

May 6, 2026

Hon. David Eby  
Premier  
Government of British Columbia  
Victoria, British Columbia V8W 9E1

Sent via email: [premier@gov.bc.ca](mailto:premier@gov.bc.ca)

Dear Premier,

**Open Letter Re: Urgent Cross-Party Action Needed on *Declaration on the Rights of Indigenous Peoples Act (DRIPA)* and *Interpretation Act***

The Association for Mineral Exploration is writing to express our disappointment with the government's recent failure to bring forward timely and substantive amendments to DRIPA and the *Interpretation Act*. This inaction, and the government's ever-changing position has created uncertainty during a critical time for our province. With a reported 20 active lawsuits against the province recently amended to reflect the *Gitxaala v. British Columbia*, 2025 BCCA 430 decision, we have serious concerns about the litigation risk to the foundational laws in our province. Regardless of their affiliation, all members of the Legislative Assembly (MLAs) should understand the seriousness of this issue and work to pass substantive amendments as soon as possible.

In 2021 your government passed Section 8.1(3) of the *Interpretation Act* which states that "Every Act and regulation must be construed as being consistent with the Declaration." In practice this has resulted in confusion for statutory decision makers who now seek consent on even permits with negligible impacts on First Nations' rights. It has led to a backlog of Notice of Work (NoW) permits and mineral claims under the new Mineral Claims Consultation Framework (MCCF).

The issues do not stop there. As you rightly outlined, the appellate decision is "opening the door to a tidal wave of litigation, the end results of which are unpredictable and uncertain." The government must find a way to return DRIPA to its original intent, as clearly articulated by [Minister Scott Fraser](#) in 2019 when he stated: "I just want to be clear. Bill 41 does not bring UNDRIP into legal force and effect."

That door is now open and that risk goes far beyond one industry. Failure to amend DRIPA means that the legal challenges accumulating in our courts at this very moment could call into question foundational laws affecting all industries, from mining to renewable energy, and all provincial undertakings, from health to education.

Despite the significant uncertainty surrounding DRIPA and its legal implications, your government continues to pursue legislative and regulatory alignment with UNDRIP. We call on your government to pause these efforts until there is clarity on DRIPA and what it requires. This includes the *Heritage Conservation Act*, about which Minister Ravi Parmar and his Ministry have resurrected a process that provides no guidance on what alignment with UNDRIP means practically. In light of the uncertainties that persist, continuing this process is reckless and may lead to further conflict and uncertainty.

Similarly, we want to be unequivocal that efforts to reform the *Mineral Tenure Act* at this time would be equally imprudent. The MCCF process may provide the court-mandated opportunity for consultation,

but it has yet to function consistently – it is our view that the MCCF, as designed and implemented, already aligns with the principles of UNDRIP, and any further tinkering with it in the name of consistency with UNDRIP would, at a practical level, be seen as an attack on the exploration industry.

Below are the amendments we recommended in January which represent a clear pathway to resolving the justiciability concerns. We continue to call on your government to consider these and bring substantive amendments as soon as possible. We encourage all MLAs to understand the severity of this issue and work to pass amendments at the next available opportunity.

## PROPOSED AMENDMENTS

### INTERPRETATION ACT

- **Delete s. 8.1(3).** Every Act and regulation must be construed as being consistent with the Declaration.

### DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT (DRIPA)

- **Delete Section 1(4).** - Nothing in this Act is to be construed as delaying the application of the Declaration to the laws of British Columbia.
- **Delete Section 2(a).** - to affirm the application of the Declaration to the laws of British Columbia
- **Replace Section 3 with:** “In consultation and cooperation with the Indigenous peoples, in concurrent engagement with the affected public, and in accordance with the priorities and process outlined in the action plan described in s.4 of this Act, the government must take all measures necessary to ensure the enactments of British Columbia identified in the action plan are consistent with the general principles outlined in the Declaration, where such measures will include consideration of the public interest and compensation measures for directly affected public.”

Fear about this issue is growing, but AME will continue to engage publicly and factually about the Gitxaana case, and the amendments AME sees as necessary to DRIPA and the *Interpretation Act*. AME will spend the spring and summer engaging with our members on this topic. This letter, like our last one, will be public. AME believes our members and the public should be aware of the interest we are bringing forward. We encourage all stakeholders to have the courage to do so.

Now is the moment for leadership. We hope that you will work across party lines to return DRIPA to the intent that was stated in the legislature when you and I voted for it. We are ready and available to meet and discuss this issue at any time.

Sincerely,



Todd Stone

President & CEO

Association for Mineral Exploration of BC

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