



WATER UNIT

What has the Water Unit worked on over the last quarter?

First Nations continue to face urgent unsafe drinking water issues, which are particularly important in light of the impacts of the COVID-19 pandemic. Long-term drinking water advisories remain in effect in First Nations communities across the country. The pandemic has exacerbated many of the vulnerabilities that First Nations face due to the lack of access to safe, clean, and reliable drinking water and adequate sanitation, all of which makes it extremely difficult for communities to protect themselves from the negative health effects of the pandemic. The AFN Water Unit advocates for the recognized human right to safe, clean drinking water and adequate sanitation as part of its commitment to the health and wellbeing of all First Nations. In addition to advocating for the reduction in drinking water advisories, for fair and equitable access to safe water and sanitation, the AFN Water Unit works with regions to identify specific priorities.

Over the last quarter, the focus of the AFN Water Unit has been on continuing the co-development process for repeal and replacement of the Safe Drinking Water for First Nations Act (SDWFNA), as mandated by the First Nations-in-Assembly at the 2019 AGA in Resolution 14/2019: *Endorsement of the Refined Preliminary Concepts for Repeal and Replacement of the Safe Drinking Water for First Nations Act* called for the AFN to proceed with follow-up engagements on key issues and concerns with the repeal and replacement of the SDWFNA. The SDWFNA came into force on November 1, 2013 and has been severely scrutinized by First Nations for lack of meaningful consultation and the imposition of unjust liability without proper resources, as well as the granting of sweeping enforcement, legislative and judicial powers to the Crown. Preliminary regional engagements were held in the summer of 2019 and provided a high-level overview of concerns with the Act and recommendations on how to improve. These meetings were mandated by Resolution 14/2019: *Endorsement of the Refined Preliminary Concepts for Repeal and Replacement of the Safe Drinking Water for First Nations Act*, which calls for the AFN to proceed with follow-up engagements on key issues and concerns with the repeal and replacement of the SDWFNA.

Additionally, the AFN Water Unit is focused on the development of a Long-Term Drinking Water Strategy for First Nations, post-2021, as mandated by the First Nations-in-Assembly, at the 2019 SCA, under Resolution 78/2019 *Endorsement of the Preliminary Table of Contents for a First Nations Long-Term Water and Wastewater Strategy Post-2021*. Due to COVID-19, Indigenous Services Canada's (ISC) deadline for developing this Strategy has been amended, which has allowed the AFN Water Unit to engage in more fulsome discussions with ISC about the meaningful participation of First Nations in the decision-making process.

Beginning in April 2020, and as a result of the COVID-19 pandemic, the AFN Water Unit re-developed its engagement plan for its Long-Term Drinking Water Strategy (LTDWS) and SDWFNA engagements. The AFN Water Unit is currently developing regionally-led virtual engagements, spearheaded by recently appointed Regional Water Coordinators (RWCs). The role of the RWCs will be key in facilitating deeper

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and more meaningful engagements and discussions on the LTDWS and the SDWFNA repeal and replacement and will help in bringing in a diversity of participants.

Are there recent current events or government action affecting the Water Unit or its priorities?

The creation of a Canada Water Agency (CWA) is a mandated commitment for the Minister of Environment and Climate Change Canada (ECCC) and the Minister of Agriculture. This issue is gaining significant national attention, however, to date there has been no First Nations inclusion or engagement in any discussions regarding the development of this Agency. The proposed CWA has far-reaching implications on First Nations water rights, governance, and management. The AFN Water Unit will be working together with the AFN Environment Sector to address this issue and ensure that First Nations are included every step of the way in the planning, development and operations of this Agency.

The AFN Water Unit continues to monitor the Long-Term Drinking Water Advisories (LT-DWAs) situation as their status has not been updated on Indigenous Services Canada's (ISC) website since mid-February 2020. On June 16, 2020, Minister Miller (ISC) indicated that the government's plan to eliminate all LT-DWAs is on-going, and that they continue to work aggressively to meet the Spring 2021 target despite the pandemic. This statement is contrary to what we have heard from Minister Vandal (Northern Affairs) and from our ISC counterparts who indicated that the government might not be able to meet the March 2021 deadline to eliminate all LT-DWAs. The AFN Water Unit requested to ISC counterparts that a formal statement be made on this matter.

What is your Sector planning for the future?

Upcoming activities include virtual follow-up engagements on the Long-Term First Nations Water and Wastewater Strategy and the Safe Drinking Water for First Nations Act repeal and replacement. These virtual engagements are currently being planned and will begin in early fall 2020.

The AFN Water Unit's proposed next steps, based on the feedback received from First Nations during the engagement process, include a collaborative co-drafting of a renewed Strategy and the repeal and replacement of the SDWFNA with co-developed legislation which will be done through the Joint Working Group tasked with preparing a Draft Framework for the repeal and replacement of the SDWFNA.

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