

THIRSTY FOR CHANGE

NO MORE EXCUSES

Position Statement on Sustainable Access to Clean Drinking Water for Indigenous Communities



RECOMMENDATIONS

Student Advocates for Public Health (SAPH) calls on the federal government, in partnership with provincial and municipal governments to collaborate with Indigenous Peoples and take joint action in the following areas:

1. Amend Canada's *Water Act* and *The Safe Drinking Water for First Nations Act* to ensure that the acts reflect a commitment to the *UN Declaration on the Rights of Indigenous Peoples*.
2. Amend Canada's *Water Act* and *The Safe Drinking Water for First Nations Act* to ensure they recognize and affirm:
 - a. Clean drinking water is a fundamental human right
 - b. Indigenous People as the first users of water in Canada
 - c. Federal, provincial, territorial, and municipal governments have a moral obligation and a humane responsibility to ensure Indigenous communities have sustainable access to clean drinking water
 - d. Federal, provincial, territorial, and municipal governments have a duty to work collaboratively with each other and with Indigenous communities, to ensure those communities have sustainable access to clean drinking water
3. Establish a National Commitment Statement on Indigenous Water Equity whereby federal, provincial, territorial, and municipal governments and Indigenous nations can pledge their commitment to working together to deliver sustainable access to clean drinking water in Indigenous communities.

KEY MESSAGES

WATER HAS A STRONG CULTURAL AND SPIRITUAL SIGNIFICANCE FOR MANY INDIGENOUS PEOPLES.

POOR ACCESS TO CLEAN DRINKING WATER HAS RESULTED IN SERIOUS PHYSICAL AND PSYCHOLOGICAL HARM AMONG INDIGENOUS PEOPLES LIVING ON RESERVES, MOST NOTABLY GASTROINTESTINAL ILLNESSES AND TRANSMISSION OF THE COVID-19 VIRUS.

POOR WATER QUALITY ON INDIGENOUS RESERVES HAS BEEN LINKED TO SEVERAL ISSUES RANGING FROM INADEQUATE FUNDING FOR CRITICAL WATER INFRASTRUCTURE, INCLUDING OPERATIONS AND MAINTENANCE OF WATER TREATMENT FACILITIES, CONTAMINATED CISTERNS, AND OUTDATED GOVERNMENT POLICIES AND PROCEDURES.

AS OF JANUARY 26, 2021, THERE WERE 57 LONG-TERM DRINKING WATER ADVISORIES IN 39 FIRST NATIONS ACROSS CANADA, AND 54% OF THESE COMMUNITIES HAVE BEEN UNDER AN ADVISORY FOR LONGER THAN TEN YEARS.

AS CANADIANS, WE HAVE A MORAL OBLIGATION TO ENSURE INDIGENOUS COMMUNITIES ARE NOT SUBJECTED TO ANOTHER 45 YEARS OF BROKEN GOVERNMENT PROMISES TO PROVIDE CLEAN SUSTAINABLE DRINKING WATER IN INDIGENOUS COMMUNITIES.

BACKGROUND

As the global demand for water continues to rise, Canada is privileged to hold 20 percent of the world's freshwater supply, in addition to nine percent of the world's renewable freshwater resources (Government of Canada, 2017; Lillo et al., 2021; United Nations Educational, Scientific, and Cultural Organization, 2019). However, despite being home to less than one percent of the world's population, many Indigenous Peoples living on reserves throughout the country are disproportionately affected by high-risk drinking water systems. This has resulted in consequences such as negative health outcomes, financial and social costs, and cultural impacts, further widening the socioeconomic gap (Galway, 2016; Guardian News and Media, 202; Xue Luo, 2022).

Relevance to Indigenous Wellbeing

In Canada, Indigenous Peoples are the first users of water and water is integral to their culture; it has been described as animate, sacred, and a sustaining gift from Mother Earth (Habib et al., n.d.). However, the state of poor water quality has led to both serious psychological and physical harm in Indigenous persons, including waterborne illness and premature death (Martin, n.d.; Philibert et al., 2020). Previous water studies have identified an array of toxic chemicals found in the drinking water on Indigenous reserves (Schartz et al., 2020). Contamination of water by microbial pathogens has been identified as the most immediate health risk to Indigenous persons, followed closely by skin problems and birth defects. In Canada, the overall number of gastrointestinal illnesses was approximately 26 times greater on Indigenous reserves in comparison to the number in non-reserve areas, with many cases unreported (Bradford et al., 2016). Poor water quality on Indigenous reserves has been linked to several concerns, including the underfunding of proper infrastructure and stagnant policy changes (APTN National News, 2021; Lerat et al., n.d.). The effects of living without access to safe water have only been compounded by the global pandemic. A recent Canada-wide study revealed that communities relying on cisterns (a form of water infrastructure commonly used in rural and remote locations, including reserves, to help store potable water) face double the risk of COVID-19 outbreaks on reserve compared to those living off-reserve with piped water delivery systems. This is in addition to being subject to various other forms of contamination and high operational costs (Beaudin, 2021; Vogel et al., 2018).



The Lack of Sustainable Solutions

Lifting a water advisory alone does not guarantee security; while some may be lifted, others have taken their place (McLeod, 2017). While water trucking, for example, may provide alternative solutions for some remote communities, families can still spend upwards of 600 dollars on basic water needs, even without being under an advisory (Balpataky, 2017; McLeod, 2017). Barriers in water management and proper regulation continue to persist, further indicating a gap between policymakers and Indigenous peoples (Morrison et al., 2015). Additionally, to avoid any further obstruction of self-determination, which has historically affected Indigenous Peoples because of colonization, efforts to sustain safe drinking water must also extend to promoting water sovereignty, and this must endure beyond political cycles (Allan & Smylie, 2015; Paas-Lang, 2021).

Clean Drinking Water: A Human Right

The water crisis for many Indigenous communities is a consequence of systemic racism embedded in Canadian colonial policy, which has proven to be difficult for governments to properly address (Beaudin, 2021). Promises to end boil-water advisories have been broken related to the Federal government's focus on implementing short-term band-aid fixes and not long-term, sustainable solutions (Beaudin, 2021). On July 28, 2010, the United Nations (UN) General Assembly passed Resolution 64/292, which recognized water and sanitation as a human right. The UN declared "the right to water entitles everyone to have access to sufficient, safe, acceptable, physically accessible and affordable water" (United Nations, n.d). However, what is readily available to most Canadians continues to be denied to those who repeatedly experience injustices resulting from Canadian government systems.

Access to clean drinking water in Indigenous communities should not be dependent on the outcomes of court litigation, nor should it be dependent on the agenda of partisan politics. It should be an expectation of all governments that access to clean drinking water is recognized as the basic human right that it has been and continues to be.

CONTEXT

Situation in Canada

- On February 17, 2022, there were 28 short-term drinking water advisories in place across Canada (Government of Canada, 2022).
- 73 percent of First Nations' water systems are at high or medium risk of contamination (Council of Canadians, 2021).
- A single drinking water advisory can mean as many as 5,000 people lack access to safe, clean drinking water (Council of Canadians, 2021).



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In 2001, the Indian and Northern Affairs Canada (INAC) attempted to improve the operation and maintenance of water facilities on reserves. However, it wasn't until 2003 that the first First Nations Water Management Strategy was developed (Xue Luo, 2022). Bill S-11 was originally created to address safe drinking water on reserves; however, it was replaced by Bill S-8, *Safe Drinking Water for First Nations Act* (SDWFNA) on February 29, 2012 (Simeone, T., & Troniak, S., 2012). Since the SDWFNA has been introduced it has been highly criticized and opposed by First Nations. It was brought into force with a lack of funding and without consultation of First Nations (Assembly of First Nations, 2019). In 2015, Prime Minister Justin Trudeau committed to ending all long-term drinking water advisories by March 2021. Unfortunately, the deadline has now passed, and First Nations are still seeing both long-term and short-term drinking water advisories (Canadian Press, 2015; Xue Luo, 2022). A recent report, highlights some of Canada's setbacks (Office of the Auditor General of Canada, 2021):

- “Indigenous Services Canada did not provide the support necessary to ensure Indigenous Communities to have ongoing access to safe drinking water.”
- (1) outdated policy and (2) an inadequate funding formula.

The COVID-19 pandemic highlighted the importance of clean and accessible water for all. Despite this awareness, the Canadian government has continued to fail to provide a basic human right to dozens of Indigenous communities across the nation. This has been illustrated in the long and short-term drinking water advisories that we continue to see during the global pandemic today.

Situation in Alberta

Alberta's drinking water overview states that “drinking water is monitored by Regional Health Authorities and Alberta Health, with the exception of First Nations, who come under federal jurisdiction” (Government of Alberta, n.d.). As of March 20, 2022, the following two communities in Alberta currently have short-term boil-water advisories (BWA) in effect (Government of Canada, 2022).

- **Tallcree- Tallcree South Tallcree**
- **Cold Lake First Nations- English Bay**



Why Does The Problem Persist?

- 74% of polled Canadians say water issue for First Nations is unacceptable (CBC News, 2016)
- 97% of polled Canadians agree with the notion that clean drinking water is a basic human right (Bakker, K., 2007).
- Indigenous communities are not given a specific completion date for lifting water advisories (Stefanovich, O., & Jones, R. P., 2021)

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Provincial, territorial and federal governments have the responsibility to work jointly with Indigenous communities to provide clean and safe freshwater as per the Guidelines for Canadian Drinking Water Quality (Government of Canada, 2021). A long history of colonialism in Canada is one of the many reasons why a lack of access to clean water continues to exist in Canada (Xue Luo, 2021). The Canadian government has failed to work jointly with the Assembly of First Nations to develop new safe drinking water legislation. As well, many of the decisions in respect to water in Indigenous communities have been made without the engagement of Indigenous communities to resolve the decades-long issue (Xue Luo, 2021).

Overall, there has been a lack of support along with an insufficient and ineffective allocation of funding to help resolve the issue. According to Indigenous Services Canada, between 2015 and 2018, federal contributions to the operations and maintenance (O&M) of on-reserve water and wastewater systems averaged \$146 million per year, but in December 2017, the Parliamentary Budget Officer (PBO) estimated that annual O&M spending needed to be \$361 million (APTN, 2021). The PBO also acknowledged that its estimate was “sensitive to assumptions about population growth and other demographic factors,” so if a higher estimate for population growth had been used, estimated annual O&M needs would instead have been \$419 million (APTN National News, 2021).



Indigenous communities now face the reality of another broken promise by the Federal government that promised to end long-term advisories by 2021 (Stefanovich, O., & Jones, R. P., 2021). Although the current government is pledging to spend an additional \$1.5 billion towards the initial \$2.9 billion promised, Indigenous communities are not given a specific completion date for lifting the advisories (Stefanovich, O., & Jones, R. P., 2021). During the most recent federal elections, all political parties agreed that the drinking water crisis in Indigenous communities is on the agenda and promised to commit to resolving the issue of drinking water advisories (Black, K., 2021).

LOOKING FORWARD

In the year 2022, no one residing in Canada should be living without clean water. However, this is a reality that many Indigenous Peoples face while living in Indigenous communities. The issue of access to clean drinking water persists for Indigenous Peoples as it is rooted in a complex web of unresolved problems, such as inequity, justice, and institutional trends (Basedo & Bharadwaj, 2013). These unresolved issues impact the physical, social, cultural, and spiritual health of Indigenous Peoples living in Canada (Basedo & Bharadwaj, 2013).

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The recommendations listed above signal a comprehensive approach that fosters greater collaboration between government and Indigenous Peoples. It is the voices of Indigenous Peoples that must be at the center of developing and implementing water accessibility solutions as they are the ones that will be directly impacted by the decisions. The governments need to work under the guidance of both the United Nations Declaration on the Rights of Indigenous People and the Truth and Reconciliation Commission of Canada to ensure that there is the continued promotion of sustainable long-term solutions in regard to access to water.

Similarly, universal access to clean water in Canada is a key component of continued recovery from the COVID-19 pandemic. Over the past two years, the COVID-19 virus has demonstrated why water and sanitation must be accessible to keep communities across the country safe (Bui, 2021). We must act now to ensure that Indigenous communities do not go through another 30 years of failed government attempts to provide clean drinking water to Indigenous communities and to promote Indigenous water security.



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