

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 2ND – 3RD, 2026

SHXWHÁ:Y VILLAGE COMMUNITY CULTURAL CENTRE (STÓ:LŌ TERRITORY)

Resolution no. 2026-19

RE: Support for the *Declaration on the Rights of Indigenous Peoples Act* and Section 8.1(3) of the *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 or DRIPA) was co-developed with First Nations and unanimously passed by the B.C. Legislature in November 2019 to affirm the application of the UN Declaration to the laws of B.C. and 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* (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.

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 (*Gitxaala*), in which UBCIC acted as an intervenor along with the B.C. Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, the government of B.C. has proposed to amend and/or suspend the Declaration Act and/or section 8.1(3) of 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 government of B.C. has also been granted leave to appeal *Gitxaala* to the Supreme Court of Canada and in their Application for Leave to Appeal the government of B.C. advanced various regressive arguments that, if accepted by the Supreme Court of Canada, would undermine the Declaration Act, section 8.1(3) of the Interpretation Act, and the domestic enforceability of the basic human rights of First Nations as recognized by the UN Declaration;

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.;

WHEREAS the UBCIC Chiefs Council has consistently and unequivocally supported the unqualified implementation of the Declaration Act and the UN Declaration, 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”, 2025-05 “Independent Mechanism to Monitor Declaration Act Implementation”, and 2026-01 “Opposition to Amending the *Declaration on the Rights of Indigenous Peoples Act* or Related *Interpretation Act*” all of which collectively affirm that the Declaration Act and UN Declaration must be protected, fully implemented, and not rolled back;

WHEREAS on April 21, 2026, Premier David Eby sent a letter to all Chiefs and Leaders advising that the government of B.C. would not be proceeding with legislation to amend or suspend the Declaration Act and Interpretation Act in the spring legislative session and proposed to immediately form a political and technical process “...to implement the promise of the Declaration Act while addressing the provincial government’s concern about litigation risk”; and

WHEREAS on May 15, 2026, Attorney General Niki Sharma sent a letter inviting First Nations’ representatives to an All-Chiefs Meeting to be held on June 8, 2026, and advising that a key goal of the meeting “...will be to endorse and launch the process [the government of B.C.] will use to work with First Nations through the next few months.”

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council reaffirms its unequivocal opposition to the government of B.C. amending and/or suspending the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) and/or section 8.1(3) of the *Interpretation Act* (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*);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council affirms that the 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 supports a process with the government of B.C. designed to create better understood and more structured implementation approaches for aspects of the Declaration Act and section 8.1(3) of the Interpretation Act that includes equitable, active, and substantive participation mechanisms for First Nations and their representatives that do not privilege or prioritize engagement with certain First Nations over others, structurally or otherwise, and core working tables made up of political and technical representatives of the government of B.C. and First Nations representative political bodies including UBCIC, B.C. Assembly of First Nations, and the First Nations Summit working together as the First Nations Leadership Council; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the government of B.C. to drop its appeal of *Gitxaala* so that the work between First Nations and the government of B.C. can focus on moving forward with the implementation of the Declaration Act and the *United Nations Declaration on the Rights of Indigenous Peoples* in a constructive manner; 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 section 8.1(3) of the Interpretation Act.

Moved: Chief Jerry Jack, Mowachaht/Muchalaht First Nation

Seconded: Kukpi Lee Spahan, Coldwater Indian Band

Disposition: Carried

Date: June 2, 2026