2010 FRESHWATER SUMMIT COMMUNIQUÉ

Including a Proposed Canadian Charter of Water Rights and Responsibilities

June 1-2 2010

Rene M. Caisse Theatre

Bracebridge, Ontario

COMMUNIQUÉ

Background

On June 1 and 2, the 2010 Freshwater Summit was held in Bracebridge, Ontario. The Summit provided a forum for freshwater scientists, policy makers, Aboriginal peoples of Canada, students, interest groups and the public to discuss issues concerning the protection, use and management of freshwater in Canada and how to better integrate water research and monitoring into policy development. In addition to the more than 300 participants at the Summit, local high schools, supported by Nipissing and Laurentian Universities, joined us in a parallel Youth Summit.

Recommendations arising from the 2010 Freshwater Summit are contained in this communiqué and in a companion document, a draft Canadian Charter of Water Rights and Responsibilities. Following the Summit, these documents were presented to the conference participants for review and comment. Thus, this communiqué reflects the position of the conference speakers as well as participants and other members of the public, Aboriginal peoples, and science and policy communities that have reviewed and agreed with its recommendations. The companion draft Charter is intended to be a living document and may change over time.

Recommendations

Canadian Charter of Water Rights and Responsibilities

We ask that the federal government adopt a Charter of Water Rights and Responsibilities and apply its principles when developing all federal policies.

We strongly believe there is a need for a common statement of values and principles regarding care of freshwater in Canada. Other jurisdictions, including the Council of Europe, have adopted similar documents on freshwater (European Charter on Water Resources - 2001). We have attached a draft Canadian Charter of Water Rights and Responsibilities for consideration by the government and to foster debate among all members of Canadian society.

- The Preamble of the Charter states common values concerning freshwater.
- The Articles of the Charter describe core principles that guide the use, distribution and management of freshwater resources in Canada.
- The Charter must form a key part of a National Freshwater Strategy.

National Freshwater Strategy

We ask the federal government to create a National Freshwater Strategy.

- In Canada, there is currently no national strategy to address urgent water issues or to conserve and protect freshwater.
- The 1987 Federal Water Policy was never implemented and is outdated, but provides a foundation on which a new strategy can be developed.
- The management of freshwater resources in Canada is a shared responsibility of the federal, provincial and territorial, and municipal agencies and governments with varying mandates and geographic scope. Consequently, there can be significant geographic variation in the nature and

effectiveness of freshwater management. A restructuring and integration of this current arrangement will be a critical component of any National Freshwater Strategy.

- A comprehensive strategy must provide guiding principles and outline priority actions to protect freshwater in Canada.
- The development of a National Water Strategy must include dialogue among all levels of government, Aboriginal peoples, water use sectors and members of civil society.

This strategy must include:

1. A charter of water rights and responsibilities that outlines common values and principles regarding care of freshwater in Canada;

2. National drinking water standards that are legally enforceable;
    a. The Canadian Medical Association Journal reported in 2008 that there were 1766 boil water advisories in Canadian municipalities, not including Aboriginal communities.
    b. Aboriginal communities have been affected disproportionately with only one in six children having access to clean drinking water.

3. A comprehensive plan for water conservation and infrastructure renewal, which must include a national public water infrastructure fund;
    a. In Canada, the current deficit in investment of water infrastructure is estimated at more than $100 billion; the deficit will increase with population growth.
    b. Communities of all sizes need funds to finance upgrades to water distribution systems.

4. A comprehensive plan for rebuilding freshwater research and monitoring in Canada;
    a. The capacity to conduct relevant research and monitoring of freshwater resources has been severely diminished in Canada in recent decades.
    b. Agencies responsible for research and monitoring of our freshwater resources must be public, adequately funded and operated at arms-length from government.
    c. Standardized, national monitoring framework must be created that includes physical, chemical, and biological components of freshwater ecosystems.

5. A mechanism that assigns proper economic value to natural ecosystems.
    a. Natural ecosystems are not properly valued in management decisions and in the development of freshwater policies.
    b. The loss of value from ecosystem degradation must be taken into account.

6. An education strategy for improving water knowledge.
    a. The resolution of complex freshwater issues requires an informed public.
    b. Particular emphasis must be placed on reconnecting youth with the natural environment.

Items Requiring Immediate Action

The following items were identified by Summit participants as requiring immediate action from the Canadian government:

1. a ban on bulk water exports, beyond the existing legislation concerning boundary waters;

2. a ban on the privatization of public water treatment and distribution systems;

3. immediate exclusion of water from NAFTA and all future trade agreements;

4. removal of Part 20, Bill C-9 (Omnibus Bill 2010) that significantly weakens the Canadian Environmental Assessment Act;

5. removal of Schedule 2 from the Metal Mining Effluent Regulation of the federal Fisheries Act;

6. development and implementation of a comprehensive Climate Change Action Plan that includes hard caps on greenhouse gas emissions.

The urgency of these issues and the need for timely implementation of a national strategy cannot be stressed enough. Canadians have a general misconception of this nation having an abundance of freshwater, when in fact our water resources are in limited supply in many regions and our infrastructure is ailing. The time to act is now, before we reach tipping points of irreversible change in freshwater ecosystems.

Proposed Canadian Charter of Water Rights and Responsibilities

Preamble

Values are the ultimate compass that guide our behaviour, individually and collectively as a society. Canadians value water. Canadians recognize that water is fundamental to life. Without it all living things perish, some within a few minutes, most within a few days. People understand the essential role of water to life, to the ecosystem around them, and ultimately to their own well-being. Canadians have a reverence for life, and a reverence for water.

Canadians value not only their own well-being, but the well-being of their children, their children's children, and indeed the well-being of all future generations. They recognize that they need to act responsibly and to preserve the ecosystem for sustainable, reasonable living standards for themselves as well as future generations. Canadians also realize that all living organisms depend on water. The protection of water is a keystone in the preservation of the natural ecosystem in which we all live.

Canadians believe in social justice. Canadians support the collective provision of community services such as potable water for their own homes as well as all others. They do not believe any Canadian should be deprived of an essential resource to life such as water.

Canadians recognize that they cannot just assume that all is well in their immediate and surrounding natural environment. They know that it is important to test, to review, and to set standards and expectations. They especially value openness and truth in this process. They will not tolerate interference in the search for this knowledge and understanding. Canadians value science as an important means to this knowledge, but recognize that the founders of North American society, the Aboriginal peoples of Canada have an intimate relationship with the environment that can be an essential source of wisdom in our care for water.

Canadians recognize the importance of articulating these values in terms of guiding principles. The Articles of the Canadian charter of water rights and responsibilities are a statement of the principles that we accept as our guide.

Proposed by participants in the Freshwater Summit held on June 1st and 2nd, 2010, Bracebridge, Ontario.

Articles

Article 1. *The ecosystem is the primary "user" of water.*

Natural ecosystems are home to a vast array of life, all of which is dependent on water. These ecosystems and the biodiversity they contain provide services such as purification of air and water, and maintenance of a livable climate. Without those services all life would perish.

Most freshwater must stay within natural ecosystems and its quality must not be degraded. Human use of water must be carefully balanced with the need for ecosystem health. This balance must be expressed through nation-wide, but regionally sensitive standards for water quality and use.

Article 1 must be considered in the application of all other Articles.

Article 2. *Water is a public trust, and the distribution of water for consumptive use must be done for the equal benefit and well-being of all Canadians.*

Most Canadians obtain their water for domestic, residential consumption from publicly owned, municipal water treatment plants. This Article is intended to prevent private, profit-seeking organizations from controlling the allocation and distribution of water through ownership of municipal treatment plants and distribution systems. It is also intended to prohibit international trade of Canadian water, as well as the treatment of Canadian water as a commodity in international trade agreements.

Article 2 is not intended to constrain non-consumptive use of water in processes such as run-of-the-river hydroelectric power generation. It is also not intended to prevent public authorities from hiring private companies to operate water treatment and distribution systems on their behalf, so long as the capital works and authority for pricing, allocation, and distribution remains solely in the hands of the public authorities or their wholly owned agencies.

The allocation and distribution of water for domestic use, agriculture, industry, etc. will require especially careful analysis and debate.

Article 3. *All Canadians have both a right to sufficient potable water for their basic needs and a shared responsibility to ensure that all Canadians have ready access to potable water.*

Every Canadian should have ready access to potable water for drinking, cooking and personal hygiene regardless of their economic and social condition. This does not mean that public providers of water cannot charge for water service to cover the cost of treatment, distribution, and capital works. However, inability to pay because of financial circumstances must not be grounds for withholding water service.

The term "shared responsibility" ensures that Canadians help Canadians in the provision of potable water. This social commitment means that public funds would be used to supply technical expertise and construct municipal treatment plants and distribution systems. Small, remote communities, especially Aboriginal communities, are most likely to be affected by this Article.

Article 4. *All Canadians have a responsibility to future generations to conserve freshwater and to prevent or reverse the degradation of water resources.*

The commonly held notion that Canada has an unlimited supply of clean freshwater is a myth. The quantity and quality of freshwater is adversely affected by multiple threats, including climate change and unsustainable extraction. The intent of this Article is to ensure that Canadian water resources, both surface and groundwater, are not polluted, degraded or consumed in an unsustainable fashion.

Article 5. *All Canadians have an ongoing responsibility to monitor the state of freshwater using scientifically validated procedures.*

Changes in water quality and quantity due to either broad-scale stresses (e.g., climate change, long-range transport of contaminants) or direct use (e.g., industrial, agricultural, resource extraction) must be detected as soon as reasonably possible through regular, systematic monitoring. Early detection is essential for timely corrective or adaptive action, and for verifying that the expectations of Article 4 are met.

There is widespread concern among aquatic scientists that the current amount of water monitoring in Canada is inadequate. While there are some localized examples of high-quality long-term monitoring, on a national scale there appear to be few data on which to assess broad-scale, long-term trends. Monitoring must be done in a scientifically valid manner and supported with long-term, stable funding to maintain consistency in the quantity and quality of the data.

Article 6. *Monitoring data must be analyzed, interpreted and reported in a timely fashion without interference from special interest groups, or shifting political ideologies.*

Monitoring of water resources must be done for the benefit of society and the ecosystem as a whole. The analysis and interpretation must be scientifically objective and must not be influenced by special interest groups, private or public. Reporting must be regular and free from political interference.

A public, arms-length monitoring agency is necessary to ensure the intent of Article 6.

Article 7. *Traditional knowledge acquired from cultural traditions, resource management practices and oral histories of Aboriginal peoples of Canada must be considered an integral part of water policy development.*

Aboriginal peoples have been observing and learning about water and ecological change for generations. Wisdom about water is woven into their traditions, and water and the connected environment play an important spiritual role in indigenous cultures. The contributions from traditional environmental knowledge, such as areas of particular sensitivity to water use activities, should be respected and recognized.

Glossary

Consumptive use is sometimes used to describe withdrawals of water (e.g., for irrigation) which lead to a loss from the local hydrological system because of evaporation or evapotranspiration. This application of this terminology is not always clear cut; water for domestic, residential use may be "consumed" both for watering lawns as well as for drinking, cooking, bathing, etc. The latter might be considered non-consumptive because most of it may be returned (as treated sewage effluent) to the system from which it was withdrawn, albeit in a degraded form. Despite this limitation, it is sometimes important to distinguish brief withdrawals (e.g., for hydroelectric generation) from withdrawals that lead to loss or degradation of water from a system. The impact of these types of withdrawals may be quite different. The charter will use the term "consumptive use" to mean withdrawals that lead to loss or degradation of water.

Ecosystem is all the organisms in a given area, along with the nonliving (abiotic) factors with which they interact; a biological community and its physical environment.

Public trust is a trust created for the promotion of public welfare and not for the benefit of one or more individuals.

Potable water is a general term for drinking water. It is water that is safe for all uses, including drinking, cooking, bathing.

Run-of-the-river hydroelectricity is a type of hydroelectric generation whereby the natural flow and elevation drop of a river are used to generate electricity.