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Chair: Mr. Francis Scarpaleggia





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• (1625)

[*Translation*]

**The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)):** Good afternoon, and a Happy New Year to all of you.

I'd like to welcome the members of the committee. It's been some time since we've seen each other.

I hope you had a happy holiday and are ready to get back to our study on the federal freshwater policy.

[*English*]

We have two panels today. I offer my apologies to the panellists for the delays that occurred in the House around voting.

In the first panel, we have Mr. Caleb Behn, who will be speaking as an individual. From the International Observatory on Nature's Rights, we have Yenny Vega Cardenas and Amélie Delage. From the Saskatchewan Association of Rural Municipalities, we have Mr. Ray Orb. From West Coast Environmental Law Association, we have Deborah Carlson.

We'll start with five-minute opening statements.

We'll go to you, Mr. Behn—

**Mr. Dan Mazier (Dauphin—Swan River—Neepawa, CPC):** Chair, I have a point of order.

Minister Guilbeault promised we'd get the names of the senators he was talking to about Bill C-234. I don't know if you've heard back from him or not. We've issued a letter.

**The Chair:** Is that a point of order?

I can find out. I'll ask him tomorrow when I see him.

**Mr. Dan Mazier:** Thank you.

**The Chair:** We'll start with Mr. Behn for five minutes.

**Mr. Caleb Behn (As an Individual):** Salutations.

My name is Caleb Behn, I'm Eh-Cho Dene and Dunne Za. I appear in my capacity as an individual. I acknowledge my presence on unceded and occupied Algonquin territory. It's such an honour and privilege to be here.

To you, Mr. Chair, in particular, I'd like to honour and hold up the work you've done on fresh water in many years previous. It's duly noted.

To the committee and to others, to Natalie the clerk for being so helpful, I'm so grateful and so honoured to be here.

I think humans' relationship to the non-human is going to be the defining challenge of all governments around the planet in the 21st century. I think fresh water is going to be one of the key mechanisms, modes and mediums by which that challenge will manifest. I understand today we're talking about freshwater rights—quote, unquote. I think a point others have made in their testimony and which others today will make in their testimony, Yenny in particular and others, is that rights and responsibilities are intrinsically connected. As those who serve the public, I hold you up, because you live your responsibilities relative to the rights that Canadians hold.

My core point is that because of this defining complexity of the 21st century, we are going to have to confront our relationship to nature, our relationship to the non-human, whether that's artificial intelligence or based upon whatever crazy footage that is non-human intelligence on this planet or whatever else, what is coming and what you see already, like the back-to-back atmospheric rivers in Vancouver, or Pangnirtung being the hottest city in Canada this last month, or the unprecedented droughts in various locations. There's the fact that in my territory in northeastern British Columbia—I come from West Moberly First Nations, my mom's reserve, and I'm registered to my dad's reserve, Fort Nelson First Nation—we've had a 45° difference in the last three and a half weeks from -40° to to +8°, +9°.

What I propose is that the legal, political and academic processes of this country do not have sufficient iterative capacity to evolve relative to the challenges of the 21st century. Fresh water is going to be one of the defining challenges of what is coming. What I propose to the committee, with the utmost respect, is that out of your recommendations and processes, we look at challenges to fresh water not as crises. As I've seen in others' testimony there are crises across the board. There are forthcoming crises, and there are past crises, like the first nations' freshwater reality, which I used to work on extensively, but what is coming, in my view, requires us to deeply think about these crises as opportunities.

To that end, I'm going to recommend, and I'll explain why, this committee optimize the federal government's creative and courageous leadership in collaboration with all orders of government from the micro, the municipalities to the medial, the regions, provinces, territories, and the macro, the federal and international, to engage the question of fresh water. I think that can be done. I've read the testimonies of others, and I think I understand the forthcoming testimonies of others, and this is a consistent message. Whether it's academia, the private sector, advocacy groups, non-governmental organizations, the Assembly of First Nations, where I have the privilege to work as the director of rights—although I'm appearing here on an individual basis—there is consistent messaging that creative and courageous leadership is needed.

Canada, because of its multi-juridical nature, has a uniquely capable mechanism with, in certain cases, provincial UN declaration implementation legislation, such as that from British Columbia. At the federal level, I'd like to encourage and hold up all members of Parliament for passing the UN declaration implementation legislation recently. It's a project I was deeply involved in and I remain deeply involved in. The national action plan and the annual reporting processes, all of these things are mechanisms to illustrate...and obviously are referred to others' testimony as bases and components of how this government and us as a society, as a nation-state, interface. My point is that our interface with the natural world is actually what's going to be the defining problem of the 21st century.

First nations laws and legal orders are the only basis from a rights-based perspective. We will speak to rights as a question that can help us evolve rapidly without engaging the division of powers, the co-operative federalism problem, the politicization and weaponization of particular issues, projects and endeavours so that collective solutions can be achieved.

Fresh water is going to be the defining nexus of our relationship to the non-human in the 21st century. You have to seriously consider what is likely to come. There are black swan events on an ongoing and regular basis that all of you are seeing in your ridings. There are unanticipated problems like the PFAS testimony regarding microplastics. There are a myriad of issues, and I'm not going to go into them, although I'll be making supplementary written submissions afterwards.

My core point is with regard to the right relationship with the non-human and water. I was thinking about the Canada water agency. I'll end with this, and then give you some visions for the future. The Canada water agency has not queried the question of what is the agency of water. I don't offer that as some trite turn of phrase. I say that in a genuine and intentional way. This nation-state has great potential, despite its horrific history relative to my people and my family, under the guise of law, sending my dad to a residential school at five years of age to be abused.

I offer these visions for the committee. One, in 30 years, an indigenous language-based coding system will be invented in Vancouver that interfaces with the orcas and the salmon in the freshwater and saltwater spaces in Vancouver. It will tell the regulatory agency, which is human, non-human and first nations led, that there is an exceedance of a given compound and that the exceedance leads to a rapid response mechanism.

Recognizing the time, Mr. Chair, perhaps I'll end there. I have other ideas.

• (1630)

**The Chair:** I really appreciate that you started this conversation, because it opens the door to the issues we need to explore. Thank you. I'm sure there will be many questions which will allow you, Mr. Behn, to expound on those points.

We'll go now to Ms. Cardenas.

[Translation]

**Ms. Yenny Vega Cardenas (President, International Observatory on Nature's Rights):** Good evening to you all.

I would like to thank the Standing Committee on the Environment and Sustainable Development for inviting us to participate in this study.

Ms. Amélie Delage, who is also a member of the International Observatory on Nature's Rights, and I are honoured to have been invited.

I am a lawyer, a doctor of water law, an expert member and participant in the United Nations' "Harmony with Nature" initiative. I am also president of the observatory.

**Ms. Amélie Delage (Intern, Pro Bono Student Canada, McGill University, International Observatory on Nature's Rights):** Hello. My name is Amélie Delage. I'm an intern at the observatory and have a PhD in political science. I'm currently studying law at McGill University. Thank you for having us.

Today, we want to emphasize three main points.

First, we want to clarify the concept of water that we want to promote in Canada. At the observatory, we believe we need to move from an anthropocentric perspective to an ecocentric vision of nature. We want to stress the importance of recognizing the legal personality of the St. Lawrence River, and of having the tools to protect the rights of nature. Our goal is to see a specialized water tribunal established.

**Ms. Yenny Vega Cardenas:** We've been studying different water management models around the world for 15 years, and we've seen that water has two opposing statuses. There's water as a common good, off-limits to and inappropriate for trade, to which access is also a fundamental human right. There is also water as a commodity. This concept leads to the creation of property rights over water, which enable the distribution of water for different uses as well as the exchange of water-related securities in stock markets.

However, these two visions fail to take into account a crucial aspect, namely that water is a vital and sacred element that enables life on earth for all species. Water is life itself, as the first nations say. It has a spirit, it is alive.

The International Observatory on Nature's Rights, or OIDN, advocates the recognition of people's right to water and sanitation. More fundamentally, the observatory promotes the recognition of water as part of an ecosystem, a living environment with rights. Water does not exist exclusively for our own benefit. It is part of an ecosystem, and it must be shared with the other species with whom we occupy this common home.

We want to propose a holistic vision of water that recognizes our duty to honour, respect and protect it. Moreover, we must act towards it not as masters and owners, but rather as stewards or guardians.

A governance model that recognizes water's legal personality would allow us to hold ourselves accountable to our role as trustees. In fact, the NDP supports the recognition of the legal personality of the St. Lawrence River proposed by the OIDN, and a bill to recognize the legal personality of the river has already been tabled in the House of Commons.

This recognition is also supported by the St. Lawrence Alliance, made up of various Quebec municipalities, non-governmental organizations, or NGOs, and research centres.

Recently, we also obtained the support of the Assembly of First Nations of Quebec and Labrador, which recognized, on April 14, the legal personality of the river. I have a document showing this.

So these are innovative tools. We're proposing this new vision of water so that we can preserve it, restore it, and ultimately understand that protecting water and ecosystems is our shared responsibility.

• (1635)

**Ms. Amélie Delage:** The governance model we are proposing comprises three pillars: a guardian committee, a strategic committee and a scientific committee. This model would facilitate integrated, collaborative and participatory management, so as to consider users from all fields, such as agriculture, industry, marine activities, fishing and recreational activities. Above all, this model allows us to consider not only human imperatives, such as access to drinking water, but also the imperatives of other species that are part of our ecosystems.

This model would allow us to bring all the players together in one forum so that everyone could agree on compromises that would preserve waterways, listen to science and listen to the traditional and ancestral knowledge of indigenous communities.

We also propose to set up a specialized water tribunal, as water disputes will multiply in the context of climate change and energy transition.

The observatory's recommendations are in line with the objective of the mandate given to the Canada Water Agency. The innovative governance model we propose will enable Canada to shine internationally through the enactment of legislation that enables sustainable management of assets.

Recognition of the legal personality of water would make it possible to improve water management not only to improve water quality, but also to restore, protect and manage bodies of water of national importance.

This vision of rights is consistent with that recognized by legal resolutions adopted by indigenous people. It would therefore allow for real collaboration, which will prove historic.

The rights of nature model we propose would create a real mechanism for recognizing the responsibility of various sectors of industry and business. It would also prevent the misuse of water, which excludes any royalties to Canadians.

We call on you today because you are truly in a privileged position that allows you to change the status quo. You'll have the opportunity to tell our children and grandchildren that you really made a difference, and that they'll be able to swim in Canadian rivers, drink Canadian water and enjoy Canadian sports. You'll be able to say that our agricultural and industrial products are made responsibly, because they're part of an approach that protects people's health.

**The Chair:** Thank you very much.

As I mentioned earlier, there will certainly be a lot of questions.

[*English*]

I'd like to go now to the Saskatchewan Association of Rural Municipalities and Mr. Orb, via video conference.

Go ahead. You have five minutes, please.

**Mr. Ray Orb (President, Saskatchewan Association of Rural Municipalities):** Thank you, Mr. Chairman.

My name is Ray Orb, and I'm president of the Saskatchewan Association of Rural Municipalities, known as SARM.

I was born and raised and live in the small farming community of Cupar, northeast of Regina, Saskatchewan, with a population of approximately 625.

I'd like to thank the Standing Committee on Environment and Sustainable Development for the opportunity to share our association's thoughts as it studies fresh water in Canada and the role of the federal government.

SARM has been the voice of rural Saskatchewan and has served the membership of Saskatchewan's rural and municipal governments for over 100 years. Today I express the viewpoints of those we represent, delving into rural perspectives on fresh water in Canada and examining how the role of the federal government might influence our livelihoods in rural Saskatchewan.

Agriculture is the backbone of Saskatchewan's rural economy, which relies heavily on a consistent and reliable supply of fresh water, especially for groundwater and for irrigation. Crops and livestock require sufficient water to thrive, ensuring food security for not only our country but also our customers abroad. We need fresh water to sustain the livelihoods of countless families not just in Saskatchewan but across Canada.

By working collectively, the federal government will better understand the dynamics and potential harmful impacts on watershed and groundwater recharge, along with ensuring agricultural access and resiliency to sustainable high-quality water. It will also be essential for the agency to leverage other federal government entities, such as Agriculture and Agri-Food Canada, the Pest Management Regulatory Agency and Environment and Climate Change Canada, to consider all the potential impacts on a larger scale.

SARM voiced concerns some time ago about creating a Canada water agency. We are concerned that we will have duplication since we already have a Saskatchewan Water Security Agency and a strong entity in the Saskatchewan Ministry of Environment.

In essence, water and water quality are a multi-jurisdictional issue and they must be dealt with in that manner.

Although we are not in favour of this agency, we do anticipate that the agency will need transparency with the provinces. To achieve strong working relationships with the provinces, we recommend sharing data and knowledge; engaging with agencies, councils and organizations in each province on proposed changes to fresh water to consider impacts to all sectors of each province; leveraging the knowledge of local and regional networks involved in water management in each province; further strengthening their sources; ensuring that there is a sense of respect for jurisdiction and constitutional authority in each province; and continuing to dialogue with SARM on issues that affect farmers, ranchers and rural municipalities.

Saskatchewan is an active participant in water management. An example of our actions can be seen in the Lake Diefenbaker irrigation expansion project. Saskatchewan provides funding through associations and programs, such as the Saskatchewan Irrigation Projects Association and the farm and ranch water infrastructure program to ensure that farmers and producers can work together to provide fresh water access across Saskatchewan. A primary focus of the agency should be on funding water management projects across Canada to ensure that provinces can work efficiently and effectively to preserve freshwater resources. With additional funding stability and support, beyond the Province of Saskatchewan borrowing money from the Canada Infrastructure Bank, the federal government could help provinces dramatically in making a bigger impact on freshwater resources.

The Saskatchewan Water Security Agency is working toward developing the Saskatchewan agricultural water stewardship policy, which will aim to preserve, restore and protect the wetlands in Saskatchewan. On a larger scale, the agency will need to develop a sustainable and resilient freshwater management strategy that will work with all provinces. This strategy will be essential to help provinces adapt to these federal changes and mitigate potential risks. It is crucial that the federal government, provinces and terri-

ories work together to ensure and build a sustainable future for generations to come.

In closing, on behalf of our member rural municipalities and rural Saskatchewan, we thank the standing committee for the opportunity for us to lend our voice to this important conversation.

• (1640)

We look forward to continued dialogue to work together to further the best interests of all Canadians.

Thank you.

**The Chair:** Thank you, Mr. Orb.

We'll go next to Ms. Carlson. I'm told that, because of technical difficulties with interpretation, although it will be possible for Ms. Carlson to deliver her opening statement, it won't be possible to engage her in a Q and A. The interpreters do have her brief in both languages, and therefore she can go ahead and give her opening statement.

Go ahead, Ms. Carlson.

**Ms. Deborah Carlson (Staff Lawyer, West Coast Environmental Law Association):** Thank you.

Good afternoon, committee members. My name is Deborah Carlson. I'm a staff lawyer at West Coast Environmental Law. We are a not-for-profit law organization based in Vancouver, on the Coast Salish territories of the Musqueam, Squamish and Tsleil-Waututh peoples. That's where I am calling from today.

Thank you for the invitation to speak to this committee about freshwater rights. I will share some reflections on freshwater rights and then, based on the work we're doing in the lower Fraser region, I'll offer two recommendations for your consideration.

One place we see freshwater rights, which aligns with what you've already heard, is in laws like the B.C. Water Sustainability Act. It contains a water allocation regime. Under this law, water users obtain water licences. This is used to manage conflict over a scarce resource. Last year, as B.C. experienced yet another hot, dry summer, temporary orders were needed to restrict water use in order to protect fish. In a changing climate with more summer droughts, we're only going to see more instances where we really bump into water scarcity as a reality.

Legal rights to water, as you have heard, can also deal with water quality. Only Quebec has legislated a human right to clean water, but as you know, the Canadian Environmental Protection Act was amended last year to include a human right to a healthy environment. Of course, there can also be rights of nature and rights for nature. I believe you've heard about that as well.

This is water through the lens of rights, but at their heart these examples reflect our relationships with freshwater as governed by federal and provincial law. It's scarce, but we're allowed to be demanding consumers whose activities then need to be restrained. This is only happening at the point of crisis.

Second, our laws allow us to engage in activities that introduce harmful substances into fresh water. Despite advances in technology, there are still problems with well-known contaminants as well as new ones. We're not managing the cumulative effects. This is another important point. The tools we rely on are a variety of federal and provincial laws. They're not particularly coordinated to manage these relationships, so we do this in a very fragmented way. Again, as you've heard, there are clear opportunities to have more holistic and reciprocal relationships with water. We need them, especially in a changing climate. We can look towards indigenous laws and practices, because they have supported sustainable and adaptable ways of living on the landscape for millennia and millennia.

I have two quick recommendations about the Canada water agency linked to the work we're doing in supporting in the lower Fraser region. The first is to ensure that the Canada water agency is fully resourced and has the support required across federal departments to achieve its stated mandate to act as a point of coordination for federal programs and activities, including funding that affects fresh water.

In the lower Fraser, there is a salmon crisis. The science is clear that freshwater habitat protection and restoration, including fish passage, is essential. At the same time, this densely populated region, Canada's Pacific gateway, is exposed to catastrophic flood risks. It needs to move on from outdated and ineffective flood control practices. There are win-win-wins to be had from adopting integrated flood plain management strategies. They are intimately connected with managing our freshwater relationships.

We're part of the Lower Fraser Floodplains Coalition, a group that's working with the first nations-led Emergency Planning Secretariat to lead a new collaborative process with first nations, local governments, farmers and the B.C. government to plan for flood plain resilience, including nature-based infrastructure. We are seeing success through dialogue and relationship building. Emerging ideas for flood risk reduction and resilience involve transportation, agriculture, fish habitat restoration, addressing historical inequities with first nations, on-the-ground implementation of UNDRIP and so on.

This work touches many federal departments—Environment and Climate Change Canada, Infrastructure, Fisheries, Public Safety Canada, Natural Resources Canada and so on—and it would be so helpful if they were all rowing in the same boat. We do see a valuable role for the agency in coordinating and perhaps catalyzing freshwater objectives across federal departments, looking at both regulation and funding programs.

A second recommendation is to ensure that the proposed freshwater data strategy supports regional priorities and needs for freshwater ecosystem management, restoration and resilience building. This strategy should be co-developed with indigenous peoples, such as the first nations in the Fraser River region. The data strategy should include indicators that can be used to evaluate trends. Ca-

capacity and connections with academic institutions in the regions should also be promoted. The first nations principles of ownership, control, access and possession should be followed.

● (1645)

In closing, we have a lot of opportunity to manage our relationships with water better. It means managing ourselves in the landscape. We need to do this in a more holistic and integrated way, and we have ideas and opportunities to do so.

Thank you.

[*Translation*]

**The Chair:** Thank you very much, Ms. Carlson.

We'll now move on to questions.

Mr. Mazier, you have the floor.

[*English*]

**Mr. Dan Mazier:** Thank you, Chair.

Thank you to the witnesses for coming out today.

My questions will be for Mr. Orb, who is online.

Was SARM consulted by the federal government on the Canada water agency, and if so, were you satisfied with the consultation process?

**Mr. Ray Orb:** Thanks for the question, Mr. Mazier.

We weren't consulted directly, but we inquired some time ago when we heard there was going to possibly be a water agency office in Regina, Saskatchewan. We did meet with someone from the federal government who was part of the bureaucracy. The answers that we received at that time were very vague, as I think they are now.

We don't know what the mandate of the water agency is. We know they're concerned about fresh water, of course, and that includes, for our producers, drinking water. However, we simply haven't been provided enough answers and, as I mentioned, we're concerned about the creation of this agency.

● (1650)

**Mr. Dan Mazier:** Needless to say, you are opposed to the development of the water agency.

I think a few of the witnesses commented about getting rid of the bureaucracy so the local level can actually deal with water issues. Would you agree with that statement?

Not being a farmer myself and working out there, I've often lamented that people in government should just get out of the way and let the locals, the municipalities and even the provincial government figure it out. They're living on the landscape. They're the ones directly impacted.

If government could ever create an agency like that, I think it would be the first time ever. Is that correct?

**Mr. Ray Orb:** I think it would be probably the first time ever.

Definitely, I think the people who know the best about what happens on their own land would be, obviously, first nations people, who are our neighbours in lots of cases in this province. However, the farmers and ranchers who live on this land require safe drinking water for their families, but also for the animals they raise on their farms.

That's why we're concerned about duplication and the issues that we had in the past with DFO. We had DFO officers in Regina who seemed to have a mandate of trying to find a fish on some farm where there was not really a stream, certainly not a river, and there was just the bureaucracy of even doing our municipal projects. It does hold the projects up and increases the costs of the projects as well.

**Mr. Dan Mazier:** I was going to bring up the Department of Fisheries and Oceans. I too had experienced those regulations back in the nineties. I think this goes back to why we're so suspicious of developing another federal agency. DFO still hasn't really cleaned up their act. I've been talking to the fisheries committee and some of the people over there. It sounds like it's more of a mess than ever, especially when they come into landlocked areas. It creates lots of problems for not only the department heads in there, but also the people who are living on the land. Instead of creating solutions, they're actually creating problems for all involved.

Would you recommend that the federal government obtain approval from all provinces before legislating the Canada water agency so jurisdictional concerns can be addressed?

**Mr. Ray Orb:** Yes, definitely. That's why I mentioned constitutional rights, because we know that the provinces have rights over some of their resources, and we believe that water is really a resource. We understand that the federal government does have some jurisdiction over federal water, there is no doubt about that, but definitely they need to consult with provinces like Saskatchewan. Our municipalities, like every other province, I think, are a creation of our provincial government. Our provincial government here, as you may know, is not in favour of the creation of another agency when we already have a water agency in this province that has a mandate to provide safe drinking water, allocation for irrigation and things like that. I think they're doing a good job, and that's why we think there needs to be no duplication.

**Mr. Dan Mazier:** Do you have any recommendation on what types of projects the Canada water agency could support or fund? If you could create the water agency yourself, what would it look like to you?

**Mr. Ray Orb:** Even though I might not be very popular right now in Saskatchewan, if I did have the mandate to do something, it would be to look at the Lake Diefenbaker expansion project. I think there is a role there for the federal government.

I remember meeting with minister Ralph Goodale years ago, when he was our minister of corrections and public safety. He mentioned that we need a big project in this province to create lots of jobs and to provide more irrigation to produce food. I think the federal government needs to think that the role of our water agency,

perhaps, is to co-fund the expansion at Lake Diefenbaker. The Province of Saskatchewan simply cannot do it on their own. Asking the province to go to an infrastructure bank and borrow the money—we're talking about billions of dollars—I don't think is fair for a province like Saskatchewan. I think that's a role for the federal government, to provide infrastructure funding, like for the Diefenbaker expansion, to the Province of Saskatchewan.

**The Chair:** You have only 15 seconds, Mr. Mazier. Okay.

Mr. Longfield.

• (1655)

**Mr. Lloyd Longfield (Guelph, Lib.):** Thank you, Mr. Chair.

Thank you to the witnesses.

It's great to be back studying water.

I want to start with Mr. Behn.

I think of water and the rights around water. Recently Minister Hajdu introduced Bill C-61. That's going to be key in establishing proposed safe drinking water and waste-water legislation in consultation with first nations.

The last piece of consultation is really the critical piece. The commitment coming forward from the federal government is \$1.55 billion from 2024-25 and 2025-26 to support clean drinking water for first nations.

One thing I'm concerned about is that we start with clean water. How do we get to clean water as a right? How do we maintain that once we've eliminated all the boil water advisories that are occurring in first nations?

When I was in the Nishnawbe Aski Nation by Dryden several years ago, one of the elders said, "Stop poking holes in Mother Earth. Give us clean water to start so we don't have this problem." It was a simple but really profound statement that I've taken with me. I've brought it to different committees where we've been studying issues around the rights around water.

Could you talk about how critical it is to have ongoing funding at the intersection where water, energy and indigenous law all meet, and, as you mentioned, other living beings?

**Mr. Caleb Behn:** No pressure.

**Mr. Lloyd Longfield:** No. We don't have much time, but I wanted to hear your perspective as well as you can articulate it.

**Mr. Caleb Behn:** With the consent of the committee, I'll put in written submissions on one aspect of that.

**Mr. Lloyd Longfield:** Sure.



**Mr. Caleb Behn:** My core proposition is that the iterative process of legal evolution in policy-making in this country, financially, politically, socially and legally, is not capable of adapting to the challenges. While I'm receptive to and cognizant of the massive amount of advocacy led by the first nations across the country, in that case, NAN, to get to addressing a long-term drinking water advisory versus a short-term drinking advisory.... In my nation where I live, we ship in water and we drive in water.

My core concern remains that at the interface....

This is my admonition to the committee, the government and to Canadians and to the world writ large. We have to understand that these circumstances of contestation—and to the earlier point about jurisdictional challenges and problems—and points of contestation are actually the opportunities for, say, SARM, the Province of Saskatchewan, the treaty nations there and many others, like farmers producing food security, to come to a conclusion that offers a solution.

My point is that this government and all orders of government inspired by the federal government need to proactively invest in it, cut out the funding delays and cut out some of the legal challenges.

At the energy-water nexus, I would encourage the committee to consider black swan events. What is coming is going to be stuff we didn't anticipate. It's likely going to be synergistic. It's probably going to be related to things like climate change and emergent disease.

I go back to the COVID issue. COVID proved to me that Canada could have solved the first nations' drinking water crises, because billions of dollars got pushed, laws changed, bureaucracies at every level—federal, provincial, municipal, territorial, everybody—got in line and did something for the good of this country.

In my view, we're going to have events like that again, so I strongly suggest that we proactively create some mechanism—perhaps in NAN, for example, and in that territory—and find some synergy. Find it in Saskatchewan. Find it on the fisheries issue. Find it in Quebec with the civil code and multiple legal orders aligned.

With the consent of the committee, I'll put in some written submissions on the particulars of that question, because it is a robust one.

*Mahsi cho.* Thank you for the time.

**Mr. Lloyd Longfield:** Thank you for your answer.

I've been up to the Chippewas of Nawash, as well, and seen that it's not always about just water plants. You need the piping, the training and all the other infrastructure. At the same time, you need to put in broadband along the lines to solve other problems, so it is a complex thing but, yes, you have to have attention.

**Mr. Caleb Behn:** I have another point just on the broadband issue.

I was thinking about Iqaluit and the response to the housing crisis up there. I think the mayor recently said, "We can build the houses, but we don't have the source water protection."

What I would suggest is if you look at the synergy between emerging technologies.... Where I live, we don't have functional broadband, so I run Elon Musk's Starlink. Yesterday, he announced that they just put the first Neuralink into a human. Technology is changing. Everything is changing quickly.

I strongly recommend that this committee recommend to government that investment in solving these long-standing human rights crises should optimize for the evolutionary capacity you're going to need to deal with the 21st century. That requires broadband interface synergistic with hard infrastructure investment and interfaced with legal evolution led by first nations, in my respectful view.

• (1700)

**Mr. Lloyd Longfield:** And the monitoring that goes along with the broadband.

Thank you.

**The Chair:** Thank you.

Madam Paupé.

[*Translation*]

**Ms. Monique Paupé (Repentigny, BQ):** Thank you to all the witnesses for being with us.

Ms. Cardenas, I first heard of you in an article in *Le Devoir*. In it, you invoked section 8 of the act to affirm the collective nature of water resources and to promote better governance of water and associated environments. By the way, I completely agree about the collective nature of water resources.

In your opinion, granting legal status to the St. Lawrence River would strengthen the preservation of this great river and it would be a huge symbolic gesture.

That's kind of where I'm at in my thinking. Symbolic gestures of this nature are admirable, of course, but do they really enable us to protect the resource? For over 30 years, the UN has been trying to establish international rules for the protection of water, whether in Helsinki, New York or Berlin, and it has not succeeded.

How would the recognition of a legal status for water finally lead to the establishment of rules, or the updating of regulations and the adoption of concrete mechanisms, and even sanctions?

**Ms. Yenny Vega Cardenas:** Thank you very much for your question and for your interest in this topic, Ms. Paupé.

Indeed, section 8 of the act affirming the collective nature of water resources and promoting better governance of water and associated environments, in Quebec is very *avant-garde*, as it introduces the notion of no-fault liability when damage is caused to a watercourse. As a result, the people who cause the damage can be sued even if not at fault.

The problem is that the Attorney General is the only one who can bring this action, even though it is he, as the representative of the Quebec government, who grants pollution permits. He cannot sue for damages that he himself has authorized. This is a conflict of interest.

As for the recognition of a legal personality for the river, this also includes the appointment of guardians with a view to diluting powers and increasing the number of players at the discussion table. These are players who are committed to protecting the river, such as first nations, riverside communities, non-governmental organizations and scientists. They are the ones who will ultimately be able to be the voice of the river.

What is the voice of the river, really? It's what science and ancestral knowledge will tell us. These are the consequences of our actions that have contributed to polluting the river, but that we didn't know about at the time. Scientists will open our eyes to enable us to make the best possible decisions and prevent damage.

If players don't want to listen to the science or the warnings of the guardians, at that point we can use the courts as a last resort.

**Ms. Monique Pauzé:** You're talking about sanctions here, of course, whether they're financial, penal or even criminal.

What we're interested in is establishing clear rules and enforceable sanctions, rather than taking symbolic measures. Symbolic gestures may be interesting, but they don't stop harmful projects.

Wouldn't granting legal personality to the St. Lawrence River or the Magpie River, for example, generate a false sense of security and protection?

**Ms. Yenny Vega Cardenas:** In fact, in Ecuador, we've recognized nature's rights. At first, it was symbolic, because it was about changing people's relationship with nature so that they see it as a living being or a person who can suffer harm. Symbolic gestures can change the way we look at things. The Canadian flag, for example, is a symbol of honour, and we don't use it as a towel. This would change our relationship with the river. We would honour it and respect it because it would have rights as a legal person.

In the past, we women weren't considered persons, and people wondered why we'd be granted that status. People laughed about it. Even the Supreme Court said we weren't people. Today, we're people and it's become normal. We have rights and we can be here to advance new ideas.

Nature is also the subject of a second revolution, which will lead to the establishment of rights. So, at some point, we might see a tribunal, as we saw in Ecuador, put the rights of a mountain and those of a multinational in the balance to decide which wins.

• (1705)

**Ms. Monique Pauzé:** In my opinion, this is exactly the question that needs to be asked. Right now, what we're seeing is that the rights of multinationals always take precedence over the rights of nature. Symbolism is all well and good, but I don't think it's prescriptive or severe enough. I was a teacher in my other life, so I need prescriptive standards.

Ms. Delage, you talked about the Canada Water Agency, and Mr. Caleb Behn also talked about it. Mr. Behn said, for example,

that the Canada Water Agency has not clarified the fundamental concepts on which it is based. You are of the opinion that the agency is innovative.

When I hear Mr. Behn's and Mr. Orb's comments, and when I read about topics we'll be discussing with the next witnesses, I realize that there was no upstream political process to define the Canada Water Agency's purposes and guiding principles.

Is it really that innovative?

**The Chair:** Unfortunately, your time is up, Ms. Pauzé, but you may have an answer later.

Ms. Collins, you now have the floor.

[English]

**Ms. Laurel Collins (Victoria, NDP):** Thank you, Mr. Chair.

I have questions for Ms. Vega Cardenas as well, but my first question is for Mr. Behn.

You talked a lot about the complexity of the challenges that we're facing and that we are going to be facing in the future and a little bit about how indigenous law will play a role in what's to come.

I'm wondering if you could talk a little bit more about how you see the future of indigenous law interacting with the laws that we have to protect fresh water and the laws that might be potentially doing damage or harm.

**Mr. Caleb Behn:** Section 5 of the federal UN declaration implementation legislation has a positive obligation on Canada to implement and align its laws and policies and regulations with the UN declaration, so that alone is a positive obligation that requires, in my view, proactive engagement.

There is a retrospective component to this, which is like laws on the books that we need to deal with, laws in development and laws forthcoming. My view is that—and this is the core submission—I propose that this committee and the courageous leadership around this table could theoretically advocate for some kind of incubator space that facilitates and supports the homegrown, homespun. As Mr. Orb pointed out, local people know.

It is my view that indigenous laws and legal order is because we have a very different relationality to the non-human because we view and interface with these non-human entities as having agency, as having breath, as having spirit, as having profundity.

Science is catching up increasingly and weirdly with the support of artificial intelligence and machine learning systems that are recognizing the voice of nature, as put forward by my late mentor and dear friend, the late Dr. Karen Bakker.

I think that what you're going to see, and what I encourage, is a push towards support of these emergent constructs.

To committee member Pauzé, your question relatedly.... I think in the emergent constructs in certain jurisdictions, whether it's Saskatchewan or Quebec or anywhere else that has municipal first nations and other alignment structures, you are likely to find the necessary solutions that then have to be scaled.

My question for the group is: Who else but the federal government can functionally scale horizontally or laterally in this system?

It is upon you, with the utmost respect, to scale and scale quickly. I think that is where first nations...because we don't necessarily disrupt co-operative federalism. We don't necessarily disrupt the complexity of the 91-92 relationship, and yet stand adjacent to and loyal to.... I'm Treaty 8 on both sides. We've been loyal since 1899, even though my dad went to residential school, even though my people and I have been violated time and again by provincial and federal and municipal powers. We stand with you committed to this thing that is Canada. I think that is where the utility that we need in the 21st century will be found, and that's my admonition to you.

• (1710)

**Ms. Laurel Collins:** Thank you so much for that.

I'm reminded that there are 32 calls to action in my community where there's the Victoria municipal government alongside the City Family, which is made up of the Esquimalt Nation, the Songhees Nation and urban indigenous folks. They put out 32 calls. The first six of them are on acknowledging the lands and water. One of them is, in particular, around establishing areas of Victoria that acknowledge the lands and waters as having rights and privileges as entities in and of themselves.

Can you talk a little bit more about that future you see with the relation to the non-human?

**Mr. Caleb Behn:** In that context, you're on the breakwater. I went to law school at UVic, so I know a bit about that territory. I had the privilege and honour of being in that space.

In 20 years, an indigenous language coder and allies will go to the breakwater and talk in dialogue with orcas and salmon to inform the source water protection structure up above Victoria. For people who don't know, the source water is above the cities. There's a source water protection area. Through machine learning systems, analytics, ceremony, spirit involving the academics— Victoria is a small city, a capital city, but has a lot of academics per capita—visions, interfaces with the municipality, the province, and the federal government, insights will be offered into source water protection systems which will inform and engage the non-human on a proactive basis.

Isn't that a future that Canada should aspire to? We would inspire the world. The reason is Canada has the sophisticated infrastructure. We have the sophisticated analytical capacities that other countries do not. We have the legal capacity. We're a multi-juridical jurisdiction. We already have UN declaration legislation in B.C. at the municipal level in Victoria and at the federal level. We are optimized to do something no one has ever done.

That's my vision. I don't have the technical or coding capacity quite yet to do it, but that might be something we could aspire to.

**The Chair:** We have to stop there, Ms. Collins.

It's very interesting, because the University of Calgary is setting up an environmental prediction centre. It sounds a lot like what you're referring to. Representatives from that institution will be appearing.

We have time for a truncated second round. What I would propose is basically two minutes each with one minute for the NDP and Bloc. I'm a bit flexible, so just a few zingers in there, and then we can go on to the second hour with our second panel.

[*Translation*]

Mr. Deltell, you have the floor for two minutes.

**Mr. Gérard Deltell (Louis-Saint-Laurent, CPC):** Thank you very much, Mr. Chair.

Ladies and gentlemen, welcome to the House of Commons. Your testimony is very interesting.

Mr. Behn, I don't have much time, but I can tell you that you've been very inspiring to all of us, and I thank you very much for your testimony.

Ms. Cardenas and Ms. Delage, in the past I was a journalist and member of the National Assembly in Quebec. There was a lot of talk about the price of water, particularly with regard to the bottles of pure water that are sold just about everywhere.

I know you want to give water legal status, and that's fine. In your opinion, should water have a price?

**Ms. Yenny Vega Cardenas:** I've always been against the massive export of water.

Water has a lot of value, but it has no price. Water is an essential resource and it must always be attached to the environment, to its surroundings.

There's also the question of royalties—I'm thinking, for example, of bottlers. The issue was raised in Quebec, but is now being resolved. It's only normal that people who profit from water should pay something back to the community, because they're exploiting a common, collective resource. So it's only right that this wealth should be redistributed. At present, those who exploit the resource get off lightly, whereas it is normally a common good.

In my opinion, the question of royalties is more a matter for the provinces.

• (1715)

**Mr. Gérard Deltell:** Yet there's a difference between the person who uses water to bottle it and sell it and the farmer who uses water for his agricultural production.

What's your position on this?

**Ms. Yenny Vega Cardenas:** With regard to the issue of water use in agriculture, I don't think the problem is price, but rather water contamination. The quantity of products used leads to contamination of the water used for irrigation, and this contaminates rivers.

There's also the fact that farmers cultivate land right up to streams and rivers. They don't respect the riparian strips. Erosion sets in, and a lot of sediment ends up in the St. Lawrence River. This costs Canadians a lot of money, because rivers have to be dredged. We're not taking care of the watershed.

It's with this holistic vision that we appeal to you today. We need to look at things on a Canada-wide scale.

**The Chair:** Thank you, Ms. Vega Cardenas.

[*English*]

Next we have Mr. van Koeverden for two minutes, please.

[*Translation*]

**Mr. Adam van Koeverden (Milton, Lib.):** Thank you, Mr. Chair.

I'm going to put my questions in English, but the witnesses may respond in the language of their choice.

[*English*]

I'm fascinated by the concept of legal rights and protections for rivers. I view rivers as animate objects that should exist on a food chain higher than us. We rely on them, and they don't really rely on us. It would be fine without humans around, actually. I spend a lot of time on rivers and lakes. When I think about all of the life and depth under me, I'm always fascinated with how much I'm physically on top of but spiritually underneath.

Can you expand on the concept of rights for these large bodies of animate objects, legal or otherwise? In the last session, we had a meeting with an oil executive who was polluting massive sections of the Athabasca River. It was having a devastating impact on the health of first nations people and others.

Thank you.

[*Translation*]

**Ms. Yenny Vega Cardenas:** Thank you for the question.

I brought a document that explains the rights of the river. One of those rights is to be free from pollution. I also have an article that talks about some areas of the St. Lawrence River that are completely polluted. Contamination doesn't just come from agriculture. It also comes from fecal coliforms, which make the water in certain parts of the river unsuitable for recreational activities such as kayaking. It is not even suitable for activities involving indirect contact with the water. A single drop of water can contaminate a person and make them ill enough to require a hospital visit.

It's urgent to act today. That's why we've adopted a vision of rights. It's easier that way to spot the big polluters. We're not going to dwell on minor cases of pollution caused by simple water use, or by people swimming in a stream, for example. This vision will guide politicians and facilitate the management, or governance, of entities with legal status, such as the great St. Lawrence River.

**Mr. Adam van Koeverden:** Were these documents sent to the committee?

**Ms. Yenny Vega Cardenas:** I will give them to you a bit later.

**Mr. Adam van Koeverden:** Thank you very much.

**The Chair:** Ms. Pauzé, you have the floor for about one minute.

**Ms. Monique Pauzé:** In that case, I'd like an answer to the question I asked earlier.

As Mr. Behn and Ms. Delage said, the principles the Canada Water Agency relies on to make decisions were not democratically established ahead of time, meaning there were no debates or discussions on the matter.

Ms. Delage, what can we do to correct this oversight? We are currently under the impression that we put the cart before the horse.

**Ms. Amélie Delage:** This is a challenge for a federation like Canada, as the committee has seen today. Often, we don't talk about water as anything but a resource. One of the opportunities for a Canada-wide agency is to propose a different vision. Several visions about water could be up for debate. It's possible to find common ground in the face of these challenges.

I repeat, we really have to move from an anthropocentric vision, where water is considered only as a resource, to an ecocentric approach. Then we could look at many concepts about water, many visions. That way, we could also try to find a compromise to the advantage of all users. It has to be productive.

One of the Canada Water Agency's functions is to collect scientific facts. There has to be a place where everyone can access data. In spite of what was said, this resource isn't just local, water isn't just local. We're talking about watersheds. Don't forget there are consequences for contaminating water, because it runs off and goes elsewhere. It's important to change this way of seeing things. I think the Canada Water Agency's work could lead to this vision, and the Agency must make sure that decisions...

• (1720)

**The Chair:** Thank you, Ms. Delage.

Ms. Collins, you now have the floor.

[*English*]

**Ms. Laurel Collins:** I have so many questions, and I'd love to follow up with all of you afterwards.

I have a question for Ms. Vega Cardenas.

Can you give your perspective on the Magpie River gaining personhood and any other examples you see paving a pathway forward for us?

[Translation]

**Ms. Yenny Vega Cardenas:** Thank you for the question.

The Magpie River has legal personhood status. In Canada, it's the first river to get this kind of status. So, with legal personhood, the river has rights. The guardians of the river are people from the Ekuanitshit Innu community and the Minganie RMC.

Ultimately, recognizing the Magpie River's status is what opened the way for the St. Lawrence River. It not only allowed the river to be protected, it also granted power to local communities, who were abandoned and forgotten. Today, the government of Quebec outlined its position by saying it would respect that decision and not conduct any development harmful to the river. The government of Quebec sent a good message. By the way, next Thursday, there will be a program on the CBC's airwaves called *I am the Magpie River*.

[English]

I invite all of you to watch *I am the Magpie River* on CBC on February 1 at 9 p.m.. You are going to know more about the processes and how it's gaining more and more vision around the world.

I don't know if I have time to answer the other question.

**The Chair:** Thank you. We'll be sure to tune in. I have CBC Gem.

We have Mr. Kram for two minutes.

**Mr. Michael Kram (Regina—Wascana, CPC):** Thanks, Chair, for squeaking me in at the last minute here.

Mr. Orb, could you elaborate on SARM's position on the Lake Diefenbaker irrigation project?

**Mr. Ray Orb:** Yes, definitely. We are in favour of the expansion of Lake Diefenbaker. Not many years ago, there was an announcement by the federal government and the Province of Saskatchewan that they would expand irrigation. That was to further food production in our province, keeping in mind that water is very important, especially to farmers who need to irrigate.

We have the opportunity quite often to lobby the federal government. We do meet with the province, of course. We were told by the federal government that the costs of expansion would have to be borne by the province totally. They would need to borrow the money from the Canada Infrastructure Bank to be able to expand the irrigation.

We're of the opinion that is unfair, because the federal government does contribute to other infrastructure programs. I can think of rural broadband, of course. There's a federal program to further that across rural Canada. Also, in ICIP, the investing in Canada infrastructure program, there's a share of federal funding. We don't understand why the federal government says to our province that we need to borrow the money for an infrastructure program as important as this. We think that the federal government should be funding their share. In the case of all the other agriculture programs and things like that, the federal government bears the costs of 60% of a project. We think the federal government should be paying attention to that.

**The Chair:** You have time for a very quick one, Mr. Kram.

**Mr. Michael Kram:** Thank you, Mr. Chair.

Mr. Orb, can you quickly share your thoughts on the best way to get regulatory approval for major infrastructure projects such as the Lake Diefenbaker project?

**The Chair:** Be very brief, please, Mr. Orb.

**Mr. Ray Orb:** The best way, of course, is to have it approved by the province. In our case, it would be the Water Security Agency that approves the project. If there is federal funding that goes with it, then the federal government does have a role. If there isn't, it's entirely up to the province to assess it.

Outside of the Environmental Impact Assessment Act, that is how things are approved.

**The Chair:** Thank you.

Ms. Taylor Roy, you have the floor.

**Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.):** Thank you, Mr. Chair.

Thank you to the witnesses for being here today.

One question I have is regarding if water were given its own intrinsic rights. You've already said there's always a trade-off between the ability of another level of government like a province or a federal government to still pollute and do something. How would that right of water be ranked? How would it be enforced, especially when different governments have different views about the value and whether it's a resource, whether it's elemental or whether it's own person? How do you see that being enforced?

I'm thinking about Ontario, for example, where I live. Numerous different projects put forward by the provincial government are very much threatening water, but there is no way of challenging that or protecting the water.

Perhaps you could answer that for me.

● (1725)

[Translation]

**Ms. Yenny Vega Cardenas:** Thank you.

That's not an easy question.

Changing a person's vision about water is hard. For me, it took me several years. In the past, I talked about it a lot as a resource. A resource is defined as something we use for our own well-being, our own goals. The paper I'm using to communicate with you is a resource. We can think of water as a living environment. The first nations say it's alive, whereas non-Indigenous people say it's a living environment. In other words, it's where life starts and where many species live.

That is what we are able to understand. Maybe we will never be able to understand that water can be alive and have a spirit, but we can agree on the fact that our species is not the only one in the world and it is part of an environment. We cannot separate it from the rest. We have a tendency to think that there's water on one side, fish on the other, and plants elsewhere. However, it's part of a whole. I think this somewhat neutral perspective can reconcile different visions. That way, we can see the river as a living entity or a living environment. For some people, the river is an ancestor, whereas for us, it's a legal person.

[English]

**Ms. Leah Taylor Roy:** I have one quick follow-up question. It's regarding the Canada water agency and the coordination it will hopefully have with different levels of government and indigenous people, whether it's first nations, Métis or Inuit.

Would you see that as the place that protects those rights of water if, in fact, it were established?

[Translation]

**The Chair:** Give a brief answer, please.

**Ms. Yenny Vega Cardenas:** We are presenting a tripartite model of governance, including a Guardian Committee and a Strategic Committee, where all the actors are around the table to ultimately consider the river's higher interests.

Everyone will act in their own interest; however, the guardians must always have at heart the river's interests and the lake's interests. That is why we must have these two distinct committees. There will also be a third one, the Experts Committee, which will produce data. That could be the Canada Water Agency's role, to collect data and make the best possible decisions.

**The Chair:** Thank you.

I think we should keep in mind that the Agency won't be a regulatory body; rather, it will be a point of contact for scientific collaboration, among other things.

[English]

Thank you to the witnesses. This has been a fascinating discussion.

I would encourage you to send us any written analyses—Mr. Behn alluded to this—because it's a very hard issue to grasp. Anything you can provide in a written note with additional insights would be greatly appreciated by the committee members and analysts.

Thank you very much for this discussion.

We're going to break for literally two minutes to onboard someone for the next panel.

Members, I would like you to think about something over the next couple of days.

We agreed we want to travel to the Kearl site and Fort Chipewyan in the spring. If you could give some thought to which non-sitting week you would like to travel in—perhaps it's the week in May—and if you see me in the House, let me know what you think, and we can approve a particular time slot very quickly at the

next meeting so the House team can prepare an itinerary and budget. I don't want to spend too much time discussing this here at the committee. If you see me informally, I'm sure we can come to a consensus.

Thank you.

• (1725)

(Pause)

• (1730)

[Translation]

**The Chair:** Dear colleagues, we are now ready to welcome the second group of witnesses. Unfortunately, Mr. Brandes had to leave the meeting because we went over the scheduled time. He could not stay after 5:30 p.m. We will continue until 6:30 p.m. today.

We have Mr. Atcheson participating in the meeting via the Zoom application; Ms. Paquerot, who is in the room; and Mr. Jaques and Mr. Cooper from the Water Security Agency, who are also in the room.

We will start with five-minute statements.

Mr. Atcheson, you have the floor for five minutes.

[English]

**Mr. Aaron Atcheson (Partner, Miller Thomson LLP, As an Individual):** Thank you. My name is Aaron Atcheson. I'm a partner at Miller Thomson in London, Ontario, and leader of our firm's projects group. Thank you very much for the opportunity to speak to the committee today.

I write regularly on water issues in Water Canada and recently wrote a piece in respect of legal personhood for waterways with one of my colleagues, Katherine Cavan.

I certainly think that who speaks for nature and in particular for waterways is a question that raises potential conflicts. Certainly, local first nations must be part of the answer, but what happens when there are multiple first nations that seek to speak for a waterway, other communities, other stakeholders? What happens when some manner of impingement on a river is necessary for the greater benefit of the communities in an area?

I would start by saying that I don't think that legal personhood for waterways needs to mean negative consequences for well-considered and planned infrastructure projects. If the relevant right of nature here is legal standing simply to take a party, presumably a government approval authority, to court over a decision, how do we effectively avoid legal personhood for a waterway becoming another source of delays in moving forward with infrastructure projects in our country?

It's our view, mine and my co-author's, that it's critical that we engage problem solvers, solution-minded individuals in the representation of waterways. It would be a failure of those of us involved to allow this concept of legal personhood to become just another way for the not-in-my-backyard elements in our society to delay or kill projects without offering alternatives to achieve the advances that are needed to meet the needs of both humans and nature.

One of the questions that needs to be determined effectively is how we make expertise and knowledge available to the stewards or guardians of a waterway. Should people with such knowledge and expertise be encouraged to become the guardians themselves, or should they be available as resources to ensure that decisions are made with full knowledge of the circumstances, the options, etc.?

In parallel to assisting in determining who speaks for a waterway, I think it would be advantageous for us to allow input from the waterway early in the planning process for infrastructure projects. That said, it would not be beneficial to effectively twin the environmental assessment process for every project with associated delays.

Just for a moment, consider an example of a new waste-water treatment facility planned to ensure that waste water created by humans is treated and does not affect the drinking water sources for various communities. The treated waste water out the far end of the system needs to go somewhere, and traditionally that would be an area waterway. If that waterway runs through traditional territory of multiple first nations, and through other communities, who speaks for the waterway in assessing whether the municipality planning the waste-water treatment plant has sufficiently addressed the health and well-being of the waterway?

It's a complex problem. It requires knowledge of the areas involved and the river, but also knowledge and expertise related to the technologies being considered for the new infrastructure and the associated risks involved, and "no, not here" is just not an acceptable answer given the need for all human beings to have safe drinking water in that case.

I think the most critical question may be how we induce the stewards of a waterway to consider options that minimize the negative effects on the river while allowing infrastructure to proceed and then how this information makes its way into the planning process.

I am certainly not an expert in how other governments have proceeded and sought to include the information provided on behalf of a river, but certainly, we should be looking at other jurisdictions. There are roughly a dozen countries, I believe, that have experience now with rights of nature and so could speak to this.

Thank you.

• (1735)

**The Chair:** Thank you, Mr. Atcheson.

[*Translation*]

Professor Paquerot, you have the floor for five minutes.

**Mrs. Sylvie Paquerot (Retired Associate Professor, As an Individual):** Thank you, Mr. Chair.

I would like to make two clarifications at the outset. First, the format of consultations like these is quite uncomfortable and goes against the grain for a researcher or professor, since our work requires us to prove a proposal before making any assertions, which we can then present in five minutes.

I also want to tell you that an entire volume, which I invite you to read, was written on the issue of a water agency. I will present the conclusions to you, and you may then ask me questions about the arguments of interest to you.

Second, I would like to clarify here that my main area of expertise is international law and global water governance. I looked into issues of water governance under different sovereign states in an ancillary way, because international law problems generally flow from the concept they have of things. What happens in the states puts limits on what we can do in terms of international law.

The other reason I agreed to meet with you is because I have observed connections between many issues raised on an international level and the challenges of water governance within federations. Indeed, the various levels of power essentially look like what we try to do when we want to govern internationally a resource we hold in common.

I will quickly go over three blind spots that became apparent to me while reviewing the water agency project during a conference.

First, there is the issue of plurality.

Then there is the water cycle, followed by the carrying capacity of water ecosystems. I think it is important to take these blind spots into account.

For those interested in the issue of plurality, in 2016 a researcher by the name of Frédéric Julien wrote a thesis focused specifically on the concept Canadians have of water.

Because of the method of participation in Canadian public consultations, we see that the issue is mainly a divergence of identities rather than that of ideas. The effect is often such that dissent doesn't emerge during consultations. Then we wonder why we can't come to a consensus.

I therefore think it's important to reconsider means of participation in consultations on water and to democratize the process around water such that various concepts of water may emerge. We cannot solve conflicts by hiding the fact that different concepts exist.

Furthermore, we know that the government of Canada is biased on the issue of water. This bias came out in 2002, when Canada was the only country to vote against the resolution on the right to water at the UN Commission on Human Rights.

When NGOs wrote to ask for an explanation of its negative vote, the Canadian government replied that the resolution could challenge its permanent sovereignty over its water resources.

This is an example of why it is important to understand the concept of the thing we are talking about before thinking about governing it.

From this perspective, because it is a point of coordination, as the Chair reminded us earlier, and because it is designed to become an interface, a Canadian agency is a significant factor that must be outlined on a political level before it starts its work. Otherwise, it will be caught up in contradictions.

• (1740)

That brings me to the second blind spot: the fact that Canada regards water as a resource over which it has sovereignty. In the past, Canada has not been particularly innovative when it comes to international water law. If I could find a reason to create a Canadian water agency, it would be to state and assert Canada's responsibility for preserving the hydrological cycle.

There is a major challenge in international law, namely the refusal of nations to consider the global nature of the hydrological cycle. We saw how many decades it took for the issue of climate change to be taken seriously. If it takes as long for the water issue to be taken seriously, we're in for some nasty surprises.

• (1745)

**The Chair:** Mrs. Paquerot, your comments are fascinating, but your time is up. You will still have the opportunity to raise the points you have left by answering questions.

We'll now move on to Mr. Jaques, from the Water Security Agency.

Mr. Jaques, you have the floor for five minutes.

[English]

**Mr. Shawn Jaques (President and Chief Executive Officer, Water Security Agency):** Thank you, Mr. Chair.

Thank you to the committee for inviting us here today to speak about water management in Saskatchewan.

Canada is a water superpower. Across our great land—but especially in Saskatchewan and Manitoba—our water is the key to our prosperity. It sustains economies, turns aspirations to reality and helps communities reach their full potential. Ensuring a sustainable supply of water is crucial to the future growth and prosperity of the Prairies—be it in agriculture, manufacturing, energy or an array of other industries.

These are Minister Joly's words from "Prairie Prosperity: A Vision for the Management of Water Resources across Saskatchewan and the Prairies", published in 2020. The report focused on the unrealized potential of irrigation at Lake Diefenbaker.

Creating a large and secure supply of water in the Prairies was discussed for many years in Saskatchewan. Discussions gained momentum following the crushing drought of the 1930s. The decision to proceed with the project was made in 1959, with construction completed in 1967. Lake Diefenbaker was formed by the construction of the Gardiner Dam and the Qu'Appelle River Dam. Lake Diefenbaker was envisioned to provide water for power generation,

irrigation, drinking, and urban and industrial development. Today, it provides a significant supply of hydroelectric power, drinking water for nearly two-thirds of the province and water for urban and industrial development in the central area of Saskatchewan.

The irrigation potential of the lake, however, has never been fully realized. Pumphouses and canals were built during the construction of the project. Today, irrigation is operational on the east side of the lake. Unfortunately, in 1973, work was discontinued on the west side by the provincial government of the day when canal construction was already 90% completed. The west side project was never finished. Today, as a result, we see many kilometres of dry canal with concrete structures that have never been used. Lake Diefenbaker has the potential for up to half a million irrigation acres. We are now focused on building out irrigation infrastructure on the west side of Lake Diefenbaker.

The Lake Diefenbaker irrigation projects represent some of the most unique opportunities in Canada to deliver on food security, climate resiliency and economic growth. Irrigation enables producers to grow diverse, high-value crops, which increases on-farm profitability and enables value-added processing, business attraction and employment. The projects would create thousands of new jobs in construction and duration of operation. This represents potentially billions in new tax revenue for both the provincial and federal governments.

Most estimates say global food production must rise by 70% by 2050 to feed the projected nine billion people around the world. What increased irrigation of this scale means for Canada is a reduced reliance on food imports. Increased irrigation allows our country to grow not only more food per acre but also different crops, replacing costlier food imports that must travel further distances to reach our grocery stores.

The Water Security Agency has undertaken significant engagement activities with the local communities, rural municipalities, stakeholder groups and indigenous rights holders. In total, the project team has engaged in 18 in-person meetings with indigenous communities. These meetings included information and education on the projects, as well as the economic benefits they could provide to irrigators, agri-food production and other possible processing opportunities. I would say the feedback so far from these meetings has been very positive. We look forward to ongoing engagement with the public and indigenous rights holders as the work on the projects continues.



One of the frequent questions I'm asked is: Is there enough water for a project of this size? The short answer is yes. In preparing some of the preliminary work for these projects, WSA examined nearly 90 years of flow data to better understand the water supply and its availability and sustainability. We found that, with normal operations, there is almost 900,000 acre feet per year of water available. These projects, when fully built out, will use fewer than 700,000 acre feet per year. For some perspective, water lost due to evaporation each year equals about 4% of the annual inflow into Lake Diefenbaker, but these projects will use about 2% of annual inflow.

We believe the time for these projects to move forward is now. They hold immense potential for Canada, with strengthened food security, climate resilience, water sustainability and lasting economic benefits. Building the Lake Diefenbaker projects would be a tangible step towards achieving these goals and solidifying Canada's position as a global leader.

Over 50 years ago, we built Lake Diefenbaker together. Now is the time to fulfill the national historic vision and secure our future.

Thank you.

• (1750)

**The Chair:** Thank you very much.

Mr. Kram, go ahead for six minutes.

**Mr. Michael Kram:** Thank you very much, Mr. Chair.

Thank you to all the witnesses for being here today.

My questions will be for Mr. Jaques and Mr. Cooper from Saskatchewan's Water Security Agency.

First off, could you explain to the committee the benefits to farmers and agriculture of having abundant access to an irrigation system and fresh water compared to just relying on rainwater?

**Mr. Shawn Jaques:** Yes, thanks Mr. Kram. I'll start, and then Mr. Cooper can jump in.

What I would say is that especially in years when there are drier conditions, it gives producers that certainty that they will have enough water to produce a crop. For example, this year we saw some of the irrigated yield on durum, for example, at close to 100 bushels per acre in an irrigation district, whereas the dryland production was under 30 bushels per acre, so it gives producers that certainty.

I would say that it's the ability to start growing higher-value crops, diverse crops, and we are seeing examples of that in our province.

I don't know if you have anything to add.

**Mr. David Cooper (Vice-President, Agriculture Services and Economic Development, Water Security Agency):** I think you covered it well.

I would maybe add just a couple of things.

In recent years we've had challenges with food security, and I think what we're seeing now is the ability to grow more table-ready

foods locally, which is a big benefit. I think expanding irrigation creates more of those opportunities, so that's another benefit.

**Mr. Michael Kram:** Could you elaborate on some of the types of crops that could be grown with access to this irrigation system that are not being grown right now?

**Mr. Shawn Jaques:** We are seeing, with some of the existing irrigation already, vegetable production. We're seeing some specialty crops. I am aware of one producer who grew different varieties of irrigated beans that normally wouldn't be grown in our province. We're seeing a local company growing carrots for local production and local grocery stores in our province.

I think those are the opportunities that are there.

**Mr. Michael Kram:** Part of the role of this committee is to make recommendations about the role of the new Canada water agency.

Could you explain, from your perspective and from the perspective of the Lake Diefenbaker irrigation projects, what would be a useful role for the Canada water agency to play to move projects like this forward, and what would maybe be a not so useful role?

**Mr. Shawn Jaques:** Maybe I'll just back up a little bit for the committee's interest.

The Water Security Agency in Saskatchewan is a unique organization in the country. In it everything water-related is under one agency. We advance different water management initiatives that are required to support the provincial economy and the quality of life for Saskatchewan residents while protecting the environment.

We're responsible for all the regulation in the province. We handle the water licences to different users, regardless of who the user is. We do a number of monitoring activities to make sure the rivers and the water streams are safe.

Our concern right from the get-go, when we had some early conversations, was that it not duplicate services that were already provided within our province, because we already provide those. The agency is there to help provide some funding opportunities, as Mr. Orb spoke about earlier, or maybe some of that science or collaboration or the research side.

**Mr. Michael Kram:** Okay, very good.

In your opening statement, you used the term "climate resiliency". Could you explain what climate resiliency means and how the Lake Diefenbaker projects can play a positive role?

**Mr. Shawn Jaques:** Lake Diefenbaker does just that. It provides an ample supply of water that can be used, whether for our communities or for agricultural production. It makes water available in drier years.

We have had years in which there has been excess water, and it helps provide protection against flooding.

When it comes to agricultural production, it makes sure that producers have that stable supply of water they need to grow their crops, but it can be used to make water available for communities as well should they need a source of water.

• (1755)

**Mr. David Cooper:** I'd maybe add a little bit.

In terms of resilience and adaptation, the project is very helpful, because research has been done in terms of what we can expect in climate change scenarios with precipitation. What they're saying is that the volumes should remain steady or perhaps increase if you're able to capture and store. Lake Diefenbaker is very helpful in the sense that it can capture water whenever we're lucky enough to receive it, and we can benefit from irrigation that way. It provides us that resiliency in case of future droughts.

**Mr. Michael Kram:** Thank you very much.

Mr. Chair, I'd like to give my remaining time to Mr. Mazier.

**The Chair:** You have about 40 seconds.

**Mr. Dan Mazier:** Mr. Chair, I'd like to move the following motion:

Given that:

The Liberal government has started a process that would force pizzerias, bagel shops, and any establishment that uses a wood-fired oven to run their business, to track their emissions and to report them to the federal government through a national registry, according to a statement from Minister Guilbeault's department;

The committee express its opposition to the current process initiated by the Minister of the Environment and abandon any plans to ban the use of wood-fired ovens and report this to the House, and the committee immediately call Minister Guilbeault, departmental officials from the departments of the environment and natural resources to appear before committee within two weeks of this motion being adopted.

The fact that we must address this matter is simply ridiculous. Canadians couldn't believe what they read when they opened the newspaper the other day. The headline in the Montreal Gazette read, "Federal agency sizing up air pollution from bagel shops and pizzerias"—

[*Translation*]

**Mrs. Sylvie Paquerot:** Mr. Chair, I would ask that your guests be shown respect. I don't think that is the subject of this meeting.

Pardon me, but I feel as if I'm wasting my time.

**The Chair:** I understand, but unfortunately only Committee members may intervene on that subject.

I don't know who...

[*English*]

**Ms. Laurel Collins:** I have a point of order.

[*Translation*]

**The Chair:** I believe Ms. Collins raised a point of order because you're using a newspaper as a prop, Mr. Mazier. That's not really something you're allowed to do at committee. I think it's the same rule as in the House of Commons. You can't use a document as a prop.

[*English*]

**Mr. Dan Mazier:** I can't use the actual quote from the newspaper in committee?

**The Chair:** No props. No props, that's correct.

**Mr. Dan Mazier:** I've had props before.

**The Chair:** I don't know where.

Anyway, is that your point of order, Ms. Collins?

**Ms. Laurel Collins:** My point of order was that I was hoping the Conservative member would put down the prop, and also, I was curious about whether he was feeling a bit ashamed about these kinds of tactics.

**The Chair:** It is a prop. It's clearly been produced for the purpose of showing it off.

**Mr. Dan Mazier:** That's okay. I'll start over.

I guess it is ridiculous that we have to actually mention this. I will clarify what's going on here, because everybody's saying this is not actually factual.

The headline in the Montreal Gazette reads, "Federal agency sizing up air pollution from bagel shops and pizzerias". Another quote is, "a federally-run agency is considering forcing wood-burning businesses to report emissions."

We have a cost of living crisis. People can't afford homes. There is a wave of crime on the streets and this Liberal government is focused on bagel shops and wood-fired ovens. Regulate, tax and plan. That's the approach of this Liberal government. These aren't just my words.

Here's a statement from the environment minister's own department. The national pollutant release inventory program "has recently undertaken compliance promotion activities targeting some wood-fired ovens such as pizzerias and bagel shops across Canada." This came—

**Ms. Leah Taylor Roy:** Why are we focusing on this?

**The Chair:** Order. Mr. Mazier has the floor. He can speak as long as he wants.

Go ahead, Mr. Mazier.

**Mr. Dan Mazier:** This came right from ECCC. Imagine you're a small pizzeria and bagel shop owner. They're probably thinking that they're thankful that they got through COVID and things are improving. Then they get an email from the Liberal government wanting to know how many emissions are coming out of their wood-fired oven.

We just learned that the Liberal government doesn't measure annual emissions reduced from their carbon tax, but the Liberals expect pizzerias to know how many emissions come from their ovens. It's absolutely ridiculous. Small businesses can't afford this government's high-priced consultant.

This is such an embarrassing issue for the government that I expect they will try to shut down debate on this motion. They love shutting down debate on issues they don't want to talk about.

If the government is truly opposed to a wood-fired oven ban, then they would have no problem supporting this motion.

Thank you, Mr. Chair.

• (1800)

**Mr. Adam van Koeverden:** Thank you, Mr. Chair.

I'm not surprised. I'm just disappointed, actually, that the Conservatives are amplifying conspiracy theories once again. The only member of Parliament or official from any level of government associated with this committee or any other one who has visited a bagel shop to take photos and to do that is Mr. Mazier. He did that for his social media channels to promote this as his—

**Mr. Dan Mazier:** Would you have a bagel?

**Mr. Adam van Koeverden:** I have bagels all the time. I love bagels. St-Viateur and Kettleman's are both great bagel shops.

However, those members are interrupting this committee to spread misinformation, and they are wasting our witnesses' time, as they do all of the time. Conservatives are the only ones calling this out, because it's a conspiracy theory that's cooked up and baked up by Pierre Poilievre.

There have been no ECCC in-person inspections of wood-fired pizza and bagel shops. There are lots of articles from clean air advocates talking about some of the more industrial-sized ones that are causing air quality issues in various communities. The NPRI does not set emission reduction targets. Its goal is to promote awareness and enhance the understanding of pollution in communities across Canada through annual reporting.

Either the member doesn't understand how Canada's national pollutant release inventory works, which would be problematic if you're going to do this much work on it and do social media on it, or he knows it's false, and he's going to promote it anyway for clicks and for attention. This is unfortunately something that we've come to expect from the Conservatives, particularly this one.

It's atrocious that the Conservatives continue to bring conspiracy theories to this committee and waste our witnesses' time.

For that reason, I'm happy to debate it when we have time for that, but right now we have witnesses here. I would move to adjourn debate on this silly motion.

**The Chair:** We'll go to Mr. van Koeverden.

[*Translation*]

**Ms. Monique Pauzé:** I have a point of order.

**The Chair:** We have to vote on the motion first.

**Ms. Monique Pauzé:** Very well.

**The Chair:** We will now move on to the vote.

(Motion agreed to: yeas 7; nays 4) [*See Minutes*]

[*English*]

**The Chair:** We'll go to Ms. Chatel.

You have six minutes, please.

[*Translation*]

**Mrs. Sophie Chatel:** Thank you very much, Mr. Chair.

I was very pleased to hear what the witnesses had to say today.

I, too, think there's a great vision emerging for agriculture in Canada. We live in a world where drought is going to happen everywhere on a global scale.

In fact, I was looking at the latest statistics and predictions for the southwestern United States. Droughts will continue to occur. Agriculture in Canada is going to be a pillar of the Canadian economy, and it will also be a pillar on the humanitarian front to feed the world. To do so, we need water, and we clearly need to protect it. Not only is water a resource, but, as we heard in the various testimonies, it's also a precious asset, and we really need to protect it.

In this context, as my colleague Mr. Kram was saying earlier, we set up the Canadian Water Agency to try to bring a vision to Canada.

Mr. Jaques, you're part of an agency with experience in management, particularly at different levels of government.

Based on your experience, can you share your recommendations to the Canadian Water Agency on how to work with provinces, Indigenous peoples and other organizations like yours?

[*English*]

**Mr. Shawn Jaques:** Maybe I'll start, and I'll have Mr. Cooper add to it.

When I think of the Canada water agency, we've had limited interactions. We had a couple of early meetings when they were looking at establishing it at the official level, and we and some of the neighbouring provinces spent some time talking about what the role would look like and making sure.... Like I said, in Saskatchewan we're doing all that regulatory type of work, and we don't want to see any duplication of services because it doesn't make sense.

In Saskatchewan we sit on a board with Manitoba and Alberta, the Prairie Provinces Water Board, which manages water that flows through each of our provinces. We work collaboratively. We also sit on some international boards where we work with our neighbours to the south on making sure apportionment agreements are met. I think that in Saskatchewan, with our agency, we already have a good working relationship with those we need to collaborate with.

We do a lot of work in our day-to-day operations in our province with first nations. There are some examples where we've transferred some water bodies to different first nations in their treaty land entitlement process. Where there were some economic opportunities they had, we worked with them on that on land that we own, so I think we're doing that right now.

I don't know if there's anything you want to add, David.

I go back to the comment I made—I think Mr. Kram asked the question—that if there's some opportunity to help with funding in different types of projects, I think that's a space in which the Canada water agency can play a role. If there's some support they can provide and maybe some research, that's also a place, but I think that duplicating work that provinces are doing wouldn't be helpful.

• (1805)

[Translation]

**Mrs. Sophie Chatel:** Thank you.

We welcomed Mr. Tyler McCann, from the Canadian Agri-Food Policy Institute. Mr. McCann, incidentally, lives in the riding I represent, Pontiac.

According to him, we need a national action plan for water in agri-food, and he presented us with one. As you said, we need more data on water use, as well as on maximizing and protecting water in agriculture. Mr. McCann was also referring to a lack of data.

Could the Canadian Water Agency take on this role?

[English]

**Mr. Shawn Jaques:** Yes, I suppose there could be. Again, I can't speak for other jurisdictions, but I know that in our own province we capture that data. We have a number of monitoring stations on the major rivers that flow in and out of our province, so we know how much water is coming in. We work with irrigators. We work with communities or industries that are using our water to monitor what they are using. There could be a role they can play, but we're already capturing some of that.

[Translation]

**Mrs. Sophie Chatel:** Do you have [inaudible]...

[English]

**Mr. Shawn Jaques:** I'm sorry. It didn't translate.

[Translation]

**Mrs. Sophie Chatel:** I beg your pardon.

Do you have that data on agriculture or the use of water in agriculture, more specifically?

[English]

**Mr. David Cooper:** At a local level it's difficult to capture that degree of detail. The data we capture is at a larger level than that. Without knowing the particulars of the concerns that were raised by your constituent, I'm not exactly sure how to answer that question, but I would say there's a lot of research that goes into agriculture and water jointly with the Ministry of Agriculture in the province and with our stakeholders at the university as well.

**The Chair:** Thank you.

Madam Pauzé, you have the floor.

[Translation]

**Ms. Monique Pauzé:** Thank you to all our witnesses for joining us.

Mrs. Paquerot, I hear tremendous passion in your words. Indeed, I had the opportunity to read the seventh chapter of the book you mentioned earlier. I invite all my colleagues to read it. It's very interesting. It's about the Canadian Water Agency and the blind spots that haven't been addressed. It's clear that water management is fraught with peril. Is water an industrial or economic resource, or is it part of the common heritage? Sadly, politicians often fail to address this issue. They neglect to legislate, or, if there are regulations, they choose not to apply them. This is what you are saying in particular in chapter 7.

On the subject of the Canadian Water Agency, you say that the very idea of a Canadian agency reproduces the problem associated with reconciling the two realities. That's what we're talking about. In your view, from a perspective of subsidiarity, the agencies or any other organization governing the 50 or so watersheds on Canadian soil should be consulted before such an initiative is launched.

As a matter of fact, we heard from a number of witnesses about the importance of watersheds. It was very interesting.

Could you tell us about the Canadian context? How could we set up a structure, like the Canadian Water Agency, that would truly improve the current situation? Above all, this structure would have to avoid encroaching on each level of government's jurisdiction—let's not forget that we're in Canada.

• (1810)

**Mrs. Sylvie Paquerot:** Thank you for the question.

I'll start at the end by responding to the issue of encroaching on jurisdictional areas. As I said at the outset, what we study in international law reflects what happens in federations. For example, when the same subject comes under the jurisdiction of several levels of government, tensions may arise over the management of resources or problems. There is no magic formula.

The basic idea, I think, is to return concretely to what the environmentalist slogan "Think globally, act locally" means, and to apply the principle of subsidiarity seriously. The reason for this is that, in all concerns about the environment and water in particular, as it circulates, local and global aspects are absolutely intertwined. If evidence of pollution has been found in the flesh of polar bears, it's because the pollution we generate circulates. It wasn't the Inuit in the far north who generated the chemicals at the source of this pollution. It's also found in Antarctica; it circulates everywhere. What we produce in one place has an impact on the global cycle. We have to accept that.

I'd like to come back to the earlier presentations, in which vision was mentioned again and again. You talked about symbolic gestures, but I'd rather invoke our imagination. How do we imagine water? That is a fundamental question today. If we consider it only as a resource, we won't take into account the disruptions to the hydrological cycle that our alterations can produce.

Let's talk about infrastructure. You'll recall that a few years ago, Cape Town almost became the first city in the world unable to supply its citizens with drinking water. When you look at South Africa's hydrological landscape, you'd be forgiven for thinking that this was done on purpose, because the most abundant rainfall in South Africa doesn't fall in the region where the crops are grown, or where the tourist industry is located. So the country built huge infrastructures to divert water where it was needed. However, at some point, those measures altered the hydrological cycle, and nothing works anymore.

The places where political and administrative decisions are made therefore have strictly nothing to do with water. You can decide which of your local, provincial or federal governments are the most important, but it matters little to the hydrological cycles, both small and large.

At COP21, the Paris conference, there was an enormous amount of activity to demonstrate how better control, better maintenance of the balance of the small hydrological cycle, which is more territorially localized, could help counteract some of the effects of climate change. It's vital that we accept that we're part of a cycle.

In Canada, the word "systemic" has often been used for many things in recent years, but from an environmental point of view, we don't seem to grasp the full extent of what that means. If we take subsidiarity seriously, it means that there have to be rules, as well as sanctions and controls at every level.

There also needs to be an assertive and dynamic political will—if our democratic system still holds, of course—to ensure that everyone, at every level, is subject to the great principle we've agreed upon. But in Canada, we haven't taken that step.

• (1815)

**The Chair:** Your time is up, Mrs. Paquerot.

**Ms. Monique Pauzé:** We could spend hours listening to you, Professor Paquerot.

**The Chair:** Ms. Collins now has the floor.

[English]

**Ms. Laurel Collins:** Thank you, Mr. Chair.

This is also for Ms. Paquerot.

Thank you so much for joining our committee.

Granting personhood to the St. Lawrence River is a project that one of my colleagues, Alexander Boulerice, the MP for Rosemont—La Petite-Patrie, has been fighting for alongside many advocates and indigenous nations, etc., in Quebec for many years.

Can you talk a little bit about how granting personhood to rivers might impact governments' responsibility to environmental protection and what you see as potentials in these movements?

[Translation]

**Mrs. Sylvie Paquerot:** There's no divergence in terms of goals, but, in my opinion, there's a divergence in terms of strategy. I'm not just a lawyer; I also have a background in political science, legal science and environmental science. As I see it, in terms of effectiveness, the challenge is to see where we can make things happen as realistically as possible, on the one hand. On the other hand, it's a question of determining whether these changes are effective.

I come from a human rights background. If there's one area where you can see that, in terms of human rights, the important thing is not the right but the obligation, it's this one. That's why I'm working much harder to strengthen the responsibilities and obligations of public authorities. I'd like to share Hannah Arendt's famous statement with you. She said that, when it comes down to it, we only have one right, and that is the right to a political community that is able to guarantee rights. The same would apply in the case of a river.

My first objection is strategic. I think we're more likely to achieve our goal by strengthening responsibility and imposing sanctions than by asserting rights. I draw on the last 50 years in saying this.

I'll now don my political science hat to talk about the second aspect. The obsession of political scientists is power and the granting of legal personhood to non-human entities. The law itself is human fiction. If we look at the past, we can see that granting legal personhood to companies has not been limited to positive effects. In Canada, between 1982 and 2000, the majority of lawsuits under the Canadian Charter of Rights and Freedoms were brought not by human beings, but by legal persons, i.e., corporations. We have therefore witnessed the misuse of this tool.

It's in our own interest to establish a balance. The main argument is that, insofar as we have granted these rights to legal entities, to companies, we need to establish a balance by also giving them to nature. That's a valid argument, but strategically, I still think that... Forgive me, but we only have to look at the current situation in Israel and Gaza. I think the only tools we have are obligations and responsibility, because the application of stated rights has always required political will. We can write all we want into law, but as long as we don't have the political will to apply it, we won't achieve the desired outcome.

Finally, when it comes to responsibility, we can just as easily draw on Indigenous concepts. Basically, Indigenous people use the language of rights because it's ours and it's what we understand, but, in their eyes, true responsibility is about being custodians.

[English]

**Ms. Laurel Collins:** Thank you so much.

Just a note for the committee that I will have to leave, and I'll be replaced by my amazing colleague, Mr. Garrison.

How much time do I have left, Mr. Chair?

**The Chair:** You have a minute and a half.

**Ms. Laurel Collins:** Okay, great.

In the last minute and a half, can you speak a little bit to corporate exploitation? You mentioned corporations getting personhood. In particular, there's the exploitation of water. We've seen it with Nestlé here in North America, but also around the world, and the damage that's doing to communities.

• (1820)

[*Translation*]

**The Chair:** Mrs. Paquerot, you have 60 seconds left, but you will have the opportunity to complete your answer later.

**Mrs. Sylvie Paquerot:** Generally speaking, it must be said that the ability of companies to exploit water depends on national laws. Indeed, it plays out differently in each country.

[*English*]

**The Chair:** We'll do a second round, but a truncated second round like the first time, so basically, two, two, one, one, two, two—just short snappers.

Go ahead, Mr. Kram.

**Mr. Michael Kram:** Thank you, Mr. Chair.

We'll go back to Mr. Jaques and Mr. Cooper from Saskatchewan's Water Security Agency.

In the previous round, you suggested that a useful role the Canada water agency could play would be with providing technical expertise. Could you elaborate a little bit on what technical expertise the Canada water agency could provide that Saskatchewan's Water Security Agency does not presently have?

**Mr. David Cooper:** Thank you for the question.

I wouldn't say that anything really jumps out at us in terms of an area where we feel that there would be support within that vein. We met earlier this week with MP Duguid, and he talked about the disjointed way in which water is managed at the federal level.

I think maybe that as a touchpoint for us would be beneficial, to not have to go to various departments. That does come to mind as one area where focus could benefit us.

**Mr. Michael Kram:** You also talked about sources of funding. Has the Lake Diefenbaker project applied for federal funds in any form?

**Mr. David Cooper:** Yes, we've had a number of interactions. The usual response is to engage with the CIB, which we have, but I think the concern, as was raised earlier today, is that it is in essence a loaning entity. We've been asked if we can try to find a grant partner. We have applied through the disaster mitigation and adaptation fund in its previous intake, and have another application for it in its current intake. That's where we've applied for money.

**Mr. Michael Kram:** How has that application to the disaster mitigation and adaptation fund been going? Has it been rubber-stamped? Is it still waiting for approval? Where is it at?

**Mr. David Cooper:** The current intake is that it's currently pending. At the closure of the previous intake, we did have a debrief,

which was very good. They talked about how the project really met the criteria they were looking for through that program, but due to the scale of the ask they were unable to fund it at that time. They did acknowledge that it checked many of the boxes they were looking for.

**The Chair:** Thank you.

Go ahead, Mr. Ali.

**Mr. Shafqat Ali (Brampton Centre, Lib.):** Thank you, Chair.

Thank you to the witnesses for being here.

Mr. Atcheson, can you please tell us more about your work and the types of challenges you see in your career as related to freshwater?

**Mr. Aaron Atcheson:** Thank you.

I'm a projects lawyer, so I generally work on completing infrastructure projects from inception through to financing and construction. In terms of challenges in the water area, similar to many others—I do a lot of work in the renewable energy space as well—we regularly have clients or prospective clients or partners of our clients who decide not to move forward in investing in Canada, unfortunately, and participating in projects in Canada because of what they've heard about our inability to move forward on projects and to not get mired in approvals processes.

We've been successful in moving a variety of different projects forward, but I would say that the vast majority of my clients who have been successful are Canadian. I'm proud to work with a wide range of Canadian enterprises, including those owned and operated by first nations groups and others. But definitely projects are called off or slowed down or do not happen simply because of the spectre of the difficulty there is to get projects of various kinds done in our country.

That was one of the things I was thinking about when we penned our paper in this area, that the legal personhood point and not the—

**The Chair:** Thank you.

**Mr. Aaron Atcheson:** Thank you.

[*Translation*]

**The Chair:** Thank you, Mr. Atcheson.

Ms. Pauzé, you have about one minute.

**Ms. Monique Pauzé:** Mrs. Paquerot, I'd like to talk about the Canada Water Agency.

When I read your chapter, I saw that you had very similar concerns to those expressed earlier by Mr. Behn, meaning that the basic concepts that would allow the agency to make decisions just aren't there. There's no democracy in that regard.

What would be the consequences of doing away with that whole process?

• (1825)

**Mrs. Sylvie Paquerot:** In my opinion, the main consequence is that already existing divisions on resource management will be re-produced, without considering the impacts on ecosystems. They will be amplified, to some extent, because water-related conflicts will increase. I can no longer remember which stakeholder really pressed that point, but there's no doubt that they will increase.

Simultaneously, if we don't give ourselves the tools with which to set criteria to resolve those conflicts, at some point, those conflicts won't be resolved very democratically.

Our society is heading toward some environmental problems because we've exceeded the capacity of our ecosystems. There will be consequences, because we aren't giving ourselves the tools to deal with both the resulting advantages and disadvantages. We must admit that some regions on the planet will benefit.

**The Chair:** Thank you.

Mr. Garrison, you have about one minute to ask a question.

**Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP):** Thank you.

[English]

I would like to continue with Ms. Paquerot.

One thing I'm most concerned about is the shared governance as a part of reconciliation with indigenous people. I'm always interested in examples where shared governance helps solve some of these problems.

When it comes to fresh water, what are your experiences of shared governance with indigenous peoples over fresh water?

[Translation]

**Mrs. Sylvie Paquerot:** With regard to Indigenous peoples, as Mr. Behn said earlier, the situations that led to healing, reconciliation or a capacity to manage conflicts peacefully are ones where there was a political discussion to ensure a shared outcome. Yes, that discussion will be difficult, because there are different visions of how water should be managed in Canada, but once completed, there is a higher chance of success. This is true globally.

Integrated water resource management was the magic formula. However, ultimately, we know that the only successful attempts at integrated water management happened because there was a prior political phase in which objectives were defined.

**The Chair:** Thank you.

**Mrs. Sylvie Paquerot:** That's the base criterion, in my opinion.

[English]

**The Chair:** Thank you.

Mr. Kram, we'll go to you.

**Mr. Michael Kram:** Thank you, Mr. Chair.

I would like to finish with Mr. Atcheson, if I may.

Mr. Atcheson, in your opening statement you suggested that giving legal personhood to lakes and rivers is maybe not a very good idea.

I was wondering if you could elaborate on how the government can ensure the environmental protection of lakes and rivers and ensure an efficient and effective project approval process without granting legal personhood to lakes and rivers.

**Mr. Aaron Atcheson:** Thank you.

I'm not certain that it has to be the case that this is a problem. I think it matters much more who the individuals are and the bounds within which we consider these things.

If we were looking to better our processes and avoid an additional venue through the legal personhood concept, I would expect that simply viewing the river from the perspective that first nations have asked us to within our existing approval process could provide some considerable benefits and much less complexity.

**Mr. Michael Kram:** Can you speak to the levels of complexity that granting legal personhood to lakes and rivers could add to the process?

**Mr. Aaron Atcheson:** I think the concern would be that we would effectively be duplicating our environmental assessment process, but at another venue. At least that could run with a similar time span.

The worst-case scenario would be that we provide legal standing and eventually have a judicial review of each approval once it's granted at the end of a project approval process.

• (1830)

**The Chair:** Thank you.

We'll go to Mr. Longfield to bring us home, as they say.

**Mr. Lloyd Longfield:** Thank you.

I'm going to continue with Mr. Atcheson.

I would also let you know that Katherine Cavan, your co-author, was in preschool with my youngest daughter, so we go back over 30 years. You can do the math on that.

I'd be very interested in the paper that you've co-written, both from a personal standpoint—I'm sure my wife would love to read it as well; it would be a hit at our house—and for the purpose of our study, and whether there are international comparators.

If Canada has 20% of the global freshwater supply, how critical is it that we look at every avenue of protection that we can, including the legal avenues around personhood?

**Mr. Aaron Atcheson:** Like I said earlier, I think there are probably a dozen countries that have experience with this in some way.

The one where they've been to the courts the most often has been in Ecuador, I believe. Unfortunately, the situation in Ecuador has been, as we spoke about in our article, roughly that the first nation or the guardians of the river were objecting to a government approval process. It did not result in a change in approval, simply a delay. Where government was using this to establish the course forward, that's where this was kind of used to ratify things.

Unfortunately, in the case of Ecuador, I don't think they have provided a good example. We should be learning from some of these lessons.

**Mr. Lloyd Longfield:** It could provide clarity where clarity is needed.

**Mr. Aaron Atcheson:** It could.

**Mr. Lloyd Longfield:** Okay.

Well, I would love to see the paper, so please do share it with us through the clerk, and we'll spend some time on that.

Thank you very much for being here. Say hi to Katherine.

[*Translation*]

**The Chair:** Thank you, colleagues.

I thank the witnesses for coming. I must say that it was a very good, highly intellectual discussion. It was quite stimulating.

Thank you for sharing your time with us as witnesses, despite all the delays.

I wish each and every one of you a safe trip home and a wonderful evening.

• (1835)

We will meet again on Thursday at 3:30 p.m.

Meeting adjourned.

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