

ASSEMBLY OF FIRST NATIONS
2021-2022 Regional Water Coordinator ROLL-UP REPORT on the Safe
Drinking Water for First Nations (SDWFN) Legislation and Long-Term
Drinking Water Strategy (LTDWS) activities.



Executive Summary – What we have heard

Safe Drinking Water for First Nations (SDWFN)- Engagements

Over the last three years the Infrastructure and Water Sector has been funding and overseeing the role of the Regional Water Coordinators (RWC). The RWC role has been to facilitate and coordinate discussions and dialogue around water and wastewater issues specific to First Nations in their regions. The RWC role is also to work with the Assembly of First Nations (AFN) to coordinate and plan regional engagements. Through these 2022-23 engagements participants will continue to have a space and platform for discussion into the strategy. In FY 2021-2022 AFN funded 10 First Nation regions; British Columbia, Yukon, Northwest Territories, Alberta, Saskatchewan, Manitoba, Ontario, Quebec & Labrador, and the Atlantic Regions of Nova Scotia, Newfoundland, New Brunswick, and Prince Edward Island. The RWC position remains an important component to the SDWFN Act (SDWFNA) repeal and replacement legislation, as it provides a vehicle to transmit information as well as provide updates on an ongoing basis.

Covid 19-Pandemic

Covid 19 continues to be an obstacle across the Regions, it has imposed more limitations on communities who already experience obstacle in funding delays, which restricts their ability to plan long term. This in turn affects communities' abilities to plan comprehensively.

Safe Drinking Water for First Nations Legislation & Long Term Drinking Water & Wastewater Management (LTDWS)

Regional Engagements

RWCs held high level regional pre-engagement strategy sessions in 2019-2020 and into 2020-2021 across every region, with the objective of providing First Nations with an update on the upcoming Water Engagement Strategy, to ensure a clear understanding of key water and wastewater issues in each region, and to frame discussions for the AFN's national-level engagement sessions, beginning in February 2021.

The purpose of the AFN's 2020-2021 National Water Engagement sessions was to obtain feedback and input on two (2) key pieces, the repeal and replacement of the SDWFNA and a LTDWS post- 2021. At these sessions the discussion allowed AFN to inform communities about their proposed Water Engagement Strategy including the process involved in the next steps, as well as to hear from each region their key priorities and on-going issues, in regard to water and wastewater, which helped to inform the AFN's engagement sessions.

In 2021-2022 RWCs continue to engage with target specific groups such as leadership, women & youth on the SDWFNA legislation. The Infrastructure Sector has been actively involved in these regional discussions by supporting them with updates on our work and activities. These sessions inform the broader audience in First Nations communities on the work AFN is doing. The work has shifted with a focus onto the replacement of the SDWFNA to ensure that First Nations input is included into the draft legislation.

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Joint Working Group and Terms of Reference

The SDWFN draft legislation work and directives of the JWG will be guided by a Terms of References (TOR) that has been co-developed by AFN and our Federal partners at ISC. A kick off meeting of the JWG will commence shortly in the month of May.

Results 2021-2022 From Regional Engagements- AFNs Advocacy

Across the regions, we heard about the importance of ensuring that any Long-Term Strategy we develop moving forward, must be rooted in the overall goal of the **protection of water**, and must be rooted in and include **traditional, cultural knowledge**. Also, that the strategy must include and directly acknowledge the spiritual relationship that First Nations have with water. The LTS should also be informed by the rights and affirmations set out in UNDRIP.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

In terms of the scope of the LTS, we heard from First Nations that it should cover:

- the management of water and wastewater
- source-water protection
- widespread input from across First Nations, including both on and off-reserve members, and clear communication is key to providing the best outcome.

Water Operators

All of the regions highlighted the many challenges that First Nations water operators face, including low salaries, lack of succession planning, inadequate funding, the authority to make decisions and management. This prompted a push towards creating:

- a unified voice for water plant operators, and the inclusion of women into this piece;
- wage parity with off reserve water operators- for retention;
- advocacy and access to sustainable funding, to build capacity;
- more accessible operator training, technical and administrative support

Water Needs Assessments

Throughout the pre-engagement & engagement sessions, participants emphasized the need for

- updated water needs assessments to better reflect the current issues at the First Nation-level
- the urgent need for water testing, updated and accessible data, led and conducted by the First Nation
- build capacity and skill-development, as well as provide the evidentiary base for critical water and wastewater infrastructure investments.

Many regions highlighted their on-going issues with water data management, inaccuracy of data, lack of funding for this work, as well as lack of consultation, and engagement with the provincial governments.

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Impacts of Climate Change

Climate change has been an important discussion in the SDWFN repeal and replacement activities it is a big concern for First Nations and has not been fully realized, because the threat of Climate Change. It creates more uncertainty and stress on Infrastructure, water and wastewater systems. Over the course of regional engagements many of the regions emphasised how they are already experiencing the devastating impacts of climate change, and how this causes more strain on their systems because of inadequate and/or aging water plant systems on reserve. Further compromising source water, to the effects that climate change brings, through natural disasters; droughts, flooding and melting of ice caps, etc. This creates and adds problems to water quality, quantity, and contamination as well as the depletion of already weak and weakening infrastructure, failing water systems which is a major concern and priority for many First Nations.

The Canada Water Agency: Issue; Jurisdiction & Authority

The Canada Water Agency (CWA) is a government of Canada entity that is in its development phases of operations and management over water. It is not clear as to the scope or authority that this agency will have and how it will affect First Nations governance. Our sector is monitoring their agendas as they engage with First Nations. Several regions have had informational meetings with the CWA to gain a better understanding as to who and what they are. This is problematic because many First Nations participants, in past engagements across the regions, have highlighted the issue of provincial governments authority and federal overreach. Participants agreed that First Nations must work together to come up with strategic collective solutions to counter this.

Next Steps

Moving forward, we heard that the urgent need to ensure that watershed management and source water protection, and First Nations inherent rights to manage, govern and protect their waters, are included in both the LTS and the SDWFN draft legislation. Inadequate infrastructure continues to be a significant health issue in many First Nation communities, which has been exacerbated by the impacts of the COVID-19 pandemic. Participants agreed that all discussions and matters pertaining to water with the Federal government must be rooted in a consent-based approach, through a process that acknowledges and affirms First Nations inherent and Treaty rights to water, every step of the way.

AFN Infrastructure Water Sector has proposed to ISC for funding to continue to support the RWCs position for FY 2022-2023. Their role and engagement with regions is critical in supporting AFNs work on water and wastewater current and emerging issues and has been very successful in sharing information between communities and the AFN. Their positions bridge a gap in creating an opportunity for First Nations communities, leadership, elders & knowledge keepers, women, and youth to continue to participate in an ongoing dialogue to help inform National water and wastewater engagement and strategies.