

COLUMBIA River Treaty



Date: March 19, 2020

To: Columbia River Treaty Region Elected Officials

From: Columbia River Treaty Local Governments Committee

Re: Committee Decision Not to Seek Negotiations Observer Status at This Time

The Columbia River Treaty (CRT) Local Governments Committee (the Committee) was created in 2011 by the local governments in the region impacted by the Treaty. The primary purpose of the Committee is to assist local governments and region residents to engage in decisions around the future of the Treaty.

From 2011 through 2017 the Committee worked closely with the BC CRT Team to consult with residents and local governments in the region to fully understand the concerns and issues related to the Treaty.

In 2013 the Committee provided recommendations to the provincial and federal governments regarding the process for making changes to the Treaty, desired improvements to the content of the Treaty and domestic issues that require resolution. These recommendations were based on the input from the local governments and residents of the region. We are in the process of updating these [recommendations](#).

Early in 2018, when it became clear that negotiations to modernize the Treaty would be initiated by Canada and the U.S., the Committee evaluated a number of options for the Committee to engage in these negotiations, including seeking observer status 'in the room'. The Committee sought the advice of a number of academics and others who are familiar with or have lead the development of international water related treaties who consistently confirmed that local governments, which are a creation of higher levels of government (e.g. the provincial government in BC), have never been directly engaged in these international negotiations. Based on this advice, and the ongoing open, productive relationships with the BC CRT Team and the federal agencies who would be involved in the negotiations, the Committee decided not to seek observer status.

Instead the Committee established a formal Communications and Engagement Protocol with the Canadian CRT Negotiating Team, which was signed in the fall of 2018. This Protocol allows the Negotiating Team to keep the Committee as informed as possible as negotiations proceed, while recognizing confidentiality limitations, and commits the Team to engage with the Committee if negotiations are moving in a direction that is not consistent with the Committee's recommendations.

Treaty negotiations began in November 2018 and are continuing – for more information see the [BC CRT website](#). In May 2019, the federal government granted observer status to the three regional Indigenous Nations. The Committee acknowledges and supports this decision as it is consistent with the views stated by many Basin residents during the 2018 and 2019 CRT community meetings throughout the region. The Treaty Negotiating Team is led by Global Affairs Canada and includes representatives from federal and provincial agencies. There are intentionally no elected officials on the team or amongst the Indigenous Nations' observers. That is also the case for the U.S. negotiating team.

In the last few months, prompted by questions from a few constituents and others, the Committee has reconsidered whether it should request observer status at the negotiations. After gathering and thoroughly considering updated information, the Committee has decided not to pursue observer status at this time. If circumstances change in the future, the Committee may revisit this decision.

Significant factors in this decision were that there are no elected officials present in the negotiations to date, and as in 2018, there are no precedents for the local governments being involved in international water-related Treaty negotiations. These factors make it very unlikely that a request for observer status from the Committee would be granted.

As well, the Committee appreciates the ongoing, open, timely communications with the Negotiating Team through our Communications and Engagement Protocol. We are confident that the interests of Basin residents and local governments are front and centre in the negotiations at this time, as even the U.S. Lead Negotiator mentions the interests of Canadian residents as a factor in the discussions.

The Committee has established regular contact with the regional Indigenous Nations involved in the negotiations, with ongoing discussions about our shared interests in the future of the Treaty.

As well, we are very mindful of the public commitments by the BC CRT Team to bring any elements of a negotiated agreement that impact the region back to residents and local governments for review before negotiations are finalized.

However, the Committee is aware that as negotiations evolve, conditions may change or different outcomes that do not align with our recommendations may be considered. We are prepared to respond swiftly and strongly should this develop.

We look forward to continuing to work with regional elected officials, in non-partisan ways, to support the CRT Negotiating Team to secure the best possible agreement for our region. We are very encouraged by the invitation from the BC CRT Team to begin discussions with the province about a governance framework for a modernized Treaty that includes local governments and others. We believe this offers a long-term, inter-generational solution to the historical limited role of regional interests in decisions about Treaty-related hydro-electricity development and operations on the Kootenay and Columbia rivers.

Regional and community-based issues that can be solved domestically continue to a top priority for us. The Committee will continue to work with the BC CRT Team, elected officials, Indigenous Nations and others to explore and implement solutions.

Please contact us if you have any questions about the important work of this Committee.

On behalf of the CRT Local Governments Committee:



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