

**DECOLONIZING WATER MANAGEMENT IN CANADA
THROUGH THE EMPOWERMENT OF INDIGENOUS WOMEN****Miao Chen, MA**

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Abstract:

Indigenous women were traditionally recognized as “water carriers” who played a leadership role equal to men in their communities. Since the Indian Act (1876), however, they have faced “double discrimination,” as both Indigenous and women. This paper examines Attawapiskat First Nation’s water crisis to highlight colonialism and government’s failure to coordinate a response at all levels resulting in much suffering, especially among Indigenous women and children. Drawing on the recent international WASH initiative and Anishinabek decolonizing efforts, the paper underscores the significance of a decolonial approach to water management based on the empowerment of Indigenous women and a coordinated government response to the protection of source water resources.

Resumé:

Les femmes autochtones étaient traditionnellement reconnues comme des « porteuses d’eau » jouant un rôle de premier plan égal à celui des hommes dans leurs communautés. Toutefois, depuis la Loi sur les Indiens (1876), elles vivent une « double discrimination » comme femmes et comme personnes autochtones. Cet article examine la crise de l’eau vécue par la Première Nation Attawapiskat - une crise particulièrement difficile pour les femmes et les enfants - afin de mettre en lumière les effets du colonialisme et l’échec du gouvernement à coordonner une réponse concertée efficace. S’appuyant sur la récente initiative internationale WASH et les efforts de décolonisation entrepris par le peuple Anishinabek, cet article démontre l’importance d’une approche décoloniale de la gestion de l’eau fondée sur l’autonomisation des femmes autochtones et sur une réponse gouvernementale concertée pour la protection des ressources d’eau.

Introduction

As documented by the Government of Canada in November 2018, at the end of 2015 there were 105 long-term Drinking Water Advisories in place in First Nations communities across Canada (Indigenous Services Canada 2019). A drinking water advisory (DWA) is an official announcement that warns people against drinking tap water unless it has been adequately boiled because it is not safe for consumption (Indigenous Services Canada 2019). The 2016 census shows 501 DWAs in place for non-Indigenous municipalities, a number that does not include DWAs on First Nations reserves (Statistics Canada 2017a). A simple calculation reveals that the 105 DWAs on reserves amounted to 20.6 percent of the 501 DWAs in non-Indigenous municipalities in 2016. Given that the Indigenous population was close to 5 percent of the total Canadian population in the 2016 census cycle (Statistics Canada 2017b), it is clear that Indigenous peoples living on reserves face a much higher threat of water contamination than the non-Indigenous population. Although by December 5, 2018, 75 out of 105 long-term DWAs on reserves had been lifted, sixty-six long-term DWAs are still in effect, thirty-six of which have been newly added since 2015 (Indigenous Services Canada 2019). Obstacles to this mixed picture of progress since 2015 are many and some are structural. As recent reports reveal, while some remote First Nations communities have no running water whatsoever and have to rely on bottled water for drinking and collect water from nearby lakes and rivers for cleaning, others such as Six Nations in Southern Ontario and Garden Hill in Manitoba that have water treatment facilities are still subject to DWAs due to a lack of infrastructure to transport clean water to households or prevent water in holding tanks from becoming contaminated (CBC Radio 2018; Elash and Walker 2019). A further obstacle to bridging the gap with the non-Indigenous population is the lack of infrastructure in many First Nations communities, which is often combined with housing problems including a lack of proper heating. An example is the Attawapiskat First Nation, which, in February 2011 declared a “state of emergency” due to water and housing crises (CBC News 2011). According to Toulouse (2011) twenty-four families, including children and the elderly, were living in tents and shacks without running water or adequate heating during the cold winter, and 122 homes needed serious repair.

Moreover, source water pollution off reserves is often a cause of water crises on reserves including Attawapiskat First Nation. In 2016, a Canadian environmental group took the diamond mining company DeBeers, which operates the nearby Victor mine, to court for mercury contamination in the Attawapiskat River, which contributes to source water pollution on the reserve (CBC News 2016b).

The environmental group alleged that DeBeers had failed to provide mercury input level data from 2009 to 2016 to the Ontario Ministry of Environmental Conservation and Parks (OMECF; then the Ministry of Environment and Climate Change) (CBC News 2016b). The Ontario government did not immediately take any action. The DeBeers company has decided to close the Victor diamond mine west of the Attawapiskat First Nation reserve in early 2019 (Jamasmie 2017). Mercury contamination in water may cause severe neurological and developmental effects in humans, eventually causing death. In 2016, CBC News (Porter 2016) reported that a 14-year-old girl on the Grassy Narrows First Nation in northwestern Ontario died due to mercury poisoning in water and that 90 percent of the Grassy Narrows population experiences symptoms of mercury poisoning. A report requested by the Attawapiskat Band Council from Health Canada on mercury poisoning in their community has not materialized (Talaga 2016).

Furthermore, Attawapiskat, a Cree community, came under public scrutiny when its call for disaster relief in 2011 shocked the country, along with TV images of the health impacts of the water and housing crisis, and remained in public discussion for several years not because of health concerns but due to related financial issues. Presently, First Nations communities receive financial and technical services from the Canadian Government, but often these do not meet communities' needs, including adequate water treatment infrastructure. In Canada, responsibility for water management is shared by federal, provincial, territorial, and municipal governments, which are mostly dominated by men and shaped by patriarchal and male-centred perspectives rooted in the Eurocentric family values of men as breadwinners and women as homemakers (Newman and White 2012). Provincial governments delegate authority for water management, such as drinking water protection to municipalities, while the federal government is solely responsible for First Nations' drinking water quality. The Attawapiskat water crisis is a case in point where structural obstacles, such as the lack of a coordinated response from the federal government that controls financial and technical services to the community and the Ontario provincial government that is responsible for source water pollution outside the reserve, have left members of the community, especially children and women, suffering from seriously detrimental health effects.

A lack of clean and safe water increases rates of infectious disease (Adelson 2005, 57). Many First Nations communities have been suffering for decades from health issues including skin infections and irritations caused by contamination from waterborne pathogens such as *Escherichia coli* (*E. coli*) (Dhillon and Young 2010, 27; Plummer et al. 2013, 752). Children, women who are pregnant, and women who are caring for families are particularly affected by health problems

including skin rashes and infections, diarrhea, and dietary diseases caused by contaminated water (Stastna 2011), and burdens of care for the young and the sick. The lack of a coordinated response to Indigenous health concerns illuminates the gendered impacts of on-going unsafe drinking water faced by First Nations communities throughout Canada, which is one outcome of colonial oppression, along with institutional discrimination in relation to water management and the marginalization of Indigenous women.

This paper looks specifically at water management arguing that the decolonization of water begins with the recognition that in Canada water pollution is increasingly a threat to human lives, especially to Indigenous women and children who live on reserves because of colonization. Any policy strategies to decolonize existing colonial practices should especially have Indigenous women at the centre of water management in Indigenous communities and be guided by the principle of self-determination alongside corresponding inputs from all levels of government. Self-determination, according to the Covenant on Political and Civil Rights and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), is the right of Indigenous peoples to determine their political status and freely pursue social, economic, and cultural development. The exercise of this right as a foundational principle of a policy approach to water management contributes to an alternative to existing colonial practices. Current literature on colonial practices, including on the limited response to water incidents on First Nations reserves due in part to an absence of cooperation at federal and provincial levels to address long-term and short-term DWAs, as well as regarding ongoing debates about funding commitments to First Nations and the imposition of third-party management on reserves, evidence the need for the alternative approach to water management proposed here. This alternative will contribute to First Nations' efforts to gain independence from the domination of the Canadian government, including the latter's lack of recognition of the importance of women's empowerment in improving water management, which lies at the root of unmet needs for safe drinking water on reserves.

This alternative approach aims to transform water management in Canada by taking a decolonial perspective informed by existing literature on not only the gendered impacts of water contamination but also the gendered impacts of colonialism imposed by the Indian Act (1876/1985). The Indian Act established a Eurocentric, heteropatriarchal system that forced women out of decision-making processes, including on water management. Indigenous women, including Cree and Anishinabek in what is now Northern Ontario, traditionally held a status equal to men in their communities and were often regarded as sacred "Water Carriers" who made decisions

and took responsibility for most ritual ceremonies, including those related to water. Since colonization, Indigenous women have been marginalized and are now amongst the most disadvantaged groups in Canada. Indigenous women are not officially engaged in federal policy on First Nations drinking water – the Safe Drinking Water for First Nations Act (2012) – nor do they have equal representation in policymaking processes for water management in Canada. While there has been research on the marginalization of Indigenous women and their sufferings rooted in colonization, few studies propose strategies to resolve the water problems stemming from colonization (Valaskakis et al. 2009; Worsley 2018; Walters et al. 2013; Lukawiecki 2017). Even fewer consider the key role Indigenous women can and should play in policymaking processes to address issues of unsafe drinking water and improper housing at both community and nation-to-nation levels. The aim of this paper is to show that women's participation in decision-making not only reflects the more equitable gender relationships that prevailed between Indigenous women and men before colonization but also represents a step toward turning women's concerns into policy, including adopting a gender equality and equity lens at all levels of policymaking.

The decolonial perspective taken here draws, furthermore, upon the international literature on women's roles in accessing water as a human right contained in the WASH (Water, Sanitation, and Hygiene) initiative adopted by the United Nations in 2007 to address water issues (e.g., pollution, shortage, etc.) worldwide. The WASH initiative, which has been lately employed by the UN to help its member states (including Canada) reach Sustainable Development Goal 6 (Ensure availability and sustainable management of water and sanitation for all) and 3 (Ensure healthy lives and promote well-being for all at all ages) by 2030, strengthens the argument for gender-based impacts of water contamination as well as women's participation in water management. Without access to safe and clean water, according to WASH, human health is at risk because basic hygiene practices are not possible (UNICEF 2003). Women's health is affected more than men's because women have higher needs for water, sanitation, and hygiene due to menstrual, sexual, and reproductive health requirements (UNICEF 2015, 1; Sommer et al. 2015). Women's "menstruation, pregnancy, childbirth and its aftermath, and female menopause all create needs for water and sanitation," write Sweetman and Medland (2017, 154). Girls are affected when schools do not have a clean and private space for them to manage their menstrual hygiene (163). Sweetman and Medland (155) further note that according to the World Health Organization (WHO), about 287,000 maternal deaths occurred between 2003 and 2009, most of which could have been avoided by access to clean water, sanitation, and hygiene. Also, wom-

en globally spend hours every day fetching and transporting to their homes or communities the water they depend on to take care of their families through cooking, washing, nursing, and cleaning. Women not only face personal adverse health outcomes because of contaminated water, but also an additional burden as family care providers by assuming in almost all cultures, including First Nations cultures in Canada, responsibility for family hygiene. The WASH initiative promotes the achievement by 2030 of safe access to water, sanitation, and hygiene for women and girls as a human right. Exercising this right is key to the empowerment of women and their representation in water management at all levels of policymaking.

The world officially recognized women's role in water management at the 1992 United Nations Conference on Water and Sustainable Development, which adopted the Dublin Statement. Principle 3 of this statement reads: "Women play a central part in the provision, management and safeguarding of water" (United Nations 1992). Globally, greater representation of women in policy and regulatory roles is urgently needed to "generate greater awareness of the concerns and experiences of women constituents among decision makers," and potentially to influence access to and control of water resources (Thompson et al. 2017, 163). Studies examining women's roles in water management around the world have found that significant improvements in "the governance, transparency, and sustainability of water supplies" are achieved when women and men equally share responsibility over cases where women are marginally involved or not involved at all (2017, 157). According to Thompson and her colleagues, customers in India prefer female trained and licensed hand pump mechanics because they are more accessible and responsive than male mechanics (157). In Baluchistan, Pakistan, women are collaborating on the research, design, operation, and maintenance of a new water tank for nonfunctioning public standpipes (159). Admittedly, more Indigenous women in Canada have been elected as leaders of their communities in recent years. Their participation in decision-making marks one step toward turning their experiences into policy concerns, including for an equitable role in water management.

Many countries have adopted national policies to mandate equal gender representation in water management but Canada is not one of them. A policy approach built upon a decolonial perspective combined with women's access to water, sanitation, and hygiene as a human right, therefore, would emphasize the importance of Indigenous women in finding solutions to water issues and their participation in water management at all levels. Achieving a new policy direction requires that decolonizing efforts include promoting the right of Indigenous women to participate in water management through the active use of Indigenous knowledge and the exercise of

self-determination in negotiating with Canadian governments (federal and provincial) to find solutions to issues that are of critical concern to First Nations. The new policy should promote decolonizing solutions to water issues as a way of aligning commitment at all levels of government with treaty obligations, including Indigenous women's participation in source water protections, and with the SDGs, especially with respect to Indigenous women's access to water for healthy lives by 2030. This paper begins with an account of the historical colonization of Indigenous women through patriarchal impositions, followed by an analysis of colonial practices in water management, which provides the context within which we examine Attawapiskat as a case study. This analysis informs the proposal for an alternative policy approach to water management outlined in the conclusion, which would include First Nations, and especially First Nations women, in water management.

Gender-Based Impact of Colonization on Indigenous Women

Before colonization, women and men shared the responsibility of managing their communities equally. In the Ojibway communities of what is now Northern Ontario the traditional roles and relationships of women and men were described as a tipi (Ontario Indigenous Women's Water Commission 2014, 5). In this metaphor men were "the 'hide' that cloaks the tipi providing security and sustaining life" and women were "the poles of the tipi, symbolizing the 'framework for the shelter offering stability, warmth, and structure'." Furthermore, women were described as sacred "Water Carriers" like Mother Earth because they carry lives and water in their bodies (Anderson 2010, 26; Ontario Indigenous Women's Water Commission 2014, 3). Women were not only nourished but also purified by water (Benton-Banai 2010). They were thus the keepers and protectors of water, because they had the responsibility of providing water for their communities and families (Native Women's Association of Canada 2014, 4).

In 1876, the Canadian Government adopted the Indian Act "as a consolidation of previous colonial ordinances that aimed to eradicate First Nations culture in favor of assimilation into Euro-Canadian society" (Henderson 2006), which included imposing reserves and Eurocentric heteropatriarchal structures onto First Nations families and communities and forcing women out of decision-making processes (Green 2001; Native Women's Association of Canada 2014; Oliver et al. 2015). The Indian Act (1876) specified that Indigenous women who married non-First Nation men would lose their Indian status, band membership, and treaty rights, and had to move off-reserve (Oliver et al. 2015, 912; Boyer 2009, 82). Yvonne Boyer (2009)

refers to the example of Sandra Lovelace who married a non-Indigenous man and lost her status as an Indigenous woman, while an Indigenous man in the same position would have kept his status and passed it on to his non-Indigenous wife and children. She calls this difference “state-imposed gender-discrimination” (69). Additionally, women had no authority to divorce. If they did so, they would be punished and forced to leave their homelands and families (Alcantara 2008, 514). The imposition of patriarchal structures on First Nations by the Indian Act severely diminished women’s social status (Anderson 2010; Bourassa, McKay-McNabb, and Hampton 2004; Cave and McKay 2016; Green, 2001; Oliver et al., 2015; Valaskakis et al. 2009), while allowing them responsibility for domestic work only, including caring for children. Domestic work, however, meant fetching water for household use, and thus Indigenous women kept the name “Water Carriers,” but it no longer held the same sacred and important meaning as before.

Around the same time, the Canadian Government began to separate First Nations children from their families and force them into residential schools, whose purpose was to assimilate them into English or French dominated Canadian society (King, Smith, and Gracey 2009; MacDonald and Hudson, 2012). This residential school program further consolidated government control over First Nations by assimilating them through European education (Chrisjohn, Young, and Maraun 1997; MacDonald and Hudson 2012). First Nations children who attended residential schools were banned from speaking their languages or practicing the traditional beliefs and knowledge that they relied on for living. Eventually, these First Nations students were forced to disconnect from their lands, traditional cultures, communities, and families, losing not only their languages and beliefs but also their identity as Indigenous. As the leading transmitters of Indigenous knowledge, women were particularly affected by the colonial system (Native Women’s Association of Canada 2014, 5). The Government denied women’s rights and equality and discouraged any practice of traditional ecological knowledge (TEK) and related rituals.

TEK is “the body of knowledge amassed over generations by First Peoples with respect to their environment and can be both spiritual and ecological in nature” (Tsuji 1996, 284). First Peoples believe that “water is part of a holistic system that must be treated with an ethic of thanksgiving” (McGregor 2012, 11). Women are key to thanksgiving ceremonies. As Tsuji (1996, 284) states, Indigenous women were not only important generators but also transmitters of TEK knowledge. Under the Indian Act, however, Indigenous women lost these roles (Native Women’s Association of Canada 2014, 5). Under the influence of residential schools, they lost traditional knowledge and practices pertaining to raising children and protecting the

environment. Indigenous women and young girls became “victims of abuse and abandonment,” and many fell into despondency, substance abuse, and suicide (Wesley-Esquimaux 2009, 21).

The Indian Act was amended in 1985 to allow for the restoration of First Nations status to some women, but many were still unable to regain their status and rights as community members (Oliver et al. 2015, 912). The Canadian Government continued to disregard Indigenous women who were marginalized and isolated, and they continued to suffer inadequate living conditions (e.g., unsafe drinking water and unaffordable housing) and unequal power distribution in First Nations communities and Canadian society (Nickerson 2017, 8). Indigenous women “frequently experience challenges and discrimination that are not necessarily shared by non-Aboriginal women, nor by Aboriginal men” (“Marginalization of Aboriginal Women” 2009). For generations they have faced the “double discrimination” of being both First Nations and women (Kuokkanen 2015; Oliver et al. 2015). Today, women’s health and lives continue to be seriously threatened on reserves by the lack of safe and clean water. New mothers and their babies are more vulnerable to infection by contaminated water because they have weaker immune systems. Ameliorating these conditions with Indigenous women’s participation will go a long way toward improving the quality of Indigenous women’s lives and recognizing their traditional stewardship role in caring, transmitting knowledge, and promoting health and social wellbeing. Improving Indigenous women’s social status and recognizing their importance in decision-making processes will go a long way toward the exercise of First Nations’ self-determination, overcoming colonial practices in water management in the process.

Colonial Practices in Water Management

In Canada, as we pointed out earlier, the federal government deals directly with drinking water quality on First Nations reserves, while the provincial government is responsible for drinking water protection in non-Indigenous areas outside reserves. This separation of jurisdictions is rooted in the Canadian constitution, so that “First Nations drinking water systems...are not subject to the legislative and regulatory changes,” of provincial governments as Walters et al. (2012, 2) point out. In 2000, an outbreak of E. coli in Walkerton, Ontario, due to agricultural runoff and inadequate management of water and wastewater systems, resulted in the tragic deaths of seven people, and over 5,000 people fell ill (Shrubsole and Draper 2007, 44). This event grabbed the attention of all levels of government in Ontario and resulted in new provincial drinking water legislation (Morrison, Bradford, and Bharadwaj 2015; Patrick, 2011). Quickly the Ontario

government adopted the Safe Drinking Water Act (Government of Ontario 2002) and the Clean Water Act (Government of Ontario 2006), to ensure drinking water quality and the protection of existing drinking water resources (Government of Ontario 2014). These two Acts ensured the development of source water protection (SWP) regions on the basis of establishing or identifying Conservation Authorities, and each region/ district has a multi-stakeholder and region based SWP committee. These committees encouraged local participation in SWP programs in the nineteen established SWP regions, which manage 450 municipal drinking water treatment systems (Conservation Ontario 2016). First Nations reserves are not included in these programs and systems even though some reserves share source water resources with non-Indigenous communities, nor do First Nations communities located inside source water protection regions in Ontario have voting power in SWP processes. The SWP program in Timmins is the closest to Attawapiskat First Nation.

In contrast, it was not until 2012 that the federal government adopted Bill S-8, the Safe Drinking Water for First Nations Act, in the aftermath of the water crisis in Attawapiskat, to address water issues on reserves. In a comparison of federal and provincial policies on water management, Bill S-8 makes three departments of the federal government responsible for supplying safe drinking water for First Nations: Indigenous and Northern Affairs Canada (INAC, now Indigenous Services Canada (ISC)), Health Canada, and Environment and Natural Resources Canada. INAC and its predecessors were created to implement the Indian Act and until recently were headed exclusively by white men. Under Justin Trudeau's government, INAC (now ISC) provides funding to cover up to 80 percent of the expenditures of construction, operations, and maintenance of water treatment facilities on reserves. Each First Nation, using its own revenue, is responsible for the rest (about 20 percent) (Human Rights Watch 2016, 37; Indigenous and Northern Affairs Canada 2016). The other two departments help First Nations to identify water issues and guide communities to manage water on reserves (Indigenous and Northern Affairs Canada 2016). However, from a First Nations perspective, the federal government has failed to fulfill its commitment to meaningful consultation with First Nations communities, and to deliver adequate and coordinated support and services to repair and maintain the drinking water systems that do exist on reserves (Basdeo and Bharadwaj 2013, 3), while First Nations communities have limited resources (e.g., funding and technology) to hire trained operators (Walters et al. 2012, 4). For these and other reasons (including coordination between provincial and municipal governments on First Nations' participation in source water protection programs), the federal government's water management on Ontario reserves falls below the province's standards

for protecting drinking water and water resources. To date, water crises on reserves come from the failure of the Canadian government to protect First Nations' source water resources, as the David Suzuki Foundation points out in its 12-point recommendations to end DWAs on First Nations reserves (Worsley 2018). Its recommendations include meaningful collaboration with First Nations, development, and implementation of SWP plans with First Nations, support of First Nations-led approaches to drinking water, and recognition of First Nations' leadership (Lukaweicki 2017, 9). To further perfect this 12-point recommendation, two points could be considered that to include Indigenous women's engagement in water management and to call for the federal government to overcome its inability to coordinate provincial and municipal governments to fulfill Canada's treaty obligations to First Peoples, including protecting water resources.

Indeed, water management is just one area in which the Canadian government continues to fail in its treaty obligations to First Peoples. Others include its continuing adoption of controls on the socio-economic life of First Nations mostly through fiscal management, first by imposing an Indian Agent under the Indian Act, and now third-party managers after the institution of self-government – positions that were and are largely held by white men (Indigenous and Northern Affairs Canada 2014). The appointment of a third-party manager is meant to help maintain the financial connection between the department of Indigenous and Northern Affairs Canada (now ISC) and First Nations communities in default. Although a First Nation's Chief and Band Council, as well as staff in the financial office, remain in place while a community is under third party management, the community cannot spend a penny of its funding from the federal government without the manager's permission (Indigenous and Northern Affairs Canada 2014; 2018). Third-party management is also utilized to impose control over First Nations communities that refuse to make their financial information transparent to the public (Smith 2015). As of 2017, 142 First Nations communities were under either co-management or third-party management contracted by INAC (Indigenous and Northern Affairs Canada 2017b, 3). This control of First Peoples' finances violates treaty obligations on two levels: first, the commitment to First Peoples' rights of self-determination and self-government; and second, to the wellbeing of First Peoples based on sharing the wealth of the land in traditional territories. One example that explicates these violations of treaty obligations is the community of Attawapiskat, where great economic gains continue to flow out of the First Nation's traditional land and territory while too many First Nation's members live a life affected by poverty and water pollution.

Attawapiskat First Nation

The Attawapiskat First Nation, a remote and isolated Cree community of nearly 1,800 residents in Northern Ontario, has lived under boiled water advisories (BWAs) for decades and suffers from water scarcity and water pollution. These water problems are caused by contamination at the source water in the Attawapiskat River, extreme weather that causes flooding, and malfunctioning water and wastewater infrastructure. In 2006, Attawapiskat declared a “state of emergency” due to deteriorating drinking water quality, which greatly impacted the health of children, elders, and women. Then in 2009, the community declared a second “state of emergency” due to drinking water contamination, which affected fifty-two people (The Canadian Press 2016). However, neither of these declarations of emergency gained public awareness. It was not until 2011 that Attawapiskat First Nation’s water and housing crisis resurfaced and became a hot issue due in part to the federal government’s questioning of the community’s financial transparency.

When on 28 October 2011 Attawapiskat First Nation declared a “state of emergency,” the federal government responded by claiming that the Attawapiskat community had received \$90 million in federal funding between 2006 and 2011 and demanded that the community provide an account of where the money had gone (National Post 2011). Then Prime Minister Stephen Harper stated, according to Kairos News (2011), “that’s over \$50,000 for every man, woman and child in the community,” (roughly \$10,000 per person per annum, compared to \$30,000 on average among non-Indigenous persons) and accused the Attawapiskat community of poor financial management. On 30 November 2011, federal government representatives finally visited Attawapiskat but did not provide any emergency measures or funding for the crisis (Kairos News 2011). Then minister of Aboriginal Affairs and Northern Development Canada (AANDC) John Duncan announced the appointment of a third-party manager to take control of the community’s finances in order to “have a government-appointed person that can make things happen” (CBC News 2011). In response, then Band Chief of Attawapiskat, Theresa Spence, and the Attawapiskat Band Council took the federal government to court over the appointment. The Federal Court ruled in April 2012 that it was “unreasonable in all circumstance” for the federal government to appoint a third-party manager (Pedwell 2012). Meanwhile, the community residents still had neither safe drinking water nor warm housing. Later in the year, in response to public opinion in support of Attawapiskat, the federal government adopted Bill S-8, the Safe Drinking Water for First Nations Act, the first legislation to address issues of drinking water quality and water and wastewater manage-

ment on reserves.

Around the same time, the federal government passed Bill C-45, also known as the Jobs, Growth, and Long-Term Prosperity Act (2012), which gave it the ability to modify “voting and approval procedures” in First Nations communities (CBC News 2013). In effect, the federal government gained the authority to change First Nations’ resolutions on, for instance, land use. First Nations strongly opposed the act, which infringed on the Indigenous collective right to their traditional lands, and staged a national protest, Idle No More, beginning at the end of 2012. Four women, including three from First Nations, started this national protest to struggle against the continued eroding of treaty rights and federal government obligations (CBC News 2013). Chief Spence went on a hunger strike in support of Idle No More. She was prepared to die if the prime minister and the governor general refused to meet with her and other chiefs to discuss living conditions on reserves. Six weeks later, Stephen Harper agreed to meet with Theresa Spence and other chiefs from the protests and subsequently committed funding and technologies to resolve the water issues in Attawapiskat (Hamilton and Quan 2015).

In 2013, the Harper government hired an auditing company to complete a comprehensive audit of the community’s finances since 2011, and also adopted Bill C-27, the First Nations Financial Transparency Act (2013), aimed at modifying First Nations’ financial management, accountability, and transparency (Salterio and Evan 2016). A year later, the federal government demanded the Attawapiskat community pay back \$1.8 million based on the audit (Bourbeau 2014). The \$1.8 million was supposed to be used for solving housing problems on the reserve; however, the audit found that 54 percent of the examined transactions lacked supporting documentation. Therefore, the federal government required the community to pay back the amount of “missing money.” The Band Council replied that the “missing money” had not been disbursed as the auditor stated, and that there was an unnoticed clerical error in the follow-up financial statement, Bourbeau (2014) reported. According to Attawapiskat’s annual financial statement (Attawapiskat First Nation, 2011), the community had received roughly \$18 million per year since 2006 in federal funding at a rate of \$1.5 million per month, which meant a monthly allowance of about \$750 per community member. This monthly allowance not only had to cover a person’s basic needs but also pay for housing, education, transportation, and medical care. It was clear that the federal government was underfunding this remote First Nation in Northern Ontario.

In May 2016, Attawapiskat’s new Chief, Bruce Shisheesh, had a meeting with the new prime minister, Justin Trudeau, regarding long-term solutions for the problems in Attawapiskat. Chief

Shisheesh stated, “we need water, sewer, electrical and other things Ontario calls normal” (CBC News 2016a). The Trudeau government, in return, committed to an \$8.4 billion budget for First Nations issues over the next five years, of which \$2 billion was for water and wastewater infrastructure to end the boil water advisories on reserves (Kirkup 2016a). Some people thought this a remarkable commitment from the federal government to fulfilling treaty obligations, while others claimed that the \$8.4 billion might not be enough for First Nations communities to solve all their problems (Dehaas and Puzic 2016; Kirkup 2016a, 2016b). In fact, as has since been revealed, a significant amount of the committed funds has been distributed across government departments and service agencies, such as Health Canada and Natural Resources Canada, both involved in servicing First Nations as discussed previously, before reaching First Nations communities (CBC News 2016a). This revelation may help to shed light on the “missing money” at the centre of the earlier dispute between the federal government and the Attawapiskat First Nation – perhaps the full amount claimed by the government never reached the community.

After all this time, the water problems in Attawapiskat First Nation are still not completely resolved. Four years after the last “state of emergency,” residents of Attawapiskat First Nation were still living in an inadequate and unhealthy environment. In 2015, 73 housing units of a total of 329 units on reserve required immediate replacement and 193 needed significant repairs (Hamilton and Quan 2015). Malfunctioning water and housing facilities were ongoing issues at Attawapiskat (McQuigge 2017); the DWA remains a barrier for their access to quality water.

What this case study illustrates is that water crises in First Nations communities are largely a result of the federal government’s continuing control of financial services and its inability to organize a coordinated response, resulting in large numbers of Indigenous peoples who do not have access to quality drinking water. Chief Spence, as a First Nations woman leader, could only manage to gain attention from the federal government with the support of a countrywide Indigenous movement and a hunger strike. What is needed to change the status quo is an approach that honours First Nations’ tradition and self-determination, especially women’s equality and their role as “water carriers.”

An Alternative Policy Approach

To improve First Nations’ access to quality drinking water, a decolonizing policy approach is needed to uphold women’s access to water, sanitation, and hygiene as a human right and overcome colonial practices in water management. While sharing the wealth of the

land through the repatriation of Indigenous rights to land and culture and harmonizing water quality standards between Indigenous and non-Indigenous communities are key to decolonization, it is equally essential that First Nations follow their own cultural traditions so that women can play an important key role in their communities and in all decision-making processes. As Indigenous women continue to suffer from unsafe drinking water and inadequate housing, they are increasingly contesting government colonial attitudes and policies as shown in *Idle No More*. What is clear from the above analysis, as well as from lessons learned from current international initiatives such as WASH and recent practices in Indigenous communities, is that Indigenous women's participation in water management is key to resolving water issues, improving on reserve living conditions, and achieving self-determination informed by Indigenous knowledge.

As we have established, water availability and sanitation are important for Indigenous women as "Water Carriers" and family caregivers. Without clean and safe water, women's domestic workload increases considerably, including long-distance water collection and caring for the young and the sick. Therefore, empowerment means involving women not only in the provisioning of clean and safe water and adequate housing infrastructure but also in policymaking processes.

A policy approach alternative to existing colonial practices begins, therefore, with Indigenous women assuming leadership roles in policymaking and resolving unsafe drinking water and improper housing issues at both community and nation-to-nation levels. First Nations communities recognize the need to empower women in order to improve access to quality drinking water and community development. In fact, as community and family caregivers, Indigenous women have never given up their responsibilities of care for their peoples and environment as natural leaders. One unique example is the Women's Water Commission (WWC) established in 2007 by the Anishinabek Nation. The Grand Council Chief John Beaucage stated at the time of its founding that Indigenous women should lead this commission "as stewards of the water and give a voice for [their] most precious resource" (Rooney 2007). Ever since, the WWC has fulfilled its mandate by cooperating with 42-member First Nation communities on water and water management issues. One of the WWC projects completed in 2016 involved five women commissioners in partnership with the Anishinabek Nation and individual First Nation communities across Northern Lake Superior territory to collect traditional ecological knowledge and the Anishinabek names for bodies of water. This project was meant to restore the Anishinabek language and comprehension of lakes, culture, and heritage (Ontario Indigenous Women's Water Commission 2014, 14; Union of Ontario

Indians 2016). The project has the potential to raise awareness of women's significance in TEK restoration and management of water resources.

A follow-up recommendation is the adoption of an affirmative policy on promoting Indigenous women's participation in the design and operation of water facilities in communities and nation-to-nation relationships. This policy would encourage more institutions related to water management in Canada to recognize the importance of women's participation. To expand on the David Suzuki Foundation's 12 recommendations for ending long-term drinking water advisories as noted above, we recommend that Indigenous women and the Women's Water Commission be invited to work with Source Water Protection programs, utilizing their knowledge of water and bringing their experience of the gender-based impacts of water pollution (as discussed above) into policy concerns at municipal, provincial, and national levels.

Bringing the gender-based impacts of water pollution into policy will require that Indigenous women participate in negotiations over funding agreements and annuities. Statistic Canada indicates that over half of Indigenous women held a postsecondary degree in 2011, and were 12 percent more likely than First Nations men to have a university education (Arriagada 2016, 15). In recent years, more and more increasingly Indigenous women have been participating in major decision-making processes. In 2016, 41 out of 134 elected Chiefs of Ontario First Nations communities were women (Stenberg 2016), actively promoting their knowledge and contributing to community development. They are also important for "developing and changing legislation that affects [women], and...the development and delivery of programs promoting equal opportunity for [Indigenous] women" (Native Women's Association of Canada 2018). Indigenous women's voices are heard not only in decision-making processes but also in important negotiations. One example where women's voices have helped transform their concerns into policy is the Anishinabek Nation Child Well-Being Law (ANCWBL), which came into effect on April 1, 2017 after over a decade of planning and negotiation, and the Anishinabek Nation's agreement with the Government of Canada recently on the support of its implementation through the Anishinabek Nation's own Child/Youth Well-Being System, including its central operating mechanism, Koganaawsawin ("Raising up children together") (Crown-Indigenous Relations and Northern Affairs Canada 2019). The ANCWBL acknowledges Anishinabek "traditions, culture, values, and language of First Nations in relation to child well-being," and upholds the role of parents/guardians, including women and their contributions to the safety and well-being of Anishinabek children/youth and the integrity of families and communities (Anishinabek Nation Child Well-Being Law 2016). The operation of

ANCWBL through Koganaawsawin led by Indigenous women will aid efforts not only to decolonize the state child welfare systems by returning Indigenous children to their families and communities but also establish customary services based on Anishinabek community standards and institutional mechanisms that abide by inherent Indigenous instructions and practices, including women’s stewardship (Brown 2018; Plain 2019).

After 20 years of negotiation and centuries of colonial oppression, this and other policy initiatives mark historical turning points. Most important, they gradually highlight the role of women in decision-making processes in both First Nations and Canadian governments. We look forward to the day when First Nations under Indigenous women’s stewardship set up their own standards for water and work out agreements with various levels of government in Canada to fully address water issues on reserve and remove all DWAs. We hope that this day comes soon as a part of Canada’s commitment to the SDGs by 2030.

Appendix

Table 1: Parallel comparison between federal and provincial policies on the protection of drinking water.

Legal System	Provincial and Municipal government	First Nations (federal responsibility)
Incidence	An E. coli outbreak in Walkerton, Ontario, in 2000 •Due to agricultural runoff and inadequate management of water and waste-water systems	An E. coli outbreak in Kashechewan First Nation, Ontario, in 2005 •Caused by inadequate arrangement of water and sewage systems •Water intake is 135m downstream from the community’s sewage lagoon
Follow up (s)	Justice O’Connor’s reports and recommendations on protecting drinking water •Two reports completed on risk assessment and measures for drinking water sources	Evacuation of over 1000 community members to other cities •Funding for new housing and water system repair on the reserve •Water issues on reserve remain

Legal System	Provincial and Municipal government	First Nations (federal responsibility)
New Policies	The Safe Drinking Water Act, 2002 and The Clean Water Act, 2006 •Development of source water protection regions and areas based on establishing or identifying conservation authorities •Established multi-stakeholder and region-based source water protection committees •These committees combine a multi-barrier approach with risk assessment of their water sources and establish measures	Bill S-8, the Safe Drinking Water Act for First Nations, 2012 •The federal government agreed to work with First Nations on protecting drinking water, and adopted the above Bill without meaningful consultation with Indigenous communities •Most First Nations communities located inside source water protection regions and areas in Ontario have no voting power in policymaking processes
In recent years	There are 19 source water protection regions and 22 source water protection plans managing 450 municipal drinking water systems in Southern Ontario.	Many issues remained on reserves: 1. Funding 2. Ongoing boil and drinking water advisories on reserves 3. Violation of First Nations’ rights and rules 4. Lack of participation at provincial and municipal levels

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