TITLE:	Opposition to Derogation Clause in Bill S-8: *Safe Drinking Water for First Nations Act*
SUBJECT:	Water rights and legislation
MOVED BY:	Grand Chief Mike Kanentakeron Mitchell, Mohawks of Akwesasne, ON
SECONDED BY:	Chief Ko'waintco Michel, Nooaitch Indian Band, BC
DECISION:	Carried: Abstenstions from Alberta Chiefs

WHEREAS:

A. Bill S-8, *Safe Drinking Water for First Nations Act* passed third reading in the Senate of Canada on June 18, 2012.

B. Section 3 of Bill S-8, will derogate existing Aboriginal and treaty rights guaranteed to the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*.

C. Aboriginal and treaty rights are inherently protective of the natural world including the waters, the bloodlines of our Mother Earth.

D. It is our responsibility to ensure that existing Aboriginal and treaty rights affirmed under section 35 of the *Constitution Act, 1982* are not diminished by federal legislation.

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

1. Vehemently oppose the inclusion of Section 3 of Bill S-8, *Safe Drinking Water for First Nations Act,* as this permits the abrogation and derogation from constitutionally protected Aboriginal and treaty rights.
2. Insist that a non-derogation clause be included in Bill S-8.

Certified copy of a resolution adopted on the 19th day of July, 2012 in Toronto, Ontario

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

3. Direct the National Chief to appear before the House of Commons Standing Committee on Aboriginal Peoples to deliver our opposition to Section 3 of Bill S-8 and insist that it be replaced with the following clause:

"For greater certainty, nothing in this Act or the regulations is to be construed so as to abrogate or derogate from any existing Aboriginal or treaty rights of the Aboriginal peoples of Canada under section 35 of the Constitution Act, 1982."

Certified copy of a resolution adopted on the 19th day of July, 2012 in Toronto, Ontario

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF