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THE GREAT LAKES CHARTER ANNEX AGREEMENTS Backgrounder

Final Agreements Ban Diversions and Strengthen Conservation Measures

The final Great Lakes Charter Annex agreements provide strong new protections for Great Lakes-St. Lawrence River Basin waters. The agreements:

Ban diversions, with rare, strictly regulated exceptions such as for communities that straddle the Great Lakes-St. Lawrence River Basin boundary and the boundaries between Great Lake watersheds

Strengthen water conservation through programs in each state and province

Establish a stronger new environmental standard for regulating water uses across all Great Lakes-St. Lawrence River Basin states and provinces

Build the information and science needed to support sound decision-making

Formally recognize the authority of the federal governments and the International Joint Commission under the Boundary Waters Treaty, which remains unchanged

Provide a stronger voice for Ontario, its citizens and First Nations in the regional review of water use proposals by other jurisdictions for exceptions to the prohibition against diversions.

Build regional collaboration, for example in the review of water management and conservation programs

Are founded on the principles of ecosystem protection, a precautionary approach, recognition of cumulative impacts and climate change uncertainties.

Protecting a Shared Natural Resource

Ontario shares the Great Lakes-St. Lawrence River Basin with Quebec and eight U.S. states – Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin.

For the past 20 years, the premiers and governors of the 10 provinces and states have followed a set of principles set out in an agreement, the Great Lakes Charter, intended to protect and conserve the waters of the basin. They have shared information on water use and consulted each other on proposals for major water uses

Renewed concerns about proposals to export water in bulk led the provinces and states to sign a supplementary agreement known as the Great Lakes Charter Annex in 2001. It committed the 10 parties to develop agreements

that would provide better protections for Great Lakes-St. Lawrence River Basin waters

There are two agreements: a good-faith agreement among the two provinces and eight states, and a binding compact among the eight states. Provinces and states by themselves are unable to sign treaties across international boundaries

All levels of government on both sides of the Canada-U.S. border share responsibility for protecting and conserving the waters of the Great Lakes-St. Lawrence River Basin. However, the Ontario government was concerned that U.S. states outside the basin may have an interest in gaining access to Great Lakes waters that would conflict with Ontario's efforts to prevent diversions from the basin

The Charter Annex agreements complement and enhance existing protections for the waters of the Great Lakes-St. Lawrence River Basin.

The 10 jurisdictions released first drafts of the agreements in July 2004. After listening to the public response, input from Ontario's First Nations, and the advice of its advisory panel, Ontario went back to the negotiating table seeking "no diversions" agreements and better conservation measures. Second drafts of the agreements were released for public comment in June 2005. Ontario then held meetings with the public, First Nations and stakeholder groups throughout the province. A further period of negotiations resulted in the final agreements.

Ontario Already Protects Great Lakes-St. Lawrence River Basin Waters

The Ontario government has passed strict laws banning water diversions out of the province's three major water basins – the Great Lakes-St. Lawrence River Basin, the Hudson Bay Basin and the Nelson River Basin

The province also regulates water withdrawals, and has brought in stronger measures to protect natural ecosystems.

As a result, Ontario's laws already meet or exceed most of the requirements of the Charter Annex agreements. In negotiating these agreements, Ontario has sought similar protection by all Great Lakes jurisdictions.

Next Steps

The agreements provide a framework for each province and state to pass laws that put in place the new protections for Great Lakes-St. Lawrence River Basin waters. The United States Congress will also have to endorse the compact among the eight Great Lakes states.

Portions of the agreements are effective immediately; others will be phased in over time.

The Great Lakes-St. Lawrence River Basin

The Great Lakes-St. Lawrence River Basin is the watershed of the Great Lakes and of the St. Lawrence River upstream from Trois-Rivières, Québec. The basin includes the areas around each body of water in which water drains

toward the Great Lakes or the St. Lawrence River. Twenty per cent of the world's fresh water and 95 per cent of North America 's surface fresh water supply is contained in the basin.

Other Initiatives To Protect Great Lake Waters

The Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA) is a federal-provincial agreement designed to support Canada's obligations under the U.S. – Canada Great Lakes Water Quality Agreement (GLWQA) to restore the chemical, biological and physical health of the Great Lakes. COA was first signed in 1972 and has been renewed every five years since.

The agreement supports restoration of the Great Lakes as well as maintaining healthy waters and habitats in the Great Lakes basin and its watersheds. Basin governments and agencies are encouraged to work together to establish common priorities, goals and management strategies for enhancing and conserving the basin ecosystem and to report regularly and publicly on the state of the basin ecosystem.