

RESPONSE OF CANADA TO THE LETTER OF REQUEST FROM THE UNITED NATIONS INDEPENDENT EXPERT ON THE PROMOTION OF A DEMOCRATIC AND EQUITABLE INTERNATIONAL ORDER AND THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHT TO SAFE DRINKING WATER AND SANITATION

1. INTRODUCTION

By way of letter dated 14 May 2013, the Independent Expert on the promotion of a democratic and equitable international order, Alfred De Zayas, and the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, brought to Canada's attention information they had received concerning alleged restrictions on the right to equitable participation of indigenous peoples in decision-making in particular with respect to Bill S-8, entitled "the Safe Drinking Water for First Nations Act."

In response to the information received, the Special Rapporteur requested the following information:

- Views on the accuracy of the information as summarized by the Special Rapporteur;
- Full details of the draft law S-8 and an explanation as to how the provisions comply with Canada's obligations under international human rights law, in particular the right to water including safety and affordability of water for all without discrimination;
- Any consultation that has been undertaken with First Nations communities, and more generally, what criteria are used to determine who participates in such consultations; and
- What measures have been taken to ensure that First Nation communities take effective part in policies affecting them, including measures aimed at palliating the communities' lack of financial means to travel to places of consultation.

This response provides pertinent background information relating to the situation of water and sanitation in First Nations communities, as well as responses to the specific questions posed by the Independent Expert and Special Rapporteur. This response to the letter from the Independent Expert and Special Rapporteur focuses primarily on the situation of First Nations as related to Bill S-8, now known as the

Safe Drinking Water for First Nations Act,¹ which received Royal Assent and became law on June 19, 2013.

2. THE SAFE DRINKING WATER FOR FIRST NATIONS ACT AND THE NEED FOR LEGALLY ENFORCEABLE STANDARDS

Access to safe drinking water, the effective treatment of wastewater and the protection of sources of drinking water on First Nation lands is a priority for the Government of Canada. All Canadians, including Aboriginal Canadians, have the human right to safe drinking water and basic sanitation. The human right to safe drinking water and basic sanitation is one that is subject to progressive realization which, in the context of a good number of First Nations communities in Canada, requires on-going efforts to install, improve, or effectively run water and sanitation systems. The challenges are significant in many First Nations communities due to a range of issues such as remoteness, small community size, lack of capacity (e.g. trained systems operators), or changing environmental conditions. As will be discussed in more detail below, between 2006 and 2014, Canada will have invested approximately \$3 billion towards water and wastewater infrastructure and capacity training.

In 2006, the Government of Canada launched a *Plan of Action for Drinking Water in First Nations Communities* ("Plan of Action").² The Plan of Action included, among other things, a *Protocol for Centralised Drinking Water Systems in First Nations Communities*³ which contains standards for design, construction, operation, maintenance and monitoring of drinking water systems in First Nation communities. Other protocols and guidelines that have also been implemented include:

- *Protocol for Centralised Wastewater Systems in First Nations Communities*;⁴
- *Protocol for Decentralized Water and Wastewater Systems in First Nation Communities*;⁵
- *Guidelines for Canadian Drinking Water Quality*.⁶

¹ *An Act respecting the safety of drinking water on First Nation lands*, R.S.C. 2013, c.21 [*Safe Drinking Water for First Nations Act*].

² The announcement for a *Plan of Action for Drinking Water in First Nations Communities* can be found here: < <http://www.aadnc-aandc.gc.ca/aiarch/mr/nr/j-a2006/2-02757-eng.asp>>

³ The Protocol can be found online at <<http://www.aadnc-aandc.gc.ca/eng/1100100034998/1100100035000>>

⁴ The Protocol can be found online at: <<http://www.aadnc-aandc.gc.ca/eng/1100100035002/1100100035004>>

⁵ The Protocol can be found online at: < <http://www.aadnc-aandc.gc.ca/eng/1100100034991/1100100034996>>

⁶ The Guidelines can be found online at < http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/2012-sum_guide-res_recom/index-eng.php>

These protocols and guidelines, while instructive, are not legally enforceable protections. Each Canadian province and territory has its own legally binding drinking water standards, but these are not applicable to First Nation lands which are governed by federal legislation. Thus, there are currently no legally enforceable standards for safe drinking water and waste water for First Nation communities.

In response to this regulatory gap, a series of studies were undertaken which all arrived at the conclusion that some form of enforceable legislative tool was necessary to ensure safe drinking water and waste water in First Nation communities:

- In 2005 the Commissioner of the Environment and Sustainable Development, a part of the Office of the Auditor General of Canada, recommended that a regulatory regime for drinking water be developed in First Nations communities that would make it comparable to the regime found in Canadian provinces and that it be designed to protect the health and safety of First Nations people.
- In 2006 an Expert Panel on Safe Drinking Water for First Nations identified the development of a new federal statute referencing provincial regulations in each Canadian province as a viable option. The Expert Panel was appointed by the Canadian Minister of Aboriginal Affairs and Northern Development in consultation with the National Chief of the Assembly of First Nations, a national advocacy organization representing First Nation citizens in Canada, and the Canadian federal Ministers of Health and Environment. The Panel held a series of public hearings across Canada over the summer of 2006 to talk about regulatory options for safe drinking water in First Nation communities. They heard from over 110 presenters and received more than two dozen written submissions, which included submissions from representatives from First Nation communities and organizations. The Expert Panel produced a report in December 2006 containing a comparative analysis of options for a legislative framework.

In 2007, the Standing Senate Committee on Aboriginal Peoples issued a report entitled “Safe Drinking Water for First Nations” which recommended that the Canadian government undertake a comprehensive consultation process with First Nation communities and organizations with a view to developing legislative options.

The World Health Organization also recognizes the importance of regulations in protecting public health as it relates to drinking water. According to the World Health Organization, “Regulations are a powerful tool that can be used to improve drinking-water quality and ensure a safe water supply. In the absence of regulations, accountability and liability may be compromised, leading to increased

risks to public health that may go undetected among consumers until outbreaks of water-borne diseases occur.”⁷

Bill S-11 and Bill S-8

Pursuant to the reports and consultations (set out in more detail below), Canada first introduced Bill S-11, the *Safe Drinking Water for First Nations Act* in May of 2010. That Bill was designed to create legislation that would enable the development of regulations with respect to:

- the quality of drinking water;
- the training and certification of water and wastewater system operators;
- the treatment of water and wastewater;
- the protection of sources of drinking water located on reserve; and
- monitoring, testing, sampling and reporting.

Bill S-11 ensured that all regulations would be created in partnership with First Nations in a fashion tailored to the needs of First Nations by region across Canada. Although the Bill was introduced in Parliament, it was not passed into law given the dissolution of the 40th Parliament of Canada in March 2011.⁸

Government of Canada officials continued to meet with the Assembly of First Nations and regional First Nation representatives to discuss specific issues of concern with the proposed legislation and explore ways to address them. Without prejudice discussions were undertaken between October 2010 and October 2012 with First Nations and regional First Nation organizations from Alberta, Quebec, Saskatchewan, British Columbia and the Atlantic provinces, as well as nationally with the Assembly of First Nations. A meeting with First Nation Chiefs from across Canada also took place in August 2011. As a result of these consultations, Canada introduced the modified Bill S-8, “the *Safe Drinking Water for First Nations Act*,” in Parliament on February 28, 2012. This Bill was passed into law on June 19, 2013. While the spirit of the law remains the same as Bill S-11, there have been some changes and improvements to clarify its intent and its scope based on the feedback and comments received from First Nations, parliamentarians and other stakeholders. Key differences between Bill S-11 and the current Act include:

- The addition of language in the preamble on Canada’s intention to improve the health and safety of residents on First Nation lands, and to work with First Nations on the development of federal regulations;

⁷ World Health Organization. Optimizing regulatory frameworks for safe and clean drinking-water. http://www.who.int/water_sanitation_health/dwq/regnet_kit/en/index.html

⁸ For a discussion of Canada’s Parliamentary process please refer to the Parliament of Canada website at: <http://www.parl.gc.ca/MarleauMontpetit/DocumentViewer.aspx?Sec=Ch08&Seq=7>

- The inclusion of a non-derogation clause addressing the relationship between the legislation and Aboriginal and treaty rights under section 35 of the *Constitution Act, 1982*;⁹
- Clarification that any regulation on source water protection on First Nation lands would be restricted so as to protect it from contamination;
- Clarification that regulations would not include the power to allocate water supplies or licence users of water for any purpose other than for accessing drinking water;
- Clarification that only the powers necessary to effectively regulate drinking water and wastewater systems would be conferred on any person or body;
- Removal of language that could be interpreted as powers to compel First Nations into an agreement with third parties to manage water and wastewater on First Nation lands;
- Clarification that First Nations will not be held liable for systems owned by third parties that are on First Nation lands; and,
- Clarification that legislation will not automatically apply to First Nations that are signatories to land claims agreements or self-government agreements.

The Government of Canada knows that a one-size fits all approach to developing national regulations with enforceable standards is not appropriate in the Aboriginal context. As such, regulations will be developed in cooperation with First Nations, provinces and relevant stakeholders. The Government, in partnership with First Nations, will begin development of regulations region by region which will be implemented progressively over a number of years. This will provide the time needed for the development of First Nation capacity and infrastructure as and where necessary. Canada firmly believes that enforceable regulations and standards will have positive health impacts by steadily increasing the effectiveness of water services in First Nations communities so that they are comparable to those in other Canadian communities of similar size and location.

3. INVOLVEMENT OF FIRST NATION COMMUNITIES – STAKEHOLDER ENGAGEMENT

Since 2006, Canada has actively engaged First Nations in developing the proposed legislation to ensure safe drinking water and effective treatment of waste water management. This engagement has included the consultations that took place for the Expert Panel process, one-on-one stakeholder meetings with First Nation organizations and communities as well as larger consultation processes.

⁹ *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 [*Constitution Act, 1982*].

In 2007, a joint workshop was held between federal officials and the Assembly of First Nations Technical Water Expert Group to engage technical experts on Canada's proposed option for a legislative regime. This workshop allowed experts to identify issues and challenges that would need to be resolved for effective implementation.

In 2008, Government of Canada officials met with First Nation organizations and provincial/territorial officials to share information on options for a legislative framework. Many First Nation organizations, individuals and provincial/territorial officials provided positive feedback and expressed support for continued discussions on the development of legislation and regulations.

As such, between February and March 2009, the Government of Canada launched 13 engagement sessions in every region across the country. These sessions involved First Nation communities, regional First Nation organizations and provincial/territorial officials and provided an opportunity to discuss and comment on the proposed legislative framework. Every First Nation community across the country was invited to send both a political and technical representative to attend one of these sessions. All costs were covered by the government of Canada. Financial support was also provided to regional First Nation organizations to develop regional impact analyses outlining how the proposed legislative framework would potentially impact First Nation regions and communities. In total the engagement sessions involved the participation of 544 First Nation individuals. Those not attending the sessions were invited to submit written comments.

From early fall of 2009 to early 2010, Government of Canada officials met with regional First Nation Chiefs and First Nation organizations to discuss specific regional issues that had been raised in the engagement sessions and within the impact analyses and correspondence. After many years of years of engagement with First Nations communities and organizations on a proposed legislative framework, the Government introduced Bill S-11 in Parliament in May 2010.

As noted above, Canadian officials also met with First Nations organizations and representatives on numerous occasions between 2010 and 2012, before the introduction of Bill S-8, in order to ensure that their concerns with the former Bill S-11 were addressed. In this regard, in August 2011, funding was provided to support all First Nation organizations who wished to participate in discussions in 2011 and 2012 on the safe drinking water legislation. Organizations in the Atlantic, Saskatchewan, Quebec, Alberta and British Columbia regions chose to access this funding.

Consultations and the Participation of First Nations Generally

The Independent Expert and Special Rapporteur have also requested information on the general criteria used to determine who participates in consultations and what measures have been taken to ensure that First Nation communities take effective part in policies affecting them, including measures aimed at palliating the communities' lack of financial means to travel to places of consultation.

Canada is constantly engaged with First Nations communities and organizations on a variety of issues where their interests may be affected. The nature of each engagement will vary depending upon the context in which it arises. For example, the Canadian government may be required to consult with First Nations by virtue of legislation or pursuant to contractual provisions contained in land claim and self-government agreements. In addition, Canadian courts have developed a robust body of law regarding consultation, in relation to the protection of Aboriginal interests and the achievement of reconciliation, which helps to set out the requirements with respect to the level of involvement of Aboriginal groups in specific decision making processes affecting these interests. The Supreme Court of Canada has set out that section 35 of the *Constitution Act, 1982*, which provides constitutional protection to Aboriginal rights and treaty rights, may give rise to a legal duty to consult Aboriginal communities when Crown conduct may adversely impact their proven or claimed s.35 rights.¹⁰ In appropriate circumstances, where warranted, the consultation process may also result in accommodation of the Aboriginal consulted group's concerns.¹¹

When developing laws, policies or programs, Canada continually engages and seeks input from Aboriginal groups on initiatives where they may have interest or expertise. Such engagement ensures the building of positive relationships, the sharing of information and the input of Aboriginal groups on current or future government initiatives. In addition, Canada's parliamentary process is a key national forum for all Canadians, including Aboriginal Canadians and their representative organizations, to be heard before any legislation is adopted in its final form.

¹⁰ Section 35 of the *Constitution Act, 1982*, states:

(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

¹¹ See *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511; *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, [2004] 3 S.C.R. 550 ; *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, [2005] 3 S.C.R. 388.

Witnesses, including private citizens, experts or representatives of organizations who are well versed in or directly concerned with the issues raised by the bill, regularly appear before parliamentarians to provide their views and opinions on a bill before it is approved. Indeed, during the process for Bill S-11 and the *Safe Drinking Water for First Nations Act*, 70 witnesses representing over 34 organizations were heard by the Standing Senate Committee on Aboriginal Peoples and as well as numerous written briefs were submitted. Modern technology has also allowed Canadians living far away from the Parliament to actively engage in this process. Methods of hearing from witnesses have included panels, town halls, electronic polls and consultations and video conferences.

Whether funding to travel and participate will be provided is again dependent upon the context in which the consultation or engagement process arises. As noted above, First Nations communities and organizations have been provided considerable funding in the development of Bill S-11 and the *Safe Drinking Water for First Nations Act*, but funding may not be available in other engagement processes, where for example, the issues at stake primarily affect urban First Nations communities, where those communities have their own resources or access to other financial resources, and/or where video or other electronic conferencing could provide an effective method of engagement.

4. ONGOING ACTIVITIES TO ENSURE SAFE DRINKING WATER AND EFFECTIVE SANITATION

While funding is not a part of the *Safe Drinking Water for First Nations Act*, the Government has and will continue to make important and strategic investments in First Nation's infrastructure and capacity development. Between 2006 and 2014, Canada will have invested approximately \$3 billion towards water and wastewater infrastructure and related public health activities to support First Nation communities in managing their water and wastewater systems.

First Nations are the owners and operators of their water and wastewater systems, and the Government of Canada provides funding and advice regarding design, construction, operation and maintenance of water and wastewater facilities; advice, guidance and recommendations to First Nation communities about drinking water safety and safe disposal of on-site domestic sewage. Canada funds up to 100 percent of the capital costs of potable water and wastewater systems. First Nations are expected to contribute to the operation and maintenance costs for their systems and, as such, Canada provides 80 per cent of the net funding requirement to operate and maintain water or wastewater

to generally accepted standards and First Nations are expected to contribute the other 20 per cent through user fees or other sources of funding.¹²

Canada also recognizes that First Nation organizations will require support in order to participate in the development of federal regulations and has made a commitment to make funding available for eligible activities. Moreover, Canada has committed in the preamble of the *Safe Drinking Water for First Nations Act* to “work with First Nations to develop proposals for regulations.” This commitment is above and beyond the norm for regulatory development in Canada.

Canada continues to act upon the recommendations found in the National Assessment of First Nations Drinking Water and Wastewater Systems, which was undertaken between July 2009 and spring 2011.¹³ With the inspection of 1,300 water and wastewater systems and more than 800 wells and 1,900 septic fields, the Assessment was the most rigorous, comprehensive and independent assessment of its kind, surveying 97% of drinking water and wastewater systems on First Nation lands. The results were released in July 2011 and recommendations focused on three areas: infrastructure, capacity and operations and standards and regulations. These results and recommendations have helped Canada to continue to support First Nations access to safe, clean and reliable drinking water.

Highlights of past and current funding and their related activities are detailed below.

Capacity Training

The Circuit Rider Training Program (CRTP) coordinates qualified experts to rotate through a circuit of First Nations communities, providing First Nations operators with onsite training and mentoring on how to operate and maintain their drinking water and wastewater systems. The CRTP is available to all First Nation communities across Canada if requested and provides support via a 24 hour hotline, which operators can rely on for advice during normal operations and for emergencies that may arise. The Government of Canada invests approximately \$10 million per year to ensure that CRTP services are available to all First Nations communities that require the services. Progress is being made across the country with the help of the CRTP. The 2010-11 National Assessment of First Nations Drinking Water and Wastewater Systems reported that 51% of water systems and 42% of wastewater systems were managed by certified operators. By 2011-12, annual performance inspection results

¹² As set out in the Government of Canada’s policy directive on Operation and Maintenance which can be found here: <http://www.collectionscanada.gc.ca/webarchives/20071212065613/http://www.ainc-inac.gc.ca/ps/hsg/cih/dl/oan_e.pdf>

¹³ A copy of the National Assessment of First Nations Drinking Water and Wastewater Systems 2009-2011 can be found here: <http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/enr_wtr_nawws_rurnat_rurnat_1313761126676_eng.pdf>

indicated that 60% of water treatment systems and 54% of wastewater systems were managed by certified operators.

As well, the Government of Canada assists more than 600 First Nations on reserve to ensure drinking water is monitored as per *Guidelines for Canadian Drinking Water Quality*. Funds are provided to Chiefs and Councils for drinking water monitoring and community-based drinking water quality monitors are trained by Health Canada to sample and test drinking water.

Infrastructure Investments

Between April 1 2006 and March 31, 2010 the Government of Canada transferred approximately \$1.25 billion in water and waste water capital infrastructure funding to First Nations and First Nation organizations. These monies went towards activities such as the construction of water and wastewater storage facilities, the expansion of existing systems and the servicing of lots for new homes. In 2009, Canada's Budget provided two year targeted funding of \$193 million for the completion of drinking water and wastewater infrastructure projects. Between 2010-2012, Canada invested \$678 million in the construction, operation, maintenance and monitoring of water systems and wastewater systems on reserve. During this time, Canada contributed to the completion of 47 major water and wastewater infrastructure projects. In 2012, a commitment was made to invest a further \$330.8 million over two years to sustain progress made to build and renovate water and wastewater infrastructure and to support the development of a long-term strategy to improve water quality in First Nation communities. Projects planned for 2012-13 included 226 projects to design, build, renovate or expand water and wastewater systems. Of these planned projects, 88 are expected to be completed by March 2014. In addition, planned investments in 2013-2014 include 232 major and minor water and wastewater infrastructure projects, thirty one of which are due for completion by March 2014. The 232 planned projects range from feasibility studies to minor repairs to construction of new systems, and include projects which will take several years to complete.

The Independent Expert and Special Rapporteur have also made reference to hunger strikes that have been held earlier this year with respect to federal First Nations funding agreements. Canada notes that there are currently no ongoing hunger strikes in this regard. Canada further notes that the 2013-2014 federal budget sets aside \$8 billion for Aboriginal Affairs and Northern Development Canada, of which 80% goes directly to recipients through transfer payments. Administrative changes are at times made to these agreements to ensure the health, safety and continued delivery of essential services to First Nations communities. The Government of Canada is committed to pursuing a vision where Aboriginal communities and peoples are healthy, safe, self-sufficient and prosperous. In that regard, Canada is

committed to an ongoing dialogue on Aboriginal issues and to taking achievable steps that will provide better outcomes in First Nations communities.

5. COMPLIANCE WITH CANADA’S OBLIGATIONS UNDER INTERNATIONAL LAW

Canada recognizes the human right of everyone to safe drinking water and basic sanitation as essential to the right to an adequate standard of living. Canada has undertaken to continue efforts towards to the progressive realization domestically of this human right with a particular emphasis on vulnerable situations. In addition to the *Safe Drinking Water for First Nations Act*, which enables the development of regulations to help ensure a high standard of water and sanitation services, Canada has over the past 7 years invested significant resources in capacity building and infrastructure development for the management of water and wastewater systems in First Nation communities across Canada, including in extremely remote areas. It is clear that these efforts are improving the water and wastewater situation on First Nation lands and fulfill Canada’s obligations towards the progressive realization of the human right to safe drinking water and basic sanitation.

In addition to the human right to safe drinking water, Canada notes that the Independent Expert and Special Rapporteur have referred to a number of binding and nonbinding legal instruments.

With respect to Article 25 of the *International Covenant on Civil and Political Rights*, Canada notes that generally s.3 of the *Canadian Charter of Rights and Freedoms*¹⁴ constitutionally entrenches the right to vote in federal and provincial elections, ensuring that every citizen “can take part in the conduct of public affairs, directly or through freely chosen representatives”. Moreover, with respect to Aboriginal citizens in particular, Canada refers the Independent Expert and Special Rapporteur to the comments above regarding Canada’s consultation and engagement process generally with Aboriginal communities which ensures that they can participate in decision making processes affecting their rights. In addition, Canada notes that the consultation and engagement processes with respect to the *Safe Drinking Water for First Nations Act* and its predecessor Bill S-11 have been comprehensive, have allowed for effective participation and have taken into account the concerns raised by First Nation communities and organizations.

¹⁴ *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 [*Canadian Charter of Rights and Freedoms*].

With respect to General Comment 25 of the Human Rights Committee and resolution 18/6 of the Human Rights Council, Canada notes that these documents are non-binding. Canada also notes with interest the reference to the International Labour Organization's *C169 Indigenous and Tribal Peoples Convention, 1989*, to which Canada is not a party.

With respect to the UN *Declaration on the Rights of Indigenous Peoples*, Canada notes that this is a non-binding instrument.¹⁵ Canada does not interpret the concept of free, prior and informed consent as providing indigenous peoples with a veto on legislative and policy decisions. Free, prior and informed consent is, at its core, about meaningful consultation. In the Canadian context, as described above, consultation is a process through which the rights and interests of indigenous peoples are taken into account. The Canadian government supports the full and effective participation of Aboriginal people in government decision-making processes that affect them and is continually seeking, where appropriate, to improve laws, policies and programs.

6. CONCLUSION

Since 2006, the Government of Canada has undertaken and continues to undertake extensive activities with respect to safe drinking water and sanitation on First Nation lands with a view to improving the current situation and steadily increasing the safety and effectiveness of water services in even remote First Nation communities. In addition to introducing and passing into law the *Safe Drinking Water for First Nations Act* to meet the demonstrated need for a regulatory framework with enforceable standards, Canada has invested considerable resources to increase the capacity of First Nations water and waste water operators and improve and develop water related infrastructure on First Nation lands. Canada has worked closely with First Nations communities and organizations during this time through extensive and responsive engagement processes. Canada is committed to continuing to work closely with First Nations as we move forward.

This submission focuses particularly on the situation of Bill S-8, now known as the *Safe Drinking Water for First Nations Act*. Canada trusts that this information provided in response to the request by the Independent Expert and Special Rapporteur has assisted in providing clarity, and that it is understood that the First

¹⁵As explained in Canada's statement of support for the Declaration, the Declaration is an aspirational, non-legally binding document that does not reflect customary international law nor change Canadian laws. In endorsing the Declaration in 2010, Canada reiterated its commitment to continue working in partnership with Aboriginal peoples to create a better Canada. See Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples dated November 12, 2010. Available online: <<http://www.aadnc-aandc.gc.ca/eng/1309374239861/1309374546142>>

Nations and Canada continue to work together to provide safe drinking water and effective waste water treatment in First Nation communities.

Canada remains available to provide additional information to the Independent Expert and Special Rapporteur should they request it.

Ottawa
July 12, 2013

Annex:

Annex 1 – Copy of the *Safe Drinking Water for First Nations Act*

Annex 2 – Copy of Bill S-11