



ATLANTIC POLICY CONGRESS OF FIRST NATION CHIEFS SECRETARIAT INC.

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Expert Panel on Safe Drinking Water for First Nation

August 14th, 2006

Speaking Notes:

John G. Paul, Executive Director, APC

Greetings

Panel of Experts

Grand Chief Stan Louttit, Mushkegowuk Council, Expert Panel Member

Harry Swain, Chair of the Expert Panel

Professor Steve Hrudehy, Expert Panel Member

My name is John G. Paul, Executive Director of the Atlantic Policy Chief Congress of First Nation Chiefs Secretariat. We are here today to detail our issues and concerns related to providing **Safe Drinking Water** to First Nation in the Atlantic region and how the proposed **Regulatory Regime** may impact our communities.

I would like to note here - that providing safe Drinking Water requires sound management which consists of two components:

1. Safe drinking water management - from source to tap; and
2. Sound wastewater management to protect the environment directly and First Nation & others indirectly.

I would like to begin by providing the panel with background information on the Atlantic Policy Congress of First Nation Chiefs Sect.; federally incorporated in 1995, the APC Secretariat provides policy research and advocacy services to 36 Mi'kmaq, Maliseet and Passamaquoddy Chiefs, Nations and Communities. Ten Chiefs are elected as members to sit as the APC Secretariat Board of Directors; a co-chairs from New Brunswick and in Nova Scotia along with eight Board Members. We also have 4 Ex-officio members two Elders and the 2 AFN Regional Chiefs.

The Secretariat undertakes research and analysis and develops policy alternatives for matters affecting First Nation communities based on key priorities identified by our Chiefs. Always jurisdiction and authority remains with the Chief and Council of each of the First Nation.

The APC was directed by our All Chiefs to investigate community views and prepare a submission to this Panel. It is under that mandate that we provide the following submission.

APC staff has visited many First Nation communities to discuss the mandate given to the Expert panel. This information was provided to key First Nation staff regarding the proposed regulatory regime. These people are inclusive of Operators of water, wastewater systems and water quality monitors. Also, a special forum on safe drinking water was held on July 31st and August 1st, 2006. We also visited Woodstock and Pabineu First Nation communities, these 2 communities are on the list of the top 21 – national priority sites.

Based on the input we have received, it was clearly illustrated to us that there is a strong consensus among APC member communities - that the current state of water and wastewater management systems here in the Atlantic - are **not ready** for any imposition of a regulatory regime. Regardless of the type and scope being considered by this panel, there must be **pre-requisite action** on these fundamental issues that need to take place immediately before considering any regulatory framework, these actions include:

1. Funding & funding sustainability;
2. Clarity of roles, responsibilities and accountability;
3. Capacity of the existing management system; and
4. Upgrading of existing infrastructure to an acceptable standard and equipment replacement on-the-ground;

It is important, at this time, to relay some concerns made by our various First Nations during this process and the real challenges First Nation face in providing Safe Drinking Water in the Atlantic.

- a. **Land** – Atlantic First Nations have already been reduced to very small land bases. Regulations that involve certain types of land use, for example, restrictions or controls on reserves will make the already small land base even smaller. The new regulations must not have the effect of “capping” on-reserve development. We would ask that you consider the limits to land inherent in any new regime and additions to reserves would be required to off-set its effects.
- b. **Big Picture** – The whole picture of on-reserve activities must be part of the assessment of regulatory changes. A change in one area will bring changes on others. As mentioned previously, ensuring that the water management system include source water protection both on-reserve and off the reserve.
- c. **Fiscal leakage** – Most First Nations people believe that the system “leaks” money right from parliament, through all levels at which it is handled, and that when dollars get to the

community, little of it is left. Transparency and clear accountability of all spending along the process must be tracked as part of any regulatory improvement.

- d. **Existing Issues** – There has been a First Nations Water Management Strategy operating for five years, to address issues but yet major priority sites and issues still have not been addressed. There are still serious problems inherent with the existing system that needs to be addressed; a new one cannot be imposed over those problems.
- e. **Appeal System** – The present system allows federal bureaucrats to sit in judgment of both First Nation activities and on their own activities. The cost of inaction or mistakes is usually borne by the First Nation. All parties must do their part to make a system work properly and be fully accountable for their actions. Please ensure that there is a fair and independent method to keep all parties on focused and really accountable under any new regime.
- f. **Fiduciary Relationship** – Directly all our First Nation members' health and safety is involved in water quality management. The federal government must be in a position of trust that must underlie roles in this area. To fulfill that trust, there is an obligation to provide to the First Nation sufficient resources, capacity opportunities, adequate facilities and equipment, access to professional support, and opportunities to exercise regulatory powers. This concept of meaningful respect to the fiduciary duty should underlie any roles, responsibilities and authorities of both existing and future water regimes on-reserves.
- g. **Public safety** – Water quality and quantity is a public safety issue for all Canadians. In our view, much of the results of the present systems can be logically traced to the incentives and errors of the existing management regime. Those errors will require resources to change. Changes are **imperative** in providing Safe Drinking Water to all our First Nations not just a few. Too often when First Nations point out that resources are required the linkages we have made get lost in a characterization of the concerns as a “Money Grab.” Please do not lose sight that although there is no doubt that money is required; this is a **public safety** issue first and foremost.

In closing, the issues and concerns outlined to you here today – require fundamental changes, changes that would ultimately ensure that we are providing Safe Drinking water to First Nations for the next 100 years. **Band aid & short sited** solutions to fix substandard water & wastewater systems will not meet any type of regulatory regime - this could place bands, which are already in cashed strapped situation – in a financial ruin – or even worst the burden of losing members as a direct result of sickness or even death due to water born illness.

With that, I would like to introduce Simon Osmond, Policy Analyst, APC – Simon will give you an indebt review of findings based on the community visits and the input gathered during a special forum which I mentioned to you earlier.

Thank you