

Review of Governance and Institutions

The review

A recurring theme in the discussions and reports of the nine original review working groups was problems with governance and institutions related to the Great Lakes Water Quality Agreement. These problems were seen as central reasons for failures in achieving Agreement goals.

The official review of governance and institutions was supposed to have started in April 2006, at the same time as the review working groups commenced work. However, the governance and institutions review ended up starting only in November. The governments said it took that long to develop contracts to hire people to manage the review.

The review of governance and institutions related to the Agreement was carried out quite differently from the reviews carried out by the review working groups:

- Unlike the review working groups, government officials did not oversee the governance and institutions review process. The governments quite rightly decided that the review could be valid only if conducted by more neutral people. As a result, the governments decided to hire two independent conveners to manage the process, one from Canada and one from the United States
- Also unlike the review working groups, the process did not include all who asked to participate and did not involve a series of teleconference calls or meetings. Participation in the review was by invitation, and the review consisted of just a two-day workshop in November 2006 with one follow-up call.

The workshop was attended by thirty-three people. The conveners separately interviewed a few people who were invited but unable to attend. The conveners then wrote a draft report summarizing the workshop and interviews, followed by a teleconference for comment on the draft report by all involved. The conveners then finalized the report and submitted it to the governments at the end of January 2007.

The report

Four of the main findings from the workshop review report are:

- Compared to governance under the previous version of the Agreement, which was in effect until 1987, “governance functions as now being carried out by Parties have weaker links and accountability to the Agreement, decreasing its effectiveness”
- There is an “absence of key implementers such as First Nations, Metis, Tribes, states, provinces and local governments”
- There have been “insufficient resources to implement Agreement”
- The binational nature of the Agreement is “critical”

The full document, *Great Lakes Water Quality Agreement Governance and Institutions: Workshop Review Report*, is available at a Web site managed by Great Lakes United to store materials related to current issues: www.speakongreatlakes.org.

Great Lakes United analysis

Great Lakes United is concerned that the governments did not conduct a more thorough review of governance and institutions as originally promised. Failures of governance and of implementing institutions are arguably the most important reasons for the failure of the Great Lakes Water Agreement as a whole to achieve many more of its goals and objectives. The governments should have arranged for a much more thorough review.

- Great Lakes United believes that the governments should still conduct that more-thorough review. We think this should be done by arranging for a full third-party review. The third parties should have substantial prestige, suitable for assessing the needs of a binational agreement of worldwide renown. For the Agreement as a whole, other environmentalist observers have asked that the governments request that the Royal Society of Canada and the National Academy of Sciences conduct a baseline review. We are suggesting that such an arrangement, whether with those or similar institutions, should be made for the specific issue of governance and institutions related to the Agreement.
- Great Lakes United also believes that the range of institutions evaluated should be broader than those addressed by the recent review, which was limited to the Binational Executive Committee, the International Joint Commission, and the IJC boards.
- Finally, we think the governments should hold a series of workshops on individual aspects of governance and institutions, including ways to improve them. The governments had originally said that this was their intention, but the late start made it impractical. We think the governments should see the November 2006 workshop as only the beginning of the governance and institutions review.