



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

Fourth Edition | September – December 2024

Introduction

This fourth 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 implementation progress. 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 outlines the achievements, challenges, and the path forward in implementing the UNDA.

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



Section 7: Annual Reporting Process

The Department of Justice has begun planning for the fourth annual progress report on the UNDA and will begin soliciting First Nations' input in the coming months. However, the recent federal election on April 28, 2025, may impact the reporting process. Possible impacts include their ability to consult with First Nations on the annual report and delays in tabling the report in Parliament.

Section 5: Consistency of Laws

The annual report from the Department of Justice lists statutes and bills advanced during the reporting period that align with the UN Declaration. This Quarterly Report continues to monitor the legislative progress of these and other relevant bills.

Bill S-16, *An Act respecting the recognition of the Haida Nation and the Council of the Haida Nation*

- **Update:** This bill received royal assent on Thursday, November 7, 2024

Bill C-38, *An Act to amend the Indian Act (New Registration Entitlements)*

- **Update:** This bill remains at second reading in the House of Commons and has not progressed.

C-49, *An Act to amend the Canada—Newfoundland and Labrador Atlantic Accord Implementation Act and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and to make consequential amendments to other Acts*

- **Update:** This bill received royal assent on Thursday, October 3, 2024.

Bill C-61, *An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands*

- **Update:** This bill completed its second reading and consideration in committee on December 2, 2024.



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

Fourth Edition | September – December 2024

Legislation Highlights

Analysis of Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts

The non-derogation clause (NDC) in Bill S-13 was advanced by some Indigenous leaders, particularly those in the Land Claims Agreements Coalition, who have advocated for over 20 years for the formulation of the NDC to be included in the Interpretation Act.

In 2023, the AFN appeared before the Standing Committee on Aboriginal Peoples and provided a written submission stating that Bill S-13 should comply with Canada's legal obligation to take all measures necessary to ensure its laws are consistent with the UN Declaration. The failure to amend the Interpretation Act to require consistency of laws with the UN Declaration is contrary to the federal government's commitments to take every measure necessary to ensure the consistency of Canada's laws with the UN Declaration.



Section 6: Progress on the Action Plan

The AFN continues to advocate for the Department of Justice to support rights holders in the implementation of the Shared Priority Action Plan Measure (APM) 1. This measure involves developing and implementing a process and providing further direction for federal departments and agencies to ensure that all bills and proposed regulations are consistent with the UN Declaration.

This fourth edition of the Quarterly Report monitors the progress of key APMs for First Nations priorities, as identified in the first edition. No significant progress was made in the implementation of these priorities during this reporting period.

Relevant to Shared Priority APM 19, focused on establishing an independent Indigenous rights monitoring, oversight, recourse or remedy mechanism, the Standing Senate Committee on Indigenous Peoples released a report entitled [*Respected and Protected: Towards the Establishment of an Indigenous Human Rights Framework*](#).

Recent Court Decisions Relevant to the UN Declaration

There were no court decisions referencing the UN Declaration during this reporting period.

Events

Past Events:

Chiefs Committee on UNDA (CCUNDA)

The CCUNDA met on December 1, 2024, to review AFN mandates, plan for the UNDA National Forum, and engage in a presentation and discussion with the Department of Justice.

Special Chiefs Assembly (SCA)

The SCA took place from December 3-5, 2024, at the Rogers Centre, on unceded Algonquin territory, in Ottawa, Ontario.



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

Fourth Edition | September – December 2024

Next Steps

Moving forward, concerted efforts are required to strengthen the implementation of the UNDA. This includes enhancing reporting processes, developing indicators to measure progress, and fostering dialogue between First Nations leadership and government officials.

The AFN has been directed by the CCUNDA to create its own report on the implementation of the UNDA National Action Plan. The progress report will be released in Spring 2025.

If your region is interested in organizing meetings, engagements, or forums on UNDA, please contact the AFN Rights and Justice Branch 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.

