What is the history of this issue and how does it impact First Nations?

In 1923, [Haudenosaunee Chief Deskaheh](https://www.un.org/esa/socdev/unpfii/documents/5th-anniv-undrip/chairperson-stmt.pdf) traveled to the League of Nations to hold colonial states accountable to respecting treaties, advocating for First Nations’ sovereign rights to live in peace free from legal, economic, and political dispossession, oppression and displacement. In 1977, the Indigenous delegation to the United Nations (UN) led and advocated for the creation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) to increase Indigenous advocacy at the international level.

Due to decades of First Nations leadership and advocacy, the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the UN General Assembly on September 13, 2007. The UN Declaration does not create new rights, rather, it affirms pre-existing or inherent rights of Indigenous peoples as distinct and unalienable and embodies the collective right to self-determination. The UN Declaration sets out the minimum standards that are necessary to uphold these rights and ensure ‘the dignity, survival and well-being’ of Indigenous peoples around the world.

Despite initial opposition to UNDRIP, Canada has now fully endorsed the UN Declaration without reservation. Canada’s responsibility to uphold UNDRIP is further designated in the Calls to Action 43 and 44 of the Truth and Reconciliation Commission of Canada (TRC), calling on federal, provincial, territorial, and municipal governments to fully adopt and implement the UN Declaration as the framework for reconciliation. The National Inquiry on Missing and Murdered Indigenous Women and Girls and Two Spirited peoples (MMIWG2S+) also called for the federal implementation of the UN Declaration.

The UN Declaration has become a central piece in everyday advocacy by First Nations upholding their rights to self-determination in decision-making, policy, law, and in exercising inherent and Treaty rights.

The introduction of Romeo Saganash’s Bill C-262 *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples* aimed to hold Canada accountable to UNDRIP under federal and domestic law.However, the Bill was not passed by Parliament.

Overcoming this barrier, significant work by AFN and First Nations advocates led to the June 21st, 2021[, Royal Assent and formal passage of the *United Nations Declaration on the Rights of Indigenous Peoples Act*](https://laws-lois.justice.gc.ca/eng/acts/U-2.2/page-1.html#h-1301596) (“the Act” or “UNDA”) into Canadian law. The Act commits Canada to work with Indigenous peoples to align its laws and policies with UNDRIP (Section 5); to table a public National Action Plan in no more than two years from the date of Royal Assent (Section 6); and to complete an annual report to Parliament on these measures within 90 days of the end of each fiscal year and thereafter deliver it to parliament and make it public as soon as practicable (Section 7).

How has the AFN’s recent advocacy affected this area?

Following Royal Assent of the UNDA the First Nations-in-Assembly passed Resolution 17/2021 *National Action Plan to implement the United Nations Declaration*, with specific direction to hold continually advocate for the Rights Holders to lead all processes related to UN Declaration implementation. The AFN was also mandated to hold a Special Chiefs Assembly to discuss the United Nations Declaration, which is now in the planning process and expected in late 2022, and to report back to the Chiefs-in-Assembly at every national gathering on the status of the National Action Plan until it is tabled to the public, which will commence at the 2022 Annual General Assembly. By this mandate, AFN has continually advocated for First Nations’ participation and leadership of co-development processes tied to the Act’s commitments and proceedings.

This work has been ongoing throughout late 2021 and 2022. The 2021 federal budget set aside $31.5 million over two years to support the co-development of UNDRIPA National Action Plan that must be tabled by the Crown. In 2022 AFN advocated for more resources to support First Nations, as rights-holders, in this process. AFN’s Pre-Budget Submission from the Rights Sector in 2022 sought $200 million over five years to support implementation of the UN Declaration; in 2022 Canada budgeted $68.5 million over 5 years for UNDRIPA implementation, with another $11 million ongoing for the Department of Justice, as lead Ministry for UNDRIPA, to support First Nations’ participation and leadership in the development of the National Action Plan called for in Section 6 of UNDRIPA. AFN will continue this advocacy as the resources provided to date are not fully sufficient to support Rights Holders leading these processes.

Recognizing that Canada’s engagement process with First Nations on the UNDA National Action Plan was not sufficiently adaptable to First Nations needs during the pandemic and under tight timelines AFN Rights Sector advocated for and achieved extensions and adaptations of Canada’s application-based funding process so that First Nations would have more time to get the capacity support from Canada that they needed. AFN continues to advocate in this direction and will seek, again, expanded resources both financial and procedural to support First Nations as the rightful leaders of the UN Declaration implementation process.

AFN also tracked Canada’s intention to modify the federal *Interpretation Act* for the purposes of creating a Universal Non-Derogation Clause for First Nations utilizing S. 5 of the UNDA; recognizing again that the process did not adequately hold space for all impacted First Nations to provide their free, prior and informed consent AFN advocated for and achieved a delay in Canada’s final round of engagement processes on this issue with First Nations and continues to support those Nations interested in this issue.

Where do we hope to go in the future?

Implemented in good faith and with integrity the UNDA commits Canada to walk the path of decolonization and enter a new era of relations with First Nations. This path is guided by the UN Declaration, the longest negotiated international legal instrument in United Nations history. The principles and guidance of the UN Declaration, hard fought and won by First Nations internationally and again at the National level with the UNDA last year is a foundation for First Nations to lead the implementation of the UN Declaration over the coming months, years, and decades.

The AFN’s view is that forevermore federal government laws, policies, processes and the outcomes of its actions must be judged by and held to the standards of the UN Declaration. This will be a multi-generational process and we are at the very beginning, making the path forward even more critical to do in the good way.

Therefore AFN, guided by the First Nations-in-Assembly will focus on the operational components of the UNDA, tracking and reporting back to First Nations if Canada is aligning its laws and policies with the UN Declaration, if Canada is engaging meaningfully and with resources and opportunity with First Nations to inform the National Action Plan, and if annual reports to Parliament on the status of these commitments are including and holding up First Nations voices and views. The AFN will continue to ensure that Canada delivers on its Constitutional obligations to First Nations through the lens of the Declaration.