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U.S. Section Chair

International Joint Commission

Panel IV – The Future of the Boundary Waters Treaty:

Perspectives from NGOs and Business



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The International Joint Commission's vision for the future of the Boundary Waters Treaty includes the increased participation of nongovernmental organizations, business and other stakeholders. These remarks, which provide a preview of a report the IJC will release this March<sup>1</sup>, focus on our International Watersheds Initiative, which features prominently in our efforts to reach that vision.

The concept for the International Watersheds Initiative, or IWI, originated in 1997, when the Governments of the United States and Canada asked for the Commission's advice on how it might best help them meet the environmental challenges of the 21<sup>st</sup> Century within the framework of their treaty responsibilities.

The Commission produced a report called *The IJC and the 21<sup>st</sup> Century*<sup>2</sup> that considered the increasing stresses on the environment, such as population growth and climate change, the limitations on governmental resources to address these issues, and the rising expectations by citizens to be involved in environmental decisions.

The Commission committed to taking various actions, such as reviewing the operation of the dams under our jurisdiction, and considering climate change and other long-term trends as we carried out our responsibilities. A central proposal was to transform our boards into international watershed boards that would acquire expertise on the ecosystem of the watershed, involve the full range of concerned interests and have the flexibility to identify and deal with unforeseen developments.

The Minister of Foreign Affairs and Secretary of State welcomed our recommendations and accepted in principle the proposal to establish international watershed boards. We received letters of reference asking that the IJC consult with stakeholders, further define the concept and make recommendations on plans for the first watershed board and additional watershed boards.

For the past decade, the IJC has been developing and implementing its International Watersheds Initiative. The underlying premise is that local people, given appropriate assistance, are often

best placed to resolve water resource and environmental issues within the watershed -- before such issues become international disputes. And NGOs and the business community are significant stakeholders at the local level.

This concept made a great deal of sense to me, as I began my career as a member of a township planning commission in East Bradford outside of Philadelphia. It has always remained clear that natural resource issues are most tangible at the local level. Ultimately, most are also solved at the local level, one case at a time.

After broad consultations, the IJC identified three pilot watersheds for the IWI concept: the St. Croix River in Maine and New Brunswick, the Red River in North Dakota, Minnesota and Manitoba, and the Rainy River in Minnesota and Ontario. Recently the Souris River in Saskatchewan, North Dakota and Manitoba was added. These watersheds were considered the most promising because they already had IJC boards working effectively with local organizations and interests, and because they faced a range of challenges that could become cross-border issues if not resolved locally at an early stage.

The IJC combined its boards with separate responsibilities in some of these basins. For example, in the St. Croix watershed we merged our board that monitored water quality with our board that oversaw the operation of dams. For the past several years, the IWI boards have been developing or refining action plans for the implementation of a watershed approach.

The IJC has convened a series of workshops and provided seed funding to strengthen its IWI boards. From 2005 through 2012, the two federal governments have dedicated a total of nearly \$4 million between them. This funding has allowed the IJC to support over 30 projects in the four pilot areas.

Our boards work in partnership with local government agencies, industry, academic institutions and NGOs. Where a board has oversight over the operation of a dam, it naturally works closely with the dam operator, which may be a utility company or paper producer. Our boards also work with other local organizations. In the St. Croix River basin, for instance, the IJC board collaborates with the St. Croix International Waterway Commission, established jointly by Maine and New Brunswick. In the Red River basin, our board works in cooperation with the Red River Basin Commission.

The IWI boards have made many significant accomplishments, as illustrated by the following examples:

<sup>1</sup> The International Watersheds Initiative: Implementing a New Paradigm for Transboundary Basins. Third Report to Governments on the International Watersheds Initiative. International Joint Commission. Ottawa and Washington. January 2009.

<sup>2</sup> The IJC and the 21<sup>st</sup> Century. International Joint Commission. Washington and Ottawa. October 1997.

- The International St. Croix River Watershed Board has promoted and disseminated scientific information on the management of the migratory alewife, thus contributing to the partial reversal of Maine legislation that blocked fishways on the St. Croix River.
- The International Red River Board has served as an impartial coordinator of efforts to gather and analyze data on both sides of the border related to the highly controversial diversion of water from Devils Lake into the Red River watershed.
- In the Rainy River basin, our two closely-linked boards put a participatory, watershed approach into action by setting up an informal group that brings the hydropower companies together with other stakeholders to find ways to cooperate on balancing the needs for hydropower and ecological requirements during the spring fish-spawning period. Again, the critical intersection of business interests and NGOs is apparent.

Work that the IJC is supporting to produce consistent and comparable geographic data along the Canada-U.S. boundary merits special emphasis. Initial attempts to splice the data together from the two countries revealed various anomalies:

- Rivers and other features do not line up;
- Elevation contours do not connect;
- Lines defining catchment areas do not match; and
- Terminology for geographic features, ground cover or land use are inconsistent.

Since data have been collected and stored by a variety of different agencies in a variety of different ways, it is important to bring these agencies together to create a complete data inventory that spells out what information is available, who has it, how it is stored, and what formats, standards and definitions are used. Then the careful work of reconciling the data and structuring it into an agreed format can begin.

This effort was pioneered in the St. Croix River basin, by bringing local experts from both sides of the border together in a series of technical workshops that led to the development of a unified database. Now, for the first time, managers and planners on both sides of the border are able to speak the same language and share the same data and analytical tools with regard to the geological and hydrological features of the St. Croix watershed. This is valuable for long-term planning and can also

facilitate a coordinated response to possible incidents such as a chemical spill or flooding event.

Such efforts are also needed at the national level. Last July, the Commission convened an informal task force to promote the coordination of data harmonization efforts of resource agencies at the federal level. Representatives of Agriculture and Agri-Foods Canada, Environment Canada, Natural Resources Canada, the U.S. Environmental Protection Agency and the U.S. Geological Survey participated. This activity is viewed by all participants as being in their mutual interest and as responding to a shared need.

The Commission is also helping to build the capacity of its IWI boards in the areas of climate change and human health. The effects of various climate scenarios on water levels and flows have been modeled in major Commission studies of the Great Lakes basin and the technology will be available for other boards. Some of our IWI boards are reporting greater climate variability in recent years and others are seeing noticeable trends.

A preliminary scoping by the IJC's Health Professionals Task Force in 2008 found that there is little coordination among jurisdictions, and among public health and water quality agencies. These findings suggest a need for more emphasis on the link between water quality and health. A comprehensive watershed management strategies could help anticipate health problems. Task Force members are working with several boards to develop project proposals for consideration and funding under the IWI.

After 10 years of experience with the International Watersheds Initiative, the Commission has drawn several conclusions:

- The watershed approach is an effective approach.
- Emerging challenges and threats make a watershed approach increasingly necessary.
- International watershed boards can be an effective paradigm for implementing a watershed approach along the international border.
- Each transboundary basin is different, and various models or paths to a watershed approach may be appropriate, depending on the local context and circumstances.

The original terms of reference clearly show that the U.S. and Canadian governments intended that the IJC explore the IWI concept step by step rather than launching a major new program with a substantial new funding stream. This is exactly how the IJC has proceeded.

The approach the Commission has taken has been extremely cost-effective. Work is, by and large, accomplished through existing structures, activities and budgets. By building on existing boards, and linking with local jurisdictions, NGOs and the business community to focus on catalytic demonstration projects, the IWI has maximized the “bang for its buck.” Much has been accomplished with limited resources.

The Commission believes that the IWI should continue to be built incrementally and modestly. But to realize the full potential of a watershed approach, modest additional investments will be needed over the coming decade. More consistent and predictable funding for IWI projects will improve boards’ ability to address emerging issues. Investments in additional capacity at the IJC staff level in geospatial data management and information technology will allow the Commission to take advantage of new technologies.

The International Watersheds Initiative is not only paying important dividends for governments and local populations in IWI areas, but that it is also transforming the way the IJC does business.

Implementing a watershed approach along the international border is more than just a change in emphasis and tone. It is a paradigm shift that has the potential to transform how our two countries view and manage transboundary waters. The IWI experience has reinforced our recognition of the complex interplay of economic, social and environmental factors that affect the quantity and quality of our shared waters. Dealing effectively with these complex relationships will require new ways of sharing information and data, new technologies, and a renewed commitment to involve and engage local citizens, tribes, First Nations, businesses, academia, provinces, states, and federal agencies for a truly integrated watershed approach.

Canadian Section Chair Herb Gray began this morning by quoting the statement made by then Secretary of State Condoleezza Rice marking the January 11<sup>th</sup> anniversary of the signing of the Boundary Waters Treaty. For me it has been an incomparable honor, and an incredible experience, to serve our two countries as a Commissioner and U.S.

Chair of the IJC. So I would like to close with the words used by the Minister of Foreign Affairs, the Honourable Lawrence Cannon, on the same occasion:

“Today, the promise of that century-old pact is being realized in the work of the 20 binational boards and panels that power the Commission. ... In its centenary year, the International Joint Commission remains a testament to the good will, hard work and forward thinking that characterize the cooperation between our two great nations.”