



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Institute of Sustainable Development, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2023]

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\* Issued as received, in the language of submission only.



# **The Lack of Safe Drinking Water for Canadian Indigenous Communities**

## **Introduction**

Access to water and sanitation is recognized by the United Nations as human rights – fundamental to everyone’s health, dignity, and prosperity. However, billions of people are still living without safely managed water and sanitation. All people are entitled to water and sanitation without discrimination. Marginalized groups – women, children, refugees, indigenous peoples, disabled people, and many others – are often overlooked by, and sometimes face active discrimination from, those planning and governing water and sanitation improvements and services, and other service users.

The human rights to safe drinking water and sanitation have been recognized in: General Assembly resolution 64/292. Human Rights Council resolution 15/9. General comment No. 15 of the Committee on Economic, Social and Cultural Rights; General Assembly resolution 70/169. Human Rights Council resolution 33/10. Article 25 of the United Nations Declaration on the Rights of Indigenous Peoples: Indigenous peoples have the right to own, occupy and use lands, resources, and waters in their territories, with legal recognition and due respect for their customs, traditions, and land tenure systems. Articles 7, 13, 15.1, and 32, the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) recognized: the rights of indigenous peoples to access natural resources, including water, and to decide their priorities concerning water and territories. The key elements of the rights to water and sanitation are availability; accessibility; affordability; quality and safety; and acceptability.

## **Access of Indigenous People to Water**

Billions of people worldwide still live without safely managed drinking water, safely managed sanitation, and basic hygiene services, especially in rural areas and least developed countries. Also, there are many indigenous people around the world whose access to water is restricted. To Indigenous people, water is more than a commodity or a necessity for physical survival. In some Indigenous worldviews, water is considered a gift from the Creator, the lifeblood of Mother Earth, and a spiritual resource that must be respected and kept clean. Indigenous peoples in Canada have repeatedly suffered the lack of safe drinking water as well as the ongoing pollution and contamination of freshwater ecosystems on ancestral lands.

One of the biggest barriers to indigenous peoples’ access to water and sanitation is that the country “denies the very existence of their indigenous peoples, turning a blind eye on international agreements. Indigenous communities across Canada simply cannot take the safety of their drinking water for granted. Many today do not have access to safe, clean drinking water in their homes or proper sanitation systems, while the rivers and streams on which they have long relied while out on the land are increasingly contaminated by industrial activity[1].

As a result, land and water grabbing are ongoing in the territories of indigenous peoples, through the construction of large hydroelectric dams, the growth of agribusiness, mining operations, deforestation, and tourism developments, which disregard the rights of indigenous peoples, as well as damage and contaminate their water sources.

Despite greater calls for social justice and the respect of inherent & treaty rights, Indigenous peoples in Canada continue to see their health and livelihood depleted by the lack of safe drinking water systems and the lack of strong enforcement of Canadian environmental laws. From the tar sands to the pollution of the Shubenacadie River in Nova Scotia, the increasing rates of rare health diseases and cancers among Indigenous communities have been positively correlated to industrial pollution of the land, the contamination of the water, and the lack of safe drinking water infrastructure[2].

Although Canada is recognized around the world for its natural wealth of fresh water, many Indigenous communities experience challenges in accessing safe drinking water. Reports suggest the water crisis in Indigenous communities is reflective of a host of unresolved matters that speak to issues of colonization, inequity, justice, and institutional trends within governing and funding bodies in Canada.

We the following framework to ensure the rights of indigenous peoples to safe drinking water and sanitation and recommend to the Human Rights Council and its member states specially Canada to:

Recognizing in national legislation the existence of indigenous peoples within their borders and their collective rights to lands, territories, and natural resources, including aquatic ecosystems, with legal communal ownership of the lands, resources, and water rights of indigenous peoples in their territories, by current international agreements and bilateral treaties: this legislation must respect the worldviews, knowledge and customary laws and practices of indigenous peoples;

Guaranteeing the human rights to safe drinking water and sanitation of indigenous peoples and establishing a minimum essential supply of safe drinking water for all, without discrimination, when extraordinary circumstances beyond their control, such as those resulting from extreme water-related events, endanger access to safe drinking water and sanitation;

Ensuring the effective participation of indigenous peoples in decision-making processes related to safe drinking water and sanitation at the local, national, and international levels, in particular in designing and implementing plans for the prevention, adaptation, and management of water-related risks.

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[1] <https://amnesty.ca/what-we-do/indigenous-peoples-canada/the-right-to-water/>

[2] <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4967713/>