



## What is the history of this issue and how does it impact First Nations?

First Nations continue to face acute, unsafe drinking water issues. The COVID-19 pandemic has further highlighted the inequities and dangers faced by First Nations with respect to water. As of April 25, 2022, there remain 33 long-term Drinking Water Advisories (DWA) in effect in 28 communities. To date, Indigenous Services Canada (ISC) confirms that 132 long-term advisories have been lifted since November 2015. However, this is the tip of the iceberg, as these reported numbers reflect only ISC-funded assets, and systems with five connections or more; they do not include First Nations on individual wells or cisterns.

Uncertain access to safe and reliable drinking water and inadequate sanitation have significant negative and harmful impacts on First Nations' health, education, and economic development. Consequently, the AFN continues to advocate and press the federal government to address the United Nations-affirmed human right to safe drinking water and for Canada to meet its internationally recognized obligations, which include ensuring access to safe drinking water for all First Nations.

The AFN welcomes the joint decisions from the Federal Court of Canada and the Manitoba Court of the Queen's Bench to approve the \$8-billion settlement in the national class-action lawsuit related to safe drinking water for First Nations. The terms of the settlement include \$1.5 billion in compensation for individuals deprived of clean drinking water, a legally binding commitment for the federal government to fund the entire costs of ending DWAs, and a commitment to repeal the Safe Drinking Water for First Nations Act (SDWFNA) by March 2022 and to replace it with new legislation in consultation with First Nations by December 2022. The AFN held numerous sessions to share information about the class action and will continue to share information regarding the settlement, to ensure that all First Nations have access to critical information about the claims process.

The process to repeal the SDWFNA is ongoing, as the repeal is included in Bill C-19 *Budget Implementation Act*, which is expected to be passed in June 2022.

Additionally, the impacts of climate change, questions around sustainable funding, and the implications surrounding the development of the new Canada Water Agency (CWA) have caused further uncertainty, as they all have major impacts on First Nations' access to safe, clean, and reliable drinking water. In response, the AFN held several virtual forums to gain input from First Nations related to urgent and emerging water issues, and the future of First Nations water sovereignty. These events were the October 2021 Water Summit and the February 2022 Water Symposium.



### How has the AFN's recent advocacy affected this area?

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Since the SDWFNA's passing, the AFN has remained steadfast in its opposition to the unilaterally developed legislation and has continuously advocated for its repeal and replacement with First Nations-led legislation. This advocacy has been mandated by the Chiefs-in-Assembly through Resolutions 01/2018 *First Nations Led Process to Develop New Federal Safe Drinking Water Legislation*, 26/2018 *Support for a First Nations Safe Drinking Water Legislation Preliminary Concepts*, and 14/2019 *Endorsement of the Refined Preliminary Concepts for Repeal and Replacement of the Safe Drinking Water for First Nations Act*. Since 2018, the AFN hosted regionally-led engagement sessions that brought together First Nations leadership, Knowledge Keepers, water operators, technicians, and youth to gather their input and feedback on the next steps in the repeal and replacement of the SDWFNA, as well as to discuss key issues related to water.

The mandate from the Chiefs-in-Assembly also directed the creation of a Joint Working Group (JWG) on Safe Drinking Water Legislation for First Nations. The JWG has been tasked with developing the draft framework for the replacement legislation that will be informed by the input and feedback gathered from the engagement sessions. Additionally, the JWG is critical to ensuring that First Nations' perspectives are included in the new legislation.

The AFN continues to urge the federal government to close the infrastructure gap by 2030 and prioritize the human right to safe drinking water through significant investments in water treatment and distribution for all First Nations.

### Where do we hope to go in the future?

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The AFN continues to advocate and work with our ISC partners to ensure that First Nations' voices are included every step of the way in the development of the replacement legislation. The AFN Infrastructure and Water sectors' proposed 2022-23 engagement sessions will be nationally coordinated and regionally led with a renewed focus on the replacement of the SDWFNA through targeted sessions with First Nations youth, women, operators, Elders, and leadership. These sessions will supplement the JWG meetings and ensure First Nations' perspectives are included in the new legislation.

Additionally, the AFN continues to advocate Environment and Climate Change Canada for meaningful First Nations inclusion in any discussions regarding the development of the CWA, as mandated through recent Resolution 27/2021, *Meaningful engagement and involvement in the*



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*co-development of a Canada Water Agency.* We are beginning to coordinate dialogue with First Nations from across the country to discuss the impacts and to develop a response.

The AFN will continue to advocate for and support the creation of First Nations-led policies and solutions related to safe, clean, and reliable drinking water while continuing to work with our federal partners to close the infrastructure gap.