

"On September 19-20, 2003, the IJC will be hosting its 2003 Great Lakes Conference and Biennial Meeting in Ann Arbor, Michigan. Three significant actions will be in the forefront of this meeting."

The first, a recent report of the U.S. General Accounting Office (GAO) said;

"Great Lakes - An Overall Strategy and Indicators for Measuring Progress Are needed to Better Achieve Restoration Goals". The GAO report concluded that there is no coordinated unified strategy to restore the Great Lakes. Other organizations, including the IJC, have reached the same conclusion, and made recommendations consistent with those in the GAO report for several years.

The second,

"The convergence of analysis is significant. The GAO's work supports what the IJC and many observers have found," said the Rt. Hon. Herb Gray, chair of the IJC's Canadian Section.

The fact that three independent organizations with oversight functions keep reaching the same conclusions sends a very powerful message. We hope this latest report helps to focus the U.S. Government's response," said Dennis Schornack, chair of the IJC's U.S. Section.

#### Bi-national Control & Regulation of Pollution

We think the time has come for the two governments to strengthen the joint implementation of the Great Lakes Water Quality Agreement through more direct bi-national control and regulation of water pollution.

"We recommend the two governments give immediate attention to the changes needed to bring about a direct bi-national activity within the IJC (or elsewhere as they deem appropriate) The activity should have responsibilities granted by the two governments, and answerable to them."

#### The Proceedings Under Article X

The Boundary Waters Treaty needs Implementation by the Ecological Systems Approach To Basin Wide Management by Professor Caldwell. The questions examined here by Article X, in its entirety, have rarely been examined in the Boundary Waters Treaty. The intent of Article X is further examined in the explanation that follows the Article .

#### Query

The International Joint Commission cannot be pleased with the recent report of the U.S. General Accounting Office (GAO) "Great Lakes - An Overall Strategy and Indicators for Measuring Progress Are needed to Better Achieve Restoration Goals". Neither can it agree with the findings of the May 1st special report of the IJC entitled "The Status of Restoration Activities in the Great Lakes Areas of Concern" and its September 2002 11th Biennial Report on Great Lakes Water Quality.

When Lynton K. Caldwell presented his essay on REAFFIRMING NEPA: THE FUTURE SIGNIFICANCE OF THE NATIONAL ENVIRONMENTAL POLICY ACT, his concern and re-affirmation of the Act is not reassuring. In describing the need to guarantee present and future generations equitable sharing of environmental rights, he suggests a new vision of the NEPA to make this responsibility real, (*Professor of Political Science Emeritus and Professor of Public and Environmental Affairs at Indiana University: the Harvard Environmental Law Review 1998, 22 Harv. Envtl. L. Rev. 203*)

Building on these thoughts, we propose to reopen a discussion of Great Lakes governance. The time is right to review the record of the cooperative efforts of the regime described under the Boundary Waters Treaty of 1909, and the sub-regime described under the Great Lakes Water Quality Agreement of 1978 as amended by the Protocol of November 18, 1987. The 100 year record of the Treaty and the thirty year record of the Agreement need reassurance consistent with Professor Caldwell's vision.

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