



HOUSING AND INFRASTRUCTURE: SAFE WATER FOR FIRST NATIONS

OVERVIEW

In 2013, the *Safe Drinking Water for First Nations Act* (SDWFNA) came into force despite numerous objections by First Nations. First Nations have repeatedly called for the repeal of the SDWFNA.

Indigenous Services Canada (ISC) responded to this sustained advocacy last year, proposing that the Assembly of First Nations (AFN) take the lead in conceptualizing, elaborating, designing and implementing a re-envisioned engagement process for review of the current Act, including exploring co-development of a replacement Act.

Mandated by the Chiefs-in-Assembly via Resolution 88/2017, *First Nations led Engagement Process for Safe Drinking Water Legislation*, AFN held a National Water

Symposium and Tradeshow in Coast Salish territories from February 6 to 8, 2018, to renew and expand the dialogue on how to move beyond the flawed SDWFNA. As mandated, the AFN also developed a multi-year funding proposal to ensure that the process will be adequately resourced.

In addition, the AFN prepared a Concept Paper outlining options for how to co-develop First Nations safe drinking water legislation that is respectful of First Nations inherent rights and Indigenous laws, and meets the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples. This Concept Paper has now been shared and discussed with the Chiefs Committee on Housing and Infrastructure (CCoHI), the Chiefs-in-Assembly and the federal government.

UPDATE

At the recent Special Chiefs Assembly on Federal Legislation on May 1 and 2, 2018, after sharing the Concept Paper on the Process to Develop a New Federal Bill on Safe Drinking Water for First Nations, the preferred approach to repeal and replace the SDWFNA was identified and affirmed by the Chiefs-in-

Assembly via Resolution 01/2018, *First Nations Led Process to Develop New Federal Safe Drinking Water Legislation*. A joint legislative co-development process will proceed, fully mandated by the federal government and in full partnership with First Nations.

NEXT STEPS

In accordance with AFN Resolution 01/2018, the AFN is now in the process of identifying a Special Chief's Committee on First Nations Safe

Drinking Water Legislation and developing an expanded funding proposal to ensure this

Committee and the subsequent work it conducts will be sufficiently resourced.

This Special Chief's Committee will advise, provide oversight and support the development of Terms of Reference for the creation of a Joint Working Group on Safe Drinking Water for First Nations. This Joint Working Group will be composed of First Nations water experts, as well as individuals with legal, technical and financial expertise, including those familiar with water ceremonies and protocols, as well as corresponding federal government representatives.

This Joint Working Group will work via consensus and will report back to both the federal government and the Special Chief's Committee on a consistent and expedited basis as their work proceeds in co-drafting a proposed framework for safe drinking water legislation for First Nations. The CCoHI will be updated on a regular basis as well.

This draft framework will affirm First Nations inherent water laws, standards, guidelines and processes and will be presented to the Chiefs-in-Assembly for review and discussion at the AFN Annual General Assembly in Vancouver on unceded Coast Salish territories from July 24 to 26, 2018.

This Special Chief's Committee will also advise and support the development of a draft framework for the creation of a First Nations Water Commission and will report back to the AFN Executive as well as the Chiefs-in-Assembly.

