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CANADA PASSES LEGISLATION TO PROTECT GREAT LAKES FROM BULK WATER REMOVALS

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John Manley, Minister of Foreign Affairs, today announced that amendments to the International Boundary Waters Treaty Act (IBWTA) have been passed into law. The amendments will prohibit the bulk removal of water from Canadian boundary waters, including the Great Lakes.

"In February 1999 we announced that we would prohibit bulk water removal from boundary waters under federal law and now we have achieved that goal," said Minister Manley. "This will ensure that this critical freshwater resource is protected for future generations."

The prohibition on removals will apply principally to the Great Lakes and other boundary waters, such as the international sections of the St. Lawrence River and Lake of the Woods in Ontario and the St. Croix and Upper St. John rivers in New Brunswick. Separate from the prohibition, the amendments adopted yesterday will also set in place a licensing regime for boundary waters projects such as dams, obstructions or other works.

Environment Minister David Anderson said, "Prohibiting the bulk removal of this vital natural resource protects the ecosystems and communities that depend upon a sustainable supply of water."

The passage of the amendments to the IBWTA is the last step in a three-part strategy to prohibit bulk water removals from all Canadian water basins, announced in February 1999. Last year, the International Joint Commission (IJC), at the request of Canada and the United States, completed a study and released a report that concluded that the ecological integrity of the Great Lakes needs protection. The IBWTA amendments are consistent with the IJC's conclusions and recommendations. In addition, the Minister of the Environment has been working with the provinces and territories to ensure that all of Canada's freshwater resources are protected. All provinces have already put in place or are developing legislation or regulations that accomplish this goal.

Canada's border with the United States is formed, crossed or straddled by more than 300 lakes and rivers. The International Boundary Waters Treaty Act was passed by Parliament in 1911. It implements the 1909 Canada-U.S. Boundary Waters Treaty, which establishes principles and procedures for preventing or settling disputes, particularly regarding the quantity and quality of boundary waters between Canada and the United States.

To further implement this legislation, regulations will be proposed in the coming months that will provide an opportunity for public input and ensure effective and continued implementation.

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A backgrounder is attached.

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There is a consensus among Canadians that freshwater resources need protection from bulk removals. What is the best way of achieving this goal?

Prohibiting bulk water removal out of water basins is better than an export ban because it is more comprehensive, environmentally sound, respects constitutional responsibilities and is consistent with Canada's international trade obligations.

* Water is protected in its water basin, before the issue of exporting arises. This is an environmental protection measure of general application, aimed at preserving the integrity of ecosystems.

* Under the Canada-wide accord, each level of government has a responsibility and each level must take action. Canadian governments have full sovereignty over the management of water in its natural state, and in exercising this sovereignty are not constrained by trade agreements.

* Water is regulated in its natural state, before it has become a commercial good or a saleable commodity. This is consistent with Canada's international trade obligations.

An export ban may seem like a quick and simple solution. However, it does not focus on the environmental dimension, has possible constitutional limitations, and may be vulnerable to a trade challenge. An export ban would focus on water once it has become a good and therefore subject to international trade agreements. Because these agreements limit the ability of governments to control the export of goods, a ban on exports is likely to be contrary to Canada's international trade obligations. This contrasts sharply with the federal government's approach.

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