Canada’s Record on the Human Right to Water Must Be Challenged Internationally

This April in Geneva, Switzerland, the international community will evaluate Canada’s human rights record through the Universal Periodic Review process of the UN Human Rights Council (HRC).

The Council of Canadians’ Blue Planet Project has made a submission to the HRC, urging that the UN and its member states apply the 2010 General Assembly resolution and subsequent HRC resolutions on the human right to water and sanitation in this process.

Having recognized water and sanitation as human rights, the international community now bears the responsibility to uphold this basic right by taking Canada to task on its glaring violations of the human right to water.

The Blue Planet Project was in Geneva to highlight the gaps in drinking water and sanitation services for First Nations communities, the stripping of environmental safeguards for fresh water, Canada’s growing support for a mining industry that violates the human right to water around the world, and the push for local governments to turn public services over to private corporations.

**First Nations’ drinking water**

While the majority of people living in Canada, particularly those living in urban centres, enjoy excellent drinking water and sanitation services, many First Nations communities lack access to clean, safe water. This underscores Canada’s blatant failure to respect obligations towards Indigenous communities.

Between 2009 and 2011, the federal government conducted an assessment of the water and wastewater systems across Canada that serve First Nations communities. Five hundred and seventy-one First Nations communities participated, representing 97 per cent of First Nations communities in the country.

The report highlighted that more than one-third of the water systems for these communities were determined to be “high risk,” meaning the water quality was already poor enough to be detrimental to health and safety, or water systems were deficient enough to cause health problems for community members. Twenty-five per cent of the First Nations population across Canada was found to be living in communities served by high-risk water systems. A total of 312 systems did not meet Canadian health standards for drinking water.

Canada’s failure to meet the drinking water and sanitation needs of First Nations communities has impacted people’s health and well-being. Chiefs in Manitoba recently sounded the alarm about the propensity of First Nations homes to be hardest hit by epidemic outbreaks as a result of poor access to water and sanitation. In 2009, the Canadian Medical Association reported that “whereas Aboriginal Canadians make up 3.4% of the population (with
International Water Campaigner Meera Karunananthan recently visited Mexico to speak out against Canadian mining companies. The Council of Canadians’ Blue Planet Project works in Canada and around the world on the implementation of the human right to water.

1.14 million people), they accounted for 16% of admissions to hospital during the first wave of the pandemic, and 43% of Aboriginal patients had underlying medical conditions.”

**Failure to protect fresh water**

It is vital that the right to water and sanitation be linked to environmental safeguards that ensure source water protection and preserve water supplies for future generations.

Canada’s scientific and environmental communities are outraged by the federal government’s gutting of environmental regulations through the omnibus budget Bill C-38. The dangerous and far-reaching implications of this bill on water resources have been well argued by a number of environmental organizations, including West Coast Environmental Law, MiningWatch Canada and Ecojustice.

The Harper government’s prediction of $500 billion in investments in extractive industries over the next decade would not be possible without dismantling these environmental safeguards.

“Lake dumping” in Canada serves as a case in point. The Harper government further facilitated the practice of allowing mining corporations to dump their toxic waste directly into freshwater bodies with the addition of “Schedule 2,” a loophole in the Federal Fisheries Act. As a result, more and more watersheds are being threatened in Canada.

The Blue Planet Project is working with allies to challenge the federal government’s stripping of environmental regulations that safeguard our country’s freshwater supplies.

**Canadian mining abroad**

According to University of Ottawa Law Professor Lynda Collins, under international law Canada is not allowed to interfere with the rights of other states’ citizens. This means that Canada must ensure that Canadian corporations comply with international human rights standards and environmental policies of host states.

However, it has been well documented that Canadian mining activities in other countries severely impact the human right to water for citizens in those regions. Throughout Latin America, Asia and Africa, people have decried the mining industry’s excessive water use and its subsequent contamination. International bodies have condemned these situations. For example, Goldcorp’s Marlin Mine in Guatemala was ordered to shut down in 2010 by the Inter-American Commission on Human Rights, but it remained in operation with the support of the Guatemalan government. This shows how communities are not able to protect their rights from being violated by big mining corporations.

With Canadian companies accounting for nearly 75% of the international mining industry, Canada must answer for the industry’s human rights violations.

**Water privatization**

Water privatization has led to violations of the human right to water around the world. It has been shown that privatization leads to higher costs for people to access clean, safe water, leaving those without money unable to afford this basic human right.

In Canada, the vast majority of water and sanitation services are publicly owned and operated, but the failure to adequately fund these services, and the imposition of funding conditions that force cash-strapped municipalities to consider private sector involvement, have made it more difficult for communities to keep their water and sanitation services public.

The Canadian government must support public ownership and control of water and sanitation services by providing adequate funding to municipalities rather than forcing them to put these vital services up for sale.

While the government finally claims to recognize water and sanitation as a human right, it has a long way to go towards its implementation. Canada does not have a plan or dedicated funding for the realization of the right to water and sanitation. Meanwhile, it continues to fall shamefully short on its obligations towards Indigenous communities, has severely weakened environmental legislation threatening source water supplies throughout the country, continues to promote a mining industry that is responsible for grave human rights and environmental violations, and is undermining the ability of communities to maintain public water and sanitation services.

Water is a human right. It is time for Canada to implement it.

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