

Minister of Justice
and Attorney General of Canada



Ministre de la Justice
et procureur général du Canada

The Honourable / L'honorable David Lametti, P.C., K.C., M.P. / c.p., c.r., député
Ottawa, Canada K1A 0H8

February 16, 2023

First Nations Leadership Council

(by email)

Dear First Nations Leadership Council:

Further to our recent discussions, I am writing to confirm my commitment to a renewed bilateral process with the First Nations Leadership Council (FNLC) on implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA).

As you know, the UNDA requires the Government of Canada, in consultation and cooperation with Indigenous peoples, to take all measures necessary to ensure the laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), develop and implement an action plan to achieve the objectives of the UN Declaration, and prepare annual reports to Parliament on progress.

The Department of Justice Canada is responsible for leading implementation of UNDA.

The First Nations Leadership Council, and its three organizations the British Columbia Assembly of First Nations, the Union of British Columbia Indian Chiefs and the First Nations Summit, advocates in support of First Nations in British Columbia for the protection and advancement of First Nations' inherent, constitutional, and human rights, consistent with the mandate provided through resolutions of First Nations Chiefs-in-Assembly. The Government of Canada understands and acknowledges that the FNLC is not a rights-holding entity and that engagement with the FNLC is not a proxy for and does not fulfill the obligations of the Government of Canada to consult and cooperate with all First Nations in British Columbia.

The Government of Canada acknowledges that the priorities and perspectives of First Nations in British Columbia regarding UNDA implementation, in particular implementing measures for alignment of laws and achieving the objectives of the UN Declaration under sections 5 and 6, can be helpfully advanced by the establishment of political and technical tables as proposed by the FNLC.

In this regard, it is my understanding from discussions amongst our respective officials that both the FNLC and Canada are mutually committed to the establishment of a British Columbia-specific bilateral process with the FNLC, as discussed at our meeting of

January 12, 2023, to identify priorities and actions for UNDA implementation consistent with direction of First Nations in British Columbia, and to set out our mutual commitment to working together. More particularly, I understand that the FNLC and Canada are in agreement that this bilateral process will consist of, but not be limited to, the following:

- 1) A Political Table consisting of the Minister of Justice and Attorney General of Canada and the FNLC, which will meet on an annual basis, with additional meetings as required, to:
 - a) identify priority issues and confirm a shared agenda for the implementation of UNDA (where appropriate in light of identified priorities, other federal ministers may also participate at the Table);
 - b) determine and direct follow-up work that will be jointly undertaken regarding priority issues and the advancement of a shared agenda; and
 - c) discuss any other issues related to the effective implementation of this process.

- 2) A Technical Table with members assigned by the Political Table and consisting of senior representatives of the FNLC and Canada, which will carry out the direction of and report to the Political Table. The Technical Table will be responsible for developing a workplan to advance the shared agenda for approval of the Political Table. The Technical Table will prepare its own terms of reference for approval by the Political Table.

Additionally, this letter confirms our further shared commitment that the bilateral process:

- is not intended to create binding obligations; and
- will be reviewed and renewed on an annual basis or sooner as required.

We look forward to advancing this bilateral process together as a priority to meet the tight timelines we discussed at our meeting and to ensure the priorities and perspectives of First Nations in British Columbia are represented in the first UNDA Action Plan and work to align the laws of Canada with the UN Declaration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Lametti', with a long horizontal flourish extending to the right.

The Honourable David Lametti, P.C., K.C., M.P.
(he/him)
Minister of Justice and Attorney General of Canada