

# Looking through a different lens



*Canadian perspectives of modernising the Columbia River Treaty were highlighted in a recent webinar organised by the POLIS Water Sustainability Project*

In order to meet current and future needs, the Canadian government believes that it is necessary to look at the Columbia River Treaty “with a different lens” than when it was formed in the 1960s.

This is the view of Kathy Eichenberger, from the BC Ministry of Energy, Mines and Petroleum Resources, who was taking part in a recent Blue Dialogue webinar entitled *The Future of the Columbia River: Governance Reflections and Opportunities*.

The Creating a Blue Dialogue webinar series has been hosted by the POLIS Water Sustainability Project since 2010. It is a focused initiative of the University of Victoria in British Columbia, Canada, and brings together expert water practitioners and emerging water leaders, to engage with innovative ideas on water policy and governance in Canada. The 2018/19 season is co-hosted by POLIS and the Water Economics, Policy and Governance Network.

More than 140 people took part in the recent event which was held on 20 February 2019, and included representatives from First Nations, government, environmental NGOs and law firms. The webinar offered an update on the Columbia River Treaty renegotiation process, explored innovative governance options, and looked at the opportunities for the river with a modernised treaty.

## **Transboundary river**

The 2000km Columbia River begins its journey in British Columbia’s Rocky Mountains and flows into the Pacific Ocean across the US border in Oregon. This transboundary river is described as being critically important for its cultural, social, economic and ecological values.

The Columbia River Treaty (CRT) came into force between Canada and the US in 1964 with a narrow scope focused on flood control and hydropower production. Fifty-five years later, POLIS says that times have changed, and new thinking is needed to ensure a sustainable future for this important river.

As participants in the webinar acknowledged: “One challenge for arriving at a modernised treaty agreement and accompanying governance arrangements includes reconciling the restoration of ecosystem function with the river’s major role in hydroelectric generation and flood protection, especially given the looming changes to the basin’s hydrology due to a changing climate. Two key omissions in the original CRT - the role and perspective of Indigenous people and their governments, and the need to consider ecosystem values - are critical elements of this discussion.”

Zita Botelho from reFRESH Water Innovation Lab, moderated the webinar and explained that:

- There is a need to reconcile both the rights of Indigenous peoples and the interests of all citizens in the maintenance of healthy and functioning ecosystems

in the Columbia River Basin.

- Future management in the Columbia River Basin will have to be more innovative and flexible.
- The Columbia River and its basin should be seen as a single functioning entity, and negotiations should integrate the interests of the parties within the basin as a whole.

Feedback received through the 2018 community consultation for the treaty review team focused on several areas. Ecosystem function and restoration (such as the return of salmon to spawning areas) were considered priorities, while domestic flood risk management and agriculture security were also brought up.

Furthermore, water supply security was considered as a concern with regards to climate change: the Canadian portion of the Columbia basin is anticipated to have the same or more total inflow in winter and spring, with increasing droughts in summer that will have to be accounted for.

As Kathy Eichenberger, from the BC Ministry of Energy, Mines and Petroleum Resources, acknowledged: “Canadian communities see the ancillary benefits obtained by communities in the US and would like to have the same sharing of benefits, along with flood control and significant hydropower enhancements. They would also like to see better coordination between the US and Canada, specifically on the Libby Dam, the sole American Treaty dam. While Canada and the US currently co-manage the three Canadian dams, the Libby Dam is exclusively managed by the US Army Corps of Engineers.”

## Lessons learned

Lynn Kriwoken from the BC Ministry of Environment and Climate Change Strategy, discussed how lessons from the Mackenzie River Basin Water Agreements could be applied to the revision of the Columbia River Treaty.

The 4000km long Mackenzie River is the largest in Canada. Kriwoken explained that eight years after the CRT was signed, a group of people gathered in Inuvik in Canada’s Northwestern Territories for a water seminar. After 25 years, what began as a gathering resulted in the creation in 1997 of the Mackenzie River Basin Transboundary Waters Master Agreement. She says that a number of principles can be drawn from this agreement that may be applicable to CRT or other transboundary water agreements that seek to manage and govern for resilience. They include:

- Multi-scale governance with a basin perspective.
- Ecosystem needs first.
- Principled, interest-based negotiations.
- Pragmatic risk-based, adaptive approach.
- Indigenous knowledge and decision-making processes.
- Explicit learning plans.
- Thresholds with proactive triggers.
- Mechanisms to adjust to change.
- Joint management of the BMC.
- Formal and informal institutions

Glen Hearn, an advisor for Transboundary Water Initiatives at the University of British Columbia, gave examples of public participation in governance on transboundary water treaties associated with hydropower. He looked at:

Spain and Portugal - which have an agreement from the 1860s that facilitated the building of five dams in an international part of the river. Three are operated by Spain, two are operated by Portugal, and the two countries recently created a new holistic convention to deal with flood control.

France and Spain - The Chancy-Pouigny Hydropower Station has been operated by a joint company of France and Spain since the 1920s. When an 80-year licence for hydro operations ended they were forced to remodify their governance and created an informal working agreement.

France and Switzerland - The Châtelot Dam on the Doubs River is operated by Société des Forces Motrices de Châtelot, a company jointly owned by French and Swiss shareholders in equal shares. The company created formal working groups to strongly encourage shifts in the dam operations. Despite the lack of enforcement involved in this approach it has been fairly successful.

Switzerland and Italy - The Spöl River is located between Switzerland and Italy and so the two countries set up an environmental commission regarding all of the watersheds they share and how dams can operate hydro power.

Danube River Basin - Hearn mentioned that 18 countries are within the Danube River basin. This means that it is subject to a web of interconnected legislation. The process that has been created is incredibly vocal and involves a high degree of public participation including a forum with 170 different NGOs in attendance and scientific conferences.

### All perspectives

In conclusion of the webinar, Kathy Eichenberger said that the big goal for the Columbia River is a sustainable and just future, and to ensure that that as many voices from all perspectives are heard, at least at the beginning. Excluding voices, she stressed, may undermine goals.

While Lyn Kriwoken warned negotiators for the Columbia River Treaty and other water sharing agreements, not to jump first to a governance model.

“First, agree on the vision, goals, and objectives, then look at what the best model is to achieve it,” she said. “We have to realise that this will take time and patience. This is about reconciling Indigenous rights, ecosystem health, economy, community and the many other values of these river systems. All of these can coexist but not without trade-offs. We have to ask what people value most and least. The process by which these questions are answered is key.

“We have to begin with the end in mind, starting with values, interests, and principles. Start simply,” Kriwoken states, “but simply start.”

For a full summary of the webinar and more details about POLIS see:  
[www.poliswaterproject.org](http://www.poliswaterproject.org)



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