

DEVILISH STRAITS:
RE-INTERPRETING THE SOURCE OF BOUNDARY WATERS TREATY SUCCESS

by

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Abstract

The Devils Lake defection of 2005 demands a re-evaluation of the venerable Boundary Waters Treaty (BWT) between Canada and the United States. Why was the long-successful water agreement unable to solve this relatively minor dispute? More importantly, given irregularities between theoretical assertions and institutional history, what theory of international relations best explains a cooperative agreement that spans a near-century?

Due to the complexities of shared river systems, any theory that seeks to explain international cooperation must adequately encompass three separate sources of state motivation. First, it must explain the technical, basin-position-driven realities that affect state attitudes towards negotiations. Second, it must explain the longer-term strategic factors that can inspire states to accept immediate losses for subsequent gains. Finally, it must acknowledge domestic sources of influence and understand how these forces constrain the state vis-à-vis others.

This paper argues that liberalism, as defined by Andrew Moravcsik, is the best theoretical candidate. This is proven by comparing interpretations of the BWT history through realist, neoliberal, constructivist, and liberal lenses. After identifying and examining each theory's strengths and weaknesses, liberalism emerges as the most holistic view and should be favoured as a primary explanatory theory.

Liberalism's theoretical underpinnings – interest group politics – best handles the technical, strategic, and domestic influences that affect Canada-US water relations. Whether examining what prompted efforts to initiate a water-sharing agreement, explaining the agreement's final structure, determining the impetus for continued cooperation, or identifying the incentives to finally break from treaty obligations, liberalism provides the most satisfying solutions.

Though derived from the Canada-US border relationship, liberalism's superiority is not limited to the North American watershed. Because the factors examined are common to all shared international river systems and the paper's results are scalable, this suggests that liberalism will continue to be the appropriate primary IR theory to employ when examining state decision-making regarding water-sharing agreements.

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Introduction

The 2005 completion of the Devils Lake outlet project marks a turning point in Canada-US water relations. The outlet, designed to flush polluted North Dakotan water into the Canadian watershed, emerged as a symbol of increased American bellicosity. By elevating domestic interests over international treaty obligations, American authorities have potentially destabilized the continued viability of the Boundary Waters Treaty (BWT), a near-century-old agreement governing the use of shared waters. Breaking from tradition and established norms, the specter of unilateralism – long vanquished by cooperative actions – looms over the border once again.

In addition to unsettling Canadian authorities, the defection poses a difficult theoretical challenge. Long considered an institutionalist success, BWT classification is suddenly less certain. The tenets of neoliberal institutionalism, though capable of explaining organizational history, cannot explain the Devils Lake defection. Suddenly placed within a theoretical no-mans-land, the BWT regime must undergo re-examination to best determine its nature as a political construct.

Theoretical contenders face no simple task. The geopolitical realities of the North American watershed transform a simple water agreement into a complicated regime. Any solution must contend with the peculiarities of river systems, colonial influences, extensive bi-national inter-linkage, federal political structures, and the presence of diverse domestic interest groups. It must house both systemic factors and domestic influences. It must reconcile cooperative pedigree with both continued resistance to autonomy-loss and the eventual break-down of cooperation. Finally, it must identify subnational incentives to implement and incur the costs of national agreements.

I argue that liberalism, as defined by Andrew Moravcsik, best explains the BWT. Due to inherent structural weaknesses, non-liberal theories cannot handle the BWT holistically. Bound by flawed first principles, they provide half-truths at best. Only liberalism provides the breadth and flexibility necessary to bind empirical realities to a comprehensive theoretical structure.

I demonstrate the weakness of realist, neoliberal, and constructivist interpretations compared to the strand of liberalism proposed by Moravcsik. This is accomplished by dividing the paper into

two sections. The first section, focusing on theory, explains the dynamics of river systems that influence state relations and offers a theory-by-theory examination of the motives that encourage cooperation. The second section, focusing on empirics, applies each theory to three phases of the BWT: the initial negotiation, the enforcement stage, and violation at Devils Lake. In each phase, it will be argued that liberalism best explains the relevant events.

The Dynamics of Shared River Systems

Shared river basins boast special realities that influence the world-view of resident states. Their linear, yet interconnected, nature creates a political environment ripe for dyadic military conflict (Hensel et al. 2006, 384). A state's location within a basin influences its attitudes towards unilateralism and cooperation. Headwater states have incentives to be selfish and uncooperative because they use water resources before neighbours. Downriver states, conversely, have incentives to pursue cooperative agreements to insulate themselves against upriver unilateralism. These divergent interests create natural tensions within a basin, often discouraging cooperation (LeMarquand 1977, 1).

Water systems are categorized into contiguous and successive rivers¹ (LeMarquand 1977, 8). Contiguous rivers delineate the border between political entities, with each side owning a portion of the body. Successive rivers originate in one country and terminate in another, with the upriver state controlling the resource until it crosses the border. Despite their differences, both suffer collective action problems because political boundaries do not halt or divide the impacts of prior use (Blatter and Ingram 2000, 439). The costs of hoarding and externalization by individual states can easily injure innocent parties forced to share the same basin.

Technical, Strategic, and Domestic Factors

This paper argues that cooperation, though difficult, is possible. David LeMarquand, a foremost scholar of international rivers, identifies three key factors that influence the success of cooperative agreements. I paraphrase these as the technical nature of the system, the strategic

¹ The concept of “river” also includes lakes.

motivations of the involved parties, and pressure from domestic interest groups (LeMarquand 1997, 7). Because any agreement necessarily reduces the range of actions available to upstream parties, these factors are crucial to explaining why empowered parties forgo the benefits of anarchy.

Technical interests comprise the first pillar underlying cooperation. These hinge upon the hydrological realities of the river basin in which the state resides. States must consider their position within the basin hierarchy, their socio-economic needs, and the nature of the shared water resource. Minor regional differences aside, technical interests are captured by four general basin models: *public goods*, *common pool resources*, *integrated development*, and *upstream-downstream conflict* (LeMarquand 1977, 8).

Public goods are resources undiminished by prior use. States have few reasons to avoid cooperation because agreements are almost always beneficial. Navigation agreements are most common, boosting trade and transportation while costing little.

Common pool resources are diminished by prior use. Exploitation accrues benefits to the individual and distributes the cost communally. Examples include a fishery within contiguous waters and waters used for irrigation. States have incentives to protect the resource through cooperation but also have incentives to maximize returns via cheating.

Integrated development opportunities maximize value via cooperation. These occur through economies of scale, where downstream countries contribute to upstream projects in return for input and influence. Primarily driven by dams, negotiations center on the fair distribution of costs and benefits. The greater the likelihood of long-term stability, the greater the likelihood that states will participate in these agreements.

Upstream-downstream conflict occurs when upstream states choose to externalize costs onto neighbours. If a downstream state cannot employ alternative domestic water resources and/or apply economic sanctions or international condemnation in response to upriver unilateralism, military conflict becomes more likely. The downstream state must change upstream behaviour through force or issue-linkage, or else rely on foreign intervention..

Excluding upstream-downstream conflict, technical factors generally encourage cooperation. Whether to increase wealth or conserve resources, states often have reasons to choose predictable order over chaotic anarchy. However, these interests can never escape the shadow of the basin's hierarchy. Hydrologically, an upstream state is always stronger than downstream neighbours. Similarly, states bordering contiguous waters always have incentives to cheat covertly. To restrain unilateralism and cheating, states must be capable of punishing violators of the cooperative covenant. Should a credible retaliatory threat prove absent, continued agreement is unlikely.

Strategic interests form the second pillar underlying cooperation. Where technical interests comprise the hydrological conditions that influence states, strategic interests comprise the political calculations used by leaders to weigh the benefits and costs of short-term/long-term interests. Strategically, water resources are viewed as a means to achieving other ends which can include a range of domestic and international considerations and incentives (LeMarquand 1997, 11).

By prioritizing state strength and influence as a whole, strategic interests can trump conclusions reached exclusively by technical considerations. These are particularly relevant when explaining why upriver states agree to restrict their freedom of action by adhering to a water-sharing agreement. Instead of externalizing costs, an upstream country may moderate behaviour in return for preferential treatment on other policy issues; restricted action is justified by the lure of future gains.

While leaders deal with many strategic considerations, five are particularly relevant to water agreements: the impact on national image, state adherence to international law, potential for issue-linkage, probability of reciprocity, and willingness to endure a partial loss of sovereignty (LeMarquand 1977, 15).

Image refers to the state's international facade and is most vital during the enforcement stage of an agreement. Should a state defect to protect its own interests, it risks tarnishing its international reputation and harming future potential cooperative opportunities.

International law encompasses state partiality to global jurisprudence, with attitudes affected by state power and geopolitical location. Downriver states often appeal to international law for support while upriver states and self-proclaimed regional leaders often attempt to dismiss its influence over their affairs.

Issue-linkage seeks to extract concessions on separate negotiations in return for a conciliatory attitude towards water-sharing. Concessions may be employed immediately or accrued as a 'reservoir of goodwill'. The reservoir, however, relies upon norms rather than firm commitments; there is no guaranteed future validity. Most often, issue-linkage is utilized to compensate upstream states for lost flexibility.

Reciprocity refers to expectations of mutual sacrifice. Mindful of domestic advantage, states making immediate sacrifices expect similar behaviour from their partners in the future. Leaders consider the probability of advancing absolute gains without unduly sacrificing relative position. For instance, when agreeing to river water pollution standards, Switzerland – a headwater country – demanded that the standards include coastal waters. The Swiss were unwilling to make sacrifices for the benefit of other countries if those same countries were unwilling to make similar sacrifices.

Sovereignty refers to how jealously a state guards its autonomy. Weaker states tend to favour partial losses to create regimes that bind larger neighbours. Stronger countries tend to oppose any potential loss. Upriver states are most affected by this consideration due to the insularity derived from anarchy.

Strategic factors refine technical conclusions, with the two often reinforcing each other. Countries with technical incentives to cooperate often have strategic incentives as well. Likewise, countries without strategic motivations to cooperate often lack countervailing technical interests. However, these interpretations are not always complementary. A state lacking technical incentives may pursue an agreement if the strategic value of the agreement is deemed to outweigh the loss of autonomy. Similarly, a country with pro-cooperation technical interests may forgo agreement if the costs to strategic interests are deemed too high.

Domestic influences form the third pillar underlying cooperation. With national leaders unable to escape domestic constraints, domestic pressure groups must be examined as a third source of influence (Putnam 1988, 432). In fact, sufficiently strong domestic coalitions are capable of forcing governments to act counter to their technical and strategic interests.

Leadership decisions are influenced by political parties, government structure, bureaucratic politics, media influence, public opinion, interest groups, and national political culture. Three overarching types of policy-making exist within the domestic sphere: apolitical *bureaucratic* policy-making, *executive*-driven action, and *non-executive* lobbying (LeMarquand 1977, 19).

Bureaucratic policy-making channels a technocratic approach, focusing on practical solutions to technical problems. Bureaucrats seek the most efficient solution allowable under government requirements. However, these individuals are often underfunded, understaffed, and lack the clout necessary to form consensus. The most impartial of the three, the inability to compromise and build political coalitions means this is often also the weakest.

Executive policy-making channels the politics of power. Leaders personally involve themselves in conflicts where technical conflicts threaten strategic objectives and national interests. Concentrated political power and prerogatives of governance enable leaders to delegate the authority necessary to pursue a negotiated solution, making this the strongest of the three approaches. However, because leaders are disinterested in micromanaging smaller disputes, this branch is often not invoked until after a dispute has escalated.

Non-executive policy-making channels an interest group approach. Groups seek the distribution/redistribution of benefits or advocate changes to regulatory frameworks. Gains are pursued through direct government lobbying, indirect media campaigns, and involvement in the political process to support sympathetic representatives. The most partisan of the three, this is also the most amoral. Groups embrace cooperation when beneficial to their interests and reject it when it is not.

Although analytically distinct, in practice these approaches often intermingle and create a

motivational melange that is difficult to disaggregate. Democracy, in particular, makes it difficult to parse domestic catalysts into their composite selves. For instance, bureaucrats can influence the executive branch while also belonging to a non-executive interest groups. Regardless of origin, domestic forces inarguably influence international decisions.

In conclusion, states must consider three separate, yet complementary, calculations regarding a water agreement. First, they must understand interests embedded in basin geopolitics. Second, they must consider how their technical behaviour will affect longer-term strategic interests and their position within the international community. Third, they must evaluate the strengths and needs of internal coalitions to determine constraints upon state action. Depending how these considerations interact with each other, leaders will either pursue negotiations and adherence or choose to abandon agreement efforts.

Theories and Motivation

The blending of technical, strategic, and domestic interests creates a rich environment within which states operate. Should a theory seeking to explain successful water agreements prove unable to properly address one aspect or another, the interpretation it provides is at best a half-truth. A suitable theory must be capable of encompassing each variable into its overall conceptual framework.

In this section I outline four possible explanatory theories. I employ realism and neoliberal institutionalism, alongside constructivism and 'Moravcsikian' liberalism. Quickly outlining general principles, I then explain the environment required by each theory to justify cooperation. Once explained, I proceed to the empirics section of the paper and apply each theory to against the historical record.

Realism views the international system as an anarchical environment filled with potential threats. As primary, rational actors, states must ensure their survival by employing amoral calculations to counteract the continually looming shadow of potential violence (Mearsheimer 1994, 10). Though the threat of violence is often the focus of discussion, realists recognize that

institutions offer an alternative path to power (Brooks 1997, 462). By including other states in agreements tailored towards their own needs, strong states can improve their relative position within the international power hierarchy (Mearsheimer 1994, 11).

For realism, cooperation is a fickle engagement. The focus on relative, rather than absolute, gains hinders continual engagement in cooperative ventures. Though cooperation advances domestic economic/military capabilities and strengthens relations with allied countries, states always remain aware of their position within the global power structure. Unless costs and responsibilities are so evenly divided that relative positions remain unchanged, cooperation is hard to maintain; one state will inevitably become stronger than the other.

Two situations, however, can encourage continued adherence despite relative losses. First, weaker states can be bullied into accepting unfavourable conditions if threatened with consequences more severe than the costs of agreement. This occurs most frequently in a hegemonic or oligarchic arrangement where dominant states retain sufficient amounts of power and influence to pose a genuine threat. Second, states allied in a defensive arrangement against a powerful opponent can overlook unfair gains and losses if the alliance benefits as a whole. Insupportable in the long-run, relative gains remain tolerable so long as the threat persists and the alliance stays strong.

Ultimately, realist cooperation is a fleeting endeavour. Though short-term calculations can encourage cooperation, the nature of self-help ensures that states remain as focused on weakening rivals as strengthening domestic abilities. Unless compelled by fear of punishment or imminent annihilation, the focus on short-term relative gains ensures the collapse of cooperative agreements once they no longer advance immediate national interests.

Neoliberal Institutionalism envisions the world as anarchical and state-centric. However, it differs with realism over the role of institutions. Rather than solidify power differentials that discriminate against the weak, institutions are a tool to overcome the distrust of anarchy (Fearon 1998, 285). Offering a structured framework of rules and norms to facilitate interaction, institutions promote the mutual achievement of long-term gains over short-term interests. Recognizing the state as a self-interested actor, neoliberalism generates cooperative benefits

without challenging the rational underpinnings of competition (Mearsheimer 1994, 14).

The 'shadow of the future' is central to neoliberalism. Envisioning state interaction as iterative rather than a series of isolated encounters, the threat of future costs is used to elicit present-day cooperation. Utilizing tit-for-tat strategies, linking issues, and sharing information, neoliberalism employs reputational modifiers and threats to advance its long-term agenda (Keohane 1984, 99). With the present harnessed to the future, defection becomes a heavier decision; a short-term gain could seriously damage long-term opportunities.

Neoliberalism is more stable than realist cooperation. Due to nested regimes and transient nature of national reputation, states cannot focus exclusively on the merits of particular agreements. They must also determine the wider impact that a defection will have on other current, and future, agreements. If these other agreements are deemed more valuable than the costs associated with the unfavourable regime, defection is avoided. However, should the shadow of the future shrink to a point where it is less valuable than the requirements of adherence, defection will inevitably follow.

Constructivism argues that social interactions and communication underlie the international system. Interests are not preconceived and predetermined. Rather, they emerge organically when actors interact, interpret, and ascribe meaning to each other's actions in a process known as 'socialization'. During socialization, actors' identities evolve as they 'learn' from each other, and dominant groups and values promote their vision and values into the wider group while less favoured elements are marginalized. This iterative process, occurring both domestically and internationally, results in the continued internalization of common values and identities until these become entrenched elements of social discourse – forming the very environment in which the parties engage each other (Toprak 2006).

The inculcation of identity and values differentiates constructivist cooperation from other interpretations. The institution-creating process is “one of internalizing new understandings of self and other, of acquiring new role identities, [and] not just of creating external constraints on the behaviour of exogenously constituted actors” (Wendt 1992, 399). At the extreme, socialization demands both cognitive acceptance and behavioural modification. Leaders cannot

solely rely upon logical calculation. Because identity underlies interests and cannot suffer from false consciousness, leaders must truly believe that their actions are normatively correct.

Ultimately, leaders are guided by a 'logic of appropriateness' rather than 'logic of consequences' (Goldstein and Pevehouse 2007, 111). Driven by normative considerations instead of calculated decisions designed to advance self-interest, constructivist leaders do not engage in agreements because they will enrich the country; they engage in them because they believe it is the right thing to do.

Liberalism, as defined by Moravcsik, argues that the international system is governed by three factors. First, the system is driven by societal actors rather than states. Second, states represent dominant domestic subsets, and derive their preferences from the needs and interests of those groups. Finally, the pursuit of state preferences is constrained by the preferences of other states (Moravcsik 1998, 516-520). In essence, the state and its machinery serve solely to advance the will of dominant social groups at the international level, with its perceived interests changing as these groups battle for control.

The primacy of internal actors and puppet-like nature of the state constrains international behaviour in two ways. First, state actions are limited by the underlying identities, interests, and power of groups who pressure decision-makers to adopt policies favourable to their own parochial interests, with government inevitably representing some groups more fully than others. Second, it can act indiscriminately only insofar as its actions do not conflict with the environment formed by the preferences of equally interest-driven states (Moravcsik 1998, 521). Domestic groups have international power, but only to a point.

Liberal cooperation depends exclusively on situational judgment. Where states share similar interests and few externalities, there are strong incentives to peacefully coexist. Conversely, in cases typified by zero-sum or mixed interest games, intransigence can easily degenerate into conflict (Moravcsik 1998, 521). Essential to all cases is the influence wielded by dominant domestic groups. In this sense, cooperation is constantly in flux: while the continued dominance of particular social groups ensures some degree of state consistency, unceasing domestic competition erodes this position over time. As groups are supplanted by others, the status quo

unravels. Previously inviolable agreements become subject to revision and formerly ardent enemies may engage in new cooperative ventures. Ultimately, attitudes towards cooperative ventures remains valid only so long as domestic support remains strong.

Theory, Meet River System

Each theory interprets international cooperation differently. Realists see action driven by fear and power, neoliberals see interdependence and retaliation, constructivists see cognition-driven discourse, and liberals see social melee. Just as their interpretations differ, so too do the theories differently encapsulate the factors that influence water agreements.

Realism best handles technical interests and moderately handles strategic interests. Closely matched states must prioritize short-term interests to secure relative position. They carefully examine specific disputes and calculate the costs of a technical solution. Strategic considerations arise in alliance scenarios and cases characterized by sizable power differentials. Alongside immediate technical costs, states must determine the costs of action upon alliance cohesion or neighbour relations.

Neoliberalism best handles strategic interests and moderately handles technical interests. The shadow of the future resembles the notions of image, reciprocity, and sovereignty. States determine the cost of technical actions upon future hypothetical engagements. Long-term optics allow immediate losses for future cooperative gains and technical interests benefit from reduced uncertainty. Particularly regarding mixed-motive games, neoliberalism can explain cooperative efforts despite defection opportunities.

Constructivism best handles domestic influences. Instead of existing as separate prongs of a water agreement, technical and strategic interests emerge from internal discourse. Bureaucratic and political structures interact with society and create new social conceptualizations. Social discourse reigns supreme, creating the national identity essential to the conception of the state. Technical and strategic interests emerge in the aftermath of international socialization and the creation of the international system.

Liberalism handles all three factors. Grounding state behaviour in domestic competition, it encompasses domestic influences along with the technical and strategic interests derived from dominant interests. Unlike constructivism, liberal factions do not so much 'learn' from each other as battle to capture the state, defining themselves based on their differences. In this sense, liberalism better explains anomalies and sudden policy shifts – consistency is driven solely by factional strength.

Though each theory has merits, liberalism best explains water agreements. Its flexible perspective offers a richer, more comprehensive interpretation of the BWT historical record. Progressing to empirics, I compare theoretical interpretations and prove that liberalism offers the most convincing explanations.

Empirics

To assess the suitability of our candidate theories, we turn to the historical record of the BWT. Despite simple core objective – to share water fairly – the treaty proves highly nuanced and complex. For nearly a century, the agreement has handled various water-related problems and retained its validity despite temporal changes. Neither parsimonious nor straight-forward, historical realities prove challenging to our theoretical contenders.

This section comprises five subsections: The Unique Canada-US Border, Treaty Specifics, Treaty Genesis, Implementation History, and the Devils Lake Defection. I begin with the uniqueness of the Canada-US border, arguing that physical and temporal realities complicate this relationship beyond the expectations of standard basin models; to understand state behaviour during the treaty, it is vital to first understand the constraints upon negotiations. I then outline the treaty itself, followed by an analysis of incentives to pursue negotiations. Reaching the enforcement stage, I explain motivations for continued cooperation. Finally, I address US incentives to defect from obligations surrounding Devils Lake.

The Unique Canada-US Border

The Canada-US border bisects numerous continental basins, creating national halves containing over 150 successive and contiguous rivers (Fischhendler and Feitelson 2005, 794). Because some flow north and others south, each country controls waters vital to the other. The border is made more complex because it contains all four technical models. Common goods exist in navigation rights, common pool resources exist in contiguous rivers, and both integrated development opportunities and upstream-downstream conflicts exist in the form of successive rivers.

The influence of all four basin types inevitably mixes attitudes towards cross-border cooperation. Where navigation and integrated development argue for cooperation, common pool resources and the upstream-downstream conflicts argue for defection and unilateralism. This results in a fluid border relationship, with cooperative spirits influenced by the nature of specific disputes.

Federal institutions further complicate border relations. Though retaliatory powers balance on aggregate, this is not true at the subnational level. Constitutional power divisions grant resource control to subnational entities (provinces and states) effectively creating unbalanced, unidirectional conflict zones. For example, upriver Maine can affect downriver New Brunswick, and upriver British Columbia can affect downriver Washington. Power is not distributed evenly across the border as a whole, but rather based in regional power inequalities. While both countries balance at the systemic level, this comes at unequal expense to federated components.

Regional power differentials demands the recognition of subnationals as policy influencers. Because unilateral actions legitimized unilateral responses, downstream subnationals were vulnerable to both foreign upstream subnationals and their own federated partners upstream from foreign nationals. Downriver subnationals relied upon upriver partners to pose a credible threat while also relying upon their restraint to avoid unnecessary provocation. For their own protection, downstream subnationals were keen to ensure cross-border goodwill.

Ultimately, federalism transforms the border relationship from a series of unidirectional dyads into a complex web of interlinked relationships, with threats and support originating on both sides of the border. Downstream New Brunswick relies upon upstream BC to moderate Maine's

behaviour by holding Washington hostage. Likewise, downstream Washington relies upon upstream Maine to moderate BC's behaviour by holding New Brunswick hostage. This arrangement causes the downstream New Brunswick and Washington to oppose unilateralism by either upstream party, yet simultaneously rely upon their own federated upstream partner to provide a credible threat.

Unsurprisingly, national attitudes towards cooperation were divided. Embracing upriver power, both states sought to extract maximum gains from controlled resources. Understanding downriver vulnerabilities, they sought to avoid the externalities created by rapacious exploitation. Holistically, there were incentives to cooperate. However, because domestic upriver subnationals bore the costs of agreement, strong regional opposition preceded negotiations. Any agreement had to carefully tread a minefield of factional interests.

Treaty Specifics

Spurred by worsening disputes, efforts to smooth water relations began in the early 1900s (Dreisziger 1981, 11). Yet both parties remained wary of international entanglement – the US feared sovereignty loss and Canada feared southern domination (Fischhendler and Feitelson 2005, 796). Opposing supranational government, both sought a solution that did not infringe upon national prerogatives.

Differences emerged, however, over acceptable limitations. The US sought to minimize sovereignty loss by pursuing a treaty that only addressed contemporary conflicts, was limited to boundary waters, and utilized ad hoc commissions (Fischhendler and Feitelson 2005, 795). Canada sought a broader treaty to better protect its interests. It sought a permanent commission, a border-wide treaty, and basin-wide scope (LeMarquand 1993, 63). Canada hoped that the management of separate basins under one agreement would enhance issue-linkage and thereby strengthening the agreement. The basin-wide scope it advocated was also designed to favour its interests. Where the United States wanted a treaty to cover water exclusively at the shared border, Canada sought to bring all waters in a basin, no matter how far from the border, under treaty control.

Following protracted negotiations, agreement was reached in 1909. The BWT comprised fourteen articles to address contemporary and future disputes. A permanent, bi-national commission would implement the border-wide agreement (Dworksy and Utton 1993, 414). However, it was limited to boundary waters, defined as,

“the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.”(Department of Justice Canada)

The two states agreed to: allow free commercial navigation (Article I); acknowledge subnational resource control but retain legal recourse (Article II); require International Joint Commission (IJC) approval to construct infrastructure in contiguous and successive waters and ban the pollution of boundary waters (Articles III, IV); and address contemporary river disputes (Articles V, VI). Furthermore, they established the IJC secretariat (Articles VII, VIII); drafted dispute resolution mechanisms (Articles IX, X); and set bureaucratic rules and treaty validity (Articles XI, XII, XIII, XIV).

By carefully employing spatial limits and protecting sovereign rights, the agreement garnered enough support for ratification. A framework was created to foster peaceful conflict resolution while retaining sufficient national control to dismiss claims of a supranational takeover (Hensel et al. 2006, 390). The states had achieved a cooperative agreement.

Treaty Genesis

Given their vulnerability to defection, what prompted the states to risk cooperation? I offer realist, neoliberal, constructivist, and liberal interpretations to explain the creation of the BWT. Though realities change over time, attitudes at the time of ratification exert considerable influence on subsequent adherence. Comprehension of initial motivations can illuminate subsequent decisions.

Realism argues that cooperation strengthened state capabilities and improved international alliances. Because each state could injure the other's material interests, unilateralism threatened to harm state capabilities. The prospect of economic losses, damaged infrastructure, and potential civilian deaths offered incentives to stabilize border relations to better face enemies abroad.

Water control greatly influenced willingness to negotiate. Unlike negotiations with Mexico, where the US had a significant advantage because most shared waters originated in its territory (Fischhendler and Feitelson 2003), American negotiators were more conciliatory towards Canada. Not only did the colony belong to the reigning global hegemon, but many American states were reliant upon waters of Canadian origin. Because Canada had demonstrated its ability and willingness to pursue domestic projects at the expense of US interests (Dreisziger 1974), Canadian negotiators were better positioned to extract beneficial terms.

Canada's colonial status further influenced negotiations. Throughout the negotiations, Britain served as silent third party. Hegemony effectively nullified American threats: a security guarantee precluded US military responses and the strong trade relationship between colony and colonizer limited economic responses. In fact, Britain's looming shadow offered another incentive for the US to negotiate reasonably. Due to British involvement in Canadian affairs, any improvement of the Canada-US relationship effectively improved Washington-London relations. Utilizing Canada as a proxy, the BWT ameliorated transatlantic ties. The agreement was as much about London and Washington as it was about Ottawa (Spencer 1981, vii).

For Canada, any agreement with the US that enhanced Canadian power and border stability was worthwhile. The continued growth of German power risked weakening the British security guarantee thereby weakening Canada's position versus the US. By leveraging its control of essential basins and capitalizing on British backing before the outbreak of hostilities, Canada improved its relative position and gained some influence over American water affairs (Fischhendler and Feitelson 2005, 795).

Yet realism cannot explain the elevation of downstream subnational interests over upstream subnationals. The relative gains accrued by harm reduction were equally achievable via upstream

maximization. The Canadian position is particularly questionable. Unlike the US, which had built infrastructure on the Niagara River earlier and was therefore vulnerable to subsequent Canadian developments, Canada had no incentive to minimize harm. Pursuing such a strategy sacrificed the interests of rich, industrial Ontario for the sake of poorer downstream cousins. For Canada, harm reduction was detrimental to economic interests.

Were one to argue the sub-optimal Canadian agreement reflected the power differential between the US and itself, harm minimization is still unexplainable. The Niagara River settlement was immensely important to American interests. Economic, environmental, and political concerns gravitated primarily towards this dispute. Given this knowledge, and its safety from invasion and economic sanctions, Canada should have rationally extracted additional concessions for its sacrifice. Yet it did not.

Neoliberalism argues that the anticipation of future interactions due to geographic proximity gave incentives to abandon anarchy for a stable agreement. Urges to cheat, driven by mixed interests, were restrained by a shadow of the future fostered by proven retaliatory capabilities and the linkage of water cooperation to transatlantic relations. The IJC ensured continued stability by acting as an impartial, bi-national entity charged with monitoring behaviour and adherence regarding the shared resource. By ensuring a predictable environment, the BWT allowed each side to pursue its interests.

The neoliberal reading fails, however, due to its exclusively systemic focus (Putnam 1988, 431). Neoliberalism can explain the mechanics of agreement but ignores the underlying spirit. That is, it can explain the mechanics *of* cooperation, but not *how* states assign value to alternative courses of action. It cannot explain why Canada pursued harm reduction over upstream maximization. Whether upriver territories were favoured or not, Canadian strategic interests remained the same. In fact, harder bargaining over the Niagara would not only have helped technical interests by improving Ontario's economy, it most likely would have *benefited* Canada's image in the US by portraying it as a hard-nosed negotiator. Instead, it chose to ratify an agreement that did not appear to serve its interests as best it could.

Constructivism argues that ongoing social discourse within and between the two countries

created an environment conducive to cooperative efforts. Common elements like rule of law, liberal democratic foundations, and free-market economics encouraged the states to identify each other as partners rather than opponents. The shift in perception fostered efforts to find a non-violent solution to the border dispute. Essentially, the BWT emerged as a natural extension of the modern Canada-US relationship.

The cognitive demands of constructivism, however, prove overly costly. The logic of consequences appears to have been the dominant impetus. Though relations were thawing, the Canada-US relationship had long been a bitter competition for continental resources (Dreisziger 1974, 1). Both parties were aware of the consequences if they failed to reach a fair resolution. The BWT was not norm-driven; it was a business deal designed to advance selfish agendas.

Finally, **liberalism** argues that the BWT is the product of interest group politics. Boasting support amongst numerous influential social groups who stood to gain from the arrangement, the treaty offered enough benefits to guarantee its success. Canadian, American, and British factions all had incentives to cooperate, many for different reasons but with the same common goal - gain.

Colonial status and the contemporary federal system concentrated Canadian political power into the hands of the British-appointed Governor General and the Canadian Prime Minister. The Governor General was eager to use Canada as a proxy to strengthen British-American relations while Wilfrid Laurier, the Prime Minister at the time, was eager to reinforce territorial integrity. Paying little heed to provincial input, these men supported an agreement that met their objectives.

American interests were far more fractious. Supporting cooperation were US shipping interests seeking access to the Atlantic via Canadian waters; Great Lake subnationals that desired increased trade (Fischhendler and Feitelson 2005, 798); downstream subnationals vulnerable to diversions; hydroelectric power interests on the Niagara River; environmental and civic groups; technocrats; and politicians who would benefit from increased prosperity (Fischhendler and Feitelson 2005). For these groups, cooperation with Canada benefited their interests via greater benefits and security.

Strong oppositional forces also existed. Coal-exporting Pennsylvania opposed hydroelectric stability; upstream subnationals opposed loss of externalizing opportunities; a coalition of Mississippi basin subnationals opposed basin-wide agreement²; and politicians indisposed towards any form of sovereignty loss fought Canadian influence. Because any agreement harmed their interests, this faction fought hard to stop, or limit, cooperative efforts.

Despite rancorous disputes and lobbying, pro-cooperation interest groups eventually prevailed. They had captured dominant political leaders (the Canadian Governor General and Prime Minister, and the American President), alongside sources of influence within the American federation. The supremacy of the pro-cooperation forces inevitably meant that a finalized agreement would meet those same interests. Technical interests were served by striking a reasonable agreement that offered stability and predictability rather than maximize gains at the neighbour's expense. Similarly, strategic interests were fulfilled by improving their position in the eyes of the other and helped establish a framework for future engagements.

Liberalism explains state behaviour better than its rivals. The needs of influential domestic groups elevated harm minimization over upstream maximization. Laurier sacrificed Ontarian interests because he deemed national border security more important, preferring to minimize disputes rather than maximize gains. The Governor General deemed normalizing British-US relations more important than maximizing Ontarian wealth. Downstream US subnationals, influential sources of domestic power at the time, pursued peaceful relations with Canada to ensure their own security and prosperity. In essence, upriver interests were sacrificed to stronger, more influential downstream interests.

Though realism allows cooperation, it ignores non-systemic factors that affect state behaviour. Similarly, neoliberalism can explain BWT-like structures, but fails to explain how states choose one form of cooperation over another. Where constructivism acknowledges the influence of norms and expected behaviour, the cognitive demands of socialization prove too demanding of the historical record. Relations may have been improving, but the two countries did not yet view

2 These states were keen to divert Great Lake water through the Chicago Diversion during times of drought. The Chicago Diversion, built within the Great Lakes watershed, flushed city effluent with Lake Michigan water into the Mississippi river basin.

each other as trusted allies. Instead, agreement was driven by the threat of real-world consequences if an agreement was not reached. Only liberalism explains why the states cooperated, how they valued one cooperative arrangement over the other, and how the agreement reached its final form.

Implementation History

The BWT succeeded because it met state needs. It solved technical disputes, advanced strategic interests, and met industrial and environmental concerns. Smoothing disputes between neighbours, it enhanced continental security and enriched both parties. Nonetheless, mixed motives ensured the continued threat of defection. Where common pool resources required simple restraint to ensure sustainability, upstream-downstream dynamics demanded constant sacrifice: one state invariably had to forgo technical interests for treaty obligations.

Despite defection risks, the regime boasted stellar compliance, with over one hundred references successfully resolved (Dworksy and Utton 1993, 416). Ranging across all topics related to water quantity and quality, the machinery proved capable of handling divisive problems. As its success and reputation grew, the treaty appeared increasingly worthy of global emulation. What prompted continued adherence?

Realism suggests that systemic factors drove cooperation. Beginning with British hegemony, bolstered by alliances through the World Wars, and entrenched due to Cold War bipolarity, the parties continually had reasons to maintain stability. Utilizing the IJC to avoid problems, the countries protected assets needed to deter foreign aggression. The benefits bought by sacrifices were more valuable than the sacrifices themselves.

Yet the focus on relative gains is problematic. Because unequal relative gains are only acceptable if two states are engaged in an alliance against a powerful enemy, every BWT solution that favoured Canadian interests is anomalous. It must be assumed that, every time the US accepted Canadian gains, it was because it sufficiently feared a foreign threat or valued the Canadian-British alliance to justify to gain. Though arguable during conflicts, the Cold War, and pre-

World War One, these concerns appear less valid in the first half of the 20th century. In the aftermath of WWI, the United States was ascendant, isolationist, and secure from serious foreign threats. Essentially, it was the dominant in the Americas, offering no reason to allow Canadian gains.

Secondly, realism cannot explain post-Cold War cooperation. The Soviet dissolution left the United States as the sole superpower. Concurrently, Canada was firmly tethered within the US sphere of influence, thereby changing continental power dynamics. Theoretically, the US should have abandoned the BWT because short-term sacrifices and burden-sharing were now unjustifiable (McCalla 1996, 452). Yet, instead of abandoning the BWT, the US continued its adherence and asked the Commission to envision an expanded role in the 21st century (Schwartz 2000, 210).

Neoliberalism extends the realist argument. Continued cooperation, even in the post-Cold War period, is explained by the presence of nested regimes. As Canada and the US became more integrated and the world became increasingly connected via international treaties, each faced pressure to accept technical costs to preserve a positive reputation. By preserving national reputations they sought to ensure future beneficial agreements amongst themselves and with others. Adherence was promoted by the shadow of the future.

Unfortunately, the shadow of the future does not perfectly preclude cheating. Though the lure of future interactions and the threat of retaliation are strong motivators, they are not invulnerable (Keohane 1984, 10). Should those motivators decline in power, a major cooperative incentive also disappears. Potential paths of action are reevaluated, and states become more willing to defect.

Post-Cold War North America was markedly different than it was at ratification. No longer were the countries closely balanced. Canada remained a middle power and depended heavily upon the American market for its prosperity. The US, conversely, had grown much stronger. It boasted a superb military, vast economy, and exuded diplomatic power. While reliant upon Canada for a portion of its trade, the US economy was more diversified internationally, and economic developments had reduced the importance of the water resources controlled by Canada.

From the US, continued adherence was unjustifiable. It needed Canada less than Canada needed it, effectively nullifying Canadian retaliatory threats. Canada risked damaging its own interests too much to seriously consider a response (Downs et al. 1996, 381). Additionally, because American involvement was often essential to the success of international treaties, it was unlikely that the US would be ostracized if it defected from BWT obligations. US involvement was too great and BWT importance was too small to realistically isolate American interests. Because Canada and the world would not retaliate, American self-interest dictated a policy of defection. Yet American authorities continued to adhere for nearly two more decades.

Constructivism argues that continued cooperation was an extension of the warming Canada-US relationship. A steady progression of peaceful interactions created an environment conducive to discussion and negotiation. With shared identities fostered by Anglo-Saxon origins, belonging to the same international organizations (NATO, NORAD, GATT, etc.), and cultural understanding bolstered by extensive cross-border engagement, each viewed the other as a trusted partner.

Problematically, the logic of appropriateness fails again. Following the logic inherent to socialization, the continued, iterative use of IJC resolution mechanisms should have reinforced perceptions that the organization offered effective and appropriate solutions. However, consequence-driven calculations continually appear central to state decisions, with the IJC firmly chained as a creature of government. State permission was necessary to begin investigations, state resources were required to fulfill organizational obligations (LeMarquand 1993, 78), and state acquiescence was needed to implement suggestions and conclusions. In fact, the IJC has been chastised numerous times for seeking autonomy. Quite simply, the governments refused to be influenced by their organization, preferring to play the role of puppet-master themselves.

Government refusal to free the IJC does not in itself indicate the failure of cognitive transformation. The governments could embrace constructivist norms without extending additional authority to the IJC. However, constructivist norms fail in the lead-up to potential IJC references. Before the IJC receives a reference, the governments must determine whether they wish to forward the dispute. Tradition dictates that, if one party declines to forward the issue, the other party accepts its decision. This suggests that a declining state does not base its decision on

appropriateness. Rather, it declines because interest-based calculations determine poor results for strategic or technical considerations. The countries may have been partners but cooperation was not driven by moralism.

Liberalism's focus on interest groups best explains institutional success. Unlike realism, liberalism explains why cooperation continued despite unequal relative gains and why downriver interests trumped upriver interests. So long as dominant interest groups deemed Canada-US closeness a priority, relative power and upstream losses were acceptable sacrifices.

Liberalism explains continued cooperation better than neoliberalism. Liberal self-interest is dissimilar to neoliberal self-interest. Where neoliberalism argues that self-interest is best served by defection if future retaliation is unlikely, liberal self-interest is derived from the beliefs of dominant social groups. Cooperation occurred, even after dramatic unbalancing, because dominant American interest groups thought it would be beneficial for technical, strategic, domestic, or normative reasons.

Liberalism also proves more versatile than constructivism. Unlike constructivism, liberalism can build its case on either prong of logic. Socialization relies upon sweeping movements and internalization of norms to affect actor behaviour. Though there is merit to this approach as the foundation of the arena within which interest groups battle, the process is too slow to adequately represent sudden aberrations in state behaviour. Liberalism, however, can explain these shifts. It can explain decisions to suddenly obstruct previously acceptable arrangements and the willingness to risk cooperation in uncertain times. Employing the norms and calculations of both the logic of consequences and logic of appropriateness (because some groups will choose to be more consistently moral than others), liberalism better grasps the overall picture. States and internal factions do not have to believe that what they are doing is right; they must only act to advance their goals as they see fit. Just as liberalism best explained treaty genesis, so too does it best explain continued cooperation.

Proceeding to the final section of analysis, the Devils Lake defection, I show that liberalism also best explains defection, thereby proving its overall theoretical suitability.

The Devils Lake Defection

The Devils Lake defection occurred in 2005 when the US federal government decided not to interfere with a North Dakotan water infrastructure project. Though the regime had witnessed previous avoidance behaviours regarding difficult topics, these had always been handed to diplomatic channels for resolution before project continuation. In the case of Devils Lake, the US government effectively damned Canadian concerns by refusing to confront North Dakota.

Located 160 kilometers south of Manitoba, Devils Lake is nominally part of the Canada-bound Hudson Bay drainage basin. A geographic quirk effectively isolates the lake, last connected to the basin over 1,200 years ago (Schwartz 2000, 217). Water levels fluctuate depending on rainfall and evaporation rates but, since the 1990s, a series of wet years have dramatically expanded the lake. The rapid growth damaged homes, businesses, and investment, while the prospect of additional flooding threatened hundreds of millions of dollars in costs to compensate citizens and reinforce local transportation infrastructure (Jacobson 2002). More troubling, water levels threatened to surpass the capacity of local dikes, putting additional communities at risk.

In 2005, a joint US-North Dakota project was proposed by the US Army Corps of Engineers. It envisioned a pipe to the nearby Cheyenne River, thereby diverting excess lake water to the rest of the drainage basin; in effect, Canada. Comprising an environmental impact assessment, protected pipeline, and pollution controls, the total project was estimated at \$186m, of which North Dakota was responsible for \$70m (Economist 2005, 34). North Dakota rejected the plan and began its own \$28m project, ignoring costly environmental assessments and clean-up facilities. Environmental costs were externalized to downstream Manitoba.

Realism argues that defection occurred because insufficient threats existed to justify the continued costs of cooperation. The combination of American military strength, non-existent Canadian retaliatory threats, and marginal alliance influences offered the US little incentive to sacrifice North Dakotan interests for Manitoba's sake. Canada would not gain at US expense.

Problematically, realism cannot explain defection timing. Why did American officials wait until 2005 to do what they could have done in 1991? Since Devils Lake was the first post-Cold War

upstream-downstream conflict, continued adherence could be explained by the IJC's focus on the common pool resources of the Great Lakes throughout the 1990s (Schwartz 2000, 208). Essential to one sixth of the American populace, one might argue that maintaining the health of that basin maintained American military capabilities. However, because the US comprises two thirds of the basin's population and produces most basin pollution, any pollution-limiting agreement disproportionately affected US interests. This inconsistency – participating in one detrimental agreement yet defecting from another related case – suggests realism is incomplete. The country should have withdrawn from the BWT in 1991 or continued to adhere in 2005.

Neoliberalism argues that the shadow of the future could no longer restrain American action. Because US involvement was so important to the credibility of international agreements, the BWT was a globally minor treaty, and Canadian was certain not to retaliate, American self-interest was best served via defection.

Problematically, the shadow of the future in 1991 was no stronger than the shadow of 2005. In fact, the US of 1991 – flush from its victory over the Soviets – was likely stronger than the US of 2005. The Canada of 1991 depended as heavily upon the US market, was as weak militarily, and was as unlikely to retaliate as the Canada of 2005. However, instead of abandoning the BWT in 1991, the US continued abiding the treaty until Devils Lake.

Just like realism, neoliberalism cannot explain continued US adherence to the BWT on projects involving the Great Lakes, where it incurred greater costs than Canada, but chose to defect over the Devils Lake conflict. Logically, the US should have defected in 1991 or continued adhering in 2005.

Constructivism suggests that failure resulted from changed identities and deteriorating attitudes. Rather than viewing Canada as a trusted partner, the US saw it as less trustworthy competitor nation. It was no longer appropriate to engage Canada via the IJC but rather to act unilaterally.

Problematically, the effects of socialization are not limited to small pockets of a greater relationship. Had the US changed its attitude towards Canada in a manner that precluded cooperation, this would be reflected in the wider relationship. Despite real disagreements and

heated rhetoric, the overall relationship remained relatively unchanged. Officials and bureaucracies continued to engage their foreign counterparts and shared information to ensure the stablest relationship possible. Despite defection over Devils Lake, cooperative ventures continued uninterrupted elsewhere. Devils Lake served as aberration rather than precursor.

The aberration designation challenges the constructivist case. Essentially, constructivism is about signaling, interpreting, and responding to others, thereby building relatively stable conceptions of self and other regarding the issue at stake in the interaction' (Wendt 1992, 405). This process should internalize values to a degree that they do not flounder if transaction costs change (Wendt 1992, 417). Given treaty longevity and overall border integration, if constructivism proved correct, norms should have heavily penetrated and changed the perceived reality of the border relationship. However, the ease with which these supposed norms were jettisoned regarding Devils Lake proves damning. Either constructivist norms were impotent, or something else was able to reverse the overwhelming influence of socialization. Regardless of the answer, constructivism appears worse for wear.

By contrast, **liberalism** can explain state behaviour surrounding Devils Lake. By focusing on the control exerted by domestic groups over state policy and including numerous oppositional factions at the domestic level, liberalism explains about-faces that other theories cannot.

Canada-US relations have long been governed by pro-cooperation forces. In the US, this coalition draws support from across the socio-political landscape. Supporters include members from all levels of government that benefit from policy coordination, business groups and subnationals with ties to the Canadian market, internationally-minded environmental and civic groups, and cosmopolitan citizens. Whether driven by the lure of economic gains, improved governance, personal convictions, or understood threats, these groups had incentives to maintain a stable border relationship.

Pro-cooperation dominance does not, however, denote the absence of opposition. Opposing cooperation are members from all levels of government who resist policy coordination and the partial loss of autonomy, parochial civic groups and citizens, subnationals that suffer costs due to agreement limitations, and businesses harmed by an open and stable trading relationship. Rather

than being outright destroyed, this faction was simply suppressed in the political system so long as pro-cooperation forces remained in power.

Devils Lake marks the decline of pro-cooperation forces. Though cooperative forces retained some influence, anti-cooperation forces had accrued sufficient clout to control this dispute. Driven by ideological, political, and economic motivations, this faction supported domestic interests at the expense of the wider border relationship. Acting from a tactically superior position, past norms were eschewed for immediate gain.

The anti-cooperation faction was bolstered by temporal changes to the socio-economic order. By the 21st century, the Canada-US relationship hardly resembled the relationship of 1909. Lake traffic, hydro-power, and river-irrigation all declined in economic importance. The decline of the Rust Belt, traditionally an advocate of cross-border harmony, reduced the Congressional clout of the pro-cooperation faction (Allee 1993, 138). The proliferation of international markets lessened the importance of Canadian trade. Alliance considerations weakened as the American military emerged as a global titan. Presidential espousal of states' rights limited federal willingness to interfere in subnational activities. A divided Congress offered partisans the opportunity to advance parochial agendas.³ The emergence of an all-American scientific rival, the Council on Environment Quality, offered advice in lieu of the IJC.

Alongside political and economic tensions, diplomatic relations had notably deteriorated during the second Bush administration. Differences over international law, trade disputes, military actions, defensive agreements, and effective border security were further complicated by rising parochialism spurred by 9/11 and the War on Terror.⁴ Where economic and cultural ties had once seen prosperity tied to mutual cooperation, they now saw increasing differences and alien values.

3 Thanks to their long presence in the Senate, both North Dakotan Senators, Kent Conrad (D) and Byron Dorgan (D) had achieved influential positions of power. Both had incentives to protect the Devils Lake diversion because it protected their constituency and they directly benefited from confrontation with Canada. Drawing heavy support from domestic industries in direct competition with Canadian producers (primarily ranching and forestry), the Senators aided subnational economic needs (and their access to election funding) by aggravating trading tensions. From a localized view, animosity with Canada was a good thing. (Harper 2005)

4 Amongst these differences were disputes over softwood lumber, BSE, the International Criminal Court, landmine prohibition, Guantanamo Bay, Gulf War 2, ballistic missile defense, and the continually reiterated falsehood of 9/11 hijackers crossing the Canadian border.

The weakness and disunity of pro-cooperation forces, coupled with Canadian weakness, allowed unilateral forces to favourably mold US policy. Devils Lake did not occur due to ground-breaking systemic changes or a massive shift in public attitude. Rather, it occurred because a determined group of interests were able to capture state decision-making on this topic and force a result beneficial to their own interests.

Ultimately, liberalism better explains the Devils Lake defection than its competition. Where other theories are stymied by apparent illogical behaviour and unexplained decisions, liberalism offers a reasonable and informative explanation for an event that would otherwise be classified as an aberration. Not only can it explain the conception and lure of short-term and long-term interests, it can also account for the domestic influences that form the core of any state's decision-making process.

Conclusion

Given the recent nature of the Devils Lake defection, it is imprudent to herald a reversal of American cross-border water policy. The continuing battle amongst domestic interest groups means that another power shift could easily re-empower pro-cooperation forces. In fact, such a reversal appears to have occurred in 2007 when the IJC was charged with investigating an alarming drop in water levels within the Great Lakes watershed. What can be concluded, however, is that liberalism best explains the mechanics, maneuvering, and considerations surrounding the BWT.

This paper began by examining a water agreement struck between relative equals. However, the passage of time and social change necessarily complicate the investigation. This complexity remains unsurprising because every ratified treaty serves as a historical artifact – preserving the fears and hopes of nations at particular points in history. That treaties often boast a longevity that far surpasses initial expectations does not change the fact that the status quo is continually upset as nations jockey within the world system (Keohane 1984, 57). Therefore, any examination of treaty adherence requires the ability to understand the balancing act that occurs as states try to reconcile historical obligations with present realities.

In addition to temporal dissonances, water treaties demand further considerations, specifically at the technical, strategic, and domestic level. At a technical level, the geographical construction of basins must be accounted for. Unlike ethereal conceptions, states that exist within basins have very real, and very different national priorities fueled by their geographical reality. These interests are further modified by contemporary technological capabilities and social requirements. One must not only comprehend the zones of influence and empowerment derived at the system level, but also the domestic needs and abilities that directly influence state power at the international level.

It is equally important to explain the strategic. The manner in which a state conceptualizes itself, and its role in the world, forms the core of its relations with others. Those favouring aggression and dominance behave far differently than those populated by traders and pacifists. Decisions and actions that fit the characters of some do not fit others as well. A simplified template is insufficient; each state tailors its view to accurately reflect its own reality.

Finally, we arrive at the importance of the domestic. Though systemic interactions affect some behaviour, states actions equally reflect their internal composition, constrained by the capabilities and beliefs of their citizens (McCalla 1997, 468). As such, technical and strategic interests, though separately calculated, are directly related to the composition and internal power structure of the state. This demands the inclusion of the domestic alongside the study of the international.

The coexistence of these three factors forms the crux of liberal strength. Some states can posture and employ guile with ease. Others are hamstrung by domestic power distributions and social beliefs. Whether negotiating or enforcing, states are not made the same, nor all similarly motivated. Claims to the contrary, predominant in realism and neoliberalism, justify their position only through willful blindness to the domestic factors that prove them wrong. Similarly, though the international system boasts established norms (i.e. the state system) and scholars harken the dawn of man to support socialization (Wendt 1992, 408), constructivism proves less capable of handling the daily realities of the modern world. Whether the self-help system is a constructed environment or not is nothing more than hair-splitting semantics. Myriads of shifting

interest groups, contained within a modern self-help system, may be driven by socialization but they lack the cognition-driven imperatives that seem so essential to constructivist legitimacy.

Just as Putnam argued that “both, sometimes” neatly solved the domestic/systemic divide (Putnam 1988, 427), the same applies to the logic/norm divide. A theory that explains the BWT must reconcile the systemic with the domestic while balancing consequences with appropriateness. This balance, an anathema to the theories that rely upon skewed perceptions of the world to justify their interpretation, is the only clear path to legitimacy and can only be achieved by liberalism.

Liberalism is the only theory capable of embracing the complexity inherent to shared river systems. It adequately explains technical, strategic, and domestic interests in ways the other theories cannot. It can grapple with and subdue the BWT's difficult historical record. It provides the breadth, scope, and flexibility necessary to explain the impetus for cooperation, motivation for adherence, and incentives for defection. Though other theories have insights that can complement the liberal reading, it is clear that only liberalism deserves to be employed as the primary vector of interpretation when approaching other examples of international cooperation.

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