

GOVERNMENT OF CANADA
Eliminating Longstanding Boil-Water Advisories in the Canadian First Nations

Issue

How can the Government of Canada best achieve the current initiative to eliminate longstanding drinking-water advisories in First Nations communities?

Background

- Long-term drinking water advisories (LT-DWA) refer to drinking water advisories that have been in effect for more than 12 months, however several have been in place for years or decades
- Despite containing 18% of the world's freshwater and being one of the most water-rich countries in the world, many Canadian First Nations communities lack potable water
- Boil water advisories are 2.5 times more frequent for First Nation communities than for non-First Nation communities
- Water-borne infections in communities with longstanding drinking water advisories (DWAs) are 26 times higher than the Canadian national average
- In November 2015, the Government of Canada committed \$2.6 billion to end all long-term drinking water advisories affecting public water systems on reserves by March 2021
- In December 2020, the Government of Canada announced a further \$1.5 billion in funding to provide clean drinking water in First Nations, with yearly supportive funding thereafter
- As of March 3, 2021, 59 long-term drinking water advisories remain in 40 communities

Key Considerations

Historically, initiatives addressing LT-DWAs in First Nations communities have been chronically underfunded

- The consistent underfunding of water-related services and infrastructures has detrimentally affected the quality of life, widened socio-economic gaps, and created lasting health issues within First Nations communities
- Though the federal government committed \$2.6 billion in 2015 to eradicate LT-DWAs by March 2021, this goal was not achieved and 59 advisories remain as of March 3rd, 2021

There is no one unified body providing oversight or accountability for DWAs in First Nations communities

- The provision of safe drinking water for Aboriginal communities is divided between three federal agencies- Indigenous and Northern Affairs Canada (INAC), Health Canada, and Environment Canada
- This patchwork approach creates a confusing and ineffective system whereby responsibilities over water safety are unequally distributed across the bodies, and no one body has full oversight or accountability

Government action to address longstanding DWAs lacks regulation and uniformity

- While governments regulate water quality for off-reserve communities, there are no comparable regulations in place for the quality of water on First Nations reserves
- The lack of water regulation for all First Nations communities has facilitated the creation of sub-par water facilities on-reserve without the legal standards and protections that the government has adopted for all other Canadians

Indigenous perspectives & frameworks surrounding water governance must be integrated into the current colonial approach to governance

- Canadian notions of water rights differ significantly from Aboriginal conceptions, which conceive of water as being something quite different from a manageable resource
- The dominant approach to water governance in Canada is based on a colonial perspective, and does not adequately incorporate First Nations worldviews, ontologies, governance perspectives, or frameworks

Options

1. The federal government creates one unified body to address issues of oversight and accountability in long term boil water advisories (RECOMMENDED)

For this option, the federal government would establish a unified water commission to evaluate government performance related to water safety and water management on First Nations territory. This team would consist of members from INAC, Health Canada, and Environment Canada, and would be held to set, timed targets through federal oversight.

Considerations: Currently, water management for Indigenous communities is divided between three federal agencies- Indigenous and Northern Affairs Canada (INAC), Health Canada, and Environment Canada. The INAC is provides funding and guidance for the design, construction, operation, and maintenance of water and wastewater systems. Health Canada works within Indigenous communities to provide guidance about quality and safety issues and identify overall drinking water quality (including DWAs). Concurrently, Environment Canada provides guidance material and consultations in the areas of source water protection and sustainable water use. The creation of an independent First Nations water commission would alleviate issues stemming from the dilution of federal directive across numerous bodies by fostering communication across ministries, enforcing accountability to objectives, and establishing one unified source of oversight at a relatively modest cost.

2. The federal government enacts regulations stipulating standardized requirements for water quality, water testing, and water facilities maintenance & training

For this option, the government would create a standardized set of requirements for First Nations water systems. Though provincial regulations establishing minimum standards for drinking water do exist, these guidelines do not apply to on-reserve communities.

Considerations: On-reserve water systems have been constructed and operated without the of legal standards and protections that the government has outlined for all other Canadians. Despite patchwork attempts to ensure a quality standard of water, members of First Nations communities continue to struggle without access to potable water, safe sanitation systems, or the protections afforded to most Canadians. To date, many extant reserve water systems fall below provincial standards, resulting in recurring DWAs even in regions with relatively new water infrastructure (<12 years). Establishing a set of standardized requirements for First Nations water maintenance and care will not only help eliminate current LT-DWAs, but also reduce future costs as fewer systems will experience recurring advisories and safety concerns.

3. The federal government establishes training & maintenance programs for First Nations communities such that they are able to address DWAs individually through federal funding

For this option, the government would focus on the training and education of wastewater management systems for First Nations communities. In conjunction with the provision of adequate funding, this would enable communities to address DWAs individually, rather than await government assistance.

Considerations: Prior initiatives to address the First Nations water crisis have been attempted primarily by increasing funding for treatment facility and infrastructure. However, these measures have been largely unsuccessful, as infrastructure inadequacies are only one piece of a multi-faceted problem- the origins of which can be traced back through colonial history. Providing First Nations communities with the resources they need to operate and maintain their water systems is a critical tenet of creating a long-lasting solution. This option would also ensure that First Nations communities are engaged appropriately on the cultural aspects of water in order to identify sustainable & practical water policy solutions that are culturally acceptable. These measures would also help to construct framework of water governance and quality guidelines on-reserve that can be maintained and improved over multiple generations without the need for government intervention outside of federal funding.

References

- Alcantara, C., Longboat, S., & Vanhooren, S. (2020). Improving first nations water security through governance. *Canadian Public Administration*, 63(2), 155-176. doi:10.1111/capa.12363
- Arsenault, R., Diver, S., McGregor, D., Witham, A., & Bourassa, C. (2018). Shifting the framework of canadian water governance through indigenous research methods: Acknowledging the past with an eye on the future. *Water*, 10(1), 49. doi:10.3390/w10010049
- Black, K., & McBean, E. (2017). Analysis of challenges and opportunities to meaningful indigenous engagement in sustainable water and wastewater management. *Water Policy*, 19(4), 709-723. doi:10.2166/wp.2017.078
- Chattha, S., (2020, October 07). Grassy narrows first nation ends all long-term drinking water advisories. Retrieved March 13, 2021, from <https://www.watercanada.net/grassy-narrows-first-nation-ends-all-long-term-drinking-water-advisories/>
- Drinking water advisories. (2018, April 04). Retrieved March 13, 2021, from <https://davidsuzuki.org/project/drinking-water-advisories/>
- Galway, L. (2016). Boiling over: A Descriptive analysis of drinking Water advisories in First Nations communities in Ontario, Canada. *International Journal of Environmental Research and Public Health*, 13(5), 505. doi:10.3390/ijerph13050505
- Government of Canada; Indigenous and Northern Affairs Canada. "Ending Long-Term Drinking Water Advisories." Government of Canada; Indigenous and Northern Affairs Canada. <https://www.sacisc.gc.ca/eng/1506514143353/1533317130660>.
- Grassy narrows. (2019, December 27). Retrieved March 13, 2021, from <https://www.amnesty.ca/category/issue/grassy-narrows>
- Make it safe. (2020, May 27). Retrieved March 13, 2021, from <https://www.hrw.org/report/2016/06/07/make-it-safe/canadas-obligation-end-first-nations-water-crisis>
- White, J. P., Murphy, L., & Spence, N. (2012). Water and Indigenous Peoples: Canada's Paradox. *International Indigenous Policy Journal*, 3(3). doi:10.18584/iipj.2012.3.3.3