



## MEDIA RELEASE

FOR IMMEDIATE RELEASE

### **For as Long as the Waters Flow - Treaty Chiefs in Alberta demand significant amendments to Canada's proposed First Nations Clean Water legislation**

**Edmonton, AB – December 18, 2023** – The Chiefs Steering Committee on Technical Services (Chiefs Steering Committee), whose mandate includes water, wastewater, and the related infrastructure needs of forty-seven (47) Treaty 6, 7, and 8 First Nations in Alberta, has significant concerns about Bill C-61 – *First Nations Clean Water Act*. The Bill was introduced in Parliament on December 11, 2023.

Several requests by the Chiefs Steering Committee to meet with Indigenous Services Minister Patty Hajdu to provide input on key issues were ignored. The result is proposed legislation that has not met the Treaty Chiefs' threshold for consultation, has been rushed in its development, and fails to meaningfully recognize First Nations' inherent and Treaty rights.

"Of course, we want action that ensures good drinking water for all our peoples, and while we support the spirit of the effort, Bill C-61 is dump-and-run legislation. It does not address existing needs and gaps in services, infrastructure, and monitoring on First Nations in Alberta to protect and sustain vital water sources for future generations. While it references our inherent rights to govern, we are concerned it actually minimizes our Treaty and inherent rights. This is not acceptable," said Chief Rupert Meneen, Tallcree First Nation, Treaty 8.

The Chiefs Steering Committee, whose efforts to raise key issues with Canada on this proposed legislation have been supported by the Assembly of Treaty Chiefs in Alberta by resolution in September 2023, says the proposed legislation does not honour outstanding Treaty rights and territories and the federal commitments requiring new First Nations water legislation to be "modernized." ([Please see attached background information](#))

The committee has three fundamental concerns:

- 1. The Government of Canada is offloading federal responsibilities to First Nation governments to deliver water services without clear funding commitments, timelines, implementation plans, or assurance of tangible improvements to water resources and infrastructure before any discussion about transfer of jurisdiction.** This legislation needs to be redrafted under a Treaty rights framework that encompasses recognition of sovereignty, land and resources rights, cultural preservation, consultation and consent, and legal protections. Canada needs to commit to immediate and fulsome implementation planning with First Nation governments leading the charge.
- 2. Lack of direct or meaningful consultation with Treaty 6, 7, and 8 Nations makes this a failure of co-development.** The Assembly of First Nations (AFN) does not represent Treaty First Nations in Alberta. Article 19 of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) emphasizes that states (governments) must consult and cooperate with Indigenous peoples through



their representative institutions before adopting or implementing legislation that may affect them. Canada is presenting a manufactured co-development, not a true one. Without direct, meaningful engagement, the committee has deep concerns that this legislation will only perpetuate the harm, health, and safety concerns around water and water infrastructure that First Nation governments have endured for decades.

- 3. Whether Source Water protection zones that assume collaborative governance exists or is even possible.** Much of the Bill is unworkable and inoperable. For example, the tabled legislation sets forth protection zones to recognize off-reserve water rights. This is a very recent and arbitrary addition to the legislation, and there has been no ability to inform or provide feedback. The Bill is drafted so these zones cannot be implemented without a collaborative water jurisdiction agreement explaining how the Federal, Provincial/Territorial, and First Nation laws will work together. This puts the onus on First Nations to negotiate shared jurisdiction to ensure that source water is safe and protected. Since Premier Danielle Smith has already used provincial sovereignty assertions on federal legislation, Treaty Chiefs are concerned that the Alberta Government will not open the door to Indigenous jurisdiction for source water to First Nations.

“Our Knowledge Keepers tell us always that water is life – ours and all other peoples. If we do not take a stand now to assist us in our efforts, this Bill will be just another federal manoeuvre to offload their legal obligations, including outstanding risks and liabilities from years of federal neglect. It will instead codify and limit our jurisdiction and undermine our capacities to address the real water and infrastructure needs in our Nations and on all our lands,” said Chief Troy Knowlton, Piikani Nation, Treaty 7.

The Chiefs Steering Committee calls on Minister Patty Hadju and the Government of Canada to act honourably and sit down face-to-face with Alberta Treaty Chiefs to map out amendments. Canada must commit to establishing a Treaty Table on water. All amendments and the requisite regulations must be crafted in a collaborative process. Our leadership and Treaty knowledge holders must be supported, actively engaged, and lead the development of amendments and regulations.

### **About the Chiefs Steering Committee on Technical Services**

The Chiefs Steering Committee on Technical Services sets the mandate for the Technical Services Advisory Group (TSAG) and participates as Steering Committee members, directing TSAG’s program and service delivery while holding the organization accountable to their values and operating principles. For a list of Committee members visit <https://tsag.net/chiefs-steering-committee/>.

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## **Background Information: Bill C-61 falls short of commitments made**

Bill C-61 – *First Nations Clean Water Act* was set forth as a condition of the recent Clean Drinking Water Class Action Settlement Agreement, approved by the Federal Court in December 2021.

In 2019, Neskantaga First Nation, Curve Lake First Nation, and Tataskweyak Cree Nation commenced a national class action lawsuit against Canada to address the long-term drinking water advisories affecting their communities and First Nations across Canada.

The plaintiffs argued that Canada breached its obligations to First Nations and their Members by failing to ensure clean water on reserves, violating its fiduciary duties, the honour of the Crown, and various rights under the *Canadian Charter of Rights and Freedoms*.

On July 30, 2021, Canada agreed to settle the action for approximately \$8 billion plus additional commitments. One of the terms of the Settlement Agreement was the commitment to modernize the federal First Nations drinking water legislation – the *Safe Drinking Water for First Nations Act (Act)* – including the repeal of the *Act* and the development and implementation of the proposed legislation.

Canada claims they have developed this new legislation under co-development with the Assembly of First Nations (AFN); however, the federal government has failed to recognize that the AFN does not represent Treaty First Nations in Alberta, leaving an entire region without a voice in the development of Bill C-61.

The Chiefs Steering Committee on Technical Services has led the fight for Indigenous water rights in Treaty 6, 7, and 8 territories for the past year. In September 2023, the Chiefs received unanimous support from the Assembly of Treaty Chiefs in Alberta, representing forty-seven (47) Treaty First Nations, by resolution, recognizing the threat to their Treaty and inherent rights. Canada has failed to respond or engage.

Over this past year, the Chiefs Steering Committee has sent several letters outlining concerns and recommendations to Indigenous Services Minister Patty Hajdu and other Ministers. They are still awaiting a response to repeated requests to meet.