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Emma S. Norman Governing transboundary waters: Canada, the United States, and indigenous communities

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Governing transboundary waters: Canada, the United States, and indigenous communities, by Emma S. Norman, Milton Park, UK, Routledge, 2015, 231 pp., C$145 (Amazon), ISBN 978-0-415-83859-7

There have been so many books published on the governance of transboundary water in the past few years – one need only look at the titles in the Earthscan publication list – that one might be tempted to pass this one by. That would be a mistake. The real substance of this book is found in the last two words of the subtitle: "indigenous communities". Further, the book is not just a text on how to work with indigenous communities that span the US–Canada border. Rather, it is an exploration of how that legal border, and all the forms of sovereignty it implies, commonly contravene indigenous principles and methods of water management.

After a lengthy introduction, the book is divided into two parts: the first on what Norman calls "rescaling" and "rebordering" transboundary water management to reflect indigenous needs and contributions; the second on examples of such rescaling and rebordering, taken mainly from the Pacific coast of Canada and the United States.

Part 1 provides the analytical and descriptive basis for Part 2. Chapter 2 is the key chapter in Part 1. It draws on authors as diverse as Foucault, Swyngedouw and Linton, and topics as diverse as postcolonial theory, indigenous studies and the politics of scale to explore what Dr Norman sees as the analytical tasks that are necessary before it will be possible to achieve full integration of indigenous knowledge and indigenous leadership for governing transboundary waters: "Unpacking the tensions between the fixity of modern political borders, the fluidity of natural resources (and pollution inputs), and the socio-political implications of governing within these systems (such as "counting" and "dividing" ecosystems) provides more nuance to the practicalities of governing resources in a b/ordered landscape" (p. 25). The text in this chapter is notably difficult to read, partly because it involves many academic categories, but it is essential to her goal of unpacking issues.

Chapter 3 then looks at four specific transborder institutions that operate along the Canada–US border, each at a different institutional and jurisdictional scale:

- the International Joint Commission (federal to federal)
- the North American Free Trade Association's Commission for Environmental Cooperation (supranational)

- British Columbia-Washington Environmental Cooperation Council (state to province)
- Yukon River Inter-Tribal Watershed Council (tribe to tribe)

The organizational design, guiding principles and practice of each of the four are brought out, along with their strengths and weaknesses, particularly as conditions have changed (for example, to expect greater participation) from their original conception.

Had Chapter 3 just focused on these four institutions, it would have been useful in itself. However, Norman tries to generalize and put the four on something of a timeline based on "five distinct periods of water management specific to the Canada-U.S. border" (p. 44). Many analysts who study water governance will be surprised to find that the "era" of river basin planning ended in 1985, and the "era" of sustainable development lasted only from 1985 to 2005.

The final chapter in Part 1 focuses on attempts to rescale transboundary watershed governance. The bulk of the chapter focuses on the International Joint Commission's International Watersheds Initiative, which began in the late 1990s. In effect, this initiative gave more formal standing to selected boards that had been created to provide the commission with a degree of public participation that had been lacking. The boards also reflected a shift in the commission's emphasis from legal and engineering issues to a broader concept of governance. Unfortunately, nothing in the design of the International Watershed Boards required participation by indigenous people or even attention to indigenous concerns. As emphasized by Norman, this flaw leaves indigenous people and tribes on the same footing as other stakeholders, rather than recognizing their unique sovereign status.

The International Watershed Boards have not (and probably could not have) lived up to the original expectations of them. However, significant gains have been realized in building relationships among local and regional groups, and strengthening capacity to deal with more senior institutional agencies. Though useful on its own, this chapter could, I believe, have been more useful had it compared the transnational watershed boards with parallel efforts to rescale water governance within provinces, as with Ontario's watershed conservation authorities and Manitoba's water management districts. Though working within one province, many elements of their operations (along with their successes and failures) could usefully be compared to those of the International Watershed Boards.

The second part of the book includes six chapters that illustrate some of the more successful attempts to face the difficulties and follow the principles described in the first part. Chapter 5, the most important of the six, describes the situation in Boundary Bay, a shellfish-rich coastal area south of Vancouver. It is the home of and food source for Coast Salish First Nations communities, and it is divided roughly in half by the east-west Canada–US national border. As explained in this chapter, activities that are legal on one side of the border may be illegal on the other side, and the question of legality may depend on where the harvesters come from, rather than which side of the border they are working. The problem is further complicated by closures of some shellfish harvesting areas because of non-point source pollution from populated communities around Boundary Bay. These conditions provide the most fully developed case study for the "unpacking" goal set out above and repeated in this chapter (pp. 25, 107). Within this broad goal, the politics of calculation receive emphasis as a commonly neglected process of what Norman dubs "ecocolonization" (p. 108). Privileging Western scientific knowledge over traditional ecological knowledge "changes a process of harvesting from an inherent right to a conditional right" (p. 111). Shellfish are taken by state or provincial agencies as countable objects, whereas traditional rights of access are

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not. Nor are non-point sources of pollution. Therefore, to protect consumers of shellfish from faecal coliform bacteria, sizeable parts of Boundary Bay are closed to harvesting, rather than taking steps to control sources of pollution.

Chapter 6 focuses on the role of indigenous leadership in transborder environmental governance. The principal message of the chapter is to demonstrate that much of the needed leadership already exists, but that its message is ignored because it is neither developed nor presented in conventional Western ways. The title of the chapter is indicative of the problem: "We Are the Ones We Are Waiting For". It is not just "traditional ecological knowledge" that is missing. So too are "traditional ecological processes".

Nevertheless, more than most of the others, this chapter has a positive outlook. Traditional knowledge and processes are making their way into federal governance processes and permitting them to be proactive rather than waiting for senior governmental requests. Indigenous leaders are not just participating in decision-making panels, they are helping formulate the agenda for the panels. For example, local collaboration between Coast Salish communities and the US Geological Survey has led to joint water quality sampling. More importantly, the international Rainy Lake of the Woods board (spanning Minnesota and Ontario) now designates First Nations, Metis and Tribal members to serve on the board. However, this practice has not as yet been applied by other boards, and the whole watershed approach has its critics.

The next two chapters, one about a regular canoe gathering on the west coast, and the other about water walkers, move away a bit from the longer-term goal of rescaling governance. The canoe gatherings and the water walkers focus more on opportunities for education and learning at tribal and individual levels. Evidence shows that they have been successful and that the models presented in these two chapters are being copied elsewhere, on both sides of the border.

The penultimate chapter is remarkable and troubling, at least for this reviewer. It tells the story of one orca (killer whale) that seems to have strayed some 200 km from her resident pod to live in a remote fjord on the north-western coast of Vancouver Island, British Columbia. It was then adopted by local people, possibly as the spirit of a recently deceased chief. This is troubling because even my choice of words implies an anthropocentric perspective, when the story is really about breaking through a lot of barriers, including those between humans and animals. Named Tsu-xiit by indigenous people, Luna by Western-trained people, and L98 by fisheries biologists, she lived happily away from her pod for several years until she was unfortunately killed by the propeller of a tugboat that came into the fjord to escape inclement weather. There are no good guys or bad guys in this story. Rather, the story elucidates a key problem: "The lack of basic understanding of the fundamental belief systems of indigenous peoples is at the root of the majority of the governance failures between environmental managers and indigenous peoples" (p. 32).

Granted – but the problem here is how to establish that understanding in a matter of months, not slowly through the lengthy participative and experiential approaches described elsewhere in the book. Even if you do not read the whole book, I encourage you to read this chapter, from which I draw no easy conclusions.

Though important, Emma Norman's book is likely to be more often cited than carefully read. For one thing, her style is not easy to follow. Sentences can require several readings to capture their meaning. For example: "Thus ... elucidating relations between the political and the calculative helps illuminate the political and social costs of enframing or 'othering'" (p. 107). Elsewhere, some of the text is repetitious, and a few parts are almost apologetic, as with

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her six-page explanation of how, as a privileged white person living mainly in the global North, she took up indigenous studies.

Other problems probably stem from editorial restrictions to cut costs. Notably, some figures are so small in scale that the point being made by the author is lost. Moreover, the book certainly needs a list of acronyms and abbreviations.

A final issue is almost surely the fault of time. As with other authors, at some point Emma Norman had to put down her latest draft and say, 'My book is finally finished.' Ironically, the book was published in 2015, the same year that a path-breaking agreement was signed between Alberta, the Northwest Territories, and all affected indigenous groups for joint management of the huge Mackenzie River basin (second in size in North America only to the Mississippi basin). Though only marginally transboundary in the sense of crossing a national boundary, where water is concerned in Canada, transboundary in the sense of crossing a provincial/territorial boundary is equally important – and possibly even more difficult. The Northwest Territories/Alberta Mackenzie River Basin Bilateral Water Management Agreement is a breakthrough not only for results but also for a process that involved all of the relevant indigenous groups and for including clauses to protect any existing and future land rights.

Despite its limitations, *Governing Transboundary Waters: Canada, the United States, and Indigenous Communities* is well worth reading. On several occasions, Dr Norman suggests that the "underlying question" for this book is "What makes a good upstream neighbor?" (p. 7, and elsewhere). Her book takes a good step towards answering that question, and, more importantly, for supporting the process towards answering it, in Canada and the United States. As she states at the close of the book (p. 185), "literally and metaphorically" we are "all upstream to someone."

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