The Start of a Resolution

By Raffi Apppel, FLOW Student Intern

Andy Knott and John Nelson had something to celebrate. It was 2012 and the Waterkeeper Alliance, a global organization of water advocates founded in 1999 by environmental attorney and activists, Robert F. Kennedy, Jr., had just adopted a resolution at their annual conference in Portland, Oregon, that expressed support for "the principle of water as a public trust resource" and "the proposal for a Declaration from the International Joint Commission that the Great Lakes Boundary Waters are a Shared Commons and Public Trust." In December 2011 Maude Barlow, Chair of the Council of Canadians, and Jim Olson, Chair of Flow For Water in the United States, submitted a request to the International Joint Commission to protect the Great Lakes Boundary Waters under a Commons framework and public trust principles. Public trust principles have existed for the Great Lakes in both countries for over one hundred and fifty years. According to the request, the public trust prohibits governments and individuals from impairing or subordinating public use of waters like the Great Lakes.

Andy and John wrote and introduced this pivotal resolution at the 2012 Waterkeeper Alliance Conference, along with the Great Lakes Waterkeepers, a regional group of nine Waterkeepers within the Waterkeeper Alliance.

Andy, the Executive Director of the Watershed Center, and John, the Grand Traverse Baykeeper for the Watershed Center, recall the local origin of this distinctly global resolution, which, according to Andy, "came out of our Watershed Center," and also from "conversations with Jim Olson and Flow for Water." Mr. Olson, a seasoned environmental attorney and founder of Flow Public Trust Policy Center, is an expert in public trust law and one of the major forces behind the introduction of such time-tested principles into the contemporary discourse on water policy.

Three years prior to the passing of the resolution, Nelson and Knott brought their new focus on public trust principles to the Waterkeeper Alliance annual conference in New York City. Knott remembers a breakout session of Great Lakes Waterkeepers where he declared, "We would like to do something on the public trust. And they said 'well, OK. Let’s type up a resolution.'" Nelson, Knott and the nine other Great Lakes Waterkeepers wrote the first draft on Knott’s laptop.

The resolution was brought to the floor and received overwhelming support. But pushing it through would not happen as quickly as planned. The Waterkeeper Alliance had never passed a resolution before and lacked a system for doing so. Consequently, the Chair of the Board of Directors decided to table the resolution until a process for passing them

could be designed.

Fast forward to the 2012 Waterkeeper Alliance annual conference. With the new process in place, Board of Directors member and Lake Ontario Waterkeeper Mark Madson brought this resolution before the Board of Directors, chaired by Robert F. Kennedy, Jr, who voted unanimously in favor of passing it.

The resolution marks a significant turning point for the recognition of public trust principles as they apply to both the freshwater of the Great Lakes and around the world. "This is the first time that Waterkeeper Alliance has adopted a resolution, and certainly the first time anything on public trust has been endorsed, so this is a good thing," says Knott.

Although the roots of the resolution can be traced back to the Great Lakes Waterkeepers, and ultimately to Nelson and Knott, the Public Trust principles within it resonate with community members from across the globe. According to Nelson, there were people from India and South America, who, referring to the resolution, exclaimed, “This is the greatest thing. We need to push this!"

If the passing of this resolution seems like a symbolic gesture to some, that's fine with Andy and John. Hopefully, the time will come when this resolution will be seen as the starting point of a fundamental change in the way people think about freshwater rights. But for now, they simply want people to take notice.

Knott believes that the resolution should be measured by its ability to spark public dialogue on public trust principles, especially as they relate to freshwater usage and rights. He hopes that "People are saying 'Oh wow, the Waterkeeper Alliance did something great. Let's keep doing something great.'"