ANNUAL GENERAL ASSEMBLY
July 15, 16, & 17, 2008, Quebec City, QC

Resolution no. 23/2008

SUBJECT:	Canada's Proposed Water and Wastewater Legislation
MOVED BY:	Chief Bob Chamberlin, Kwicksutaineuk-ah-kwaw-ah-mish First Nation, BC
SECONDED BY:	Chief Eli Mandamin, Iskatewizaagegan No. 39 Independent First Nation, ON
DECISION:	Carried by consensus.

WHEREAS:

A. In its report to Parliament in December 2006, the Expert Panel on Safe Drinking Water for First Nations identified three options: introducing a statue incorporating by reference existing Provincial regulatory regimes; setting out uniform Federal standards and requirements; and recognizing First Nations Customary Laws regulating water;

B. The Government of Canada has indicated its support for provincial and territorial regulations and adapting them, as required, to meet the needs of First Nation communities;

C. INAC has been granted a mandate to proceed with this option;

D. This decision has been made unilaterally, without adequate consultation with First Nations on potential options and their impacts;

E. The Federal Government proposes to engage First Nations this Fall on the elements of a legislative framework in accordance with the incorporation by reference and results of which will be provided to the Minister of Indian Affairs along with recommendations for moving forward with legislation;

F. Further engagement is proposed on the development and implementation of federal regulations once legislation has been developed and passed by Parliament;

G. This approach has extensive impacts on First Nation rights, including land rights, the inherent right to self-government, water regulation and environmental protection; and

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Phil Fontaine, National Chief

H. This process does not meet the Crown's duty to consult and accommodate Aboriginal and Treaty Rights.

THEREFORE BE IT RESOLVED that:

1. The Chiefs-in-Assembly call upon the Government of Canada, which is under a duty to uphold the Honour of the Crown as embodied by section 35 of the *Constitution Act, 1982,* to begin meaningful consultations with First Nations prior to developing any legislation or regulations regarding First Nations' water resources.
2. The Chiefs-in-Assembly call upon the Government of Canada to work with First Nations to comprehensively review all of the options in the Expert Panel report, to assess their impacts on First Nations rights and interests, and to consider other potential options that First Nations may identify as part of the process to establish a new Government of Canada mandate for water legislation.
3. The Chiefs-in-Assembly call upon the Government of Canada to provide adequate resources to First Nations to enable their full participation in all stages of a consultation process.
4. The Chiefs-in-Assembly call upon the Government of Canada to work on an urgent basis to provide adequate funding to ensure that all First Nations have access to safe drinking water in a manner that supports First Nations' rights and jurisdiction over this resource.
5. The Chiefs-in-Assembly direct the Assembly of First Nations to oppose attempts on the part of the Government of Canada to ignore First Nations' rights and interests with respect to water, and to support the full and informed participation of First Nations in any process that will constructively advance the reconciliation of First Nations and Crown interests with respect to water.

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Phil Fontaine, National Chief