

August 26, 2008

Dear Councillor,

As you know, The Great Lakes-St. Lawrence River Basin Compact<sup>1</sup> has passed through U.S. Senate and is expected to be voted on in the House of Representatives when it reconvenes in the fall.

The Council of Canadians is concerned that unless it is amended, the Compact will threaten the Great Lakes-St. Lawrence ecosystem for the following reasons:

### **1. The bottled water exception**

While the Compact sets out to prevent diversions from the Great Lakes, the definition of diversions does not apply to water as a “product” and gives bottled water corporations the right to extract water from the Great Lakes in containers of 20 litres or less.

Once they are granted this right, Michigan lawyer Jim Olson argues that it will be difficult to regulate corporations taking water out of the Great Lakes in containers because they would be protected in international trade agreements such as the North American Free Trade Agreement.

### **2. Other exceptions**

The Compact grants special rights to communities and counties straddling the Great Lakes. These communities are exempted from the “no diversions” clause and are not required to return a minimum amount of water to the Great Lakes basin, if at all. These exceptions – along with the infamous Chicago diversion of 2 billion gallons a day – means vast amounts of water will be transferred outside the Great Lakes basin, which will have adverse effects on its ecological integrity and lead to further depletion of water in the basin.

### **3. The threat to Canadian sovereignty**

The Canadian government was not at the table when these agreements were being discussed. The Great Lakes Compact sets up a regional authority to regulate water takings in the Great Lakes Basin. A body comprised of two provinces and eight Great Lakes states puts Canada at a disadvantage in negotiating water disputes. The International Joint Commission (IJC) is responsible for overseeing and arbitrating conflicts over water issues between Canada and the United States. The Great Lakes Compact makes the IJC irrelevant and weakens the ability of the Canadian government to protect the Great Lakes-St. Lawrence River Basin.

## **Our requests:**

### **1. Call for an amendment to the Great Lakes Compact.**

The Council of Canadians is working with the Canadian Union of Public Employees, the U.S.-based Food and Water Watch and other groups to call for an amendment to the Compact. We are proposing an amendment that would **incorporate the public trust doctrine** as a standard for protection and eliminate the **bottled water exception** and we hope you will join us. Please contact us to add your name, or that of your municipality, to the growing list of individuals and organizations calling for an amendment.

### **2. Demand federal intervention.**

Throughout this process, the federal government has remained silent. In its silence, it has abdicated its responsibility to protect the Great Lakes and the Canadian public interest. The federal government is the only body with the authority to negotiate international agreements on shared natural resources. The Council of Canadians is calling on the federal government to intervene immediately and uphold the integrity of the International Joint Commission by ensuring that it remains the primary body responsible for deciding disputes over the management of the Great Lakes.

### **3. Call for a Great Lakes-St Lawrence Summit**

The Council of Canadians is calling for a summit involving all levels of government including First Nations governments as well as community activists and civil society groups as a first step in developing a plan for protection of the Great Lakes-St. Lawrence River Basin.

Sincerely,

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<sup>i</sup> The Great Lakes – St. Lawrence River Basin Compact is an interstate agreement based on the Great Lakes Annex Agreement signed by Ontario, Quebec and the eight Great Lakes states in 2005. In order to be recognized in U.S. Federal law, the Compact had to be approved by the legislatures of all eight states and by Congress. Michigan was the last state to sign in July, 2008.