

## MULTI-LEVEL WATER GOVERNANCE PATRICIA HANIA, PHD., LAW & BUSINESS –TRSM

MIKMAQ ACTIVIST DUCIE HOWE CARRIES A SIGN AT AN ENCAMPMENT NEAR THE SHUBENACADIE RIVER, A 72-KILOMETRE TIDAL RIVER THAT CUTS THROUGH THE MIDDLE OF NOVA SCOTIA AND FLOWS INTO THE BAY OF FUNDY, IN FORT ELLIS, N.S. ON TUESDAY, JULY 31, 2018. (THE CANADIAN PRESS/ANDREW VAUGHA

# 1. WHAT IS MULTI-LEVEL WATER GOVERNANCE?

1. **Complicated** – *by* Constitutional Framework.

2. **Localized** – Opportunities Innovation?

3. Water Governance Crisis – Overlooked – Responsiveness, Resiliency and Inclusion.

# **COMPLICATED –**FEDERAL GOV JURISDICTION

Complicated Legislative Waterscape

Guidelines for Canadian Drinking

Water Quality (Health Canada) – standards

Fisheries Act (Environment and Climate

Change Canada) – deleterious substances

[Municipal] Wastewater Systems

Effluent Regulations - SOR/2012-139

Fisheries Act

s. 91(CA, 1867)

- Health
- Fisheries
- First Nations

Clean Water Act, 1985 – federal/pollution agreements

pollution, conservation, development and use of water resources

International Joint Commission – Boundary Treaty Act, 1909

## **COMPLICATED -**PROVINCIAL GOV JURISDICTION

Complicated Legislative Waterscape

Ontario Drinking Water Quality - standards -

Safe Drinking Water Act, 2002

WasteWater Treatment/Sewage

- Environmental Protection Act. 1990
- environmental compliance approval
- Ont Water Resources Act, 1990
- City Toronto Water Supply By-law

Municipal Code

Source Protection - Clean Water Act, 2006

s. 92(CA, 1867)

Local Works

Municipalities

Non-renewable

Natural Resources —

forestry, electricity

Intra Vires

### **COMPLICATED** — "A CREATURE OF THE PROVINCE"



### **LOCALIZED - Water Source Protection**



### **LOCALIZED - CLEAN WATER ACT, 2006**

*Jurisdictional Boundary:* Watershed Basis – 38 Source Protection Areas (O.Reg. 284/07)

*Local Governance*: 19 Source Protection Committees (i.e., municipal, industry, agricultural, environmental, health and other interests of the general public O.Reg. 288/07) & Conservation Authorities

SPC Model: participatory governance - is premised upon public participation and empowers communities to take action to prevent threats from becoming significant

**Risk Assessment Function:** prepare Science-based Assessment Reports that identify "**prescribed drinking water threats**" & these reports form the basis of the source protection plan that sets out action plans to address significant threats. (O.Reg. 287/07)

Risks: Road Salt - Yes

No: CECs - Gender Effects, Climate, First Nations, WWT

#### WATER GOVERNANCE CRISIS

# WHY ARE INDIGENOUS WOMEN OVERLOOKED?



**'The Silencing Effect'** – defined as:

"A suppression of women's cultural identity and governance authority that is tied to water"

- A communities' water knowledge keeper &
- Legal Source Indigenous stories a source of First Nation Law

A Systemic Problem: Colonial Settler State Law – Male Privileging

# THE EFFECT: SILENCED & SIDELINED

# Resistance Practices: Responsibilities to Water or Protest?



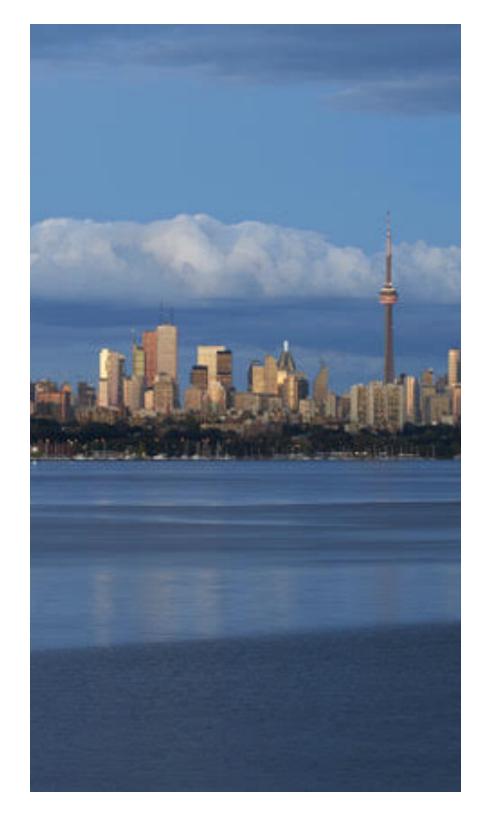


"THE MAIN PATHWAY FOR
PHARMACEUTICALS ENTERING THE
GREAT LAKES IS FROM MUNICIPAL
WASTEWATER TREATMENT PLANTS.
OTHER PATHWAYS, SUCH AS RUN-OFF
FROM AGRICULTURAL SOURCES ARE
SECONDARY. AGRICULTURE IS A MAJOR
USER OF ANTIMICROBIALS AND COULD
BE AN IMPORTANT SOURCEOF THESE
COMPOUNDS

IN THE LAKES." –
POLLUTION PROBE FACTSHEET P 3

TORONTO, ON — APRIL 4, 2019 — *POLLUTION PROBE AND THE CLEAN WATER FOUNDATION* ARE PLEASED TO ANNOUNCE THE RELEASE OF THE NEW REPORT, *REDUCING THE IMPACT OF PHARMACEUTICALS ON THE GREAT LAKES*.

Water Governance Crisis - CECs



### Water Governance Crisis - \$\$\$\$

#### Ministry of the Environment, Conservation and Parks

- To protect our water, air, and natural spaces and build a world class Ontario Parks experience. we have:
- Partnering with the federal government on the release of a draft new Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health to protect Great Lakes water quality from threats such as wastewater and stormwater overflows, algal blooms, invasive species and the effects of climate change.

### Water Governance Crisis - CECs

#### **Ontario Govt's Environmental Plan**

- 1. Clear Rules
- 2. Trust & Transparency
- 3. Resilient Communities

#### But, Are we Turning to Non-state Actors? –

- Enforcers & Compliance & Education Functions
  - For example, WWF- Canada, Pollution Probe, CELA, etc.,
- \$\$\$ Provincial Cutbacks to CA etc

