

## **The Elephant Swimming In the Canal: A Presentation to the Trent-Severn Waterway Panel**

Often when important issues are discussed, people refer to the “elephant in the room”.

Today before this Panel I will ask this question.

How many of us can see the “Elephant Swimming In the Canal”?

This elephantine analogy arises from an central issue that I have identified as being the most important one to present today July 4<sup>th</sup>, 2007 here in Peterborough for this Panel’s overall consideration.

How do all the partners in the governance and accountability of the entire Trent-Severn Waterway work together as partners in action in determining as to what they all agree on and understand?

How do these TSW partners measure both their own and each other’s respective performances in their actions within the TSW governance and accountability?

How do these TSW partners carry out “balanced public reporting..reporting that will be transparent, open, credible and timely, sharing lessons learned” ( Fitzpatrick, 2000, p. 14).

I will ask both the Panel as well as the Peterborough audience members to keep in front of themselves page fourteen of Mr Fitzpatrick’s 2000 paper on HORIZONTAL MANAGEMENT: Trends In Governance and Accountability as I continue my description of what I have come to view and designate as the “current elephantine model of governance for the TSW” or the “elephant in the room” today here in East City.

How well or not does the present TSW partnership arrangements and their chosen governance formats for the TSW’s governance, accountability, and responsible management match up with the criteria in Mr Fitzpatrick’s page 14 table reference presented in Table I of this presentation?

I am asking the Panel and its Peterborough audience to view Mr Fitzpatrick’s “partnership arrangement” in this light as we continue.

How congruent or not is the current TSW Governance model with Mr Fitzpatrick’s clearly stated criteria for a “partnership arrangement”? I will read a few of them from Table 1.

Indeed from their own unique perspective and partnership with the TSW how does Mr Fitzpatrick’s “partnership arrangement” and its nine variables apply to each one of their own existing TSW partnerships? That will be the central thrust of my presentation here.

In that respect every one of us here, indeed every Canadian Citizen, is a TSW partner; we are all sharing in the wealth of this TSW jewel in both its manmade and natural surround  
The TSW is a resource for all Canadian Citizens. It is literally or virtually “in our own

backyard” for millions of Canadians. All of us need to be aware and to pay attention to what is happening or not in our own backyard. That’s where we really live.

All of us as citizens have a right to be partners in action for the furtherance and protection of the TSW. That is what citizenship is all about. In my opinion, an active stewardship is everyone’s responsibility as applied to the TSW and the work that this panel is undertaking.

In my opinion all of us need to be proactive versus “silent partners” in that TSW regard.

That’s the tone in which I wish to present my findings to the Panel. Most essentially we can’t take the continuance of the TSW as a given fact unless we involve ourselves. Simply showing up at this Panel’s proceedings is the first step in such action.

As before we are all TSW partners in action to take the TSW into the 21<sup>st</sup> Century. That’s why I am asking everyone to consider this. Does Mr Fitzpatrick’s model fit congruently into the existing 2007 era Governance and Accountability of the TSW?

Like it or not, my impression from studying both the TSW Panel’s Discussion Paper # 6, together with Mr Fitzpatrick’s model, is that Mr Fitzpatrick’s partnership model will not be a great fit at present in any number of TSW governance areas.

It will be a challenge to compare how the current TSW Governance and its Jurisdictions line up with or how congruent they are with the criteria Mr Fitzpatrick has singled out as being important in a truly effective partnership arrangement. These include the stated Partnership Agreements, Measuring Performance and Reporting areas which Mr Fitzpatrick has identified as being very essential in such a partnership arrangement (Fitzpatrick, 2000, p. 14).

I would prefer that it was otherwise. but note especially one of the stated concerns in Discussion Paper #6:from the Panel.

“There is significant inconsistency in regulatory administration on different parts of the waterway”(page 3).

I am left to wonder why there would be such an inconsistency throughout the TSW . It seems essential that the Rule of Law would prevail throughout the TSW in all situations equally..

To have otherwise would appear to allow “differential enforcement” to be set in place versus a meaningful partnership at all levels of Government in respect to enforcement.of existing regulations throughout the entire TSW in the interest of Canada and all Canadians.

“Both Governments (Federal and Provincial) recognize the inherent problems in ownership and jurisdictional uncertainty” (page 4)

In effect, who really is determined to make crystal clear the terms of the collaborative partnership for all concerned? Does the apparently chosen by default mode a.k.a. “administrative elephant” just wander about in its regulatory activities, as it has from time to time, without any meaningful formal administrative precedents in place? Is this occurring at any number of levels of Government?

The central purpose in my presentation here is to urge all interested parties, which in effect include all Canadians, to look closely at what the present and continuing partnership arrangement is for the TSW within its acknowledged multi-jurisdictional environment.

The review that I advocate should be at many levels. It would include all of the respective Federal, Provincial and Municipal Governments, First Nations and the hundreds, thousands or even tens of thousands of interest groups and stakeholders. The purpose in conducting the review would be so that the partnership arrangements would all be seen and clearly understood by all concerned.

All of us should be concerned in that respect. All of us are passengers on “Spaceship Earth”; this is the only Planet we have. The TSW is an important natural and man made water course on it..

Most essentially the water levels are controlled to prevent the scourge of floods. The TSW is fundamentally our daily lifeblood of water to drink. It enables us farm our lands to grow and then prepare our food. The TSW can transport us on water craft to recreational or cultural destinations of our own choosing. Sometimes all we are equipped with is nothing more than a fishing rod and a willingness to enjoy Canada’s God Given Beauty along the TSW.. It is our own unique TSW.

Other questions could be “Can we swim safely in the TSW?” or “What fish can we catch in the TSW?” or “How drinkable is the water in the TSW?”

As “all politics is the art of the possible” (PM Diefenbaker, 1960) I recommend strongly that the Panel study the issue of TSW governance and accountability, particularly as it does relate to the horizontal management partnership arrangement advocated both by Mr Tom Fitzpatrick in his 2000 paper. His approach to “horizontal management” should work as well for the TSW..

Key Concern:.

Our central question to the Panel as well as to all Canadians is how adequately or not does the Governance and Accountability of the TSW measure up to the “partnership arrangement” advocated by Mr Tom Fitzpatrick?

Examining the Present Governance Model or “What Does the Elephant Look Like?”.

Is it fair to say that the TSW and the overall approach to its continuing governance, accountability, and management responsibilities have just evolved rather than been systematically developed over a century and a half dating from time of Confederation in 1867 with the British North America Act and its division of powers?

Has this same evolving system of TSW governance arisen and solidified from its inception as much or more by either political expedience and/or political opportunity as it has been by fostered and directed by planned design?

In that respect, what is the prospective 21<sup>st</sup> Century approach to its further evolution?

Is it fair to say that the TSW and its governance have been either transferred and/or shuffled about from Federal Government Department to Federal Government Department throughout its more than a Century long existence?

In the Panel's Discussion Papers # 5 and # 6 entitled respectively IMPROVING GOVERNANCE and JURISDICTION FOR THE WATERWAY the sometime "befogged state of understanding of federal versus provincial jurisdiction over the waterway (Duncan, 1938).seems quite evident.

Is it fair to say, with all due respect, that within the existing TSW governance there exist elements and administrative practices that foster a chronic administrative uncertainty as to either who is the relevant authority or who specifically holds the responsibility for a given area of jurisdiction in the TSW?

Has this been a chronic condition? IF so, does it promise to continue to be evident from time to time in the overall Governance of the TSW?

It seems that the Panel's creation and existence here today answers several of those questions to some degree together with a well recognized 21<sup>st</sup> Century need to update the TSW Governance arrangements.

Are the main performers and prospective partners like the Federal-Provincial-Municipal Governments, First Nations, and other thousands or Canadian Citizen stake-holders all taking part and getting equal billing on the TSW stage of operations?

How does the "Big Show" progress as all interact as partners? How do they partner as they plan and select from any number of options the policies and practices for one of the "Biggest Shows on Ontario's Earth" the Trent-Severn Waterway?

I am asking the Members of the Panel of the Future of the Trent-Severn Waterway (TSW), as well as all stake-holders in the TSW. to look long and hard at that TSW working partnership aspect during the Panel's extensive deliberations. Also I would urge them to bring their concerns forward once they have "looked the horse in the mouth" or "seen the elephant".

Does the present TSW Governance arrangement ensure that there are any number of equal partners together in a co-operative and fully collaborative policy action framework within a "partnership arrangement" like the one which Mr Tom Fitzpatrick's Table I on page 14 clearly presents? .

I also expect that the Panel will hear time and again of “jumbo impacts” which the current elephantine TSW management and accountability arrangements have had on any number of individuals and groups as the Panel conducts its hearings throughout the width and breadth of the Trent-Severn Waterway.

If these conditions persist, is it fair to say that this same apparently elephantine size TSW governance and accountability issue will block for years to come any easy charted navigation to a renewed future of the TSW?

For example what would it take for the TSW to achieve its possible designation as a UNESCO Heritage site?

Other canal systems have overcome or contained this “political pachyderm problem” successfully.

For example recently the National Capitol Commission’s overall policy coordination has ensured apparently the Rideau Canal coming “of age on the world stage” (Globe , June 29, 2007, p.A3) by its designation as an UNESCO World Heritage Site.

What are the prospects at present for the Trent-Severn Waterway receiving such a similar UNESCO World Heritage Site designation?

If that prospect is not readily apparent, or indeed “as is” the TSW is a “long shot” at present for acquiring such an UNESCO designation as Rideau Canal just has, why is that the TSW situation?

Footprints of the “Governance Elephant”

Here in East City I have discussed “the elephant in the room” as I have glimpsed it in the current TSW style of Governance and handling of its many multi-jurisdictional matters the length and breadth of the TSW.

Its giant shape or jumbo size as well as its mixed “political pedigree” are apparent readily when one looks closely at all the Discussion Papers currently published by the TSW Panel, and most especially in Discussion Paper # 5 Improving Governance and Discussion Paper # 6 Jurisdiction for the Waterway: Authorities and Responsibilities.

The ‘elephant’s pedigree’ can be summed up in any number of ways including several memorable passages like this:

Numerous federal, provincial and municipal government agencies and First Nations are involved and interested in the administration of aspects of the waterway corridor. So are hundreds of citizen-driven organizations and industry associations advocating on behalf of the environment, cultural heritage, economic sustainability, cottagers, and residents ( TSW Panel Discussion Paper #5, June 2007, p.2).

As well, the “TSW Governance elephant” seems to be carrying all the aforementioned groups on its back. It is also loaded down as well along its way with panniers continuing such ongoing tasks as “improving governance” as Panel Discussion Paper # 5 reviews..

Then too, what vision does the “governance elephant” have of its final or chosen destinations?

How will it get there as to its charted course? These questions pose the overall challenges we present here in summary form:

Question # 1.

How Is Governance and Accountability Managed Overall Within the Trent Severn Waterway’s Multi-Jurisdictional Complex Political Environments? The latter consist of Three Separate Levels of Government along with the First Nations as well as All the Rest of the Stakeholder and/or specific interest groups?

Question # 2

How Does Strong and Timely Oversight of the TSW’s Entire System and its Natural, Recreational, Cultural and Economic Resources Occur within the Canadian Constitutional framework featuring “Peace, Order and Good Government” and/or Parliamentary Control?

That to me is a central challenge to the Panel on the Future of the TSW.

These questions appear to need some timely answers.

My Recommendations to the Panel

There are some readily available answers to Questions # 1 and # 2. as well as the questions raised in Discussion Papers # 5 and #6.

I am submitting to the Panel what I perceive is a very important exhibit in Table I.

It shows what might be done to “rein in the governance elephant” as I have described it.

In my opinion it really is contained in the detailed paper written by Tom Fitzpatrick of the Treasury Board of Canada, Secretariat for the CCMD’s Action-Research Roundtable on the Management of Horizontal Issues 2000 which is entitled: HORIZONTAL MANAGEMENT: Trends In Governance and Accountability.

Essentially as I see it, the TSW is really a large partnership that needs clearly delineated memorandums of understanding and agreements between ALL partners to:

\* IDENTIFY RESULTS

\* MEASURE PERFORMANCE

\* REPORT

Table 1 from page 14 of Mr Fitzpatrick's paper presented here shows how that could be done.

It would require the political will at all the respective levels of Government, First Nations and the 100s or 1000s of TSW Stakeholders to do so. That appears to be the biggest challenge to achieve

In effect, it would replace what the Panel in its Discussion paper has termed as "handshake agreements" between various levels of Government and Stakeholders for the TSW.

Any meaningful partnership should entail "holding onto each other's hands" or staying in close and constant touch and communication.. A really effective partnership means consistent communication and negotiation throughout versus just a quick handshake with a "see you later maybe eh" approach. Is it fair to say that often "handshake agreements" are not worth the paper they are printed on? It is unfortunate but the "cowboy code" is a scarce 21<sup>st</sup> Century commodity.

In conclusion we would ask the Panel on the Future of the Trent-Severn Waterway, as well as its many participants in its hearings like this one convened here in Peterborough today, to examine closely the page fourteen table "partnership arrangement" advocated by Mr Fisher in his HORIZONTAL MANAGEMENT Trends In Governance and Accountability .

In doing so, along with assigning a rating scale to each of the nine "partnership arrangement criteria", each respective partner of the TSW could determine in a meaningful way if their own partnership within the Governance of the TSW gets a passing grade or not on Mr Fisher's "partnership arrangement" test criteria..

In my opinion, Mr Fitzpatrick has supplied some very applicable benchmarks for all concerned with the future of the Trent-Severn Waterway and its Governance. This presentation will conclude by urging the Panel and all its participants to study and use Mr Fitzpatrick's partnership arrangement. Such a studied approach could, in my opinion, achieve the desired result in the years to come as to how the TSW could improve its Governance to bring it fully into the 21<sup>st</sup> Century.

Adhering to these key element of results based accountability will go far in creating the required comfort zone for effective partnership arrangements, and provide all players (i.e Federal Government, Provincial Government Municipal Governments, First Nations, hundreds of citizen-driven organizations and industry associations advocating on behalf of the environment cultural heritage, economic sustainability, cottagers, and residents p.2 #5 Discussion Paper) involved with the clarity and coherence necessary for appropriate action and decision making  
(Fitzpatrick, 2000, p.13)

In my opinion, that is what will be needed to “corral and harness effectively the current elephantine model of governance for the Trent-Severn Waterway”.

Thanks to both the Panel and the Citizens of Canada for the opportunity today to present this proposal based essentially on the analogy of “The elephant in the room”, or as given here “The elephant swimming in the canal”.

In my opinion, we all have watched long enough the latter swim in endless figurative circles around the length and breadth of the TSW.

It really is time to harness fully its terrific energies more usefully in the types of partnership arrangements that Mr Tom Fitzpatrick (2000) has charted clearly.

Best Regards,

Dr Richard Wellesley Staples

Dated: 07.04.07

Bibliography upon request