



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

January 29, 2007

Amethyst Award Selection Committee
Ontario Honours and Awards
Ministry of Citizenship

Regarding the Nomination of the Ministry of Natural Resources and Ministry of Intergovernmental Affairs Team responsible for the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement

Over the past five years I have been privileged to work with an exceptional group of Ontario public servants who achieved what many might consider an impossible feat. This team of Ministry of Natural Resources and Ministry of Intergovernmental Affairs staff negotiated, as representatives of the Premier, with their counterparts from Quebec and the eight Great Lakes States two complex agreements that have turned a leaky ineffectual water management system in the Great Lakes region, into a sustainable and visionary water management plan that will be able to address future water supply challenges expected in a future of diminished water resources in North America. It is a challenge to do justice to all that this team accomplished so please indulge me as I try to describe the breath of their accomplishments as succinctly as I can.

Giving multi-tasking new meaning

In order to accomplish this, the team not only had to work with Quebec to see Canadian values were acknowledged by the eight Great Lakes States, but they had to introduce new concepts that were priorities for the Canadian public such as outright bans on diversions to US negotiators and regulators. The Agreements had to reflect the governance, regulatory and constitutional differences between the jurisdictions but they had to create a level playing field among the ten jurisdictions, equitable access to other's courts, checks and balances to measure progress in implementation and a number of decision-making standards for regional decision making on proposals for large withdrawals from the Great Lakes. As well they had to design new measures to reduce the trends of ever increasing demands for Great Lakes water with conservation plans. The Ontario team was able to lead by example as their water management program was already among the best in the region. The final agreements also provide for improved science to allow tracking of cumulative impacts from water use throughout the ecosystem and better understanding of the interaction between ground and surface water of the Great Lakes. Each of the team had to become experts in governance,

science, laws and policies, politics, public relations, stakeholder participation and diplomacy. This dynamic negotiation had challenges at every turn over the long five years, including public opposition in Ontario to early drafts, elections during the negotiations and intense media scrutiny.

Tough Negotiation with Results

I was able to directly witness this team's work first hand at the international level as well within Ontario. I was invited as a representative of the Canadian Environmental Law Association to be on an Advisory Committee to the Council of Great Lakes Governors and Premiers negotiating these Agreements as one of three sectoral representatives from Ontario. I have been at many Great Lakes meetings over the past 20 years and I wish I had a dime for each time we had to ask Americans to remember about the Provinces. This team did us proud and no one was ever able to ignore our Province's position. I can also say that I was also impressed by the close working relationship they forged with Quebec.

Redefining Public Consultation

That said, the most innovative and creative work that this team pioneered was the work they also took on within Ontario to create and implement a new method of consultation with the Ontario public in order to address the wave of protest that the first Draft of these agreements caused when they were released in the summer of 2004. They decided to invite the public to be on the inside and to help the team form their positions going forward into the second round of international negotiations. This was not without risk. Elements of the negotiations needed to remain confidential. They extended an invitation to a broad spectrum of interest groups to form a Great Lakes Charter Annex Advisory Panel. In October 2004 that group began to meet regularly. In depth positions and information were presented and discussed with the Advisory Panel and detailed minutes were kept of strategic decisions taken. They shared long term demographic research they had done on water shortages and political influence in North America with the Panel. This built confidence that Ontario was planning well beyond the short term horizon of the next election.

The Panel work allowed the Minister David Ramsay to state publicly with the authority of the Ontario public behind him that the Province would not continue to be part of the international negotiating process if the ban on Great Lakes diversions was not extended to the US side of the Great Lakes. The creation of the Panel also created a level of understanding among the stakeholders of the complexities of the issues, of individual sectors' concerns of the challenges ahead for implementation and led to a cohesion of purpose that is rarely achieved by government consultation efforts. It is a testimony to this team that they were willing to stretch themselves to accommodate the demands of bringing everything back to the Panel, preparing for meetings and holding countless emergency calls with stakeholders when negotiations became dynamic as the final deadlines loomed. I imagine these efforts tripled their work. The team's efforts have been reinforced when most of the Panel members elected to continue their work to

assist with the implementation schedule which is expected to take several more years until the Agreement comes into full force.

Building creatively on lessons learned

The Ontario team has recognized that the process they used could have application and value for other government efforts that consult on complex public policy and law reform issues. In order to evaluate this they are planning a forum for Ontario Public Servants to present a report that will evaluate the unique, productive and useful aspects and challenges of this consultation. The forum will seek to identify what other processes might benefit from an inside out consultative process that makes stakeholders partners in the process and more committed to the outcomes.

In an era where environmental problems are increasingly complex and urgent, this team has shown real perseverance, creativity and vision. They have done this with out many additional resources and much personal sacrifice in overtime. Their sincerity has gone along way to building increased public trust and transparency in policy and decision-making to a new level in Ontario.

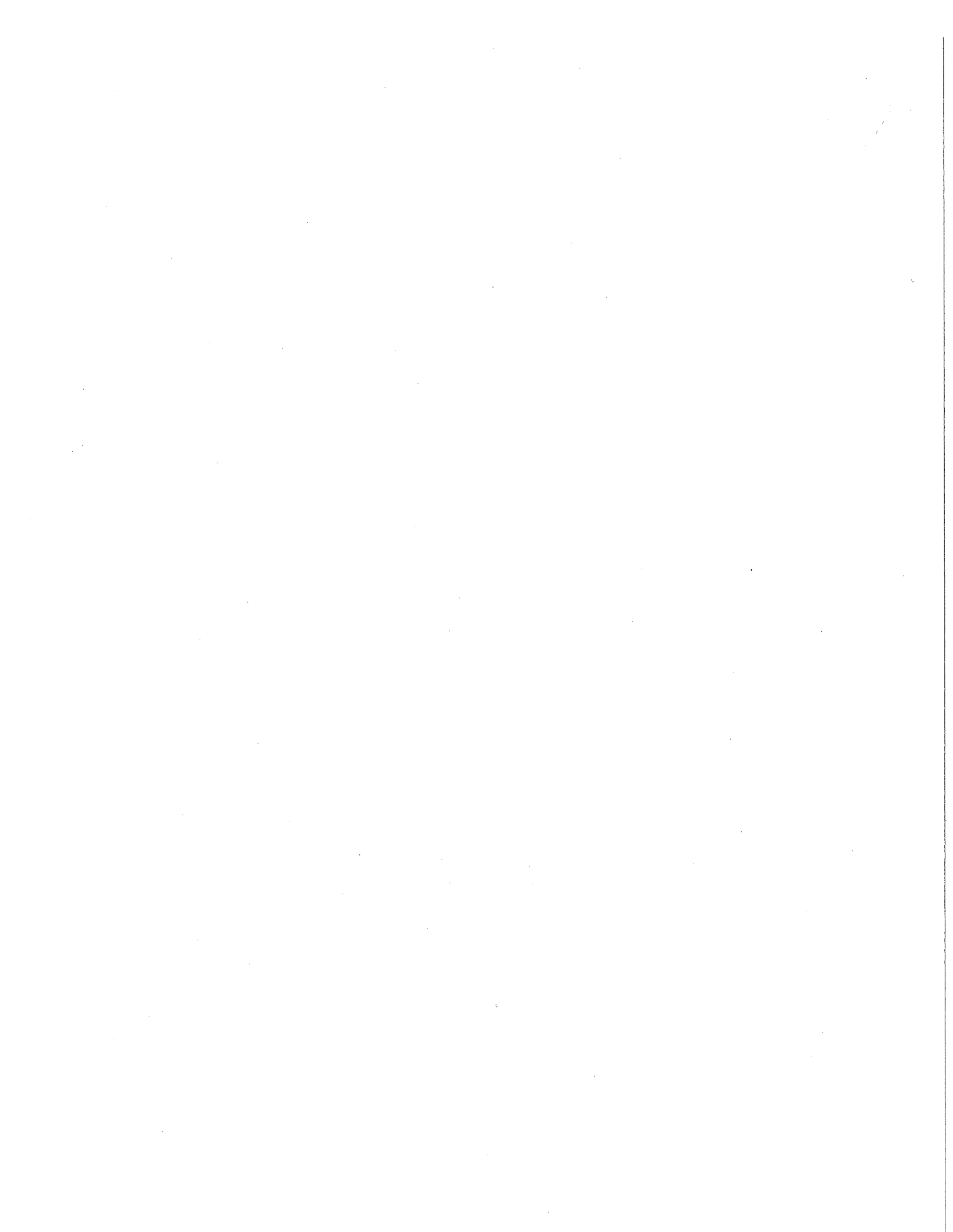
At the international level, there was resistance to involving Tribes and First Nations in these negotiations. This team was careful to inform First Nations of progress during 2004 and undertook to set up a parallel consultation panel in 2005 with First Nations in Ontario. When public meetings were held to consult on two separate drafts of the agreements in the summer of 2004 and again in 2005, the team held separate meetings with First Nations in each location. This resulted in language in the two final Agreements requiring consultation with First Nations and Tribes. It also led the Great Lakes First Nations and Tribes to come together to discuss their concerns which resulted in a *Tribal and First Nation Water Accord* that sets out their expectations for other Great Lakes efforts.

I would be happy to speak further with your Committee should you have further questions about this exceptional team effort.

Yours truly,

Sarah Miller

Sarah Miller
Coordinator and Water Policy Researcher





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