Legal Advocates for Nature's Defence

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Canada Water Agency
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Submitted via email: water-eau@cwa-aec.gc.ca

RE: PUBLIC ENGAGEMENT TOWARD A NATIONAL WATER SECURITY STRATEGY: STRENGTHENING WATER SECURITY IN CANADA, TOGETHER

Legal Advocates for Nature's Defence (LAND) provides these comments to the Canada Water Agency (CWA) in response to their invitation to the public to share their views on the development of Canada's National Water Security Strategy.

LAND is an environmental law non-profit dedicated to advancing access to justice in Northern Ontario, to protect nature and Indigenous rights. As the only environmental law organization based in Northern Ontario providing pro bono legal services, LAND is uniquely positioned to advise on the implications of legislative and policy changes affecting some of the province's most ecologically and culturally significant regions. Our work is grounded in years of legal advocacy, public legal education, and participation in law reform processes, with the goal of ensuring that critical legal perspectives from the North are represented and that decisions reflect the rights of communities most impacted by environmental harm.

Please find below LAND's responses to CWA's survey questions. LAND retains the right to provide further comments.

1. WHAT WATER-RELATED CHALLENGES AND OPPORTUNITIES DO YOU SEE OR EXPECT IN YOUR REGION, COMMUNITY, AND/OR SECTOR?

The Hudson-James Bay Lowlands is one of the last refuges on the planet for intact peatlands and one of Canada's vital freshwater ecosystems. These peatlands have cooled the Earth for millennia, store vast amounts of carbon, and support biodiverse, interconnected watersheds. It is a land that is both terrestrial and aquatic. The Peatlands store freshwater and play an important role in its protection by

filtering pollution, limiting drought, and mitigating flooding.[1] Ontario's peatlands contain some of the last pristine water and undammed rivers of North America which provide rich nutrients to support biodiversity in the Hudson-James Bay lowland coastal zones downstream.

This region is not only home to the Omushkego Peoples but a place of profound cultural and ecological significance. Protecting the Hudson–James Bay Lowlands means safeguarding freshwater systems, globally significant carbon stores, and the lands and waters that the Omushkego Peoples have cared for and relied upon since time immemorial.[2] Its protection is inseparable from Indigenous rights, cultural continuity, ecological integrity, and the long-term security of Canada's freshwater resources.

A. Challenges

The Hudson–James Bay Lowlands faces growing pressure from proposed mining development in the Ring of Fire, upstream of extensive peatlands and interconnected watersheds. The Ring of Fire is the name mining companies have given to a sizable mineral deposit located in Treaty 9. With a lifespan of over 100 years, the proposed mining development will have negative impacts on the healthiness of nature and the ability of current and future generations to exercise Treaty and inherent rights, including rights to conserve and manage the land, and to hunt, fish, and trap. Tens of thousands of mining claims have been staked across Treaty 9 territory, reportedly covering approximately 5,000 square kilometres. Exploration activities, including line cutting and drilling, risk fragmenting and disturbing these sensitive landscapes before the full, cumulative effects of development on water systems are understood.

Of particular concern are recent legislative changes that could weaken environmental safeguards and accelerate development in areas where the consequences for freshwater systems remain insufficiently understood. Ontario's Bill-5, *Protect Ontario by Unleashing our Economy Act, 2025* [3] establishes a framework for special economic zones in which designated projects or "trusted" proponents may be exempted from, or subject to modified, statutory requirements.[4] At the federal level, Bill C-39, the *Building Canada Strong Act,* [5] introduces a framework for advancing eligible projects in designated regions of national interest through an accelerated process, subject to specified conditions, including a relevant regional assessment.[6] These frameworks raise serious concerns about whether adequate

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[1] Canadian Geographic, Inside the ambitious Indigenous-led plan to protect northwestern Ontario's "Breathing Lands" (June 19, 2026). https://www.biinaagami.org/inside-the-ambitious-indigenous-led-plan-to-protect-northwestern-ontarios-breathing-lands

[2] Blaise, K., Cheechoo, R. & Koostaschin, M. Protecting Treaty 9 Lands and Waters: A Case Study of Indigenous-led Climate Action through Treaty Promises. Canadian Climate Institute: https://climateinstitute.ca/publications/protecting-treaty-9- lands-and-waters/

[3] *Protect Ontario by Unleashing our Economy Act*, 2025, S.O. 2025, c. 4. https://www.ola.org/en/legislative-business/bills/parliament-44/session-1/bill-5

[4] See LAND's Legal Brief on Bill 5 (current to May 7, 2025), submitted to the Standing Committee on the Interior on May 12, 2025 for their review of Bill 5.

[5] *Building Canada Strong Act*, Bill C-39, 1st Sess., 45th Parl., 2026. https://www.parl.ca/DocumentViewer/en/45-1/bill/C-39/first-reading

[6] See LAND's Legal Brief on Bill C39 (current to October 20, 2026) and Press Release, dated September 22, 2026.

safeguards, scientific evidence, and Indigenous rights will be upheld if accelerated approvals are pursued in the Ring of Fire region.

In particular, LAND, alongside other Indigenous groups in Treaty 9, is concerned that the ongoing regional assessment of the proposed Ring of Fire development could be used in a way that facilitates accelerated project approvals before the cumulative impacts on these interconnected watersheds are sufficiently understood.

The integrity of these ecosystems is fundamental to the health, culture, well-being, rights, and relationships of the Omushkego Peoples. It is also important to Canada's freshwater security and the global climate. Researchers have highlighted the need to collect critical data on the role of these peatlands in mitigating climate change risks.[7] Scientists are already seeing that the 'browning' of peatland freshwater bodies can be attributed not only to climate change but changes in land use.[8] Environment and Climate Change Canada (ECCC) has likewise acknowledged the importance of baseline water quality and quantity monitoring in this region to assess potential hydrological and climate-related risks associated with mining.[9]

Without comprehensive baseline data, long-term water quality and quantity monitoring, and rigorous assessment of cumulative impacts, governments risk making decisions about development before they can adequately evaluate what is at stake. Once disturbed, peatlands and their hydrological connections may be extremely difficult to restore. Decisions made without sufficient evidence could therefore compromise freshwater systems, biodiversity, carbon storage, and Indigenous ways of life, with consequences extending far beyond the immediate development area.

Canada's national water security strategy must address this fundamental challenge: how can water security be achieved if development is permitted to advance before the health and functioning of affected watersheds are adequately understood and protected?

B. Opportunities

a. Supporting Indigenous-led conservation

Indigenous-led conservation, grounded in Natural Law and Treaty responsibilities, offers a vital pathway to safeguarding the Hudson–James Bay Lowlands. Indigenous Peoples have cared for these lands and

[7] Waslander, Elanor. "Canadian Peatland Data Portal debuts as a landmark tool for climate research and policy" (13 April 2026). https://uwaterloo.ca/news/canadian-peatland-data-portal-debuts-landmark- tool-climate

[8] Härkönen, L. H., Lepistö, A., Sarkkola, S., Kortelainen, P., & Räike, A. (2023). Reviewing peatland forestry: Implications and mitigation measures for freshwater ecosystem browning. *Forest Ecology and Management*, *531*, 120776. https://www.sciencedirect.com/science/article/pii/S0378112723000099

[9] Environment and Climate Change Canada, *National Freshwater Science Agenda: A Report on National Freshwater Science Priorities* (Gatineau: Environment and Climate Change Canada, March 2026) https://www.canada.ca/content/dam/eccc/documents/pdf/water/freshwater/2026_03_18_FINAL_ENGLISH_NFSA%20(NO%20ISBN).pdf

waters since time immemorial, sustaining relationships, knowledge systems, and responsibilities that remain essential to their protection. ECCC has also recognized that Indigenous science and knowledge "bring undeniable benefits to freshwater research".[10]

Indigenous grassroots organizations and communities in Treaty 9 have issued a Declaration of Protection for lands and waters under their Natural Laws, affirming their inherent and Treaty rights and their responsibilities to protect these territories for present and future generations. The Declaration recognizes the Hudson–James Bay Lowlands and its rivers—including the Attawapiskat, Kapiskau, Ekwan, Opinnagau, Albany, and Winisk—as protected in accordance with Indigenous Natural Law.

Canada's National Water Security Strategy has an opportunity to support and strengthen these existing Indigenous-led approaches to conservation and stewardship as consistent with the ECCC's National Freshwater Science Agenda. This should include recognizing Indigenous laws and Treaty responsibilities, investing in Indigenous-led baseline water monitoring and long-term watershed research, protecting the peatlands including the watersheds that flow into the Hudson and James Bays, and ensuring that decisions with potential consequences for freshwater security are informed by robust science, cumulative-effects assessment, and meaningful Indigenous participation.

Protecting the Hudson–James Bay Lowlands is an investment in Canada's long-term water security. By supporting Indigenous-led conservation and safeguarding intact watersheds before irreversible damage occurs, Canada can demonstrate that freshwater protection, climate resilience, biodiversity, and Indigenous rights are foundational to national prosperity and security, not competing priorities to be addressed after development decisions have been made.

b. Supporting traditional economies

Traditional subsistence food harvesting, that includes hunting, fishing and gathering in the western Hudson-James Bay region of northern Ontario, has been directly related to the health, cultural well-being, and food security for the Omushkegowuk people. Fishing and hunting depend on healthy, interconnected freshwater ecosystems and support the continuation of cultural practices, intergenerational knowledge, and relationships with ancestral waters. A 1994 study, showed that subsistence hunting, fishing and gathering was worth CA$9.4 million in 1990 to the Omushkego Cree, which is one-third as large as the region's cash economy.[11] Yet subsistence economies in northern Ontario, which provide food security and embody cultural relationships with place, people, and nature, remain largely absent from economic planning. These frameworks often fail to account for the social and cultural dimensions of sustainable development.[12]

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[10]ECCC, p. 18.

[11]Berkes, F., George, P., Preston, R., Hughes, A., Turner, J., & Cummins, B. (1994). Wildlife harvesting and sustainable regional native economy in the Hudson and James Bay Lowland, Ontario. *ARCTIC*, *47*(4). https://journalhosting.ucalgary.ca/index.php/arctic/article/view/64363/48298

[12] Berkes et al., 1994.

Canada's National Water Security Strategy should recognize the protection of traditional fishing and hunting livelihoods as an indicator of freshwater security. Water security must account not only for water quality and quantity, but also for the continued ability of Indigenous Peoples to access, harvest, and benefit from healthy waters in accordance with their rights, knowledge systems, and cultural practices.

2. COMMENTS ON THE POSSIBLE CANADIAN DEFINITION FOR "WATER SECURITY"

Possible Definition:
Our collective capacity to safeguard and sustain freshwater ecosystems; support reliable access to an adequate supply of safe, clean water for human health and wellbeing, and economic security; and to manage water-related risks—today and for future generations.

A. How well does the definition above reflect your understanding of water security?

While the above definition captures the essential scope of water security, we feel revisions are needed to strengthen its rigour and align it more closely with a justice framework of recognitional, procedural, and distributive justice. The definition should emphasize the prevention of water-related harms and protection against water-borne pollution and water-related disasters, affirm the human right to safe and sufficient water at the individual and community levels, and recognize equitable access to water-related benefits and the fair distribution of associated risks and burdens. It should also acknowledge the interdependence of freshwater ecosystem protection, sustainable livelihoods, and economic security.

Finally, the definition should recognize diverse rights, needs, knowledge systems, and experiences, while promoting meaningful participation in water governance and ensuring that its benefits and burdens are distributed equitably across communities and generations. The following recommendations below bring the Canadian definition closer to the UN-Water Task Force on Water Security's definition[13], while adding a more explicit justice-based dimension.

B. Recommendations

a. **Strengthen protection against water-related harms**.
Replace "*manage water-related risks*" with:

"prevent and protect against water-borne pollution and water-related disasters"

b. **Strengthen rights-based and equitable access**
Replace "*support reliable access to an adequate supply of safe, clean water for human*

[13] UN-Water, Water Security and the Global Water Agenda (2013). https://www.unwater.org/sites/default/files/app/uploads/2017/05/analytical_brief_oct2013_web.pdf

health and wellbeing, and economic security" with:

"Support reliable access to an adequate supply of safe, clean water for human health and wellbeing; and sustainable livelihoods and socioeconomic development in ways that safeguard equitable access to water and the long-term integrity of freshwater ecosystems."

c. Explicitly integrate justice
Suggested addition:

"Ensure the equitable distribution of water-related benefits and risks, recognizing diverse rights, needs, and knowledge systems, and supporting meaningful and inclusive participation in water governance for present and future generations."

3. EXAMPLES OF EFFORTS THAT ARE HELPING TO IMPROVE WATER SECURITY IN CANADA

LAND wishes to highlight the following community initiatives, research, and awareness campaigns focusing on improving freshwater security in Canada which we submit are highly relevant to this discussion of water security in Canada:

Friends of the Attawapiskat River

The Friends of the Attawapiskat River are an Indigenous, grassroots advocacy group made up of community members from Attawapiskat, Peawanuck, Kashechewan, Fort Albany, Neskantaga and Moose Factory in Treaty 9 territory. They share concerns about the water, lands, and wildlife and have personally experienced the impact of unsafe water on their health, and the environment in their traditional lands. They work to bring awareness to the people, who still travel and live on their waterways, about the proposed 'Ring of Fire' mining development that would forever contaminate their lands and destroy the muskeg (peatlands) – one of the last remaining intact peatlands in the world. The Friends' are actively seeking to intervene in the constitutional court challenge against Ontario's Bill 5 (the *Protecting Ontario by Unleashing our Economy Act*) and parts of the federal *Building Canada Act* (Bill C-5).

Okiniwak

A grassroots, youth-led First Nations movement across Canada that advocates for equity, treaty rights, Indigenous sovereignty, and environmental stewardship. Okiniwak actively engages with other youth and leadership to amplify youth voices and concerns about accelerated development in their homelands, the

Hudson-James Bay Lowlands, known to them as the 'Breathing Lands'. As Indigenous youth, their health, well-being, and survival are intricately connected to the health of the lands, waters, animals and sacred spirits of their community. As Bill C-39 proposes specific reforms to impact assessment, project decision making and regional assessments – with implications for the Hudson-James Bay Lowlands where the Ring of Fire mining projects are proposed – Okiniwak has been very active in seeking opportunities to address Parliament and the Committees reviewing the Bill.

Here we Stand

A youth-led grassroots advocacy and protest movement founded by 21 year old Jeronimo Kataquapit which opposes Ontario's Bill 5 and Canada's Bill C-5 and works to protect Treaty 9 lands, waterways, and Indigenous sovereignty in the Ring of Fire region. Jeronimo has spoken at Parliament Hill in Ottawa and international forums, including the United Nations. The grassroots movement and journey of Here We Stand is documented in this short film. Both Here We Stand and Okiniwak's awareness raising activities and political advocacy have garnered support from leadership – including by way of a Resolution passed at the Nishnawbe Aski Nation's Chiefs Fall Assembly in 2025 that recognizes that "youth movement members are vital as potential future leaders with a crucial role in the preservation of Indigenous knowledge, cultural heritage, so their voices must be heard and amplified".

Local Catch Canada

A knowledge-sharing and support hub focused on building an equitable, community-based seafood system in Canada (including freshwater small-scale fisheries). It brings together harvesters, seafood businesses, researchers, and non-profits to strengthen the viability of small-scale, community-based seafood systems across North America and adapt this work to the Canadian context.

Blue Justice

A team of interdisciplinary scholars and community practitioners dedicated to promoting social equity and environmental justice for coastal communities and small-scale fisheries within the growing marine "blue economy". Building on environmental justice scholarship, blue justice scholars have increasingly adopted distributional, recognitional, and procedural justice as a framework for evaluating the equity of blue economy policies, marine governance, and marine development.

4. FOR FURTHER CONSIDERATION REGARDING WATER SECURITY IN CANADA

Globally, coastal and marine spaces are experiencing a rapid acceleration of economic development.[14] In Canada, this trend is also evident in emerging blue economy initiatives, including those in the Laurentian Great Lakes region.[15] Despite their sustainability objectives, research shows that blue economy initiatives can prioritize growth and profit over genuine sustainability, reproducing existing social and environmental injustices, These include the displacement of coastal communities, environmental degradation, infringements of Treaty rights, loss of livelihoods and access to aquatic resources, and exclusion from decision-making and governance.[16]

In response, the concept of blue justice has emerged as an organizing framework rooted in social and environmental justice that "refers to the recognition, meaningful involvement and fair treatment of all coastal people with respect to how ocean and coastal resources are accessed, used, managed and enjoyed". [17]Although blue justice has primarily been developed in scholarship on marine and coastal governance, its emphasis on recognitional, procedural, and distributional justice offers a useful framework for examining freshwater governance. These three dimensions have been applied to guide policy and decision-making in the blue economy to support more equitable transitions.[18]

Canada's National Water Security Strategy presents an opportunity to situate justice as a foundational principle of water security, recognizing that the security of water systems cannot be separated from the rights, well-being, and relationships with water of the communities and peoples who depend on them. This requires examining who benefits from resource extraction and blue economy development, who bears the associated social and ecological costs, and whose knowledge, rights, and priorities shape water governance. A blue justice framework should be central to the strategy, ensuring that diverse

[14] Bennett, N. J., Blythe, J., White, C. S., & Campero C. (2021). Blue growth and blue justice: Ten risks and solutions for the ocean economy. Marine Policy, 125, 104387. https://www.sciencedirect.com/science/article/abs/pii/S0308597X20310381

[15] The Great Lakes and St. Lawrence Cities Initiative (2025). Economic Transformation Action Plan: A Blueprint for Economic Growth and Freshwater Stewardship in the Great Lakes & St. Lawrence River Region. https://glslcities.org/wp-content/uploads/2025/0Cities-Initiative-Economic-Transformation-Action-Plan-1.pdf

[16] Engen, S., Hausner, V. H., Gurney, G. G., Broderstad, E. G., Keller, R., Lundberg, A. K., Murguzur, F. J. A., Salminen, E., Raymond, C. M., Falk-Andersson, J., & Fauchald, P. (2021). Blue justice: A survey for eliciting perceptions of environmental justice among coastal planners' and small-scale fishers in Northern-Norway. PLoS ONE, 16(5), e0251467.

[17] Blythe, J. L, Gill, D. A, Claudet, J., Bennett, N. J., Gurney, G. G., Baggio, J. A., Ban, N.C., Bernard, M. L., Brun, V., Darling, E. S., Di Franco, A., Epstein, G., Franks, P., Horan, R., Jupiter, S. D., Lau, J., Lazzari, N., Mahajan, S. L., Mangubhai, S., Naggea, J., Turner, R. A., & Zafra-Calvo, N. (2023). Blue justice: A review of emerging scholarship and resistance movements. Cambridge Prisms: Coastal Futures, 1(e15),p. 3. https://www.cambridge.org/core/journals/cambridge-prisms-coastal-futures/article/blue-justice-a-review-of-emerging-scholarship-and-resistance-movements/1C6826294C8F4429C58C6A4121E53B6D

[18] Axon, S., & Collier, S. (2023). Breaking Blue: Establishing comprehensive policy for a just and inclusive transition for the Blue Economy, Marine Policy 147, 105343 https://doi.org/10.1016/j.marpol.2022.105343

relationships with water are acknowledged, that affected communities can meaningfully influence decision-making, and that the benefits and burdens of water-related development are distributed equitably.[19]

Embedding these principles within Canada's National Water Security Strategy would help ensure that water security is understood not only in terms of water availability, quality, and ecosystem health, but also in terms of whose water security is prioritized, whose rights are upheld, and who has the power to shape water futures.

Thank you for your consideration of our comments.

Sincerely,



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[19] Blythe et al., 2023.