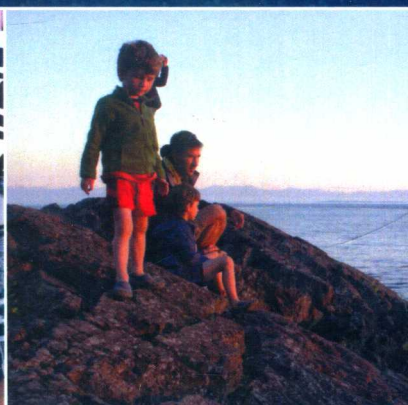
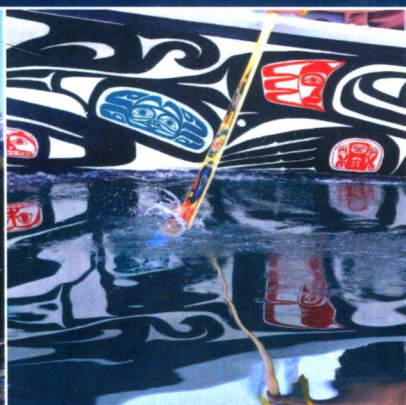
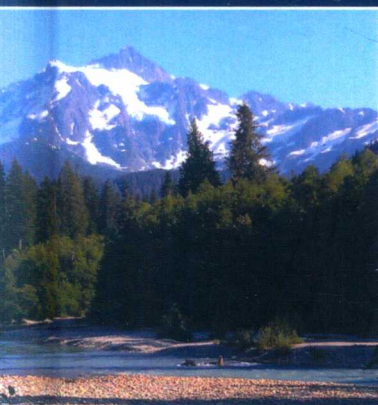


Emma S. Norman

Governing Transboundary Waters

Canada, the United States,
and Indigenous communities



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Canada, the United States, and
Indigenous communities

Emma S. Norman

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Left: North fork of the Nooksack River; and *right:* San Juan Island, Salish Sea; both by Emma S. Norman

Governing Transboundary Waters

With almost the entire world's water basins crossing political borders of some kind, understanding how to cooperate with one's neighbor is of global relevance. For Indigenous communities, whose traditional homelands may predate and challenge the current borders, and whose relationships to water sources are linked to the protection of traditional lifeways (or "ways of life"), transboundary water governance is deeply political.

This book explores the nuances of transboundary water governance through an in-depth examination of the Canada–U.S. border, with an emphasis on the leadership of Indigenous actors (First Nations and Native Americans). The inclusion of this "third sovereign" in the discussion of Canada–U.S. relations provides an important avenue to challenge borders as fixed, both in terms of natural resource governance and citizenship, and highlights the role of non-state actors in charting new territory in water governance. The volume widens the conversation to provide a rich analysis of the cultural politics of transboundary water governance.

In this context, the book explores the issue of what makes a good upstream neighbor and analyzes the rescaling of transboundary water governance. Through narrative, the book explores how these governance mechanisms are linked to wider issues of environmental justice, decolonization, and self-determination. To highlight the changing patterns of water governance, it focuses on six case studies that grapple with transboundary water issues at different scales and with different constructions of border politics, from the Pacific coastline to the Great Lakes.

Emma S. Norman is Chair of the Science Department/Native Environmental Science Program at Northwest Indian College, Bellingham, Washington State, USA. She is also a Research Associate with the Smithsonian Institution, National Museum of the American Indian, USA, and a long-term collaborator with the Program on Water Governance at the University of British Columbia, Canada.

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Governing Transboundary Waters

Canada, the United States and Indigenous Communities

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“Norman provides a much-needed re-framing of transboundary governance from Indigenous peoples’ perspectives and celebrates the achievements made by First Nations and Tribes to date in successfully re-uniting communities across state borders and rescaling transboundary watersheds. A compelling read and one that should be required reading for anyone working in watershed governance at the border.”

– Jennifer L. Archer, *Rivers without Borders*, Vancouver, Canada

“Bringing together politics of coloniality and Indigenous struggles for territorial, cultural and resource rights with water politics at the U.S.-Canada border, this work makes significant conceptual and policy relevant contributions. Skillfully weaving diverse narratives, experiences, and moments of relevance for Indigenous communities on both sides of the border, the book makes for an inspiring read that explores key debates for contemporary water governance.”

– Karen Bakker and Leila Harris, Co-Directors, Program on Water Governance, University of British Columbia, Canada

“For anyone interested in the future of our waters and how we can truly care for them, Emma Norman’s book is vitally important. It illuminates in fresh ways the challenges of ‘transborder’ water governance, and in particular the function of borders themselves to distort how we understand, treat, and value water – as divisible, bounded, owned – and to reiterate power relationships of exclusion and alienation from our water ‘neighbors’. In accessible and hopeful case studies, Norman shows how Indigenous communities and their allies are re-asserting the meaning of ecological boundaries, reweaving communities around them, and creating leadership structures capable of sharing and protecting water.”

– Alexa Bradley, Co-Director, Great Lakes Commons,
www.greatlakescommons.org

“*Governing Transboundary Waters* marks an important contribution to scholarship on water governance, transboundary resource management, and border studies. Whereas most studies of transboundary water management focus on state interaction, Norman brings the study down to earth, engaging with the communities involved in resource management around the international border itself. As such, she reminds us that the international border is a colonial relic that continues divide traditionally connected Indigenous communities. Rejecting the international border as the essential arbiter of resource management is a first step in moving towards environmental justice in transboundary resource management.”

– Kathryn Furlong, Department of Geography,
Université de Montréal, Canada

“Water territorialities may be the next frontier to roam in order to progress in our understanding of socio-spatial relations, and this book indeed shows that labile environments reveal a lot about multi-tier decision making. Through a very convincing demonstration based on extensive field knowledge, E. Norman presents the disruptions in territorial hierarchies which are at stake when maritime management overlaps both international limits and sets of autochthonous rights. Her thorough analysis of the now-called ‘Salish sea’, over the U.S.–Canada border, escapes easy conclusions and interestingly recalls to us that the semantic transfer from government to governance does not mean that the state has been kicked out of politics!”

– Anne-Laure Amilhat Szary, Professor,
Université Grenoble-Alpes, France

“E. Norman’s *Governing Transboundary Waters* captures genuine progress in restoring boundary environments. Her eloquently written book analyzes how through patient, determined Indigenous led efforts, legal rights to access culturally relevant food are being secured. This book is a timely guide for critically needed environmental action.”

– Melvin J. Visser, author of *Cold, Clear, and Deadly:
Unravelling a Toxic Legacy*

Acknowledgements

I was recently asked how long it took to write this book. I paused because there was no straightforward answer to this question. On the one hand, I wrote much of this book over the course of an idyllic summer on San Juan Island, Washington. As a scholar-in-residence at the University of Washington's Whiteley Center, I took this book from a collection of ideas and essays to the first full draft. I was able to work productively that summer – waking up early every morning and walking to my office along the rocky shoreline trail that I would often share with deer or fox. Those days, I lost myself in the words that are now this book. As a perfect antidote to the hours of writing in solitude, I spent the late afternoons and evenings exploring the tidal flats with my family. The editing took place in Michigan, where I revised the manuscript during the busy school year, where I watched the landscape change outside of my office window – from green leaves, to brown leaves, to a snowy (very snowy) winterland.

On the other hand, the genesis of this book was, perhaps, when I started studying transboundary water governance as a graduate student at Western Washington University, and then at The University of British Columbia (UBC). But, in reality, the start of the book could be pushed back further – perhaps it was the 2 years in the Peace Corps, where I worked along the Malawi–Zambia border. Or perhaps it was the high school trip to Germany, where I saw the Berlin Wall, just months after it fell. In essence, there is a lifetime of experiences that shape the words found in this book.

Although it is difficult to know exactly *how long* this book took to write, a fundamental component of this process is the number of people that helped along the way, both in terms of shaping ideas or directly commenting on text.

First, my work at Northwest Indian College (NWIC) has influenced me deeply, in particular, understanding the importance of “a line” that divides historically connected communities, intact ecosystems to sustain communities, and oral histories to motivate change and honor traditions. As a faculty member for 10 years at NWIC teaching in the Native Environmental Science Program (and now as Chair of the Science Department), I have been exposed to scores of inspirational community leaders, resilient students, and dedicated colleagues, in particular, the leadership of Cheryl Crazy Bull, Justin Guillory, Sharon Kinley, Dave Oreiro, Bernice Portervint, and Carol Rave. The grounding of inspirational leaders such as Greg Cajete, Tom

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In addition, I am humbled and amazed by the generosity of people who graciously agreed to read this book in draft form. It was essential for me that this book was not only academically sound, but also reached people beyond the academy. For those working “in the trenches” in environmental governance and Indigenous governance, I wanted to make sure the book was accurate, respectful, thoughtful *and* push the boundaries of previous work related to transboundary water governance. To help accomplish this, I called upon many people to read drafts of this book at various stages. I am deeply moved by the number of people who dove into these drafts without pause or hesitation.

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Emma S. Norman
Bellingham, Washington

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1 Introduction

Water, borders, scale, and power

Our relationship to water is intimate. It is one of the few things in this world that connects all human beings. In many cultures, water is revered as a gift from the Creator, to be protected and sustained for generations. Given the universal need for survival, one could easily argue that water is simply too important to politicize. Yet, the very nature of water – changing states and crossing boundaries of all kinds – makes this vital substance inherently political.

Nowhere is water more political than at the site of an international border, where sets of laws, regulations, and rules terminate abruptly and where notions of “insiders” and “outsiders” are delineated. As an interloper between jurisdictions, water provides a challenge for governance systems that are delineated by fixed political boundaries.

Looking at water governance from the site of the international border is a telling exercise. Like a roadside geologist you can see the nested scales of governance: federal, tribal, provincial, state, and municipal, each operating within (seemingly) neatly defined responsibilities and purviews. Yet, looking closely at these borders (and the process of border-making) one often sees entrenched colonial legacies, which fosters both exclusion and privileging (Said, 1979; Harris, 2002; Braun, 2002; Gregory, 2004). The act of drawing a line bounds territory and ultimately sets a trajectory for a relationship between people and their environment. As water transgresses in and out and through jurisdictions, it becomes integrated into wider social–political contexts that are wrought with power dynamics, historical legacies, and asymmetries. This line, in turn, can be revealed as scale, power, and justice.

Thus, the governance challenge is a “*hydrosocial*” one – that is, it relates both to the physical and the material processes of water, as well as the social and the political context around which it is governed (Swyngedouw, 1999; Bakker, 2003a, 2003b; Harris, 2006; Loftus, 2007; Budds, 2008). When the communities and the resources in question span political borders, these processes become further complicated. For Indigenous communities, whose traditional homelands often span and pre-date contemporary nation-state borders and whose relationship to water sources are linked to the protection of traditional lifeways (or “ways of life”), transboundary water governance is deeply political.¹ In fact, even the word “transboundary” implies a colonial legacy. For many Indigenous communities that