

Frequently asked Questions

Q. What does IJC stand for?

A. International Joint Commission

Q. What is the IJC?

A. The International Joint Commission is an independent bi-national organization established by the Boundary Waters Treaty of 1909. Its purpose is to help prevent and resolve disputes relating to the use and quality of boundary waters and to advise Canada and the United States on related questions. An equal number of commissioners have been appointed to both sides. Three are appointed by the President of the United States, with the advice and approval of the Senate, and three are appointed by the Governor in

Council of Canada, on the advice of the Prime Minister. The Commissioners must follow the Treaty as they try to prevent or resolve disputes. They must act impartially, in reviewing problems and deciding on issues, rather than representing the views of their respective governments. The Commission has set up more than 20 boards, made up of experts from the United States and Canada, to help it carry out its responsibilities.

Q. What is the “Boundary Waters Treaty”?

A. Established in 1909, this agreement would provide equal protection to the US and Canada, recognizing that each country is affected by the other's actions in lake and river systems along the border. Article III of this treaty states verbatim that “no further (...) diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within

their respective jurisdictions and with the approval (...) of a joint commission, to be known as the International Joint Commission.”

Q. Why isn't the IJC launching its inquiry into the Devils Lake issue?

A. In order to undertake the research, the IJC requires a reference from both the Canadian and United States governments. The government of Canada formally invited the United States to join in referring Devils Lake to the IJC in April 2004. More than 15 months have passed since the request was formally issued.

Q. Why isn't the US federal government approving the reference?

A. The State of North Dakota did not utilize nor does it require federal funding for the creation of the Devils Lake outlet and therefore deems it a state issue.

Q. Is Devils Lake considered a Canada vs. America dispute?

A. No. Despite this remaining a politically sensitive issue, support has been maintained on both sides of the border from many state Senators, Governors and Representatives calling for a US IJC reference.

Q. What is the Canadian government's stance on an IJC review?

A. A letter written by Canadian Ambassador Frank McKenna addressed to Senator Conrad and copied to Secretary of State Rice and Premier Gary Doer, dated April 26, 2005 urges the US to join us in a reference to the IJC and states that "Manitoba Premier Gary Doer, fully supported by the federal government has publicly stated that he will abide by the IJC recommendation."

Q. What might the economic impact of a Devils Lake water diversion be for Manitoba?

A. Manitoba's commercial freshwater fishery is worth almost \$32 million per year, of which almost \$21 million comes from Lake Winnipeg. Anglers in Manitoba spend an estimated \$120 million annually on expenses directly attributable to fishing and an additional \$178 million in major purchases and investments that are attributable in whole or in part to recreational fishing. This said, should pollutants or invasive species deriving from a Devils Lake outlet come to poison the waters and/or freshwater fish of Lake Winnipeg, there is potential for an estimated \$330 million industry loss effect.

Q. What role does FOE play should the IJC reference go through?

A. It is estimated that it will take one year for the IJC to analyze the situation and provide recommendations based upon public hearings. FOE will be ready to provide scientific assessments and

technical expertise on options and alternatives to an outlet and on the need to address water issues where they occur. FOE will also help concerned citizens and/or agencies in preparing for public hearings that would be held by the IJC on the Devils Lake issue.

Q. What action can FOE take should the IJC reference not be obtained?

A. FOE has already retained Canada's most senior environmental lawyer, David Estrin, to prepare an opinion on legal options available to Manitoba residents, First Nations, municipalities and groups. We expect to announce next steps shortly.

Sources:

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