
Assembly of First Nations

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Assemblée des Premières Nations

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**ANNUAL GENERAL ASSEMBLY
JULY 11, 12, & 13, 2023; HALIFAX, NS**

Resolution no. 53/2023

TITLE: First Nations-led Process for National Water Stewardship and the Canada Water Agency

SUBJECT: Water

MOVED BY: Chief Byron Louis, Okanagan Indian Band, BC

SECONDED BY: Judy Wilson, proxy, Osoyoos Indian Band, BC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 18: Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to obtain and develop their own indigenous decision-making institutions.
 - ii. 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.
 - 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 generation in this regard.
 - iv. Article 26 (1): Indigenous Peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.

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- B. In December 2019, the federal government committed to creating a Canada Water Agency (CWA) in the Minister of Environment and Climate Change's mandate letter, which directed the Minister to work with the Minister of Agriculture and Agri-Food to "create a new Canada Water Agency to work together with the provinces, territories, Indigenous communities, local authorities, scientists and others to find the best ways to keep our water safe, clean and well-managed."
- C. In March 2023, Budget 2023 committed funding towards the creation of the CWA, as well as significant funding to support monitoring, assessment and restoration of freshwater lakes and rivers, which serve as important sources of drinking water for many First Nations, and are essential for economic, cultural, spiritual, domestic, industrial and commercial practices for First Nations.
- D. In May 2023, the federal government announced that the new Canada Water Agency would be headquartered in Winnipeg, MB.
- E. The Assembly of First Nations (AFN) continues to advocate for First Nations and Treaty rights holders' inclusion in any discussions regarding the development of the CWA, through letters and ongoing engagements.
- F. The federal government's engagement process has not adequately engaged with all First Nations and Treaty rights holders, due in large part to rushed timelines, and inadequate inclusion of First Nations voices in the decision-making process.
- G. The federal government must obtain the free, prior and informed consent of First Nations, including on matters related to water management, and any water-related agencies, policies or legislation that could have implications on Treaty rights and the rights affirmed in the UN Declaration.
- H. The creation of a CWA has far-reaching implications on First Nations water rights and governance and First Nations need to be included in any discussions regarding the management of water.
- I. The AFN is guided by AFN Resolution 27/2021, Meaningful Engagement and Involvement in the Co-development of a Canada Water Agency, which explicitly called on Canada to ensure co-development of the Canada Water Agency.
- J. The implications of existing legislation, including the Canada Water Act, and proposed legislation for drinking water and wastewater could be significantly impacted by the proposed CWA.
- K. Canada has failed to adequately co-develop national, regional and local water stewardship initiatives with First Nations across Canada.

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THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to call on Canada to halt the creation of the Canada Water Agency until First Nations concerns are addressed, and First Nations Treaty and rights holders are meaningfully engaged, ensuring that the Agency adheres to Treaty and the standards of the UN Declaration, including the principles of free, prior, and informed consent (FPIC) and protections under the *Constitution Act, 1982*.
2. Direct the AFN to call on Canada to fund the creation of a national First Nations-led water stewardship task force, under the guidance and meaningful participation of the Advisory Committee on Climate Action and the Environment (ACE) and the Chiefs' Committee on Housing and Infrastructure (CCOHI), to inform the implementation and co-development of any such agency, including related legislation, policies, and initiatives, with AFN reporting back to the First Nations-in-Assembly at the next General Assembly.
3. Direct the AFN to call upon the Minister of Environment and Climate Change Canada (ECCC) to dedicate funding and resources for the meaningful and sustained engagement and participation of First Nations across Canada, and adequate funding for the creation of First Nations-led institutions that can support a whole-of-Canada approach to water stewardship and source water protection.

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