For years, water protection in Canada has suffered from deregulation and budget cuts at both the federal and provincial levels. Under the direction of former Prime Minister Stephen Harper, the Conservative government decimated the Navigable Waters Protection Act (NWPA), delisting 99 per cent of lakes and rivers in the country from legislative protections.

During the 2015 federal election, Justin Trudeau promised to restore lost protections and incorporate more modern safeguards. But two years into office, the Liberals abandoned that promise and instead passed toothless legislation that partially reinstated some protections but failed to remove exemptions for major energy projects like pipelines and power lines.

Then, in 2019, the federal Liberals proposed establishing the Canada Water Agency (CWA), to “keep our water safe, clean and well-managed.”

The Council of Canadians has long advocated for the modernization of federal water policies. A federal agency has the potential to help implement the human right to water and sanitation, centering Indigenous rights and community interests. It could improve standards for regulating dangerous contaminants such as lead in our drinking water. It could protect our lakes and rivers from risky and unnecessary energy megaprojects.

Unfortunately, it looks like the Canada Water Agency will not have any regulatory or enforcement powers when it comes into effect in 2022. It will be all carrot and no stick.

In 2020, Environment and Climate Change Canada (ECCC) began a consultation process for the CWA. It asked participants – which included industry representatives, academics, government officials, and members of non-governmental organizations – to comment on a discussion paper that laid out potential objectives and opportunities for the new agency. Many of our local chapter activists and Council staff took part in the consultations, to convince the government to give the CWA the mandate and resources necessary to actually “keep our water safe, clean and well-managed.”

According to the ECCC, the consultation confirmed strong support for the government’s plans and objectives. But it’s important to point out that the discussion paper contained only vague proposals. And by largely limiting the consultation to the contents of that paper, the process significantly narrowed the scope of the conversation. More importantly, the Ministry reported back on the results of the consultation before receiving a full response from First Nations – the very same communities who led the fight against Harper’s gutting of the NWPA and who started movements like Idle No More.

The vision laid out so far by the federal government for the Canada Water Agency ascribes it the role of an information-sharing clearing house, connecting governing bodies from First Nations, provinces, and municipalities to their federal counterparts. The government also says it will invest in research and engage Canadians as citizen scientists, to help tackle the freshwater challenges of the next century. While these are positive proposals, the CWA will make little real difference without new regulatory powers to replace those previously erased.

But though the CWA outcomes are not ideal, not all is lost – because water is best protected when the people come together to defend it. Just a few years ago, the $12-billion Energy East pipeline megaproject was cancelled because communities along the proposed route from Alberta to New Brunswick stood united against the serious risks that it would have created for their local waters and everyone downstream.

If the new CWA can facilitate getting better and more accessible research into the public domain, if it creates and emboldens networks of citizen scientists across the land, and if it gets adequate funding and support from the federal cabinet, it may prove to be more useful than anyone currently in power ever intended it to be.

We must continue to push for stronger regulations at every opportunity and for all governments to enshrine the human right to water in legislation. But, in the end, the strongest protection for water will always come from communities organizing together to defend it.

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