
Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY

December 5, 6 & 7, 2017, Ottawa, ON

Resolution no. 88/2017

TITLE: First Nations led Engagement Process for Safe Drinking Water Legislation

SUBJECT: Water

MOVED BY: Chief Lance Haymond, Kebaowek First Nation, QC

SECONDED BY: Chief Duke Peltier, Wikwemikong Unceded First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on Rights of Indigenous Peoples states:
- i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- B. In 2013, the Safe Drinking Water for First Nations Act (SDWFNA) came into force despite numerous objections by First Nations.
- C. First Nations have repeatedly called for the repeal of the SDWFNA.
- D. Assembly of First Nations (AFN) Resolution 74/2015 *First Nations Water, Infrastructure and Housing Commission* directs the AFN to develop a framework for a First Nations Water, Infrastructure and Housing Commission.

Certified copy of a resolution adopted on the 7th of December 2017 in Ottawa, ON


PERRY BELLEGARDE, NATIONAL CHIEF

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- E. AFN Resolution 26/2017 *Safe Drinking Water for First Nations Act* directs the AFN to continue the call for the repeal of the SDWFNA and for the federal government to work directly with First Nations to determine appropriate next steps, developed in full partnership with First Nations, and respecting First Nations rights.
- F. AFN Resolution 26/2017 further calls upon the government to develop, in partnership with First Nations, appropriate outcomes for the provision of safe drinking water that is respectful of First Nations rights.
- G. As a result of the advocacy efforts by First Nations and the AFN, the federal government is responding to the calls for repeal of the SDWFNA.
- H. Indigenous and Northern Affairs Canada (INAC) proposed that the AFN take the lead in conceptualizing, elaborating, designing and implementing, a re-envisioned engagement process for the review of the current Act, with support from INAC.
- I. INAC proposed that the AFN lead an engagement process with First Nations and work in partnership with the Department to develop elements of a revised or replacement act.
- J. The development of a framework for a First Nations Water Commission and a new legislation act must be First Nations led, must ensure the provision of safe drinking water to First Nations communities, and must include the identification of necessary funds for capital investments, operations and maintenance funding, and personnel and training for all First Nations communities.

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

1. Direct the Assembly of First Nations (AFN) to establish a joint Working Group comprised of AFN, Chiefs Committee on Housing and Infrastructure and their regional technicians, federal representatives, legal counsel for AFN and the federal government, and other experts, as necessary, to co-develop a draft framework for new legislation.
2. Direct the AFN to call upon the federal government to commit to adequate multi-year funding for the co-development of a draft framework for new legislation and to support First Nations engagement sessions.
3. Direct the AFN to co-develop a framework for a First Nations Water Commission with First Nations and Indigenous and Northern Affairs Canada, and to call on the federal government to secure funding for the design and implementation of a Water Commission.
4. Direct the AFN to ensure that the co-development of a draft framework for new legislation respects the following principles:
 - a. Is respectful of First Nations inherent rights and Indigenous laws.
 - b. Meets the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples.

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