BC ASSEMBLY OF FIRST NATIONS

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Prince George, BC V2K 5S3
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BCAFN ANNUAL GENERAL MEETING
October 14, 15 & 16, 2026
Hybrid - In person & online via Zoom

Resolution 20/2026

SUBJECT:	**SUPPORT FOR PROPOSED AMENDMENTS TO BILL C-37, FIRST NATIONS CLEAN WATER ACT**
MOVED BY:	**CHIEF JERRY JACK, MOWACHAHT/MUCHALAHT FIRST NATION**
SECONDED BY:	**CHIEF DONALD SAM, ʔAKISQ̓NUK FIRST NATION**
DECISION:	**CARRIED**

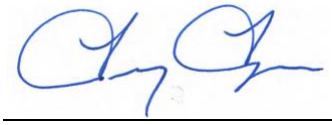
WHEREAS:

A. First Nations have the right to reliable and sufficient access to adequate, safe and clean drinking water, and both manage and steward the waters within their territories;

B. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement through legislation, affirms:

> **Article 18**: Indigenous peoples have the right to participate in decision-making in matters which affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
> **Article 19**: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or

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administrative measures that may affect them.
Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
Article 26(1): Indigenous Peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.

C. Under the National Water Class Action Settlement Agreement, Canada was ordered to repeal to the *Safe Drinking Water for First Nations Act* and develop and introduce replacement legislation in consultation with First Nations by December 31, 2022. Canada failed to meet this deadline;

D. On January 6, 2025, Bill C-61, *An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands*, also known as the *First Nations Clean Water Act*, died on the order paper when Parliament was prorogued;

E. On December 5, 2025, the Federal Court affirmed that Canada owes legal duties to First Nations in relation to on-reserve drinking water in its *Shamattawa First Nation et al v His Majesty the King in Right of Canada* decision.

F. On June 16, 2026, the federal government tabled replacement legislation for the former C-61, the *First Nations Clean Water Act* (Bill C-37). The bill was substantively modified and weakened without any consultation with title and rights holders and without First Nations free, prior and informed consent;

G. BCAFN drafted a Position Paper entitled, Legislating the Human Right to Safe Drinking Water for First Nations, endorsed by the BCAFN Chiefs-in-Assembly through Resolution 33/2025, which calls for the reintroduction of the First Nations Clean Water Act that formally enshrines the human right to water as a binding legal obligation, recognizes First Nations' jurisdiction over water governance and source water protection, embeds Free, Prior and Informed Consent and shared decision-making mechanisms and guarantees long-term, sustainable funding for water and wastewater systems; and

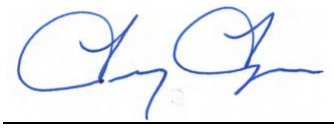
H. BCAFN prepared a Legal Analysis of Bill C-37 and Submission with recommendations for specific amendments to the language of the Bill.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly support BCAFN's legal analysis of the First Nations Clean Water Act (Bill C-37) to the Standing Committee on Indigenous and Northern Affairs; and

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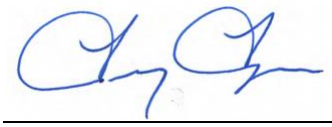
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2. The BCAFN Chiefs-in-Assembly call on the federal government to provide meaningful opportunities for First Nations to submit amendments to C-37 and ensure that the bill, at a minimum, aligns and upholds the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

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