



Implementing the United Nations Declaration on the Rights of Indigenous Peoples Act

“Another Step Along our Journey Together”: Indigenous Voices on Developing a Shared Vision

Throughout the consultation and cooperation process on the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan, Indigenous peoples were clear about the importance of this work. They told us the Action Plan is another step along our journey together, it is not an end point.

The Action Plan is a key part of the path forward on reconciliation that will carry on for this and future generations. It cannot and must not be a static document. It must continue to evolve through ongoing consultation and cooperation with First Nations, Inuit and Metis.

“Reconciliation for Indigenous Peoples is complex. There is no single concept that could clearly capture all that is required to achieve reconciliation. What we know is that reconciliation requires action. It requires a real effort by Canada and Canadian society to work with Indigenous Peoples to do better in the treatment of Indigenous Peoples in this Country. Reconciliation requires Canadian society to make amends for historical injustices that continue to hinder the wellbeing of Indigenous Peoples. Reconciliation requires the right for Indigenous Peoples to live in safety and be governed in accordance with their own Indigenous principles, values, customs and traditions without discrimination and that their Indigenous customs, laws and institutions not be constrained or diluted to conform to Canadian legal norms. Reconciliation requires a commitment by Canada and Canadian society to continue to work with Indigenous Peoples to improve a quality of life for Indigenous communities, families and our most vulnerable and that we become a world leader that respects the human rights of Indigenous Peoples.”

—Victoria B. Fred (for the Assembly of First Nations Yukon Region),
Barrister & Solicitor, Kwanlin Dün First Nation



“While all First Nations in Canada have been subjected to oppression and colonization, some of the historic expressions of colonization have been distinct in different regions. Most fundamental in this regard is that, unlike much of Canada, in British Columbia there are few treaties – the pre-Confederation treaties on Vancouver Island, part of Treaty 8 and a handful of modern treaties. Given this reality, in British Columbia a primary focus of First Nation-Crown relations has been, and continues to be, completing the unfinished work of structuring proper relations that respect First Nations’ sovereignty, including their governments, laws, jurisdiction and inherent title and rights. This necessarily requires some different actions and approaches than the work that is required in other areas of Canada.”

*—First Nations Leadership Council,
“FNLIC Priorities Paper on
the United Nations Declaration Act
National Action Plan”, May 2023*

“Our vision is through the implementation of the United Nations Declaration of Indigenous People and the Action Plan is that all people will benefit, the Indigenous and the Canadian state alike. The Crown and the First Nations agreed, in treaty making, that their citizens would not only survive but prosper, the unique benefits of the coming together of two ways of life would be shared, and they would both benefit from the land and resources. The UNDA and the Action plan will promote greater compliance and awareness of the work required to respect and implement the human rights of Indigenous peoples.”

*—Federation of Sovereign Indigenous Nations, Vision and Value Statement,
May 2023*

“The Anishinaabe Nation in Treaty 3 did not surrender any rights of self-government by agreeing to Treaty #3 in 1873. We exercise our inherent jurisdiction as the Anishinaabe (people) “planted on the land” by the Creator.

[...] Historic Treaties, signed before 1975, are constitutionally protected agreements that existed at the time of the Constitution Act of 1982 and were thereby recognized and affirmed. Canada recognizes 70 historic treaties, representing over 600,000 First Nations people in Canada and 364 First Nations. Indigenous peoples who entered into Historic Treaties (“Indigenous Historic Treaty Partners”) negotiated for certain Treaty rights and exchanged commitments with the Crown. The Supreme Court of Canada has stated on many occasions that the “honour of the Crown” requires the avoidance of “sharp dealing” because Treaties form a sacred relationship and it is assumed that the Crown intends to fulfil its promises.

[...] Under Article 37 of UNDRIP, it is imperative that Canada and Indigenous peoples work together to co-develop legislative and policy processes, tools, and mechanisms to ensure that Historic Treaties are recognized, observed, and enforced, or in other words—implemented. Implementing Historic Treaties in a broad and purposive manner to uphold the honour of the Crown is an ongoing process that can and should be supported and advanced by the UNDA.

[...] Canada's Action Plan must provide for the honourable implementation of historic treaty promises and do so in a transformative way that renews the Crown-Indigenous treaty relationship and implements UNDRIP.”

*—Grand Council Treaty #3,
Draft action plan submission,
May 18, 2023*

“How can the Declaration be implemented in the Canadian legal system without breaking it down? The need to maintain a holistic approach must be stated here, since the Declaration brings together a set of rights of various kinds (economic, environmental, civil, social, health, cultural, etc.) that should not be compartmentalised.”

—*Grand Council of the Waban-Aki Nation, Action Plan submission, April 2023*

“The Action Plan is by no means a final solution to reconciliation in Canada. As such, whatever mechanisms the federal government chooses to bring Canada's legal frameworks into compliance with UNDRIP must acknowledge that our understandings are always changing. The Action Plan's mechanisms must, therefore, be flexible, forward looking, and support the renewal of Zagime's nation-to-nation relationship with the Crown. This is a critical foundation to support a viable Action Plan.”

—*Zagime Anishinabek First Nations, Action Plan submission, February 2, 2023*

“Canada's passing of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14 (“UNDA”), and the development of this Action Plan is a watershed moment for Canada. It provides Canada with the opportunity, and imposes on it the responsibility, of recognizing, upholding, and protecting the fundamental rights of Indigenous people across the country – something, that to date, it has failed at, and until very recently it has actively worked against. Mikisew knows firsthand the positive changes that can come when Canada takes its international commitments seriously on a domestic stage: it was only after Mikisew engaged with the World Heritage Committee under

the World Heritage Convention did Canada begin to take action to protect and restore the Wood Buffalo National Park (“WBNP”) World Heritage Site. Until Mikisew sought to hold Canada accountable for its international obligations, Canada had ignored the dying of the Peace Athabasca Delta and the resulting infringements of Mikisew's Aboriginal and Treaty rights.

Mikisew is thus once again taking the opportunity to advocate for the federal government to develop strong, measurable, and meaningful actions to demonstrate its commitment to UNDRIP.”

—*Mikisew Cree First Nation, Action Plan submission, May 2023*

“The *United Nations Declaration on the Rights of Indigenous Peoples Act* is about the respect and recognition of the human rights of Indigenous peoples. Canada's implementation of UNDRIP boasts efforts to reinvigorate and recognize Indigenous self-governance. In our view, doing so requires the co-development of Nation-to-Nation mechanisms, including recognition of Indigenous laws and jurisdiction, enforcement and affirmation of Indigenous governance models and laws. Implementation of the new relationship is to be mutually beneficial to both of our treaty-based nations, reflecting the spirit and intent of our Treaty. An examination of Indigenous rights, now that the Doctrine of Discovery has been legally nullified will also need to be clearly articulated and confirmed. This is why SLCN recommends that Canada interacts with a group of self-identifying Cree Nations who wish to participate in an efficient and egalitarian process to implement the Declaration.”

—*Shoal Lake Cree Nation, Action Plan submission, February 13, 2023*

“In 2007, the United Nations General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples (“UNDRIP”). UNDRIP is the most comprehensive international instrument on the rights of Indigenous Peoples. It is a law that promotes and protects the minimum global standards to uphold the inherent human rights of Indigenous Peoples for regenerating their dignity, survival and well-being. It affirms treaties, the right of self-determination, traditional territories and resources, knowledge and heritage, language rights, and economic, health and social rights. It prevents any kind of discrimination. It makes Mi’kmaq persons under United Nations law’s general human rights principles. It deems Mi’kmaq laws, traditions, and customs part of customary international law. It elaborates on existing inherent human rights standards and fundamental freedoms and incorporates international human rights law to apply to the Mawio’mi and Mi’kmaq. It affirms Mi’kmaq self-determination, its inherent and treaty rights and the freedom to choose their future. It affirms the Mi’kmaq quest to safeguard their heritage, knowledge, culture, identity and languages, which is vital for recognizing, protecting, and fulfilling Mi’kmaq rights. These inherent rights transform the past into a tool to address present needs and future challenges.”

—*Eskasoni First Nation, “UNDRIP Communications Report: UNDRIP and Canadian Law”, April 2023*

“True reconciliation requires making space for Indigenous voices that have been systemically denied, dismissed, or unheard.

It also includes recognizing distinctions within those voices, such as the established rights of modern treaty nations.

The systems in which Canada has been operating were not designed for reconciliation. In fact, in most circumstances, they were designed to do the opposite. As Canada works towards active reconciliation through this action plan and other initiatives, it is vital we do not leave the voices of modern treaty nations behind. Developing and implementing the Action Plan in a meaningful way means decolonizing engagement formats, decision-making processes, and reporting requirements. The Alliance is trusting our treaty partners to take our words, values and advice into your departments and approval processes, and advocate for change when needed.”

—*Chief Laura Cassidy of Tsawwassen First Nation, on behalf of the Alliance of BC Modern Treaty Nations*

“True implementation of UNDRIP would necessitate a complete overhaul of Canadian law. This is a generational project. To do so properly and fully “in consultation and cooperation” with Indigenous peoples, adequate resources and time must be provided for all engagement and decision-making activities related to the Act to take place in a collaborative process. If this process is rushed, there is a strong possibility that a ‘Pan-Indigenous’ approach will be taken. DGG reminds Canada that such an approach would violate the diversity of Indigenous peoples that UNDRIP promotes and seeks to protect.”

—*Déliné Got’ineḡ Government, Action Plan submission, January 2023*

“We encourage Canada to continue to engage with us and other First Nations to gain better insight into what is required to implement UNDRIP. This current engagement on Canada’s Action Plan should be understood as the beginning of an ongoing dialogue. Among many other things, the Action Plan should include a commitment to continue to consult and work collaboratively to achieve reconciliation and the vision of UNDRIP.

[...] Reconciliation has many meanings for Indigenous Nations across Canada. We appreciate the work done by our National Indigenous organizations to promote reconciliation but believe it is imperative for Canada to engage with us directly at the local and regional level to gain tangible understandings of our challenges so we can work together cooperatively to develop meaningful solutions.”

—*Tr’ondëk Hwëch’in Government, Action Plan submission, December 16, 2022*

“Implementation of UNDRIP, and its core themes of Indigenous freedom and self-determination, will only be successful through implementation of Indigenous jurisdiction and title. Centuries of Crown colonialism have denied and eroded Indigenous jurisdiction and ownership, and suppressed and supplanted Indigenous self-governance.

The Action Plan, to effectively implement UNDRIP, must place focus on unwinding this colonial legacy in a structured way that returns and recognizes Indigenous jurisdiction and ownership while at the same time supporting Indigenous Nations to rebuild and renew our governance and institutions.”

—*Tsilhqot’in National Government, Action Plan submission, December 15, 2022*

“Full, effective and expedient implementation of the rights of Inuit that are recognized and affirmed by section 35, including the obligations and objectives of the Inuit-Crown treaties and self-government agreements, and the rights affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples*, is foundational for creating prosperity among Inuit [...]”.

—*Guiding Principles 3.1.2 of the Inuit Nunangat Policy*

“In 2021, Canada and the Manitoba Métis Federation (MMF) — the government of the Red River Métis — signed the Manitoba Métis Self-Government Recognition and Implementation Agreement (SGRIA) to, among other things, “recognize, support, and advance the exercise of the Manitoba Métis’ [also known as the Red River Métis] right to self-determination, and its inherent right to self-government recognized and affirmed by section 35 and protected by section 25 of the *Constitution Act, 1982*, in a manner that is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*, through a constructive, forward-looking, and reconciliation-based arrangement that is premised on rights recognition and implementation.”

This same year, Canada’s *United Nations Declaration on the Rights of Indigenous Peoples Act* (the Act) received royal assent and came into force. Both the Act and the SGRIA commit Canada to working with the MMF to implement the UN Declaration, to advance reconciliation with the Red River Métis, and to advance their inherent right to self-government and self-determination. Despite the developments of the last few years, there is much work to be done for Canada to reconcile with the Red River Métis and fully implement the UN Declaration.”

—*Manitoba Métis Federation, Action Plan submission, April 28, 2023*

“There is no word in Michif, Cree or Dënë for “reconciliation”. Instead, only Kwaayesh Aashtaayaahk – Michif, and Kwayskahstahsoowin – Michif and Cree, which means “setting things right” and Ēta nideᑭ Ēta Ēghëdëleda há – Dënë, which means “gathering to work together”. Canada’s implementation of UNDRIP, which reflects the “minimum standards” of Indigenous rights, in accordance with the UNDRIP Act, and its commitments set out therein (e.g., “consultation and cooperation with Indigenous peoples,” etc.), is critical to Kwaayesh Aashtaayaahk / Kwayskahstahsoowin / Ēta nideᑭ Ēta Ēghëdëleda há.”

*—Métis Nation – Saskatchewan,
Action Plan submission,
February 14, 2023*

“Canada’s Action Plan must not just implement a plan, it must guarantee Indigenous People their free access to their rights. The UNDRIP lays out these rights within its Articles, and Canada must now enforce these rights. These rights are inherent, and minimum standards to ensure Indigenous Peoples’ wellbeing. Until now, Canada’s colonial laws and policies have not prioritized these minimum standards, and this is a chance to do better. The UNDRIP is Canada’s framework for reconciliation, and the Action Plan is Canada’s chance to make good on that promise.”

*—Native Women’s Association of Canada,
Action Plan submission, April 2023*

“The implementation and application of the action plan necessitate a gender-based and intersectional approach. Advancing the rights of Indigenous peoples requires acting for the advancement of Indigenous women and girls, and recognizing the importance

of their mobilizing role, the importance of their involvement in decision-making and of their full, equal and effective participation, as well as of their role as managers, leaders, protectors of natural resources and agents of change.”

*—Quebec Native Women,
Action Plan submission, April 2023*

“Bill C-15, [...], represents a once-in-a-lifetime opportunity to reset both the scales of justice and the balance of power so that indigenous women, children and two-spirit and gender-diverse people are protected, safe and free.

Accomplishing the equitable implementation of UNDRIP domestically will be no easy feat. It will require a distinctions-based approach that recognizes no hierarchy of rights among the first nations [sic], Inuit and Métis. Moreover, within each of the three distinctions-based groups, the unique experience of Indigenous women, girls and two-spirit and gender-diverse people will also require specific analysis and attention, given their precarious and vulnerable positions in Canadian society.”

*—Les Femmes Michif Otipemisiwak –
Women of the Métis Nation, Testimony
to House of Commons Standing
Committee on Indigenous and
Northern Affairs, on Bill C-15,
April 15, 2021*

“Opportunities are cultivated to advance digital pathways rooted in Indigenous ways of knowing and being, driving positive change for generations. Indigenous Peoples leveraging technology to amplify their worldviews, tech equity and digital sovereignty.”

*—Indigenous Friends Association,
Draft action plan validation, April 2023*

“These considerations should inspire a main principle of UNDA, that is, that new approaches to Indigenous relations are required by Canada that respect and reflect the realities of Indigenous communities, their self-determination, and ways of collectively organizing; principles upheld by UNDRIP, but which are so often obfuscated by the scaffolding of the state and the colonial relations that Canada maintains with a select number of Indigenous organizations.”

—*Ontario Federation of Indigenous Friendship Centres, Feedback on ‘What We Learned to Date Report’, January 24, 2023*

“The youth we have spoken to have clearly articulated that UNDRIP’s implementation will not reflect their or their communities’ needs and values

unless it is done in a good way. In part, this means a substantive, accessible, meaningful, and continuous engagement. Indigenous people, including youth, take a risk when agreeing to engage with the Government of Canada; they risk having their words misrepresented, and they risk being ignored. Taking the time to engage in a substantive way will help Indigenous youth and their communities feel respected in the process. Ultimately, the needs, voices, and wellbeing of Indigenous youth and future generations must be centered in the Action Plan and any future initiatives taken under the umbrella of UNDRIP implementation.”

—*Canadian Roots Exchange, “Indigenous Youth Voices and the UNDRIP Action Plan: Preliminary Report”, August 2022*

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