



Assembly of First Nations (AFN) Quarterly Report on the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) of Indigenous Peoples Act

Fifth Edition | January – April 2025

Introduction

This fifth edition of the Assembly of First Nations (AFN) Quarterly Report on the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) provides First Nations leadership with updates on the progress of its implementation.

As directed by Resolution 12/2022, *Call for Full First Nations Participation in the Implementation of the UN Declaration*, the AFN is mandated to provide quarterly updates to all Chiefs on the status of Canada's activities under the consistency of laws provision at Section 5, the progress on the Action Plan development and implementation at Section 6, and the annual reporting process at Section 7 of the Act. This report highlights achievements, challenges, and the path forward in implementing the UNDA.

Read and download previous AFN Quarterly Reports on the UNDA here: <https://afn.ca/rights-justice/united-nations-declaration-on-the-rights-of-indigenous-peoples/>.



Section 7: Annual Reporting Process

The Department of Justice launched the 2024-25 UNDA Annual Progress Report process in January 2025. The AFN provided a written submission outlining expectations for the full implementation of the UNDA and improvements required provide information and updates on measures taken to advance the UNDA. First Nations were also invited to provide input on Canada's efforts to uphold First Nations' rights to consultation, cooperation, and co-development. The AFN provided input into the advancement of 21 Action Plan Measures (APMs).

Due to the federal election in April 2025, the reporting process may be impacted. Impacts include the Department of Justice's ability to consult with First Nations on a draft report and delays in tabling the report in Parliament.

Section 5: Consistency of Laws

Parliament was prorogued on January 6, 2025. As a result, any bills still in process at the time died on the order paper and must be reintroduced in the next session. This includes:

- Bill C-61, *An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands*
- Bill C-38, *An Act to amend the Indian Act (New Registration Entitlements)*

Provincial Legislation

British Columbia

The Government of British Columbia introduced Mineral Claim Consultation Framework (MCCF), which came into effect on March 26, 2025. First Nations assert that the drafting of the framework was rushed and did not meet the province's obligation to consult under the *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*. First Nations remain committed to holding the government to its legislative obligations and public commitments to align the *Mineral Tenure Act (MTA)* with the UNDA.



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Court Decisions

Kebaowek First Nation v. Canadian Nuclear Laboratories

The Federal Court released a [decision](#), concluding that the Nuclear Safety Commission erred in law by failing to apply United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) as a factor informing the duty to consult and accommodate. Justice Blackhawk acknowledged that, “the importance that these reasons will have going forward as one of the first decisions that set out how the UN Declaration, as incorporated into federal law through the *UNDA*, may be utilized as an interpretive aid.” However, this decision did not go far enough in asserting the need for free, prior, and informed consent, with the Court holding that this standard entitles Indigenous peoples to a more robust consultation process.



Section 6: Progress on the Action Plan

This fifth Quarterly Report monitors the progress of key action plan measures (APMs) for First Nations priorities, as identified in the first edition. No significant progress was made in implementing these priorities during this reporting period.

On Shared Priority APM #2, the Department of Justice has published their [Interim guide for officials on how to assess consistency with the United Nations Declaration on the Rights of Indigenous Peoples](#). The AFN has been long advocating for this document to be made publicly available to all First Nations and will continue to advocate for a distinctions-based approach to ensuring consistency of laws.

On Shared Priority APM #22, Minister of Justice and Attorney General of Canada and Minister of Crown-Indigenous Relations and Northern Affairs announced the establishment of the UNDA [Action Plan Advisory Committee \(APAC\)](#).

In 2024, the Standing Senate Committee on Indigenous Peoples (APPA) began a study to examine the implementation of the UNDA. The AFN participated through multiple appearances and submissions. However, due to the prorogation of Parliament, this study ended, and it remains unclear whether it will resume when the committee reconvenes.

Events

Past Events:

AFN UNDA Forum

The AFN hosted the National Forum on the UNDA on February 4-5, 2025, in Vancouver, British Columbia, on the unceded and ancestral territories of the *xʷməθkʷəy̓əm* (Musqueam), *Skwxwú7mesh* (Squamish), and *səlilwətał* (Tsleil-Waututh) Nations.

The forum featured plenary sessions and facilitated discussions focused on the *United Nations Declaration on the Rights of Indigenous Peoples* and highlighted best practices and approaches to implementing First Nations' rights. The forum also provided a space for First Nations to offer critical feedback on the implementation of the 2023–28 UNDA National Action Plan.

The forum was well attended, with 450 registrants and over 60 presenters. Topics ranged from citizenship and nation-building to the implementation of specific APMs. Plenary discussions included presentations from Dr. Wilton Littlechild, Dr. Sheryl Lightfoot, and Kenneth Deer, who opened the forum with an informative presentation on the history of UN Declaration, the significance of the Declaration as an Indigenous-led affirmation of Indigenous rights, and ongoing international advocacy for its implementation.

The AFN will release a summary report of the forum on the AFN website in the coming months.



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United Nations Permanent Forum on Indigenous Issues

The twenty-fourth session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) took place 21 April to 2 May 2025, at the UN Headquarters in New York, U.S. This session was entitled “*Implementing the United Nations Declaration on the Rights of Indigenous Peoples within United Nations Member States and the United Nations system, including identifying good practices and addressing challenges.*” For more information on National Chief Cindy Woodhouse Nepinak’s participation at the UNPFII, please read the [press release](#).

Upcoming Events

AFN Annual General Assembly

The AFN will host its Annual General Assembly from July 15-17, 2025, at the RBC Convention Centre, located at 375 York Avenue, Winnipeg, Manitoba, R3C 3J3. The AGA will be held on Treaty 1 territory, the traditional lands of the Anishinaabe, Cree, Anisininew, Dakota, Lakota, and Dene peoples. For more information, visit: <https://afn.ca/events/annual-general-assembly/>.

Next Steps

The AFN has been directed by the Chiefs’ Committee on the UNDA to create its own report on the implementation of the UNDA National Action Plan. The progress report is currently in development. If your region is interested in organizing meetings, engagements, or forums on UNDA, please contact the AFN Rights and Governance Sector at governance@afn.ca

Conclusion

Progress has been limited, and numerous challenges remain in fully implementing the UNDA. Significant advancements are unlikely until First Nations receive adequate funding to engage in this work. Stay tuned for the next quarterly report, which will provide updates on key Action Plan Measures and relevant case law related to the UN Declaration.

