



Assembly of First Nations United Nations Declaration on the Rights of Indigenous Peoples Act

Quarterly Report 1 // December, 2023

Introduction

This report is intended to provide an update on the progress of implementing the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA). The UN Declaration Act Action Plan was created as an evergreen document in collaboration with Indigenous partners, including the Assembly of First Nations (AFN), to ensure the objectives within UNDRIP are met through the UN Declaration Act.

The UN Declaration Act became law on June 21, 2021. Under the act, the Government of Canada will work in consultation and cooperation with Indigenous peoples to:

- Take all measures necessary to ensure laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- Prepare and implement an action plan to achieve the Act's objectives.
- Develop annual reports on progress and submit them to parliament.

On June 21, 2023, the Action Plan was unveiled alongside the AFN, Inuit Tapiriit Kanatami, and the Metis National Council. The Action Plan provides a roadmap for the Government of Canada to advance the rights and self-determination of First Nations, Metis, and Inuit, through 181 distinct measures aimed at upholding the human rights of Indigenous Peoples.

The UNDA Action Plan was created as an evergreen document in collaboration with Indigenous partners, including the Assembly of First Nations (AFN) and First Nations, to ensure the objectives within UNDRIP are met through the UNDA. On June 21, 2023, the Action Plan was unveiled. The Action Plan provides a roadmap for the Government of Canada to advance the rights and self-determination of First Nations, Metis, and Inuit, through 181 distinct measures aimed at upholding the human rights of Indigenous Peoples.

The AFN is mandated by Resolution 12/2022, *Call for Full First Nations Participation in the Implementation of the UN Declaration*, to provide quarterly updates on the status of Canada's activities throughout the implementation of the UNDA and the Action Plan.

This initial Quarterly Update is intended to provide a high-level overview of the current status of the UNDA's implementation. Moving forward, quarterly reports will aim to focus on updates for specific Action Plan Measures (APMs). If you have any questions or feedback regarding the Quarterly Report, please contact Sarah-Grace Ross, Senior Director of Rights and Justice, at sross@afn.ca.

Status of the UNDA Action Plan

As part of the process to develop the Action Plan, the AFN provided two formal submissions to Canada. The first, titled [Implementing the UN Declaration](#), outlines the minimum essential elements that the AFN expected Canada to include in the Action Plan, as directed by First Nations-in-Assembly. The second, titled [AFN Mandates to Support Essential Elements and Measures](#), summarizes the AFN's current mandates. Both submissions complemented the AFN's ongoing advocacy for Rights-holders to lead all processes related to development and implementation of UNDRIP and the UNDA.

The Action Plan covers a five-year period (2023-2028) and includes 181 Action Plan Measures that are assigned to specific government departments. While the Action Plan covers a specific time period, it is meant to be evergreen and periodically updated to ensure it meets the priorities of Indigenous peoples. Each Action Plan Measure (APM) features a goal, a commitment, or an action that the Government of Canada will take to achieve the implementation of UNDRIP.





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Action Plan Measures (APM)

While upcoming Quarterly Reports will explore specific APMs in more detail, highlighted below are some key APMs for First Nations priorities :

APM 1 - Shared Priorities

outlines Canada's commitment to develop a process to review laws for consistency with UNDRIP.

APM 19 - Shared Priorities

calls for the creation of independent mechanism(s) for remedies and decisions when individual or collective rights are infringed or violated.

APM 15 – First Nation Priorities

calls for Canada to continue working with First Nations on closing infrastructure gaps on-reserve.

APM 22 - Shared Priorities

Requires the creation of an Action Plan Advisory Committee that will include First Nations, Inuit, and Métis experts that will provide advice on the implementation of the Action Plan's shared priorities.

APM 67- Shared Priorities

calls for Canada to co-develop legislation, policies, programs, regulations, and services that will further self-determination.



Status of the Consistency of Laws and Policies

In addition to implementing the APMs in the Action Plan, Canada must also take all measures necessary to ensure that the laws of Canada are consistent with UNDRIP (Section 5 of the UNDA). The measures that Canada takes to achieve this goal must be done in consultation and cooperation with First Nations.

Currently, Justice Canada is developing tools to guide the government in assessing whether laws are UNDRIP-compliant. The Action Plan states that these tools must be developed in consultation and cooperation with Indigenous peoples.

Next Steps

The implementation of the UNDA Action Plan is slow-moving. The AFN continues to advocate at both political and technical levels that Canada must announce sufficient funding to support the implementation of UNDRIP through the guidance and decision-making of First Nations.

Stay tuned for the next Quarterly Report, which will provide analysis of specific priority APMs, highlight areas of progress, and provide a case law update on recent court decisions relevant to UNDRIP.

