



Haïtçístut

To Turn Something Around and Make it Right

The Promises of the United Nations Declaration on the Rights of Indigenous Peoples Act

JUNE 2026

**Report of the Standing Senate Committee
on Indigenous Peoples**

**The Honourable Michèle Audette, Chair
The Honourable Margo Greenwood, Deputy Chair**



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Acknowledgment

The members of the Standing Senate Committee on Indigenous Peoples wishes to extend our sincere appreciation to all witnesses for the depth of knowledge they shared regarding the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*. The Committee members further acknowledge Chief Marilyn Slett, Heiltsuk Nation, who granted us permission to use the concept of *Haítcístut* as the title of this report. Chief Slett explained that the word *Haítcístut*, which in Haítzaqv̄la language means, “to turn something around and make it right” is a concept that has the closest meaning to the English term, reconciliation, and reflects the promises of the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

The images of petroglyphs on the cover of this report are located on the traditional territories of several Indigenous Nations:

Grotto Canyon is in the area of Canmore, Alberta, referred to as “Chuwapchipchiyan Kudi Bi” (translated in Stoney Nakoda as “shooting at the willows”). It is within the traditional territory of signatories of Treaty 7, including Îyâhé Nakoda Makoche, the traditional territory of the Îyârhe Nakoda (Stoney Nakoda Nations); Kitaowahsinnoon, the traditional territory of the Siksikaitsitapi (Blackfoot Confederacy); and the Tsuut’ina First Nation.

East Sooke Regional Park is in British Columbia within the traditional territory of the Coast Salish Nations and continues to hold special significance for the T’Sou-ke Nation and the SC’IÅNEW Nation.

Sproat Lake is in British Columbia on the traditional territory of the Hupačasath First Nation.

The Committee Membership

At the time of the adoption of the report by the committee.



The Honourable
Michèle Audette
Chair



The Honourable
Margo Greenwood
Deputy Chair

The Honourable Senators



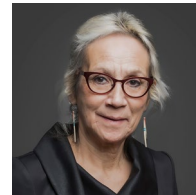
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Ex officio members of the Committee:

The Honourable Pierre Moreau, P.C., or the Honourable Patti LaBoucane-Benson
The Honourable Leo Housakos or the Honourable Yonah Martin
The Honourable Lucie Moncion or the Honourable Joan Kingston
The Honourable Flordeliz (Gigi) Osler or the Honourable Robert Black
The Honourable Brian Francis or the Honourable Judy A. White

Other senators who have participated in the study:

The Honourable David M. Arnot
The Honourable Gwen Boniface (retired since November 2025)
The Honourable Mary Coyle
The Honourable Nancy Hartling (retired since February 2025)
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Order of Reference

Extract from the *Journals of the Senate* of Tuesday, October 7, 2025:

The Honourable Senator Greenwood moved, for the Honourable Senator Audette, seconded by the Honourable Senator Coyle:

That the Standing Senate Committee on Indigenous Peoples be authorized to examine and report on the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act, 2021*, by Canada and First Nations, Inuit and Métis peoples, including, but not limited to, any of the priorities raised within the Government of Canada's *United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan for 2023*;

That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on Indigenous Peoples on this subject during the First Session of the Forty-fourth Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than December 31, 2026, and that the Committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report; and

That the Committee be permitted, notwithstanding usual practices, to deposit its reports on this study with the Clerk of the Senate if the Senate is not then sitting, and that the reports be deemed to have been tabled in the Senate.

The question being put on the motion, it was adopted.

Shaila Anwar

Clerk of the Senate

Executive Summary

An examination of the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* reflected an opportunity to hear from Indigenous leaders, experts and others from across Canada on their priorities and aspirations for a future where Indigenous rights are protected and respected.

The present report, based on testimony gathered by the Committee in 2024, makes nine recommendations.

Critically, the Committee recommends that Justice Canada involve the Treasury Board of Canada to support federal efforts to monitor the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

The Committee additionally recommends establishing reporting tools on the use of the *Interim guide for officials on how to assess consistency with the United Nations Declaration on the Rights of Indigenous Peoples* along with information on the United Nations Action Plan Advisory Committee's work.

Most recommendations reflect the desire to obtain further information on a range of federal policy and legislative initiatives that have a profound effect on the lives of Indigenous Peoples. Greater information and statistics will help us understand what steps must be taken to fulfill Indigenous human rights. Greater information also contributes to transparency and supports self-determination of Indigenous governments. Additional recommendations include progress reports on:

- Indigenous health legislation and the transfer of federal health service delivery to Indigenous jurisdictions and the elimination of systemic discrimination in health service delivery;
- the implementation of the *Indigenous Justice Strategy*;
- socio-economic and Indigenous indicators related to equality, Indigenous child and family services and Indigenous shelters and transition houses; and
- Indigenous language instruction in First Nations schools, among others.

These recommendations are intended to strengthen support and provide focus to federal officials as they move forward with the implementation of the Act. The report also serves as a source of future study topics.

List of Recommendations

Recommendation 1

That the Government of Canada issue progress reports by January 2027 with respect to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, the Truth and Reconciliation Commission of Canada's Calls to Action and the National Inquiry for Missing and Murdered Indigenous Women and Girls' Calls for Justice. The progress report must include detailed outcomes of the Government of Canada's initiatives to increase equality for Indigenous Peoples with respect to health, income, education, employment, drinking water, housing, language, culture and criminalization. In keeping with Canada's ratification of the *United Nations Convention on the Rights of the Child*, the progress reports must also include details about Indigenous children's involvement with child welfare systems and include steps taken towards the full exercise of Indigenous jurisdiction over their children.

Recommendation 2

That Indigenous Services Canada issue publicly available progress reports by January 2027 related to:

- the development of Indigenous health legislation, including a list of parties involved in its development and their objectives;
- the transfer of federal health service delivery to Indigenous governments and organizations, including progress on funding to support the meaningful exercise of Indigenous jurisdiction over health service delivery;
- the implementation of Joyce's Principle related to the elimination of systemic discrimination and racism in health and social services; and
- on initiatives on anti-disability discrimination.

Recommendation 3

That the Canadian Mortgage and Housing Corporation and Indigenous Services Canada issue a progress report by January 2027 on the number of shelters and transitional homes which received funding under the Indigenous Shelter and Transitional Housing Initiative; the status of construction and operation, including any facilities built or investments made in the Arctic; the annual operating costs allocated to these facilities; the numbers of families expected to be served or are

served by such facilities; and the impact of prevention of violence against Indigenous women and children; and

That Canada Mortgage and Housing Corporation provide the Committee with detailed information by January 2027 about how many houses will be built and in what regions, as well as any impacts on the prevention of violence against Indigenous women and children under the Urban, Rural and Northern Indigenous Housing Strategy.

Recommendation 4

That Health Canada and Indigenous Services Canada provide a progress report by January 2027 on funding for Indigenous youth mental health programs; and

That Crown-Indigenous Relations and Northern Affairs Canada provide information by January 2027 on Indigenous youth programs, including how many Indigenous youth have been reached; the number of youth organizations or initiatives that have been established; funding amounts for these initiatives; related outcomes; and whether the program will receive continued funding.

Recommendation 5

That Indigenous Services Canada provide information by January 2027 pertaining to the number of schools on First Nations reserves that offer courses in Indigenous languages and the associated funding for Indigenous languages in education; and

That Crown-Indigenous Relations and Northern Affairs Canada and Heritage Canada provide the Committee by January 2027 with information pertaining to the inclusion of Indigenous languages under the Collaborative Self-Government Fiscal Policy along with details of any funding methodology for Indigenous languages either contemplated or being implemented with self-governing Indigenous governments.

Recommendation 6

That Justice Canada and Public Safety Canada provide a progress report by January 2027 on reporting mechanisms and that they report annually on the implementation of priorities raised in its *Indigenous Justice Strategy*, as well as the implementation of the related Calls for Action of the Truth and Reconciliation Commission of Canada and Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls. The progress report should specifically address any initiatives related to Canada's commitment to eliminate the over-representation of Indigenous Peoples in prisons by 2025 and to return Indigenous Peoples from prisons to their communities with adequate resources for their support and integration, including via sections 81 and 84 of the *Corrections and Conditional Release Act*.

Recommendation 7

That Indigenous Services Canada provide the Committee with a progress report by January 2027 on its progress to advance self-determination and the exercise of First Nations jurisdictions in areas such as membership, citizenship, status, lands management, fiscal management, taxation, matrimonial real property and other contemplated initiatives under negotiation or consideration for First Nations to operate outside of the constraints of the *Indian Act*.

Recommendation 8

That Justice Canada, in coordination with the Privy Council Office and Treasury Board Secretariat, provide the Committee with a report by January 2027 detailing how it is monitoring the implementation of the *Interim guide for officials on how to assess consistency with the United Nations Declaration on the Rights of Indigenous Peoples* across federal departments; the process developed to assess the effectiveness of the Interim guide; any related mandatory assessment tools developed; and how these processes have informed federal decisions; and

That Justice Canada provide the Committee with a progress report by January 2027 on the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan Advisory Committee's work.

Recommendation 9

That the Government of Canada develop a mandatory training plan on the *United Nations Declaration on the Rights of Indigenous Peoples Act*, Aboriginal and treaty rights, treaty implementation and Indigenous history and experiences to measure progress on training a greater number of civil servants and to ensure training meets the differing departmental responsibilities.

That the federal United Nations Declaration Act Implementation Secretariat at Justice Canada involve the Treasury Board of Canada: to measure progress on public service education; to monitor the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*; and to support future planning and policy development.

Introduction

When the quality of life for our people improves to a comparable level as other Canadians; when our governance institutions are stable, recognized and respected; when the salmon return to our rivers, when our territories are once again abundant and healed and we have a meaningful say in, and benefit from, how our territories and their resources are shared; when our people speak our languages, know our heritage and practice our culture – then we will be able to say reconciliation is working for us, we are succeeding.¹

The First Nations of Maa-nulth Treaty Society

The *United Nations Declaration on the Rights of Indigenous Peoples* (the Declaration or UNDRIP) contains 46 articles that recognize “the minimum standards for the survival, dignity and well-being of the [I]ndigenous [P]eoples of the world.”² These articles cover a wide array of topics, including self-determination, languages, cultures, lands and decision-making. On September 13, 2007, the United Nations General Assembly adopted UNDRIP. In 2010, Canada endorsed UNDRIP, with reservations. In 2015, the Truth and Reconciliation Commission of Canada (TRC) released its Calls to Action. Call to Action No. 44 urged the development of a national action plan to achieve the goals of UNDRIP.³ On May 10, 2016, the Honourable Carolyn Bennett, then minister of Indigenous and Northern Affairs, announced that “Canada is now a full supporter, without qualification, of [UNDRIP]” and would “adopt and implement the Declaration in accordance with the Canadian Constitution.”⁴

The enactment of the *United Nations Declaration on the Rights of Indigenous Peoples Act, 2021* (UN Declaration Act, or the Act) was a groundbreaking achievement for Indigenous rights in Canada. Decades of work by Indigenous leaders, at the United Nations and across Canada, culminated in legislation that affirms the Declaration as an international human rights instrument that is a source for the interpretation of Canadian law. The Act mandates the Crown to align federal laws and policies with the principles of the Declaration, and, starting in 2023, to

¹ APPA, *Brief*, The First Nations of Maa-Nulth Treaty Society, October 31, 2024. The Maa-Nulth First Nations are comprised of, Huu-ay-aht First Nations, Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations, Toquaht Nation, Uchucklesaht Tribe and the Yuułu?iı̄?ath̓ Government.

² United Nations, *Declaration on the Rights of Indigenous Peoples*, art. 43.

³ Truth and Reconciliation Commission of Canada, *Truth and Reconciliation Commission of Canada: Calls to Action*, 2015, p. 4.

⁴ Government of Canada, *Canada Becomes a Full Supporter of the United Nations Declaration on the Rights of Indigenous Peoples*, News release, 10 May 2016.

report on its progress annually to Parliament. The Act's Preamble also indicates that UNDRIP provides a framework for reconciliation.

The Committee emphasizes that the federal efforts to align laws and policies requires a coordinated, comprehensive response across all federal departments to tackle such a complex undertaking. At the time of its passage, the way that Canada would align laws and policies with UNDRIP remained unclear. With this in mind, in the fall of 2023, the Standing Senate Committee on Indigenous Peoples ("the Committee") began its study on the implementation of the UN Declaration Act under a special Order of Reference obtained on 30 November 2023 during the 44th Parliament.⁵ Since 2023, four Annual Reports have been issued that detail 181 measures underway aimed at implementing the Act in Canada.⁶

The title of this report is derived from comments made by Chief Marilyn Slett, Heiltsuk Nation, who reported that the Nation is working on a self-determination agreement using the concept of *Haítcístut*, which in Haítzaqvļa language means "to turn something around and make it right again." To Chief Slett, this concept was the closest term in Haítzaqvļa to have a similar meaning as reconciliation. As a part of the Heiltsuk Nation's work in developing a Heiltsuk governance regime, the Heiltsuk Nation is braiding "our *Gvilas* — those are our laws — and Western federal laws" and is determining how these two knowledge systems will function in practice in the Nation.

Establishing Nation-specific governance structures based on Indigenous laws are a practical illustration of the consistent message from many witnesses: that self-determination, Indigenous governance, law-making authority and meaningful participation in decision making are essential to implementing UNDRIP. The Committee believes that the Haítzaqvļa concept, *Haítcístut*, reflects the promise of the Act and appreciates the permission granted by Chief Slett to use this term in the report.

Witnesses who appeared before the Committee during its study described the promise of the Act and the core principles of the Declaration as tools to: improve the socio-economic well-being of Indigenous Peoples; advance healing from the historic and ongoing harms of colonization, assimilation and racism; uphold their inherent Indigenous rights; conclude and implement treaties; and, honour and protect Aboriginal and treaty rights. In recent years, within the Government of Canada, many legislative and policy initiatives have also been advanced.

⁵ Standing Senate Committee on Indigenous Peoples [APPA], *Order of Reference*, November 30, 2023.

⁶ For the most recent Annual Progress Report, see, Government of Canada, *Fourth annual progress report on implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act*, August 2025.

Truth, Reconciliation and Human Rights

Peace, peace building or peaceful coexistence has been an underlying foundation for our search for solutions.⁷

Chief Wilton Littlechild, International Chief for Maskwacis (Hon)

The year 2025 marked the 10th anniversary of the issuance of the Final Reports of the Truth and Reconciliation Commission of Canada (TRC), which called for broad transformation to redefine the relationship between Canadians and Indigenous Peoples. The TRC called on the Government of Canada to repeal specific laws and change long-standing policies. The TRC further called for the creation of new legislative and policy frameworks, developed in partnership with Indigenous Peoples, to advance reconciliation, and ultimately, to realize Indigenous Peoples' human rights.

In 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG Inquiry) tabled its Final Reports, which set out the broad scale reforms required to eliminate the epidemic of violence that Indigenous women, girls and 2SLGBTQIA+ people experience.⁸ In 2019, the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls called on all governments to fully implement UNDRIP.⁹

According to the Inquiry's findings, based on the experiences of Indigenous women, girls and 2SLGBTQIA+ people, transformational change is required across all sectors of society. The root causes of violence were identified as "persistent and deliberate human and Indigenous rights violations and abuses."¹⁰ Many witnesses reflected on the importance of these reports, along with the findings of the Royal Commission on Aboriginal Peoples as foundational to the implementation of the UN

⁷ APPA, *Evidence*, Chief Wilton Littlechild, International Chief for Maskwacis (Hon), As an Individual, October 9, 2024.

⁸ An acronym which is used in the 2021 Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Government of Canada, *2SLGBTQIA+*, "Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex, and additional people who identify as part of sexual and gender diverse communities."

⁹ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls – Volume 1b*, 2019, p. 177.

¹⁰ Ibid.

Declaration Act in Canada.¹¹ Importantly, Indigenous youth leaders also connected the implementation of the Declaration to the implementation of the calls set out by the TRC and the MMIWG Inquiry in their testimony.¹²

The Committee recognizes that several federal policy and legislative shifts also occurred prior to the passage of the Act, some of which were in response to the calls to action made by the TRC. In 2018, then Attorney General of Canada, the Honourable Jody Wilson-Raybould released “new guidelines for how the department would engage in civil litigation involving Indigenous Peoples.”¹³ The directives set out how the Attorney General would apply new Principles to guide litigation in a way that advances reconciliation, respects Indigenous rights and promotes resolution over adversarial approaches. While litigation may sometimes be necessary, the guidelines highlight that Canada’s primary responsibility is to act honourably and resolve disputes in a constructive manner.

In 2019, the Government of Canada enacted the *Indigenous Languages Act* and the *Act respecting First Nations, Inuit and Métis children, youth and families*. Following the passage of UN Declaration Act, the *National Council for Reconciliation Act* was passed in 2024, and the *Interpretation Act* was amended to include a general non-derogation clause protecting Aboriginal and treaty rights in the same year. Some of the specific provisions of these statutes are unique in the Canadian context.

The *National Council for Reconciliation Act* establishes the National Council for Reconciliation with a mandate to track progress on reconciliation, and importantly, to gather and analyze data to understand the social and economic status of Indigenous Peoples. The *Indigenous Languages Act* affirms Canada’s obligation to implement the Declaration. The *Act respecting First Nations, Inuit and Métis children, youth and families* affirms Indigenous Peoples’ inherent right of self-government over their children and provides that Indigenous laws made under the Act have the same force as federal laws. The constitutionality of the legislation has been affirmed by the Supreme Court of Canada.¹⁴ Lastly, the amended *Interpretation Act* directs individuals interpreting federal laws, including statutes

¹¹ APPA, *Evidence*, Tuma Thomas William Young, K.C., Lawyer, Smith Law and Professor, L’nu Studies, Cape Breton University As an Individual, May 22, 2024.

¹² APPA, *Evidence*, Autumn Laing-LaRose, President, Métis Nation-Saskatchewan Provincial Métis Youth Council, Métis National Youth Advisory Council, May 1, 2024.

¹³ Coalition for the Human Rights of Indigenous Peoples, *Brief*, May 8, 2024; Government of Canada, *The Attorney General of Canada’s Directive on Civil Litigation Involving Indigenous Peoples*, 2018.

¹⁴ *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, SCC 5 2024.

and regulations, to uphold Aboriginal and treaty rights recognized and affirmed in section 35 of the *Constitution Act, 1982*.¹⁵

The Supreme Court of Canada has cited UNDRIP in recent decisions, notably in *Reference re: An Act respecting First Nations, Inuit and Métis children, youth and families, 2024*, where the Court repeatedly referred to UNDRIP to define the nature and character of the Indigenous child welfare legislation.¹⁶

Accordingly, over the same period, several federal apologies and settlements were made by the Government of Canada to different Indigenous Peoples due to hardship and suffering they endured because of federal legislation or policies.¹⁷ The Canadian Human Rights Tribunal monitors the Government of Canada's progress toward eliminating funding discrimination based on race and achieving substantive equality in the child welfare system. Of note, some Indigenous governments have recently concluded an agreement with the federal government towards a just resolution on funding for First Nations children, for example, in parts of Ontario.¹⁸

It is within this context that the UN Declaration Act became law, requiring Canada to track its progress toward the alignment of federal laws and policies with the Declaration. On June 21, 2023 Justice Canada issued the *United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028* ('Action Plan 2023-2028') and tables annual reports in Parliament that tracks the progress of the Government of Canada towards meeting the Action Plan's goals.¹⁹ The 181 *Action Plan 2023-2028* initiatives are organized according to the priorities of First Nations, Inuit, Métis and Modern Treaty Partners, with an introductory chapter outlining shared Indigenous priorities. The measures touch on multiple topics under the UNDRIP model, including self-determination, treaty recognition, lands, resources, the environment, rights and participation in decision-making.²⁰ All measures are

¹⁵ *Interpretation Act*, R.S.C., 1985, c. I-2, s. 8.3; *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24; *National Council for Reconciliation Act*, S.C. 2024, c. 8; *Indigenous Languages Act*, S.C. 2019, c. 23.

¹⁶ *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, SCC 5 2024. The Supreme Court of Canada additionally referred to UNDRIP in *Dickson v. Vuntut Gwitchin First Nation*, SCC 10 2024 and *Newfoundland and Labrador (Attorney General) v. Uashaunnuat (Innu of Uashat and of Mani-Utenam)*, SCC 4 2020.

¹⁷ Crown-Indigenous and Northern Affairs Canada, "[Canada apologizes to the Williams Lake First Nation for the historical wrongs related to the Village Site Specific Claim](#)," *News Release*, September 10, 2023 and Crown-Indigenous and Northern Affairs Canada, "[Minister of Crown-Indigenous Relations delivers apology to Qikiqtani Inuit](#)," *News release*, August 14, 2019.

¹⁸ Indigenous Services Canada, [Canadian Human Rights Tribunal Approves Historic Agreement to Reform Ontario First Nations Child and Family Services](#), March 30, 2026.

¹⁹ Government of Canada, [United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028](#). For the four annual progress reports, including the latest report published in August 2025 see, Justice Canada, [Annual progress reports on implementing the United Nations Declaration on the Rights of Indigenous Peoples Act](#).

²⁰ Government of Canada, [United Nations Declaration on the Rights of Indigenous Peoples Action Plan](#), 2023, p. 21.

assigned to one or more departments responsible for their implementation. While some measures are new, others rely on existing programs or policies. The plan states it is a starting point for the implementation of UNDRIP in Canada.²¹ However, the plan is not meant to be comprehensive and is structured to enable addressing new priorities that emerge over time.²²

Justice Canada reported that the *Action Plan 2023-2028* is the result of two years of consultations and had extended funding through the Indigenous Partnership Fund to involve Indigenous Peoples in its development.²³

Challenges with the Action Plan 2023-2028

Many witnesses acknowledged how difficult it was to assemble an *Action Plan 2023-2028* in a two-year period, particularly during the COVID-19 pandemic, making it challenging for some to be involved in its development. Janice Makokis, Ianni Legal Scholar, explained, “The UNDRIP legislation and action plan were developed during the COVID-19 pandemic when many First Nations and Indigenous peoples were focused on pandemic responses.”²⁴ The sheer volume of information produced by the Government of Canada in its *Action Plan 2023-2028* and its annual progress reports attests to the complexity of the task at hand, now and over the long term.

According to Justice Canada in its June 2024 UN Progress Report, Indigenous Nations and organizations have reported “mixed” experiences with the implementation of the *Action Plan 2023-2028*, highlighting the lack of commitment from federal departments, insufficient funding, lack of time to prepare for consultations, frustration with lack of follow-up and resistance from some departments where “solutions to problems seem to be decided in advance by departments, even before meetings are held.”²⁵ For its part, Justice Canada noted other challenges in the development of the action plan, including limited engagement with Indigenous organizations, compressed timelines, challenges to harmonizing federal legislation with UNDRIP and insufficient funding for Indigenous organizations to participate in the engagement process.²⁶

Justice Canada addressed some of these challenges in its August 2025 *Fourth Annual Report on Progress in Implementing the United Nations Declaration on the Rights of Indigenous Peoples Act*. The department noted it had changed the way it collected

²¹ Ibid., pp. 22–23.

²² Ibid., p. 20.

²³ Government of Canada, [*United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028*](#).

²⁴ APPA, [*Evidence*](#), Janice Makokis, Ianni Legal Scholar, As an Individual, May 28, 2024.

²⁵ Justice Canada, [*Third annual progress report on implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act*](#), June 2024, p. 37.

²⁶ Department of Justice Canada, [*Second annual progress report on implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act*](#), July 2023, p. 20.

information on the Action Plan measures, seeking input directly from Indigenous Peoples about their views on progress. The department increased the timeframe for feedback for the 2025 Annual Report from three weeks to three months. Importantly, 170 of the 181 action plan measures have been initiated, compared to 158 the previous year. The 2025 Annual Report is based on observations provided by 41 federal departments and agencies.

In the Minister of Justice’s introduction to the report, the Minister acknowledged that “this report also shows that progress has sometimes been slow or uneven, and that further efforts are needed to achieve the objectives of the UN Declaration and advance reconciliation in a tangible way.”²⁷

Reflections on the implementation of the United Nations Declaration Act

During the 45th parliamentary session, the Committee agreed to issue a report containing witnesses’ reflections on the implementation of the Act based on the 2024 Committee hearings. As the 44th parliamentary session ended upon prorogation in late 2024, the Committee’s report on this subject was delayed. While the Committee recognizes that the testimony is dated and reflects the actions of a previous federal government, the evidence gathered in this report remains valuable to inform the implementation of the Act and highlights key Indigenous priorities that merit future examination by the Committee.

During its study, the Committee held 15 meetings over a nine-month period in 2024. Many witnesses referred to the *Action Plan 2023-2028* priorities in their testimony. Furthermore, many Senators asked witnesses to make suggestions related to priority topics for future Committee studies. These reflections are summarized in this report.

The report gathers evidence along the following themes: structural, legislative and policy changes required for healthy, safe Indigenous communities; self-determination, treaties and government; opportunities to improve co-development policies and processes; and ways to advance the implementation of the UN Declaration across government.

²⁷ Justice Canada, *Fourth annual progress report on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act*, August 2025.

Healthy, safe and prosperous Indigenous communities

Can there be a change in the relationship? That's really what it is all about — our relationships with each other.²⁸

Tuma Thomas William Young, K.C., Lawyer, Smith Law and Professor, L'nu Studies, Cape Breton University

Recognize the effects of colonization and assimilation

Witnesses consistently stressed that meaningful progress begins with action to reduce the health, social and economic disparities between Indigenous and non-Indigenous populations in Canada. UNDRIP was framed as a practical tool for improving these outcomes. UNDRIP's 46 articles describe the steps necessary to address the damage brought about by colonization and assimilation, which has had a persistent negative effect on Indigenous Peoples' well-being and ultimately, their prosperity. The UN Declaration Act "calls on our country to address historical injustices and return the country to real partnership with Indigenous peoples."²⁹

Accelerating progress on many measures, including health, income, education and employment, drinking water, housing, language and culture would improve the lives of Indigenous Peoples, and reduce future interactions with state institutions like the child welfare and correctional systems. The Maa-nulth Treaty Nations explained that "finding the solutions to these challenges first requires an analysis and understanding of the range of measurables that need to be scrutinized over a prolonged period."³⁰

²⁸ APPA, [Evidence](#), Tuma Thomas William Young, K.C., Lawyer, Smith Law and Professor, L'nu Studies, Cape Breton University, As an Individual, May 22, 2024.

²⁹ APPA, [Evidence](#), Ken Coates, Professor, Indigenous Governance Program, Yukon University, As an Individual, May 22, 2024.

³⁰ APPA, [Brief](#), Maa-nulth First Nations, November 12, 2024.

Recommendation 1

Therefore, the Committee recommends:

That the Government of Canada issue progress reports by January 2027 with respect to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, the Truth and Reconciliation Commission of Canada's Calls to Action and the National Inquiry for Missing and Murdered Indigenous Women and Girls' Calls for Justice. The progress report must include detailed outcomes of the Government of Canada's initiatives to increase equality for Indigenous Peoples with respect to health, income, education, employment, drinking water, housing, language, culture and criminalization. In keeping with Canada's ratification of the *United Nations Convention on the Rights of the Child*, the progress reports must also include details about Indigenous children's involvement with child welfare systems and include steps taken towards the full exercise of Indigenous jurisdiction over their children.

Indigenous historic trauma brought about by colonization is a root cause of the health and economic inequities experienced by Indigenous Peoples.³¹ The Honourable Jody Wilson-Raybould, P.C., President, JWR Business Group LTD, and former Minister of Justice and Attorney General of Canada, observed that federal legislation along with the legal and justice systems "have been ...the primary tools, or weapons...of colonization. Of course, one need to look no further than the *Constitution Act, 1867* and the *Indian Act*."³²

Address systemic discrimination

The Committee heard of important observations from witnesses regarding the importance of eliminating systemic discrimination in various fields, but particularly in the healthcare systems and for Indigenous Peoples with disabilities.

Over the past 40 years, different commissions and inquiries have concluded that the public perception of Indigenous Peoples needs to change, according to Grand Chief Constant Awashish, Atikamekw Nation Council. He explained that "the public needs to know the value of the advancement of First Nations and all the ways it can benefit Canadians as a whole."³³

³¹ APPA, *Brief*, Nishnawbe Aski Nation, May 8, 2024; APPA, *Evidence*, The Honourable Jody Wilson-Raybould, P.C., President, JWR Business Group LTD, and former Minister of Justice and Attorney General of Canada, as an individual, October 8, 2024.

³² APPA, *Evidence*, The Honourable Jody Wilson-Raybould, P.C., President, JWR Business Group LTD, and former Minister of Justice and Attorney General of Canada, As an individual, October 8, 2024.

³³ APPA, *Evidence*, Constant Awashish, Grand Chief, Atikamekw Nation Council, May 7, 2024.

Advancing Indigenous rights involves addressing some of the underlying structural challenges, such as anti-Indigenous racism, which presents itself in various ways like stereotyping, stigmatization or violence. Marjolaine Étienne, President, Quebec Native Women, stressed that, “[i]t is essential to begin by recognizing and combatting systemic racism, which manifests itself in intersectional ways.”³⁴ Kara Louttit, Policy Analyst, National Association of Friendship Centres emphasized to the Committee that anti-Indigenous discrimination in health care settings has led to adverse outcomes, and even death, citing the tragic and entirely preventable deaths of Joyce Echaquan and Brian Sinclair.³⁵

The Atikamekw Nation Council and the Council of the Atikamekw of Manawan have done considerable work on the establishment of Joyce’s Principle, which was inspired in part by Article 24 of UNDRIP, which sets out key rights for Indigenous Peoples in health and social services systems:

Statement of Joyce’s Principle

Joyce’s Principle aims to guarantee to all Indigenous people the right of equitable access, without any discrimination, to all social and health services, as well as the right to enjoy the best possible physical, mental, emotional and spiritual health.

Joyce's Principle requires the recognition and respect of Indigenous people’s traditional and living knowledge in all aspects of health.³⁶

A key aspect of any transformation of health service delivery is in adopting policies and practices that are culturally competent and designed by Indigenous experts. The Canadian Indigenous Nurses Association has worked towards this goal by advocating for culturally competent training in nursing schools across Canada.³⁷ The Committee takes notes of important steps taken by the Government of Canada in mandating compulsory training at Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and Indigenous Services Canada (ISC). ISC requires a minimum of 15 hours of cultural humility education annually which is of particular importance to the fulfillment of Joyce’s Principle as the department delivers key services such as health care and supplementary benefits to First Nations and Inuit individuals. Additionally, ISC reported that it had trained nearly 1,000 employees on the UN Declaration Act and the Declaration. Funding has also been extended to 218 projects aimed at

³⁴ APPA, *Evidence*, Marjolaine Étienne, President, Quebec Native Women, September 25, 2024.

³⁵ APPA, *Evidence*, Kara Louttit, Policy Analyst, National Association of Friendship Centres, April 17, 2024.

³⁶ Atikamekw Nation Council and the Council of the Atikamekw of Manawan, *Joyce’s Principle*.

³⁷ APPA, *Evidence*, Marilee A. Nowgesic, Chief Executive Officer, Canadian Indigenous Nurses Association, May 21, 2024.

reducing anti-Indigenous racism and violence in health care settings, including projects to prevent forced and coerced sterilization.³⁸

The Committee was also pleased to learn of Indigenous-led initiatives to combat racism and advance Indigenous rights. Danielle White, Assistant Deputy Minister, Strategic Policy and Partnerships Sector, Indigenous Services Canada stated that the Federation of Sovereign Indian Nations in Saskatchewan has received funding to establish the first Indigenous-specific health ombudsperson, who will examine concerns related to access and discrimination.³⁹ Paul Irngaut, Vice-President, Nunavut Tunngavik Inc., indicated that his organization is planning on establishing an Inuit health ombudsperson in Nunavut and has received \$14 million a year over ten years for a Health Equity Fund.⁴⁰

Indigenous individuals with disabilities experience disproportionate disadvantage and discrimination; they tend to experience poverty, unemployment and incarceration at higher rates than non-Indigenous people. Indigenous individuals also have higher rates of disabilities (35%) than non-Indigenous individuals (27%).⁴¹ Neil Belanger, Chief Executive Officer, Indigenous Disability Canada, recommended the establishment of a disabilities advisory council to increase data collection on needs and barriers, as well as the creation of a strategy to combat anti-Indigenous racism and disability discrimination, among other measures.⁴²

The standards called for by Joyce's Principle require intergovernmental coordination with federal, provincial, territorial and Indigenous governments to respond to the unique physical, mental, cultural, spiritual and traditional health needs of Indigenous Peoples in health systems that should be free of racism and systemic discrimination. The late Grand Chief Cathy Merrick, Assembly of Manitoba Chiefs, highlighted the primary importance of developing federal health legislation grounded in First Nations' treaty relationship with the Crown. Prior to the enactment of Indigenous health legislation, the free, prior and informed consent of First Nations must be attained.⁴³

Culturally appropriate health care services should also be available to all Indigenous individuals. Métis leaders pointed out the gap in health programs and services for

³⁸ APPA, *Evidence*, Danielle White, Assistant Deputy Minister, Strategic Policy and Partnerships Sector, Indigenous Services Canada, February 28, 2024.

³⁹ Ibid.

⁴⁰ APPA, *Evidence*, Paul Irngaut, Vice-President, Nunavut Tunngavik Incorporated, October 9, 2024.

⁴¹ APPA, *Evidence*, Neil Belanger, Chief Executive Officer, Indigenous Disability Canada, May 21, 2024.

⁴² Ibid.

⁴³ Referring to Article 19 of UNDRIP, APPA, *Evidence*, Cathy Merrick, Grand Chief, Assembly of Manitoba Chiefs, May 28, 2024.

their communities due to the “jurisdictional football” whereby federal Indigenous health services remain unavailable to the Métis.⁴⁴

Federal Indigenous health legislation could be an essential part of reducing systemic discrimination in the health and social services systems in Canada. Provincial health legislation establishes important standards in such areas as universality, accessibility, portability and comprehensiveness. Federal legislation could establish Indigenous-specific standards, principles and guidelines and support the move toward greater numbers of health models led by Indigenous Peoples. In 2024, an official from Indigenous Services Canada (ISC) reported that efforts to develop “federal distinctions-based Indigenous health legislation” are “on-going.”⁴⁵

Recommendation 2

Therefore, the Committee recommends:

That Indigenous Services Canada issue publicly available progress reports by January 2027 related to:

- the development of Indigenous health legislation, including a list of parties involved in its development and their objectives;
- the transfer of federal health service delivery to Indigenous governments and organizations, including progress on funding to support the meaningful exercise of Indigenous jurisdiction over health service delivery;
- the implementation of Joyce’s Principle related to the elimination of systemic discrimination and racism in health and social services; and
- on initiatives on anti-disability discrimination.

Supports for Indigenous families

Specific groups of Indigenous women require culturally appropriate supports in terms of their safety and health. Inuit women, in particular, experience “a long history of resource deprivation and basic service denial since Inuit were forcibly relocated and settled into government settlements.”⁴⁶ An urgent concern for Inuit is safe and affordable housing; indeed, just over half of all Inuit find themselves living in overcrowded homes. A lack of suitable housing and high rates of homelessness

⁴⁴ APPA, *Evidence*, David Chartrand, President, Manitoba Métis Federation, May 7, 2024; APPA, *Evidence*, Autumn Laing-LaRose, President, Métis Nation-Saskatchewan Provincial Métis Youth Council Métis National Youth Advisory Council, May 7, 2024.

⁴⁵ APPA, *Evidence*, Danielle White, Assistant Deputy Minister, Strategic Policy and Partnerships Sector, Indigenous Services Canada, February 28, 2024.

⁴⁶ APPA, *Brief*, Pauktuutit Inuit Women of Canada, April 17, 2024.

contribute to stress and family disruption, leading many Inuit women make the difficult decision to leave their families and move South. The housing crisis across Inuit Nunangat is intensified by both high levels of poverty and the lack of health care services, in particular mental health care services, to address the violence and mental health crises experienced by Inuit.

In its brief, Pauktuutit Inuit Women of Canada focused on UNDRIP as a tool to guide essential transformation across Inuit Nunangat. The organization called on the Government of Canada to make broad investments in a system of shelters and transition houses for Inuit women and their children. Importantly, 70% of the 51 communities in Inuit Nunangat do not have such facilities. With no other options, many Inuit are forced to return to a potentially “unsafe relationships they have attempted to flee because they have no other option.”⁴⁷

Related to the safety and security of Indigenous women and girls, an official from Crown-Indigenous Relations and Northern Affairs Canada reported on funding extended to the Ontario Native Women’s Association’s Indigenous Victim and Family Liaison program. In 2023, 136,000 people received assistance under this program including crisis and emergency response, counselling, access to Elders and support with the criminal justice system.⁴⁸

Recommendation 3

Therefore, the Committee recommends:

That the Canadian Mortgage and Housing Corporation and Indigenous Services Canada issue a progress report by January 2027 on the number of shelters and transitional homes which received funding under the Indigenous Shelter and Transitional Housing Initiative; the status of construction and operation, including any facilities built or investments made in the Arctic; the annual operating costs allocated to these facilities; the numbers of families expected to be served or are served by such facilities; and the impact of prevention of violence against Indigenous women and children; and

That Canada Mortgage and Housing Corporation provide the Committee with detailed information by January 2027 about how many houses will be built and in what regions, as well as any impacts on the prevention of violence against

⁴⁷ APPA, *Brief*, Pauktuutit Inuit Women of Canada, April 17, 2024.

⁴⁸ APPA, *Evidence*, Valerie Gideon, Deputy Minister, Crown-Indigenous Relations and Northern Affairs Canada, February 28, 2024.

Indigenous women and children under the Urban, Rural and Northern Indigenous Housing Strategy.

Indigenous youth

Indigenous youth require specific supports such as access to culturally competent mental health supports in community according to Autumn Laing-LaRose, President, Métis Nation-Saskatchewan Provincial Métis Youth.⁴⁹ Indigenous youth also require facilities in their communities to gather, learn and play. A recommendation made by the TRC in 2015 was to establish a network of Indigenous youth organizations, which the Assembly of First Nations Youth Council pointed out was urgently needed.⁵⁰

Recommendation 4

Therefore, the Committee recommends:

That Health Canada and Indigenous Services Canada provide a progress report by January 2027 on funding for Indigenous youth mental health programs; and

That Crown-Indigenous Relations and Northern Affairs Canada provide information by January 2027 on the Indigenous youth programs, including how many Indigenous youth have been reached; the number of youth organizations or initiatives that have been established; funding amounts for these initiatives; related outcomes; and whether the program will receive continued funding.

Support for Indigenous languages and cultures

The Committee heard some important reflections on the status of Indigenous languages in Canada. In a brief submitted to the Committee, the Indigenous Language Defenders called for amendments to strengthen the *Indigenous Languages Act, 2019*. Article 14 of UNDRIP confirms that Indigenous Peoples have the right to establish and control their educational systems and be educated in Indigenous languages. However, the Indigenous Language Defenders observed that as English and French are the primary languages of instruction, “Indigenous language loss is proceeding with every passing day.” While education is a matter of provincial jurisdiction, ISC funds education on First Nation reserves. They argued that no federal department is charged with the “language-in-education” aspect of UNDRIP Article 14 and recommended that instruction in Indigenous languages

⁴⁹ APPA, *Evidence*, Autumn Laing-LaRose, President, Métis Nation-Saskatchewan Provincial Métis Youth Council Métis National Youth Advisory Council, May 7, 2024.

⁵⁰ APPA, *Evidence*, Isaiah Bernard, Co-Chair, Assembly of First Nations Youth Council, October 2, 2024.

should be a part of ISC’s mandate for First Nations’ education. Further, they urged that independent and parliamentary reviews of the Indigenous languages’ legislation should be undertaken to add, “defined wording on which rights... Canada recognizes and affirms as ‘rights related to language.’”⁵¹

Inuit Tapiriit Kanatami and Nunavut Tunngavik Inc. also advocated for amendments to strengthen the *Indigenous Languages Act* to recognize Inuktitut as an official language and ensure federal services are delivered in Inuktitut. These proposals, along with an increase in funding for Indigenous languages at Heritage Canada, would provide increased protection for Indigenous languages more broadly.⁵² Finally, Chief Wilton Littlechild, International Chief for Maskwacis (Hon), urged that Canada “be a champion for a United Nations...international convention on Indigenous languages as an outcome”⁵³ of the United Nations Economic and Social Council International Decade of Indigenous Languages, 2022 to 2032.⁵⁴

For its part, Canada, along with National Indigenous Organizations and the Commissioner for Indigenous Languages, released its *National Action Plan for the International Decade of Indigenous Languages, 2022-2032*.⁵⁵ Heritage Canada has initiated an independent review of the *Indigenous Languages Act*.

CIRNAC developed a *Collaborative self-government fiscal policy* intended to “provide a principled approach to fiscal relations with all Indigenous governments.”⁵⁶ In 2024, Heritage Canada reported that it was working on developing costing models with Indigenous organizations to establish a “funding methodology for language revitalization with self-governing Indigenous governments” under the *Collaborative self-government fiscal policy*.⁵⁷ Heritage Canada also noted it had heard suggestions for strengthening the *Indigenous Languages Act*, including requiring the delivery of federal services in Indigenous languages.⁵⁸

⁵¹ APPA, [Brief](#), The Language Defenders: Andrea Bear Nicholas, Lorena Sekwan Fontaine, Amos Key Jr., Ian Martin, David Leitch, Karihwakeron Tim Thompson, October 31, 2024.

⁵² APPA, [Evidence](#), Paul Irgaut, Vice-President, Nunavut Tunngavik Incorporated, October 9, 2024; APPA, [Evidence](#), Natan Obed, President, Inuit Tapiriit Kanatami, April 16, 2024.

⁵³ APPA, [Evidence](#), Chief Wilton Littlechild, International Chief for Maskwacis (Hon), As an Individual, October 9, 2024.

⁵⁴ APPA, [Evidence](#), Chief Wilton Littlechild, International Chief for Maskwacis (Hon), As an Individual, October 9, 2024.

⁵⁵ [Canada’s National Action Plan for the International Decade of Indigenous Languages \(2022-2032\)](#).

⁵⁶ Crown-Indigenous Relations and Northern Affairs Canada, [Canada’s collaborative self-government fiscal policy](#).

⁵⁷ APPA, [Evidence](#), Charles Slowey, Assistant Deputy Minister, Community and Identity Sector Canadian Heritage, February 28, 2024.

⁵⁸ APPA, [Evidence](#), Charles Slowey, Assistant Deputy Minister, Community and Identity Sector Canadian Heritage, February 28, 2024.

Recommendation 5

Therefore, the Committee recommends:

That Indigenous Services Canada provide information by January 2027 pertaining to the number of schools on First Nations reserves that offer courses in Indigenous languages and the associated funding for Indigenous languages in education; and

That Crown-Indigenous Relations and Northern Affairs Canada and Heritage Canada provide the Committee by January 2027 with information pertaining to the inclusion of Indigenous languages under the Collaborative Self-Government Fiscal Policy along with details of any funding methodology for Indigenous languages either contemplated or being implemented with self-governing Indigenous governments.

Cassidy Caron, then President, Métis National Council, and Natan Obed, President, Inuit Tapiriit Kanatami both emphasized the need for repatriation/repatriation legislation protecting the return of Indigenous remains and spiritual and cultural objects from institutions such as museums. UNDRIP Article 12 relates to access or repatriation of any Indigenous significant objects and human remains through effective processes.⁵⁹ These witnesses considered the lack of any federal legislation on this matter to be one of “the most profound and obvious legislative gaps in domestic law when it comes to alignment with the UN declaration.”⁶⁰ Heritage Canada reported that it had started early discussions about such legislation; however, Mr. Obed stated “the department has been reluctant to commit” to the development of such legislation.⁶¹

Access to services, food and climate

Improved and increased availability of services in the areas of justice, employment and training were raised as central goals to achieve the principles of UNDRIP. These services must be low cost, available across Canada and adapted to the needs of Indigenous women and girls. To Marjolaine Étienne of Quebec Native Women, a key emphasis must be “placed on promoting and sharing ancestral practices.”⁶²

Food security is another pressing issue for Indigenous youth and women. Both Marjolaine Étienne and Isaiah Bernard, Co-Chair, Assembly of First Nations National Youth Council, tied access to local food systems to Indigenous “languages, customs,

⁵⁹ *United Nations Declaration on the Rights of Indigenous Peoples*, 2007.

⁶⁰ APPA, *Evidence*, Cassidy Caron, President, Métis National Council, May 1, 2024; APPA, *Evidence*, Natan Obed, President, Inuit Tapiriit Kanatami, April 16, 2024.

⁶¹ APPA, *Evidence*, Natan Obed, President, Inuit Tapiriit Kanatami, April 16, 2024.

⁶² APPA, *Evidence*, Marjolaine Étienne, President, Quebec Native Women, September 25, 2024.

dances and spirituality. Without our connection to the land, our identity would be lost.”⁶³ Isaiah Bernard said that efforts to tackle climate change and protect biodiversity could increase access to local foods and foster Indigenous food security.

Climate change mitigation and emergency response were raised by several witnesses, discussing the issue of recent wildfires threatening people’s safety and security.⁶⁴ Then Grand-Chief Mandy Gull Masty, Cree Nation Government, called on the government to “implement measures to reduce and mitigate the impact of the climate crisis on our traditional lands and activities.”⁶⁵

Address challenges Indigenous individuals experience in the criminal legal system

Witnesses raised many persistent access-to-justice challenges faced by Indigenous individuals. The appalling over-representation of Indigenous individuals in the federal correctional system was tied to the “trauma and socio-economic deprivation that they lived through and the historical factors such as residential schools.”⁶⁶ Ivan Zinger, then Correctional Investigator of Canada, noted that a holistic response is required to address this long-standing problem. Councillor Bernadine Coleman, O’Chiese First Nation also noted that crime, addictions, unemployment and poverty must be addressed.⁶⁷ According to Dr. Zinger, among federally incarcerated Indigenous individuals “[t]here is an excessively high prevalence of mental health issues and a high prevalence of cognitive deficits and people coming in with substance abuse, low educational achievements and low vocational skills.” Mr. Belanger, from Indigenous Disability Canada, also noted that there should be more focus on finding remedies for the needs of Indigenous individuals with disabilities within federal corrections institutions.⁶⁸

In 2025, Justice Canada released its *Indigenous Justice Strategy*, which acknowledges that the over-representation of Indigenous Peoples in the criminal justice system has its foundations in systemic racism and colonialism. The strategy’s main objective is to attempt to find remedies by setting goals regarding policing, corrections, enforcement and legislation.⁶⁹ The third priority activity of the Strategy includes developing “governance, accountability and reporting mechanisms to measure

⁶³ APPA, [Evidence](#), Isaiah Bernard, Co-Chair, Assembly of First Nations Youth Council, October 2, 2024.

⁶⁴ APPA, [Evidence](#), Don Nicholls, Member, Coalition for the Human Rights of Indigenous Peoples, October 23, 2024.

⁶⁵ APPA, [Evidence](#), Mandy Gull-Masty, Grand Chief, Grand Council of the Crees (Eeyou Istchee) and Cree Nation Government, April 17, 2024.

⁶⁶ APPA, [Evidence](#), Ivan Zinger, Correctional Investigator of Canada, Office of the Correctional Investigator, October 1, 2024.

⁶⁷ APPA, [Evidence](#), Bernadine Coleman, Councillor, O’Chiese First Nation, October 1, 2024.

⁶⁸ APPA, [Evidence](#), Neil Belanger, Chief Executive Officer, Indigenous Disability Canada, May 21, 2024.

⁶⁹ Government of Canada, [Indigenous Justice Strategy](#).

progress” based on Indigenous ways of knowing and includes data collection and reporting processes that “prioritize First Nations, Inuit and Métis data sovereignty.”⁷⁰

Recommendation 6

Therefore, the Committee recommends:

That Justice Canada and Public Safety Canada provide a progress report by January 2027 on reporting mechanisms and that they report annually on the implementation of priorities raised in its *Indigenous Justice Strategy*, as well as the implementation of the related Calls for Action of the Truth and Reconciliation Commission of Canada and Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls. The progress report should specifically address any initiatives related to Canada’s commitment to eliminate the over-representation of Indigenous Peoples in prisons by 2025 and to return Indigenous Peoples from prisons to their communities with adequate resources for their support and integration, including via sections 81 and 84 of the *Corrections and Conditional Release Act*.

Strengthen the Indigenous Economy

We remain impoverished beneficiaries of the economic cycles in our territories, and this inequity cannot continue. ...[T]here’s a material tectonic shift occurring in our favour, and we need to seize this change for the betterment of our grandchildren.⁷¹

Merle Alexander, K.C., Principal, Miller Titerle

Indigenous Peoples’ right to pursue economic, social and cultural development is key to implementing UNDRIP in Canada. Further, Indigenous Peoples need support to strengthen their economic institutions in order to participate equally in the economy.⁷² Merle Alexander, K.C., Principal, Miller Titerle, said that since the Supreme Court of Canada decisions in the 1996 *R. v. Van der Peet* trilogy,⁷³ three types of Aboriginal rights related to the economy exist in Canada:

⁷⁰ Ibid., p. 12.

⁷¹ APPA, *Evidence*, Merle Alexander, K.C., Principal, Miller Titerle, as an Individual, May 28, 2024.

⁷² APPA, *Evidence*, Merle Alexander, K.C., Principal, Miller Titerle, As an Individual, May 28, 2024.

⁷³ Referring to, *R. v. Van der Peet*, 2 SCR 507, 1996, *R. v. Gladstone*, 2 SCR 723, 1996 and *R. v. N.T.C. Smokehouse Ltd.*, 2 SCR 672, 1996.

First, food, social and ceremonial. Second, sale, trade and barter for livelihood, support and sustenance, but not for the accumulation of wealth. That's often referred to as the right to have a moderate livelihood. Third, which is the pinnacle of those three rights, is the sale, trade and barter of a commercial nature.⁷⁴

He went on to note that under the Supreme Court of Canada's decisions in *R. v. Van der Peet*, 1996, *Delgamuukw v. British Columbia*, 1997 and *Tsilhqot'in Nation v. British Columbia*, 2014, Indigenous Peoples have constitutionally protected economic rights which are powerful forces in the context of UNDRIP implementation.⁷⁵

The Committee believes that self-determination and Indigenous governance depend on functional, strong Indigenous economies. Matthew Foss, Vice-President, Canada Council for Aboriginal Business, noted that "[e]ffective and meaningful Indigenous participation in Canada's economy is a necessary condition for the implementation of UNDRIP, reducing poverty in Indigenous communities and for a successful Canadian economy."⁷⁶

According to Jody Wilson-Raybould and Harold Calla, Executive Chair First Nations Financial Management Board, new Indigenous institutions should be established to support Indigenous governments.⁷⁷ Harold Calla called for Canada to consider the tools needed to build "Indigenous capacity to become self-governing with the federation of Canada as an equal order of government, not just as a manager of the delivery of programs."⁷⁸ He went on to argue that it will be difficult for Indigenous Nations to finance self-government without significant fiscal powers, like financial management, access to capital markets and taxation making Indigenous governments reliant on federal transfer payments.

Several examples of First Nations-led institutions were raised in the context of the recommendation to build Indigenous institutions. These include the First Nations Financial Management Board, that provides financial services and accreditation to First Nations. The Alberta Indigenous Opportunities Corporation is another example of an Indigenous-led institution that manages a \$3 billion fund that supports Indigenous Nations to raise capital to invest in businesses in natural resources, agriculture or technology sectors, among others.

⁷⁴ APPA, *Evidence*, Merle Alexander, K.C., Principal, Miller Titerle, As an Individual, May 28, 2024.

⁷⁵ *Delgamuukw v. British Columbia*, 3 SCR 1010, 1997; *Tsilhqot'in Nation v. British Columbia*, SCC 44, 1997.

⁷⁶ APPA, *Evidence*, Matthew Foss, Vice-President, Research & Public Policy, Canadian Council for Aboriginal Business, May 21, 2024.

⁷⁷ APPA, *Evidence*, Harold Calla, Executive Chair, First Nations Financial Management Board, May 21, 2024.

⁷⁸ *Ibid.*

Some functions currently undertaken by the federal government could be transferred to existing institutions, that may support the continued growth of Indigenous institutions. For example, the Canada Council for Aboriginal Business argued that it could assume responsibility for the administration of the Indigenous Business Directory or the “verification of Indigenous businesses to Indigenous organizations” to the Council.⁷⁹

Stephen Buffalo, President and Chief Executive Officer, Indian Resource Council of Canada, urged the Government of Canada to increase participation of Indigenous Peoples in the natural resource sector, “We have little to say about activities taking place in our reserves and traditional territories, even as they continue to diminish our treaty rights.”⁸⁰ Indian Oil and Gas Canada is a federal agency with a mandate to manage oil and gas development on reserve lands and Stephen Buffalo observed that agency should be a part of the UN Action Plan. He told the Committee that “First Nations communities would like to be closely consulted on plans” related to federal regulation of oil and gas. He argued that Natural Resources Canada could play a key role in facilitating a dialogue between First Nations and industry to improve policies together.⁸¹

While Mr. Buffalo acknowledged the importance of federal loan guarantee programs for investments in the sector, he recommended that “better regulatory policy [be advanced] that facilitates oil and gas development in Alberta and Canada instead of blocking it.” He recommended that the natural resource sector should be engaged in implementing UNDRIP.⁸² Ken Coates, Professor, Yukon University argued that currently, the natural resource sector has been educating their employees about UNDRIP, including the concepts of free, prior and informed consent, and has made more progress than, for example, municipal governments.⁸³

⁷⁹ APPA, *Evidence*, Matthew Foss, Vice-President, Research & Public Policy, Canadian Council for Aboriginal Business, May 21, 2024.

⁸⁰ APPA, *Evidence*, Stephen Buffalo, President and Chief Executive Officer, Indian Resource Council of Canada, May 21, 2024. Indian Resource Council of Canada represents 130 First Nations involved in the oil and gas sector.

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ APPA, *Evidence*, Ken Coates, Professor, Indigenous Governance Program, Yukon University, as an individual, May 22, 2024.

Self-Determination and Treaties

At the very heart of the declaration is the right of Indigenous peoples to ensure self-determination. In Canada, we have long recognized that treaties are the ultimate expression of self-determination and provide their signatories with the ultimate form of reconciliation. Modern treaties set out detailed means by which Indigenous signatories may live in dignity; maintain and strengthen our institutions, cultures and traditions; and pursue our self-determined development, in keeping with our own needs and aspirations.⁸⁴

Charles Morven, Nisga'a Lisims Government

Self-determination serves as a foundational element for Indigenous governments to effectively reach their full potential. UNDRIP Article 37 directs states to uphold treaties, specifying that Indigenous Peoples have the right to the “recognition, observance and enforcement of treaties.”⁸⁵ The Committee believes that achieving these objectives depends on concluding new modern treaties and implementing both historic and modern treaties that are already in place. The Committee underscores that the implementation of historic and modern treaties requires a coordinated, harmonized approach across all federal departments. Further, many aspects of modern treaties contain numerous legislated, mandatory provisions and all departments share responsibility to ensure they are meeting all reporting requirements related to UNDRIP.

Upholding and implementing historic treaties and the special treaty-relationship between Canada and First Nations is an important part of the implementation of UNDRIP. Ken Coates explained that:

[T]he history of Indigenous-government relations in Canada is one of broken promises and a failure to honour commitments. You can see this from the Peace and Friendship Treaties in the Maritimes in the 18th century. It goes through to the Royal Proclamation, also in the 18th century, to the historic treaties starting in Ontario and moving across Western and Northern Canada.⁸⁶

The late Grand Chief Cathy Merrick explained that the Chiefs in Manitoba expect to work with Canada to develop a plan to honour the historic treaties that adopts a

⁸⁴ APPA, *Evidence*, Charles Morven, Secretary-Treasurer, Nisga'a Lisims Government, April 17, 2024.

⁸⁵ *United Nations Declaration on the Rights of Indigenous Peoples*, Article 37, 2007.

⁸⁶ APPA, *Evidence*, Ken Coates, Professor, Indigenous Governance Program, Yukon University, as an individual, May 22, 2024.

whole of government approach, rather than fragmenting treaty implementation among individual departments.⁸⁷ Nishnawbe Aski Nation focused on its stewardship over its land rights covered by Treaties 5 and 9 in Northern Ontario and asserted that free, prior and informed consent as set out in UNDRIP Article 10 is required to move ahead with any projects in the region.⁸⁸

Witnesses repeated that self-government is an expression of self-determination and would rely on the development of Indigenous institutions so that Indigenous governments can achieve their goals. Modern treaties can guarantee control over government, lands, resources, economic development, the provision of social and education services and the determination of rules for citizenship or membership. Modern treaties are constitutionally protected and cover about 40 % of Canada's lands. They are "another tool for the reconciliation of pre-existing and unextinguished Aboriginal rights with asserted Canadian sovereignty."⁸⁹

Treaties were also referred to as evolving over time, particularly as Indigenous governments exercise their jurisdiction under new law-making powers, for example, under *An Act respecting First Nations, Inuit and Métis children, youth and families*. According to Itoah Scott-Enns, Director, Planning and Partnerships, Tłı̨ch̨ Government, "It is crucial that the UNDRIP Act be used as a tool to uphold and make our treaties come to life but not overshadow it."⁹⁰ To Itoah Scott-Enns, the establishment of a commissioner to oversee modern treaty implementation is of critical importance. CIRNAC's collaborative self-government fiscal policy was also highlighted by Itoah Scott-Enns as essential so that Indigenous governments can adequately fund their operations and provide services to their citizens.⁹¹

Regarding the potential for the first modern treaty between Canada and the Métis, the Manitoba Métis Federation highlighted its 2021 agreement with Canada that should legislation be enacted, would bring Canada and the Red River Métis into a modern treaty.⁹²

Indian Act reform was underscored by many First Nations witnesses. Late Grand Chief Cathy Merrick asserted that an essential first step is the recognition of treaty rights, as well as the recognition of "First Nations self-determination over citizenship matters that recognize the treaty lists and not the registration and membership provisions of the *Indian Act*."⁹³ Nishnawbe Aski Nation also situated *Indian Act*

⁸⁷ APPA, [Evidence](#), Cathy Merrick, Grand Chief, Assembly of Manitoba Chiefs, May 28, 2024.

⁸⁸ APPA, [Brief](#), Nishnawbe Aski Nation, May 8, 2024.

⁸⁹ APPA, [Brief](#), Maa-nulth First Nations, November 12, 2024.

⁹⁰ APPA, [Evidence](#), Itoah Scott-Enns, Director, Planning and Partnerships, Tłı̨ch̨ Government, October 9, 2024.

⁹¹ *Ibid.*; Crown-Indigenous Relations and Northern Affairs Canada, [Canada's collaborative self-government fiscal policy](#).

⁹² APPA, [Evidence](#), David Chartrand, President, Manitoba Métis Federation, May 7, 2024.

⁹³ APPA, [Evidence](#), Cathy Merrick, Grand Chief, Assembly of Manitoba Chiefs, May 28, 2024.

reforms as part of its general right of self-determination. Ms. Wilson-Raybould urged Canada to consider practical ways for First Nations to remove themselves from the *Indian Act* when they are ready to do so. Connected to such a process is “establish[ing a] new, effective and efficient mechanism for a nation [to get] their land back or the resolution of disputes outside of the courts.”⁹⁴

The Committee is of the view that legislative change should occur quickly, requiring a planned, resourced path for First Nations to operate outside the *Indian Act*. Valerie Gideon, Deputy Minister, CIRNAC, reported that in 2024, 56 percent of First Nations had opted into alternative legislative regimes regarding land management or fiscal management; 48 percent of First Nations had new fiscal bylaws; and another 17 percent had land codes.⁹⁵

Recommendation 7

Therefore, the Committee recommends:

That Indigenous Services Canada provide the Committee with a progress report by January 2027 on its progress to advance self-determination and the exercise of First Nations jurisdictions in areas such as membership, citizenship, status, lands management, fiscal management, taxation, matrimonial real property and other contemplated initiatives under negotiation or consideration for First Nations to operate outside of the constraints of the *Indian Act*.

⁹⁴ APPA, *Evidence*, The Honourable Jody Wilson-Raybould, P.C., President, JWR Business Group LTD, and former Minister of Justice and Attorney General of Canada, as an individual, October 8, 2024.

⁹⁵ APPA, *Evidence*, Valerie Gideon, Deputy Minister, Crown-Indigenous Relations and Northern Affairs Canada, February 28, 2024; *First Nations Fiscal Management Act*, S.C. 2005, c. 9; *Framework Agreement on First Nation Land Management Act*, S.C., ch. 19, s. 121, 2022.

Co-Development is not Consultation

The *United Nations Declaration on the Rights of Indigenous Peoples Act* mandates the Government of Canada to not only consult Indigenous peoples but cooperate with them. This means that Indigenous peoples have the opportunity...to participate in and positively influence federal decision-making processes, with adequate time and supported by adequate resources.⁹⁶

Brenda Gunn, Professor and Indigenous Bar Association

Co-development reflects a higher standard

To witnesses, UNDRIP and the UN Declaration Act require co-development and cooperation processes to reflect a higher standard than the current federal duty to consult doctrine. Natan Obed, President, Inuit Tapiriit Kanatami, stressed he was “alarmed by the fundamental challenges that continue to hamper implementation of the [A]ct and its associated UN Action Plan”.⁹⁷ The Committee heard several important reflections on the meaningful participation of Indigenous Peoples in federal decisions. The concept of free, prior and informed consent, a central notion of the entire Declaration set out in Article 19, was raised by many witnesses. For example, Chief Littlechild drew attention to the following concepts:

“Free,” of course, means without any duress. “Informed” means you need to inform the Indigenous peoples, tribes or nations of both sides of the question, both the pro and the con of the proposal. Then based on that, “informed” decisions can be made.⁹⁸

The Assembly of First Nations noted it remained unclear how federal departments had “adapted their engagement principles to better reflect the human rights standards and principles of the UN Declaration, including how First Nations’...free, prior and informed consent [FPIC] will be recognized across ministerial implementation efforts.”⁹⁹ In a brief submitted to the Committee, Nishnawbe Aski Nation argued that in relation to its territories that make up Treaties 5 and 9 in northern Ontario:

⁹⁶ APPA, *Evidence*, Brenda Gunn, Professor, Indigenous Bar Association, May 22, 2024.

⁹⁷ APPA, *Evidence*, Natan Obed, President, Inuit Tapiriit Kanatami, April 16, 2024.

⁹⁸ APPA, *Evidence*, Chief Wilton Littlechild, International Chief for Maskwacis (Hon), As an Individual, October 9, 2024.

⁹⁹ APPA, *Evidence*, Terry Teegee, Regional Chief, British Columbia Assembly of First Nations, April 16, 2024.

FPIC should be applied in a sophisticated and nuanced way, depending on the circumstances and the rights that are engaged. For example, FPIC may not be required for routine and administrative activities that do not have a direct negative impact on the lands. However, in the case of a project likely to have substantive and permanent effect, then full-blown FPIC is legally required. Yes, a veto. Not an aspiration, target or objective.¹⁰⁰

Consultation approaches vary across federal departments

Many witnesses drew attention to problems in federal consultation processes on legislation, policy and program development. Currently, witnesses told the Committee that departments interpret their responsibilities differently and undertake different approaches with respect to who is consulted and the nature and scope of consultation activities. Witnesses reported that consultation can at times be reduced to correspondence, online activities or other types of late-stage activities.

The Committee agrees with witnesses that the Declaration's standards related to consultation and cooperation require strengthening of federal efforts and finetuning guidelines, policies and processes. Greater transparency and accountability over federal decisions can be achieved by establishing timelines with Indigenous Peoples for consultation and ensuring information sharing is timely. Clear procedures are also needed to demonstrate how Indigenous input gathered during consultations is reflected in decisions made.

Witnesses also told the Committee there was some confusion about to whom the duty of consult is owed. Some witnesses indicated that, at times, there is reliance on broad forms of consultation with advocacy organizations rather than with rights-holders.¹⁰¹ Other witnesses, like representatives of the Congress of Aboriginal Peoples and the National Association of Friendship Centres, explained that the current distinctions-based federal approaches exclude important voices from consultation processes, such as non-Status First Nation individuals, as well as urban and off-reserve Indigenous individuals who make up more than 50 per cent of the Indigenous population in Canada. These organizations suggested these groups should have dedicated chapters in future UN Action Plans.¹⁰²

Kelly Benning, President, National Association of Friendship Centres, indicated that the result of consultation should not be predetermined; and she, along with Elmer

¹⁰⁰ APPA, *Brief*, Nishnawbe Aski Nation, May 8, 2024.

¹⁰¹ APPA, *Evidence*, Mandy Gull-Masty, Grand Chief, Grand Council of the Crees (Eeyou Istchee) and Cree Nation Government, April 17, 2024.

¹⁰² APPA, *Evidence*, Kelly Benning, President, National Association of Friendship Centres, April 17, 2024; APPA, *Evidence*, Elmer St. Pierre, National Chief, Congress of Aboriginal Peoples, April 17, 2024.

St. Pierre, National Chief, Congress of Aboriginal Peoples noted that an Indigenous-rights approach to consultation ought to be engaged, rather than a distinctions-based approach. This switch would enable Indigenous individuals to identify with either their home community or their urban residence, depending on the issue.¹⁰³ Consultation should be intergenerational;¹⁰⁴ occur in urban settings and in Indigenous communities;¹⁰⁵ should include First Nations, Inuit and Métis women, as well as gender diverse people, their advocates and organizations; include grassroots individuals;¹⁰⁶ and youth.¹⁰⁷

Some comments were directed at the development of the *Action Plan 2023-2028*. Witnesses indicated there was a lack of meaningful engagement, as well as limited time and capacity, resulting in little understanding among witnesses of how priorities within the *Action Plan 2023-2028* were identified.¹⁰⁸

British Columbia Regional Chief Teegee, Assembly of First Nations, noted that after the publication of the *Action Plan 2023-2028*, “First Nations-in Assembly brought forward a number of resolutions...which calls on Canada to jointly develop amendments with First Nations for the action plan to address gaps in Canada’s plan.”¹⁰⁹ Furthermore, the *Action Plan 2023-2028* missed a key opportunity to establish an intergovernmental strategy pertaining to consultation processes.¹¹⁰

Consultation requires sufficient time, expertise and adequate resources

Witnesses reported that consultation is resource-intensive, and requires research and legal analysis, guidance from Elders, technical expertise and community-wide

¹⁰³ Ibid.

¹⁰⁴ APPA, [Evidence](#), Kelly Benning, President, National Association of Friendship Centres, April 17, 2024.

¹⁰⁵ APPA, [Evidence](#), Lisa J. Smith, Advisor to the President, Native Women's Association of Canada, May 1, 2024; APPA, [Evidence](#), Nancy Etok, President, Pauktuutit Inuit Women of Canada, April 16, 2024.

¹⁰⁶ APPA, [Evidence](#), Stephen Buffalo, President and Chief Executive Officer, Indian Resource Council of Canada, May 21, 2024.

¹⁰⁷ APPA, [Evidence](#), Isaiah Bernard, Co-Chair, Assembly of First Nations Youth Council, October 2, 2024.

¹⁰⁸ APPA, [Evidence](#), Marilyn Slett, Chief & Secretary-Treasurer Union of British Columbia Indian Chiefs, May 1 2024; APPA, [Evidence](#), Cathy Merrick, Grand Chief, Assembly of Manitoba Chiefs, May 28, 2024; APPA, [Evidence](#), Isaiah Bernard, Co-Chair, Assembly of First Nations Youth Council, October 2, 2024.

¹⁰⁹ APPA, [Evidence](#), Terry Teegee, Regional Chief, British Columbia Assembly of First Nations, April 16, 2024.

¹¹⁰ Ibid.

engagement, along with travel.¹¹¹ As explained by the Coalition for the Human Rights of Indigenous Peoples, a group comprised of diverse Indigenous individuals:

Critically, in order for Indigenous Peoples to participate meaningfully in such a process, they must have access to resources needed to independently research the issues at hand; obtain guidance and advice from Elders, Knowledge Keepers and other experts of their choosing; support their chosen representatives' effective participation in any meetings; and consult with their citizens and communities as appropriate.¹¹²

All of those activities represent a substantial amount of work and come with a cost. Witnesses reported that federal funding to contribute to the *Action Plan 2023-2028* was inconsistent, insufficient or ad hoc. While Justice Canada extended funding for Indigenous participation in the UN Action Plan's development through the Indigenous Partnership Fund, the amount of funding could not facilitate the involvement of all First Nations, Inuit and Métis governments, organizations or communities. Chief Marilyn Slett explained that British Columbia established a fund for First Nations to participate in the implementation of UNDRIP that is application based.¹¹³ Limited time and funding results in fatigue, leaving some Indigenous governments unable to participate in multiple consultations at once.¹¹⁴ According to Mr. Merle:

[W]e are experiencing almost an UNDRIP duty to consult saturation where First Nations have a reciprocal obligation to respond to interactions with the Crown and interactions with [resource project] proponents in the duty to consult framework, and that in itself is a very substantive weight.¹¹⁵

Consultation pertaining to the implementation of *Action Plan 2023-2028* should be recurring and "subject to regular review and revision alongside First Nations."¹¹⁶ Enforceable standards should be adopted regarding cooperation and consultation along with the establishment of a dispute resolution mechanism for greater accountability and transparency in the consultation process.¹¹⁷

¹¹¹ APPA, [Brief](#), Nishnawbe Aski Nation, May 8, 2024.

¹¹² APPA, [Brief](#), The Coalition for Human Rights of Indigenous Peoples, May 8, 2024.

¹¹³ APPA, [Evidence](#), Marilyn Slett, Chief & Secretary-Treasurer, Union of British Columbia Indian Chiefs, May 1 2024.

¹¹⁴ APPA, [Evidence](#), Terry Teegee, Regional Chief, British Columbia Assembly of First Nations, April 16, 2024.

¹¹⁵ APPA, [Evidence](#), Merle Alexander, K.C., Principal, Miller Titerle As an Individual, May 28, 2024.

¹¹⁶ APPA, [Evidence](#), Marjolaine Étienne, President, Quebec Native Women, September 25, 2024; APPA, [Evidence](#), Terry Teegee, Regional Chief, British Columbia Assembly of First Nations, April 16, 2024.

¹¹⁷ APPA, [Evidence](#), Mandy Gull-Masty, Grand Chief, Grand Council of the Crees (Eeyou Istchee) and Cree Nation Government, April 17, 2024; APPA, [Evidence](#), Isaiah Bernard, Co-Chair, Assembly of First

Along with consultation guidelines that set out processes and timelines, key terminology requires working definitions. For example, Mr. Obed explained that “consultation and cooperation ha[ve] never been defined.”¹¹⁸ While the UN Declaration and the *Action Plan 2023-2028* include a definition of co-development indicating that the term “reflects the highest end of the consultation and cooperation spectrum,”¹¹⁹ Merrell-Ann Phare, Executive Director, Centre for Indigenous Environmental Resources, disagreed that co-development involves “the consultation spectrum.”¹²⁰ In a brief submitted to the Committee, Nishnawbe Aski Nation noted that references to “co-development” in the *Action Plan 2023-2028* are unnecessarily vague, particularly in relation to the way legislation is developed. The Nation emphasized that the *Action Plan 2023-2028* commentary “sounds suspiciously like the discredited consultation/accommodation matrix.”¹²¹ Ms. Phare explained her view that, “[c]onsultation is ultimately a rights-infringement process,”¹²² differing from co-development processes which involve “collaboration and negotiation.”¹²³ Co-development is, “at its heart, the UNDRIP commitment... [it] is about consent within the context of Canadian sovereignty” and success comes down to “political will.”¹²⁴

Co-development reflects collaboration over the lifecycle of an initiative

In the parliamentary context, witnesses had expectations that the co-development of legislation could equalize power imbalances and involve Indigenous Peoples from the conceptual phases of legislative objective-setting to legislative drafting. Under such a model, Indigenous Peoples and government officials could work together on the creation of joint submissions to Cabinet, including setting mandates for the negotiation of policy and legislation. Witnesses emphasized the need for further research on alternative approaches to collaborative legislative development that could address questions of privilege and cabinet confidence.¹²⁵

Nations Youth Council, October 2, 2024; APPA, [Brief](#), Coalition for the Human Rights of Indigenous Peoples, May 8, 2024.

¹¹⁸ APPA, [Evidence](#), Natan Obed, President, Inuit Tapiriit Kanatami, April 16, 2024.

¹¹⁹ Government of Canada, [The United Nations Declaration on the Rights of Indigenous Peoples Act UN Action Plan, 2023-24](#).

¹²⁰ APPA, [Evidence](#), Merrell-Ann Phare, Executive Director, Centre for Indigenous Environmental Resources, May 21, 2024.

¹²¹ APPA, [Brief](#), Nishnawbe Aski Nation, May 8, 2024.

¹²² APPA, [Evidence](#), Merrell-Ann Phare, Executive Director, Centre for Indigenous Environmental Resources, May 21, 2024.

¹²³ Ibid.; APPA, [Evidence](#), Natan Obed, President, Inuit Tapiriit Kanatami, April 16, 2024.

¹²⁴ APPA, [Evidence](#), Merrell-Ann Phare, Executive Director, Centre for Indigenous Environmental Resources, May 21, 2024.

¹²⁵ The Assembly of First Nations and its Youth Council along with Ms. Wilson-Raybould recommended that a thorough review of co-development of legislation be undertaken.

Several best practices were raised by witnesses about government-to-government relations that reflect a high degree of partnership. For example, in order to cooperate in the development of legislation in the Northwest Territories, a “neutral drafter” was used to draft legislation based on instructions from territorial and Indigenous governments.¹²⁶ Another best practice was a protocol under development in 2024 by the Government of British Columbia and the First Nations Leadership Council that “maps out how rights holders can and should participate in the co-development of legislation” on a regional basis.¹²⁷

There are examples of agreements between Indigenous and public governments setting out the parties’ divergent views, rather than reflecting final joint positions achieved through negotiation. The Committee heard that such agreements can be a useful starting point for future collaboration. For example, the 2009 *Kunst’aa guu – Kunst’Aayah Reconciliation Protocol*, between the Haida Nation and the Government of British Columbia, codified the parties’ opposing interpretations of title to the land and sovereignty. However, the Protocol was foundational to initiate negotiations and to recognize the authorities of the parties, that can be adjusted should circumstances change, under a process that is referred to as “collaborative consent.”¹²⁸

Ecosystem and wildlife management issues are other unique examples of successful partnerships. Witnesses highlighted Parks Canada’s “longstanding relationships” with Indigenous Peoples whereby the department “understands fully the archaeological and historical significance of things within” national parks. Together with Indigenous experts, Parks Canada is “pushing the boundaries of trying to incorporate Indigenous values and perspectives.”¹²⁹ The Indigenous Bar Association also pointed to the successful example of the *Columbia River Treaty*, a transboundary flood control and hydro power agreement between Canada and the United States.¹³⁰ In 2019, Canada included the Ktunaxa, Okanagan and Secwepemc Nations as observers in the negotiations to modernize the treaty; the three Indigenous Nations struck a framework agreement with the federal and provincial governments and sought to develop a new model of governance, a benefit sharing regime and the incorporation of Indigenous science and culture into ecosystem management.

Nunavut has several successful examples related to the implementation of the UN Declaration Act in the territory. The Inuit-Crown Partnership Committee (ICPC) was cited as a successful forum for discussion and dispute resolution. According to Paul

¹²⁶ APPA, *Evidence*, Merrell-Ann Phare, Executive Director, Centre for Indigenous Environmental Resources, May 21, 2024.

¹²⁷ APPA, *Evidence*, Merle Alexander, K.C., Principal, Miller Titerle, As an Individual, May 28, 2024.

¹²⁸ Merrell-Ann Phare, *Collaborative Consent and Water in British Columbia*, 2018.

¹²⁹ APPA, *Evidence*, John G. Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat, May 1, 2024.

¹³⁰ Government of British Columbia, *Columbia River Treaty*, 1964.

Irrgaut, Vice-President of Nunavut Tunngavik Inc., “[t]he ICPC is a viable pathway to realizing the systematic change envisioned by UNDA.”¹³¹ Paul Irrgaut also cited the progress made in establishing Nunavut fisheries regulations, more than three decades after the *Nunavut Land Claims Agreement* came into effect.¹³²

¹³¹ APPA, *Evidence*, Paul Irrgaut, Vice-President, Nunavut Tunngavik Incorporated, October 9, 2024.

¹³² *Ibid.*

Machinery of government

The challenge with the action plan and all the actions that are contained within it is that there is no underlying framework. There is no clear, practical foundation for the movement away from denial to the recognition of rights.¹³³

The Honourable Jody Wilson-Raybould, P.C., President, JWR Business Group LTD and former Minister of Justice and Attorney General of Canada

Witnesses made several important suggestions to improve the implementation of the *Action Plan 2023-2028* in a structured way. The Committee recognizes that the Government of Canada is in the early phases of implementation. John G. Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat, noted that the UN Action Plan's priorities are largely existing federal initiatives that were reprofiled. Additionally, many initiatives lack timelines and performance measures to understand the level of impact or change.¹³⁴

The lack of specific mandates for UNDRIP implementation in each department hinders effective implementation efforts, particularly with respect to the development of legislation.¹³⁵ According to some witnesses, the involvement of central agencies is critical to the implementation of the *Action Plan 2023-2028* to coordinate a harmonized, whole of government approach. The fragmented nature of implementation within respective departments and agencies is reflected by Natan Obed's comments that

[m]ost departments insist that they require additional authorities from central agencies to proceed with implementation. The existence of legislation and the national UN Action Plan aren't enough to implement the rights of Inuit.¹³⁶

¹³³ APPA, [Evidence](#), The Honourable Jody Wilson-Raybould, P.C., President, JWR Business Group LTD, and former Minister of Justice and Attorney General of Canada, as an individual, October 8, 2024.

¹³⁴ APPA, [Evidence](#), John G. Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat, May 1, 2024.

¹³⁵ APPA, [Evidence](#), Natan Obed, President, Inuit Tapiriit Kanatami, April 16, 2024; APPA, [Evidence](#), Cassidy Caron, President, Métis National Council, May 1, 2024; APPA, [Evidence](#), Marilyn Slett, Chief & Secretary-Treasurer, Union of British Columbia Indian Chiefs, May 1 2024; APPA, [Evidence](#), Isaiah Bernard, Co-Chair, Assembly of First Nations Youth Council, October 2, 2024.

¹³⁶ APPA, [Evidence](#), Natan Obed, President, Inuit Tapiriit Kanatami, April 16, 2024.

The Committee was told that the Treasury Board Secretariat should establish UN Declaration Act and *Action Plan 2023-2028* reporting requirements that are integrated into financial planning and legislative and policy development.

This approach could look similar to the work the federal government did to mainstream the gender-based analysis plus framework across departments.¹³⁷ Mr. Paul recommended that individuals responsible for the implementation of the *Action Plan 2023-2028* be designated in every department to enable a level of focus on education and implementation.¹³⁸

In British Columbia, a Declaration Act Secretariat coordinates implementation with First Nations and provides education to public servants related to the standards within the Declaration.¹³⁹ The First Nations Leadership Council also signed a memorandum of understanding with the provincial Minister of Justice so that First Nations have an active role in the co-implementation and development of the provincial UN Action Plan.¹⁴⁰ A witness suggested that a similar model could be adopted at the federal level.¹⁴¹

In 2024, Justice Canada finalized a guide for federal officials to assess the consistency of legislative and regulatory initiatives with the Declaration. The *Interim guide for officials on how to assess consistency with the United Nations Declaration on the Rights of Indigenous Peoples* instructs federal officials to bring such analysis into the development of memorandums to cabinet with information to be presented to Assistant Deputy Ministers and shared early in the process with officials from the Privy Council Office. Among other matters, the guide directs officials during the first phase of assessment to consider the “potential impact on the rights and interests of Indigenous peoples” and whether the impacts are “direct, indirect, positive or negative. This applies equally to legislative, regulatory, policy or programmatic measures that are intended to apply specifically to Indigenous peoples, as well as those that are not.”¹⁴² A second phase directs officials to evaluate whether an initiative has positive or negative impacts on the rights set out in the UN Declaration. Both phases of analysis must take place in consultation and cooperation with Indigenous Peoples.

Subsequently, in its 2025 UN Declaration Annual Progress report, Justice Canada conveyed that a *United Nations Declaration on the Rights of Indigenous Peoples Act*

¹³⁷ APPA, *Evidence*, John G. Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat, May 1, 2024.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ APPA, *Evidence*, Terry Teegee, Regional Chief, British Columbia Assembly of First Nations, April 16, 2024.

¹⁴¹ Ibid.

¹⁴² Justice Canada, *Interim guide for officials on how to assess consistency with the United Nations Declaration on the Rights of Indigenous Peoples*, 2024.

Action Plan Advisory Committee was struck with members nominated by Indigenous organizations. A secretariat internal to Justice Canada leads the development of annual reports on the *Action Plan 2023-2028*. Over the past year, the Committee began its work in establishing terms of reference; ultimately it will provide advice on such measures as “Indigenous participation in decision-making and mechanisms for oversight and accountability.”¹⁴³

The Committee recognizes that the new federal guidelines is an important tool to evaluate future initiatives on whether they meet the rights set out in the UN Declaration. Further, it is expected that the UN Action Plan Advisory Committee will provide essential advice on the steps taken to advance the UN Declaration Act’s implementation.

Recommendation 8

Therefore, the Committee recommends:

That Justice Canada, in coordination with the Privy Council Office and Treasury Board Secretariat, provide the Committee with a report by January 2027 detailing how it is monitoring the implementation of the *Interim guide for officials on how to assess consistency with the United Nations Declaration on the Rights of Indigenous Peoples* across federal departments; the process developed to assess the effectiveness of the Interim guide; any related mandatory assessment tools developed; and how these processes have informed federal decisions; and

That Justice Canada provide the Committee with a progress report by January 2027 on the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan Advisory Committee’s work.

Recourse and remedy

The Committee wishes to highlight some of the recommendations from witnesses regarding the establishment of dispute resolution mechanisms. Several witnesses and organizations, notably, the Indigenous Bar Association, the Coalition for the Human Rights of Indigenous Peoples, Ms. Wilson Raybould and Mr. Obed urged the Government of Canada to establish an independent body to ensure Indigenous rights are upheld. Such a forum could additionally be used to resolve disputes between Indigenous rights-holders or organizations and the Government of Canada,

¹⁴³ Justice Canada, *Background: UN Declaration Act Action Plan Advisory Committee*, 2025.

instead of pursuing litigation.¹⁴⁴ In 2024, the Committee explored how an Indigenous human rights ombudsperson and tribunal could be established in its report entitled, *Respected and Protected: Towards the establishment of an Indigenous human rights framework*. The Committee made eight recommendations, one of which was the establishment through legislation of an Indigenous human rights mechanism.¹⁴⁵

For its part, officials from Justice Canada acknowledged the complexity of establishing recourse and remedy mechanisms that would be suitable to uphold the individual and collective rights of Indigenous Peoples.¹⁴⁶

The Committee also wishes to highlight the necessity of further efforts to educate the public service about the Indigenous rights enshrined in the Declaration.¹⁴⁷ Education can support greater understanding of the importance of upholding Indigenous rights, as well as assisting with implementation efforts in the public service more broadly.

Education is an important part of reducing anti-Indigenous discrimination and fulfilling Joyce's Principle. Several witnesses also reflected on the importance of education efforts directed to the Canadian public. Grand Chief Awashish, Atikamekw Nation Council argued that "[w]e need to make sure that Canadians as a whole really know what [the implementation of UNDRIP] entails so they don't have concerns about Indigenous rights."¹⁴⁸ This type of education could also serve to raise awareness of Indigenous-Crown relations and could counter systemic racism against Indigenous Peoples.

In testimony before the Committee, officials from the Justice Department noted that in 2022-2023, approximately 4,000 public servants took courses on the UN Declaration Act. Nevertheless, Indigenous witnesses emphasized that more public servants can still be trained on the importance of UNDRIP and the UN Declaration Act. Greater awareness about the principles of the Declaration and the reasons why it was developed could expedite implementation efforts, particularly the task of aligning federal laws with the principles of the Declaration.

¹⁴⁴ APPA, *Evidence*, The Honourable Jody Wilson-Raybould, P.C., President, JWR Business Group LTD, and former Minister of Justice and Attorney General of Canada, as an individual, October 8, 2024.

¹⁴⁵ APPA, *Respected and Protected: Towards the establishment of an Indigenous human rights framework*, 44th Parliament, 1st session.

¹⁴⁶ APPA, *Brief*, Coalition for the Human Rights of Indigenous Peoples, May 8, 2024.

¹⁴⁷ APPA, *Evidence*, Mandy Gull-Masty, Grand Chief, Grand Council of the Crees (Eeyou Istchee) and Cree Nation Government, April 17, 2024; Brief, APPA, *Brief*, Coalition for the Human Rights of Indigenous Peoples, May 8, 2024.

¹⁴⁸ APPA, *Evidence*, Constant Awashish, Grand Chief, Atikamekw Nation Council, May 7, 2024.

Recommendation 9

Therefore, the Committee recommends:

That the Government of Canada develop a mandatory training plan on the *United Nations Declaration on the Rights of Indigenous Peoples Act*, Aboriginal and treaty rights, treaty implementation and Indigenous history and experiences to measure progress on training a greater number of civil servants and to ensure training meets the differing departmental responsibilities; and

That the federal United Nations Declaration Act Implementation Secretariat at Justice Canada involve the Treasury Board of Canada: to measure progress on public service education; to monitor the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*; and to support future planning and policy development.

Conclusion

The Committee recognizes that the implementation of the UN Declaration Act is a long-term process that has the potential to transform the relationship between Indigenous Peoples and Canada. The Committee appreciates the priorities identified by witnesses over the course of its study and plans to undertake future studies on some of the priorities raised by witnesses on topics such as the duty to consult.

Appendix A – Witnesses

Wednesday, February 28, 2024

- Jean-François Fortin, Associate Deputy Minister *Department of Justice Canada*
- Valerie Gideon, Deputy Minister *Crown-Indigenous Relations and Northern Affairs Canada*
- Stuart Hooft, Acting Director, Registration Reform, Individual Affairs Branch *Indigenous Services Canada*
- Heather McLean, Assistant Deputy Minister, Implementation Sector *Crown-Indigenous Relations and Northern Affairs Canada*
- Laurie Sargent, Assistant Deputy Minister, Indigenous Rights and Relations Portfolio *Department of Justice Canada*
- Charles Slowey, Assistant Deputy Minister, Community and Identity Sector *Canadian Heritage*
- Keith Smith, Director General, United Nations Declaration Act Implementation Secretariat *Department of Justice Canada*
- Danielle White, Assistant Deputy Minister, Strategic Policy and Partnerships Sector *Indigenous Services Canada*

Tuesday, April 16, 2024

- Will David, Director of Legal Affairs (*Inuit Tapiriit Kanatami*)
- Nancy Etok, President (*Pauktuutit Inuit Women of Canada*)
- Lara Koerner-Yeo, Associate, JFK Law LLP (*Assembly of First Nations*)
- Natan Obed, President (*Inuit Tapiriit Kanatami*)
- Terry Teegee, Regional Chief, British Columbia (*Assembly of First Nations*)

Wednesday, April 17, 2024

- Kim Beaudin, National Vice-Chief (*Congress of Aboriginal Peoples*)
- Kelly Benning, President (*National Association of Friendship Centres*)
- Mandy Gull-Masty, Grand Chief (*Grand Council of the Crees (Eeyou Istchee) and Cree Nation Government*)
- Samantha Jack, Youth President (*National Association of Friendship Centres*)
- Kara Louttit, Policy Analyst (*National Association of Friendship Centres*)
- Charles Morven, Secretary-Treasurer (*Nisga'a Lisims Government*)
- Elmer St. Pierre, National Chief (*Congress of Aboriginal Peoples*)

Wednesday, May 1, 2024

- Cassidy Caron, President (*Métis National Council*)
- John G. Paul, Executive Director (*Atlantic Policy Congress of First Nations Chiefs Secretariat*)
- Marilyn Slett, Chief & Secretary-Treasurer (*Union of British Columbia Indian Chiefs*)
- Lisa J. Smith, Advisor to the President (*Native Women's Association of Canada*)

Tuesday, May 7, 2024

- Constant Awashish, Grand Chief (*Atikamekw Nation Council*)
- Al Benoit, Chief of Staff (*Manitoba Métis Federation*)
- David Chartrand, President (*Manitoba Métis Federation*)
- Autumn Laing-LaRose, President, Métis Nation-Saskatchewan Provincial Métis Youth Council (*Métis National Youth Advisory Council*)

Wednesday, May 8, 2024

- Natalie Binguis, Director of Justice Research and Policy (*Nishnawbe Aski Nation*)
- Michael Sherry, Legal Counsel (*Nishnawbe Aski Nation*)

Tuesday, May 21, 2024

- Neil Belanger, Chief Executive Officer (*Indigenous Disability Canada*)
- Stephen Buffalo, President and Chief Executive Officer (*Indian Resource Council of Canada*)
- Harold Calla, Executive Chair (*First Nations Financial Management Board*)
- Matthew Foss, Vice-President, Research & Public Policy (*Canadian Council for Aboriginal Business*)
- Marilee A. Nowgesic, Chief Executive Officer (*Canadian Indigenous Nurses Association*)
- Merrell-Ann Phare, Executive Director (*Centre for Indigenous Environmental Resources*)

Wednesday, May 22, 2024

- Ken Coates, Professor, Indigenous Governance Program, Yukon University (*As an Individual*)
- Brenda Gunn, Professor (*Indigenous Bar Association*)
- Tuma Thomas William Young, K.C., Lawyer, Smith Law and Professor, L'nu Studies, Cape Breton University (*As an Individual*)

Tuesday, May 28, 2024

- Merle Alexander, K.C., Principal, Miller Titerle (*As an Individual*)
- Janice Makokis, Ianni Legal Scholar (*As an Individual*)
- Cathy Merrick, Grand Chief (*Assembly of Manitoba Chiefs*)

Wednesday, September 25, 2024

- Marjolaine Étienne, President (*Quebec Native Women*)

Tuesday, October 1, 2024

- Bernadine Coleman, Councilor (*O'Chiese First Nation*)
- Ivan Zinger, Correctional Investigator of Canada (*Office of the Correctional Investigator*)

Wednesday, October 2, 2024

- Natasha Beedie, Director, Rights & Governance (*Assembly of First Nations*)
- Isaiah Bernard, Co-Chair (*Assembly of First Nations Youth Council*)

Tuesday, October 8, 2024

- The Honourable Jody Wilson-Raybould, P.C., President, JWR Business Group LTD, and former Minister of Justice and Attorney General of Canada (*As an Individual*)

Wednesday, October 9, 2024

- Paul Irgaut, Vice-President (*Nunavut Tunngavik Incorporated*)
- Chief Wilton Littlechild, International Chief for Maskwacis (Hon) (*As an Individual*)
- Itoah Scott-Enns, Director, Planning and Partnerships (*Tlicho Government*)

Wednesday, October 23, 2024

- Don Nicholls, Member (*Coalition for the Human Rights of Indigenous Peoples*)

Appendix B – Briefs

The Committee received several briefs during this study, available on the Committee's [web page](#).



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