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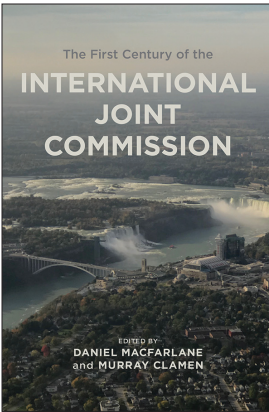
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## THE FIRST CENTURY OF THE INTERNATIONAL JOINT COMMISSION

Edited by Daniel Macfarlane and Murray Clamen

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## The Importance of the International Joint Commission

*John Kirton and Brittany Warren*

The Boundary Waters Treaty (BWT) of 1909 and the International Joint Commission (IJC) it established have contributed to the peaceful, prosperous, and productive management of Canada–United States relations. The treaty and IJC have sometimes reflected and reinforced the key distinctive national values (DNVs) driving Canadian foreign policy as a whole. This larger legacy has been occasionally observed by those who have assessed the work of the IJC over the past century or so.<sup>1</sup> However, few have directly and systemically explored the IJC's place in expressing and advancing these values in Canadian foreign policy on a continental, regional, and global scale.

This chapter takes up this task. It argues that the BWT and IJC partly embodied, entrenched, and expanded several of Canada's six DNVs of anti-militarism, multiculturalism, openness, globalism, and, above all, international institutionalism, and, increasingly in recent years, environmentalism. The treaty and the institution it created initiated the continental, Canada–United States process of international institutionalism through the construction of a plethora of Canada-US joint institutions within Canada's place as an integral part of a global British Empire, and subsequently of the Commonwealth of Nations. Further, the treaty and the IJC legally and institutionally entrenched environmentalism as a core principle in the management of the intimate, disparate Canada-US

relationship, and the sharing of natural resources therein, even if the IJC did not help make environmentalism a DNV in Canadian foreign policy overall. The IJC entrenched environmentalism by including in the BWT an agreement to protect human health by preventing water pollution in the Great Lakes and other transboundary waters, in the globally relevant way of science-based international co-operation. Yet after its pioneering start, the BWT's environmental principles and results soon disappeared. Indeed, the Great Lakes had been subjected to severe ecological stress—with Lake Erie briefly declared dead in the 1960s—until an environmentally revived IJC helped bring them back in the 1970s.

The IJC's pattern of permanent international institutionalism but only periodic environmentalism is partly explained by the national affirmations of these values at the highest level in both Canada and the United States. They show that Canada placed a greater emphasis than the United States on institutionalism. US national affirmations of institutionalism were low at the commencement of the BWT in 1909 then rose after the Second World War. Canada's affirmations, conversely, started high and then declined, although Canada still kept a significant lead over the United States. However, with the great exception of US president Theodore Roosevelt, there were no environmental affirmations in either country from the time the BWT was created until John F. Kennedy took office in 1963. In Canada Pierre Elliott Trudeau made the first national affirmation of the environment in 1968. Canada has taken only a slight lead in total affirmations since that time. References to the environment before the 1960s centred on the management and extraction of natural resources for economic prosperity, with no consideration of the impact of that extraction on the ecosystem.

Despite the IJC's limitations and shortcomings as an environmental institution, eighty-five years after its creation its experiences and contributions to transboundary governance of shared resources served as a referent for the creation of the expansive trilateral North American Free Trade Agreement (NAFTA) and accompanying North American Agreement on Environmental Cooperation (NAAEC), with its Commission on Environmental Cooperation (CEC) headquartered in Montreal. The IJC has since been referenced in the trilateral North American Leaders' Summit as a key institution for co-operation on environmental stewardship.<sup>2</sup> NAFTA, the NAAEC, and the CEC today serve as a model for

incorporating environmental protection into other bilateral and multi-party global trade deals. Moreover, both the IJC and CEC have survived severe threats, most recently from US president Donald Trump's actions against the environment and international institutions. These assaults, combined with intense threats to the world's fresh water from human-driven climate change, land use, land-use change and forestry, and questions over water ownership and distribution mean the world now requires even more international and regional environmental co-operation to effectively adapt to and mitigate compounding ecological shocks, not least by ensuring that the pioneering principles on which the IJC and CEC were founded are strengthened and prevail.

To develop this argument, this chapter first outlines the concept of DNVs and the IJC's expression of several Canadian ones. Second, it examines how international institutionalism is embodied in the IJC as cause, content, and consequence. Third, it does the same for environmentalism. Fourth, it explores the IJC's legacy in North American governance, specifically in the CEC as a trilateral, transformational, contemporary expression of the international institutionalism and environmentalism embodied in the original and evolving IJC. It concludes by considering the current, even existential, stress test imposed on both bodies by Donald Trump and recommends a practical response.

## Canada's Distinctive National Values

The BWT and IJC embodied, entrenched, and expanded several of Canada's six DNVs of anti-militarism, multiculturalism, openness, globalism, and, above all, international institutionalism, and, increasingly in recent years, environmentalism.

Within Canadian foreign policy, DNVs are defined as "a set of values that no other territorially organized political community in the world cares about, at least with the distinctiveness, depth, durability, and consensus that Canadians do."<sup>3</sup> To qualify as a DNV, a value should be constitutionally embedded from the country's start, widely and equally shared by its citizens across their other defining divides, durable in operation, deepening and expanding over time, resilient and inspiring resistance when violated and bouncing back to prevail, and distinctive in flourishing

more strongly in these ways in Canada than in other consequential countries of the world. The six values that meet these criteria for Canada are antimilitarism, multiculturalism, openness, globalism, internationalism, institutionalism, and environmentalism.<sup>4</sup>

Since their start the BWT and IJC have expressed most of these DNVs to some degree. For anti-militarism, they helped ensure the ongoing absence of military forces unilaterally deployed and employed on the Great Lakes and other boundary waters. In doing so they built on the earlier, more traditionally siloed Rush-Bagot Agreement prohibiting conventional armaments aimed at each other's military forces. They prevented such actions against the newer, non-traditional security threats of transnational alcohol, tobacco, drugs, terrorists, and illegal migrants. Multiculturalism was a second-order benefit of anti-militarism. The IJC and BWT thus helped make the Canada-US border the world's longest undefended frontier, one that to this day is marked with bridges rather than walls.

Openness was affirmed by the IJC's bias toward equitably sharing, rather than unilaterally closing and dividing, the ecologically unified transboundary waters, and the commerce, transportation, and resulting international trade that depended on this ecological openness. The historic controversy over the Chicago water diversion and ongoing issue of diverting waters from the Great Lakes was a critical component of this.

Globalism flowed from Canada's creation as an integral part of the global British Empire. It flourished initially with the contribution of the British government to the creation of the BWT and IJC, and their reciprocal benefit in stabilizing relations between the United Kingdom and the United States as the First World War approached. Globalism intensified, with anti-militarism added, in the view of US secretary of state Elihu Root, expressed in 1913, that the BWT/IJC constituted a continental "little Hague," and of Canadian prime minister William Lyon McKenzie King's later view of these bodies as a continental model to rescue a blood-thirsty Europe and world from their recurrent wars.<sup>56</sup> The BWT and IJC governed an important component of an integrated global ecosystem whose global interconnectedness scientists subsequently confirmed.

International institutionalism and environmentalism, however, represent the BWT and IJC's largest and most direct relationship with Canada's DNVs.

## The IJC Contribution to International Institutionalism

Canada's DNV of international institutionalism is defined as "a passion for creating international institutions to govern relations among countries and their citizens."<sup>7</sup> It includes the creation, improvement, and expansion of these intergovernmental institutions on a multilateral, plurilateral, regional, or bilateral scale. It flows both from a rational calculation of how best to deal with much more powerful countries, starting with the United Kingdom and the United States, and from a "sociological desire for connection, socialization, moral suasion, peer pressure and community."<sup>8</sup>

A key indicator of the strength of a DNV is its presence in a country's national policy address, defined as the periodic ceremonial occasion in which the highest political leader states the overall priorities of the polity. In Canada's case this is the speech from the throne that opens each new parliament, with a premium placed on the first one provided by a newly elected prime minister.

Here the DNV of international institutionalism has had a substantial place as a value that has been affirmed in a favourable way (see Appendix A). In the ten such speeches of new Canadian governments since 1945, Canada referenced international institutionalism at an overall average of +6.3 points more than the United States did in its temporally most proximate equivalent, the State of the Union address. Canada's score surpassed that of the United States in eight of the ten cases, with a lead as high as +19.9 points for John Diefenbaker in 1957. However, Canada's lead has lessened over time, from double digits before Pierre Trudeau assumed office in 1968, to a short-lived US lead under Jean Chrétien and Paul Martin, and a smaller Canadian lead under Stephen Harper and Justin Trudeau. Canada's international institutionalism has been a bipartisan affair, with (Progressive) Conservative prime ministers affirming it more strongly than Liberal Party ones. In all, international institutionalism appears confirmed as a Canadian DNV, at least relative to the United States, on a continental scale. This conclusion is sustained by the record prior to 1945 and extending back to the IJC's start.

A more specific look at the individual international organizations noted by name in Canada's throne speeches reveals several patterns (see Appendix

B). First, there is no reference to the IJC or any continental Canada-US institution at all. This confirms the widespread consensus that the IJC has operated below the “political” level in both countries, but disconfirms any view that it serves as a model or source of national pride. Second, there is a balance between broadly multilateral bodies and restricted plurilateral ones (with the evolving plurilateral to multilateral International Trade Organization and the General Agreement on Tariffs and Trade and its named liberalization rounds, and the World Trade Organization excluded from the count). Tied for first are the plurilateral Commonwealth and the multilateral United Nations, with 8 references each, closely followed by the plurilateral North Atlantic Treaty Organization (NATO), with 7. NAFTA, with 1 reference, puts Canada’s trilateral institutions on the list and ahead of any absent continental Canada-US ones. Finally, there is a strong decline over time in references to international institutions, especially after the 1949–89 Cold War period, which was marked by the Diefenbaker peak of 8, and 28 overall, and into the post–Cold War 1994–2015 period, with only 4. International institutionalism is thus an enduring but declining DNV in Canada. By this measure, it is not a particularly strong contrast with a US led by Donald Trump.

However, at the foreign ministerial level, Canada’s international institutionalism recently stands out. In her defining speech on Canadian foreign policy on 6 June 2017, Canada’s foreign affairs minister, Chrystia Freeland, put international institutionalism in first place among the three Canadian foreign-policy priorities she set.<sup>9</sup> Freeland stated: “First, we will robustly support the rules-based international order, and all its institutions, and seek ways to strengthen and improve them. We will strongly support the multilateral forums where such discussions are held—including the G7, the G20, the OAS, APEC, the WTO, the Commonwealth and La Francophonie, the Arctic Council and of course NATO and the UN.” In her speech she referred 28 times to 18 different international institutions. The North American Aerospace Defence Command (NORAD), and not the IJC, was the only bilateral Canada-US one on her list.

Beyond formal speeches, behaviour also shows the centrality of international institutionalism to Canada. In 1919 Canada joined the League of Nations, when the United States did not, and stayed until the bitter end. Unlike the United States and the United Kingdom, Canada never



withdrew from United Nations' bodies until Prime Minister Stephen Harper withdrew Canada from the UN's Kyoto Protocol, rejected the UN Declaration on the Rights of Indigenous Peoples, and briefly removed Canada from the UN Convention to Combat Desertification (Harper's successor, Justin Trudeau, quickly brought Canada back to these bodies). Canada pioneered the Commonwealth, La Francophonie, and the G20. Harper's boycott of the Commonwealth Heads of Government Meeting in Sri Lanka was a very rare event. Due to this rarity, it is thus appropriate to call Canada one of the most well-connected countries in the world as far as international institutional involvement and invention are concerned.<sup>10</sup>

The IJC was established just before Canada helped turn the British Empire into the international institution of the Commonwealth with the creation of the summit-level Imperial War Council in 1917. The IJC's contribution to international institutionalism since its start should thus be assessed on a global, as well as a national Canadian and a continental Canadian-US, scale. Maxwell Cohen claims that the BWT was "far more sophisticated than perhaps any comparable piece of bilateral international machinery then existing in Western society. This would include even the successful Rhine and Danube commissions which had been functioning since the 1860s."<sup>11</sup> This was important because "its pioneering anti-pollution obligations all fashioned a multiple-use instrument that went beyond experience elsewhere and perhaps even beyond the full appreciation of the draftsmen themselves."<sup>12</sup> John Kirton notes in his outline of international institutionalism that "from an early age, Canada imposed international institutions on its much larger and then menacing neighbour—the United States—beginning with the International Joint Commission."<sup>13</sup>

At the start, Canada was the primary and most persistent advocate of the creation of the IJC, and it worked to secure its core objectives in the compromise that came. The IJC, and Canada within it, worked continuously, amidst major changes and global shocks. These include the First and Second World Wars, in which Canada fought from the very start while the United States remained absent from the former conflict until 1917 and the latter until 1941. They also include the reverse divide, most recently when the United States fought the wars in Vietnam from 1965 to 1975 and in Iraq starting in 2003, with Canada absent throughout. The IJC endured major changes in the overall state of the Canada-US relationship, such as

the Vietnam War–bred “Nixon shock” and the US diplomatic boycott of Canada from 1972 to 1973, and the so-called Reagan revolution from 1981 to 1985.

Throughout, the IJC worked steadily with some success and setbacks.<sup>14</sup> At the most general level, three-quarters of its recommendations were accepted by the two governments in an overall balance that seems to have equally satisfied and benefited both. Its mandate expanded, most notably with the advent in the 1970s of the Great Lakes Water Quality Agreement (GLWQA). The GLWQA was created to deal with the declining health of the lakes, and it revealed a gap between the pollution-prevention provision of the IJC on paper and the real impacts of increased human activity on the lakes. Yet the IJC responded to this challenge and continued to function during periods when other joint continental institutions did not, notably the higher-level and more political ministerial committees on defence and economics.<sup>15</sup>

However, the IJC directly produced few similar institutions for specific continental geographic regions or functions in regard to water, despite recurrent recommendations to this end.<sup>16</sup> Nor did it regularly inspire many other enduring joint institutions of a different form and in different fields.<sup>17</sup> Canada and the United States did create a few more bilateral environmental bodies prior to the Second World War. Those aimed at defence production proliferated, but quickly died in 1945, to be revived in 1950 when the Korean War and Cold War arrived.<sup>18</sup> There also arose the Permanent Joint Board on Defence in 1940 and NORAD in 1957. The post-1940 defence-focused proliferation flowed from the pressures of overseas war, rather than the continental precedent or platform of the IJC. Despite the suggestions of the *Principles for Partnership: Canada and the United States* (known as the Merchant-Heeney Report) of 1965, proposing continental integration in energy, virtually no new joint bodies arose until the Canada-US Free Trade Agreement (CUFTA) arrived in 1989 and then NAFTA in 1994.<sup>19</sup>

Moreover, as a bilateral institutional partner of Canada after 1945, the United States was increasingly joined—and then exceeded after 1968—by the United Kingdom, France, Japan, and many other countries. Canada similarly emphasized plurilateral regional bodies, if ones that included the United States, across the Atlantic and the Arctic.<sup>20</sup> These included the

environmentally-related Organisation for Economic Co-operation and Development in 1960, the North Atlantic Fisheries Organization in 1961, the International Energy Agency in 1974, and the environmentally-focused Arctic Council in 1996.

It is striking that no continental, environment-wide commission like the IJC or NORAD was ever seriously recommended, considered, or created by the two national governments, even as the intimate links among water, air, land, and animal species became scientifically clear. The Canada-US Regulatory Cooperation Council, created after the shock of the 9/11 terrorist attack on the United States, was the closest such working-level integration came. And CUFTA of 1989 was notably and controversially devoid of environmentalism—either within the agreement or alongside it—unlike NAFTA, which arrived soon after. Nor did CUFTA have any legal or institutional relationship to the IJC.

## The IJC Contribution to Environmentalism

Canada's DNV of environmentalism is defined as the enduring value Canadians place on the environment as a provider of natural resources, such as water and wood, on which their life and economy depends, and their constant belief and practice that it is a common resource to be kept largely under public rather than private ownership.<sup>21</sup> It has been expressed in Canadians' choice, over recent decades, of global environmental protection as a priority in Canadian foreign policy; this is especially evident in the Arctic, with the creation of the Arctic Council, and in Canadians' concern with environmental security, and their consistent refusal to export bulk water on commercial terms. It is further seen in Canada's emphasis on building international environmental law and institutions, from the BWT and IJC through to the many UN instruments and institutions since 1972. It does not extend to many domestic areas, most notably in Indigenous communities, where boil-water advisories have persisted for decades.

Canada's environmentalism is grounded in the country's position as one of the globe's major possessors and custodians of critical ecological resources, some of which are geographically shared with the United States. These include Canada's location on the Atlantic, Arctic, and Pacific

Oceans, and its possession of the world's longest coastline and the world's largest body of fresh water, the Great Lakes, and "the longest water boundary in the world—from Cornwall to the Lake of the Woods—and from sharing also about 150 lakes and rivers and at least five continental watersheds crossing the boundary both ways."<sup>22</sup> In the January 2017 Canadian Water Attitudes Study of 2,017 adults, 91 per cent of respondents saw water as a component of Canada's national identity and 45 per cent viewed it as the country's most important natural resource.<sup>23</sup>

In affirmations of the value of environmentalism in their newly elected leaders' first national policy addresses since 1945, Canadians exceed Americans, but only slightly, by +1.5 points (see Appendix C). Moreover, in these 10 cases, Canada leads in 4 and the United States in 4, with a tie in 2. Canada's longest lead was in the most recent period, lasting from 2004 to 2015. Its strongest lead—of +11.4 points—came under Paul Martin. The strongest US lead came under Brian Mulroney in 1984, when he was surpassed by Ronald Reagan by +2.7 points. Environmentalism by this measure thus appears to be a shared continental value rather than a distinctively Canadian one. Indeed, for both countries it was absent from 1949 to 1963 but appeared consistently since 1968 (save for the short-lived Canadian government of Joe Clark in 1979).

This weakness in a Canadian national context may help explain why, when Canada's environmentalism rose in the 1970's, it largely bypassed the IJC and other continental bodies to go directly abroad on a plurilateral and multilateral scale. There was little apparent interaction and influence flowing between the continental and the wider worlds. To be sure, border-crossing acid rain did help inspire Joe Clark and Jimmy Carter to back Germany's Helmut Schmidt in pioneering the Group of Seven (G7) initiative in 1979 to control climate change.<sup>24</sup> Yet there was little impact from international environmental institutionalization on the "continent apart" back home.<sup>25</sup>

This gap appears most recently in Minister Freeland's speech on Canadian foreign policy.<sup>26</sup> Here global environmental priorities, led by climate change, came first, but continental ones were absent. She started by highlighting the "new shared human imperative—the fight against climate change first among them." She later called climate change an existential threat, applauding the 2015 Paris Agreement. Freeland also referenced

the Montreal Protocol of 1987 to protect the ozone layer. Her sole continental reference was to “the acid rain treaty of the Mulroney era,” with no reference at all to boundary waters or the IJC.

## The IJC Contribution to North American Governance

Writing about the IJC’s future in 1981, Marcel Cadieux emphasized Canada’s reluctance to institutionalize its bilateral relationship with the United States and the ineffectiveness of the several ministerial-level bodies it had tried for this purpose.<sup>27</sup> Yet presciently and cautiously, Cadieux also noted three forces then pushing for a change: first, the growing public and government priority of environmental protection; second, the move to “third party determination” for boundary issues; and third, the willingness to accept binding arbitration.<sup>28</sup> The third change produced within a decade CUFTA, with its hard-won binational dispute-settlement panels for trade. The first and second changes were added half a decade later in the form of NAFTA, the companion NAAEC, and its institutional component of the CEC. All had Mexico as an equal third party and the environment as a value that was given an equal, and in some respects a priority, place.

The most pioneering of the many new NAFTA institutions created in 1994 was the Montreal-based CEC.<sup>29</sup> It featured an annual meeting of a ministerial council, a permanent, professional, stand-alone secretariat in Montreal, and an innovative Joint Public Advisory Committee to involve civil society in its work. It was thus born with some of the core features of the actual and evolving IJC, and those that many had recommended as IJC reforms in 1981 and beyond.<sup>30</sup> One was the ability to autonomously initiate independent investigations of environmental issues. NAAEC’s article 13 provided the secretariat the power to “prepare a report on any other environmental matter related to the co-operative functions of [the] Agreement,” although the Ministerial Council must be notified, can object by a two-thirds vote, and can prevent the report being made public.<sup>31</sup> Another feature was the two-thirds-majority voting provisions of the NAAEC that enabled Canada and Mexico to “out vote” the United States. The NAAEC also gave the CEC an expansive mandate, including bilateral,

transboundary water, and other issues, and embedded its work in a modern ecosystem approach. Moreover, the core of NAFTA lay in its preambular principle that its trade and investment liberalization provisions had ecological enhancement as a goal.

Their similarity in a few core features suggests that the continental IJC was an active model and referent for the trilateral CEC of 1994. To be sure, the detailed historical evidence for this IJC-to-CEC pathway is unclear.<sup>32</sup> Yet the initiative, and the persistent, and ultimately successful, pressure to include environmental provisions in NAFTA and create the accompanying NAEEC and institutionalized CEC, came not from a highly reluctant Mexico but from the United States and Canada. The two countries' governments and their relevant components had by then acquired over eighty years of first-hand familiarity, experience, and overall satisfaction with their IJC.

Despite controversy surrounding the CEC's origins and early operation, and the ongoing efforts by national governments to control it, the CEC eventually succeeded in having an autonomous, equalizing impact on environmental outcomes within North America, and even on broader trade-environment and multilateral ones.<sup>33</sup> Moreover, the CEC by the end of 2018 had escaped criticism from US president Donald Trump, despite his antipathy to inherited trade agreements, to Mexico, to NAFTA, and to environmental regulations at home, on his borders, or around the world.

## Surviving the Trump Stress Test

Given Trump's antipathy to environmental regulation, the start, in August 2017, of formal negotiations to modernize NAFTA, and uncertainty about US Congressional ratification of the revised Canada-US-Mexico Agreement in 2019, a key question is whether the NAFTA-NAEEC-CEC, and even the IJC, will survive, at least in their present form. It is easy to assume that with Mexico initially as the primary Trumpian target, the NAFTA regime could disappear, while leaving the remaining (and weaker) IJC as Canada's continental ecological insurance policy, along with CUFTA to cover trade. Yet Trump's persistent assault on environmental regulations and resources along and close to the Canada-US border, including in Alaska and the Arctic, call this easy conclusion into question. It

is thus important to consider if and how Canada, with its DNVs of international institutionalism and continental environmentalism, along with the trade and migration component of openness, can survive and thrive amidst these Trumpian attacks. Trump's comprehensive assaults come simultaneously on the continental, trilateral, and global fronts, especially with his June 2017 decision to withdraw the United States from the UN's 2015 Paris Agreement on climate change control. Yet despite Trump's rhetoric on the Paris Agreement, in practice US representatives continue to participate and reportedly play a constructive role in climate change negotiations, including clean air and energy, as no member country can formally withdraw from the Paris Agreement until five years have passed from the day of its withdrawal submission. For the United States, this day comes only after the next US presidential election, leaving many to speculate that, should Americans elect a Democrat as president in 2020, the new administration will reverse Trump's decision and it will be as if the US had never left the Paris Agreement at all.

Since taking office in January 2017, Donald Trump's unrelenting assault on the environment has come in the form of presidential memoranda, executive orders, budget proposals, and the other instruments at his command. In contrast, since becoming Canada's prime minister in November 2015, Justin Trudeau has been strengthening environmental protection, including through the expansion of natural protected areas, although many environmentalists, Indigenous nations, and others criticize Trudeau's continuing support for fossil fuel development. Trudeau made climate change control one of his top priorities at the G7 Summit in Taormina, Italy, in May 2017, the Group of 20 (G20) Summit in Hamburg in July 2017, the G7 Summit he hosted in Charlevoix, Quebec, in June 2018, and the G20 Summit in Buenos Aires he attended in November 2018. Moreover, Canada's five priorities for the NAFTA renegotiation included "integrating enhanced environmental provisions to ensure no NAFTA country weakens environmental protection to attract investment, for example, and that fully supports efforts to address climate change."<sup>34</sup>

Despite the great and growing gap that has recently appeared between Canada and the United States, neither the CEC nor the IJC have yet been directly caught in the US-Canada crossfire. On the contrary, funding for the Great Lakes Restoration Initiative has thus far been maintained, if

shakily, and in August 2018 Trump nominated three new commissioners to the IJC, while leaving several other posts in other key US institutions unfilled.<sup>35</sup> Further, the new US-Mexico-Canada Agreement and its new Agreement on Environmental Cooperation keeps the CEC intact, while also signalling potential advances in environmental protection, primarily for fisheries subsidies, and reiterating the long-standing position, seen as a Canadian priority, that weakening existing environmental provisions to create a more favourable environment for investors is “inappropriate.”<sup>36</sup> Moreover, the powerful sub-federal constituency the IJC commands within the United States, grounded in the governors, legislators, industry, and non-governmental organizations of the Great Lakes states, could prevent some of Trump’s assaults from the White House from taking effect. This politically powerful regional coalition already mobilized to counter the threatened cut in funding for the Great Lakes Restoration Initiative proposed in Trump’s first budget (but those cuts are back on the table again). Within Washington, Canada’s minister of the environment and climate change, Catherine McKenna, intervened directly with Scott Pruitt, the former US Environmental Protection Agency administrator, to the same end and to protect the shared continental environment more broadly.<sup>37</sup> Pruitt’s successor, Andrew Wheeler, has since expressed, in words if not in practice, his support for the USMCA and its environmental components: “the new Environmental Cooperation Agreement expands on key elements of the USMCA and will enhance our efforts to improve air quality, reduce marine litter, and address other pressing environmental challenges.”<sup>38</sup> Additionally, US and Canadian mayors assembled in the Great Lakes–St. Lawrence River Basin Compact Council have secured a compromise allowing the small US city of Waukesha, Wisconsin to withdraw a little water from Lake Michigan to replace the cancer-causing radium in its local supply, in return for an agreement to improve future reviews of applications for wider withdrawals.<sup>39</sup> While some caution is needed in recognition of the rollbacks made to environmental regulations thus far, with the pro-environment Democratic Party taking majority control of the US House of Representatives in the mid-term elections of November 2018, with that chamber having the constitutional power for appropriations, and with the traction and attention the Green New Deal has received, the IJC and CEC seem to be on safer financial ground.



## Conclusion

Two weeks after scholars and policy-makers gathered at the University of Toronto in mid-June 1979 to assess the seventy-year success of the IJC, half a world away, in Tokyo, Japan, the leaders of Canada, the United States, and their G7 colleagues created the first regime to control climate change.<sup>40</sup> This challenge has grown far greater now. It is thus in their continental contribution to the global climate change challenge that the success of the IJC and CEC will, and should, ultimately be judged. For despite the creation of the UN Environment Program in the 1970s, there still is no World Environment Organization to resemble and act as a “little Hague” to govern the global environment, as the US secretary of state described his hopes for the IJC in 1913.<sup>41</sup> Nor is the IJC even close to becoming one, for its home continent, the broader region, or the world at large.

Indeed, the analysis in this chapter both confirms and qualifies the laudatory treatment that the IJC has long been given, particularly on the Canadian side. On the supportive side, the continuous, century-long strength of international institutionalism as a DNV of Canadian foreign policy is consistent with and perhaps a cause of Canada’s initial desire to make the IJC a powerful body; Canada’s success in securing equality between itself and the United States to offset the superior power of its southern neighbour; the inclusion of modest supranational features; its precedent for similar bodies in other fields such as the Permanent Joint Board on Defence; and, above all, its endurance amidst the many other Canada-US continental bodies that have either declined or disappeared. To this extent, the IJC thus legitimately serves as a model of the special partnership that has long been the dominant approach to how the Canada-US relationship does or should work.<sup>42</sup>

More specifically, the national affirmations at the highest level in the two countries’ national policy addresses confirm that Canada’s DNV of international institutionalism is strong and consistently stronger than that of the United States. The fact that neither country referenced the IJC in the national policy addresses of their new governments is consistent with the dominant view that the continuing success of the IJC has rested on its specialized, scientific, and depoliticized character, with its members working

together in a relationship of trust to solve practical problems along a border in which the transboundary waters flow rather equally both ways.

However, this chapter also challenges the conventional wisdom, as does the introduction to this volume, that the IJC has been a pioneering model of ecological management that has inspired the global community as a whole. Indeed, there is little direct evidence that the IJC served as a referent for the more powerful, trilateral, regional environmental organization created in 1994, the CEC, let alone other global environmental-governance bodies further afield. To this day, even when Canadian prime ministers and foreign ministers highlight Canada's contribution to addressing critical global environmental challenges, such as climate change, they are silent on the contribution of the IJC. More profoundly, the absence of the IJC from this public discourse may flow from the fact that environmentalism has not been a durable DNV of Canadian foreign policy during the past century. Rather, affirmations of environmentalism in national policy addresses first appeared in the United States with Theodore Roosevelt, then disappeared for many decades, only to reappear in the 1960s with the United States again in the lead. As an international environmental institution, the best that can be said of the IJC's success is that the institution has survived when many other continental bodies disappeared. Moreover, it survived until it could be joined by the regional CEC.

Thus the IJC-CEC reform agenda at present must be a rather modest and defensive one. The immediate need is to have the IJC help protect the prosperity, health, and environment of those in Pennsylvania, Michigan, and Wisconsin who voted for Trump in 2016, and to do so in ways that make clear to them the important work done by the IJC and its supporters and stakeholders. As this could and should be done in the context of an integrated ecosystem approach, and amidst intense economy-environment-health links, the CEC could help the IJC here. This task requires the mobilization of US legislators and their voters in these three states and beyond to ensure that funds for Great Lakes water quality clean-up, the IJC, and the CEC survive Trump's erratic decision-making and relevant regulatory rollbacks.

Only then can the reform agenda turn to the ultimate challenge of protecting transboundary water from the impacts of deregulation,

unsustainable resource extraction, and climate change. If it does, all North Americans should be guided by the wise words offered by a Republican US president when the BWT was being formed. In his 1909 State of the Union address, President Theodore Roosevelt began his lengthy passage on the world's forests, a crucial carbon sink and water-cycle regulator, by affirming the foundational environmental principle of intergenerational equity. He declared: "The climate has changed and is still changing. It has changed even within the last half century, as the work of tree destruction has been consummated." In describing the impact of deforestation on rainfall patterns, river flows and quality, Roosevelt concluded: "What has thus happened in northern China, what has happened in central Asia, in Palestine, in North Africa, in parts of the Mediterranean countries of Europe, will surely happen in our country if we do not exercise that wise forethought which should be one of the chief marks of any people calling itself civilized."<sup>43</sup>

## Appendix A: Institutional References in Canadian and US National Policy Addresses

<b>Leader</b>	<b>Throne Speech</b>	<b>% total words</b>	<b>State of the Union</b>	<b>% total words</b>	<b>Canada/ United States</b>
J. Trudeau	4 December 2015	1.9 (32/1,695)	13 January 2016 B. Obama	0 (0/6,147)	+1.9
S. Harper	3 April 2006	3.1 (75/2,451)	31 January 2006 G. W. Bush	0 (0/5,435)	+3.1
P. Martin	2 February 2004	0 (0/6,270)	20 January 2004 G. W. Bush	1.0 (52/5,271)	-1.0
J. Chrétien	17 January 1994	5.0 (81/1,647)	25 January 1994 W. Clinton	8.5 (496/5,852)	-3.5
B. Mulroney	5 November 1984	9.6 (376/3,934)	25 January 1984 R. Reagan	1.2 (58/4,955)	+8.4
J. Clark	9 October 1979	12.0 (242/2,009)	23 January 1980 J. Carter	1.6 (57/3,467)	+10.4
P. E. Trudeau	12 September 1968	6.3 (188/2,963)	14 January 1969 L. B. Johnson	2.0 (80/4,135)	+4.3
L. B. Pearson	16 May 1963	15.3 (265/1,732)	14 January 1963 J. F. Kennedy	4.9 (262/5,396)	+10.4
J. Diefenbaker	14 October 1957	21.8 (292/1,337)	9 January 1958 D. Eisenhower	1.9 (93/4,929)	+19.9
L. St. Laurent	26 January 1949	15.4 (235/1,529)	5 January 1949 H. S. Truman	2.5 (86/3,398)	+12.9
<b>Post-1945 Average</b>	<b>9.0</b>		<b>Post-1945 Average</b>	<b>2.7</b>	<b>+6.3</b>
W. L. M. King	6 February 1936	20.0 (190/949)	3 January 1936 F. D. Roosevelt	0 (0/3,826)	+20.0
R. B. Bennett	8 September 1930	0 (0/140)	2 December 1930 H. Hoover	0 (0/4,537)	0
W. L. M. King	9 December 1926	16.7 (137/820)	7 December 1926 C. Coolidge	0 (0/10,310)	+16.7
W. L. M. King	8 March 1922	0 (0/1183)	8 December 1922 W. G. Harding	0 (0/5,749)	0
A. Meighen	26 February 1920	28.3 (260/920)	7 December 1920 W. Wilson	0 (0/2,706)	+28.3
R. Borden	15 November 1911	8.6 (61/707)	5 December 1911 W. H. Taft	2.0 (453/23,749)	+6.6
W. Laurier	20 January 1909	28.2 (307/1,087)	8 December 1909 T. Roosevelt	1.5 (297/19,418)	+26.7
<b>Pre-1945 Average</b>	<b>14.5</b>		<b>Pre-1945 Average</b>	<b>0.5</b>	<b>+14.0</b>
<b>Combined Average</b>	<b>11.3</b>		<b>Combined Average</b>	<b>1.5</b>	<b>+9.7</b>

Source: Throne Speeches: <https://lop.parl.ca/ParlInfo/compilations/parliament/ThroneSpeech.aspx?Language=E>. State of the Union addresses: <http://www.presidency.ucsb.edu/sou.php>.

## Appendix B: Individual Institutional References in Canadian Prime Minister's First Speech from the Throne Post-1945

Institution	1949	1957	1963	1968	1979	1984	1994	2004	2006	2015	Total	2017
United Nations	3	2	1			1				1	8	3
NATO	1	1	2	1		2					7	3
ITO	1										1	
GATT	1										1	1
Commonwealth		4	1		1	2					8	1
Colombo Plan		1									1	
Bretton Woods				1							1	2
Kennedy Round				1							1	
Tokyo Round					1						1	
Uruguay Round							1				1	
NAFTA							1				1	1
UNESCO									1		1	
IMF											0	1
IBRD											0	1
WTO											0	3
UNGA											0	1
NORAD											0	2
G20											0	2
G7											0	2
OAS											0	1

## Appendix B: Individual Institutional References in Canadian Prime Minister’s First Speech from the Throne Post-1945, *continued*

Institution	1949	1957	1963	1968	1979	1984	1994	2004	2006	2015	Total	2017
APEC											0	1
La Franco-phonie											0	1
Arctic Council											0	1
ILO											0	1
<b>Total</b>	<b>6</b>	<b>8</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>32</b>	<b>28</b>

Notes: APEC = Asia Pacific Economic Co-operation; G20 = Group of 20; G7 = Group of Seven; GATT = General Agreement on Tariffs and Trade; IBRD = International Bank for Reconstruction and Development; ILO = International Labour Organization; IMF = International Monetary Fund; ITO = International Trade Organization; NAFTA = North American Free Trade Agreement; NATO = North Atlantic Treaty Organization; NORAD = North American Aerospace Defence Command; OAS = Organization of American States; UNESCO = United Nations Education, Social and Cultural Organization; UNGA = United Nations General Assembly; WTO = World Trade Organization; 2017 = Foreign Minister Chrystia Freeland’s foreign policy speech on 6 June 2017; not included in total from 1949–2015.

## Appendix C: Environmental References in Canadian and US National Policy Addresses

Leader	Throne Speech	% total words	State of the Union	% total words	Canada/United States
J. Trudeau	4 December 2015	15.6 (265/1,695)	13 January 2016 B. Obama	12.4 (764/6,147)	+3.2
S. Harper	3 April 2006	8.4 (206/2,451)	31 January 2006 G. W. Bush	4.8 (259/5,435)	+3.6
P. Martin	2 February 2004	12.1 (757/6,270)	20 January 2004 G. W. Bush	0.7 (37/5,271)	+11.4
J. Chrétien	17 January 1994	4.4 (72/1,647)	25 January 1994 W. Clinton	4.6 (269/5,852)	-0.2
B. Mulroney	5 November 1984	2.4 (95/3,934)	25 January 1984 R. Reagan	5.1 (251/4,955)	-2.7
J. Clark	9 October 1979	0 (0/2,009)	23 January 1980 J. Carter	4.5 (155/3,467)	-4.5
P. E. Trudeau	12 September 1968	6.7 (200/2,963)	14 January 1969 L. B. Johnson	1.3 (54/4,135)	+6.4
L. B. Pearson	16 May 1963	0 (0/1,732)	14 January 1963 J. F. Kennedy	1.3 (70/5,396)	-1.3
J. Diefenbaker	14 October 1957	0 (0/1,337)	9 January 1958 D. Eisenhower	0 (0/4,929)	0
L. St. Laurent	26 January 1949	0 (0/1,529)	5 January 1949 H. S. Truman	0 (0/3,398)	0
<b>Post-1945 Average</b>	<b>5.0</b>		<b>Post-1945 Average</b>	<b>3.5</b>	<b>+1.5</b>
W. L. M. King	6 February 1936	0 (0/949)	3 January 1936 F. D. Roosevelt	0 (0/3,826)	0
R. B. Bennett	8 September 1930	0 (0/140)	2 December 1930 H. Hoover	0 (0/4,537)	0
W. L. M. King	9 December 1926	0 (0/820)	7 December 1926 C. Coolidge	0 (0/10,310)	0
W. L. M. King	8 March 1922	0 (0/1,183)	8 December 1922 W. G. Harding	0 (0/5,749)	0
Meighen	26 February 1920	0 (0/290)	7 December 1920 W. Wilson	0 (0/2,706)	0
R. Borden	15 November 1911	0 (0/707)	5 December 1911 W. H. Taft	0 (0/23,749)	0
W. Laurier	20 January 1909	0 (0/1,087)	8 December 1909 T. Roosevelt	15 (2,899/19,418)	-15.0
<b>Pre-1945 Average</b>	<b>0</b>		<b>Pre-1945 Average</b>	<b>2.14</b>	<b>-2.14</b>
<b>Combined Average</b>	<b>5.0</b>		<b>Combined Average</b>	<b>2.9</b>	<b>+0.05</b>

Sources: Throne Speeches <https://lop.parl.ca/ParlInfo/compilations/parliament/ThroneSpeech.aspx?Language=E>. State of the Union addresses: <http://www.presidency.ucsb.edu/sou.php>.

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