



BC ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY

March 4 & 5, 2026

In person & online via Zoom

Resolution 04/2026

SUBJECT: OPPOSITION TO AMENDING THE DECLARATION ON THE RIGHTS OF
INDIGENOUS PEOPLES ACT OR INTERPRETATION ACT

Moved by: CHIEF JERRY JACK, MOWACHAHT/MUCHALAHT FIRST NATION

SECONDED BY: KUKPI7 ROSANNE CASIMIR, TK'EMLUPS TE SECWÉPEMC

DECISION: CARRIED

WHEREAS:

- A. First Nations, in what is now known as British Columbia (BC), are sovereign peoples and nations with constitutional and inherent, human, and Aboriginal title and rights and treaty rights with our own laws, governance systems, and jurisdictions that pre-exist and continue regardless of Crown laws and assertions of authority;
- B. 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;
- C. the Truth and Reconciliation Commission of Canada called upon federal, provincial, territorial, and municipal governments and institutions to fully adopt and implement the UN Declaration as the framework for reconciliation;
- D. the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) was co-developed with First Nations and was unanimously passed by the BC Legislature in November 2019 and

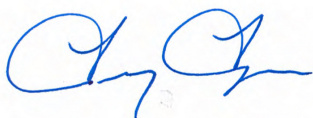
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affirms the application of the UN Declaration to the laws of BC, requires the government of BC to take all measures necessary to ensure the laws of BC are consistent with the UN Declaration, establishes processes for action planning and reporting, and enables BC to enter into joint decision-making agreements with Indigenous Governing Bodies;

- E. the *Interpretation Act* was amended by the BC 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;
- F. the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, 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 38: States in consultation and cooperation with Indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration;
 - Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States; 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;
- G. in response to the BC Court of Appeal's decision in *Gitxaala v British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430, the government of BC has proposed to amend the Declaration Act and/or the Interpretation Act, with amendments that would weaken and narrow their legal effect and justiciability and diminish the remedial role of the courts in their interpretation and application;
- H. the Attorney General of BC sent out notification letters to the 204 First Nations and the First Nations Leadership Council organizations, the Alliance of Modern Treaty Nations, and First Nations Organizations, on January 29th, 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

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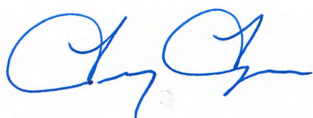


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discussion paper and policy questions in advance of upcoming sessions for consultation and co-operation on the proposed amendments;

- I. on February 4th, the Union of BC Indian Chiefs, BC Assembly of First Nations and First Nations Summit, working together as the First Nations Leadership Council (FNLC), 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;
- J. on February 10th, the Province of BC held a virtual engagement session on the proposed amendments, where Chiefs and leaders in attendance again expressed profound opposition to the proposed amendments as outlined in the Province's Discussion paper and called for an immediate meeting between BC Chiefs and Premier David Eby which is scheduled for March 9th;
- K. on February 25th, Premier Eby, Minister Chandra Herbert and Attorney General Sharma met with the FNLC to discuss a proposal of the Premier's Office for a joint table for a possible "off ramp" for introduction of amendments to the Declaration Act that were to be introduced in the Spring Legislative Session. The proposal from BC includes the striking of a working group with terms of reference to consider alternative options to amendments to the Declaration Act;
- L. the FNLC informed the Premier's office that they would consider participation at the proposed working group under the caveat that participation would be without prejudice to opposition to amendments;
- M. on March 5th, Attorney General Sharma and Minister Chandra Herbert attended the BCAFN Chiefs-in-Assembly disclosing the proposed joint table and set out basic parameters, scope of this work and accountability measures;
- N. the BCAFN Chiefs-in-Assembly have consistently and unequivocally supported the unqualified implementation, defence, and strengthening of the Declaration Act, including through BCAFN Resolutions including 32/2024 "Support for the FNLC intervention in challenge to the Declaration on the Rights of Indigenous Peoples Act," 17/2024 'Call for Municipalities to Implement the UN Declaration,' 21/2022 "Declaration on the Rights of Indigenous Peoples Action Plan," all of which collectively affirm that the Declaration Act must be protected, fully implemented, and not weakened or rolled back; and
- O. 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 BC.

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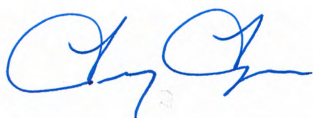


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THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly unequivocally opposes amendments to the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) and to the *Interpretation Act* (Interpretation Act) the Province of BC is proposing in response to the BC Court of Appeal's decision in *Gitxaala v British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430 (*Gitxaala*);
2. the BCAFN Chiefs-in-Assembly calls on the Province of BC to immediately withdraw their application for leave to the Supreme Court of Canada to appeal *Gitxaala*, a decision that affirms that the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) is positive and justiciable law in BC;
3. the BCAFN Chiefs-in-Assembly 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 and consistency with the UN Declaration, not legislative retreat, revision or judicial restriction;
4. the BCAFN Chiefs-in-Assembly calls upon the government of BC to publicly commit to not amending the Declaration Act or Interpretation Act in response to the BC 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 BCAFN resolutions; and directs the Regional Chief and BCAFN 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 any solution or framework must be presented and disclosed to BC First Nations for their free, prior and informed consent;
5. the BCAFN Chiefs-in-Assembly directs the Regional Chief and staff to continue working with First Nations, and with the Union of BC Indian Chiefs 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, and oppose any actions that would erode the inherent, human, and Aboriginal title, rights and treaty rights of First Nations in BC and engage in planning direct action as needed; and
6. the BCAFN Chiefs-in-Assembly directs the Regional Chief and staff to continue working with First Nations, and with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council, to participate with the Province of BC in the joint table to develop progressive solutions that will avoid the proposed amendments set out in the BC Discussion paper and appendix.

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