

Commentary



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Delivering the Basics: The Ongoing Indigenous Water Crisis in Canada

This is the second in a series of four articles.

The importance of clean water supplies for community wellbeing

Matthew Cameron with Ken Coates

The right to safe and clean drinking water is nowhere to be found in the *Canadian Charter of Rights and Freedoms*, which articulates (albeit non-exhaustively) the fundamental freedoms as well as many of the legal rights of all Canadians. Nor is it included in the *Bill of Rights* that preceded the Charter, despite the former's purported expression of the principles and associated rights and freedoms that underwrite "the dignity and worth of the human person."

And yet, how long could any Canadian hope to exercise, let alone enjoy, their constitutionally enshrined rights to, for example, security of the person, the pursuit of a livelihood, life, or even the freedom of thought without access to safe and clean drinking water?¹ How could the dignity and worth of an

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individual be assured in the absence of safe and clean drinking water? In this sense, the right to water is a fundamental right, the kind of right that needs to be secured to allow for other rights and freedoms to be exercised and enjoyed by an individual.

Given the critical importance of water to human life, it is no surprise that, in 2002, the United Nations Committee for Economic, Social and Cultural Rights (UNCESCR) recognized the human right to water. Well, perhaps it *is* surprising that the right to water wasn't recognized internationally until the 21st century. However, the UNCESCR made clear that the right to water is an aspect of the right to an adequate standard of living, which was itself explicitly recognized in Article 25 of the 1948 United Nations (UN) *Universal Declaration of Human Rights*. The unprecedented population boom of the post-World War II era undoubtedly resulted in unanticipated pressure on the world's freshwater resources in a manner that, paired with the increasing impacts of climate change later in the century, created scarcities that all but forced the clarification that an adequate standard of living for each human being does indeed include water.



Simply put, the absence of clean drinking water can have direct negative impacts on an individual's health.

The World Health Organization has noted that “absent, inadequate, or inappropriately managed water and sanitation services expose individuals to preventable health risks.”² The Guidelines for Canadian Drinking Water Quality, established by Health Canada with input from the provinces and territories, specify various contaminants and exposure levels that should be monitored for in potable water systems in order to prevent “adverse health effects in humans.”³ In Canada alone, a broad number of health concerns have been associated with low-quality drinking water in recent decades, including gastrointestinal infections, skin problems (from eczema to skin cancer), birth defects, obesity, diabetes, hypertension, mental stress (anxiety, depression), heart diseases, liver diseases, kidney problems, neurological problems, immunopathology (e.g., autoimmune diseases), thyroid conditions and infant

mortality.⁴ Simply put, the absence of clean drinking water can have direct negative impacts on an individual's health – from temporary and inconvenient to serious and life-threatening, though all preventable.

Beyond its direct health impacts, precarious access to safe and clean drinking water can give rise to multifaceted social consequences for affected communities, as far too many First Nations communities in Canada know firsthand. A 2011 National Assessment of water systems in First Nations communities commissioned by Indian and Northern Affairs Canada found that more than one in three water systems were considered high risk while one in three were considered medium risk and fewer than one in three were deemed to be low risk.⁵ High risk systems are those with “major deficiencies, which... may lead to potential health and safety or environmental concerns” and require “immediate corrective action.”⁶ Rather unsurprisingly, another study commissioned by Health Canada that same year found that people living in First Nations communities are more likely than those who live in comparable sized communities off reserve to have negative perceptions about the safety of their drinking water.⁷

A 2008 profile of First Nations communities without access to safe drinking water observed that, “for many, water has become a source of fear, and people have good reason to believe that what comes out of their taps may be making them sick.”⁸ Indeed, a survey that year found that more than one in three people living on reserve thought their water was unsafe.⁹ As recently as 2016, an analysis of drinking water quality in Canadian Indigenous communities found that “[r]esidents of First Nations reserves were less confident about their water source, household water supply and overall water safety than non-reserve populations.”¹⁰

A distrust of the quality of local tap water typically leads to less usage and an increased reliance, among residents, on bottled water, for everything from drinking to making food, bathing and cleaning; as well increased anxiety and time spent securing an adequate supply of clean water.¹¹ While the fear of water impacts each member of an affected community, it becomes a more complicated issue for the parents of young children and those with vulnerable family members (including the elderly and family with mental and physical disabilities) for whom bathing, personal hygiene and nutrition are especially critical for basic health, safety and development. A parent needing to bathe their newborn baby, or prepare formula for the baby to drink, might think twice about doing so if the water coming out of the tap does not appear

safe, even if it has been deemed “safe for consumption” by an environmental health official.¹²

An increased reliance on bottled water also affects the cost of living for families. When a bottle of water costs more than a bottle of juice or pop, which is not uncommon in remote and rural communities, families with limited means can be faced with difficult dietary trade-offs – a dilemma that has been made worse recently by inflation.¹³ In cases of prolonged drinking water advisories, these decisions can lead to further health impacts, especially for youth in communities where healthy recreational opportunities are often limited. The combination of poor diet and lack of exercise can have well-known negative effects on physical health as well as pernicious, if less well-documented, effects on mental health.

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It is important to note that more than health and safety are at risk in communities without clean water supplies. For example, the Neskantaga First Nation in Ontario has been subject to a water advisory since 1995 – the longest running advisory in the country – and has had to shut down its on-reserve school on multiple occasions; at times due to safety issues and at other times because departures from the community have left the school with inadequate numbers of qualified teachers and support staff.¹⁴

And the Neskantaga First Nation is far from the only water insecure community grappling with outmigration. According to the 2021 Canadian census, at least 10 communities currently subject to long-term drinking water advisories have seen a decline in population since 2016.¹⁵ Combined with other aggravating factors, such as inadequate housing and poor or limited telecommunications infrastructure, the effects of a lack of clean drinking water can cascade through a community, contributing to labour shortages, compromising the quality of education and other local social services and severely diminishing economic development opportunities for those left behind. In the worst cases, water insecurity also appears to contribute to higher suicide rates.¹⁶

Precarious access to safe drinking water also takes a significant spiritual toll on Indigenous communities. As former Grand Chief of the Assembly of First Nations Phil Fontaine wrote in 2008, “First Nations have always viewed water as a sacred trust. From time immemorial, First Nations have centered their existence on water. From the careful selection of community sites, as a means of transportation and dependence on the harvest from the waters.”¹⁷ A lack of access to safe drinking water, combined with perceived threats to traditional water sources, has served to undermine the spiritual well-being of Indigenous Canadians.

In 2008, in response to activities in the oilsands that threatened water sources for humans and animals in northern Alberta, the chiefs of Treaties 6, 7 and 8 called for a moratorium on new oil & gas development pending meaningful input from affected First Nations communities, arguing that oilsands development had “all but destroyed the traditional livelihood of First Nations.”¹⁸ For communities that have spent years, in some cases decades, under drinking water advisories, the lack of access to a fundamental part of the natural world and a perceived inability to address the problem is spiritually debilitating.

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Five years after the UNCESC reaffirmed the right to water within the existing internationally recognized human rights framework, that framework was expanded and further refined in 2007, when the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted. It is no accident that the UNDRIP includes language affirming Indigenous Peoples’ right to uphold their unique cultural and spiritual relationship with their traditional waters, including their obligations to future generations.¹⁹ Across the globe, freshwater scarcity and contamination have disproportionately impacted Indigenous peoples, whose communities are often marginalized from the dominant form of decision-making and socioeconomic forces that prioritize the consumption of water. This is just as true in Canada in the case of the Athabasca Chipewyan

First Nation and the Alberta oilsands, as it is in Bolivia, where the Indigenous residents of El Alto and Cochabamba fought back against the government's plan to privatize the water supply.

Canada has been called out, both nationally and internationally, for the poor quality of water on Indigenous reserves. A 2005 report from the Office of the Auditor General of Canada had found that residents of First Nations communities in Canada were not being afforded the same level of protection as other Canadians vis-à-vis safe drinking water, citing the lack of a regulatory framework and inconsistent implementation of policies, guidelines and funding relating to drinking water in First Nations communities. Canada was also one of the minority of countries to abstain from voting in 2010 when the UN General Assembly made the right to water explicit by recognizing "*the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights.*"²⁰ Only recently did Canada formally recognize the right to water.

Despite touting itself as a leader on the international stage, Canada has been slow to recognize significant developments when it comes to international human rights, though it does tend to come around eventually.²¹ Canada has been even slower to address the issue of safe and clean drinking water in First Nations communities, but it absolutely needs to in order to restore the well-being of these communities and uphold the dignity and worth their residents.

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About the authors



Matthew Cameron is a Yukon-based researcher and academic. He is an Instructor at Yukon University, where he has taught in the Liberal Arts, Indigenous Governance and Multimedia and Communications programs since 2016.

In addition to his academic work, Matthew has nearly a decade of experience working in various capacities for the Yukon Government, including as Director of Communications for the Yukon Government Cabinet. Through this work he has been directly involved in various intergovernmental structures in the Yukon, within Canada and at the circumpolar level and has developed an in-depth knowledge of public policy, politics and governance in Canada's North.

Matthew received a PhD in Philosophy from the University of St. Andrews. He holds a Master's degree in Philosophy from the University of Western Ontario and completed his undergraduate studies in Philosophy and Political Science at the University of British Columbia. Matthew works, lives and grew up on the traditional territory of the Kwanlin Dün First Nation and the Ta'an Kwäch'an Council in Whitehorse, Yukon. [MLI](#)



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Ken has also worked as a consultant for Indigenous groups and governments in Canada, New Zealand, and Australia as well as for the United Nations, companies, and think tanks. He has previously published on such topics as Arctic sovereignty, Aboriginal rights in the Maritimes, northern treaty and land claims processes, regional economic development, and government

strategies for working with Indigenous peoples in Canada. His book, *A Global History of Indigenous Peoples: Struggle and Survival*, offered a world history perspective on the issues facing Indigenous communities and governments.

He was co-author of the Donner Prize winner for the best book on public policy in Canada, *Arctic Front: Defending Canada in the Far North*, and was short-listed for the same award for his earlier work, *The Marshall Decision and Aboriginal Rights in the Maritimes*. [MLI](#)

Endnotes

- 1 At least three First Nations communities in Canada have been subject to a drinking water advisory for over 20 years.
- 2 This includes exposure to a range of diseases like diarrhoea, cholera, hepatitis A, and dysentery, to name a few. World Health Organization drinking-water fact sheet: <https://www.who.int/news-room/fact-sheets/detail/drinking-water>.
- 3 Health Canada (2022). Guidelines for Canadian Drinking Water Quality—Summary Tables. Water and Air Quality Bureau, Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario, p. 1.
- 4 Bradford et al. (2016).
- 5 Neegan Burnside (2011). A community water system is classified as low, medium or high risk based on a range of factors including water source, the design, operations and operators of the water system, and the reporting of risk. The report included the participation of 571 of 587 First Nations across Canada (97%) and assessed 807 water systems serving 560 First Nations along with 11 First Nations that have individual water supplies.
- 6 Ibid. p. 15-16.
- 7 Ekos Research Associates. Perceptions of drinking water quality in First Nations communities and general population. Ottawa, Ontario, Canada: Ekos Research Associates; 2011. The findings of the study note that “[f]ewer than half of First Nations residents rated the quality of their drinking water as good, which is considerably lower than the 65 per cent of residents of other small communities (i.e., the general public) who provided the same positive rating about their own water. In fact, one-quarter of First Nations residents consider their drinking water quality to be poor, whereas a much smaller proportion of residents of other small communities provided the same type of negative rating of their water” (p. iii).
- 8 Polaris Institute (2008).
- 9 Don Butler, “Natives still Unhappy with water; Survey finds big Budget hasn’t Helped Quality,” Ottawa Citizen, January 4, 2008.
- 10 Bradford et al. (2016).

- 11 As the World Health Organization notes, “When water comes from improved and more accessible sources, people spend less time and effort physically collecting it, meaning they can be productive in other ways.” World Health Organization drinking-water fact sheet.
- 12 See Polaris Institute (2008) and NYTimes (2022).
- 13 E.g., a four-litre bottle of water costs \$12 in North Spirit Lake, Ontario, which has been under a drinking water advisory officially since 2019, but on and off since 2001 (NYTimes (2002)).
- 14 See Polaris Institute (2008) and CBC News (2019).
- 15 2021 population numbers are not available for all of the communities with active long-term drinking water advisories.
- 16 The Pikangikum First Nation in Ontario, which struggled with water advisories for more than a decade before its advisory was lifted in 2018, was noted as having one of the highest suicide rates in the world in the 2000s (Polaris Institute (2008)).
- 17 Polaris Institute (2008), p. 5. As Bradford et al. (2016) write, “To Indigenous people, water is more than a commodity or a necessity for physical survival. In some Indigenous worldviews, water is considered a gift from the Creator, the lifeblood of Mother Earth and a spiritual resource that must be respected and kept clean” (p. 2).
- 18 “Chiefs call for Moratorium on new Oilsands Development,” The Canadian Press, February 25, 2008. Writing to the United Nations in 2021, the Assembly of First Nations noted:

Water is fundamental for life. For First Nations, the significance of water deepens through our eternal connection to water. Many First Nations consider water to be a relative, rather than a resource that can be bought or sold in which there exists a reciprocal relationship that must be continuously nurtured and respected. We operate under the basic principle that if you take care of the water, it will take care of you. We understand that a healthy ecosystem is necessary in order to exercise our Indigenous rights and laws, which enable us to fish, hunt, gather and practice our traditional customs and ceremonies. While some of these concepts likely resonate with non-Indigenous peoples as well, the reality is that Western ways of knowing have largely precluded such characterizations and have, thereby, led to the pollution and desecration of Mother Earth.

For First Nations women, this connection to water deepens through their roles as child bearers. Just as water from Mother Earth carries life to us, women carry life and water in their wombs during pregnancy. It is in this way that we recognize that all aspects of creation are interrelated. When settlers arrived on Turtle Island (i.e., North America), Indigenous natural law was largely replaced by colonial law, changing the ways that water was respected. Colonialism has had negative ramifications for Indigenous Knowledge relating to water, and the intergenerational transfer of this knowledge has thereby been diminished. Our traditional ways of being were not passed on from grandmothers to mothers who, in turn, have been unable to teach our youth. As a result, First Nations have suffered a loss of traditional roles, responsibilities, practices, and stewardship. It has been difficult to reclaim these roles since, to this day, the vast majority of policies in Canada that involve water fail to embody the critical roles of First Nations women with respect to water. (Submission to the United Nations Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation's Call for Input: Indigenous peoples and people living in rural areas, Assembly of First Nations, 2021.)

- 19 Article 25 of the UNDRIP reads: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard. (A/RES/ 61/295).
- 20 United Nations General Assembly A/RES/64/292.
- 21 To wit, Canada objected to the UNDRIP when the United Nations adopted it in 2007 and then removed its objector status nearly a decade later in 2016.

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The Honourable Jody Wilson-Raybould

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The Honourable Pierre Poilievre

The **Macdonald-Laurier Institute** has produced countless works of scholarship that solve today's problems with the wisdom of our political ancestors. If we listen to the **Institute's** advice, we can fulfill Laurier's dream of a country where freedom is its nationality.

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