



POLIS Project on Ecological Governance

watersustainabilityproject

Coffee & Co-Creation Discussion Series Event Summary

Water Governance in the Columbia & Great Lakes: A preliminary analysis of treaty discourses

Discussion Date: December 13, 2012

Attendance: Approximately 20 people—students, faculty, and researchers from a variety of disciplinary backgrounds and practical experience

Introduction

The purpose of the Coffee & Co-Creation Discussion Series is to share, build, and include perspectives from all attendees to inform the path of a proposed research project. If you would like to contribute to Jennifer Mateer's preliminary analysis of treaty discourses, please email questions or comments to jmateer@uvic.ca.

This presentation covered the preliminary research conducted by Jennifer Mateer, a first-year PhD student in the Geography Department at the University of Victoria. Jennifer works in Dr. Michele-Lee Moore's Water, Innovation, and Global Governance (WIGG) lab at UVic's Centre for Global Studies.

The Columbia River Treaty was formed between Canada and the U.S. in 1964 to manage two water issues: 1) flooding in the region, which had caused deaths and extensive property damage prior to ratification, and 2) the need for hydroelectric power benefits for the region. As with any water governance arrangement, the governance of the Columbia Basin has undergone shifts since the Treaty was established in 1964.

Jennifer's research aims to develop a better understanding of the conditions and nature of those shifts. This timely research will help recognize the potential for change in 2014, which is the earliest date that the renegotiation process of the Columbia River Treaty can begin. Specifically, Jennifer's research examines annual reports by the Permanent Engineering Board of the Columbia River Treaty and formal treaty documents; she analyses and compares these to similar documents in the Great Lakes.

About the Series

The Coffee & Co-Creation Discussion Series creates a space where students or faculty researching water issues can support each others' ideas in a think-tank environment. One researcher presents on current research, and colleagues contribute ideas and resources in a roundtable setting. The research discussed is preliminary, and the discussion is used to further future research agendas.

The series is co-hosted by the Water, Innovation, and Global Governance (WIGG) Lab and the POLIS Project on Ecological Governance, both part of the Centre for Global Studies, University of Victoria.

Presentation Summary

As an initial step for developing a research proposal on transboundary water governance in the Columbia Basin, a discourse analysis was conducted, based on Mitchell Dean's (1999) framework, to inform the research design. The preliminary results showed three important shifts in Columbia River Treaty water governance arrangements:

1) The inclusion of First Nations people and perspectives within Basin management

The Columbia River Basin is the traditional territory of numerous First Nations. This analysis specifically focused on the extinction of the Sinixt population of Arrow Lakes. The Sinixt Nation was declared extinct by the Canadian Government in 1956, although the Nation is still recognized as existing in the U.S. The Sinixt Nation was formally excluded from the development of the Columbia River Treaty. The unceded territory was flooded for Treaty dam operations and ancestral graveyards were disturbed for relocation efforts. Treaty reports do not recognize these impacts, despite resistance by the Sinixt and other First Nations, and the absence provides evidence of the formal exclusion of the Sinixt Nation from governance dialogues. However, Permanent Engineering Board (PEB) reports in 1987 do recognize that the interests of First Nations communities in both Canada and the U.S. are present in the Basin, which indicates a minor cursory shift with regards to the recognition of First Nations. The PEB reports then document the hiring of a board member who is recognized for his valuable knowledge and relationships with First Nations.

2) The inclusion of the non-First Nation communities of the Basin within financial and management practices

Much like the First Nations of the region, non-First Nation residents were largely excluded during the original negotiations of the Treaty and during the decision-making processes that determined the relocation procedures necessitated by the Treaty dams. Resistance from non-First Nation communities is mentioned in 1973, but not elaborated upon. This resistance could be considered to be acknowledged in 1995 with the formation of the Columbia Basin Trust. This organization redirected funds from hydroelectric generation on the Columbia River to services aimed at increasing ecological sustainability for basin populations. As a result, although the inclusion of non-First Nation populations is not included in formal Treaty discourses, a shift is observed in which individuals and organizations start to benefit from the financial revenue generated by the Treaty arrangements.

3) The inclusion of ecological concerns in management

The third shift discussed was the inclusion of ecological concerns within Treaty governance and management practices. The construction of the dams related to the Treaty is, today, recognized as having significant ecological impacts (in addition to the social impacts cited above). In particular, salmon and White Sturgeon populations have been established as at risk. The legal impact of this status forced a change in the management of the Treaty through a separate operating plan which required the two main tenets of the treaty—flood control and power generation—to be adjusted in order to meet the ecological needs of the region. The legal necessity of this shift in governance,

resulting in an addendum to the Treaty, embodies the strongest mode of change for the Columbia River Treaty.

Having summarized these initial findings, the presentation then provided a brief comparison with a number of preliminary findings on the governance structure of the Great Lakes. While there are some contextual similarities between the Columbia River Treaty and the Boundary Waters Treaty, the formal governance hierarchy is different. For instance, there is a higher level of inclusion of community members within the formal structure of the Boundary Waters Treaty. As a management strategy, community inclusion was formalized and codified in 1977.

Discussion

During the discussion a variety of perspectives were brought forward as part of the critical examination of governance shifts. Attendees with historical, legal, and engineering backgrounds all added to the discussion with their particular knowledge.

The historical legal precedents established with regards to First Nations

Participants described additional legal cases and decisions with regards to the Aboriginal rights movement in North America, providing numerous resources and references to assist in the analysis of First Nations' involvement in both the Columbia River basin and the Great Lakes.

The role of local level action in stimulating change in governance arrangements

Although this preliminary and exploratory research focused only on formal and codified shifts, the discussion focused heavily on the informal and external impacts by special interest groups. The significance of special interest groups in the Great Lakes and the management practices shaped by them, compared with the authority of the CRT Permanent Engineering Board, was also discussed.

The role of the provincial and federal agencies

It became clear in the discussion that the discourse of the PEB documents provides little insight into the role of the numerous provincial and federal agencies that are responsible for daily operational responsibilities, as well as longer-term Canada-U.S. relations and negotiations. Examples included the B.C. Ministry of Energy, Mines, and Natural Gas; the B.C. Ministry of Environment; and Fisheries and Oceans Canada. Although the Treaty is signed between Canada and the U.S., the Province of B.C. plays a pivotal role in how the Columbia River is managed. Importantly, B.C. also receives all of the monetary benefits of the Treaty. A comparable discourse analysis of provincially published information will be important for the continuation of this research.

Scale, place, and power

When comparing governance of the Great Lakes with the Columbia River, it is important to recognize and acknowledge the differences in management practices that are necessitated as a result of different geographic scales. These differences inherently limit the ways in which comparisons can be drawn. Moreover, one participant commented that the Great Lakes includes

several major urban centres, and is geographically closer to national political powers, whereas the Columbia Basin largely involves rural communities and is farther from the national political powers. The rural/urban geographies of the watersheds warrant additional consideration in future analyses.

Engagement of community

Participants had diverse views about the level of community engagement in each basin. However, in general, the Columbia Basin community was considered more engaged than the community surrounding the Great Lakes, even though formal engagement is codified more strongly within the policies governing the Great Lakes. It was suggested that this might have to do with the differences between the rural and urban experience with water management. However, it also highlights the discrepancies between on-the-ground practice and the discourse of formal reports by governing authorities. While some of the discrepancies may be explained by the limitations of the analytical framework used, it also highlights a gap between formal and informal implementations of water governance.

Conclusion

It was concluded that, thus far, governance shifts in the Columbia River basin can be observed through formal changes in the annual PEB reports. But further empirical research is needed to understand and explain the conditions required for transformative changes in this particular governance regime.