



Building the Canada Water Agency

Canadian Coalition for Healthy Waters' Policy Position on Building the Canada Water Agency

March 2022

The Canadian Coalition for Healthy Waters is a non-Indigenous led coalition. Any statement or policy position coming from the Coalition, including this one, does not speak for Indigenous Peoples.

About the Canadian Coalition for Healthy Waters

The [Canadian Coalition for Healthy Waters](#) (CCHW) is a non-partisan coalition of organizations advocating for federal government leadership and policy to support the health of fresh water—including all inland waters—across Canada. Collectively, the members of the Canadian Coalition for Healthy Waters have hundreds of thousands of supporters from different walks of life, from coast to coast to coast.

This policy position was created thanks to the efforts of many organizations and individuals. It draws heavily on the policy analysis work conducted—both currently and in the past—by the [Forum for Leadership on Water](#) (FLOW).

The Canadian Coalition for Healthy Waters is guided by a Steering Committee of the larger CCHW membership and is chaired by [Our Living Waters](#). We would be pleased to speak to this policy position in more detail. Inquiries can be directed to Andrew Stegemann, the Director of Our Living Waters, acting as the Chair of the Canadian Coalition for Healthy Waters (andrew@ourlivingwaters.ca).

CCHW Steering Committee:



Five Foundational Pillars for the Canada Water Agency

Waters across the country are [under threat](#). The myth of Canadian freshwater abundance – and the false sense of security that accompanies it – has been thoroughly debunked. It is now undeniable that our rivers, streams, lakes, aquifers, estuaries, and wetlands are experiencing unprecedented challenges in the face of the [ongoing climate crisis](#). Water supply is increasingly erratic, water quality is degrading in many places, and extreme weather events are increasing in both frequency and severity. Climate change is adding to and exacerbating existing threats to our waters caused by pollution, overuse, habitat loss and fragmentation, alteration of flow, and invasive species. In addition, terrestrial land use and management decisions are also impacting water with deforestation, agricultural practices, and urbanization—as examples— affecting water quantity, quality and flow regimes.

Much more work needs to be done to ensure the health of fresh water in Canada for current and future generations. Maintaining the status quo will not only imperil the health of freshwater resources for the people who rely upon them and the ecosystems they support; it will also cost governments at all levels untold billions of dollars. These costs are [already being felt](#). Changing course requires rethinking the way we manage and govern fresh water, in addition to the way we manage our use of the land within watersheds all across the country. This must be a collaborative effort that involves all levels of government, engages people in Canada, and leverages Canada’s wealth of knowledge in water science and technology. The federal government has a critical role to play leading this transformation.

We applaud the federal government’s commitment to establishing a Canada Water Agency. This is an encouraging first step. What happens next is key: we call upon the government to commit the resources, effort, and capacity needed to ensure that the Canada Water Agency is established without delay and is positioned to affect meaningful change. The urgency to create an effective Canada Water Agency must match the urgency of the moment.

To affect meaningful change, the Canada Water Agency needs to be created based on the following five foundational pillars, which are cross-cutting priorities that should be mainstreamed in every aspect of the Canada Water Agency’s development, structure, and operations. Collectively, they embody the water governance and management paradigm shift that is needed to protect and restore the health of fresh water in Canada.

The Five Foundational Pillars

Reconciliation

The Canada Water Agency must meaningfully advance the federal government’s commitment to reconciliation with Indigenous peoples. Working towards reconciliation must be done in partnership with Indigenous peoples and, therefore, may look different across the country, but the Agency should contribute to:

- Fulfilling the federal government’s stated commitment to advancing **government-to-government, nation-to-nation relationships** by developing pathways and providing resources for the co-governance of shared waters with Indigenous Nations.
- Recognizing, respecting, and upholding Indigenous inherent, Aboriginal, and treaty **water rights and roles**.
- Recognizing, respecting, and upholding **Indigenous worldviews and knowledge systems** related to water, as defined by Indigenous peoples.
- Fulfilling the **Truth and Reconciliation Commission Calls to Action**, with a particular focus on repudiating concepts used to justify European sovereignty over Indigenous peoples and lands and the laws, policies, and litigation strategies that continue to rely on such concepts (Calls to Action 45-47).
- Fulfilling the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**, with a particular focus on ensuring Indigenous peoples have the right to participate in decision-making in matters which would affect their rights (Article 18) and that Indigenous peoples have granted their free, prior, and informed consent before decisions are made that affect them (Article 19).
- Continuing to negotiate **land claims settlements**, where applicable, that recognize constitutional and court defined rights, and which clarify water use and management powers.
- Determining, **in partnership with Indigenous peoples**, how they will participate in advancing water-related legislative, institutional, and policy initiatives that affect or interest them.
- **Ending all long-term drinking water advisories** in Indigenous communities.

Knowledge Creation and Mobilization

Effective water management and governance is hindered by knowledge gaps across the country. We cannot ensure the health and security of fresh water in Canada unless we have a strong understanding of their current status, how they are being impacted, and how they could continue to change in a climate-impacted future. The Canada Water Agency can play a key role creating and mobilizing the knowledge – both Western and Indigenous science and knowledge – needed to predict and respond to water problems and opportunities by:

- **Supporting a state-of-the art flood forecasting and warning system** in partnership with the provinces and territories.
- Supporting research to **upgrade national flood risk mapping**, including adjustments for climate and land use changes, and refinement of national digital terrain data.
- Supporting research to **inform how to best compromise between human and environmental use of floodplains** within flood and floodplain management.
- Convening freshwater experts to develop a **knowledge creation and mobilization framework** that addresses identified data gaps, creates standard protocols and

guidelines for data analysis, assesses existing data collection capacity, and identifies the most appropriate leverage points for the Canada Water Agency to add value.

- Supporting **existing data collection efforts** by enhancing funding and other supports for nongovernmental organizations, academic institutions, Indigenous Nations and organizations, and community-based water monitoring programs.
- Acting as a **knowledge liaison** that facilitates collaboration between water experts across governments, nongovernmental organizations, academic institutions, and the private sector.
- Focusing on the role of good quality data and information in enabling **better water management and land use management decisions** by ensuring that decision-makers have the knowledge and tools they need to make decisions in the best interests of the watershed.
- Generating **future water scenarios and forecasts** to contribute to climate resilience and adaptation planning, which could include predicting floods and droughts, prioritizing water quality issues, predicting and mitigating the risk of harmful algae blooms, and understanding future water supply and use.
- **Improving the relevance and use of climatological information** as it relates to interjurisdictional water planning and management activities.
- Coordinating an open-access **central repository** that focuses on collecting, interpreting, and disseminating water information and data in an accessible format for different levels of government, the water community, and the general public. This includes consolidating water related monitoring within all government institutions such as the Meteorological Service of Canada monitoring changes in weather and environmental conditions, as well as flood mapping supported by Natural Resources Canada and establishing data sharing mechanisms with other departments and agencies (e.g., Public Health Agency of Canada, Statistics Canada) to integrate socio-economic and health data in analyses to inform policies and programs as appropriate.

Cooperative Federalism

Canada is a federation in which the responsibilities for managing fresh water are shared among different levels of government. This is especially apparent with water bodies that cross international and provincial borders. This shared governance model is a source of strength, but it also creates fragmentation and communication gaps that adversely affects our water management systems and the health of our water resources. The Canada Water Agency has a key role to play leading a cooperative approach to best support decision-making and management. The Agency can do so by:

- Emphasizing a **pan-Canadian approach** to water management that respects the jurisdiction of provincial, territorial, Indigenous, and municipal governments by providing high-level coordination and capacity support to these jurisdictions.

- Strengthening **transboundary water management** by prioritizing healthy and intact watersheds as the basis of water management.
- Committing capacity to anticipate, investigate, avoid, and resolve **water-related disputes** between and within jurisdictions.
- Providing national scale leadership and guidance on **water management best practices**, including water-related climate change adaptation strategies.
- Committing to the **recognition of Indigenous self-government and legal systems** as a foundational and evolving component of cooperative federalism.
- **Supporting Indigenous governing bodies** in resolving disputes in the vicinity of reserves and Indigenous titled lands.
- **Establishing key partnerships** with provinces, territories, Indigenous governments, municipalities, watershed organizations, nongovernmental organizations, and industrial and agricultural organizations to develop climate change risk reduction and resilience programs and enhance protection from disasters.
- In collaboration with all orders of government and non-governmental partners, place a high priority on **implementing the government’s pan-Canadian framework for Clean Growth and the Disaster Mitigation and Adaptation Fund**.
- Existing power structures consciously and unconsciously influence water management and result in water-related inequities and vulnerabilities that impact people differently in terms of water availability, water quality, access to clean drinking water, water-related disasters, and many other water related issues. To ensure no further marginalization of people within equity-deserving groups and to support justice, equity, diversity and inclusion efforts, mandate **gender-based analysis plus (GBA+)** in all policy and programming design and in evidence-based recommendations, as well as social and health vulnerability assessments based on intersecting identities and vulnerabilities.

Watershed Approach

Addressing water governance fragmentation across the country requires a new approach that emphasizes the importance of watershed boundaries in all freshwater decision-making. The watershed approach takes into account interconnected ecological, social, economic, and cultural values that must be balanced to ensure the wellbeing of communities and ecosystems—both aquatic and terrestrial—across the watershed. The Canada Water Agency can help lead this new approach by:

- Developing a **pan-Canadian strategy** for promoting water governance according to watershed boundaries, including strategies for realigning siloed freshwater management capacities within the federal government and a roadmap for watershed-based collaboration between jurisdictions.
- Consistent with a nested watershed approach, place a high priority on negotiating, continually strengthening, and providing ongoing support to **comprehensive agreements in all of the major interjurisdictional river basins in Canada**.

- Building durable **watershed-level partnerships** for water management and land use decision-making with provinces, territories, municipalities, and Indigenous governments.
- Assist and fulsomely **support the work of the International Joint Commission** and collaborate with appropriate U.S. agencies to advance approaches to climate change adaptation and other major challenges in shared international waterways.
- Stringently **enforce the bulk water export** and other regulatory provisions in the International Boundary Waters Treaty Act and the International River Improvements Act.
- **Ensure environmental flows are protected** by way of appropriate objectives and standards in all future interjurisdictional agreements negotiated with other orders of government.
- **Ensure environmental flows are appropriately integrated** into regulations for freshwater habitat protection under the renewed Fisheries Act.
- Conduct and support research on the establishment of **environmental flows in specific circumstances**, for example in support of cold-water aquatic life.
- Conduct and support research to **better understand groundwater-surface water interactions**.
- **Conduct ongoing surveys of water withdrawals and consumptive use** in both the municipal and industrial sectors and advance understanding of these and all other interferences with hydrologic functions, including climate change, on environmental flows.
- Linking partnerships to **clear outcomes** that include building resilience to extreme events, identifying priority areas for watershed restoration, and ensuring effective environmental flow regimes are in place across all levels of jurisdiction and authority.
- Supporting the **protection and restoration of freshwater ecosystems**, including mainstreaming ecosystem services valuations into all water management decision-making processes, prioritizing and protecting environmental flows across all water management decisions, and promoting nature-based solutions to address pressing water challenges.
- **Integrate long-term climate resilience and risk mitigation** into all federal water programs, including infrastructure investments, disaster risk reduction, disaster planning, agricultural and industrial commitments, and national security assessments.

Deep Reform

The Canada Water Agency is a stepping stone, not an end game. Beyond the establishment of a new institution, efforts to strengthen federal freshwater leadership must also address Canada's outdated federal water laws and policies. This work involves a broad range of actors both within and outside the federal government, but the Agency can play an important role conducting holistic analysis, convening relevant federal departments, and engaging with other levels of government on water-focused policy and legislation. Specifically, the Canada Water Agency should prioritize:

- **Leading renewal of the *Canada Water Act***, including the opportunity for Indigenous Nations to participate in a legislative co-drafting process that is consent-based, rooted in nation-to-nation relationships, and consistent with UNDRIP.
- Assisting the Department of Fisheries and Oceans with developing regulations for **freshwater habitat protections under the renewed *Fisheries Act***.
- Operationalizing recommendations for legislative reform that emerge from the Standing Committee on Environment and Sustainable Development's [study of federal freshwater policies and legislation](#).
- **Undertaking integrated legislative and policy reviews** to ensure water management coherence across the federal government.
- **Building world class water policy capacity** within the Canada Water Agency, supported by an inter-ministerial coordinating committee, to ensure all federal water-related programs are aligned to common purposes and objectives.