



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*, the 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.

Building upon the dialogue generated at the inaugural National Water Symposium and Tradeshow, the AFN prepared a Concept Paper outlining options for how to co-develop First Nations safe drinking water legislation in a manner 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 was shared and discussed with the Chiefs Committee on Housing and Infrastructure (CCoHI), the Chiefs-in-Assembly and the federal government.

At the 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.

In accordance with AFN Resolution 01/2018, the AFN is now in the process of assembling a Chiefs Committee on First Nations Safe Drinking Water Legislation.

This Chief's Committee will advise and support the development of Terms of Reference for 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

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with water ceremonies and protocols, and the corresponding federal government representatives.

This Joint Working Group will work via consensus and will report back to both the federal government and the Chief's Committee on First Nations Safe Drinking Water Legislation on a consistent and expedited basis

as their work involves co-developing a proposed framework for safe drinking water legislation for First Nations. The CCoHI will be updated on a regular basis and the results will be presented to the Chiefs-in-Assembly for their endorsement.

UPDATE

A "First Nations Safe Drinking Water Preliminary Concepts" document has been created by the AFN to outline principles, core interests and stimulate discussion on what foundational elements must be included in this work. The document was presented to the

Chiefs-in-Assembly at the Annual General Assembly on July 26, 2018, in Vancouver. It was formally endorsed via Resolution 26/2018, *Support for a First Nations Safe Drinking Water Legislation Preliminary Concepts*.

NEXT STEPS

Resolution 26/2018 mandates the AFN to move forward using the "Preliminary Concepts" document in national engagements with First Nations so that a First Nations Safe Drinking Water Legislation Draft Framework can be created. This First Nations Safe Drinking Water Legislation Draft Framework will form the basis of a co-development process between First Nations and Canada as new First Nations safe drinking water and wastewater legislation is being created. The AFN affirms that this legislation will be developed in a

manner that affirms and ensures First Nations rights, interests, aspirations, inherent rights and laws, standards, guidelines and processes are protected.

Building upon the success and dialogue at the inaugural National Water Symposium and Tradeshow in Coast Salish territories from February 6 to 8, 2018, the AFN will host the second annual National Water Symposium and Tradeshow in February 2019.