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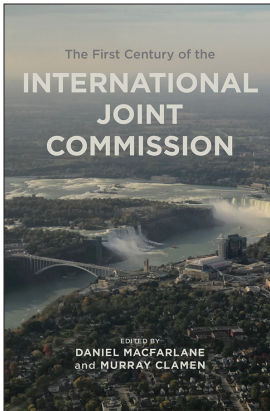
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THE FIRST CENTURY OF THE INTERNATIONAL JOINT COMMISSION

Edited by Daniel Macfarlane and Murray Clemen

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An aerial photograph of Niagara Falls, showing the American Falls and Horseshoe Falls. A large bridge is visible on the left, and the city of Niagara Falls is in the foreground. The text is overlaid on the top half of the image.

The First Century of the

INTERNATIONAL JOINT COMMISSION

EDITED BY
DANIEL MACFARLANE
and **MURRAY CLAMEN**

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**INTERNATIONAL
JOINT
COMMISSION**

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The First Century of the
**INTERNATIONAL
JOINT
COMMISSION**

EDITED BY
**DANIEL MACFARLANE
and MURRAY CLAMEN**

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CONTENTS

Illustrations	ix
Foreword	xiii
<i>Gordon W. Walker and Lana Pollack</i>	
Acknowledgements	xvii
Introduction	1
<i>Murray Clamen and Daniel Macfarlane</i>	
Section 1: Beginnings	
1 From IWC to BWT: Canada-US Institution Building, 1902–1909	35
<i>David Whorley</i>	
2 Construction of a Keystone: How Local Concerns and International Geopolitics Created the First Water Management Mechanisms on the Canada-US Border	71
<i>Meredith Denning</i>	
Section 2: From Coast to Coast	
3 The International Joint Commission and Water Quality in the Bacterial Age	115
<i>Jamie Benidickson</i>	

4	The Boundary Waters Treaty and the International Joint Commission in the St. Mary–Milk Basin <i>B. Timothy Heinmiller</i>	143
5	The International Joint Commission and Hydro-power Development on the Northeastern Borderlands, 1945–1970 <i>James Kenny</i>	165
6	A Square Peg: The Lessons of the Point Roberts Reference, 1971–1977 <i>Kim Richard Nossal</i>	195
7	The International Joint Commission and Mid-continent Water Issues: The Garrison Diversion, Red River, Devils Lake, and the Northwest Area Water Supply Project <i>Norman Brandson and Allen Olson</i>	215
8	The International Joint Commission’s Unique and Colourful Role in Three Projects in the Pacific Northwest <i>Richard Moy and Jonathan O’Riordan</i>	239
Section 3: Great Lakes–St. Lawrence Basin		
9	The International Joint Commission and Great Lakes Water Levels <i>Murray Clamen and Daniel Macfarlane</i>	285
10	The International Joint Commission and Air Pollution: A Tale of Two Cases <i>Owen Temby and Don Munton</i>	313

11	Origin of the Great Lakes Water Quality Agreement: Concepts and Structures <i>Jennifer Read</i>	347
12	The Great Lakes Remedial Action Plan Program: A Historical and Contemporary Description and Analysis <i>Gail Krantzberg</i>	367
13	The International Joint Commission and the Evolution of the Great Lakes Water Quality Agreement: Accountability, Progress Reporting, and Measuring Performance <i>Debora VanNijnatten and Carolyn Johns</i>	395

Section 4: Legacies

14	From “Stakeholder to Rights-Holder”: Re-examining the Role of Indigenous Peoples in the International Joint Commission as the Third Sovereign <i>Frank Ettawageshik and Emma S. Norman</i>	433
15	The Boundary Waters Treaty, the International Joint Commission, and the Evolution of Transboundary Environmental Law and Governance <i>Noah D. Hall, A. Dan Tarlock, and Marcia Valiante</i>	457
16	The Importance of the International Joint Commission <i>John Kirton and Brittaney Warren</i>	483
17	The International Joint Commission: Continually Evolving Approaches to Conflict Resolution <i>Ralph Pentland and Ted R. Yuzyk</i>	507

Conclusion	529
<i>Murray Clamen and Daniel Macfarlane</i>	
Appendices	549
APPENDIX 1: Boundary Waters Treaty	551
APPENDIX 2: The Clinton-Gibbons Draft, 1907	565
APPENDIX 3: List of IJC Commissioners	573
Selected Bibliography	577
Contributors	589
Index	597

ILLUSTRATIONS

FIG. 0.1	Canada-US border watersheds. Used with permission of the IJC.	4
FIG. 0.2	Current logo of the IJC. Used with permission of the IJC.	6
FIG. 0.3	Watersheds covered in this book. J. Glatz, Western Michigan University Libraries.	13
FIG. 2.1	American population of lower Great Lakes watershed, 1840–1920. Created by author.	74
FIG. 2.2	Demographic change in Southern Ontario, 1871–1921. Created by author.	74
FIG. 2.3	Value added in manufacturing, US side of Lake Erie, 1899–1914. Created by author.	75
FIG. 2.4	Iron ore received at US ports on Lake Erie, 1892–1903. Created by author.	75
FIG. 4.1	Map of the St. Mary–Milk watershed. J. Glatz, Western Michigan University Libraries.	144
FIG. 5.1	The two-pool Passamaquoddy tidal power project. Source: <i>Report to the International Joint Commission by the International Passamaquoddy Engineering Board</i> (October 1959), p. 7.	176

FIG. 5.2	Location of proposed Passamaquoddy tidal and Rankin Rapids hydro developments. Source: <i>Report to the International Joint Commission by the International Passamaquoddy Engineering Board</i> (October 1959), p. 3.	178
FIG. 6.1	Map of Point Roberts. J. Glatz, Western Michigan University Libraries.	197
FIG. 7.1	Map of water issues discussed in this chapter. Used with permission of the Government of Manitoba.	216
FIG. 8.1	Skagit River Basin and Ross Lake. J. Glatz, Western Michigan University Libraries.	242
FIG. 8.2	High Ross Dam Reservoir compared to the existing Ross Dam Reservoir. J. Glatz, Western Michigan University Libraries.	245
FIG. 8.3	The Columbia River Basin. J. Glatz, Western Michigan University Libraries.	254
FIG. 8.4	Crown of the Continent Eco-region. J. Glatz, Western Michigan University Libraries.	262
FIG. 8.5	Location of the proposed Sage Creek coal mine within the Flathead River Basin. J. Glatz, Western Michigan University Libraries.	264
FIG. 9.1	Map of the St. Lawrence Seaway. Map by Eric Leinberger, used with the permission of UBC Press.	290-91
FIG. 9.2	St. Lawrence Seaway lock across from Montreal. Used with the permission of Library and Archives Canada.	292
FIG. 9.3	Proposed Niagara Remedial Works. Library and Archives Canada.	297

FIG. 9.4	Niagara waterscape. Map by Rajiv Ravat, Anders Sandberg, and Daniel Macfarlane.	298
FIG. 10.1	Detroit–St. Clair River area. IJC, <i>Transboundary Air Pollution: Detroit and St. Clair River Areas</i> , p. ii.	325
FIG. 11.1	Trudeau and Nixon signing the GLWQA. Used with permission of the Canadian Press.	348
FIG. 12.1	Location and status of the Areas of Concern. Used with permission of Binational.net.	368
FIG. 12.2	RAP review process for delisting AOCs. Created by author.	373
FIG. 12.3	Collingwood Harbour. Created by author.	375
FIG. 12.4	Presque Isle Bay case study. Created by author.	376
FIG. 12.5	Severn Sound case study. Created by author.	382
FIG. 13.1	Areas of Concern in the 1987 GLWQA (2018). Used with the permission of Environment and Climate Change Canada.	409
FIG. 13.2	Beneficial Use Impairments in the 1987 GLWQA.	410
FIG. 13.3	Objectives set for the 1972, 1978, and 1987 versions of the GLWQA. Created by authors.	411
FIG. 13.4	Performance assessment, accountability, and reporting mechanisms in the 1972, 1978, and 1987 versions of the GLWQA. Created by authors.	412
TAB. 13.1	State of the Great Lakes 2017. Created by authors.	419

FIG. 17.1	Diversion system for St. Mary–Milk Rivers. Image used with the permission of the IJC.	512
FIG. 17.2	Devils Lake annual peak water levels. Image used with the permission of the IJC.	514
FIG. 17.3	Existing diversions in the Great Lakes basin. Image used with the permission of the IJC.	516
FIG. 17.4	Adaptive management cycle. Image used with the permission of the IJC.	518
FIG. 17.5	Harmonized data sets for Souris River basin. Image used with the permission of the IJC.	522

FOREWORD

As former chairs of our respective national sections and with a total of eighteen years of service on the International Joint Commission (IJC), we read *The First Century of the International Joint Commission* with the delight of discovery, and with the pleasant familiarity that comes from encountering old stories in a new light. Long-time IJC insider Murray Clamen, who for years spoke to us of the need for a history of the IJC, and historian Daniel Macfarlane have recruited a decidedly diverse team of highly qualified contributors to provide an unsparingly honest history of this frequently misunderstood binational treaty organization.

We commend Clamen and Macfarlane for taking on the task of assembling the fantastic story of the IJC. Only two books dedicated to the IJC have preceded this 2019 assessment, the most recent of which marked the commission's seventieth birthday, forty years back. The interim period has provided time to re-evaluate the early decades of the IJC's history and to observe its continuing evolution. In the face of changing natural and political climates, the authors elucidate the sometimes "messy" relationships among the impacted provinces and states, as well as between the two federal governments and engaged stakeholders.

In reading *First Century* we are reminded of the particularities of the approximately 140 government references and applications submitted to IJC under the Boundary Waters Treaty, including the singularly significant standing reference created by four iterations of the Great Lakes Water Quality Agreement. As practitioners of the treaty we are particularly pleased that this book offers a deeper dive into the challenges of making the treaty work for multiple interests in both countries. We have lived the treaty and know that many IJC consensus decisions have been realized, not in an entirely pristine, politics-free environment, but rather in the

context of vocal expressions of national, regional, local, business, and environmental interests.

We have oft seen the Boundary Waters Treaty likened to a marriage in which each party comes with only one vote—or to be more precise in this case, each party comes with three votes—each side needing the other to accomplish anything. The only way forward is for sufficient numbers from both sides of the border to favour a particular resolution of the challenge before them. As commissioners we have often thought that the federal governments would do well to engage the IJC’s services more frequently. But as *First Century* points out, national and sub-national politics sometimes intervene to deny the IJC a potentially positive role in resolving knotty binational issues. Increasingly, however, even when the IJC is not granted a new reference, the commission’s binational, basin-wide boards are meeting to resolve water level and flow issues, and, more recently, to address water quality issues as well. Now in the face of climate change challenges, the IJC is supporting collaborations among its inter-basin boards and increasingly supporting adaptive management principles. In every case the IJC is providing a platform for ongoing forums that draw disparate interests into science-based, solution-focused binational discussions.

The IJC has laboured in relative obscurity for more than a century, rarely generating more than passing reference in the media. Few people within the watershed areas—tens of millions of people—can identify the meaning of the initials “IJC,” or even the full name for which they stand. And yet border issues, especially border water issues, rank very high in the minds of the public. As commissioners, we found that the IJC is most likely to make occasional headlines when a well-considered, science-based decision disappoints a player looking for a bigger slice of the interest pie. That the IJC generates few headlines could well be seen as an indication of client satisfaction.

We are pleased to have readers of *First Century* informed that the consensus decisions we and our predecessors on the IJC have reached were often preceded by substantive, multi-faceted, and indeed difficult discussions that were nevertheless critically informed by a significant investment in relevant science and engineering, and most often marked by the Boundary Waters Treaty’s high-minded bipartisan perspective. As commissioners’ decisions are often not easy ones, this book can only be

an asset to those who will come after us in the IJC community, for they will be better informed by the IJC's history and will benefit from this discriminating analysis of the treaty's performance.

Gordon W. Walker, QC
IJC Commissioner 1992–95 and 2013–18 and
Canada Section Chair 2014–18

Lana Pollack
IJC Commissioner and US Section Chair 2010–19

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We appreciate the support of the IJC and its various officials and staff members who provided valuable feedback but gave us the necessary space to produce an objective study, especially Paul Allen, David Fay, Nick Heisler, and Sarah Lobrichon. In their roles as IJC chairs, Lana Pollock and Gordon Walker offered thoughts at the 2017 conference and then supplied the Foreword to this book. We thank Lynne Heasley for her insights, and Jason Glatz for creating many fantastic maps on short notice. Three graduate students from the Faculty of Law, University of Ottawa, Alex Geddes, Angela Lee and Alexandre Lillo, provided administrative and research assistance in connection with the conference. Their support was greatly appreciated, as well as the further contribution of Alex Geddes and Angela Lee in preparing the index to this volume. We would like to heartily tip our hat to the two external reviewers who provided constructive and

positive feedback that made this a better book (if only all peer reviews processes could be so pleasant). Both Murray and Daniel thank the *Journal of Policy Research* for allowing them to reprint parts of their 2015 article, “The International Joint Commission, Water Levels, and Transboundary Governance in the Great Lakes,” in their chapter in this volume.

Murray would like to thank the many commissioners and colleagues he worked with at the IJC over the years in both the Canadian and US Sections, and the Great Lakes Regional Office from whom he learned to appreciate the interdisciplinary aspects of water management and the uniqueness of the Canada-US relationship. Specifically he would like to honour and thank Canadian commissioner and chair Leonard Legault for appointing him as Secretary of the Canadian Section and making it possible to participate in direct discussions and deliberations of commissioners. It is essential to note the support of his family, especially wife Jill, for all the times he travelled away from home during his career with the IJC, and their encouragement to complete this book. Daniel would like to thank his home department and institution, the Institute of the Environment and Sustainability at Western Michigan University. Most importantly, he thanks his family for their love and support: Jen, Elizabeth, and Lucas.

Murray Clamen and Daniel Macfarlane