



Federal Freshwater Policy Priorities

Submission to the Standing Committee on Environment and Sustainable
Development for its Study on Freshwater

May 25, 2021

About FLOW

Bringing together past political leaders, former officials with federal and provincial governments, and senior staff of respected research institutes and non-governmental organizations, the [Forum for Leadership on Water \(FLOW\)](#) has been working for over a decade to secure the health of Canada's fresh water. We convene leading thinkers, provide critical analysis and commentary, and engage with governments to advance progressive public policies and influence important decisions about the future of our most precious resource.

We would be pleased to speak to this brief in more detail at the committee's request. Inquiries can be directed to Richard Farthing-Nichol (richard@flowcanada.org).

Federal Freshwater Policy Priorities

As FLOW and our partners have stated in previous work, “it is no longer desirable – or even possible – to maintain the status quo in terms of water management and governance in Canada”.¹ Our country faces serious water challenges that are rapidly intensifying due to climate change. Strong federal leadership is needed to address these challenges and ensure long-term water security for all Canadians. These reforms cannot wait – the urgency of the response must match the urgency of the moment.

The priorities outlined below are not exhaustive, but they are seven of the most important freshwater policy priorities facing our country today. The federal government has the authority and responsibility to address each of them, and they can do so via the actions we have identified.

INTERNAL FRAGMENTATION

The federal government is committed to modernizing federal freshwater leadership in order to ensure Canada’s long-term water security. To meet this commitment, the federal government will:

- **Immediately establish and support a Canada Water Agency** which will bring together key water units from across the government and be responsible for all federal freshwater responsibilities not specifically assigned to other federal Ministers.
- **Build world class water policy capacity** within the Agency, supported by an inter-ministerial coordinating committee, to ensure all federal water-related programs are aligned to common purposes and objectives.
- **Undertake integrated legislative and policy reviews** to ensure water management coherence across the federal government.
- **Ensure sound water management principles** are fully considered with respect to all major federal infrastructure and other economic development expenditures.
- Include as many **data and information sources** as practicable in a common national data repository.

¹ For more detailed analysis, see our previous publications: [Modernizing Federal Freshwater Leadership: Draft White Paper \(2020\)](#) and [Water Security for Canadians: Solutions for Canada’s Emerging Water Crisis \(2019\)](#).

TRANSBOUNDARY WATER GOVERNANCE

The federal government is committed to the sound management of interjurisdictional waters. In meeting this commitment, the federal government will:

- Consistent with a nested watershed approach, place a high priority on negotiating, continually strengthening, and providing ongoing support to **comprehensive agreements in all of Canada's major interjurisdictional river basins**.
- 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.
- Place a high priority on anticipating, investigating, avoiding, and resolving **water-related disputes** between and within jurisdictions, including working with other orders of government to establish effective mediation and arbitration approaches.
- **Support Indigenous governing bodies** in resolving disputes in the vicinity of reserves and Indigenous titled lands.

INDIGENOUS WATER RIGHTS

In recognition of Indigenous peoples' unique rights to and relationship with water, and the federal government's adoption of the principles in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the federal government will:

- Ensure **UNDRIP principles** are respected and upheld in all federal water laws and programs.
- Fulfill 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 peoples.
- Continue to negotiate **land claims settlements**, where applicable, that recognize constitutional and court defined rights, and which clarify water use and management powers.
- Determine, **in partnership with Indigenous peoples**, how they will participate in advancing water-related legislative, institutional, and policy initiatives that affect or interest them.

ENVIRONMENTAL FLOWS

The federal government is committed to the protection and restoration of freshwater ecosystems, including consideration of environmental flows across all water management decisions. In support of this commitment, the federal government will:

- **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 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.

GLOBAL WATER LEADERSHIP

In recognition of the fact that addressing water issues on a global scale may well become a lynchpin to an equitable, prosperous, and sustainable future, the federal government is committed to fulsome collaboration with international organizations and other nations in improving global water management. In meeting this commitment, the federal government will:

- Continue to **support the United Nations and other multinational institutions** active in water research, water management, and related environmental fields.
- Contribute in a substantial way to meeting the aspirational goals and targets in the **United Nation's 2030 Agenda for Sustainable Development**.
- **Participate in multinational consortiums** to advance strategic options in specific countries or regions, to share knowledge, and to promote the export of Canadian industrial and technological products.
- Expand efforts to **identify and analyze threats to vital Canadian interests related to water** and commit diplomatic and other resources to address them, including legal agreements, conflict resolution, and technology-based solutions.
- Assist local water agencies to **identify security threats** to their water systems and advise them on improved barriers to avoid such threats.

CLIMATE CHANGE RESILIENCE

To meet the needs of the Canadian water sector and all Canadians in addressing issues associated with a changing climate, the federal government will:

- 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**.
- **Integrate climate resilience and risk mitigation** into all federal water programs, including infrastructure investments, disaster planning, agricultural and industrial commitments, and national security assessments.
- **Establish key partnerships** with provinces, territories, Indigenous governments, municipalities, watershed organizations, and industrial and agricultural organizations to develop climate change risk reduction and resilience programs and enhance protection from disasters.
- Improve the **availability and interpretation of climate data and services**, including the forecasting of and definition of risks associated with floods and droughts.
- **Improve the relevance and use of climatological information** as it relates to federal and federal-provincial water planning and management activities.
- Work in tandem with the United States government to create a **unified weather forecasting mechanism** for both Canada and the USA.

FLOODING

The federal government is committed to alleviating human suffering caused by floods and minimizing the costs of flood damage. To meet this commitment, the federal government will:

- Building on international experience, work with all other orders of government and the private insurance industry to develop and advance a comprehensive **public-private flood insurance program**, including appropriate standards and regulatory regimes.
- Consider supporting **structural solutions**, including relocation of developments in high-risk areas, where federal interests are threatened, or where flood damages are likely to have significant national implications.
- Coordinate with all other orders of government on the use of **financial incentives and disincentives** to discourage further flood-vulnerable development.
- Support research to **upgrade national flood risk mapping**, including adjustments for climate and land use changes, and refinement of national digital terrain data.
- **Support a state-of-the art flood forecasting and warning system** in partnership with the provinces and territories.