



# **BRIEFING NOTE**

## **AFN Draft Resolution #39 – First Nations-led Process for National Water Stewardship and the Canada Water Agency**

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**To:** Ontario First Nations Leadership  
**From:** Chiefs of Ontario, Environment Sector  
**Date:** July 7, 2023  
**Purpose:** Background information for AFN DR #39 – First Nations-led Process for National Water Stewardship and the Canada Water Agency

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### **ISSUE**

Draft Resolution (DR) #39 for the upcoming Assembly of First Nations (AFN) Annual General Assembly (AGA) addresses water stewardship and the creation of the Canada Water Agency (CWA). The draft resolution implicates COO mandates to engage on the CWA (Resolution #22/09), and with implementation of the Water Declaration (Resolution #08/87).

### **BACKGROUND**

In 2019, the CWA was proposed by the federal government as part of the mandate for Environment and Climate Change Canada (ECCC) with support from Agriculture and Agri-food Canada. The CWA is intended to improve freshwater management practices and coordination across Canada. A Discussion Paper on the CWA was released in December 2020, and in 2022, the COO Environment Sector hosted pre-engagement workshops that examined First Nations priorities, approaches, and options in relation to the CWA proposal. ECCC released a “What we are Hearing” Report. However the COO Environment Sector’s review of that document found it lacking in specifics and unclear on how our contributions were addressed. Lastly, this document also took a pan-Indigenous approach.

The Chiefs-in-Assembly have supported Phase 2 engagement via resolution on First Nations’ priorities in the creation of the Canada Water Agency (CWA). Phase 2 is expected to see the Environment Sector support workshops conducted in communities in conjunction with Provincial Territorial Organizations (PTOs) and Independent First Nations. The Environment Sector was not able to come to an agreement with ECCC on funding in time to carry out Phase 2 during the 2022-23 fiscal year. Therefore, Canada has not yet engaged rights holders on the creation of the CWA, which will have far-reaching implications for First Nations inherent and treaty rights.

The Federal 2023 Budget announced \$85.1 million over five years, starting in 2023-24, and \$21 million ongoing thereafter to support the creation of a Canada Water Agency, which will be headquartered in Winnipeg, MB. By the end of 2023, the government plans to introduce legislation that will fully establish the Canada Water Agency as a standalone entity, and indicated that modernization of the Canada Water Act will be a top priority tasked to the new Agency.

## **ANALYSIS**

Direct engagement and consultation with First Nations, in alignment with the principles on UNDRIP and the recommendations of the TRC, is vital before the CWA begins operation. The proposal in DR #39 for the creation of a national First Nations-led water stewardship committee, and for dedicated funding and resources, should support COO's efforts to ensure First Nations in Ontario inform the implementation and co-development of any such agency, including related legislation, policies, and initiatives.

## **RECOMMENDATIONS**

Support for DR #39 is recommended, whereas the COO Environment Sector and the Chiefs Committee on Environment are able to facilitate implementation of the resolution.

## **ATTACHMENTS**

1. Towards the Creation of a Canada Water Agency: Discussion Paper (2000)
2. Pre-Engagement on the Canada Water Agency Workshop Series: Summary and Outcomes (COO, 2022)
3. Report on Canada's Proposed "Canada Water Agency": Chiefs of Ontario Engagement to Date and Next Steps (OKT Law, 2022)
4. Indigenous Perspectives on the Canada Water Agency - What We are Hearing (ECCC, 2022)