TITLE:	First Nations and the Human Right to Water
SUBJECT:	Human Right to Water
MOVED BY:	Chief Isadore Day, Serpent River First Nation, ON
SECONDED BY:	Grand Chief Doug Kelly, Proxy, Kwaw-kwaw-Apilt First Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

A. Article 25 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) states: "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 generations in this regard."

B. Article 32 of the UNDRIP further states:

1. "Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources."
2. "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."
3. "States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact."

C. Today more than ever, people aspire to equitable development and demand a true democracy based on the full respect for human rights, fundamental freedoms and the principles of the rule of law.

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D. Respect for human rights and individual dignity are universally shared values that are also the basis for a human rights based approach to water and sanitation challenges.

E. On July 28, 2010, the United Nations General Assembly passed a resolution on the human right to access to clean water and sanitation. The resolution was adopted by a vote of 122 in favour to none against, with 41 abstentions which include Canada.

F. In October 2010, the United Nations Human Rights Council for the first time affirmed that the right to water and sanitation is derived from the right to an adequate standard of living. This means that for the United Nations, the right to water and sanitation is contained in existing human rights treaties and is therefore legally binding.

G. Indigenous rights to water and sanitation are found in our Indigenous legal orders, Aboriginal Rights and Title, and Treaty Rights, which are constitutionally protected in Canada. The legal orders of First Nations in Canada, Aboriginal Rights and Title, and Treaty Rights constitute the legal framework for the application of a human rights based approach to water and sanitation for First Nations in Canada.

H. First Nations in Canada aspire to a quality of life and standards as set out in the United Nations General Assembly resolution. Achieving these minimal standards must not abrogate or derogate from Indigenous legal orders, Aboriginal Rights and Title, and Treaty Rights.

I. In April 2011, a group of Indigenous women walked from the four directions in the Mother Earth Water Walk to raise awareness of the life-giving and spiritual importance of continuing to protect our water.

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

1. Direct the Assembly of First Nations (AFN) to advocate for the application of United Nation General Assembly Resolution #A/RES/64/292 in Canada as a supporting mechanism for the implementation of Indigenous Rights, and constitutionally protected Aboriginal Title, Aboriginal and Treaty Rights in Canada.

2. Direct the AFN to work with organizations, such as the Council of Canadians, to promote the human right to water and sanitation in First Nation communities across Canada.

3. Direct the AFN to continue to advocate for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including the areas that support the collective rights of Indigenous Peoples and our relationship to our territories, including the waters and to provide regular updates.

4. Request that the National Chief and Chair of the AFN Women's Council jointly write a letter to the Indigenous women walkers and organizers in the 2011 Mother Earth Water Walk acknowledging the importance of their journey in promoting the human right to water.

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