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Governance and geopolitics as drivers of change in the Great Lakes–St. Lawrence basin ☆

Savitri Jetoo[†] [a,*], Adam Thorn[†] [b,1], Kathryn Friedman [c,2], Sara Gosman [d,3], Gail Krantzberg [a,4]

[a] McMaster University, Hamilton, Ontario L8S 4K1, Canada
[b] Ryerson University, Toronto, Ontario M5B 2K3 Canada
[c] University at Buffalo, The State University of New York, Buffalo, NY 14203, USA
[d] University of Michigan Law School, Ann Arbor, MI 48109-1215, USA

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ABSTRACT

This article provides an overview of governance and geopolitics as drivers of change in the Great Lakes–St Lawrence basin. It separates regional conditions into two themes, water quantity and water quality, and tracing historical trends since 1963. This study of the history of Great Lakes region governance and geopolitics reveals recurrent themes that impact the sustainability of the resource: institutional fragmentation, the changing relationship between federal and sub-national levels of government in Canada and the US, governance capacity, and the impact of geopolitics on governance. These themes are explored to imagine the future under three potential scenarios: a utopian scenario of a sustainable Great Lakes basin with robust governance in place, the status quo scenario of business as usual and, a dystopian scenario of poor governance that contributes to potential ecological disaster.

Introduction

Governance of the Great Lakes basin has been a challenge historically and is likely to become more problematic in the future as new challenges such as climate change manifest themselves. This article presents an attempt to imagine this future based on an analysis of Great Lakes region governance since 1963.

Governance can be difficult to define as it is used in a multitude of different ways. While different interpretations abound, most agree that the basic characteristic of governance is the migration of power from the central state up into supranational institutions, horizontally to non-state actors, and down to sub-national levels of government and non-state actors (Hooghe and Marks, 2003; Pierre and Peters, 2000; Savoie, 1995). Governance, therefore, poses both challenges and opportunities because of the movement of power and inclusion of new actors. The challenges to governance in the Great Lakes region can be distilled into four central problems that have undermined many of the efforts to recover and protect the socio-ecological integrity of the region. Moving forward, these will be the problems that must be overcome if the governance regimes of the Great Lakes region are to successfully meet the challenges posed by the other drivers of change in the region. Effective and adaptive Great Lakes region governance is the key to a sustainable and healthy Great Lakes basin.

The first, and arguably the most significant, governance problem is institutional fragmentation (Bakker and Cook, 2011; Camacho, 2008; Flaherty et al., 2011; Hall, 2006). The Great Lakes basin is shared by two federal governments, two provinces, eight states, regional organizations, over 120 First Nations and tribes, hundreds of local governments, and many nongovernmental organizations including industrial, non-profit, and academic (Hildebrand et al., 2002). The shared jurisdictional nature of the Great Lakes basin creates a significant challenge to effective ecosystem governance. Horizontal relations between the two federal governments, among states and provinces, and among municipalities in cross-border regions like Detroit–Windsor and Western New York–Southern Ontario require significant cooperation.

A second problem confronting effective Great Lakes region governance is the changing relationship between federal and sub-national levels of government in Canada and the US. The initial Great Lakes Water Quality Agreement (GLWQA), signed in 1972 by Prime Minister Pierre Trudeau and President Richard Nixon, signaled that Great Lakes basin protection would be a significant and ongoing federal priority.

☆ The Great Lakes Futures Project brought together graduate students and expert mentors from universities and institutions in Canada and the United States. Each paper required collaboration between a number of authors with many of them sharing co-leadership that we denote using a †.

* Corresponding author. Tel.: +1 905 966 0719.
E-mail addresses: jetoos@mcmaster.ca (S. Jetoo), adam.thorn@ryerson.ca (A. Thorn), kbf@buffalo.edu (K. Friedman), sgosman@umich.edu (S. Gosman), krantz@mcmaster.ca (G. Krantzberg).
[1] Tel.: +1 905 880 0392.
[2] Tel.: +1 716 878 2440.
[3] Tel.: +1 734 647 3948.
[4] Tel.: +1 905 525 9140.

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However, since that Agreement, a persistent trend of decentralization, which is the movement of power from the federal to sub-national governments, has occurred that threatens the potential success of a coordinated ecosystem governance of the Great Lakes basin (Botts and Muldoon, 2005). As the locus of policy development and implementation moved from the federal to sub-national levels in both countries, Great Lakes region governance is increasingly difficult. This vertical tension in Great Lakes region governance exacerbates the horizontal challenge of institutional fragmentation by making coordination more difficult. While it is not always necessary or even desirable for federal governments to take leadership in all areas of Great Lakes region governance, sub-national leadership must come with the capacity, fiscal and otherwise, to effectively make and implement decisions. The downloading of authority without the downloading of capacity ultimately undermines effective governance.

A third problem is governance capacity, namely the capacity to implement the decisions made within a governance regime, which includes expertise, resources such as funding and personnel, and an informed and engaged public. Governments at all levels face significant challenges in deploying resources for environmental protection, which often leads to significant implementation gaps. This is especially true within the Great Lakes basin, because many of the agreements and compacts are signed at the federal or sub-national level, but implementation is left to lower levels of government. The lack of a defined role for non-governmental actors in Great Lakes region policy has often exacerbated this problem. The changing level of engagement is exemplified in the lack of public participation in the 1972 GLWQA and their later inclusion in planning committees in the 2012 Protocol.

The fourth problem is the effect of geopolitics on Great Lakes region governance. This problem is distinct, because the other three are endogenous to the forms of governance within the Great Lakes basin. Geopolitics is best conceptualized as an exogenous influence on Great Lakes region governance. Although the geopolitical reality of North America is dominated by the US, the International Joint Commission (IJC) is based on norms of power sharing: binationalism that grants equal decision-making authority to each nation regardless of size or relative power and regardless of national interest. The IJC comprises six members, three of whom are appointed by the President of the US, with the advice and approval of the Senate, and three of who are appointed by the Governor in Council of Canada on the advice of the Prime Minister. IJC commissioners must act impartially in reviewing problems and deciding issues, rather than representing the views of their respective governments. This suggests that, at least at the time the IJC was established, the equitable sharing of water as a common resource took precedence over pure power politics. Contemporary Great Lakes region geopolitics, however, is more complex. The North American geopolitical reality now accounts for more global concerns with more actors and interests in the mix. The implications are far-reaching and pose challenges for the norms embodied in binational agreements as well as for other issues linked to water such as international trade.

These four governance problems form the points of analysis for the following article about the history and future of the Great Lakes region governance. Although the governance of water quantity and quality are intrinsically related, they represent distinctly different governance challenges and are treated separately in the following analysis. The article proceeds in two sections. First, the article traces the evolution of water quantity and water quality governance since 1963, examining historical trends and institutions. Second, governance in the Great Lakes region is projected into 2063 through the consideration of status quo, dystopian and utopian scenarios. It should be noted that this is a limited survey of the vast set of institutions and processes of governance in the Great Lakes region and focuses exclusively on the institutions of water quality and quantity governance. These can be thought of as representative institutions that illustrate the serious challenges faced by the broader set of institutions in the basin.

A history of Great Lakes governance

The Boundary Waters Treaty: the beginning of binational cooperation

The Boundary Waters Treaty of 1909 (Treaty) (IJC, 2014) is one of the earliest innovations in global trans-boundary water governance that greatly influences international structures for governance (Muldoon, 2012). The water resources management challenges in the shared US–Canadian basin is illustrated by problems such as the Chicago Diversion, by irrigation disputes west of the Great Lakes region, and with infrastructure development projects such as hydropower and navigational canals (Botts and Muldoon, 2005). At this juncture, US–Canadian relations were evolving from issue specific programs to the recognition that more regulations and institutions were needed for a comprehensive basin-wide approach.

The Treaty has been described as visionary as it transcends political boundaries to focus attention on ecosystems; it established the IJC under Article VI as a binational body to prevent disputes around the boundary waters (Botts and Muldoon, 2005). The IJC investigates specific situations (Botts and Muldoon, 2005) and makes impartial recommendations to the US and Canadian governments. The IJC may act only on references submitted jointly by both countries, which significantly curtails its authority to act independently (Hall, 2006; Palay, 2009; Tarlock, 2008). The IJC has not overcome the fundamental problem of coordination between the two federal governments and the respective sub-national governments that has plagued attempts to protect the Great Lakes basin ecosystem because it was not vested with the power to do so.

Great Lakes basin compact, 1968

The Great Lakes Basin Compact was an early attempt by the sub-national entities to assist with management of the Great Lakes basin. It was negotiated between the eight riparian states (New York, Pennsylvania, Ohio, Michigan, Illinois, Indiana, Minnesota, and Wisconsin) with participation by Ontario and Quebec and was a response to rising environmental concern about the Great Lakes basin as well as the opening of the St. Lawrence Seaway. The Compact created the Great Lakes Commission that had the authority to recommend that the states take action on a range of water quantity and quality issues. While the states are required to consider the recommendations, because they are non-binding, some have criticized the Compact for its failure to directly impact state water management (Hall, 2006; Palay, 2009). While the Compact was a significant first step in regional governance, it provides an early illustration of some of the above-referenced challenges. The reluctance of the state and provincial governments to be bound by regional standards and the absence of direct federal regulation of water quantity continue to play a role in the difficulty of creating effective consumption rules in the Great Lakes basin. The Compact did, however, provide a model for a congressionally approved sub-national governance entity that would be utilized in the future to create a more effective regulatory regime.

The Great Lakes Water Quality Agreement, 1972

The growing public and scientific consciousness about water pollution provided the impetus for the Canadian and US governments to negotiate a bilateral agreement to address the issue. Pursuant to the Treaty, the GLWQA was signed in 1972. The GLWQA evolved to meet contemporary challenges through substantial revisions in 1987 and Protocols in 1987 and 2012. Institutions such as the Great Lakes Regional Office were created to implement the programs under the various versions of the GLWQA. There is agreement regarding the success of the 1972 GLWQA in reversing the declining ecosystem (Botts and Muldoon, 2005; Krantzberg, 2008). The following are indicators of success of the GLWQA: binationalism; promotion of community