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## Assembly of First Nations

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## Assemblée des Premières Nations

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**SPECIAL CHIEFS ASSEMBLY  
DECEMBER 8, 9, & 10, 2015; GATINEAU, QC**

**Resolution no. 74/2015**

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**TITLE:** First Nations Water, Infrastructure and Housing Commission

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**SUBJECT:** Water, Wastewater, Infrastructure, Housing

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**MOVED BY:** Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

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**SECONDED BY:** Chief Billy Morin, Enoch Cree Nation #440, AB

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**DECISION** Carried by Consensus

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**WHEREAS:**

A. The following Articles of the UN Declaration on the Rights of Indigenous Peoples are relevant:

- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- ii. Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- iii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- v. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- vi. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. In 2008 the Assembly of First Nations (AFN) passed Resolution 50/2008, *Indigenous Commission on Water*, which directed that the AFN begin the process for development of a framework for the Commission.
- C. In June 2009 the AFN held a Steering Committee Meeting of experts from across Canada to discuss whether establishing a First Nations Water Commission would be an effective way to assist First Nations in addressing the drinking water and wastewater treatment, water governance, water protection and water rights issues that they face. The work of the First Nations Water Commission proceeded to a draft report which has not yet been endorsed.
- D. The 2011 National Assessment of First Nations Water and Wastewater Systems concluded that there were clear linkages between safe water, infrastructure and housing.
- E. In 2013, the *Safe Drinking Water for First Nations Act* received Royal Assent and became law in Canada despite numerous objections of Indigenous Peoples in Canada.
- F. In 2015, a new federal government was elected that has provided commitments with respect to water and wastewater systems of Indigenous Peoples across the country, including the reduction of Boil Water Advisories over the next five years.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Support the establishment of a First Nations Water, Infrastructure and Housing Commission which provides a process through which First Nations gather information, provide analysis, educate the public and support Indigenous advocacy on issues related to water, wastewater, infrastructure, and housing in Canada. The work of this Commission should build upon the achievements of the previous First Nations Water Commission.
2. Ensure that a First Nations Water, Infrastructure and Housing Commission shall be inclusive of all First Nations in Canada.
3. Encourage all First Nations leadership to take this Resolution to their respective Nations, Tribes, communities, organizations, associations or other affiliated entities for support, engagement and coordination.
4. Direct the Assembly of First Nations (AFN) to start the process for the development of the framework for this Commission and report on the status at the 2016 Annual General Assembly.
5. Direct the AFN to facilitate dialogue between appropriate and relevant representatives of the Federal Government and First Nations regarding water, wastewater, infrastructure and housing.

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