

# TRANSBORDER WATER ISSUES GOVERNANCE (TWIG)

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Photo of Polanco skyline by Matthew Rutledge

Stanford  
Spring 2014

North American  
Research Partnership  
RESEARCH, OUTREACH & IMPACT ON GLOBAL NORTH AMERICA



# About the Partnership

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The North American Research Partnership is an independent, non-profit think tank and network of analysts throughout North America that conduct strategic applied research and outreach on how the United States, Mexico and Canada can better position themselves for success in the 21st century.

## Issue areas

Trade | Energy | Sustainability | Security | Education

## Why a new organization?

- The U.S., Mexico and Canada are each at a crossroads in the process of globalization.
- Citizens, the news media and policymakers need—and often ask for—a comprehensive yet **accessible** understanding of complex international issues.
- Our approach: non-partisan public policy and international relations research.
- Quality partnerships = greater impact.
- We analyze, anticipate, and advise transborder systems



# Key Partners

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## Board of Advisors 2013-2014

**Ambassador Hattie Babbitt**, Attorney at Law; Chair, U.S. Water Partnership; former Ambassador to the Organization of American States

**Andy Carey**, Executive Director, Border Philanthropy Partnership\*

**Denise Ducheny**, Former State Senator, California Assembly

**Pedro LaFarga**, Senior Vice President, Mobile Entertainment, Sony Electronics

**Isidro Morales**, Director, Tec de Monterrey School for Public Policy and Foreign Policy magazine, Mexico edition

**Ambassador John Maisto**, Former U.S. Ambassador to the Organization of American States, Nicaragua and Venezuela

**Adm. Eric Olson**, retired Commander Special Operations Command

**Silvia Núñez Garcia**, Director, Center for the Research on North America, National Autonomous University of Mexico

**Colin Robertson**, Vice President, Canadian Defence and Foreign Affairs Institute

**Andrew Selee**, Vice President for Programs, Woodrow Wilson International Center for Scholars

**Diputado Federal Javier Treviño Cantú**, Chamber of Deputies, Mexico

**Lisa Urias**, President and CEO, Urias Communications

## Partner Organizations

- Bilateral Council
- Border Legislative Conference
- Border Philanthropy Partnership
- Center for Research on North America, UNAM
- Council of State Governments-WEST
- Crossborder Group
- Mexico Institute, Woodrow Wilson International Center for Scholars
- New Policy Institute

# OBJECTIVE

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Only to anticipate themes and to outline some principles

To motivate the end of “white map” or “thar be dragons” syndrome

# BOTTOM LINE & AGENDA

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Transborder governance is evolving...and as such can respond appropriately to some emerging challenges

Sustainability sciences inform such processes

Private-public-philanthropic partnerships fill a void in resource constrained reality

The role of subnationals cannot be ignored

# WE LIVE IN CAVES

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**C** omplex

**A** mbiguous

**V** olatile

**E** xtreme uncertainty

**S** tateless actors

**TransBorder systems are most like CAVES**

# BASICS

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**International Boundary Commission and International Joint Commission**

**International Boundary Commission added Water after 1944 treaty**

**La Paz Environmental Cooperation Agreement**

**NAFTA created three “water” commissions**

# KUZNETS' CURVE

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Poverty pollutes

Alleviation pollutes less

Affluence pollutes differently

Absolute affluence pollutes absolutely



# INTRODUCTION

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- Water is worth what it's worth. **The process of consumption... is the *final* act in the economic drama. Ken Boulding**
- The (extraordinary, binational) drought of political will aggravate the actual (extraordinary, binational) drought

# PREMISE

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Transborder water governance is based on concepts of “equitable utilization” and “shared benefits”

# WATER BASICS

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Virtual and valued

Role of transborder desal

Inter-dependence (surface and ground, land and sea, quality and quantity, US and Mexico)

Intermestic and fragmentation

Goal of perpetual reuse

Drivers: Population, land transformation, securitization

# HERE & THERE AND NOW & THEN

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**US Prior Appropriation and senior & junior rights**

**US TMDLs for quality and recent new EPA rules**

**US Colorado River QSA EIR approved**

**Mexico's water is nationalized by constitution and therefor governed by watershed councils**

# WATER AS INTERNATIONAL POLICY

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Water, as an intermestic fragmentation issue has many masters, local to international

Notifications: Shortages and TEIAs done or undone

La Paz Agreement

Great Lakes and EU models

Subnationals know the local best

# TEIAs

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**Mandated by La Paz and NAFTA**

**Cooper mines/smelters start up again?**

**All American Canal**

**Electricity maquiladoras**

**Salton Sea**

**M4 together**

# WATER AS A VALUE

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The value of water is very much higher than the price and/or cost.

(Eco)systems

FoWaterGy Nutrition and GCC

Price signals

# WATERSHEDS AS A VALUE

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Some transfers of water make sense, most are intra-basin and international not vice versa

Mix and match grades

International watershed councils

Transborder water banking

International water markets











# Border Environmental Health Initiative Regions



**EXPLANATION**

**BEHI Regions**

- |   |  |
|---|--|
|  1. The Pacific Basins-Salton Trough Subarea |  5. The Rio Grande: Elephant Butte Reservoir to above Rio Conchos Subarea |
|  2. The Colorado River-Sea of Cortez Subarea |  6. The Rio Grande: Rio Conchos to Amistad Reservoir Subarea              |
|  3. The Mexican Highlands Subarea            |  7. The Rio Grande: below Amistad Reservoir to Falcon Reservoir Subarea   |
|  4. The San Basilio-Mimbres Subarea          |  8. The Lower Rio Grande Valley Subarea                                   |



# WATER AS A FUTURE ISSUE

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Our responses to GCC must be holistic (ERC)

Transformative drought

Flooding

Sustainability science

# SUSTAINABILITY SCIENCE

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**“Sustainability is easy until you get to the border”**

**Sustainability can be the risk that links science and policy**

# DEFINITION

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Sustainability science has been defined on Wikipedia as *“The cultivation, integration, and application of knowledge about Earth systems gained especially from the holistic and historical sciences (such as geology, ecology, climatology, oceanography) coordinated with knowledge about human interrelationships gained from the social sciences and humanities, in order to evaluate, mitigate, and minimize the consequences, regionally and worldwide, of human impacts on planetary systems and on societies across the globe and into the future – that is, in order that humans can be knowledgeable Earth stewards.”*

To which I add “Trans-disciplinary attention and focus on addressing current and emerging threats, exposures, vulnerabilities across spatial and temporal scales and boundaries (political and geographic) to assess/address multiple objectives, multi-disciplinary, scalar, objective

# WATER ETHOS

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Environmental education can accompany sustainability sciences to develop and permeate society with a water ethic

# OJINAGA

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**Community dying**

**Plantations of trees to create jobs**

**Recycle water and clean ground water**

**Natural habitat**

**Keep pollutants out of Rio Bravo**

# WATER GOVERNANCE

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ISC

BLM

P4s

JIPG

**Environmental, ecological & economic equity**

# P3 and P4

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Colorado River pulse flows

Renewable energy connections



# Why a Rulemaking and Why Now?

- EPA Guidance:
  - EPA and Army Corps issued guidance in 2009 that defined Waters of the United States following the Rapanos decision
  - Many entities and business interests asked for a rulemaking
- Proposed Rule:
  - Congress could not pass expansive amendments to the Clean Water Act in 2010
  - EPA's Proposed Rule takes and expansive view of decisions

# LAST THOUGHTS

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# THANKS! LET'S KEEP TALKING

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