OUR LAND IS OUR FUTURE

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UNION OF BC INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH - 17TH, 2010
VANCOUVER, BC

Resolution no. 2010-36

RE: Action on Bill S-11, "Safe Drinking Water for First Nations"

WHEREAS as Indigenous Peoples, we have a sacred relationship with water, and have exercised our inherent jurisdiction over water since time immemorial. Our rights to water are included in our Aboriginal Title, Rights, and Treaty Rights. Water is the source of all life, and we must act to ensure its protection and ensure that all First Nations have access to safe drinking water;

WHEREAS the *United Nations' Declaration on the Rights of Indigenous Peoples* states:

> **Article 25**
> 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.
>
> **Article 32**
> 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;

WHEREAS on July 28, 2010, the United Nations General Assembly declared that safe and clean drinking water and sanitation is a human right to the full enjoyment of life and all other human rights;

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Grand Chief Stewart Phillip, President

WHEREAS First Nations recognize that there is currently a crisis in drinking water in First Nations communities; in March 2010, 115 First Nations communities were under Drinking Water Advisories, and 49 First Nations water systems were classified as "high risk;"

WHEREAS by Resolution 2010-03, the Union of BC Indian Chiefs Council supports the right of a First Nation to protect their territory and the health of their community and directed the UBCIC Executive and staff to work with First Nations and/or like-minded Indigenous Nations who are actively involved in defending or working to protect this precious natural resource;

WHEREAS Bill S-11 "Safe Drinking Water for First Nations" was introduced in Parliament on May 25, 2010, and stands to create a regulatory framework for First Nations drinking water, and will potentially infringe on Aboriginal Title and Rights and Treaty Rights;

WHEREAS the regulations in Bill S-11 will require significant financial and technical resources to implement for each region, and the total cost is not known. First Nations are concerned that there will not be adequate resources to support the implementation of the regulations developed under Bill S-11;

WHEREAS by Resolution 08/2010 the Assembly of First Nations (AFN) Chiefs-in-Assembly mandated the AFN to advocate that the Government of Canada provide adequate financial resources to each region to conduct a thorough impact analysis for each region, and directed the AFN to urge Canada that any further discussion on Bill S-11 be suspended until the estimated full economic impacts of this Bill are identified and presented to Parliament;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the UBCIC Executive and Staff to work with First Nations and/or like-minded Indigenous Nations or organizations including the national Assembly of First Nations that are actively working to protect safe drinking water for First Nations;

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly call on the federal government to either abandon Bill S-11, or severely amend Bill S-11 by incorporating input from First Nations as well as the recommendations from the Expert Panel on Safe Drinking Water and a full impact analysis for each region;

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the Executive to communicate opposition to Bill S-11 in its current form to the federal government, and specifically contest Bill S-11's potential to infringe on Title and Rights and Treaty Rights.

Moved: **Chief Jonathan Kruger, Penticton Indian Band**
Seconded: **Maureen Chapman, Proxy, Lew'a:mel First Nation**
Disposition: **Carried**
Date: **September 15, 2010**

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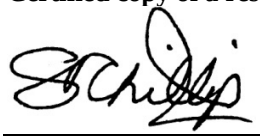

Grand Chief Stewart Phillip, President