

# ASSEMBLY OF FIRST NATIONS



## TECHNICAL BULLETIN

### First Nations Led Process for New Safe Drinking Water and Wastewater Legislation July 2018

*The Assembly of First Nations issues regular updates on work underway at the national office.  
More information can be found at [www.afn.ca](http://www.afn.ca).*

*“First Nations hold the innovative solutions needed to improve the current situation and to generate lasting and effective approaches to ensure safe drinking water for our people.” - National Chief Perry Bellegarde, Assembly of First Nations (2018 National Water Symposium and Tradeshow)*

This Bulletin is an update from the Assembly of First Nations (AFN) on the *Safe Drinking Water for First Nations Act* and the current First Nations led process to co-develop new safe drinking water legislation.

#### ***Safe Drinking Water for First Nations Act: Background and Issues***

The Safe Drinking Water for First Nations Act (SDWFNA) came into force November 1, 2013, with the objective of creating enforceable regulations to ensure access to safe, clean and reliable drinking water, the effective treatment of wastewater, and the protection of sources of drinking water on First Nations lands. Meaningful consultation with First Nations on the SDWFNA did not occur and it imposes liability on First Nations while diminishing the liability of the government. Furthermore the SDWFNA does not identify resources to accomplish its goals despite clear evidence that decades of chronic and systemic under-funding of First Nations infrastructure, specifically drinking water and wastewater, has created a human rights disaster for First Nations. The Trudeau government has committed to eliminating all Long-Term Drinking Water Advisories by 2021 and there has been progress on this narrow issue which should be recognized. However the provision of safe drinking water for First Nations is much larger than just fixing particularly dangerous and problematic systems, it requires sufficient predictable funding and it requires laws that do not undermine First Nations rights while indemnifying the Crown and making First Nations liable for federal mismanagement of infrastructure.

#### ***Next Steps: Co-Development of a Draft Framework for First Nations Safe Drinking Water***

As a result of strong leadership by Chiefs and sustained advocacy by the AFN, including three Resolutions passed by the Chiefs-in-Assembly in 2017-2018, the position of the federal government has changed. There is now a commitment to support a First Nations led approach to creating new First Nations safe drinking water and wastewater legislation. Passed in May 2018, Resolution 01/2018, *First Nations Led Process to Develop New Federal Safe Drinking Water Legislation*, mandated the AFN to move forward with a multi-phase approach to co-development of new legislation. A Chiefs Committee on First Nations Safe Drinking Water Legislation is being assembled; it will advise and support a Joint Working Group dedicated to producing a Draft Framework for the legislation. A “First Nations Safe Drinking Water Preliminary Concepts” document has been created to outline principles, core interests and stimulate discussion on what foundational elements must be included in this work. The “First Nations Safe Drinking Water Preliminary Concepts” document will be presented to the Chiefs-in-Assembly for their endorsement at the Annual General Assembly on July 26, 2018, in Vancouver. Following endorsement, the AFN will lead regional engagements throughout the country to further inform and develop the Draft Framework using the Preliminary Concepts to open discussion. We affirm that our inherent water rights must be recognized, protected and upheld. First Nations must be fully and actively engaged in this legislative development foundational to our waters and thus our future. For more information please contact Irving Leblanc, Director, Housing, Infrastructure and Emergency Services, [ileblanc@afn.ca](mailto:ileblanc@afn.ca).