsistent with the Crown’s constitutional and international obligations to First Nations and undermine First Nations’ inherent and constitutionally protected Aboriginal rights, title, and jurisdiction;
- 2. The BCAFN Chiefs-in-Assembly call on the government of BC and Canada to immediately suspend implementation of Bills 14, 15 and C-5 and engage in a legislative review process with the full participation of First Nations in a manner consistent with the UN Declaration and related UN Declaration legislation and not proceed until First Nations’ free, prior, and informed consent has been obtained in both legislative and proposed regulatory development;

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3. The BCAFN Chiefs-in-Assembly affirm that the government of Canada's Indigenous Advisory Council (IAC) of the Major Projects Office (MPO) does not displace First Nations' inherent and constitutionally protected title and rights to their lands, waters, and resources including related jurisdiction, or the government of Canada's obligation to consult and cooperate with affected First Nations title and rights holders in order to obtain their free, prior, and informed consent;
4. The BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to monitor the MPO and IAC, and to advocate for processes that respect and uphold free, prior, and informed consent, ensuring that First Nations governments are the decision-makers on projects impacting their lands, waters, and resources; and
5. The BCAFN Chiefs-in-Assembly directs the Regional Chief and BCAFN staff, working with the First Nations Summit and the Union of BC Indian Chiefs, jointly as the First Nations Leadership Council, to:
 - A. develop and pursue a coordinated legal and advocacy strategy — including constitutional and judicial avenues — to challenge Bills 14, 15 and C-5, subject to resourcing;
 - B. engage with the provincial and federal governments on scoping legislative amendments and regulatory co-development on fast-tracking legislation which reflect the rights, title, interests and priorities of First Nations in BC and seeks First Nations' free, prior and informed consent prior to the finalization of enacting any related regulations; and
 - C. call on the provincial and federal governments to provide adequate funding and timelines to ensure the full participation of B.C. First Nations in the co-development of any fast-tracking legislative amendments or regulatory development.

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