



BC ASSEMBLY OF FIRST NATIONS

1992 Landooz Road
Prince George, BC V2K 5S3
Website: www.bcafn.ca

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

Resolution 13/2026

SUBJECT: SEEKING FEDERAL SUPPORT FOR THE GITXAALA AND EHATTESAHT DECISION AT THE SUPREME COURT OF CANADA

MOVED BY:

SECONDED BY:

DECISION: CARRIED BY UNANIMOUS CONSENT (VOICE VOTE)

WHEREAS:

- A. First Nations in British Columbia (BC) have inherent human rights, jurisdiction and stewardship over our lands and resources, and since the time of colonization, we hold constitutionally protected human rights, Aboriginal title and rights, and treaty rights;
- B. since the implosion of the California Gold Rush in the mid-19th century into northern Canada, mineral staking and exploration have remained a marker of the unlawful removal of First Nations peoples from their lands through reserve-making, reallocation policy, inequitable treaty-making, and discriminatory border policy that separated our nations. Remnants of these policies still exist in antiquated laws like the *Mineral Tenure Act* (MTA) that continue to violate our inherent rights and title and jurisdiction over our lands and resources;
- C. in 2019, BC formally adopted the *Declaration on the Rights of Indigenous Peoples* (Declaration Act) into BC law, with the intent to fully implement the globally recognized basic human rights standards in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN

Certified copy of a resolution adopted on the 5th day of March 2026

Terry Teegee, BC Regional Chief

Declaration);

- D. Gitxaala Nation and Ehattesaht First Nation petitioned the British Columbia (BC) Courts to challenge provisions of the MTA and the operation of the automated online registry that permits free miners to register claims to mineral rights on Crown land with no consultation for affected First Nations. Gitxaala and Ehattesaht pursued the challenge on the ground that this online permitting system is inconsistent with the Crown's duty to consult under Section 35 of the *Constitution Act, 1982*, the honour of the Crown, the Declaration Act, and the rights recognized in the UN Declaration and sought declarations with respect to those inconsistencies;
- E. in December 2025, the BC Court of Appeal majority decision in *Gitxaala v British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430 (Gitxaala decision), declared that the Chief Gold Commissioner's "conduct in establishing an online system allowing for automatic registration of mineral claims without requiring prior consultation and cooperation of affected Indigenous peoples is inconsistent with article 32(2) of [the UN Declaration]";
- F. as a result of the Gitxaala decision, the Province of BC has responded by publicly committing to amending the Declaration Act and the *Interpretation Act*, and has since filed an appeal to the Supreme Court of Canada; and
- G. at the "Our Gathering" event, hosted by Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs in February 2026 in Vancouver, the Parliamentary Secretary to the federal Minister of Justice and Attorney General of Canada, affirmed that Canada will not be amending Canada's *United Nations Declaration on the Rights of Indigenous Peoples Act* or the federal *Interpretation Act*.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly calls on the federal government, including the Minister of Justice and Attorney General, and the Minister for Crown-Indigenous Relations and Northern Affairs, to intervene, as a matter of good faith and in exercise of its fiduciary obligations, to the Supreme Court of Canada, should BC's appeal be successful, in support of the Gitxaala Nation and Ehattesaht First Nation and all First Nations in BC.

Certified copy of a resolution adopted on the 5th day of March 2026



Terry Teegee, BC Regional Chief