

# OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL

FEBRUARY 11<sup>TH</sup> – 12<sup>TH</sup>, 2026

SHERATON VANCOUVER AIRPORT HOTEL, X<sup>w</sup>MƏӨK<sup>w</sup>ƏY<sup>Ə</sup>M (MUSQUEAM TERRITORY)

**Resolution no. 2026-01**

**RE: Opposition to Amending the *Declaration on the Rights of Indigenous Peoples Act* or Related *Interpretation Act***

**WHEREAS** First Nations in what is now known as British Columbia (B.C.) are sovereign Indigenous Nations and peoples and inherent, human, and Aboriginal title and rights holders with their own laws, governance systems, and jurisdictions that pre-exist and continue regardless of Crown assertions of authority;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) is an international human rights instrument that affirms the minimum standards necessary for the survival, dignity, and well-being of Indigenous peoples, and does not create new rights but affirms longstanding, broadly accepted, and existing international human rights norms;

**WHEREAS** the Truth and Reconciliation Commission of Canada called upon federal, provincial, territorial, and municipal governments to fully adopt and implement the UN Declaration as the framework for reconciliation;

**WHEREAS** the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) was co-developed with First Nations and unanimously passed by the B.C. Legislature in November 2019 and affirms the application of the UN Declaration to the laws of B.C., requires the government of B.C. to take all measures necessary to ensure the laws of B.C. are consistent with the UN Declaration, establishes processes for action planning and reporting, and enables the entering of decision-making agreements with Indigenous Governing Bodies;

**WHEREAS** the *Interpretation Act* was amended by the B.C. Legislature in November 2021 to enact section 8.1(3) which provides that every Act and regulation (each as defined in the Interpretation Act) must be construed as being consistent with the UN Declaration;

**WHEREAS** the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of B.C., passed legislation committing to implement, affirms:

**Article 1:** Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in international human rights law;

**Article 2:** Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from discrimination in the exercise of their rights;

**Article 3:** Indigenous peoples have the right to self-determination;

**Article 18:** Indigenous peoples have the right to participate in decision-making in matters which would affect their rights;

**Article 19:** States shall consult and cooperate in good faith with Indigenous peoples in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them; and

**Article 43:** The rights recognized in the Declaration constitute the minimum standards for the survival, dignity, and well-being of the Indigenous peoples of the world;

**WHEREAS** in response to the B.C. Court of Appeal’s decision in *Gitxaala v. British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430, the government of B.C. has proposed to amend the Declaration Act and/or the *Interpretation Act*, which amendments would weaken and narrow their legal effect and justiciability and diminish the remedial role of the courts in their interpretation and application;

**WHEREAS** the Attorney General of B.C. sent out notification letters to all 204 First Nations and the First Nations Leadership Council organizations, the Alliance of Modern Treaty Nations, and First Nations Organizations, on January 29<sup>th</sup>, 2026, informing them of the potential amendments and inviting participation in an expedited consultation and co-operation process and, subject to the signing of a confidentiality agreement, advising that they would be sharing a discussion paper and policy questions in advance of upcoming sessions for consultation and co-operation on the amendments;

**WHEREAS** on February 4<sup>th</sup>, the UBCIC, B.C. Assembly of First Nations and First Nations Summit, working together as the First Nations Leadership Council, held an Emergency All Chiefs meeting on the proposed amendments, where Chiefs and leaders in attendance expressed deep opposition to the proposed amendments being considered in the discussion paper, which most had only seen for the first time that same morning;

**WHEREAS** the UBCIC Chiefs Council has consistently and unequivocally supported the unqualified implementation, defence, and strengthening of the Declaration Act, including through UBCIC Resolutions 2020-20 “Implementation of Declaration on the Rights of Indigenous Peoples Act”, 2021-34 “Implementation of DRIPA Action Plan and Alignment of Laws”, 2022-33 “Declaration Act Action Plan”, 2024-59 “Intervention in Challenge to DRIPA”, and 2025-05 “Independent Mechanism to Monitor Declaration Act Implementation”, all of which collectively affirm that the Declaration Act must be protected, fully implemented, and not weakened or rolled back; and

**WHEREAS** the Declaration Act and section 8.1(3) of the *Interpretation Act* provide a critical backstop of certainty and stability for Indigenous peoples, Crown governments, investors, and the public by clearly affirming that reconciliation, human rights, and the rule of law must guide legislative and policy development and interpretation in B.C.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council unequivocally opposes the Province making any amendments to the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) and to the *Interpretation Act* in response to the B.C. Court of Appeal’s decision in *Gitxaala v. British Columbia (Chief*

*Gold Commissioner*), 2025 BCCA 430 (*Gitxaala*), without first consulting and cooperating in good faith with First Nations in B.C. AND obtaining their free, prior, and informed consent;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council affirms that the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) must remain a stable, rights-affirming framework for reconciliation and that the focus of the Province must be on full, unqualified implementation, not legislative retreat or revision;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls upon the government of B.C. to publicly commit to not amending the Declaration Act or *Interpretation Act* in response to the B.C. Court of Appeal's decision in *Gitxaala*, and instead dedicate its efforts to meaningful implementation, alignment of laws, independent oversight, and accountability consistent with the UN Declaration and UBCIC resolutions, and directs the UBCIC Executive to continue working with the Province to advocate for a solution that fully upholds First Nations' inherent and Aboriginal rights, title, and jurisdiction and the UN Declaration; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to continue working with First Nations, and with the B.C. Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, and like-minded organizations to defend the integrity of the Declaration Act and relevant parts of the *Interpretation Act*, oppose any actions that would erode the inherent, human, and Aboriginal rights of First Nations in B.C., and engage in planning direct action as needed.

**Moved:** Chief Cheryl Casimer, ʔaḡam - Ktunaxa Nation

**Seconded:** Kukpi Lee Spahan, Coldwater Indian Band

**Disposition:** Carried

**Opposition:** Xa'xtsa

**Date:** February 11, 2026