SPECIAL CHIEFS ASSEMBLY
DECEMBER 14, 15 & 16, 2010, GATINEAU, QC

Resolution no. 58/2010

TITLE:	Bill S-11, *Safe Drinking Water for First Nations Act*
SUBJECT:	Water
MOVED BY:	Chief Keith Matthew, Simpcw First Nation, British Columbia
SECONDED BY:	Chief Carolyn Buffalo, Montana First Nation, Alberta
DECISION:	Carried by Consensus; one opposed; one abstention.

WHEREAS:

A. Canada introduced Bill S-11, *Safe Drinking Water for First Nations Act*

B. In its current form, Bill S-11 does not achieve its most basic objective, and will not guarantee that First Nations have access to safe drinking water.

C. Many First Nations are impoverished and do not have the necessary capacity, resources or infrastructure to adapt to any new imposed liabilities associated with the proposed legislation.

D. Bill S-11 infringes on First Nation jurisdiction, customary laws and legal orders and the right of self-government under section 35 of Canada's Constitution and is inconsistent with the United Nations Declaration on the Rights of Indigenous Peoples

E. Canada has thus far failed to satisfy its constitutional duty to consult with and accommodate First Nations regarding Bill S-11.

F. The Minister of Indian Affairs, John Duncan, has stated that Bill S-11 is not a "top-down exercise" and that Canada wants to work with First Nations "to make changes" to the Bill.

Certified copy of a resolution adopted on the 15th day of December, 2010 in Gatineau, Quebec

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

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

1. Call upon Canada to ensure appropriate funds are provided prior to implementation of the regulations.

2. Fully support the efforts of First Nations and regional First Nation organizations to develop their own water management systems including appropriate water regulations based on their cultural beliefs and laws.

3. Call upon the Minister of Indian Affairs to work collaboratively with the Assembly of First Nations, to immediately put forth a clear written plan, on a without prejudice basis and in good faith, to follow through on the commitment to address First Nations' concerns with the lack of clean drinking water, including the recommendations and general content of the Report of the Expert Panel on Safe Drinking Water for First Nations.

4. Advise the Federal Government that First Nations expect that any new water legislation, including any potentially revised version of Bill S-11, must comply with First Nations' constitutionally protected and inherent Treaty and Aboriginal rights, the United Nations Declaration on the Rights of Indigenous Peoples and the Report of the Expert Panel on Safe Drinking Water for First Nations.

5. Oppose the legislation and work to stop it from becoming enacted as law should the Government of Canada fail to complete the above noted work.

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