BC ASSEMBLY OF FIRST NATIONS

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BCAFN ANNUAL GENERAL MEETING
October 14, 15 & 16, 2026
In person & online via Zoom

Resolution 19/2026

SUBJECT:	**CALL TO CO-DRAFT FEDERAL MAJOR PROJECTS CONSULTATION PROCEDURAL MINIMUM STANDARDS LEGISLATION**
MOVED BY:	**KÚKWPI7 ROSANNE CASIMIR, TK'EMLÚPS TE SECWÉPEMC**
SECONDED BY:	**CHIEF SHANA THOMAS, LYACKSON FIRST NATION**
DECISION:	**CARRIED**

WHEREAS:

A. First Nations in what is now known as British Columbia (B.C.) have inherent, human, and constitutionally protected title and rights, laws, jurisdiction, and responsibilities over their lands, waters, territories, and resources, including their right to exercise their own laws, governance systems, legal orders, and jurisdiction within their territories;

B. on June 24, 2026, the Government of Canada announced the first referral of projects for designation of "national interest" under the Building Canada Act (BCA) to the Major Projects Office (MPO), including a proposed West Coast Oil Pipeline (now known as the Pacific Link Pipeline) from Alberta to B.C.'s Southwest coast. The MPO subsequently sent notification letters to 'potentially impacted First Nations' on July 10, 2026, seeking feedback on the proposed pipeline's potential designation as a project of national interest on an accelerated timeline that did not permit meaningful consultation;

C. 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 provincial government, passed legislation committing to implement, affirms:

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Article 18: Indigenous Peoples have the right to participate in decision-making in matters which 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 Indigenous Peoples 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 32(2): States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;

D. Section 5(7) of the BCA requires consultation before the minister recommends that an order be made under subsections 5(1), (3), or (4) to designate a national interest project;

E. the Crown's constitutional duty to consult and, where appropriate, accommodate First Nations requires meaningful engagement that provides affected First Nations with capacity, time and resources to understand, assess, participate in, and influence proposed Crown decision-making;

F. since the BCA received royal assent, the federal government has significantly compressed consultation timelines, thereby obstructing First Nations' ability to provide free, prior and informed consent (FPIC) through unfettered access to information, meaningfully engage their citizens through their own protocols, conduct independent studies and make informed decisions on major projects;

G. the Crown's constitutional obligations to consult and, where appropriate, accommodate First Nations are not diminished by accelerated project timelines, economic objectives, political commitments, administrative convenience, or government-selected decision-making deadlines. Consultation timelines must be adjusted where necessary to permit meaningful consultation and informed First Nations decision-making;

H. on October 1, 2026, the Pacific Link Pipeline project received national interest designation through an Order in Council under the BCA by the Governor General in Council.

I. the Order in Council states that the consultation process was "informed by the [UN Declaration] and by [FPIC]. The process was substantively geared toward reaching mutually acceptable arrangements with communities, with the aim of seeking consent or achieving consensus, where possible";

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J. the proposed Pacific Link Pipeline and other major projects subject to accelerated federal processes demonstrate the need for co-developed frameworks that achieve legislated minimum national standards of consultation and cooperation that uphold FPIC; and

K. BCAFN has consistently opposed the fast-tracking of major projects and oil pipeline and tanker proposals without full and meaningful consultation and cooperation with affected First Nations in order to obtain their FPIC and due to the significant and devastating climate impacts they pose, including through Resolution 39/2025 "Call for the Repeal of Federal and Provincial Fast-Tracking Legislation" and Resolution 36/2025 "Call For Substantial Increase In Investments For First Nations-Led Climate Action, Ecosystems And Watershed Protection"

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly call on the federal government to ensure that any fast-tracked or accelerated major project fully upholds First Nations' inherent and constitutionally protected title and rights, and treaty rights, sovereignty, jurisdictional and decision-making authority;

2. The BCAFN Chiefs-in-Assembly call on the federal government to work with title and rights holders in co-developing legislation in alignment with the UN Declaration that establishes enforceable minimum standards for consultation, cooperation, accommodation and First Nations' participation in decision-making on major projects, including mechanisms to obtain and give meaningful effect to the free, prior and informed consent of affected title and rights holders, while recognizing that such minimum standards cannot define, diminish, replace or limit the Crown's obligations under section 35 or First Nations' inherent rights, title, laws, jurisdiction and decision-making authority. These minimum standards must include, at a minimum:

    a. Written notice identifying the proposed Crown decision, the decision-maker, and the proposed consultation process.

    b. Timely disclosure of project records reasonably required for a potentially impacted First Nation to make an informed assessment, including information concerning project design, routing, alternatives, environmental and cultural effects, engineering, and economic considerations.

    c. Sufficient time for potentially impacted First Nations to review the available information, identify information gaps, obtain independent technical, legal and other advice, engage their citizens through their own governance and decision-making processes, and formulate informed positions respecting the proposed project; where consent cannot be achieved within a government-selected timetable, the timetable must be adjusted accordingly; and procedural protection to ensure that project design, routing, regulatory records and other key decisions are not treated as final before First Nations have had a meaningful opportunity to engage and provide consent.

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d. Capacity funding proportionate to the work identified in a First Nations-led review process of the proposed project, including independent technical, legal, environmental, archaeological, economic and other expertise where reasonably required.

e. Consultation through the representatives and governance processes chosen by each First Nation.

f. A UN Declaration-aligned, co-developed, impartial and equitable process for consultation and cooperation to obtain the free, prior and informed consent from all potentially impacted Nations in accordance with their own laws and governance processes; and

g. An independent mechanism to resolve disputes amongst parties.

3. The BCAFN Chiefs-in-Assembly firmly reject the designation of the Pacific Link Pipeline as a project of national interest, and reject the designation of any other project under the Building Canada Act, where such projects would undermine First Nations' inherent, human, and constitutionally protected title, rights and jurisdiction, environmental protection, and the authority of affected First Nations to determine priorities for their territories and waters, unless and until meaningful consultation consistent with the honour of the Crown and the minimum standards described above has been carried out; and

4. The BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to work with affected First Nations and like-minded organizations to advocate for the co-drafting and enactment of federal legislation that establishes enforceable minimum procedural standards for consultation on major projects, in full alignment with the UN Declaration.

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