



CHIEFS OF ONTARIO

35th All Ontario Chiefs Conference
July 7-8-9, 2009
Batchewana First Nation

**INAC'S PROPOSED LEGISLATIVE
FRAMEWORK FOR DRINKING WATER
AND WASTEWATER IN FIRST NATION
COMMUNITIES**

RESOLUTION 09/19
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WHEREAS:

- The Government of Canada conducted "consultations" on the Development of a Proposed Legislative Framework for Drinking Water and Wastewater in First Nation communities
- The Government of Canada funded regional First Nation organizations to carry out Impact Analysis reports on the Impacts of a Proposed Federal Legislative Framework for Drinking Water and Wastewater in First Nation Communities;
- The Institute on Governance (IOG) *Summary Report of the Impact Analyses of the Proposed Federal Legislative Framework for Drinking Water and Wastewater in First Nations Communities* roll-up report submitted to INAC on April 17, 2009 concluded that "First Nations generally are no where near meeting provincial standards. Therefore, applying these standards now would be calamitous."
- During the "consultation" sessions First Nation leadership and technical participants voiced their objections very clearly to the process that was followed and concluded that:

MOVED BY:

Chief Joel Abram
Oneida Nation of the Thames

SECONDED BY:

Chief Isadore Day
Serpent River First Nation

CONSENSUS

Certified Copy of a Resolution adopted on July 8, 2009.

Angus Toulouse,
Ontario Regional Chief

1. The Crown failed to engage in any meaningful consultation with First Nations regarding the options and recommendations in the Report of the Expert Panel on Safe Drinking Water for First Nations dated November 2006.
 2. The 2006 *“Report of the Expert Panel on Safe Drinking Water on First Nations”* recommended three options which First Nations have not had benefit of consideration in this current round of engagement session – one of which begins to respect the jurisdictions of First Nations over Water and the other considers national standards as the more appropriate basis for new First Nation water regulations;
 3. The Crown breached its duty to consult and accommodate First Nations by making a unilateral decision to proceed with the engagement sessions and impact analysis solely on the basis of incorporation by provincial/territorial reference.
 4. The Crown did not genuinely listen to the concerns of First Nations regarding a process for the development of a new drinking and wastewater legislative framework.
 5. The Crown failed to provide adequate time and resources to enable meaningful consultation.
 6. The Crown has clearly communicated that it is unwilling to engage in discussion of any inherent, Treaty and Aboriginal rights related issues. This is an infringement of inherent, Treaty and Aboriginal rights, the right to self-determination, and is a fundamental flaw in Canada’s attempted efforts to consult.
- This process does not respect the legal duty to consult, accommodate and seek prior consent on matters that impact First Nations’ inherent, treaty and aboriginal rights.

THEREFORE BE IT RESOLVED that:

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1. We do not accept the government's legislation to the development of drinking water and waste water
2. We demand that Canada co-develop a meaningful consultation process with First Nation communities
3. Direct the Chiefs in Ontario office to seek resources to take immediate legal action if deemed necessary.