

Great Lakes Water Quality Agreement Review Process

Government Timeline

Pre-formal review

In fall 2005 the International Joint Commission held fourteen public meetings around the Great Lakes and St. Lawrence River basin. The purpose of these meetings was to get public input on the issues and concerns related to the forthcoming commencement of the formal government review of the Great Lakes Water Quality Agreement.

The IJC submitted its report based on these meetings to the governments in January 2006.

The Agreement is an arrangement between the two federal governments. The IJC is only the designated watchdog of progress under the Agreement. After this first step of the pre-formal review, the IJC can continue to make input to the review process, but it is not responsible for conducting the formal review. That is the responsibility of the Canadian and U.S. federal governments.

Step 1, Beginning of formal review, February 2006

The formal government review process started with action by the Binational Executive Committee approving the process for conducting the review. The BEC is the body of senior government civil servants from the federal, provincial, and state governments across the basin charged with overseeing the implementation of the Great Lakes Water Quality Agreement.

Step 2, Review work group deliberations, April 2006–December 2006

In April 2006, the governments set up nine review working groups to review different parts of the Agreement. The work of these groups was carried out primarily by a long series of teleconference calls. Anybody could become a member of the Review Working Groups simply by signing up. The report of each review working group was finished by the end of December 2006.

There was also a tenth review group, dealing with governance and institutions related to the Agreement. This group, which started only in November 2006, operated in a very different manner from the other review working groups, and submitted its report at the end of January 2007.

See the separate document summarizing the nine Review Working Group reports, another document summarizing the report of the governance and institutions work group, and the reports themselves, elsewhere on the speakongreatlakes.org Web site.

Note: Great Lakes United has serious concerns with the Review Working Group process as the almost sole instrument for reviewing the Agreement. We believe that the review should have

been based on detailed studies and critiques as background for the work of those who participated on the Review Working Groups. In addition, the biweekly and in some cases weekly two-hour conference calls over many months became a major burden for all participants (government and non-government alike) and resulted in inconsistent and dwindling participation as time went on. There also was long-term confusion related to lack of official clarity on whether working group participants were charged with recommending improvements to the Agreement in addition to assessment of its performance to date.

Step 3, Draft Agreement review report written, January–April 2007

The Agreement Review Committee, a committee of U.S. and Canadian officials with overall responsibility for the Agreement review, will then pull all the individual reports together into one Agreement Review Report. The ARC is scheduled to submit this report to the Binational Executive Committee for approval at the end of April.

Step 4, Formal public consultation, May–June 2007

Once the BEC approves the draft Agreement Review Report, the document will be released by the governments for sixty days of public comment. The governments hope to carry out this consultation during May and June. The mechanisms that will be used for public consultation have not yet been determined.

Step 5, Completion of the Agreement Review Report, summer–fall 2007

After receiving public input, the ARC will revise the draft report and submit it to the BEC, which in turn will use it to prepare recommendations to Environment Canada and the U.S. Environmental Protection Agency on how to proceed with the review and whether (and if so, how) to make changes to the Agreement.

Step 6, Advice to governments on action to take, winter–spring 2007–2008

At this point Environment Canada and the U.S. EPA will decide on and transmit their individual advice to Canada's Department of Foreign Affairs and to the U.S. State Department respectively. These are the two bodies that would have to formally lead any renegotiation of the GLWQA because they are responsible for international agreements.

Step 7, Decision to revise the Agreement (or not), 2008–2009

Foreign Affairs Canada and the U.S. Department of State will then decide whether to make changes to the Agreement and, if so, begin negotiations. Depending on the extent of any proposals for changes, the negotiations could extend well into 2009.