

## Governance and the Great Lakes Guardians' Council: Who are We and What should We be Doing?

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### Abstract

Citizens can and should, be involved in environmental decision making. While the manner which this is manifest differs depending on issues and geopolitical landscapes, the active engagement of citizens in collaborative governance is emerging as a standard for policy making. To this end, Ontario's Great Lakes Protection Act of 2015 established, The Great Lakes Guardians' Council to improve collaboration and coordination among the Great Lakes partners. The Council provides a forum to provide the Minister of the Environment and Climate Change an opportunity to hear feedback from Council on matters relating to the Great Lakes. After several meetings and gatherings of the Council members, two years into its establishment, matters of purpose and governance have not been discussed in any depth. This research interviewed Council members to gain a better understanding of the shared governance perspectives and the need to shift to an action agenda and address the governance uncertainties to better effect change for Great Lakes excellence.

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### Introduction

The need to understand better how citizens can become engaged productively in environmental policy making and planning comes at a time of increasing citizen dissatisfaction with the ability of a burgeoning bureaucracy to make appropriate decisions [1]. Citizens can and should, be involved in environmental decision making [2]. How this is manifest varies across issues and geopolitical landscapes, but the active engagement of citizens in decision making is a form of public governance that is increasingly being deployed.

In the Great Lakes region, public participation has become close to routine in environmental decision making. For example, The Great Lakes Public Forum, instituted under the Great Lakes Water Quality Agreement Protocol of 2012, occurring once every three years, provides an opportunity for the United States and Canada to discuss and receive public comments on the state of the Lakes and binational priorities for science and action and provides an opportunity for the International Joint Commission to discuss and receive public comment on the Progress Report of the Parties [3]. In 2012, the Governments of Canada and

the United States renewed and revised the Great Lakes Water Quality Agreement, the mechanism which has guided binational cooperation to restore and protect Great Lakes water quality and ecosystem health for over four decades [4]. In renewing the Agreement, governments committed to holding a Great Lakes Public Forum every three years to publicly review the state of the Great Lakes, report progress on implementation of the Great Lakes Water Quality Agreement and discuss priorities for science and action.

Konisky and Beierle, note that participatory methods such as public comments and hearings are now institutionalized components of environmental protection and natural resource management efforts [5]. They also observe that often, public involvement in decision making is reactive, informing the public after a decision has been made, and many processes are characterized by insufficient deliberation and involve only a small number of participants. The Triennial Great Lakes Public Forum engaged hundreds of stakeholders in a basin that is home to more than 40 million people.

Meaningful engagement calls for evolution of our understanding of public governance. Bovaird and Löffler understand public

governance to be the ways in which stakeholders interact with each other in order to influence the outcomes of public policies [6]. They define 'good governance', as the negotiation by all the stakeholders in an issue (or area) leading to improved public policy outcomes and agreed governance principles, which are implemented and regularly evaluated by all stakeholders.

Good governance, according to Davis "is the process of informing, making, implementing and refining our decisions on specific issues with specific policies to advance these uses and aspirations" [7]. In contrast, poor governance yields decisions that benefit the health and prosperity of one or more generations over the health and prosperity of other generations.

Still, governance can be difficult to define as it is used in a multitude of different ways. While different interpretations abound, most agree that the basic characteristic of governance is the migration of power from the central state up into supranational institutions, horizontally to non-state actors and down to sub-national levels of government and non-state actors [8].

Arnstein's "ladder of citizen participation" illuminates that the degree to which citizens share in government decision making can range from nil to nearly complete [9]. While some engagement methods enable citizens to have close to the final say on government decision making, others are superficial and constrain that influence significantly (Figure 1).

Table presents the framework that Bovaird and Löffler use to compare public engagement frameworks. In the Great Lakes

region, consultation tends to follow the concept of round tables. These are purposeful venues that enable stakeholders to discuss and propose policy initiatives to government decision makers. The objective of a round table is to build a multisectorial consensus, to advise government decision makers. So while round tables do not have direct decision-making authority, the close interaction with government agencies provides them with a direct channel to influence those in decision making positions [6] (Table 1).

### Governance Case Study: The Great Lakes Guardians' Council

Established under the Great Lakes Protection Act, The Great Lakes Guardians' Council "helps improve collaboration and coordination among the Great Lakes partners. The Council provides a forum to:

- Identify priorities for actions
- Identify potential funding measures and partnerships for projects
- Share information
- Give the Minister of the Environment and Climate Change an opportunity to hear feedback from Council meeting participants on matters relating to the *Great Lakes Protection Act*, including:

1. Establishing targets
2. The criteria the Minister may use to select and prioritize the geographic areas for which proposals for initiatives will be developed
3. The development of proposals for initiatives
4. The development and implementation of initiatives
5. The development and implementation of inter-jurisdictional agreements in respect of the protection or restoration of the ecological health of the Great Lakes-St. Lawrence River Basin." (Province of Ontario accessed 10/03/2017)

The Act provides the option for the Council to discuss priorities for a particular watershed in the Great Lakes-St. Lawrence River Basin or on a specific geographic area of the Basin.

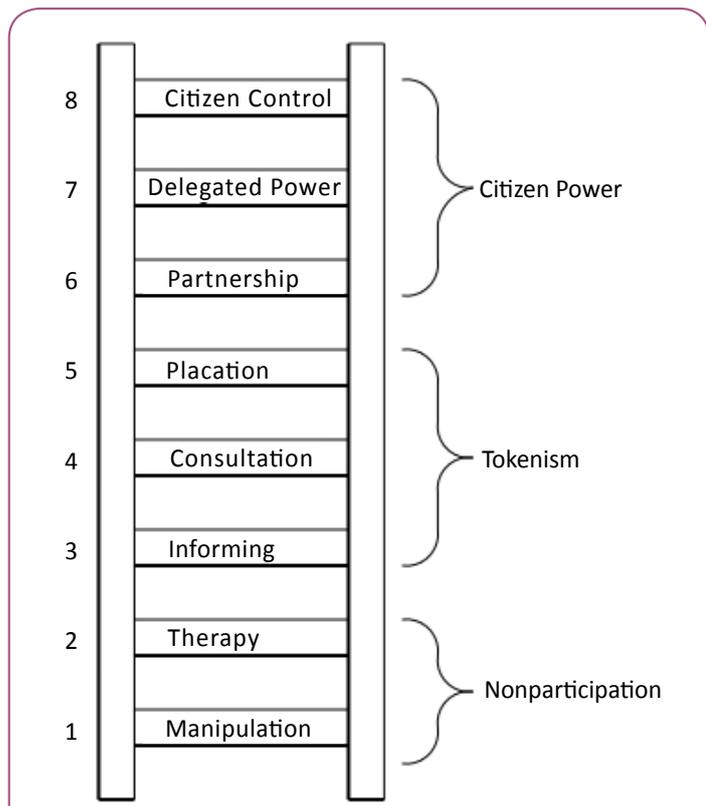


Figure 1 Eight rungs on the ladder of citizen participation.

Table 1 Stakeholder engagement comparative frameworks.

	Participants	Intended Outcome	Decision making authority
study circle	Open access	Education, civic engagement	Usually none
Citizen juries	Participants selected on socioeconomic criteria	Decision or set of recommendations	Sometimes Advisory
Round table	Stakeholders	Decision or set of recommendations	Advisory
Collaborative water management	Stakeholders	Decision and implementation	Replace or share government authority

## Part II of The Great Lakes Protection Act Specified The Nature of the Council as Extracted Below

### Great lakes guardians' council

(1) A council known in English as the Great Lakes Guardians' Council and in French as Conseil de protection des Grands Lacs is established.

### Meetings of council

(2) The Minister shall ensure that at least one meeting of the Council is held before the first anniversary of the day subsection comes into force and that at least one meeting is held in every subsequent calendar year.

### Invitations to meetings

(3) Before a meeting of the Council is held, the Minister shall, as he or she considers advisable, extend written invitations to individuals to attend and participate in the meeting, including,

- (a) The other Great Lakes ministers,
- (b) Representatives of the interests of municipalities located in whole or in part in the Great Lakes-St. Lawrence River Basin,
- (c) Representatives of the interests of First Nations and Métis communities that have a historic relationship with the Great Lakes-St. Lawrence River Basin,
- (d) Representatives of the interests of environmental organizations, the scientific community and the industrial, agricultural, recreational and tourism sectors in the Great Lakes-St. Lawrence River Basin and of conservation authorities that have jurisdiction under the Conservation Authorities Act over areas located in whole or in part in the Great Lakes-St. Lawrence River Basin and
- (e) Representatives of any other interests that the Minister considers should be represented at the meeting.

As defined in the Great Lakes Protection Act, the Great Lakes Guardians' Council is a meeting of invited participants with Great Lakes interests. The legislation does not call for permanent membership. It allows for the Minister of the day to invite participants from various sectors at the pleasure of the Minister. Strictly, then, this forum for input and information sharing could be considered nothing more than consultation.

However, the Minister in 2016 chose to interpret the Council as a body with consistent "membership" to help shape the Guardians' Council in the early years of its existence. He has placed an emphasis, with the support of the participants, on shared understanding, multi-generational thinking and reconciliation. These are hallmarks of good governance.

In my experience with numerous Great Lakes associations, what makes the Council unique is the strong presence and leadership of indigenous members, including the co-Chairing of the Council by the Ontario Minister of Environment and Climate Change and Grand Chief Patrick Madahbee, Union of Ontario Indians. This

difference between what the legislation sets out and how the Minister of the day is working with it is notable.

Indigenous peoples' engagement in environmental management is increasing globally as a result of recognition of their rights, interests, and the worth of their Indigenous Ecological Knowledge (IEK) [10]. In considering the features of Indigenous knowledge and governance systems, Hill et al. a working definition of Indigenous peoples as those who, having a historical continuity with pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies. These distinct Indigenous societies are recognized as the holders of IEK, typified by a collective body of knowledge, belief and practice, adapting and growing, and transmitted through generations by cultural communication. As pointed out by the International Council for Science, "IEK forms part of governance and cultural systems that encompass language, naming and classification systems, resource use practices, rituals, spirituality and worldviews" [11]. Given this dimension of the Council, various frameworks related to governance could be potentially relevant, including multilevel, adaptive, and collaborative governance, paying attention to different attributes including legitimacy, accountability, problem-solving situations, leadership, respect and trust [10,12,13]. This is further discussed below.

## Meeting Achievements and Outstanding Action

The Council's Inaugural meeting occurred on March 22, 2016. At that time, the idea of establishing a foundation of shared values was proposed as a potential approach for the Council, rather than focusing first on choosing among many priorities for action [14].

The notes from that meeting highlighted some of the roles that the members play including:

- Promoting healthy soils and agricultural stewardship
- Partnering on projects in priority watersheds
- Funding or delivering community action and research
- Engaging communities on the importance of nature
- Working on or advocating around key great lakes issues
- Seeking sustainable approaches to new development
- Building new relationships and fostering youth engagement
- Conserving natural areas
- Protecting watersheds
- Raising awareness of issues
- Advancing drinking water safety

At this very first meeting the Council acknowledged the existence of many Great Lakes committees, agreements and work groups along with their varied mandates and the need to better understand how this new group can best help the province enhance and protect the Great Lakes. These questions remained unresolved and represent a current, but solvable gap

in governance. Further, discussions raised the need to determine how often and where the Council should meet to best effect Great Lakes improvement, which also, to the date of this paper, remains unanswered and calls for a governance dialogue. Also raised was the desire of the members to better understand the roles and priorities of other participants, an exercise that has yet to be formalized.

Some insightful governance principles from this inaugural meeting included the need to acknowledge the importance of treaties, building trust and mutual understanding and learning from First Nations' traditional knowledge. The Council members pointed out the importance of environmental monitoring, training and capacity building. Transparent discussions between First Nations leadership and Government of Ontario leadership were identified as an important opportunity as were the potential to establish partnerships between First Nations and industry for watershed improvement initiatives.

A subsequent gathering occurred August 21-23, 2016 at the Manitoulin Island Hotel and Conference Centre.

In a round table format, participants discussed their connection to the Great Lakes along with their issues of concern, and the need for leadership and wisdom. A number of participants emphasized the connection between accesses to the Lakes physically and educationally. The potential was raised that the council could develop ideas around an access strategy. To begin this task, a data and knowledge integration working group has been established under the Council as a means of building public understanding, as well as for better Great Lakes decision making. The potential role of the Council in reconciliation across peoples and in the Council's relationships with the natural ecosystem was discussed. As one participant asked: "How can we make the lakes sacred to many, many more people?" So this gathering started identifying governance principles.

The second formal meeting occurred in Toronto on October 4, 2016. The Council discussions included:

- How to create a focus for the Council. Proposed we create a set of principles to share.
- Identify themes for the Council (data and the portal, nation to nation building, agriculture and food security).
- Identify resources to protect the lakes.
- How are we going to find something we can achieve together?
- We need a dialogue for discussion. We need to broaden our understanding.
- The challenge is to find out what it is we need to do. We need an agreed upon set of principles, for example "water is sacred" (Table 2).

### Understanding the potential paths forward

As a member of the Council, based on the feedback I received from numerous participants, I believed it was time to better understand our role and governance principles and frameworks two years into the existence of this institution. I developed a

set of interview questions to assemble member's perspectives and search for commonalities, consensus or dissensus. The issue of governance of the Council was raised at the first two meetings, but was still not resolved. As such, an email was sent to all members seeking a telephone interview to talk through the following questions:

- Has the GLGC brought you value since you began your participation?
- What are the purposes you believe should be the focus of the GLGC?
- Are there priority activities or topics which you would like to advance/promote/participate in?
- What value do you believe we could give to the province within and beyond the Great Lakes Protection Act?
- Please tell me what else you believe the Council should or could do.

Numerous interviews were conducted in February and March of 2017, with all comments held in full confidentiality, unless the member specifically desired that their views attributed. Fifteen members participated and with the exception of indigenous members, no other government participants were interviewed. The findings represent repeated comments on similar themes, with very little dissensus detected.

## Interview Findings

### Trust building and shared understanding

Factors that are crucial within the collaborative process itself include face-to-face dialogue, trust building and the development of commitment and shared understanding [15]. These characteristic were discussed at the founding meeting of the Council and further explored at the Manitoulin roundtable. Informants noted they achieved a better understanding why Indigenous leaders were at the Council Table, their interests, and their perspectives on the value of the Great Lakes. One member noted that a crucial value of the Council is developing an understanding of "first nation's views of themselves and the Great Lakes, what is important to them and their belief systems". Manitoulin provided to another member "a better understanding of native closeness to the Great Lakes".

The Manitoulin round table was seen as,

"A great opportunity for honesty, get out of the board room, identify the potential for transformative change"

Informants offered other opportunities to build trust and understanding. As one informant stated:

"Upcoming agendas should showcase four or five organizations at each meeting to present their issues and relation to the Great Lakes, ~10 min each. For the Council to be of value to members, we each need time to present our challenges and what we might collectively contribute to be part of a productive and realistic solution".

**Table 2** Great Lakes guardians' council inaugural members.

Name	Title and Affiliation
Keith Brooks	Clean Economy Program Director Environmental Defence
Dave Bутtenham	CEO Ontario Agri Business Association
Chief Linda Debassige	M'Chigeeng First Nation Union of Ontario Indians
Matt DeMille	Manager of fish and wildlife services Ontario Federation of Anglers and Hunters
James Duncan	Regional Vice-President-Ontario Nature Conservancy of Canada
Regional Grand Chief Paul Eshkakogan	Lake Huron Region and Sagamok Anishnawbek First Nation Union of Ontario Indians
Paul Evans	Deputy Minister Ontario Ministry of the Environment and Climate Change
Mark Gloutney	Director, Eastern Operations Ducks Unlimited Canada
Deputy Grand Chief Glen Hare	Anishinabek Nation Union of Ontario Indians
Elizabeth Hendriks	Vice-President, Freshwater World Wildlife Fund
Bonnie Fox	Manager, Policy and Planning Conservation Ontario
Chief Isadore Day	Ontario Regional Chief Chiefs of Ontario
Bruce Kelly	Environmental Program Manager Farm and Food Care
Dr. Gail Krantzberg	Centre for Engineering and Public Policy McMaster University
Chief Stacey LaForme	Mississaugas of the New Credit First Nation
Minister Jeff Leal	Ontario Ministry of Agriculture, Food and Rural Affairs
Laurie LeBlanc	Deputy Minister Ontario Ministry of Municipal Affairs and Housing
Jeff Lyash	CEO and President Ontario Power Generation
Josephine Mandamin	Chief Commissioner Anishinabek Women's Water Commission Union of Ontario Indians
Regional Grand Chief James Marsden	Southeast Region and Alderville First Nation Union of Ontario Indians
Mark Mattson	President Lake Ontario Waterkeeper
Don McCabe	President Ontario Federation of Agriculture
Theresa McClenaghan	Executive Director Canadian Environmental Law Association
Regional Grand Chief Joe Miskokomon	Southwest Region Union of Ontario Indians
Minister Glen Murray	Ontario Ministry of the Environment and Climate Change
Regional Grand Chief Pierre Pelletier	Northern Superior Region Union of Ontario Indians
Craig Reid	Senior Advisor, Policy Services and Government Relations Association of Municipalities of Ontario
Nancy Rowe-Henry	Traditional Practitioner Mississaugas of the New Credit First Nation
Caroline Schultz	Executive Director Ontario Nature
Deb Stark	Deputy Minister Ontario Ministry of Agriculture, Food and Rural Affairs

Hillary Thatcher	Assistant Deputy Minister Aboriginal Relations and Ministry Partnerships Division Ontario Ministry of Aboriginal Affairs
Mitch Twolan	Chair Great Lakes-St. Lawrence Cities Initiative
Nicole Vadori	Senior Manager, Corporate Environmental Affairs TD
Chief Leslee White-Eye	Chippewas of the Thames First Nation Union of Ontario Indians
Joe Vaccaro	CEO Ontario Home Builders' Association
Steen Hume	Assistant Deputy Minister Energy Supply Policy Division Ontario Ministry of Energy
Eleanor McMahon	Parliamentary Assistant Ontario Ministry of Natural Resources and Forestry
Kathryn McGarry	Parliamentary Assistant Ontario Ministry of Transportation

**Table 3** Provincial representatives for the inaugural Great Lakes guardians' council.

Deputy Minister Paul Evans	Ministry of Environment and Climate Change
Minister Kathryn McGarry	Ministry of Natural Resources and Forestry
Minister Jeff Leal	Ministry of Agriculture, Food and Rural Affairs
Minister Bill Mauro	Ministry of Municipal Affairs
Minister David Zimmer	Ministry of Indigenous Relations and Reconciliation
Minister Eleanor McMahon	Ministry of Tourism, Culture and Sport
Minister Brad Duguid	Ministry of Economic Dev. and Growth
Minister Steven Del Duca	Ministry of Transportation
Minister Glenn Thibeault	Ministry of Energy
Minister Mitzie Hunter	Ministry of Education
Minister Eric Hoskins	Ministry of Health and Long Term Care
Minister Bob Chiarelli	Ministry of Infrastructure
Minister Michael Gravelle	Ministry of Northern Development and Mines

## Shared understanding

A shared understanding of a partnership's purpose and direction and how each partner can best contribute, is necessary to build and maintain a strong partnership [16]. To this point, The Great Lakes Guardians' Council-proposed Statement of Intent states "The Great Lakes Guardians' Council is a forum for gathering ideas, sharing information, identifying priorities for action and fostering partnerships". Questions from the members that were interviewed raised the need to identifying priorities. What is not clearly understood is for whom these priorities apply. Are these priorities for the province? For others? For Council members? Informants believe we should discuss this to achieve a common understanding and that this discussion is overdue and central to understanding the governance context of priorities.

## Action plans

The OECD has as a priority, to adopting multi-stakeholder approaches, and has dedicated tools and action plans to identify and address water integrity and transparency gaps [17]. Members that were interviewed emphasized that the Council needs to address actions and stop being "talking heads". For clarity, this is completely different from the oral tradition of knowledge sharing by indigenous peoples. The Council was seen as overdue

for a conversation on where the Council wants to grow, what the Council believes its role could be. As one informant stated, albeit bluntly:

"The Council has not yet figured out who it is and what it is doing".

Members recommended that the Council initiate a discussion on themes or areas of interest to get the process of establishing task-oriented subgroups started. Concurrent with this conversation is the desire to consider the potential for collaboration that would not occur but for the Council. Many recommend that the Council discuss initiating some specific projects without further delay.

As stated by one informant:

"It is time get into some detail on modest or bold ideas, be very deliberate, take the time to do it properly, and adopt the style of cooperation shown by First Nation approaches. This discussion should help develop a shared understanding of how we are going to function and what we want to do."

## Reaching consensus, the process matters

'Innes' lists eight conditions that need to hold for a process to be labelled consensus building [18]. These conditions are:

1. Inclusion of a full range of stakeholders,

2. A task that is meaningful to the participants and that has promise of having a timely impact,
3. Participants who set their own ground rules for behavior, agenda setting, making decisions and many other topics,
4. A process that begins with mutual understanding of interests and avoids positional bargaining,
5. A dialogue where all are heard and respected and equally able to participate,
6. A self-organizing process unconstrained by conveners in its time or content and which permits the status quo and all assumptions to be questioned,
7. Information that is accessible and fully shared among participants,
8. An understanding that 'consensus' is only reached when all interests have been explored and every effort has been made to satisfy these concerns.

She contends for groups of any significant size addressing a major and complex controversy a skilled and trained facilitator is needed to achieve these conditions.

Many members interviewed supported the use of a professional facilitator to run meetings to explore and reach consensus on council priorities. Facilitators would compile the findings between meetings and reporting back to the council. External facilitation would allow with the chairs to participate in an open and honest conversation, and contribute to the conversation. Support was for a focused, realistic conversation, "not blue sky thinking".

The result would be the establishment of working groups on important topic areas selected by Council participants. On informant stated that:

"Groups could convene briefings on each topic and select actionable items, with government staff tasked with support to Council groups."

### Inclusivity and engagement

Arnstein's "ladder of participation" described a continuum of increasing stakeholder involvement, from passive dissemination of information, to active engagement [9]. While some provincial ministries are invited to participate on the Council, in the past two years of limited meetings there have been few ministries present other than Ministry of Environment and Climate Change (Table 3).

Several members pointed to the risk of losing engagement of other ministries, calling for broader government engagement, with more ministries actively engaged and bringing their expertise and support (working-level subject-matter experts).

Others pointed out a risk of losing engagement of some sectors who feel "there is no substance yet to the Council and this could result in discontinued investment of our limited time."

## Conclusion

As Norman and Bakker explain, a constructivist perspective holds that water is governed through the social construction and application of political jurisdictions and associated regulatory frameworks which are influenced by underlying worldviews [19]. As a consequence, there can be a mismatch between multiple scales of jurisdiction and geopolitical boundaries and water's physical characteristic as a resource that has no sense of boundaries. This divergence is exacerbated by an unbalance or challenge of power where some paradigms have more perceived legitimacy than others. Recently there has been a resurgence of Indigenous involvement in water governance processes on both sides of the Canada-US borders including the Great Lakes regimes. While western views contextualize water as a resource for human use, Indigenous views may consider water as an entity which is has spiritual meaning, integral to culture and is the subject of values, use practices and rituals transmitted across generations, and integral to Indigenous law, knowledge, and identity [20]. This is clearly strength in the evolving governance structure of the Council.

Much of the knowledge about environmental change experienced by Indigenous peoples exists in oral tradition. A great deal of this information, particularly the observation of changes and how to adapt is relevant for both Indigenous and non-Indigenous communities. Maldonado et al. emphasize that traditions other than Western scientific modes of expression need to be respected and considered as valid [21]. Indigenous contributors to solutions need to be able to tell stories from their communities in a culturally appropriate way that utilizes storytelling and does not derive solely from a Western, scientific perspective.

The challenges to governance in the Great Lakes region can be distilled into four central problems that have undermined many of the efforts to recover and protect the socio-ecological integrity of the region. Current themes that impact the sustainability of the resource include institutional fragmentation, the changing relationship between federal and sub-national levels of government in Canada and the US, governance capacity, and the impact of geopolitics on governance [8]. Moving forward, these will be the problems that must be overcome if the governance regimes of the Great Lakes region are to successfully meet the challenges posed by the drivers of change in the region. Effective and adaptive Great Lakes region governance, if discussed and debated by the Great Lakes Guardians' Council, could be an open up options that could lead to a sustainable and healthy Great Lakes basin.

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