

## BRIEFING NOTE:

### LOCAL CANADA-US TRANSBOUNDARY WATER GOVERNANCE: ISSUES, DRIVERS, AND BARRIERS

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#### SUMMARY:

Recent research by the University of British Columbia systematically documented Canada-US transboundary governance mechanisms, and determined that 31% were primarily local (sub-national).

To elicit information about local transboundary water governance (focusing on drivers and barriers to cooperation) UBC researchers conducted interviews with local Canadian and American water managers in the Pacific and Western Montane regions in 2005.

Two preliminary findings: first, our systems for governing domestic and shared waters were perceived by interviewees to inhibit effective transboundary water governance; and second, informal governance mechanisms, such as networks, contacts, and personal relationships were perceived to be partial determinants of successful cooperation on transboundary water governance.

Suggested areas for future research include transboundary groundwater governance, and 'lessons learnt' from successful local transboundary cooperation initiatives, such as the Columbia Basin Trust.

Questions for discussion are included at the end of this document.



## *Local Canada-US Transboundary Water Governance*

- **BACKGROUND:**

Jurisdictional fragmentation and relatively decentralized political systems in Canada mean that many water management activities occur at a local (here defined as ‘sub-national’) scale. Yet relatively little attention has been paid in the academic or policy literature to practices of local (particularly sub-provincial) management of transboundary waters. Rather, emphasis has been placed on bi-national legal agreements, and on a few relatively large-scale, high profile water bodies (such as the Great Lakes).

- **THE RESEARCH PROJECT:**

In 2005, UBC’s Program on Water Governance sponsored a pilot research project on sub-national Canada-US transboundary water governance mechanisms.

**Phase 1:** A **database** of 139 transboundary (Canada-US) water governance mechanisms was created, including information on type (e.g. treaty, MOU, or exchange of notes), date, geographic scope, managing authority, stakeholders, purpose, and references. Ninety-five of these instruments were national (i.e. federally administered), and 44 (31%) were multi-scalar or sub-national (provincially or municipally administered) (Table 1).

**Table 1: Transboundary governance instruments, Canada and the United States**

| BASIN REGION            |            | FEDERAL   |          |                   |           | MULTI-SCALE | STATE-PROVINCIAL |          |           | NON-GOVT |
|-------------------------|------------|-----------|----------|-------------------|-----------|-------------|------------------|----------|-----------|----------|
|                         |            | TREATY    | MOU/M OA | EXCHANGE OF NOTES | OTHER     |             | MOU              | MOC      | OTHER     |          |
| General                 | 9          | 3         | 1        | 3                 | 2         | 0           | 0                | 0        | 0         | 0        |
| <b>Pacific</b>          | 39         | 4         | 2        | 6                 | 5         | 2           | 6                | 4        | 9         | 1        |
| <b>Western Montane</b>  | 7          | 0         | 0        | 3                 | 1         | 0           | 0                | 0        | 3         | 0        |
| Central Prairie         | 23         | 1         | 2        | 1                 | 16        | 0           | 2                | 0        | 0         | 1        |
| Great Lakes-St Lawrence | 39         | 8         | 4        | 15                | 6         | 1           | 0                | 0        | 4         | 1        |
| Atlantic                | 22         | 1         | 0        | 7                 | 4         | 0           | 3                | 0        | 5         | 2        |
| <b>TOTALS</b>           | <b>139</b> | <b>17</b> | <b>9</b> | <b>35</b>         | <b>34</b> | <b>3</b>    | <b>11</b>        | <b>4</b> | <b>21</b> | <b>5</b> |

The database of 139 transboundary water governance mechanisms is available in tabular and map format at [www.watgovernance.ca](http://www.watgovernance.ca).

**Phase 2:** Six **case studies** were selected in the Western Pacific (BC-Washington) and Western Montane (Alberta-Montana) border regions: Abbotsford - Sumas Aquifer; Georgia Basin - Puget Sound; Nooksack River; Boundary Bay; St. Mary - Milk Rivers; Flathead River. Twenty-three interviews were conducted with water management professionals from both the United States and Canada in the six case study sites during the period May to August 2005. A questionnaire was administered in interviews lasting approximately 1.5 hours, as part of an ongoing doctoral research project. In addition, 30 transboundary water governance professionals were contacted by letter and email. Interview questions focused on the mechanisms, drivers, and barriers of local cooperation in transboundary water governance.

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**FINDINGS:** The questionnaire focused on drivers of, and barriers to effective cooperation in transboundary governance at the local scale. Key **barriers** identified by interviewees included: a mismatch in governance structures and integration between Canada and the U.S. and intra-jurisdictional integration within countries (with issues being handled at a national level in the U.S., but at a provincial level in Canada, or vice versa); distinct and sometimes incompatible governance cultures and mandates; shortcomings in institutional capacity, financial resources, participation capacity, and data availability; distance (both spatial and social); and psychosocial factors such as mistrust and a lack of leadership. Many of these barriers (although not all) were attributable to the formal structures of environmental governance that have evolved within and between Canada and the U.S. In other words, *our systems for governing domestic and shared waters were perceived to inhibit effective transboundary water governance.*

In contrast, **drivers** for cooperation were largely informal: leadership, contacts, personal relationships, and networks all facilitated cooperation on specific issues perceived to be priorities for cooperation. This cooperation was often driven by a crisis mentality, but was also opportunity-driven in response to funding availability and political priorities. Cooperation was facilitated by proximity, legal obligations, and bureaucratic transparency, as well as by psychosocial factors such as practicality and a sense of mutual respect and fairness. Collectively, these drivers were perceived to be central to successful cooperation initiatives; where they were lacking, as in the Flathead Basin case study, cooperation failed and conflict resulted. In other words, *informal governance mechanisms, such as networks, contacts, and personal relationships were perceived to be partial determinants of successful cooperation on transboundary water governance.*

- **FOLLOW-UP WORKSHOP WITH LOCAL WATER MANAGERS:**

The results were presented at a workshop held in April 2006 held with 26 local water managers from British Columbia and Washington. The full day workshop reviewed drivers and barriers to transboundary water governance, and debated the rescaling of transboundary water governance, focusing specifically on the advantages and disadvantages of transboundary water boards.

The full report and workshop minutes can be downloaded from the Program on Water Governance's website: [www.watergovernance.ca](http://www.watergovernance.ca).

- **FUTURE RESEARCH:**

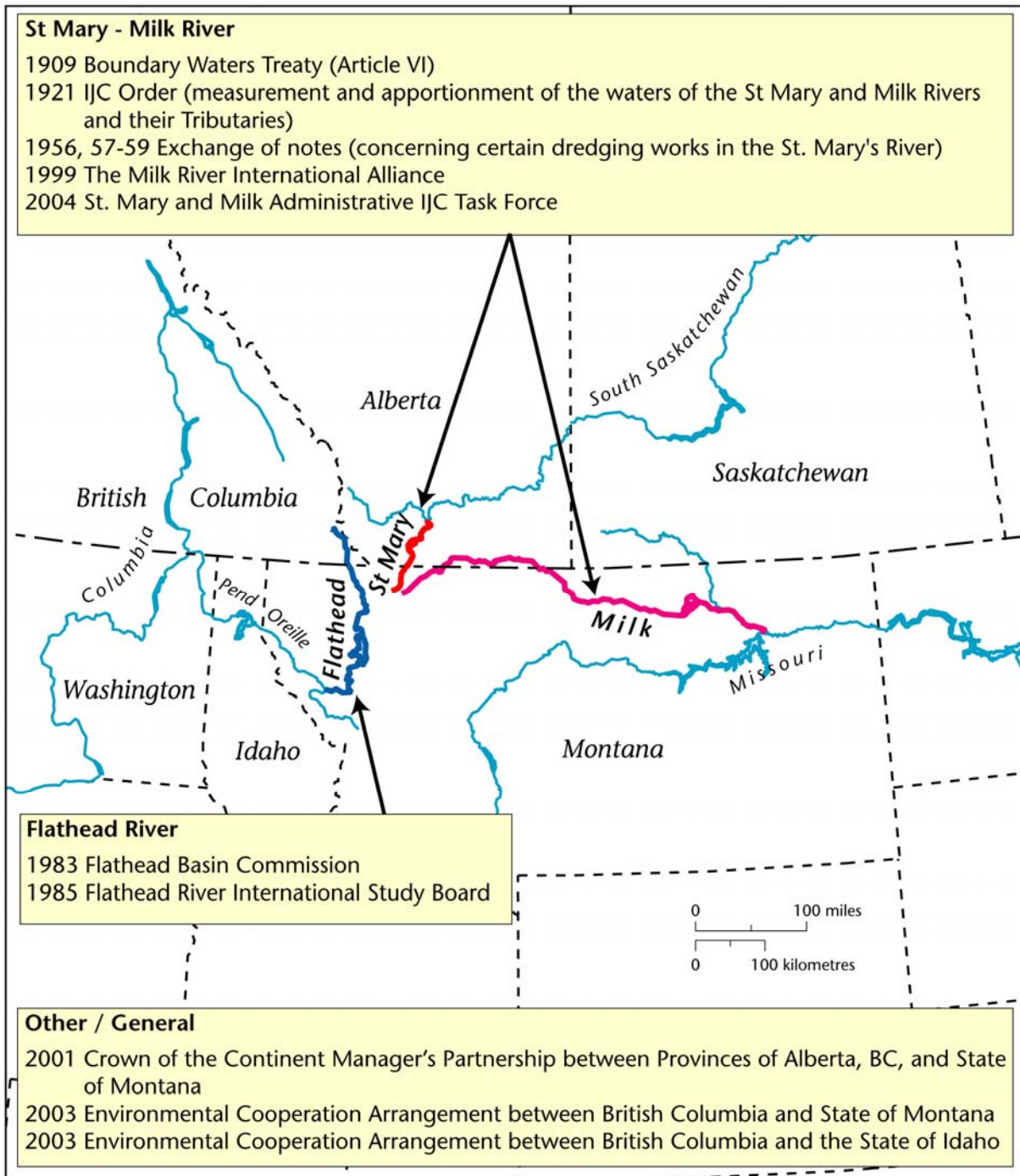
- **Transboundary groundwater governance** has been understudied and is likely to become an issue in regions other than the Great Lakes in the medium-term
- Documentation of '**lessons learnt**' from **successful local transboundary water governance** (e.g. Columbia Basin Trust, Abbotsford-Sumas Aquifer Task Force)

- **SUGGESTED QUESTIONS FOR DISCUSSION**

- Could bolstering better local governance and cooperation mechanisms to mediate or prevent conflicts be one way to foster successful transboundary water governance?
- How could the identified asymmetries between Canada and the US be addressed, if at all?
- What could be the role of DFAIT (and the federal government more generally) in local transboundary water governance?
- What are the implications for proposed transboundary watershed boards?

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