

International Network of Basin Organizations (INBO)

**6th World General Assembly
The Martinique**

24 - 28 January, 2004

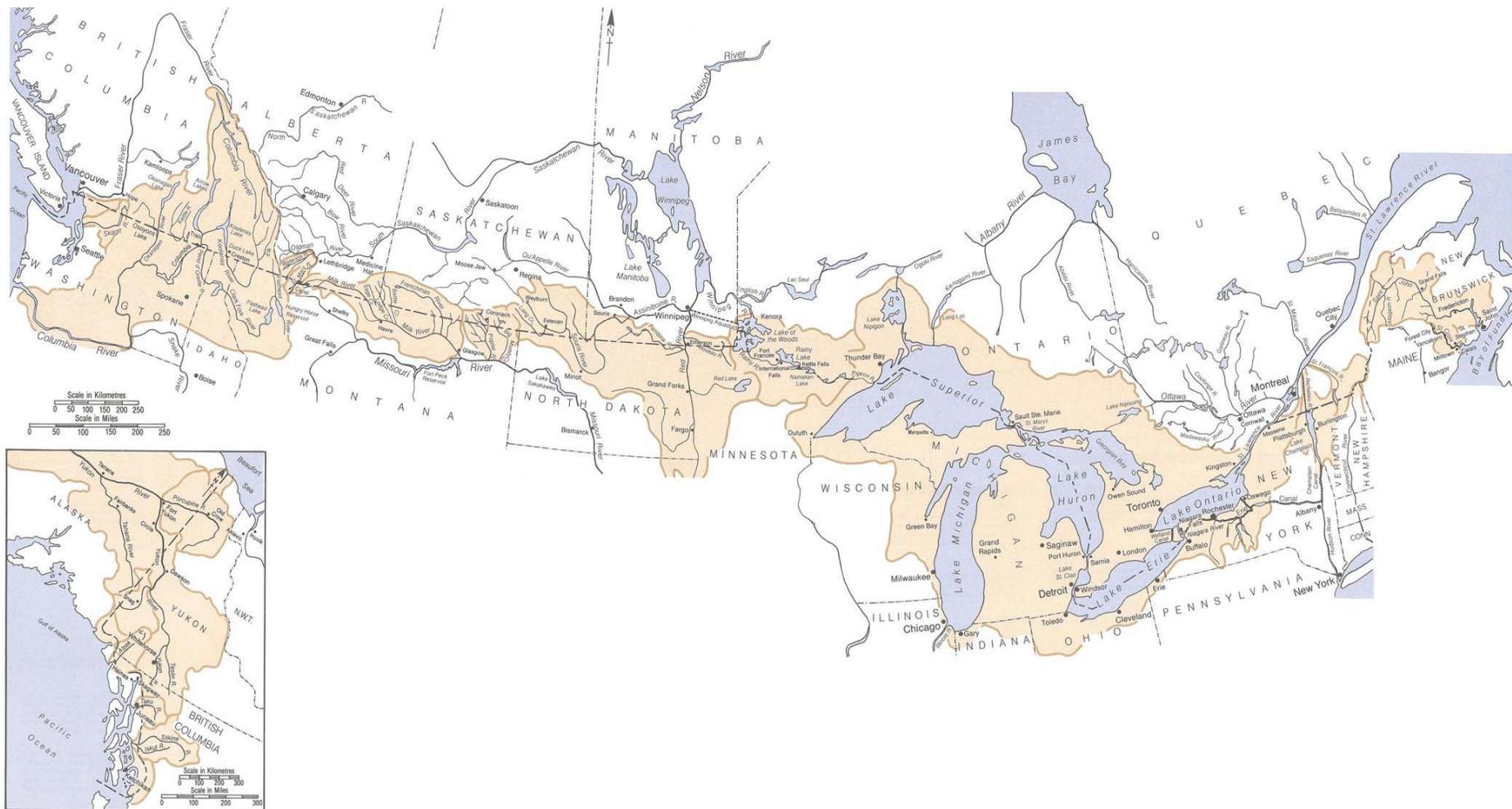


**The IJC as a Model for Cooperative Management of
Transboundary Water Resources**

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Transboundary Watersheds



IJC Authorities



Boundary Waters Treaty (1909)

Lake of the Woods Convention (1925)

Rainy Lake Convention (1938)

Niagara River Treaty (1950)

Columbia River Treaty (1961)

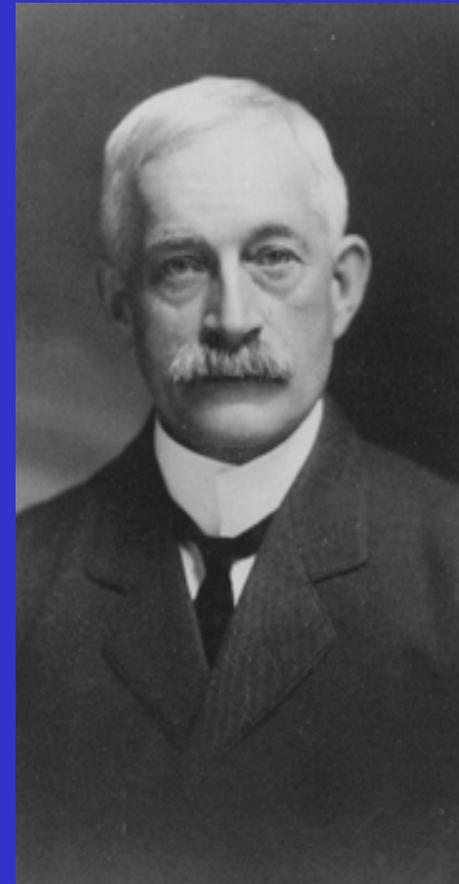
**Great Lakes Water Quality Agreement (1972, 1978 –
revisions 1983, 1987)**

The Boundary Waters Treaty (1909)



- **An important partnership along the Canada–United States border**
- **Origin – border conflicts over water use rights on international streams**
- **Scope – more than just boundary waters, deals with the transboundary environment**
- **Purpose – provides principles and mechanisms to help prevent and resolve disputes**

Sir George Gibbons



Some Key Principles Of The Treaty



- **Equal and similar rights to the use of boundary waters**
- **Order of precedence of use --- sanitary and domestic purposes, navigation, power generation and irrigation**
- **Structures/diversions not to affect levels and flows on the other side**
- **Must not pollute water on either side to the injury of health or property on the other side**

THE
INTERNATIONAL
JOINT
COMMISSION
AND
THE
BOUNDARY
WATERS
TREATY
OF 1909



The Commission's Structure

- **6 members (3 from Canada, 3 from United States)**
- **A creation of the Treaty, but not a creature of governments --- a permanent, binational, independent, unitary body**
- **Supported by binational boards, task forces, study teams and a small staff in three offices**



The Commission's Roles

- **Investigative/advisory** – conducts studies and reports to governments on questions referred to it
- **Quasi-judicial** – approves and sets conditions for the operation of projects in boundary waters that affect levels and flows on other side of boundary
- **Arbitration** – binding arbitration on issues referred by governments (never been used)



Questions Or Matters Of Difference (References)

- **Governments submit a “Reference” to the IJC**
- **IJC publishes notice, appoints advisory group/board to undertake studies and investigations**
- **Seeks public views on the issue**
- **Applies the principles and procedures of the treaty**
- **Seeks consensus in the common good of both countries**
- **IJC reports to governments**

Use, Obstruction or Diversion of Boundary Waters (Application)



- **Proponent submits Application for approval to government**
- **Government assesses need for IJC approval under Article iii and iv of the Treaty**
- **“Application” submitted to IJC**
- **IJC reviews proposal, publishes notice of proposal, holds public hearings**
- **IJC approves or rejects application**
- **If approves: issues “order of approval” – conditions for operation**
- **IJC monitors compliance**

Boards and Task Forces



BOARDS of CONTROL/COMBINED BOARDS/POLLUTION BOARDS

- **International St. Lawrence River Board of Control**
- **International Niagara Board of Control**
- **International Lake Superior Board of Control**
- **International Osoyoos Lake Board of Control**
- **International Rainy Lake Board of Control**
- **International Rainy River Pollution Advisory Board**
- **International Lake of the Woods Board of Control**
- **International Kootenay Lake Board of Control**
- **International Columbia River Board of Control**
- **International Air Quality Advisory Board**
- **International Red River Board ***
- **International St. Croix River Board ***
- **International Souris River Board ***

* **Newly Combined Boards**

GREAT LAKES WATER QUALITY

- **Great Lakes Water Quality Board**
- **Great Lakes Science Advisory Board**
- **Council of Great Lakes Research
Managers**

INVESTIGATIVE BODIES

- **Health Professionals Task Force**
- **St. Mary-Milk Rivers Accredited
Officers**
- **Lake Ontario-St. Lawrence Study Board**

IJC Elements of Success

Consultation and consensus building

Forum for public participation

Engagement of local governments

Joint fact finding

Objectivity and independence

Flexibility



IJC Elements of Success



Mutual trust and professionalism

Scientific basis behind all statements

Equal numbers of U.S. and Canadians

Neutrality, impartiality, permanence

Informed public who follow the issues

Public accountability, political pressure

What IJC has to Offer



Network of Canadian and U.S. experts

**Linkages to Canada/U.S. government officials,
organizations and universities**

**100 years of quasi-judicial experience in
preventing and resolving disputes**

Transboundary water management expertise

Extensive public involvement experience



www.ijc.org



Thank You