

# Assembly of First Nations

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# Assemblée des Premières Nations

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**SPECIAL CHIEFS ASSEMBLY**  
December 2-3-4, 2025, Ottawa, ON

**Resolution no. 33/2025**

**TITLE:** **Affirming the Oil Tanker Moratorium Act and Supporting Coastal First Nations  
Rejection of any Proposed Pipeline from Alberta to British Columbia's Northwest  
Coast**

**SUBJECT:** Rights, Environment

**MOVED BY:** Chief Donald Edgars, Old Massett Village, BC

**SECONDED BY:** Merle Alexander, Proxy, Heiltsuk First Nation (Bella Bella), BC

**DECISION:** Carried by consensus

**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. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) which the Government of Canada has adopted without qualification and has passed legislation committing to implement, affirms:
  - i. 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.
  - ii. 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.
  - iii. 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.

**Certified copy of a resolution adopted on the 2<sup>nd</sup> day of December 2025, in Ottawa, Ontario**

*Cindy Woodhouse*

**CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF**

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- iv. Article 26(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.
- v. Article 26(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

C. In 1972, the Government of Canada, with the support of the Province of British Columbia announced a moratorium on oil tanker traffic in the Hecate Straight, Dixon Entrance and Queen Charlotte Sound, driven by Coastal First Nations opposition and extreme weather and ocean conditions creating high spill risk.

D. Bill C-47, the *Oil Tanker Moratorium Act* (OTMA), received Royal Assent on June 21, 2019, and restricts oil tankers carrying more than 12,500 tonnes of crude oil or persistent oil products from stopping, loading or unloading at ports or marine installations on British Columbia's (BC) North and Central Coast including Fitz Hugh Sound, Hecate Straight, Queen Charlotte Sound, Haida Gwaii, and the Dixon Entrance.

E. Bill C-5, the *One Canadian Economy Act* (OCEA), received Royal Assent on June 26, 2025. This Act enacts the *Free Trade and Labour Mobility in Canada Act* and the *Building Canada Act* (BCA) with the objective to "remove federal barriers to internal trade and labour mobility, expedite national interest projects, and improve domestic productivity".

F. Under 6(1) of the OTMA, the Minister may, by order, exempt an identified oil tanker from the above prohibited transportation "on any terms and for any period that he or she considers appropriate, if he or she is of the opinion that the exemption is essential for the purpose of community or industry resupply or is otherwise in the public interest." Under the BCA, the OTMA could be added by Cabinet order through Schedule 2 to exempt a designated national interest pipeline, should the Major Projects Office assert this designation.

G. At the First Nations Major Project Summit hosted by the Government of Canada in July 2025, Prime Minister Carney stated that no project under the BCA would proceed without First Nations' free, prior, and informed consent. Moreover, in the House of Commons on Tuesday November 25, 2025, Prime Minister Carney stated, "the MOU we are creating with Alberta creates necessary conditions but not sufficient conditions because we believe in cooperative federalism... we believe First Nations rights holders have to agree".

H. On November 5, 2025, the Province of British Columbia and Coastal First Nations signed the North Coast Protection Declaration, affirming the collective need for a continued tanker ban as affirmed by the OTMA.

I. On November 27, 2025, the Government of Canada and the Province of Alberta entered into a Memorandum of Understanding (MOU) affirming joint political support for Alberta to advance collective energy interests, including a new oil pipeline to provide access to Asian Markets through a deep-water port on BC's coast.

J. The MOU declares that an Alberta bitumen pipeline project is of national interest under OCEA, suspends or overrides existing regulations, and proposes to amend the OTMA with a deadline to submit an application to the Major Projects Office on or before July 1, 2026.

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- K.** The MOU does not provide for any mechanisms for a project identified under the agreement to uphold the UN Declaration as legally required by the Government of Canada, under the *United Nations Declaration on the Rights of Indigenous Peoples Act*, nor does it identify First Nations' free, prior and informed consent as a threshold for designation of any project.
- L.** Through the MOU, the Government of Canada has abandoned its national and international climate commitments, including its cap on oil and gas emissions and clean energy regulations in favour of deregulated resource extraction through fast-tracking legislation. This abandonment undermines Canada's legally-enshrined net-zero and 2030 emissions-reduction obligations while accelerating greenhouse gas pollution and intensifying climate-driven disasters causing irreversible harms to First Nations, and our lands, waters, wildlife, and broadly, all Canadians.
- M.** Assembly of First Nations (AFN) Resolutions 41/2021, *Marine Indigenous Protected and Conserved Areas (IPCAS)*, 05/2019, *Declaring a First Nations Climate Emergency*, and 109/2017, *Supporting First Nations Environmental Protections* jointly affirm that the climate and ecological crises constitutes an urgent First Nations emergency requiring immediate, transformative action to prevent further harm; reaffirm First Nations' Inherent, Treaty, and constitutionally protected rights and jurisdiction to steward, conserve, and protect their lands, waters, coasts, and marine life; and direct that Canada uphold rights-based environmental protections and seek First Nations' free, prior, and informed consent for any proposed project on First Nations' territories.

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Affirm full support for the North Coast Protection Declaration, as well as the Coastal First Nations', and any other affected First Nations' strong rejection of any proposed oil and bitumen pipeline running through British Columbia's North, Central and South Coast and other affected territories.
2. Affirm support for the *Oil Tanker Moratorium Act* (OTMA) and firmly reject any exemptions to this moratorium proposed under Section 6(1) of the OTMA and through Schedule 2 of the *Building Canada Act*.
3. Call on the Government of Canada, the Province of Alberta, and the Province of British Columbia to fully uphold the *United Nations Declaration on the Rights of Indigenous Peoples* as a legal threshold and set of minimum standards for any project deemed to be in the "national interest" in First Nations' territories.
4. Call for the immediate withdrawal of the Canada-Alberta Memorandum of Understanding and any project contemplated or designated under the agreement that may infringe First Nations' rights, including the right to self-determination.
5. Call on the Government of Canada to recognize the climate emergency and recommit to, strengthen, and fully implement its national and international climate obligations in full partnership with First Nations rights and title holders, including to ensure adequate, sustainable, and long-term funding for First Nations-led climate action.
6. Affirm support for First Nations laws that govern their territories and hold paramountcy over colonial laws.

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