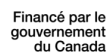




# SDG 6 ON ENSURING WATER AND SANITATION FOR ALL: CONTRIBUTIONS OF CANADIAN LAW, POLICY AND GOVERNANCE

A Toolkit of Legal & Institutional Practices





# SDG 6 on Ensuring Water and Sanitation for All: Contributions of Canadian Law, Policy and Governance

## A Toolkit of Legal & Institutional Practices

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## About the Toolkit

CISDL, in cooperation with the Dalhousie Schulich School of Law, Balsillie School of International Affairs/University of Waterloo, McGill University Faculty of Law/ Faculté de droit Université de Montréal, University of Victoria Peter A. Allard School of Law, and a consortium of institutional partners, held a hybrid online and multisite symposium on February 14, 2020, convening legal experts across Canada to discuss areas of opportunity to inform Canada's 2030 agenda. This toolkit is part of a series which builds upon legal research conducted in collaboration with UN Environment. The by-projects of this research which look at legal measures for achievement of the SDGs in Canada are intended to inform policy-making moving forward.

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# List of Abbreviations and Acronyms

CBD	<i>Convention on Biological Diversity</i>
CEDAW	<i>Convention on the Elimination of all Forms of Discrimination Against Women</i>
CERD	<i>Convention on the Elimination of All Forms of Racial Discrimination</i>
CRPD	<i>Convention on the Rights of Persons with Disabilities</i>
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
ILO	International Labor Organization
IUCN	International Union for Conservation of Nature
MDG	Millennium Development Goals
NWT	Northwest Territories
PEI	Prince Edward Island
SDG	Sustainable Development Goals
UDHR	<i>Universal Declaration on Human Rights</i>
UNCCD	<i>United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa</i>
UNCRC	<i>United Nations Convention on the Rights of the Child</i>
UNEP	United Nations Environment
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	<i>United Nations Framework Convention on Climate Change</i>
UNICEF	United Nations Children's Emergency Fund
UNCLOS	<i>United Nations Convention on the Law of the Sea</i>

# I. Introduction

## SDG 6: Ensure availability and sustainable management of water and sanitation for all

Water plays a central role in development as an essential, if not the essential, element of life. In many regions water scarcity is a critical challenge, leading to conflict and exacerbating critical factors related to poverty eradication and hunger. In Canada, a country with abundant access to water, the issue is in many ways not scarcity, but purity, and security of the water supply in critical areas. Ensuring access to safe and affordable drinking water in Canada brings to light the complexities of fulfilling such a mandate given Canada's geographic scope, and the challenges experienced by rural Canadians and Indigenous people.

This Toolkit focuses on Sustainable Development Goal 6 on Water and Sanitation (SDG 6 Water), which commits to “ensure availability and sustainable management of water and sanitation for all”, highlighting the need to ensure access to water and sanitation for all, and to care for the water resources necessary for sustainable development. Access to safe water and sanitation underpins human health, agricultural production, conservation of biodiversity, and human settlements. Ensuring universal access requires protection of water-related ecosystems, as well as restoring critical supporting mechanisms such as forests and upstream riparian water systems. Inclusion of SDG 6 on water shines a critical light on access to water for all Canadians with law playing a key role in advancing its implementation.

### Structure of the Toolkit

The Toolkit provides a cursory survey of principal national and international law, policy and governance measures that have the potential to contribute to realizing SDG 6. It considers options for legal and policy preparedness, notes the potential for mainstreaming and more integrated implementation at the international and national levels, and offers some recommendations to deal with these issues.




The Toolkit is separated into four sections and additional reference materials:

- **Introduction** offers brief background to the issues, the structure of the toolkit, and an overview of the intended audience.
- **Legal Innovations & Practices from Across Canada to Achieve SDG 6** provides an initial survey of federal, provincial, and territorial approaches which support achievement of specific targets under the SDG.
- **International Legal Dimensions of SDG 6** highlights legal obligations under international instruments related to education.
- **Legal Preparedness for Achieving SDG 6 with Canadians** summarizes findings and provides mechanisms for enhancing efforts across all levels of government.

- **Recommended Resources** provides a brief list of resources that could supplement information provided.
- **Annex I: Domestic Legal Instruments: Overview Table** provides a single reference table that includes all of the domestic laws identified and separated by SDG target.
- **Annex II: About the Project** summarizes the project, key partners, and goals.

The analysis suggests that the SDG 6 targets are supported by international governance systems and legal measures, as well as Canadian domestic instruments and institutions which provide pre-existing pathways to support national implementation. While law and governance mechanisms which support achievement of the SDG 6 have been identified, there remain significant areas of opportunity to promote greater policy cohesion, refinement, scaling up of ambition, and engagement with civil society actors. This project, in collaboration with Economic and Social Development Canada (ESDC), as well as law schools and research networks across the country, identifies current pathways that provide for the achievement of SDG 6 in Canada.

## Reference Guide

	<b>Key Aspects</b>	Summarizes principal takeaways from the legislation. Emphasizes the elements exemplified by the approach.
	<b>SDG Targets</b>	Identifies the SDG targets which the legislative approach may be used to implement.
	<b>Jurisdiction</b>	Indicates the jurisdiction of the legislation.

The above icons are used throughout the report to highlight aspects and legislative approaches that align with the specific needs of users of this toolkit.

## Target Audience

Sustainable development as a crosscutting policy goal requires engagement of law and governance authorities at all levels. This Toolkit has a target audience of law and governance professionals at the federal, provincial, and territorial levels, as well as Aboriginal communities, and local and municipal authorities who seek to engage in and influence debate. In addition, the Toolkit acts as a valuable resource for non-governmental organizations (NGOs) and other members of civil society who are seeking to understand and identify options to inform decision makers within their constituencies. Lastly, the Toolkit aims to support legal professionals, members of the judiciary, law professors, and students seeking to gain insights into the role played by law and governance institutions in supporting the achievement of SDG 6.

## SDG 6: Facilitating access to safe water and sanitation.

### SDG 6 on Water and Sanitation – Ensure availability and sustainable management of water and sanitation for all

6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all

6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations

6.3 By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally

6.4 By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity and substantially reduce the number of people suffering from water scarcity

6.5 By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate

6.6 By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes

6.a By 2030, expand international cooperation and capacity-building support to developing countries in water- and sanitation-related activities and programmes, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies

6.b Support and strengthen the participation of local communities in improving water and sanitation management



## II. Legal Innovations & Practices from Across Canada to Achieve SDG 6

Nearly 40 percent of the global population struggles with water scarcity, and while 2.1 billion people have gained improved access to water and sanitation since 1990, diminishing global supplies of clean water present a challenge impacting every continent.<sup>1</sup> For Canada, a country with the third largest freshwater supply worldwide, and the second largest per capita amount among developed countries,<sup>2</sup> access to freshwater resources is often taken for granted. However, while access to clean water is commonplace in nearly all Canadian households, this remains a significant area of need for many First Nations communities. In 2016, Human Rights Watch published a report highlighting the extent of drinking water advisories in Canada, with 134 identified, 90 of them in the Province of Ontario, and 85 of them on First Nations reserves.<sup>3</sup>

For Canada, SDG 6 remains an active area of engagement and sensitivity. Access to clean water and sanitation derives from the Constitution Act (1982) Section 36, which requires a commitment to provide “essential public services of reasonable quality to all Canadians.” Given the scope of the challenge, the mixed jurisdictional mandates which span across federal, provincial, territorial, municipal and local governments, and the complexity of infrastructural needs, an integrated approach which is grounded in Federal authority but administered in a mutually supportive way with the Provinces and Territories is essential to achievement of SDG 6. Importantly, achievement of SDG 6 and its targets plays a part in the ability to advance core aspects of other SDGs, including food security in SDG 2 (hunger), SDG 14, (oceans) and SDG 15 (biodiversity).

This section will explore approaches to achieve SDG 6 at the Federal, Provincial and Territorial level in Canada.

### Federal

#### *Canada Water Act*



#### Collaborative approach to governance of water resources

The Act aims to ensure optimum uses of water resources through enhanced collaboration between governments. The Act allows for intergovernmental committees, federal-provincial arrangements, collaborative programs and water quality management agencies to ensure collaborative management.<sup>4</sup> It also includes a general prohibition on dumping waste into water unless permitted.<sup>5</sup> It provides for inspection and analysis powers of officers mandated to ensure appropriate waste management practices and water quality.<sup>6</sup>

<sup>1</sup> UNDP, SDG 6: Clean Water and Sanitation, online: <[www.undp.org/content/undp/en/home/sustainable-development-goals/goal-6-clean-water-and-sanitation.html](http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-6-clean-water-and-sanitation.html)>.

<sup>2</sup> Statistics Canada, Human Activity and the Environment: Freshwater in Canada, (2017), online: <[www150.statcan.gc.ca/n1/en/pub/16-201-x/16-201-x2017000-eng.pdf?st=rh7r-AY3](http://www150.statcan.gc.ca/n1/en/pub/16-201-x/16-201-x2017000-eng.pdf?st=rh7r-AY3)>.

<sup>3</sup> Human Rights Watch, “Make it Safe: Canada’s Obligation to End the First Nations Water Crisis” (2016), online: <[www.hrw.org/sites/default/files/report\\_pdf/canada0616web.pdf](http://www.hrw.org/sites/default/files/report_pdf/canada0616web.pdf)>.


<sup>4</sup> Canada Water Act, RSC 1985, c C-11, s. 4-5, 11, 15. [Clean Water Act]

<sup>5</sup> *Ibid*, Clean Water Act, s. 9.

<sup>6</sup> *Ibid*, Clean Water Act, s. 25.

The Water Act has led to dozens of cost-sharing agreements.<sup>7</sup> The strength of the Act is based on its broad enabling framework suited for a shared resource such as water, which has helped to build the planning capacity of the different governments.<sup>8</sup> Those capacities and institutions are essential to ensure water quality throughout Canada.

Establishment of shared jurisdictional approaches and institutions and an inter-jurisdictional agency with authority over waters ensures collective alignment of governance policies, practices, and priorities in line with SDG target 6.1 and advances water-use efficiency in accordance with SDG target 6.4.

 SDG 6.1, SDG 6.3, SDG 6.4.

 Federal

### ***Safe Drinking Water for First Nations Act*** **Dedicated framework to enhance safe drinking water for First Nations**

The Act establishes the power of the Governor in Council to make regulations governing the provision of drinking water and the disposal of wastewater on First Nation lands. Those regulations can set out a certification framework encompassing protection of sources from contaminants, distribution of water, and management of wastewater and its testing.<sup>9</sup> Regulations may also be established to, among other things, confer power to effectively regulate water and wastewater systems, perform investigations, and set a price for access to services.<sup>10</sup> Considering the recurrent water advisories on reserves and the general lack of infrastructure, those regulations could offer potential for equal access to drinking water and sanitation for all Canadians.

Application of a certification scheme in conjunction with delegation powers to localize administration provides a basis for advancements in line with SDG 6.1, 6.2, 6.3, and 6.4. Greater support for capacity building to enhance the governance and administrative framework would assist in operationalizing this Act.

 SDG 6.1, SDG 6.2, SDG 6.3, SDG 6.4.

 Federal

### ***Federal Sustainable Development Act (FSDA)*** **Framework approach for fostering sustainable development**

The Government of Canada formalized its commitment to sustainable development under the FSDA passed in June 2008. Under the Act, the Government of Canada is required to develop a Federal

<sup>7</sup> Larry Booth & Frank Quinn, "Twenty-Five Years Of The Canada Water Act," (1995) 20:2 Canadian Water Resources J 69.


<sup>8</sup> *Ibid.*

<sup>9</sup> Safe Drinking Water for First Nations Act, SC 2013, c 21, s. 4. [Safe Drinking Water for First Nations Act]

<sup>10</sup> *Ibid.*, Safe Drinking Water for First Nations Act, s. 5.

Sustainable Development Strategy (FSDS). The FSDS is a whole-of-government approach to environmental sustainability which improves transparency and accountability. The current FSDS focuses on environmental sustainability under four themes: (1) Addressing Climate Change and Air Quality, (2) Maintaining Water Quality and Availability, (3) Protecting Nature, and (4) Shrinking the Environmental Footprint. Under the Act, a Sustainable Development Advisory Council is established with one representative from each Province and Territory, as well as three representatives from each constituency, including Aboriginal organizations, environmental NGOs, business organizations, and labour organizations.<sup>11</sup>


In June 2016, the House of Commons Standing Committee on Environment and Sustainable Development (ENVI) introduced a report with 13 recommendations to amend the Act. In support of the Committee's report, the Government introduced Bill C-57, an Act to Amend the Federal Sustainable Development Act, in June 2017. The amendments received royal assent in February 2019. The amendments are expected to result in stronger FSDSs, and will build on past FSDS progress related to goals such as: effective action on climate change; low-carbon government; clean energy; healthy coasts and oceans; sustainably managed lands and forests; connecting Canadians with nature; and safe and healthy communities.<sup>12</sup> Utilization of a framework approach to prioritize initiatives, and creation of a multi-stakeholder body to leverage expertise and enhance dialogue provides an institutional structure to advance the SDGs broadly and SDG 6 specifically.

 **SDG 6.1, SDG 6.2, SDG 6.4, SDG 6.5.**

 **Federal**

### *Wastewater Systems Effluent Regulations* **Restrictions and monitoring requirements for wastewater discharge**

The Wastewater Systems Effluent Regulations limit the effluent permissible from a wastewater system, with the aim of avoiding the discharge of acutely lethal effluent. Acutely lethal effluent is effluent that kills more than 50% of the rainbow trout subjected to it at 100% concentration over a 96-hour period. Owners of wastewater systems are authorized under the Regulations to deposit designated amounts provided they meet the prescribed standards.<sup>13</sup> In addition, the Regulations impose strict monitoring and reporting requirements.<sup>14</sup> Through the establishment of standards, strict restrictions on discharge and limits on allowable amounts, coupled with monitoring and reporting requirement, the Wastewater Systems Effluent Regulations supports achievement of SDG 6.1, 6.2, and 6.3.

 **SDG 6.1, SDG 6.2, SDG 6.3.**

 **Federal**


<sup>11</sup> Canada's Federal Sustainable Development Act, SC 2008, c. 33, s. 8.

<sup>12</sup> Government of Canada, "Achieving a Sustainable Future: A Federal Sustainable Development Strategy for Canada" (2020) Government of Canada, online: <[www.fsd-sfdd.ca/index.html#/en/goals/](http://www.fsd-sfdd.ca/index.html#/en/goals/)>.

<sup>13</sup> Wastewater Systems Effluent Regulations, SOR/2012-139, s. 5-7. [Wastewater Systems Effluent Regulations]

<sup>14</sup> *Ibid*, Wastewater Systems Effluent Regulations, s. 9, 17.

## ***Canadian Environmental Protection Act (CEPA)***

 Investigative powers for potential sources of pollution and limitations on hazardous substances

The CEPA defines water pollution as the condition of water which wholly or partially, directly or indirectly, endangers human health, interferes with the normal enjoyment of life or property, endangers animals, causes damage to plants or property, or has a deleterious effect on ecosystems.<sup>15</sup> The Minister is empowered to consult with appropriate authorities and direct action to prevent or control pollution where it may have a transboundary impact or breach a binding international obligation.<sup>16</sup> In addition, the Minister may also issue a notice to a foreign jurisdiction where pollution is originating.<sup>17</sup> Additionally, import, export or conveyance of hazardous waste requires a permit under the Act. The Minister is empowered to refuse permit issuance where there is evidence of potential mismanagement and may consult with local governments for the destination to prohibit import, transit or export of waste should it risk violation of an international obligation. The Minister may also require submission and implementation of a management plan before approving a permit.<sup>18</sup>

Integration of discretionary powers to investigate, collaborate, and respond to pollution sources, in conjunction with limitations placed on import, transit, export, and disposal of hazardous substances assists in maintaining access to clean water and reducing pollution or deleterious discharge in line with SDG 6.1, 6.2, 6.3, and 6.5.

 SDG 6.1, SDG 6.2, SDG 6.3, SDG 6.5.

 Federal

## ***Canada National Marine Conservation Areas Act***

 Establishment of marine conservation areas

The Marine Conservation Areas Act provides the Minister of Canadian Heritage with authority to establish national marine conservation areas with the objective of protecting and conserving a variety of aquatic environments for the benefit, education and enjoyment of the people of Canada and the world and to meet the needs of present and future generations.<sup>19</sup> The Act also creates a range of regulatory powers relating to the protection of living and non-living marine resources and to ensuring these resources are managed and used in a sustainable manner including management plans, progress reports, and establishment of area advisory committees.<sup>20</sup> Under the Act, penalties for a corporation convicted of its first offence are a fine of not less than C\$500,000 and not more than C\$6-million. The maximum penalty for a breach of most regulations under the Act is C\$500,000.

<sup>15</sup> Canadian Environmental Protection Act, SC 1999, c 33, s. 175. [CEPA]

<sup>16</sup> *Ibid*, CEPA, s. 176.

<sup>17</sup> *Ibid*, CEPA, s. 178.

<sup>18</sup> *Ibid*, CEPA, s. 185-186.

<sup>19</sup> Canada National Marine Conservation Areas Act, SC 2002, c 18, s. 4-6. [Canada National Marine Conservation Areas Act]

<sup>20</sup> *Ibid*, Canada National Marine Conservation Areas Act, s. 9-11.

Mechanisms for the establishment of marine conservation areas, and application of a governance framework advances SDG target 6.5 and 6.6.



SDG 6.5, SDG 6.6.



Federal

## Provincial and Territorial Laws

Canada maintains a rich legal framework of protections related to water. As a country deeply connected to water, geographically, socially, economically, and, for Indigenous peoples, culturally, it is important that the legal framework advances these priorities. Grounded in federal jurisdiction and operationalized collaboratively with Provincial and Territorial authorities, in conjunction with Aboriginal organizations, integrated water governance supports sustainable development in Canada. Through strategic alignment of social, environmental and economic influences, the Canadian marine environment continues to support the livelihoods of present and future generations. These initiatives and institutions operate against the backdrop of law and governance approaches at the Provincial and Territorial levels, where a number of innovative laws and practices exist.

*6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all*

***Act to affirm the collective nature of water resources and to promote better governance of water and associated environments***



Integrated governance of water-related resources with a view to maintain ecosystem health

The Act recognizes the national ownership of water and the importance of managing the resource and its environment in order to guarantee its accessibility and quality. It sets up the universal right to have access to water for safe drinking, hygiene and cooking.<sup>21</sup> The Act provides an action for damage to water resources that can be used by the Province to ensure reparation or restoration following degradation of the resource.<sup>22</sup> The minister needs to prepare general directions and specific plans for the conservation of wetlands and bodies of water and implement programs to ensure no net loss.<sup>23</sup> A water master plan must be established for the St. Lawrence within the


<sup>21</sup> Act to affirm the collective nature of water resources and to promote better governance of water and associated environments, CQLR c C-6.2, s. 2. [Act to affirm the collective nature of water resources and to promote better governance of water and associated environments]

<sup>22</sup> *Ibid*, Act to affirm the collective nature of water resources and to promote better governance of water and associated environments, s. 8.

<sup>23</sup> *Ibid*, Act to affirm the collective nature of water resources and to promote better governance of water and associated environments, s. 13.1, 15.8.

framework of a regional and local consultation process, and each regional county municipality must develop a regional wetland and bodies of water plan.<sup>24</sup>

Through recognition of a right to safe drinking water, inclusion of a mechanism for restoration of damaged or degraded water-sources, creation of plans for the conservation of wetlands, and integrated governance with a view to maintaining ecosystem health, the Act advances nearly the entirety of SDG 6, and specifically SDG 6.1, 6.2, 6.3, 6.5, 6.6, 6.b.

 SDG 6.1, SDG 6.2, SDG 6.3, SDG 6.5, SDG 6.b.

 Quebec

### ***The Water Security Agency Act***



#### **Institutional approach to water-resource management**

The Act creates the Water Security Agency to manage and protect water and watersheds within Saskatchewan and establishes the Province's mandate to protect ambient water supplies for both quality and quantity concerns for all surface and groundwater sources in the jurisdiction.<sup>25</sup> Under the Act, the Agency may control the flow of water in any body of water, issue water rights licences, promote and coordinate research related to the protection of water sources, enter into cooperative agreements for administration of water resources, and coordinate policies and programs related to planning, development and use of interprovincial and international waters.<sup>26</sup> The Act allows for the management and control of provincially owned water control structures such as dams and weirs.

Creation of an institution for the protection and management of water resources, with a clear mandate and governance powers, as provided for in the Act advances achievement of SDG 6.1, 6.3, 6.4, 6.5.

 SDG 6.1, SDG 6.3, SDG 6.4, SDG 6.5.

 Saskatchewan

### ***The Water Protection Act***



#### **Guidelines for water protection**

The Lieutenant Governor is empowered to establish guidelines and standards for water quality, including setting of acceptable nutrient levels and targets, and must provide a progress report every 4 years.<sup>27</sup> In addition, the Lieutenant Governor is granted the power to, among other things, designate flood hazard areas around reservoirs, with the aim to protect life, health, and property, as well as ecosystems and wild bird habitats.<sup>28</sup>

<sup>24</sup> *Ibid*, Act to affirm the collective nature of water resources and to promote better governance of water and associated environments, s. 15.

<sup>25</sup> The Water Security Agency Act, 2005, c W-8.1, s. 3, 5. [The Water Security Agency Act]

<sup>26</sup> *Ibid*, The Water Security Agency Act, s. 6.

<sup>27</sup> The Water Protection Act, C.C.S.M. c. W65, s. 4. [The Water Protection Act]

<sup>28</sup> *Ibid*, The Water Protection Act, s. 44.

Through integration of guidelines and discretionary powers to fulfill the mandate to protect water quality, inclusive of ecosystem preservation, the Act supports achievement of SDG 6.1, 6.5, and 6.6.



SDG 6.1, SDG 6.5, SDG 6.6.



Manitoba

## *Safe Drinking Water Act*



**Integrated water standards for both municipal and non-municipal sources**

The Act ensures that all municipal drinking water systems obtain approval from the Director of the Ministry of the Environment, Conservation and Parks in order to operate, and that operators are trained and certified up to provincial standards. The Act also provides a framework for testing with legally binding standards for contaminants in drinking water and the mandatory use of licensed and accredited laboratories for drinking water testing. The purpose of the Act recognizes an entitlement to safe water, and to protection of human health and the prevention of drinking water health hazards through the control and regulation of drinking water systems and drinking water testing.<sup>29</sup> Duties are established for owners and operators, with outlined quality management standards, a certified accreditation body, with the standards applicable to both municipal and non-municipal drinking water sources.<sup>30</sup>

Through the Act, development of clear standards, approval authorities, and certification procedures applicable to both municipal and non-municipal sources assists in avoiding standard fragmentation in support of SDG 6.1 and 6.5.



SDG 6.1, SDG 6.5.



Ontario

## *Water Supply Systems Regulations*



**Guidelines for the storage and delivery, drinking water in rural areas**

Water supply system standards, which apply to systems serving five or more homes, provide a bifurcated approach for highly rural areas whereby onerous infrastructure elements (i.e., testing, reserve storage, source location and transport) are not applicable unless the service system is connected to public buildings.<sup>31</sup> System requirements, source, and infrastructure must meet prescribed guidelines and be approved by the Department of Health, with reserve and transport by road options included for extenuating circumstances.

Consideration of differential approaches and backup options to ensure service of clean water for rural or remote areas through the Regulations provides a practical yet inclusive approach to achievement of SDG 6.1.

<sup>29</sup> Safe Drinking Water Act, SO 2002, c. 32, s. 1. [Safe Drinking Water Act]

<sup>30</sup> *Ibid*, Safe Drinking Water Act, s. 18-19, 21-26.

<sup>31</sup> Water Supply System Regulation, R 108/2009, s. 3-4.

 SDG 6.1.


 Northwest Territories

## ***Drinking Water Protection Act and*** **Comprehensive water system guidelines Regulations**

The Act provides for the setting of guidelines for drinking water protection and commissions an annual status report.<sup>32</sup> The operation of water supply systems requires a permit to denote compliance with the requirements and qualifications of the Act. Under monitoring guidelines, immediate notification is required for all breaches leading to threats to water quality.<sup>33</sup> Drinking water systems have set inspection guidelines, and all development must be considered in light of its impact on drinking water availability, with a plan to be approved by the Minister. All wells are required to be floodproofed to protect the quality of the water source.<sup>34</sup>

Through a ban on single use plastic, the Act and associated Regulations can ensure that land-based sources of pollution can be significantly reduced in line with SDG 6.1.

 SDG 6.1

 Ontario

*6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations*

## ***Sanitation Regulations***

 **Requirement to provide sufficient sanitation in buildings and homes**

The Newfoundland and Labrador Sanitation Regulations put in place a governance framework for disposal of human refuse, with requirements such as adequate sanitation facilities and infrastructure in any building or habitable dwelling.<sup>35</sup> Standards are established for safe disposal to ensure no emission of gases occurs, and no material is released into the natural environment or ocean.<sup>36</sup> Standards are set for sewage system construction and plumbing infrastructure along with guidelines for inspection and temporary systems.<sup>37</sup> Restrictions are also provided to ensure landowners maintain their properties to a standard which does not attract vectors of disease (i.e.,

<sup>32</sup> Drinking Water Protection Act, SBC 2001, c 9, s. 4, 4.1. [Drinking Water Protection Act]

<sup>33</sup> *Ibid*, Drinking Water Protection Act, s. 8-9, 11-13.

<sup>34</sup> *Ibid*, Drinking Water Protection Act, s. 16.

<sup>35</sup> Sanitation Regulations, CNLR 803/96, s. 4. [Sanitation Regulations]

<sup>36</sup> *Ibid*, Sanitation Regulations, s. 5.

<sup>37</sup> *Ibid*, Sanitation Regulations, s. 6-9.



rodents, mosquitoes, or other wildlife), dispose of waste on their property, or release fish discharge wastewater.<sup>38</sup>

Development of a framework for inclusion of sanitation services in all buildings and habitable homes, as well as restrictions on waste disposal, allows the Regulations to provide a baseline for delivery of SDG 6.2, and 6.6.



SDG 6.2, SDG 6.6.



Newfoundland and Labrador

### ***Sustainable Water and Sewage Systems Act*** Full cost accounting for municipalities to enable cost effective services

The Act outlines the framework for implementing full cost accounting to ensure long term sustainability of municipal water supplies. In particular, the Act requires municipalities to assess the costs of water and to develop plans to charge appropriate rates while generating sufficient revenue to finance capital and operating costs of sewer and water systems.<sup>39</sup> Importantly, the Act serves to ensure that the public is fully informed about the costs associated with water and sewage systems by requiring water service providers to be transparent in how they intend to pay for these services.

Under the Act, inclusion of full cost accounting ensures service expenditures are accounted for in a cost-effective manner in line with SDG 6.2.



SDG 6.2.



Alberta

### ***General Sanitation Regulations*** Requirements for provision of sanitation and water services in rural areas

Applicable to all persons and all buildings established after 1957, and those constructed pre-1957 if used for business, the Regulations govern the disposal of all refuse, excreta, or other waste.<sup>40</sup> The Regulations include a comprehensive ban on maintaining unsanitary conditions which could threaten human health in (i) building premises, (ii) roadways, water courses, toilets, pools, pits, sinks or drains, (iii) stables or buildings used for birds or animals, (iv) buildings used for trade, and (v) schoolhouses, theatres, factories, churches or public buildings.<sup>41</sup> A blanket restriction is also provided for any emissions of fumes which could injure public health.<sup>42</sup>

All municipalities are required to supply one or more wells or other sources for water and are responsible for ensuring the safety of supply, as well as being subject to inspection by a Health

<sup>38</sup> *Ibid*, Sanitation Regulations, s. 10-11.

<sup>39</sup> Sustainable Water and Sewage Systems Act, SO 2002, c. 29 - Bill 175, s. 3, 8-9. [Sustainable Water and Sewage Systems Act]

<sup>40</sup> General Sanitation Regulations, RRNWT 1990, c P-16, s. 1-2. [General Sanitation Regulations]

<sup>41</sup> *Ibid*, General Sanitation Regulations, s. 4(1), 5.

<sup>42</sup> *Ibid*, General Sanitation Regulations, s. 4(2).

Officer.<sup>43</sup> Water sources and homes must be a designated distance away from any source of pollution, with each municipality responsible for collection and/or operation of any system used for disposal of excreta so as to prevent the spread of disease.<sup>44</sup>

Guidelines for delivery of services related to water and sanitation with a clear mandate to preserve and protect human health under the Regulations provide important pathways for achievement of SDG 6.2, in particular in a rural setting.



**SDG 6.2.**



**Northwest Territories**

*6.3 By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally*

### ***Water and Wastewater Facilities and Public Drinking Water Supplies Regulations***



**Classification and certification scheme for water and wastewater facilities**

The Water and Wastewater Facilities and Public Drinking Water Supplies Regulations certifies and sets out standards for water treatment facilities, wastewater treatment facilities, water distribution facilities and wastewater collection facilities in Nova Scotia.<sup>45</sup> Criteria is set for classification of the type of facilities, operators, educational and professional requirements, criteria for examination, and reciprocal recognition of certifications. Each facility of a designated class must have personal and leadership with qualifications as designated in the Regulations to remain operational.<sup>46</sup>

By providing clear type/scale thresholds and provisions for the classification of installations, coupled with objective certification criteria for operators, the Regulations can ensure that water quality and wastewater treatment be more effectively managed in line with SDG 6.3.



**SDG 6.3.**



**Nova Scotia**

<sup>43</sup> *Ibid*, General Sanitation Regulations, s. 12 - 13.

<sup>44</sup> *Ibid*, General Sanitation Regulations, s. 17.

<sup>45</sup> Water and Wastewater Facilities and Public Drinking Water Supplies Regulations, NS Reg 186/2005, s. 6 - 7. [Water and Wastewater Facilities and Public Drinking Water Supplies Regulations]

<sup>46</sup> *Ibid*, Water and Wastewater Facilities and Public Drinking Water Supplies Regulations, s. 27 - 28.

## ***Groundwater Protection Regulations*** **Strict requirements for construction of wells for the protection of groundwater**

To ensure deleterious substances such as paint, lubricants, solvents, fuel, herbicides, or flood water do not contaminate the groundwater reservoir, strict requirements for the construction and maintenance of wells are provided in the Regulations.<sup>47</sup> Requirements are set for well installers, including qualifications, well construction details such as siting, casing, liners, surface seals, wellheads well caps and covers, well pumps, well operation and maintenance, and decommissioning.<sup>48</sup> Well owners are also required to provide reports on the supply of water provided.

Through application of harmonized standards for well construction and maintenance, the Regulations can assist in ensuring that pollutants which could enter the groundwater system are minimized, advancing SDG 6.3.



**SDG 6.3.**



**British Columbia**

## ***Nutrient Management Act***



**Framework for the handling and storage of nutrients to minimize water pollution**

The Act was designed to reduce the potential for water and environmental contamination from some agricultural practices. The Act establishes the framework for best practices regarding nutrient management, including: (i) specifying standards for the size, capacity and location of buildings or structures that are used to store materials containing nutrients or to house farm animals, (ii) specifying standards relating to construction in an agricultural operation, (iii) respecting the amount of materials containing nutrients that may be applied to lands, the quality of the materials and the type of land to which the materials or a type of the materials may be applied, (iv) respecting the time and manner in which materials containing nutrients may be applied to lands, (v) specifying standards for equipment used to transport and apply materials containing nutrients, and (vi) respecting technologies used for the management of materials containing nutrients, including prescribing conditions for the use of the technologies and respecting the manner and circumstances in which they may be used.<sup>49</sup>

The Nutrient Management Act also provides standards for nutrient storage and how nutrients are applied to farmland, in order to reduce the likelihood of ground or surface water contamination. As the purpose of this Act is to provide for the management of materials containing nutrients in ways that will enhance protection of the natural environment and provide a sustainable future for agricultural operations and rural development. It also provides nutrient identification requirements, outlines powers of inspectors, and enforcement measures to ensure compliance.

<sup>47</sup> Groundwater Protection Regulations, B.C. Reg. 152/2016, s 2. [Groundwater Protection Regulations]

<sup>48</sup> *Ibid*, Groundwater Protection Regulations, s. 7 - 17, 18 - 42, 57 - 74.

<sup>49</sup> Nutrient Management Act, SO 2002, s. 2.

By establishing guidelines for care, storage, handling and use of agricultural nutrients, Act provides an important framework to minimize agricultural runoff, or introduction of a deleterious substance into the water sources in accordance with SDG 6.3.



SDG 6.3.



Ontario

*6.4 By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity and substantially reduce the number of people suffering from water scarcity*

*6.5 By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate*

### ***Water Withdrawal and Protection Regulation*** **Framework for authorization of water withdrawal to maintain efficient use**

The Regulation aims to ensure the protection of drinking water and its withdrawal as authorized under s. 31.75 of the Environment Quality Act. It establishes the requirements for authorization for withdrawals of water aimed at conservation of supply.<sup>50</sup> Standards apply to all water withdrawal facilities, and include an application procedure, terms and guidelines, and criteria for renewal.<sup>51</sup> Chapter V of the Regulation applies to oil and gas sites near water supply which includes a stratigraphic survey, characterization study, guidelines for the acceptable use of fracturing, and requirements for monitoring of groundwater by certified personnel.<sup>52</sup> The Regulation also requires municipalities to conduct vulnerability analyses of their drinking water based on minimum standards.<sup>53</sup> These include ensuring a minimum distance separating oil and gas exploration and development from the source of drinking water. Financial and technical support to help municipalities complete their vulnerability analyses. The framework is used to ensure long terms safety of water sources and to regulate authorization for withdrawal to impose effective conservation and use measures. Through the Act, the development of a framework to ensure that activities do not impede the safety of water sources, and which regulate withdrawals to maintain conservation of supply supports water-use efficiency in line with SDG 6.1 and 6.4.



SDG 6.1, SDG 6.4.



Quebec

<sup>50</sup> Water Withdrawal and Protection Regulation, CQLR c Q-2, r 35.2, s. 5. [Water Withdrawal and Protection Regulation]

<sup>51</sup> *Ibid*, Water Withdrawal and Protection Regulation, s. 9 - 11.


<sup>52</sup> *Ibid*, Water Withdrawal and Protection Regulation, s. 33, 37, 40 - 46, 47 - 48.

<sup>53</sup> *Ibid*, Water Withdrawal and Protection Regulation, s. 50.

## ***Water Sustainability Act and Regulations*** **Water efficiency and protection measures including sustainability plans**

The Lieutenant Governor is empowered to pass regulations for the purposes of sustaining water quality, quantity and aquatic ecosystems, including maintaining environmental feature.<sup>54</sup> Rivers which are protected are listed in a Schedule of the Act with no new dams or construction allowed.<sup>55</sup> A prohibition is provided on the introduction of any matter into streams or wells including but not limited to refuse waste, pesticides, fertilizers, or other contaminates.<sup>56</sup> Strict restrictions are established for well construction, maintenance and operation. In particular, restrictions are placed on introduction unsustainable use or interference which would significantly impact the long-term viability or quality of the water source.<sup>57</sup> Local authorities are also required to establish water sustainability plans for submission to the Minister to ensure water source preservation is a key consideration in developmental planning.<sup>58</sup>

Through establishment of water protection and efficiency measures, including submission of a sustainability plan for approval by the Minister, the Act and Regulations the use and quality of water sources can be preserved in line with SDG 6.1, 6.4 and 6.5.


 **SDG 6.1, SDG 6.4, SDG 6.5.**

 **British Columbia**

## ***Drainage Districts Act*** **Management of drainage from water sources**

The Act provides for the management of water and improvement of agricultural lands by a Drainage Council and drainage districts. Designated drainage rates are established to ensure water used on parcels of land is done so in an efficient manner.<sup>59</sup>

Inclusion of set fees for drainage that are embedded in a localized institutional structure allows the Act to positively incentivize water-use efficiency for agricultural purposes in line with SDG 6.4 and integrated governance supporting SDG 6.5.

 **SDG 6.4, SDG 6.5.**

 **Alberta**

<sup>54</sup> Water Sustainability Act, SBC 2014, c 15, s. 43. [Water Sustainability Act]

<sup>55</sup> *Ibid*, Water Sustainability Act, s. 45.

<sup>56</sup> *Ibid*, Water Sustainability Act, s. 46, 59.

<sup>57</sup> *Ibid*, Water Sustainability Act, s. 58.

<sup>58</sup> *Ibid*, Water Sustainability Act, s. 65 - 75.

<sup>59</sup> Drainage Districts Act, D-16 RSA 2000, s. 55.


## ***Water Resources Act***

### **Integrated management of water resources**

The Ontario Water Resources Act focuses on both groundwater and surface water throughout the Province and aims to foster sustainable use of water resources.<sup>60</sup> The Water Resources Act regulates sewage disposal and “sewage works” and prohibits the discharge of polluting materials that may impact water quality. It also establishes the procedure for obtaining permits to take more than 50,000 liters of water per day from ground or surface water sources.<sup>61</sup> The Water Resources Act regulates well construction, operation and abandonment in addition to the approval, construction and operation of “water works.”

Integrated water management including works, pollution, and water quality, and including a permitting scheme for largescale water use, allow the Act to assist in achieving SDG 6.1, SDG 6.3, SDG 6.5.

 **SDG 6.1, SDG 6.2, SDG 6.3, SDG 6.5.**

 **Ontario**

## ***The Peatlands Stewardship Act***

### **Licence scheme for harvesting of peat requiring ecosystem restoration**

The purpose of the Act is to protect, restore, and regulate commercial development of peatlands to ensure that it is carried out in a sustainable manner, and to recognize the important role the ecosystem plays in preserving biodiversity, maintaining wetland health, ensuring access to water, and carbon sequestration.<sup>62</sup> A prohibition is provided for commercial development of peat or natural resource exploration or exploitation in provincially significant peatlands, provincial parks, or wildlife management areas.<sup>63</sup> A permit scheme is put in place for administrative review of harvesting of peat in designated areas, with the successful holder provided a licence based on submission of an exploration plan and a peatland recovery plan.<sup>64</sup> Approval is based on how the approach recognizes the important role of the peatlands in ecosystem functionality as factored into the designated plan, any effects on the exercise of aboriginal or treaty rights, and the suitability of the proposed plans to restore the conditions following harvesting.<sup>65</sup> Holders of a licence must ensure that the activities outlined in the approved plans are undertaken and must comply with the prescribed requirements to ensure recovery of the peatland.<sup>66</sup>

Use of a licencing scheme for harvesting of peat in confined circumstances, and grounded in a recognition of their important role to ecosystems and a comprehensive restoration plan, demonstrates an end-to-end approach to commercial activities under the Act with a view to the efficient use of water resources and restoration of the ecosystem in line with SDG 6.5 and 6.6.

<sup>60</sup> Water Resources Act, RSO 1990, c. O.40, s. 01. [Water Resources Act]

<sup>61</sup> *Ibid*, Water Resources Act, s. 34.


<sup>62</sup> The Peatlands Stewardship Act, C.C.S.M, c. P31, s. 3. [The Peatlands Stewardship Act]

<sup>63</sup> *Ibid*, The Peatlands Stewardship Act, s. 5-6.

<sup>64</sup> *Ibid*, The Peatlands Stewardship Act, s. 7, 17 - 18.

<sup>65</sup> *Ibid*, The Peatlands Stewardship Act, s. 19.

<sup>66</sup> *Ibid*, The Peatlands Stewardship Act, s. 35.

 SDG 6.5, SDG 6.6.

 Manitoba

**6.6** *By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes*

### ***Natural Heritage Conservation Act***



**A network of protected areas, consultative conservation planning**

In this Act, Quebec prioritizes preservation of the natural environment for future generations with the aim of no net loss through establishment of a network of protected areas which promote conservation of biodiversity, wetlands and water, including both terrestrial and marine ecosystems, to support flood/drought resilience and assist in mitigation of climate change.<sup>67</sup> A key target is the zero-net loss of wetlands and bodies of water. The Minister of Sustainable Development is empowered to facilitate the sharing of information needed to support conservation, including commissioning research to inform policymaking, and may entrust responsibilities to private conservation organizations or competent entities to administer.<sup>68</sup> Designated areas are to be managed through creation of conservation plans (including for wetlands), in consultation with local authorities and Aboriginal People, which identify the ecosystem functions of the area, with any interference requiring ministerial review and approval.<sup>69</sup> The Minister will also consider the impact on wildlife, their habitats, and especially threatened or vulnerable species.<sup>70</sup>

The Act also provides for a 5-year provisional protection of any aquatic, biodiversity, or ecological reserve or landscape, and prohibits mining or energy exploration activities, forest management, on any other activities listed in the conservation plan, including the option to extend this beyond the initial 4-year period.<sup>71</sup> Designated reserve areas may also receive permanent protection through a process of public consultation, nomination by the Minister, and approval by the province,<sup>72</sup> with a detailed set of restrictions in place for each aquatic, biodiversity, or ecological reserve or landscape.<sup>73</sup>

Under the Act, framework approaches which provide mechanisms for establishment, review, and sustainable governance of both marine and terrestrial ecosystems, support achievement of a range of targets under SDG 6 in a holistic manner, in particular providing access to clean water in line with SDG 6.1, and protection and restoration of water-related ecosystems in support of SDG 6.6.

<sup>67</sup> *Natural Heritage Conservation Act*, CQLR c C-61.0, s.1 - 2. [Natural Heritage Conservation Act]

<sup>68</sup> *Ibid*, Natural Heritage Conservation Act, s. 7 - 8, 12.


<sup>69</sup> *Ibid*, Natural Heritage Conservation Act, Art 13 - 15, 33.

<sup>70</sup> *Ibid*, Natural Heritage Conservation Act, s. 22 - 22.1.

<sup>71</sup> *Ibid*, Natural Heritage Conservation Act, s. 27 - 28, 34.

<sup>72</sup> *Ibid*, Natural Heritage Conservation Act, s. 38 - 39, 43 - 44.

<sup>73</sup> *Ibid*, Natural Heritage Conservation Act, s. 46 - 49.

 SDG 6.1, SDG 6.3, SDG, 6.6.

 Quebec

## ***Riparian Areas Protection Act and Regulations*** Framework for accreditation, certification, and oversight of education professionals

Under the Act, local governments are able to impose regulations on development of areas, set criteria, and require factual studies and assessments.<sup>74</sup> Technical manuals may also be created by the Minister to assist in uniform application.<sup>75</sup> The Regulations provide that local governments must have sufficient zoning in place which requires all riparian development activities to be based on a strict approval-based scheme.<sup>76</sup> Riparian areas are defined as 30-60 m strip of land adjacent to a watercourse, with the requirement to protect and enhance the riparian ecosystem.<sup>77</sup> Development is restricted when preliminary assessments determine that it will disrupt, alter or destroy the natural features and undermine ecosystem processes.<sup>78</sup>

Through the creation of guidelines restricting development to only those undertakings which can be accomplished without undermining riparian ecosystem functionality, the Act supports protection of water-related ecosystems in accordance with SDG 6.6.

 SDG 6.6.

 British Columbia

## ***Clean Environment Act*** Restoration of degraded land

Under the Act, modalities are provided to restore degraded land, particularly where the degradation has resulted from contamination. In addition to establishing the maximum allowable amount of a contaminant which can be released into the environment, the Minister may also order rehabilitation or restoration of land, with the cost of restoration (including providing of water and personnel costs) to be paid by all those who refused to comply with an order, or who through act or omission directly or indirectly caused the release to occur.<sup>79</sup> Through inclusion of measures which provide pathways for restoration of ecosystems that should address deleterious effect, the Act is an important step to achievement of SDG 6.6.

 SDG 6.6.

 New Brunswick

<sup>74</sup> *Ibid*, Riparian Areas Protection Act, s. 13.

<sup>75</sup> *Ibid*, Riparian Areas Protection Act, s. 13.1.

<sup>76</sup> *Ibid*, Riparian Areas Protection Act, s. 4 - 5.

<sup>77</sup> *Ibid*, Riparian Areas Protection Act, s. 8 - 9.

<sup>78</sup> *Ibid*, Riparian Areas Protection Act, s. 10.

<sup>79</sup> Clean Environment Act, RSNB 1973, c C-6, Art 4.2(1), 5(2).



### ***Islands Trust Natural Area Protection Tax Exemption Regulation*** **Positive incentivization of conservation on private land**

The Islands Trust Natural Area Protection Tax Exemption Regulation of British Columbia positively incentivizes conservation. By defining natural areas as relatively undisturbed habitat and including examples of applicable ecosystem types in the Schedule to this regulation, the framework established through the Regulation allows for the establishment of a “protection covenant” on eligible natural areas. These properties are subsequently granted exemptions from tax at the prescribed rate: extent of exemption = 65% x (assessed value of the land).<sup>80</sup>

Through the integration of tax rebate programs conservation and restoration of water-related ecosystems, the Regulations can advance SDG 6.6.



**SDG 6.6.**



**British Columbia**

### ***An Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water*** **Restoration of degraded ecosystems in support of no net loss of wetlands**

The Act empowers the Minister of Sustainable Development, Environment and Parks to require compensation measures designed to restore, protect or enhance wetlands and bodies of water as part of the environmental authorization regime under the Environment Quality Act. It applies to applicants whose project affects wetlands or bodies of water.<sup>81</sup> The measure is part of the general regime of no net loss of wetlands and is based on the polluter pays principle.

Through inclusion of a requirement to restore wetlands and/or bodies of water to support a no net loss goal, the Act provides an important pathway to further SDG 6.6.



**SDG 6.6.**



**Quebec**

<sup>80</sup> Islands Trust Act [RSBC 1996] Chapter 239, Sec 49.1-2; Islands Trust Natural Area Protection Tax Exemption Regulation, BC Reg 41/2002, Sec 2 - 3.

<sup>81</sup> An Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water, SQ 2012, c 14, s. 2 - 3.

**6.a** *By 2030, expand international cooperation and capacity-building support to developing countries in water- and sanitation-related activities and programmes, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies*

**6.b** *Support and strengthen the participation of local communities in improving water and sanitation management*

### ***The Sustainable Watersheds Act***



**Institutional structure for conservation and restoration of wetlands and watersheds**

With the objective of conservation and restoration of wetlands and watersheds, the Act creates an institutional framework which allows for the organization to establish a fund, receive revenues through grants, donations, transfers from the Government or profits from the sale of property, to facilitate conservation and restoration activities.<sup>82</sup> Authorities may work to coordinate transboundary river basin management initiatives, including sharing of data, corporation design and development of flood and drought infrastructure, and jointly developed strategies.<sup>83</sup>

Through the development of an institutional structure, with the ability to source funds for support of conservation and restoration activities, the Act supports SDG 6.6 in a way which operationalizes its core elements, as well as supporting transboundary collaboration in line with SDG 6.a.



**SDG 6.6, SDG 6.a.**



**Manitoba**

## **III. International Legal Dimensions of SDG 6**

While much of the implementation on access to water and sanitation occurs at the national and often the subnational level, international law plays an essential role in the achievement of SDG 6. International human rights frameworks including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the UN Convention on the Rights of the Child (CRC) provide the basis for a right to water and adequate sanitation. Legal tools facilitating protection, wise use, and restoration of water-related ecosystems are derived from conservation-based instruments such as the Ramsar Convention on Wetlands of International Importance (Ramsar) and the Convention on Biological Diversity (CBD), which enable states to put in place protective frameworks for critical

<sup>82</sup> The Sustainable Watersheds Act, SM 2018, s. 3, 6, 19. [The Sustainable Watersheds Act]

<sup>83</sup> *Ibid*, The Sustainable Watersheds Act, s. 13.

ecosystems. International water treaties such as the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention) and the UN Convention on the Law of the Non-navigational Uses of International Watercourses (New York Convention) provide a framework for protection of transboundary and international watercourses. While Canada is not a Party to the Helsinki or New York Conventions, choosing to address transboundary water bilaterally in such instruments as the International Boundary Waters Treaty, they jointly are illustrative of principles and approaches which have gained wide recognition through adoption, and which are illustrative of international customary approaches.

For the purpose of this Toolkit, focus is placed on how international agreements and frameworks provide a primary trigger to further strengthen governance, law and policy in support of SDG 6.

**Table 1: Relevant International Agreements**

International Covenant on Economic, Social and Cultural Rights (ICESCR)
UN Convention on the Rights of the Child (CRC)
Ramsar Convention on Wetlands of International Importance (Ramsar)
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention)
UN Convention on the Law of the Non-navigational Uses of International Watercourses (New York Convention)
Convention on Biological Diversity (CBD)
International Boundary Waters Treaty

### *International Covenant on Economic, Social and Cultural Rights (ICESCR)*



Framework agreement on economic, social and cultural rights

SDG 6 is supported by commitments in the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>84</sup> SDG 6.1, which aims for universal and equitable access to water, derives from the right to an adequate standard of living, as per Article 11 of the ICESCR, which supports the right to an adequate standard of living including food, clothing and housing. The Committee on Economic, Social and Cultural Rights (CESCR), the independent body of experts elected by States to interpret the ICESCR, has clarified that the right to water is essential for securing an adequate standard of living.<sup>85</sup> Indeed, providing evidence of customary law, in the UN General Assembly and the Human Rights Council, States affirm by consensus that “the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity.”<sup>86</sup>

<sup>84</sup> International Covenant of Economic, Social and Cultural Rights, 16 December 1966, UNTS vol 993, p.3.

<sup>85</sup> United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The right to water* (2002), U.N. Doc. E/C.12/2002/11 (2003), para. 3 (“General Comment No. 15”).

<sup>86</sup> For example, UN Human Rights Council Resolution 15/9 (2010), para. 3, UN General Assembly Resolution 68/157 (2013), para. 2; UN General Assembly Resolution 70/169 (2015). Note that the General Assembly and Security Council referred to the right to safe drinking water and sanitation as a single right until the adoption of UN General Assembly resolution 70/169 in 2015, which recognizes them as two rights – a right to safe drinking water and a right to sanitation.

## Relevance for Canada

Canada has long pursued human rights law implementation, acceding to the ICESCR in 1976. Canada provided its Sixth Periodic Report to the UN Committee on Economic, Social and Cultural Rights in 2012, receiving a list of issues to be addressed in 2015, and convening a subsequent meeting with the Committee in which Federal and Provincial leadership answered questions relating to domestic implementation.<sup>87</sup> While domestic progress was noted, further efforts are needed to support rural and Indigenous communities.



SDG 6.1, SDG 6.2.



International Agreement. Canada is a Party.

## ***Convention on the Rights of the Child (CRC)*** Provides a foundation for promotion of children's rights, including in the water context

Supporting SDG 6.2, the right to safe drinking water and sanitation is a derivative right to an adequate standard of living, a pre-requisite to the realization of rights to adequate housing and health. These are necessary to the right of every child to a standard of living adequate for child development, including access to sanitation, as guaranteed by the UN Convention on the Rights of the Child (CRC). Additionally, the UN Independent Expert on human rights obligations related to access to safe drinking water and sanitation has endorsed and expanded upon the criteria articulated by UNCESCR.<sup>88</sup> These international human rights standards require States to take active steps to ensure that everyone can enjoy the right to water universally (supporting SDG 6.1) and sanitation (achieving SDG 6.2). State parties must adopt the necessary measures directed towards the full realization of the right to water and sanitation, including by taking positive measures to assist individuals and communities to enjoy the right,<sup>89</sup> as expeditiously and effectively as possible.

## Relevance for Canada

Canada is a Party to the CRC as well as the Optional Protocols (relating to armed conflict and child trafficking and prostitution, respectively), having provided the Fourth Report to the UNCRC oversight committee in 2007,<sup>90</sup> and its first under the Optional Protocol on child trafficking in 2009.<sup>91</sup>


<sup>87</sup> Canada, Sixth Periodic Report on the implementation of the provisions of the International Covenant on Civil and Political Rights, (2012) CCPR/C/CAN/6; UNHR, "Human Rights Committee discusses the report of Canada" (8 July 2015), online: <[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16215&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16215&LangID=E)>; Economic and Social Council, Concluding observations on the sixth periodic report of Canada, (23 March 2016) E/C.12/CAN/CO/6.

<sup>88</sup> *Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation*, (1 July 2009) U.N. Doc. A/HRC/12/24, para 72-73, 75: "There must be a sufficient number of sanitation facilities (with associated services) within, or in the immediate vicinity, of each household, health or educational institution, public institutions and places, and the workplace... Physical accessibility must be reliable, including access at all times of day and night. The location of sanitation facilities must ensure minimal risks to the physical security of users... Moreover, sanitation facilities should be constructed in a way that minimizes the risk of attack from animals or people, particularly for women and children."

<sup>89</sup> UN CESCR, General Comment No. 15, para 25.

<sup>90</sup> Canada, Canada's Third and Fourth Reports on the Convention on the Rights of the Child, (Covering the period January 1998 – December 2007), (2007), available at: <[www.canada.ca/content/dam/pch/documents/services/canada-United-nations-system/reports-United-nations-treaties/conv\\_relative\\_enfant-conv\\_rights\\_child-eng.pdf](http://www.canada.ca/content/dam/pch/documents/services/canada-United-nations-system/reports-United-nations-treaties/conv_relative_enfant-conv_rights_child-eng.pdf)>.

<sup>91</sup> Canada, First Report of Canada on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2009), available at: <[www.canada.ca/content/dam/pch/documents/services/canada-United-nations-system/reports-United-nations-treaties/protocole\\_facul\\_enfant-opt\\_protocol\\_child-eng.pdf](http://www.canada.ca/content/dam/pch/documents/services/canada-United-nations-system/reports-United-nations-treaties/protocole_facul_enfant-opt_protocol_child-eng.pdf)>.

 SDG 6.1, SDG 6.2.

 International Agreement. Canada is a Party.

## ***Ramsar Convention on Wetlands of International Importance (Ramsar Convention)*** Identification and protection of wetlands of international importance

Under the Ramsar Convention on Wetlands of International Importance (Ramsar Convention), 171 Parties create a framework for national action and international cooperation for the conservation and wise use of internationally significant wetlands and their resources, recognizing that wetlands are important ecosystems for biodiversity conservation in general, and for the well-being of human communities.<sup>92</sup> In the context of the Ramsar Convention, the term “wetlands” includes all lakes and rivers, underground aquifers, swamps and marshes, wet grasslands, peatlands, oases, estuaries, deltas and tidal flats, mangroves and other coastal areas, coral reefs, and all human-made sites such as fish ponds, rice paddies, reservoirs and salt pans.<sup>93</sup> The Ramsar Convention requires Parties to formulate plans and implement them in order to promote the conservation of wetlands included in the Ramsar List of Wetlands of International Importance, to wisely use wetlands in their territory as far as possible, to promote the conservation of wetlands and waterfowl by establishing nature reserves on all wetlands, listed or not, and provide for their protection.<sup>94</sup> In 2015, a new strategic plan was established under the Ramsar Convention for the period 2016-2024, recognizing alignment with the SDGs.<sup>95</sup> At the Ramsar Convention Conference of the Parties (COP) 13, a wide range of resolutions were passed addressing issues at the intersection of wetlands, climate change, agriculture, and coastal zones.<sup>96</sup>

### **Relevance for Canada**

Canada has 37 Ramsar Sites covering 13,086,767 hectares.<sup>97</sup> The Canadian national report provided at COP 13 highlights an emphasis on wetland preservation as a component of the Pan-Canadian Framework on Clean Growth and Climate Change.<sup>98</sup>

 SDG 6.4, SDG 6.5, SDG 6.6.

 Multilateral Environmental Agreement. Canada is a Party.

<sup>92</sup> Ramsar Convention, *supra* at Article 3(1).

<sup>93</sup> *Ibid* at Article 1(1); Ramsar Convention Secretariat, “The Ramsar Convention and its Mission”, available at: <[www.ramsar.org/about/the-ramsar-convention-and-its-mission](http://www.ramsar.org/about/the-ramsar-convention-and-its-mission)>.

<sup>94</sup> *Ibid* at Article 4(1).

<sup>95</sup> Ramsar Convention, Resolution XII.2 The Ramsar Strategic Plan 2016-2024, (1-9 June 2015), available at: <[www.ramsar.org/sites/default/files/documents/library/cop12\\_res02\\_strategic\\_plan\\_e\\_0.pdf](http://www.ramsar.org/sites/default/files/documents/library/cop12_res02_strategic_plan_e_0.pdf)>.

<sup>96</sup> Ramsar Convention, Resolution XIII.16: Sustainable urbanization, climate change and wetlands (29 October 2018); Ramsar Convention, Resolution XIII.19: Sustainable agriculture in wetlands, (29 October 2018); Ramsar Convention, Resolution XIII.14: Promoting conservation, restoration and sustainable management of coastal blue-carbon ecosystems (29 October 2018).

<sup>97</sup> Ramsar Convention, “Country Profile: Canada,” available at: <[www.ramsar.org/wetland/canada](http://www.ramsar.org/wetland/canada)>.

<sup>98</sup> Ramsar Convention, Ramsar National Report to COP 13: Canada” (2018), available at: <[www.ramsar.org/sites/default/files/documents/importftp/COP13NR\\_Canada\\_e.pdf](http://www.ramsar.org/sites/default/files/documents/importftp/COP13NR_Canada_e.pdf)>.

## ***Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention)***



Framework agreement for transboundary water systems

The 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention), which establishes cooperative measures to address, mitigate and prevent transboundary pollution of watercourses,<sup>99</sup> can assist to address the quality, quantity and integrated management of water basins, supporting SDG 6.4, 6.5 and 6.6, by encouraging measures relating to, among others: (1) pollution prevention, (2) source licensing, (3) waste-water discharges, (4) water quality, (5) pre-discharge treatment, (6) environmental impact assessment, (7) sustainable water management, and (8) contingency planning to minimize effects of accidental pollution.<sup>100</sup>

### **Relevance for Canada**

While not a Party, Canada is supportive of many of the principles as they have grounding in the United Nations Convention on the Law of the Sea, to which Canada is a Party. Given that the instrument originated out of UNECE, but was opened for border entry, Canada is supportive of multilateralism regarding ocean governance but nonetheless lacking the necessity of becoming a Party.



SDG 6.4, SDG 6.5, SDG 6.6.



International Agreement. Canada is not a Party.

## ***UN Convention on the Law of the Non-navigational Uses of International Watercourses (New York Convention)***



Framework agreement for transboundary water systems

The 1997 UN Convention on the Law of the Non-navigational Uses of International Watercourses (New York Convention), which aims to harmonize measures grounded in watercourse agreements facilitating cooperation and consultation relating to protective and governance measures relating to international watercourses, and amicable settlement of disputes,<sup>101</sup> recognizes principles such as (1) a duty of reasonable and equitable use of the watercourse, (2) an obligation to provide good faith cooperation, (3) the application of an ecosystem approach, and (4) the facilitation of information sharing.<sup>102</sup> Under the New York Convention, in their efforts to establish environmental protection measures, including notification requirements and individual or joint mechanisms to

<sup>99</sup> *Convention on the Protection and Use of Transboundary Watercourses and International Lakes* (1992), 17 March 1992, 1936 UNTS 269. [Helsinki Convention]

<sup>100</sup> *Ibid*, Helsinki Convention, Article 3(1)(a)–(l), 3(3).

<sup>101</sup> *UN Convention on the Law of the Non-navigational Uses of International Watercourses*, 21 May 1997, annexed to GA Res 51/229 (1997), *preamble*, Article 6(2), 33. [New York Convention]

<sup>102</sup> *Ibid*, New York Convention, Article 5, 7 - 9, 20.

prevent pollution or the introduction of alien species,<sup>103</sup> the Parties are delivering SDG 6.4, 6.5, and 6.6.

### Relevance for Canada

A regional agreement to foster greater governance of international watercourses, Canada does not have a driving need to become a Party despite support for multilateral governance of aquatic resources.



SDG 6.4, SDG 6.5, SDG 6.6.



International Agreement. Canada is not a Party.

## ***Convention on Biological Diversity*** **Primary framework agreement for governance of biodiversity** (CBD)

Of the key biodiversity related conventions, the Convention on Biological Diversity (CBD) supports actions at ecosystem, species and genetic levels, focusing on conservation of biological diversity,<sup>104</sup> the sustainable use of biological resources,<sup>105</sup> and the fair and equitable sharing of benefits arising from utilization of genetic resources.<sup>106</sup>

The CBD reflects the international principle that States have the sovereign right to exploit their biological and genetic resources pursuant to their own national laws and policies, subject to the constraint that such actions do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.<sup>107</sup> Parties are expected to cooperate with other Parties and organizations on issues of conservation and sustainable use of biodiversity in areas beyond national jurisdiction, and on other matters of mutual interest.<sup>108</sup> In addition, the CBD provides modalities for the establishment of protected areas and the development of National Biodiversity Strategy and Action Plans (NBSAP). For implementation, commitments to collaborate in the areas of financing and capacity development are also vital to the potential achievement of the CBD's terms and those in SDG 6.<sup>109</sup>

In 2010, the 10<sup>th</sup> Conference of the Parties (COP) to the CBD adopted the Strategic Plan for Biodiversity 2011-2020<sup>110</sup> with the purpose of inspiring broad-based action by Parties and stakeholders in order to meet the three objectives of the CBD through the establishment of a shared vision<sup>111</sup> and mission,<sup>112</sup> grounded in 5 cross-cutting strategic goals and 20 targets known

<sup>103</sup> *Ibid*, New York Convention, Article 21 - 27.

<sup>104</sup> "Biological diversity" is the variability among living organisms from all sources and the ecological complexes of which they are a part.

<sup>105</sup> "Biological resources" includes any biotic component of ecosystems with actual or potential use or value for humanity.

<sup>106</sup> "Genetic resources" include any material of plant, animal, microbial or other origin containing functional units of heredity of actual or potential value.

<sup>107</sup> *Ibid* at Article 3.

<sup>108</sup> *Ibid* at Article 5.

<sup>109</sup> CBD, *supra* at Articles 1 & 2.

<sup>110</sup> CBD, COP Decision X/2, *Strategic Plan for Biodiversity 2011-2020*, online: <[www.cbd.int/decision/cop/?id=12268](http://www.cbd.int/decision/cop/?id=12268)>. [Strategic Plan]

<sup>111</sup> The Vision of the Strategic Plan: "By 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people."

<sup>112</sup> The Mission of the Strategic Plan: "Take effective and urgent action to halt the loss of biodiversity in order to ensure that by 2020 ecosystems are resilient and continue to provide essential services, thereby securing the planet's variety of life, and contributing to human well-being, and poverty eradication. To ensure this, pressures on biodiversity are reduced, ecosystems are restored, biological

as the Aichi Biodiversity Targets. The CBD Strategic Plan and related targets have subsequently been adopted by several biodiversity MEAs as the guiding elements for their work.<sup>113</sup> Although a post-2020 Framework for the CBD is currently under negotiation, it is clear that water and wetland-related issues will continue to be an element in the text adopted during the upcoming COP 15. A significant part of SDG 6, related targets, and indicators,<sup>114</sup> is in direct alignment with the provisions of CBD and several other biodiversity MEAs.

### Relevance to Canada

The CBD is perhaps the most comprehensive international environmental and legal instrument to address justice and governance of biodiversity and ecosystems, recognizing knowledge innovations and practices of indigenous people and local communities (IPLCs). It contains mechanisms for local conservation and has been used to prioritize localization of governance in cooperation with IPLCs.<sup>115</sup> Through new policies and innovative governance arrangements, including monitoring and peer review mechanisms, the CBD framework can contribute to the implementation of SDG 6. Development of protected areas and NBSAPs provides an opportunity for ongoing policy refinement. Ongoing work to enhance water quality, access, and effective governance implicates a range of ecosystem intersections which have seen increasing prioritization in relation to climate change and biodiversity loss. Canada's most recent report was provided in 2018 which demonstrates an ongoing effort to enhanced biodiversity governance and sound management of water resources domestically.<sup>116</sup>



SDG 6.4, SDG 6.5, SDG 6.6, SDG 6.a., SDG 6.b.



Multilateral Environmental Agreement. Canada is a Party.

### ***International Boundary Waters Treaty*** **Bilateral agreement for cooperation on water governance**

The Treaty, agreed in 1909, governs all waterways connecting the United States and Canada, including lakes, rivers, bays, and natural channels which flow into such bodies of water.<sup>117</sup> Under the Treaty, water quality of the lakes and rivers flowing between the two countries is to remain usable through a restriction on pollution,<sup>118</sup> along with requirements for authorization of construction and water withdrawal.<sup>119</sup> The management of those water bodies and collaboration is tasked to the Internal Joint Commission.<sup>120</sup>

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resources are sustainably used and benefits arising out of utilization of genetic resources are shared in a fair and equitable manner, adequate financial resources are provided, capacities are enhanced, biodiversity issues and values mainstreamed, appropriate policies are effectively implemented, and decision-making is based on sound science and the precautionary approach."

<sup>113</sup> CBD COP Decision X/20, Paragraphs 4, 7 - 11.

<sup>114</sup> B Pisupati, *Role of multilateral environmental agreements in achieving the sustainable development goals (SDGs) with special focus on Biodiversity MEAs* (Nairobi: UNEP, 2016).

<sup>115</sup> Shroeder and Pisupati, *supra*.

<sup>116</sup> Canada 6<sup>th</sup> CBD Report, *supra* note 1.

<sup>117</sup> Boundary Waters Treaty of 1909, January 11, 1909, United States–Great Britain, 36 Stat. 2448, T.S. N. 548, preamble. [Boundary Waters Treaty]

<sup>118</sup> *Ibid*, Boundary Waters Treaty, Art. IV.

<sup>119</sup> *Ibid*, Boundary Waters Treaty, Art. I, III.

<sup>120</sup> *Ibid*, Boundary Waters Treaty, Art. III.



## Relevance for Canada

A bilateral agreement to foster greater governance of international waters between Canada and the United States, Canada has adopted the Treaty and continues to use it to foster joint governance of shared aquatic resources.



SDG 6.4, SDG 6.5, SDG 6.6.



Bilateral Agreement. Canada is a Party.

**Table 2: International Agreements and the SDGs**

<i>Agreement</i>	<i>Focus</i>	<i>Link to SDG and target</i>
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Framework agreement on economic, social and cultural rights	<b>Goal 6, targets 6.1, 6.2.</b>
Convention on the Rights of the Child (CRC)	Provides a foundation for promotion of children's rights	<b>Goal 6, targets 6.1, 6.2.</b>
Ramsar Convention on Wetlands of International Importance (Ramsar)	Governance of wetlands including those in the marine environment	<b>Goal 6, targets 6.4, 6.5, 6.6.</b>
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention)	Framework agreement for transboundary water systems	<b>Goal 6, targets 6.4, 6.5, 6.6.</b>
UN Convention on the Law of the Non-navigational Uses of International Watercourses (New York Convention)	Framework agreement for transboundary water systems	<b>Goal 6, targets 6.4, 6.5, 6.6.</b>
Convention on Biological Diversity (CBD)	Primary framework agreement for governance of biodiversity	<b>Goal 6, targets 6.4, 6.5, 6.6, 6.a, 6.b.</b>
International Boundary Waters Treaty	Bilateral agreement for cooperation on water governance	<b>Goal 6, targets 6.4, 6.5, 6.6.</b>

## IV. Legal Preparedness for Achieving SDG 6 with Canadians

SDG 6 provides a unique opportunity for the recognition, development and integration of mutually supportive legal and institutional measures. Complementary strategic planning under the Strategic Plan and Aichi Biodiversity Targets is a prospective avenue for enhanced synergies, clarity and coordination. Increased communication and collaboration at the executive level of applicable Secretariats would benefit the implementation of SDG 6. The effective realization of SDG 6 also requires greater policy coherence across governance mechanisms at all levels, and across applicable

industry sectors. The development of national, regional, local and sector-based water and sanitation strategies allows for domestic policy harmonization and enhancement of interfaces with related strategic planning modalities such as NBSAPs. Further emphasis must be placed on increased complementarity across the relevant international water treaties and, at the national level, through implementation and enforcement of environmental legal norms as applied by the domestic judiciary. Greater collaboration among the international legal research community, including law schools, international organizations, and the judiciary, is required to meet the need for increased legal and policy cohesion in the domestic application of international sustainable development law and those related to SDG 6 in particular.

To strengthen and secure success of efforts, an integrated approach to governance is needed building engagement across Federal, Provincial, Territorial and Indigenous governments as well as key stakeholders such as industry. Such an approach encompasses the principles of equality, participation, transparency and accountability in all actions taken, and ensures that progress is spread across all members of society, so that no-one is left behind. At the same time, it must be recognized that a variety of other international, national and local legal and policy areas are implicated in the application and achievement of SDG 6 and associated targets.

Integration of the SDGs into policy planning is beneficial at all levels of government. Legal preparedness for achieving SDG 6 follows a stepwise approach of adoption, consultation, implementation, and refinement.

1. **Policy formulation and outline:** Begin by adopting SDG 6 and the relevant targets and establishing a commitment for development, implementation, and refinement based on a clear timeline and metrics. This often consists of a policy statement and high-level targets such as a designated percentage of protected areas by 2030.
2. **Legal preparedness assessment:** Take stock of law and governance instruments in place within and/or applicable to the jurisdiction and identify those that support the designated objective.
3. **Prioritize policy initiatives and reforms:** Engage with relevant stakeholders – governmental, civil society, and aboriginal – to consult on prioritization of relevant programs, initiatives, and reforms. Through consultations the relevant aspects of the SDG target may be contextualized and informed by local stakeholder considerations.
4. **Legal action plan:** Identified priorities should be outlined in a formal action plan with established milestones and metrics, as well as appropriate financial resources to support the initiatives.
5. **Monitoring and refinement:** Legal and policy reform would benefit from a learning-by-doing model informed by iterative reporting and refinement. Established reporting requirements should continue to inform fine-tuning of initiative to broaden implementation.

Canada provides a critical example of a State in which many laws and regulatory frameworks supporting the terms and requirements of SDG 6 are already in existence. These laws and rules reflect the unique cultural heritage of Canada and Canadians by providing for good governance of the marine environment, protection of marine resources, and restoration of ecosystems. The importance of SDG 6 as both a stand-alone issue and as an explicit goal is undeniable. All areas of environmental law, governance and policy, drawing on mechanisms found in many different international treaties, can contribute towards and benefit from its implementation.

## V. Recommended Resources

### Books:

Sumudu Atapattu, ed., *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Cambridge: Cambridge University Press, 2016).

Marie-Claire Cordonier Segger, HE C.G. Weeramantry, eds., *Sustainable Development in International Courts and Tribunals* (London: Routledge, 2017).

Marie-Claire Cordonier Segger, Frédéric Perron-Welch, Christine Frison eds., *Legal Aspects of Implementing the Cartagena Protocol on Biosafety* (Cambridge: Cambridge University Press, 2013).

Marie-Claire Cordonier Segger, Markus Gehring and A. Newcombe, eds., *Sustainable Development in World Investment Law* (The Hague: Kluwer Law International, 2010).

Marie-Claire Cordonier Segger and Ashfaq Khalfan, *Sustainable Development Law: Principles, Practices and Prospects* (Oxford: Oxford University Press, 2004).

Marie-Claire Cordonier Segger and Judge C.G. Weeramantry, eds., *Sustainable Justice: Integrating Environmental, Social and Economic Law* (Leiden: Martinus Nijhoff, 2004).

Claire Fenton-Glynn, ed., *Children's Rights and Sustainable Development: Interpreting the UNCRC for Future Generations* (Cambridge: Cambridge University Press, 2019).

Alexandra Harrington, *International Organizations and the Law* (London: Routledge, 2018).

Hoi Kong, L. Kinvin Wroth, eds. *NAFTA and Sustainable Development: The History, Experience and Prospects For Implementation* (Cambridge: Cambridge University Press, 2015).

Armand L.C. de Mestral, P. Paul Fitzgerald & Tanveer Ahmad, eds., *Sustainable Development, International Aviation, and Treaty Implementation* (Cambridge: Cambridge University Press, 2018).

Michel Morin, Marie-Claire Cordonier Segger, Fabien Gelin, and, Markus Gehring, *Responsibility, Fraternity and Sustainability in Law: In Memory of the Hon Charles Doherty Gonthier* (Chicago: LexisNexis, 2012).

Chidi Oguamanam ed., *Genetic Resources, Justice and Reconciliation: Canada and Global Access and Benefit Sharing* (Cambridge: Cambridge University Press, 2018).

Stavros Tasiopoulos, *Climate Change & International Energy Law: Renewable energy as a necessary legal instrument* (Oxford: Oxford University Press, 2018).

### Articles and Reports:

Sumudu Atapattu & Sean S. Fraser, "SDG 1 on Ending Poverty in all its Forms: Contributions of International Law, Policy and Governance," Issue Brief 2016 (CISDL-UNEP).

Stuart Bruce & Sean Stephenson, “SDG 7 on Sustainable Energy for All: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Jorge Cabrera, Frédéric Perron-Welch & Balakrishna Pisupati, “SDG 15 on Terrestrial Ecosystems and Biodiversity: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Marie-Claire Cordonier Segger, “Advancing the Paris Agreement on Climate Change for Sustainable Development,” Cambridge Journal of International and Comparative Law 2016 Vol 5:2, 38.

Marie-Claire Cordonier Segger, “Sustainable Development through the 2015 Paris Agreement,” Canadian International Lawyer 2017 Vol 11:2, 155.

Marie-Claire Cordonier Segger, Freedom-Kai Phillips, “Indigenous Traditional Knowledge for Sustainable Development: The Biodiversity Convention and Plant Treaty Regimes,” Journal of Forest Research (2015) 20:5, 430.

Claire Fenton-Glynn & Pamela Sambo, “SDG 4 on Ensuring Inclusive and Equitable Quality Education: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Markus Gehring, Sean Stephenson & Marie-Claire Cordonier Segger, “Sustainability Impact Assessments as Inputs and as Interpretative Aids in International Investment Law,” Journal of World Investment and Trade 2017 Vol 17, 130.

Markus Gehring, Freedom-Kai Phillips & William B. Shipley, “SDG 12 on Ensuring Sustainable Consumption and Production Patterns: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Alexandra Harrington & William B. Shipley, “SDG 5 on Gender Equality: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Konstantia Koutouki & Freedom-Kai Phillips, “SDG 14 on Ensuring Conservation and Sustainable Use of Oceans and Marine Resources: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Katherine Lofts, Sharawat Shamin, Sharaban Tahura Zaman & Robert Kibugi, “SDG 13 on Taking Action on Climate Change and its Impacts: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Freedom-Kai Phillips, “Intellectual Property Rights in Traditional Knowledge: Enabler of Sustainable Development,” Utrecht Journal of International and European Law (2016) 32(83) 1–18.

Freedom-Kai Phillips, Cameron A. Miles, Ashfaq Khalfan, & Maria Lechner Reynal, “SDG 6 on Ensuring Water and Sanitation for All: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Maya Prabhu, Stephanie Blakely, “SDG 3 on Ensuring Healthy Lives and Promoting Well-Being for All at All Ages: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

**Web Resources:**

Centre for International Sustainable Development Law (CISDL), online: <[www.cisd.org](http://www.cisd.org)>.

International Law Association (ISA), online: <<http://www.ila-hq.org/>>.

International Law Association Canada (ISA Canada), online: <<http://ila-canada.ca/>>.

Sustainable Development Solutions Network (SDSN), online: <<http://unsdsn.org/>>.

World Commission on Environmental Law (IUCN-WECL), online: <[www.iucn.org/commissions/world-commission-environmental-law](http://www.iucn.org/commissions/world-commission-environmental-law)>.

IUCN Academy of Environmental Law (IUCN-AEL), online: <[www.iucnael.org/en/](http://www.iucnael.org/en/)>.

# Annex I: Domestic Legal Instruments: Overview Table

## Federal

*Canada Water Act*, RSC 1985, c C-11.

*Safe Drinking Water for First Nations Act*, SC 2013, c 21.

*Canada's Federal Sustainable Development Act*, SC 2008, c. 33

*Wastewater Systems Effluent Regulations*, SOR/2012-139, under the Fisheries Act, RSC 1985, c F-14.

*Canadian Environmental Protection Act*, SC 1999, c 33.

*Canada National Marine Conservation Areas Act*, SC 2002, c 18.

## Provincial / Territorial

### SDG 6.1

*Act to affirm the collective nature of water resources and to promote better governance of water and associated environments*, CQLR c C-6.2.

*The Water Security Agency Act*, 2005, c W-8.1.

*The Water Protection Act*, C.C.S.M. c. W65.

*Safe Drinking Water Act*, SO 2002, c. 32.

*Water Supply System Regulation*, R 108/2009.

*Drinking Water Protection Act*, SBC 2001, c 9.

*Drinking Water Protection Regulations*, B.C. Reg. 200/2003.

### SDG 6.2

*Sanitation Regulations*, CNLR 803/96, enacted under the Health and Community Services Act, SNL 1995, c P-37.1.

*Sustainable Water and Sewage Systems Act*, SO 2002, c. 29 - Bill 175.

*General Sanitation Regulations*, RRNWT 1990, c P-16.

**SDG 6.3**

*Water and Wastewater Facilities and Public Drinking Water Supplies Regulations*, NS Reg 186/2005.

*Groundwater Protection Regulations*, B.C. Reg. 152/2016, s 2.

*Nutrient Management Act*, SO 2002.

**SDG 6.4 / SDG 6.5**

*Water Withdrawal and Protection Regulation*, CQLR c Q-2, r 35.2.

*Water Sustainability Act*, SBC 2014, c 15.

*Water Sustainability Regulations*, B.C. Reg. 36/2016.

*Drainage Districts Act*, D-16 RSA 2000.

*Water Resources Act*, RSO 1990, c. O.40.

*The Peatlands Stewardship Act*, C.C.S.M, c. P31.

**SDG 6.6**

*Natural Heritage Conservation Act*, CQLR c C-61.01.

*Riparian Areas Protection Act*, SBC 1997, c 21.

*Riparian Areas Protection Regulations*, B.C. Reg. 178/2019.

*Islands Trust Act*, [RSBC 1996] Chapter 239.

*Islands Trust Natural Area Protection Tax Exemption Regulation*, BC Reg 41/2002.

*An Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water*, SQ 2012, c 14.

**SDG 6.a/ SDG 6.b**

*The Sustainable Watersheds Act*, SM 2018.

## Annex II: About the Project

The Sustainable Development Goals (SDGs) offer Canada a unique opportunity to assess the many areas of policy innovation in which it is already excelling at the national and provincial levels, as well as to craft new, durable implementation mechanisms that will benefit Canadians and the international community now and in the future. As Canada embarks on the development of its National Strategy on the SDGs, this is a critical moment for analysis of existing laws and dialogue regarding new legal and societal avenues reflecting the SDGs.

Through “The Sustainable Development Goals for Canada: What’s Law Got to Do with It?” conference, the Centre for International Sustainable Development Law (CISDL) and its partners, along with the Sustainable Development Goals Unit at Employment and Social Development Canada and Justice Canada, engaged in a vital dialogue on the SDGs broadly, and specifically SDGs 1 (poverty), 6 (water), 14 (life below water), and 16 (peace, justice and strong institutions). Overall, the SDGs are an indivisible construct of Agenda 2030, however these particular SDGs were chosen for focus at this conference because they relate to climate change, biodiversity, education and institution building, which together form the foundation of systems and issues that must be analyzed and established in order to meaningfully achieve the SDGs in Canada. This event convened local, regional and national stakeholders, academics, policy makers, lawyers and legal experts located at four sites around the country – Waterloo, Montreal, Halifax and Victoria – through a virtual meeting platform. Additionally, governmental officials and other experts not present in these locations were able to join through the virtual meeting system, allowing for further diversity in perspectives and insights.

The findings of the conference and research conducted in conjunction with it also serve as the basis for a series of new modules on the SDGs that will be offered as part of the CISDL’s Continuing Legal Education (CLE) course for members of bars across Canada. In the approximately 2 months since these new modules were announced, registrations for the CLE course has more than quintupled, indicating a strong interest in these topics among those in the legal and policy fields throughout Canada.

As noted in the conference keynote address by Ms. Janet McIntyre, Deputy Director General, Intergovernmental and External Relations Division, Justice Canada, “when Canada submitted its National Voluntary Review last year before the United Nations, Canada recognized that the 2030 Agenda for Sustainable Development is among the defining global frameworks of our time. And further, the Government of Canada strongly supports the overarching principle of the 2030 Agenda, to leave no one behind. Canada is a staunch supporter of SDG 16 and its inclusion in the 2030 Agenda marked a milestone.” These words highlight the importance of the SDGs to Canada and the need to understand the place they currently occupy in existing Canadian national and provincial law as well as the areas in which Canada can create new laws and policies that will ensure the inclusion of Canadians and serve as an example to the international community.

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