BC ASSEMBLY OF FIRST NATIONS

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

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

Resolution 31(a)/2026

SUBJECT: **EXTENSION OF 2027 DESTRUCTION DEADLINE FOR INDEPENDENT ASSESSMENT PROCESS AND ALTERNATIVE DISPUTE RESOLUTION RECORDS PENDING REVIEW OF INFORMATION RELATING TO MISSING AND DISAPPEARED CHILDREN**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

A. in Canada (Attorney General) v. Fontaine, 2017 SCC 47, the Supreme Court of Canada upheld an order that Independent Assessment Process (IAP) and Alternative Dispute Resolution (ADR) records be destroyed following the expiration of a retention period on September 19, 2027, subject to a Survivor consent process allowing records to be preserved with the National Centre for Truth and Reconciliation;

B. since the Supreme Court of Canada decision, substantial new information continues to emerge concerning missing and disappeared Indigenous children, unmarked graves, and burial sites associated with Indian Residential Schools, and there remains an ongoing need for access to records that may contain information relevant to deaths, disappearances, burials, transfers of children, institutional practices, and other matters of significant historical, cultural, legal, and investigative importance;

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C. the destruction of IAP and ADR records would be irreversible and may result in the permanent loss of information relevant to ongoing investigations concerning missing and disappeared Indigenous children, unmarked graves, burial sites, truth-seeking initiatives, repatriation efforts, and future accountability processes;

D. the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of B.C., passed legislation committing to implement, affirms:
Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights.
Article 31 (1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and historical records.
Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States.
Article 40: Indigenous peoples have the right to access to and prompt decisions through just and fair procedures for the resolution of conflicts and disputes with States;

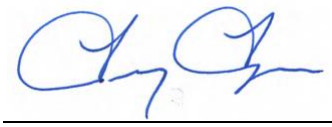
E. the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites Associated with Indian Residential Schools, in her June 2023 Interim Report and October 2024 Final Report, called upon the federal government, in consultation and collaboration with Indigenous Peoples, to immediately appoint independent reviewers to review the IAP and ADR records in order to gather and report on information relating to the deaths and burials of children prior to the court-ordered destruction date in 2027;

F. information reported by the Court-Appointed Records Agent on March 31, 2025 demonstrated that participation in the My Records My Choice program has been extremely limited, including only ten Consent Forms received between 2021 and 2024 authorizing the transfer of records to the National Centre for Truth and Reconciliation, of which only seven were determined to be valid, raising serious concerns regarding the adequacy, reach, effectiveness, accessibility, and cultural appropriateness of the notice and consent process intended to ensure Survivors could make informed choices regarding preservation of their records;

G. the Permanent Peoples' Tribunal, in its 57th Session on Missing and Disappeared Indigenous Children and Unmarked Graves in Canada, expressed concern in its May 29, 2026 Preliminary Statement that Canada is failing to comply with its international obligations to investigate the fate of missing and disappeared Indigenous children and specifically criticized Canada's failure to prevent the imminent destruction of IAP records that may contain information relevant to those investigations;

H. international human rights law recognizes the right of victims, families, affected communities, and society as a whole to know the truth regarding gross violations of human rights and serious

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violations of international humanitarian law, including genocide, crimes against humanity, enforced disappearances, and the deaths and disappearances of children, and requires states to preserve evidence and facilitate access to information necessary to establish the truth, ensure accountability, and provide effective remedies;

I. the preservation of records, advancement of truth-seeking initiatives, support for accountability and respect for Indigenous children who never returned home are consistent with BCAFN mandates advancing investigations into former Residential School and Indian Hospital sites, addressing Residential School Denialism and upholding Indigenous human rights and the rights of Survivors (BCAFN Resolutions 20/2016, 30/2021, 11/2023, 16/2025 and 21/2025);

J. UBCIC Resolution 2026-57, *Extension of 2027 Destruction Deadline for Independent Assessment Process and Alternative Dispute Resolution Records Pending Review of Information Related to Missing and Disappeared Children*, mirrors the call for Canada to address the impending 2027 destruction of records deadline, and calls for an extension;

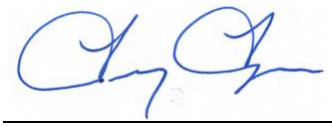
K. First Nations throughout British Columbia and across Canada continue investigations into missing and disappeared children associated with former Residential Schools and continue to pursue truth-seeking, accountability, repatriation, commemoration, and healing initiatives on behalf of Survivors, families, and communities; and

L. First Nations have a compelling interest in ensuring that no potentially relevant evidence relating to missing and disappeared children is destroyed before an independent review can be completed and before Survivors have been provided a meaningful opportunity to make informed decisions regarding their records.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly call on the Government of Canada to:
    - seek a Request for Direction and all other necessary legal remedies from the Supreme Court of Canada, or any other appropriate court, to extend and permanently remove the September 19, 2027, destruction deadline for Independent Assessment Process (IAP) and Alternative Dispute Resolution (ADR) records due to evidence of unmarked graves and missing children since 2018 and the failure of the My Records My Choice program;
    - immediately implement Obligation #22 of the Independent Special Interlocutor's Final Report by appointing independent reviewers selected by First Nations through their respective governance and decision-making processes, in consultation and collaboration with Indigenous Peoples, to review IAP and ADR records and testimonies for information relating to the deaths, disappearances, and burials, and evidence of the genocide committed through Canada’s Indian Residential School system, consistent with UNDRIP

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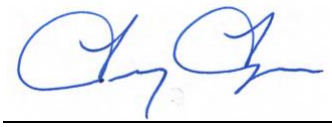
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Articles 13 and 15, and to support Indigenous-led truth-telling, historical accountability, and the preservation of Indigenous histories for future generations;

- ensure that no IAP or ADR records are destroyed until the review contemplated by Obligation #22 has been completed and publicly reported;
- provide resourcing for a First Nations-led independent assessment of the effectiveness and adequacy of the My Records My Choice notice and consent process, including Survivor awareness, accessibility, participation rates, cultural appropriateness, and barriers to participation, and for related legal proceedings, Survivor outreach, records analysis, archival research, and ongoing First Nations-led investigations into missing and disappeared Indigenous children and unmarked graves;
- co-develop and implement, in partnership with First Nations, Survivors, and Indigenous organizations, a renewed, adequately funded, culturally appropriate, First Nations-led notice and outreach process, including consultation regarding appropriate location(s) for preservation of records, to ensure Survivors are fully informed of their rights and options respecting preservation of their records and to support Indigenous data sovereignty regarding those records; and

2. The BCAFN Chiefs-in-Assembly direct the Regional Chief to work collaboratively with the First Nations Summit and the Union of B.C. Indian Chiefs, as the First Nations Leadership Council, the Assembly of First Nations, the National Centre for Truth and Reconciliation, Survivors, First Nations, and other allied organizations, to advance preservation and review of these records to support truth-seeking, accountability, justice, healing and commemoration for First Nations children who never returned home.

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