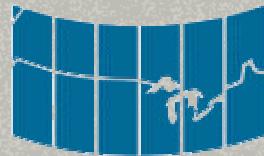


INTERNATIONAL JOINT COMMISSION



International
Joint
Commission

Commission
mixte
internationale



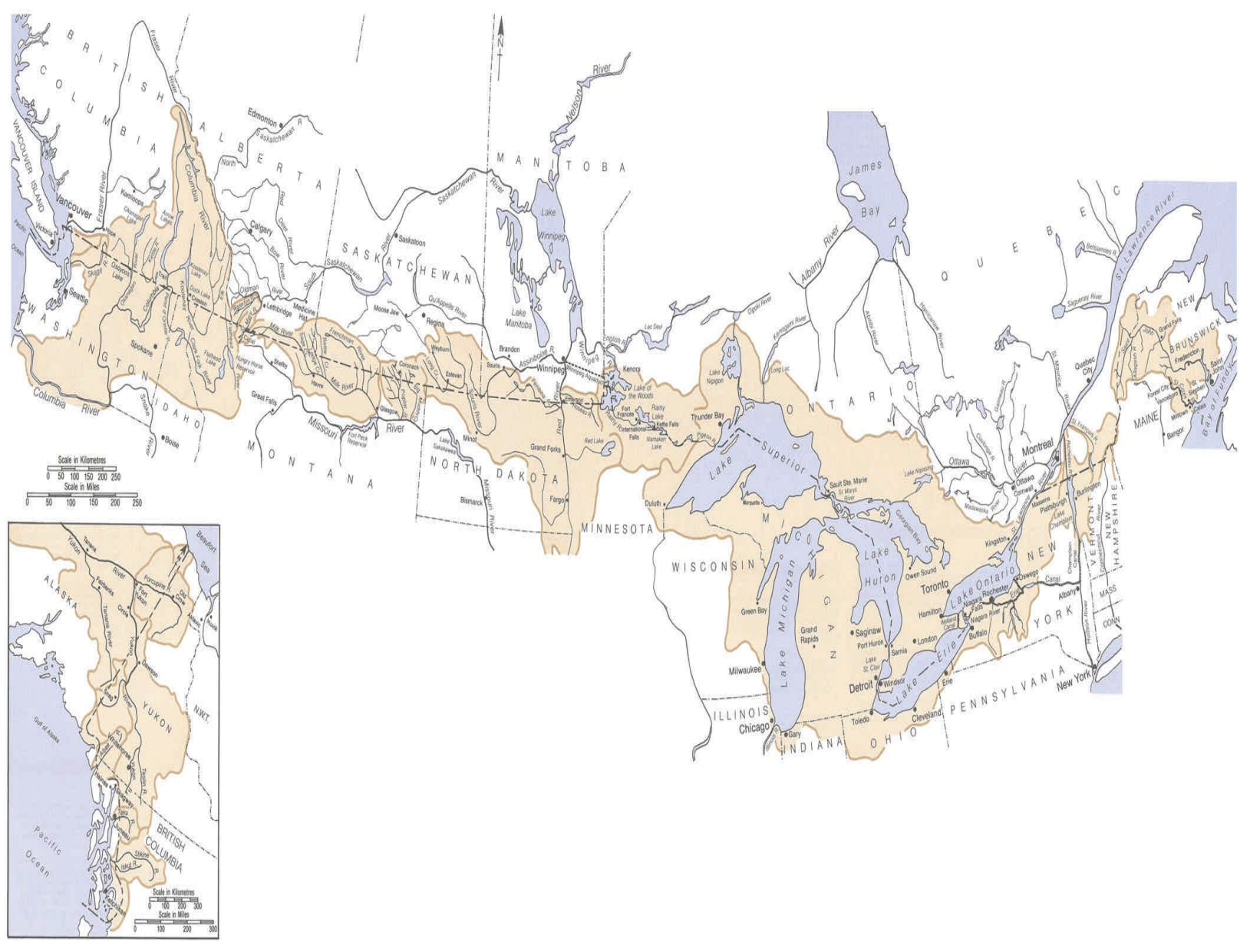
Constitutive Meeting
Network of Transboundary Basin Organizations
Thonon-Les-Bains
November 24-26 2002

Origin, Mandate and Role of the International Joint Commission





Transboundary Watersheds





THE BOUNDARY WATERS TREATY (1909)

- ORIGIN – BORDER DISPUTES OVER USE OF TRANSBOUNDARY WATERS
- SCOPE – MORE THAN JUST BOUNDARY WATERS; DEALS WITH THE CANADA-UNITED STATES TRANSBOUNDARY ENVIRONMENT
- PURPOSE – PROVIDES THE PRINCIPLES AND MECHANISMS TO HELP PREVENT AND RESOLVE DISPUTES ALONG THE BOUNDARY

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/DOMESTIC, NAVIGATION, POWER GENERATION/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 ROLES

- THE IJC ARISES FROM THE BOUNDARY WATERS TREATY OF 1909
- (A) INVESTIGATIVE/ADVISORY – REPORTS AND PROVIDES OBJECTIVE ADVICE ON QUESTIONS REFERRED TO IT BY GOVERNMENTS (**REFERENCES**)
- (B) QUASI-JUDICIAL – RULES UPON NEW USES, OBSTRUCTIONS AND DIVERSIONS OF BOUNDARY WATERS (**APPLICATIONS**)
- ARBITRATION – BINDING ARBITRATION ON ISSUES REFERRED BY GOVERNMENTS (NEVER BEEN USED)



THE COMMISSION'S STRUCTURE

- SIX COMMISSIONERS (THREE FROM CANADA; THREE FROM U.S.); TWO OF WHOM ARE CO-CHAIRS
- A CREATION OF THE TREATY, BUT NOT A CREATURE OF GOVERNMENTS. ITS AN INTERNATIONAL ORGANIZATION WHICH IS – A PERMANENT, BINATIONAL, OBJECTIVE, INDEPENDENT, UNITARY BODY
- SUPPORTED BY BINATIONAL BOARDS, TASK FORCES, STUDY TEAMS AND A SMALL STAFF IN THREE OFFICES – MEMBERS ACT IN THEIR PERSONAL AND PROFESSIONAL CAPACITY



THE COMMISSION – HOW IT FUNCTIONS

- RECEIVES MANDATES THROUGH REFERENCES FROM GOVERNMENTS
- EXAMINES THE SCIENCE AND DEVELOPS A COMMON FACT BASE
- SEEKS PUBLIC VIEWS ON THE ISSUE
- COMMISSIONERS MAKE DECISIONS BY CONSENSUS IN THE COMMON GOOD OF BOTH COUNTRIES



THE COMMISSION – HOW IT FUNCTIONS - 2

- MAY REGULATE THE OPERATIONS OF PROJECTS, FOR EXAMPLE, WATER CONTROL STRUCTURES AT THE OUTLETS OF LAKES SUPERIOR AND ONTARIO - BOTH BOUNDARY WATERS
- RULES ON APPLICATIONS FOR APPROVAL OF PROJECTS AFFECTING BOUNDARY AND TRANSBOUNDARY WATERS
- OVERSEES THE IMPLEMENTATION OF THE GREAT LAKES WATER QUALITY AGREEMENT



THE COMMISSION – HOW IT FUNCTIONS - 3

- ALERTS GOVERNMENTS TO EMERGING ISSUES ALONG THE BOUNDARY, FOR EXAMPLE, ALIEN SPECIES - ASIAN CARP
- RELIES ON ITS MANY BINATIONAL BOARDS AND TASK FORCES FOR SOUND SCIENCE AND POLICY ADVICE
- RELIES HEAVILY ON OTHERS TO “DONATE” THE EXPERTISE REQUIRED TO DO THE JOB



HOW THE COMMISSION INTERFACES WITH OTHERS

- GOVERNMENTS – FORMAL SEMI-ANNUAL & OTHER MEETINGS WITH MINISTERS AND SENIOR OFFICIALS
- OTHERS (INDUSTRY, ENGOS, ACADEMIA, CITIZENS, FIRST NATIONS) – THROUGH ITS VARIOUS BOARDS, BIENNIAL FORA, PUBLIC HEARINGS & MEETINGS
- OTHER ORGANIZATIONS (e.g. CEC, GLFC, INBO) THROUGH JOINT SCIENTIFIC/POLICY INITIATIVES



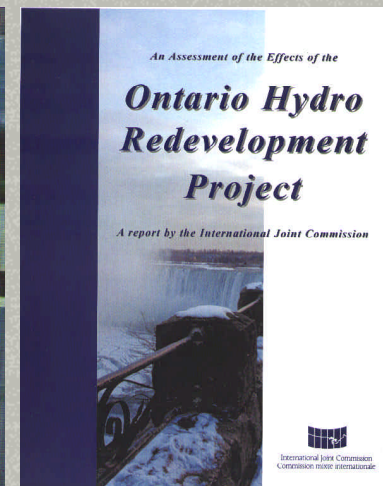
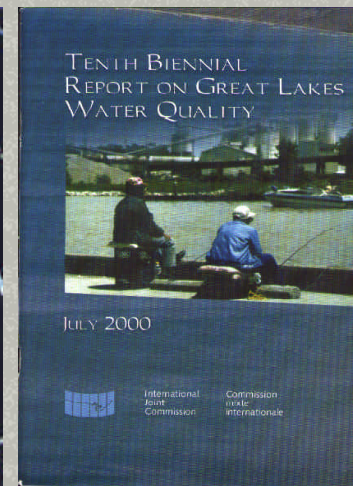
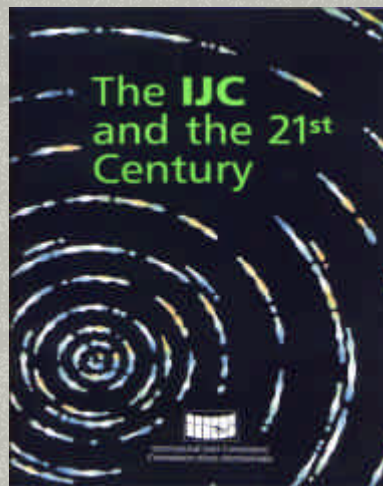
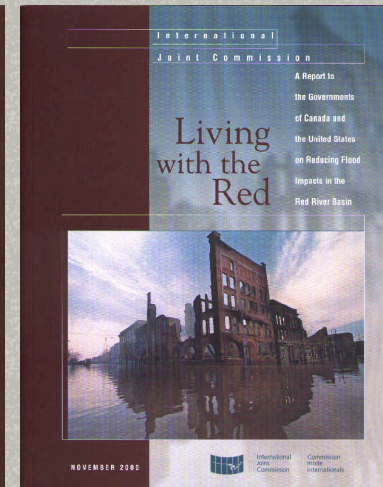
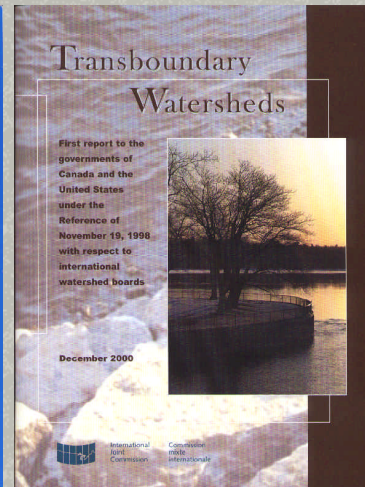
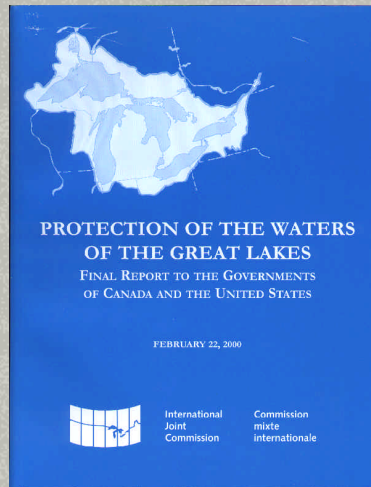
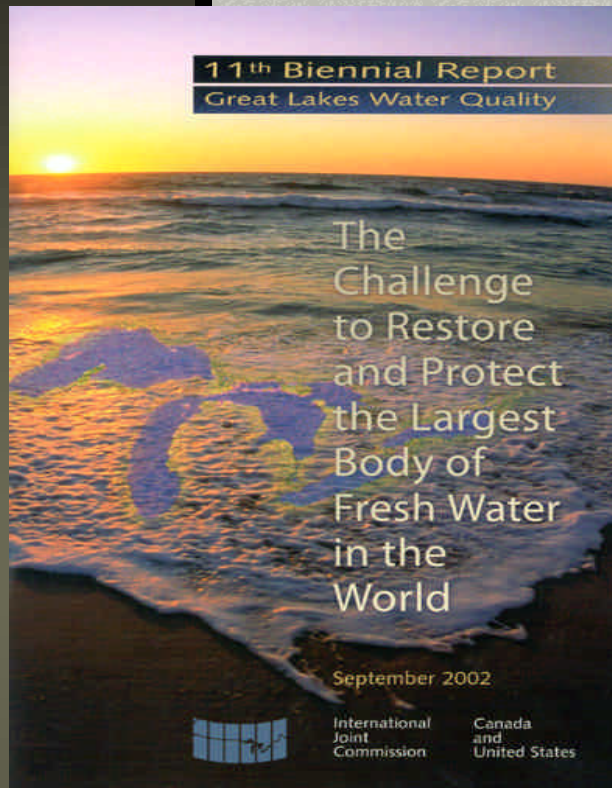
THE COMMISSION'S RECORD OVER 9 DECADES

1909 · 2001

- DEALT WITH OVER 100 BINATIONAL ISSUES – VOTED FORMALLY ALONG NATIONAL LINES ONLY TWICE
- ITS RECOMMENDATIONS GENERALLY ACCEPTED BY GOVERNMENTS
- PLAYED IMPORTANT ROLES IN THE CREATION OF THE COLUMBIA RIVER TREATY AND THE GREAT LAKES WATER QUALITY AGREEMENT



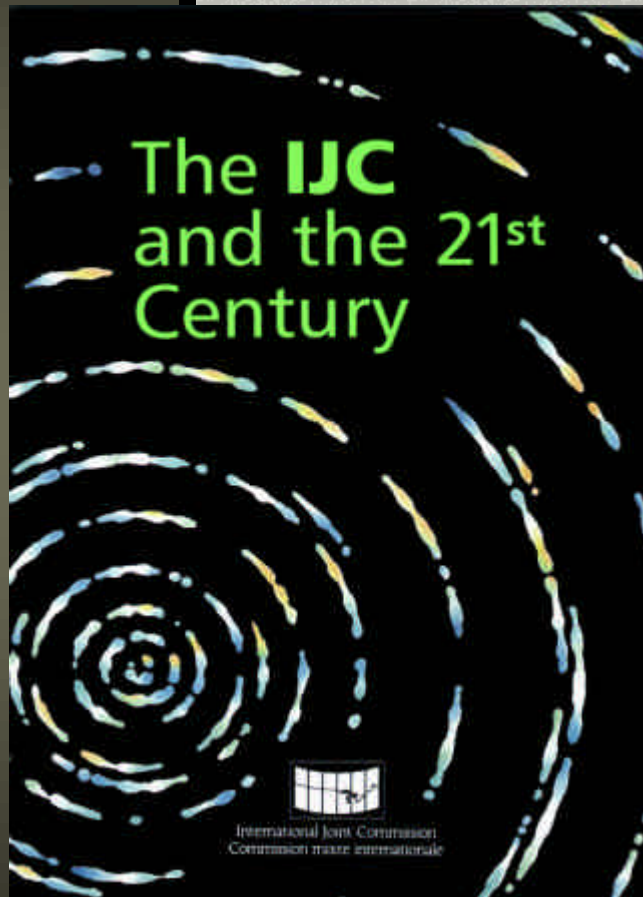
SOME RECENT WORK



THE WATERSHED APPROACH



WATERSHED BOARDS



- GOVERNMENTS ASKED IJC TO CONSIDER WAYS TO ASSIST THEM IN MEETING THE ENVIRONMENTAL CHALLENGES OF THE 21ST CENTURY
- IJC RECOMMENDED (“*The IJC and the 21st Century*”) ESTABLISHING INTERNATIONAL WATERSHED BOARDS ALONG THE BOUNDARY
- GOVERNMENTS ACCEPTED THE PROPOSAL IN PRINCIPLE AND ASKED IJC TO FURTHER DEVELOP THE CONCEPT.

WATERSHED BOARDS





IMPETUS BEHIND WATERSHED BOARD INITIATIVE

Increasing Citizen Participation

Government Downsizing

Population Growth and Urbanization

Continuing Environmental Stress

Economic Expansion



ROLE OF BOARDS

- IDENTIFY ISSUES
- FORUM FOR PUBLIC ENGAGEMENT
- STUDY ISSUES AND SUGGEST POSSIBLE SOLUTIONS
- ENHANCE LOCAL CAPACITY
- MEANS FOR DEALING WITH ASYMMETRICAL GOVERNANCE
- **NOT** BASIN MANAGEMENT

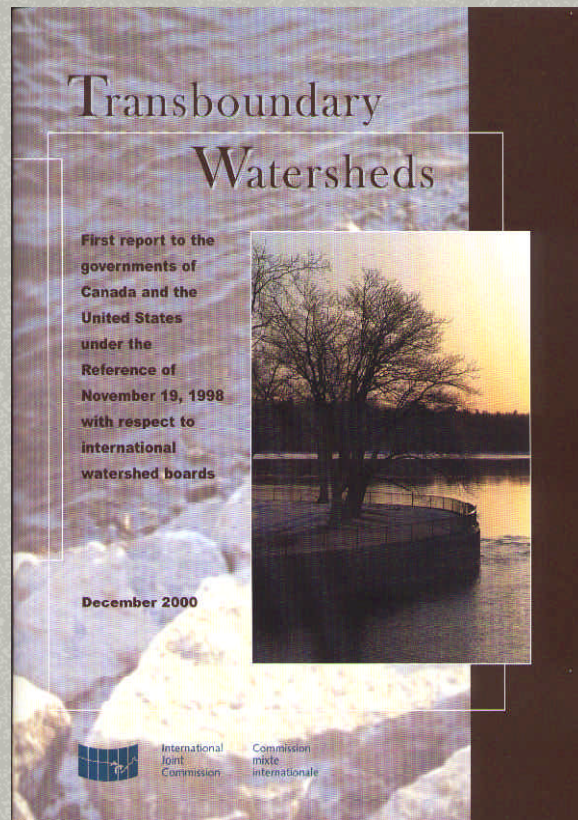


PROCESS OF DEVELOPMENT

- CONSIDERABLE DISCUSSION WITH PUBLIC, AGENCIES AND THE EXISTING BOARDS

- WIDESPREAD SUPPORT FOR CONCEPT OF MANAGING ON A WATERSHED APPROACH BUT:
 - AGENCIES CONCERNED ABOUT MAINTAINING CONTROL AND STAFF AND FUNDING IMPLICATIONS
 - SOME WANT A LOCAL VOICE AND DO NOT WANT A PROLIFERATION OF ORGANIZATIONS

CURRENT SITUATION



- FIRST REPORT ISSUED DEC 2000
- SOME IJC CONTROL BOARDS AND POLLUTION BOARDS HAVE BEEN AMALGAMATED – RED RIVER, & ST. CROIX RIVER
- ROLE WILL EVOLVE
- ENCOURAGED TO TAKE A MORE ECOSYSTEM APPROACH TO THE WHOLE WATERSHED AND ACTIVELY INVOLVE THE PUBLIC

GREAT LAKES WATER QUALITY AGREEMENT





1978 Great Lakes Water Quality Agreement (GLWQA)

- GLWQA IS AN INTERNATIONAL AGREEMENT BETWEEN CANADA AND THE UNITED STATES
- PREAMBLE REAFFIRMS THE OBLIGATION OF BOTH COUNTRIES UNDER THE BOUNDARY WATERS TREATY NOT TO POLLUTE BOUNDARY WATERS
- GLWQA IS A SET OF COMMITMENTS BETWEEN THE TWO GOVERNMENTS WITH A FOCUS ON PERSISTENT TOXICS
- PURPOSE IS TO RESTORE AND MAINTAIN THE CHEMICAL, PHYSICAL AND BIOLOGICAL INTEGRITY OF THE WATERS OF THE GREAT LAKES BASIN ECOSYSTEM (ARTICLE II)



REFERENCE TO IJC

- IJC ASSISTS IN IMPLEMENTATION OF THE GLWQA
- ARTICLE VII OF GLWQA GIVES IJC A REFERENCE TO UNDERTAKE THE FOLLOWING RESPONSIBILITIES:
 - IJC TO ASSIST IN THE COORDINATION OF JOINT ACTIVITIES (ARTICLE VII)
 - IJC TO REVIEW AND COMMENT AT SPECIFIED STAGES ON THE DEVELOPMENT AND IMPLEMENTATION OF REMEDIAL ACTION PLANS AND LAKEWIDE MANAGEMENT PLANS (ANNEX 2)



- IJC REVIEWS PROGRESS IN AREAS OF CONCERN INCLUDING CONDUCTING PUBLIC HEARINGS – BIENNIAL FORUM
- IJC REPORTS TO THE PARTIES AND STATE AND PROVINCIAL GOVERNMENTS AT LEAST EVERY TWO YEARS ON PROGRESS – BIENNIAL REPORT
- IJC CARRIES OUT RESPONSIBILITIES UTILIZING PRINCIPALLY THE WATER QUALITY BOARD AND THE SCIENCE ADVISORY BOARD



GREAT LAKES REGIONAL OFFICE (GLRO)

- GLRO PROVIDES ADMINISTRATIVE TECHNICAL SUPPORT TO WATER QUALITY BOARD AND SCIENCE ADVISORY BOARD
- GLRO HEADED BY A DIRECTOR APPOINTED BY THE IJC – ALTERNATES BETWEEN CANADA AND THE U.S. NATIONALS



CURRENT ISSUES

- PERSISTENT TOXIC SUBSTANCES
- ALIEN INVASIVE SPECIES
- CONTAMINATED SEDIMENT
- AREAS OF CONCERN (DELISTING)
- MONITORING
- URBAN NON-POINT SOURCES
- AIRBORNE TOXIC SUBSTANCES

AIR QUALITY ISSUES





ONGOING AIR QUALITY MANDATES

■ 1966 REFERENCE

- INTERNATIONAL AIR QUALITY ADVISORY BOARD ESTABLISHED TO ASSIST IN BRINGING TO GOVERNMENTS' ATTENTION AIR POLLUTION PROBLEMS IN THE BOUNDARY AREA

■ GREAT LAKES WATER QUALITY AGREEMENT

- ANNEX 15 - AIRBORNE TOXIC SUBSTANCES

■ CANADA-U.S. AIR QUALITY AGREEMENT

- OPERATES ALL ALONG THE CANADA-U.S. BOUNDARY
- ARTICLE IX - SOLICIT COMMENTS ON PROGRESS REPORTS OF THE AIR QUALITY COMMITTEE; PROVISION FOR OTHER REFERENCES

■ DETROIT-WINDSOR (DETROIT RIVER) REFERENCE

- TRACKING AIR QUALITY TRENDS AND REGULATORY ACTIVITY



IAQAB MANDATE

- 1986 DIRECTIVE FROM THE IJC
- ADVISES IJC ON TRANSBOUNDARY AIR QUALITY MATTERS
- KEEPS INFORMED ON TRANSBOUNDARY AIR QUALITY AND CONTAMINANT DEPOSITION PROBLEMS, MONITORING AND RESEARCH STRATEGIES
- UNDERTAKES STUDIES, OBTAINS RELEVANT INFORMATION AND ADVISES ON THE NATURE AND IMPACT OF TRANSBOUNDARY AIR QUALITY PROBLEMS



IJC AND SECURITY ISSUES

- IN 1998 IJC REPORT “UNSAFE DAMS?” LOOKED AT NOT ONLY NATURAL THREATS, BUT ALSO POSSIBLE PHYSICAL ATTACKS ON BOUNDARY WATERS INFRASTRUCTURE
- SINCE SEPTEMBER 11TH IJC MONITORS RESPONSE CAPABILITY AND LIAISONS WITH BOTH GOVERNMENT’S OFFICIALS



For more information, downloads, etc:

WWW.IJC.ORG

Discussion?

