



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN SPECIAL CHIEFS ASSEMBLY**  
**March 4 & 5, 2026**  
**In person & online via Zoom**

**Resolution 07/2026**

**SUBJECT: PROTECTIONS FOR CULTURAL HERITAGE AND ANCESTRAL REMAINS ON PRIVATE PROPERTY IN THE *HERITAGE CONSERVATION ACT***

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**Moved BY: KUKPI7 ROSANNE CASIMIR, TK'EMLUPS TE SECWÉPEMC**

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**SECONDED BY: CHIEF JERRY JACK, MOWACHAHT/MUCHALAHT FIRST NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. The existing Heritage Conservation Act (HCA) and associated management regime does not recognize aboriginal title and rights, nor does it adequately address the needs and interests of First Nations as it relates to their culture and heritage resources. The regulatory framework provided for in the HCA prevents First Nations from protecting our sacred sites, the sanctity of our artifacts and the remains of our ancestors in accordance with our traditional laws and customs;
- B. the UN Declaration, which the government of Canada has adopted without qualification, alongside the government of B.C. passed legislation committing to implement, affirms:
  - Article 11(1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
  - Article 11(2): States shall provide redress through effective mechanisms, which may

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include restitution, developed in conjunction with Indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12(1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; and the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.

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 31(1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.

Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation for the enjoyment of the rights contained in this Declaration.

Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights;

- C. the Province and First Nations created the *Joint Working Group on First Nations Heritage Conservation (JWGFNHC)* to identify issues, develop options, and recommend improvements to the HCA, including meaningful First Nations roles in heritage protection and the protection of cultural property and ancient human remains;
- D. the BCAFN Chiefs-in-Assembly supported the creation of the JWGFNHC through Resolution 2/2008, *Support for the Joint Working Group on First Nations Heritage Conservation*;
- E. the Province's *Heritage Conservation Act Transformation Project (HCATP)* commits to working with First Nations to reform the HCA in alignment with the UN Declaration, including shared decision-making, and improved protection of First Nations cultural heritage;

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- F. T'kemplúps te Secwépemc has participated in engagement processes related to the HCATP, but this participation does not constitute free, prior, and informed consent with respect to the changes currently proposed; and
- G. T'kemplúps te Secwépemc and other First Nations have consistently affirmed that any update to the HCA must include clear protections for cultural heritage and ancestral remains found on private property and must provide financial support to First Nations and private landowners to address the significant administrative and financial burdens associated with identification, protection, and repatriation work.

**THEREFORE BE IT RESOLVED**

1. The BCAFN Chiefs-in-Assembly reminds the Province of BC of its obligations to reform the *Heritage Conservation Act* in a manner that fully aligns with the UN Declaration, including obtaining the free, prior, and informed consent of First Nations before adopting legislative changes that affect their rights; and
2. the BCAFN Chiefs-in-Assembly calls upon the province to work collaboratively with First Nations to develop a solutions-focused framework in the HCA updates, including explicit provisions for:
  - the protection and management of Indigenous cultural heritage on privately owned land;
  - the repatriation and ceremonial care of ancestral remains; and
  - financial assistance to First Nations and private landowners to support the necessary work of identifying, protecting, and repatriating cultural heritage and ancestral remains found on private land.

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