

INTERNATIONAL COOPERATION IN THE  
ALASKA-BRITISH COLUMBIA-YUKON REGION

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## ABSTRACT

The primary purpose of this thesis is to investigate transboundary cooperation in the Alaska-British Columbia-Yukon Region (ABCY Region). The study focuses on political relations about environmental and natural resource issues. It is argued that there are more appropriate means for cooperative planning in the transborder region than presently employed. Current relations between the three jurisdictions will be evaluated followed by recommendations for improving them.

Government cooperation occurs through a complex network of federal, sub-national, regional and local channels. International conflicts in the region have occurred throughout recorded history but means addressing them have changed throughout time. Despite some persistent problems, Alaska-Canadian relations are for the most part amicable.

The federal governments have historically had a major presence in Alaska and the Yukon while B.C. manages most of its land. Resource economies of all three jurisdictions follow cycles of booms and busts. Subsistence hunting and fishing and government payments help soften the busts. Access, distances to markets, power shortages, and poor resource markets provide substantial economic dilemmas.

International institutions have been developed for a wide spectrum of issues yet few of them are capable of addressing the relationships between resource sectors. Three notable institutions have been used to address

multi-sector issues: the Triateral-Heads-of-Government (THOG) meetings, legislative exchanges, and meetings between Juneau and Whitehorse. Institutions for cooperation are generally insufficient, they are short-lived, and cooperation occurs on an ad hoc basis.

Because most of the region is undeveloped, an excellent opportunity exists to design institutions capable of anticipating and mitigating future environmental and land use problems early on. It is recommended that a proactive, integrated approach involving regional and local interests be instituted. Relations need to be structured enough to encourage regular interaction yet flexible enough to respond to change.

The relationship could be strengthened by augmenting existing institutions and creating a few new ones. It is recommended that general guidelines for cooperation be developed. Annual THOG meetings should be supplemented by meetings of a coordinating committee and sectoral subcommittees. Communication between on-the-ground managers should be encouraged. Conflict resolution procedures should also be considered to assure timely response to problems. A major recommendation of this thesis is the creation of international regional conferences. These meetings would provide a foundation for future negotiations about the major issues in each of five sub-regions along the border.



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## Abbreviations

ABCY	Alaska, British Columbia, Yukon
ADF&G	Alaska Department of Fish and Game
ANCSA	Alaska Native Claims Settlement Act
ANILCA	Alaska National Interest Lands Conservation Act
ANWR	Arctic National Wildlife Range
APA	Alaska Power Administration
B.C.	British Columbia
B.C. Hydro	British Columbia Hydroelectric and Power Authority
BNA	British North America Act
BWT	Boundary Waters Treaty
DEC	Department of Environmental Conservation
DFO	Department of Fisheries and Oceans
DIAND	Department of Indian and Northern Affairs
DNR	Department of Natural Resources
DOTPF	Department of Transportation and Public Facilities
EARP	Environment Assessment and Review Panel
EEC	European Economic Community
EIS	Environmental Impact Statement
ELUC	Environment and Land Use Council
ELUCS	Environment and Land Use Secretariat
ELUUTC	Environment and Land Use Technical Committee
FEARO	Federal Environmental Assessment Review Office
FWS	Fish and Wildlife Service
GLWQA	Great Lakes Water Quality Agreement
IJC	International Joint Commission
IUCN	International Union for Conservation of Nature and Natural Resources
MLPH	Ministry of Lands, Parks and Housing
MEPR	Ministry of Energy, Mines and Petroleum Resources
MOEP	Ministry of Environment and Parks
MOF	Ministry of Forests
MOFL	Ministry of Forests and Lands
MUSY	Multiple Use Sustained Yield Act
NAWAPA	North American Water and Power Alliance
NDP	New Democratic Party
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
OECD	Organisation for Economic Development and Cooperation
RCMP	Royal Canadian Mounted Police
RRMC	Regional Resource Management Committee
Socred	Social Credit Party
TSL	Timber Sales License
U.S.	United States
USDA	United States Department of Agriculture
WAC	Wilderness Advisory Committee

## CHAPTER 1

### PARAMETERS OF THE STUDY

#### 1.1. Purpose

The primary goal of this study is to explore the dynamics of environmental and land use cooperation along the Alaska-Canada border. Six specific objectives relate to this goal. First, an investigation into the history of the region is provided to give the reader a background into patterns of international cooperation and economic development. The second objective is to explore the dynamics of international cooperation in general. This discussion provides an understanding of what factors affect cooperation, avenues through which it may occur, and the different kinds of cooperation. The third objective is to investigate worldwide trends in transboundary planning. The purpose of this discussion is to place U.S.-Canadian cooperation in perspective. The fourth objective is to outline the responsibilities of government agencies in the region. This institutional background is necessary for an understanding of how each jurisdiction manages its resources and how their agencies relate to other jurisdictions.



Fifth, cooperation in the region will be evaluated using five criteria. The final objective is to recommend institutional changes that would likely improve relations.

This study is written from an Alaskan perspective and focuses on the area where Alaska, British Columbia (B.C.) and the Yukon Territory meet. Few studies have been completed about transboundary planning in the North. It is hoped that this thesis will stimulate further debate and attention to international cooperation in northern regions.

The scope of this thesis involves planning for the management of a variety of programs within one international region. Although this study focuses on land use and environmental issues, other related concerns will be briefly mentioned. The choice to review so many sectors precludes detailed investigation of any one sector. This study focuses on the planning process rather than specific outcomes.

The remainder of this chapter provides a background to the rest of the study. The concept of northern regions is discussed first, followed by an introduction to the Alaska-British Columbia-Yukon Region. The methods used to complete the study are then described. Relevant theoretical concepts are discussed followed by an outline of the rest of the thesis.

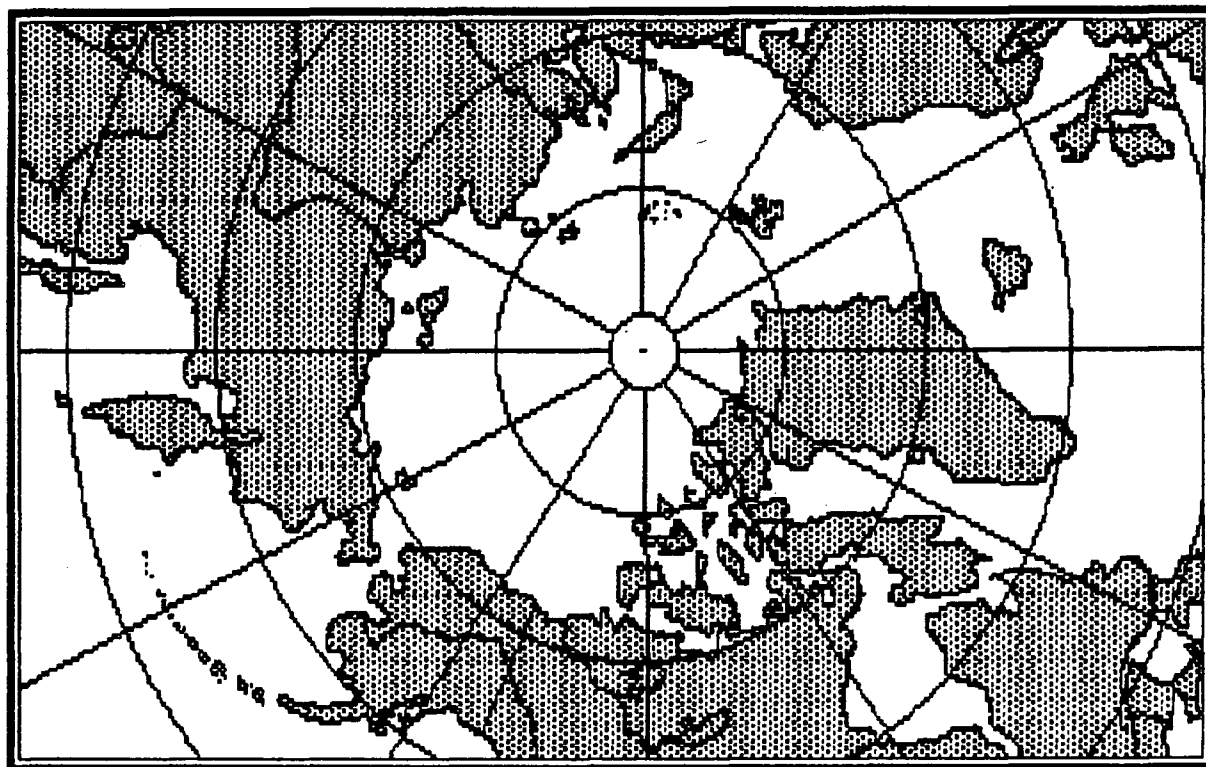
## 1.2. Northern Regions

A region is a flexible concept. Regional boundaries may be manipulated to serve almost any purpose. Both

natural and man-made factors may be used to distinguish one region from another. Regions may be delineated for economic, geographic, vegetative, ecologic, hydrologic, sociologic, historic, anthropological, political, or administrative reasons. A wildlife biologist's region is based on habitat and migration patterns. A hydrologist's region is divided by the ridge tops which determine which direction the water drains. A health administrator, on the other hand, may work in regions delineated by settlement patterns or by purely political criteria. The size of a region varies with the specific purpose of the regional planning effort. Regions may range from continental proportions such as the circumpolar area, to smaller entities such as B.C.'s regional districts. International borders often slice through the landscape creating artificial barriers between other kinds of regions such as those based on biologic, geographic and sociologic factors.

Alaska may be included in several different northern regions. It is larger than B.C. and the Yukon Territory combined but only about half the size of the Northwest Territories. The circumpolar region is perhaps the most obvious region in the far north (Figure 1-1). This area is a logical region because of the similarities in climate, vegetation and indigenous people. Current international

**Figure 1-1. Map of the Circumpolar Region**



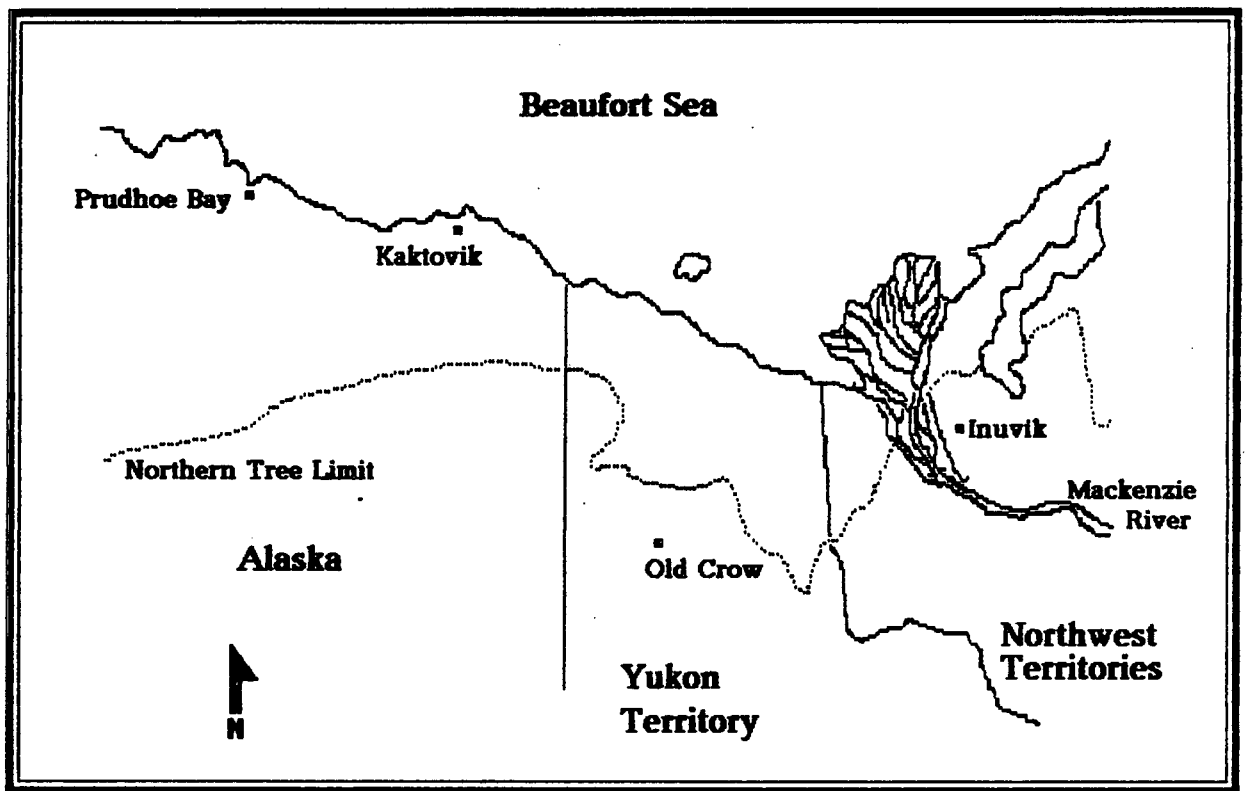
issues in this region include arctic haze<sup>1</sup>, oil and gas development, arctic sovereignty (of waterways), and location of maritime borders.

The area where the northern portion of Alaska, the Yukon Territory and the Northwest Territories intersect is another region (Figure 1-2). This region may be viewed as an entity because it encompasses North America's arctic and

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<sup>1</sup>Arctic haze is a relatively newly discovered phenomenon where pollutants from southern areas are suspended in the air and also deposited on the ground.

**Figure 1-2. Map of the Alaska-Yukon-Northwest Territories Region**

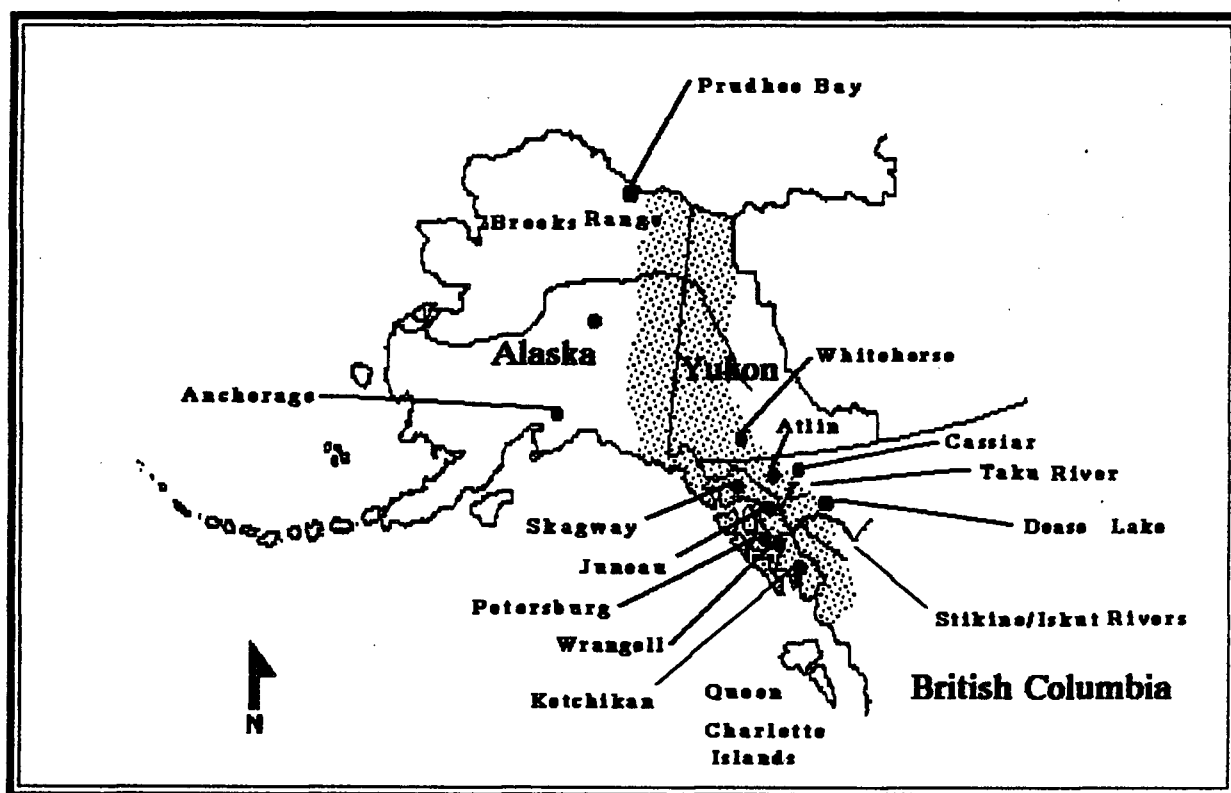


**Source: Adapted from U.S. Geological Survey 1980**

sub-arctic holdings. The region shares a similar vegetation climate and wildlife and is inhabited by Inuit people. The primary international issue in this region is the mitigation of possible effects to the people and their food sources from oil development.

Still another large northern region is the Alaska-B.C.-Yukon (ABCY) Region (Figure 1-3). While one may argue that this region is actually made up of parts of several distinctive natural regions, it is a political region. Decisions along the entire border are made from the three subnational capitals of Victoria, Juneau and Whitehorse or

**Figure 1-3. Map of the ABCY Region**



from Washington D.C. and Ottawa. Boundaries of transborder regions are necessarily fluid, changing from issue to issue. While some problems are limited to a few miles either side of the border, other issues extend far from it. The contested boundary between B.C. and Alaska is an example of an issue contained to a small area. Yukon River salmon allocation and caribou management are examples of far reaching issues because of extensive migration patterns. This region has been chosen for this study because it provides a suitable example for study of the dynamics of transboundary cooperation.

### 1.3. The ABCY Region

A wide range of complex issues provide policy-makers in the ABCY Region with many challenges. Because the area is relatively undeveloped, issues often revolve around how development will occur and at what expense to environmental quality, wilderness and subsistence lifestyles. Major development issues include hydroelectric power projects, petroleum development, forest harvest, mineral development, and the location of transportation and utility corridors. Other issues include allocation and management of fish and wildlife as well as tourism development. A potpourri of federal, state, provincial, and territorial land management agencies have jurisdiction over resource development and environmental protection. Management of each nation's resources occurs in isolation with only a minimum amount of coordination. One objective of this study is to recommend processes that will enhance planning for the region as a whole rather than to promote specific outcomes.

Because the ABCY Region is relatively undeveloped and Canadian-U.S. relations are amicable, a rare opportunity exists to plan proactively. Options for cooperative planning between any two sovereign states diminish as the land becomes committed to specific uses. It is still possible to create a flexible international planning effort in the region before major conflicts make highly structured negotiations imperative. Options to experiment with innovative international institutions are still available.

Some development proposals are mutually exclusive and will require trade-offs. Early cooperation can, however, prevent problems common to nations in more developed regions: pollution, incompatible land uses and inadequate institutions to deal with complex problems. The ABCY Region will be described in more depth in the next chapter.

#### 1.4. Approach

Data for this study were collected through a variety of means including literature reviews and research of government archives and files. Information was also obtained through written correspondence, telephone calls and interviews. Originally this study was to be confined to the Stikine River basin. Environmental group newsletters, government publications and newspaper articles provided an initial background to the issues, key actors and identification of relevant literature.

As the research progressed, it became clear that to understand the dynamics of international planning in a specific site, it would be necessary to investigate other cases of international cooperation. The focus on the Stikine River basin was abandoned for an overall view of the ABCY Region. Literature pertaining to this region as well as other international frontier regions was examined. General planning theory literature was also examined. This information was used to develop an analytical framework for evaluating frontier region planning. These criteria were then applied to the ABCY Region as a whole.

The last phase of the study involved recommending alternative institutional arrangements to foster cooperative planning. Experience of other international regions was studied as well as literature on conflict resolution, bargaining and environmental mediation. Personal interviews with planners, managers and politicians were conducted to obtain insight to factors which facilitate cooperation.

### 1.5. Theoretical Context

The author's regional planning outlook and specific biases will be discussed in this section. A major premise behind this study is that society will benefit from a more appropriate international regional planning process than presently employed. The current approach is reactionary, piecemeal, and it is not conducive to anticipating future problems. A more appropriate planning process is structured but at the same time flexible. It is integrative, conceptualizing the region and its various sectoral components as a whole system. It is participative involving local and regional interests including on-the-ground managers, interest groups and concerned citizens. A good planning process is also strategic and proactive. These concepts will be discussed further in the next few paragraphs.

Regional planning concepts in transboundary regions can differ with time and place (Prieur 1979). For the purpose of this study regional planning is defined as the formation



of alternatives to help decision-makers arrive at informed decisions for management of large areas. It involves an

overall vision of the planning of society for man going beyond physical and economic planning to a new way of organising space capable of providing mankind with a better life setting (Priour 1979, 112).

Social, economic and environmental factors are considered. Resource use, economic development, transportation links, and the rural-urban relationship are all factors considered by the regional planner. The regional planning effort may be limited to sectoral or physical planning of a single area, focus upon regional development, or it may involve a more general approach. Regional integration occurs when nations

voluntarily mingle, merge, and mix with their neighbors so as to lose the factual attribute of sovereignty while acquiring new techniques for resolving conflicts between themselves (Lindberg and Scheingold 1971, 6).

This definition could also suffice to capture the essence of the highest level of transboundary regional planning.

An ideal planning process is proactive. It involves planning for the future with the idea of preventing significant problems before they arise, rather than reacting to them after they occur. A proactive approach anticipates future trends and considers likely implications of present actions. Loss of future options, environmental quality concerns, economic ramifications, and social impacts are identified.

[P]lanning has too often been in a position of correcting mistakes after they have happened rather than in the position of deleting and removing trouble spots before they lead to major mistakes (Meyerson 1956, 133).

Transboundary institutions have been "designed to react to issues as they arise, rather than to anticipate them" (Sewell 1986, 5). Proactive planning encourages creation of institutions to better deal with recurring problems, reducing the need to set up ad hoc groups. Proactive planning also necessitates a negotiation-mediation role for the planners. They work towards identifying joint gains acting as a communicators, facilitators and educators (Susskind and Ozawa 1984). Processes are used to anticipate and resolve potential controversial issues before they get out of hand (Keystone Center 1987). The mediator-planner mediates between conflicting groups while representing his or her own interests (Forester 1987). In an international situation, negotiators from both sides can be expected to promote their own concerns while facilitating consensus building among various interests.

Planning should also be strategic. Such an approach is action-oriented, it concentrates on critical issues and considers the availability of resources (Sorkin et al. 1988). Rather than looking at all the variables in a comprehensive manner, strategic planning deals with key issues expending the minimum amount of resources necessary. Information gathering should focus on areas where it will be most useful. While there are many interpretations of strategic planning, it generally follows specific steps. A mission statement is identified, the internal environment is assessed and external forces are considered. Once a consensus is reached on how to reach goals, priorities are

ranked and plans for implementation are developed (Hershberg and Rubin 1988).

An integrated approach to transboundary planning is preferable to ad hoc, incremental planning. Integrated resource management considers the concerns of the different functional sectors including all levels of government, private organizations and the general public. It is strategic and informative (Lang 1986). The antithesis of an integrated approach is piecemeal planning. According to Corbett (1981),

[p]iecemeal planning is the result of our tendency to try to deal with each goal or problem as if it existed in a vacuum, as if our attempts to deal with it had no impact on other values and problems (2).

Because private initiatives are often oriented to one sector, it is important that government takes the lead.

The functional sectors mentioned above refer to renewable and nonrenewable natural resources. Renewable resources located in the ABCY Region include fish and wildlife, water, recreation, and forestry. Examples of nonrenewable resources are minerals, undisturbed wilderness, petroleum, certain groundwater aquifers, and specific fish and wildlife stocks. Nonrenewable resources are important because once they are fully utilized, they are gone forever. Integrated resource management is important because the economies of the Yukon, B.C. and Alaska are resource dependent. Economic opportunities revolve around the use and export of natural resources.

An ideal transboundary planning process is participative. It facilitates cooperation between all groups with a stake in the outcome. Padilla (1975) points out that planning should not focus solely on the concerns of special interests.

Planning is not direction when it is at the service of special interests of society; it becomes direction only when it can effect economic divisiveness, becoming a unifying, cohesive, constructive, and truly general force (157).

A participative process which involves people early on will foster a stake in the outcome. Special attention should be focused on regional and local interests. There is a need for integration of local and higher level interests.

The man who wears the shoe knows best where it pinches, even if the expert shoemaker is the best judge of how the trouble is to be remedied (Dewey 1927, 207).

The OECD (1979) emphasizes cooperation between "equivalent entities in the neighboring country . . ." (OECD 1979, 13).

Cadieux (1981, 101) called for the

intervention of lower levels of governments at every stage - before, during, and after - in the international negotiating process, in every aspect covered by the agreement . . .

Inclusion of the various interests is not enough. The participants should also be informed if their input is to be useful (Dorcey 1986b).

It is also important that the cooperative effort be structured enough to motivate the governments to meet regularly. At the same time it must be flexible, encourage innovation and be capable of adapting to unforeseen situations. Referring to U.S.-Canadian relations in

general, Carroll (1983) argues that more structure is needed at the expense of flexibility to assure international issues are given proper attention. Increased structure is also needed to develop means to respond effectively to future conflicts before they become unmanageable. The governments should be encouraged to experiment with different mechanisms that would likely foster greater cooperation. The OECD (1979) reaffirms that there is no one institutional solution applicable in all trans-frontier regions. Flexibility also means that the effort should not be over planned (Webster 1980). The process should also be iterative, permitting return to a previous step when an unexpected turn of events warrants it.

Throughout this study, the term institution will be used. Fox (1976, 743) defines an institution as "an entity; an organization or an individual, or a rule; a law, regulation, or established custom". Institutional arrangements are interrelated processes or structures used to reach decisions or for information exchange. Examples of non-governmental institutions would be international environmental coalitions, scientific research groups and professional organizations. Government institutions include task forces, inter-agency committees, inter-disciplinary teams, formal impact assessment procedures, binding legislation, and structured negotiation. An example of an institutional arrangement would be the protocol that must be followed when one government wishes to have input into a matter that is controlled by a different country.

### 1.6. Thesis organization

The remainder of this thesis will be organized as follows. Chapter 2 presents a description of the ABCY Region including a historical overview and description of the current situation. Chapter 3 explores the dynamics of transboundary planning. It also includes an overview of some important agreements worldwide as well as a history of U.S.-Canadian relations. Chapter 4 outlines the institutional structures in the region. Chapter 5 presents an evaluation of international cooperation in the ABCY Region. Recommendations for alternative institutional arrangements are then proposed in the final chapter along with a summary of the major conclusions of this study.

## CHAPTER 2

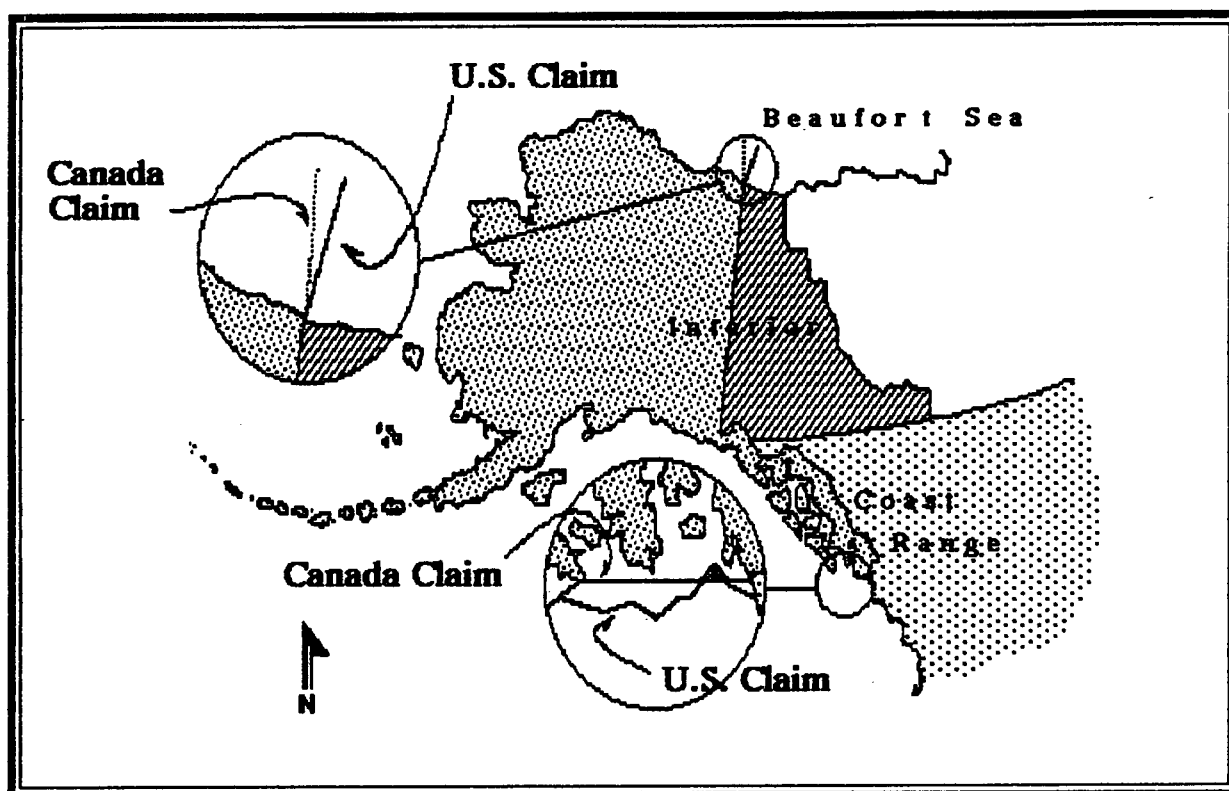
### THE ABCY REGION

#### 2.1. The Setting

The line separating Alaska and Canada travels nearly 2500 kilometers through several natural regions. The border begins in contention in the maritime waters between Prince of Wales Island and the Queen Charlotte Islands (Figure 2-1). It then skirts the rugged mountain tops of the Coast Range, separating the moist coastal rain-belt of Southeast Alaska from the drier and colder Interior. Few rivers pierce this formidable barrier. Above the Panhandle, the border follows a straight line towards the Beaufort Sea. Along this stretch, it provides a purely political division across the rolling taiga of the Interior. The boundary then crosses the steep slopes of the Brooks Range and across the arctic tundra. Once at the Arctic Ocean, the border ends in contention.

This chapter explores the history of the region and some of the challenges facing its people today. The purpose of the historical sketch is to outline patterns of

**Figure 2-1. Map of the Alaska-Canada Border**



**Source: Adapted from U.S. Coast Guard 1989**

cooperation and economic development. It is easy to repeat the same mistakes twice when one is ignorant of the past. This chapter begins with an overview of interactions between different nations and the resources that brought them to the region. The chapter ends with a description of some current major issue areas. Appendix C lists some of the more important historical events.

## 2.2. Historical Overview

The following historical sketch is provided to give the reader background to the ABCY Region. The economic history of the region reflects that of many other northern areas dependent on both outside income and a subsistence economy.



Cycles of booms and busts have sequentially fuelled and then drained the economy. The booms revolved around the fur trade, gold discoveries, fisheries, petroleum development, and related spin-offs. Tripp (1975) found that in the Stikine-Cassiar region, each of these short boom periods was followed by a relatively longer bust. During the booms, the region was dependent on commodities and cash flow from outside. During the busts, people either went south or lived more of a subsistence lifestyle.

Before foreign explorers arrived, Native people subsisted on fish and wildlife, actively trading with each other for thousands of years<sup>1</sup>. Today, government spending, petroleum, minerals, forestry, fish and wildlife, and tourism are other important elements of the economy. Major international developments proposed in the 1960s were not completed. For the most part, the ABCY Region has retained its wilderness character throughout the many small surges of economic development.

While Americans looked towards Canada during the gold rushes, Hoagland (1969) astutely observed that Southeastern Alaskan communities such as Wrangell are now dependent upon economic forces in a different direction.

The Stikine is not an object of interest here [in Wrangell] now. Its mouth is seven miles off and except for the pleasure-boat owners, nobody much cares. Wrangell faces Seattle and Japan (Hoagland 1969, 24).

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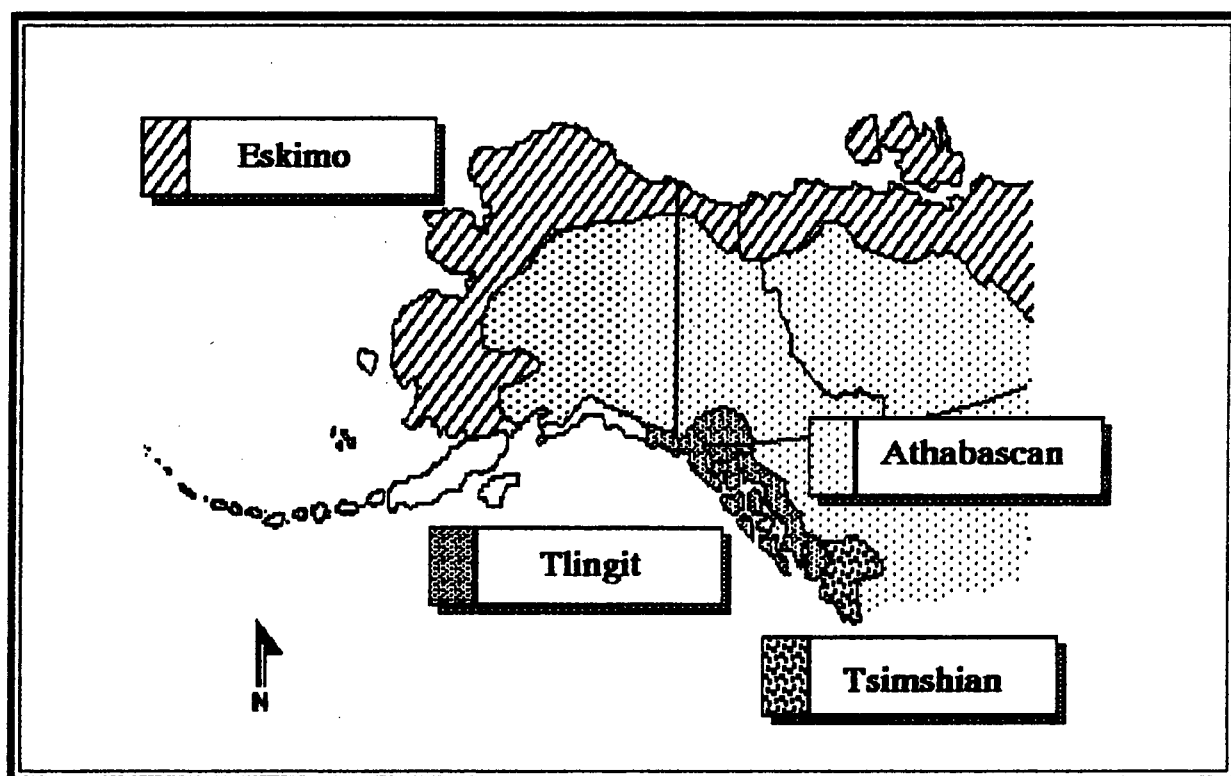
<sup>1</sup>The region has been inhabited since the "little ice age," about 10,000 years ago.

Pacific Rim countries provide major markets for Canadian and Alaskan resources.

#### 2.2.1. Aboriginal Habitation

The major Native groups in the ABCY Region include the Inupiaq or Inuit Eskimos along the north coast, the Athabascans of the Interior and the Tlingit, Haida and Tsimshian Indians of the Southeast coast (Figure 2-2).

**Figure 2-2. Map of Native Language Groups**



Source: Redrawn from Alaska Geographic 1979 and Jenness 1974

The importance of trade between coastal and interior Indians has been well documented by explorers and anthropologists (Boaz 1966; Dawson 1888; Duff 1964; Krause 1956; Swanton 1970). In the southern part of the region this contact greatly influenced the two cultures. The Tahltans display a distinct Tlingit influence in their language, songs, dances, and ceremonial clothing (Duff 1964, Canada Department of Indian and Northern Affairs 1982). Through the mid-portion of the region Athabascans are even more intertwined and the border separates relatives from each other. Along the Arctic Ocean, the Eskimo people share a similar culture.

Although indigenous people exerted control over each other, they lived in relative harmony with the environment. Respect for the spirits of all life forms and territorial claims of land by different groups reduced incidents of over harvest<sup>2</sup>. Resources were used only for personal consumption and small-scale trading. This balanced coexistence with nature was disrupted with the arrival of foreign explorers. Newcomers sought to increase their wealth by selling resources to markets outside the region.

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<sup>2</sup>For example, the Tlingits allocated fishing rights to certain salmon streams to specific family groups.

### 2.2.2. The Fur Trade

A rich resource of fur bearing animals brought Russian, Spanish, French, British, and American explorers to the Coast. In the 1780's, a lucrative market developed in China for sea otter furs. New demands on the resources sometimes exceeded the supply. The abrupt over-harvest of the Stellar sea cow by Russian fur traders proved that technology was available to make a species extinct.

Fierce competition developed for the fur trade. Spain, Russia, Great Britain, and the U.S. established settlements on the Northwest coast. France sent one expedition to the area but the revolution at home hindered further exploration (Naske and Slotnick 1987). In 1788, Spain boldly claimed the west coast of the Americas from Cape Horn to 60° north latitude (N.L.). Following this proclamation, two British ships were seized near Nootka Sound on Vancouver Island. Protests by Great Britain led to the Nootka Convention of 1790. This settlement

provided that Spain surrender Nootka Sound to the British . . . relinquishing at last the claim to Pacific supremacy which she held for 300 years (Huculak 1971, 17).

The Czar of Russia claimed the territory south of 55° N.L. in a ukase (edict) issued in 1799. The Russian-American Company was given exclusive use of the Panhandle, displacing smaller private operations.

Spain gave up its claim to the west coast north of 42° N.L. in the 1819 Treaty of Washington. This gave the U.S.

a more powerful role in the Pacific. Two years later, Russia issued two new edicts claiming control of all lands south to 51° N.L. The Russian-American Company's monopoly was also extended another ten years. This move was unfavorably received by both Great Britain and the U.S.

Meticulous negotiations continued for several years. The Convention of 1824 between the U.S. and Russia resulted in free navigation and trade throughout the Coast, excluding sale of arms and spirits to the Indians. It was agreed that Russia would not settle south of 54° N.L. nor the U.S. north of this latitude. A treaty was reached between Great Britain and Russia the following year. The navigation and trade terms mirrored the U.S. agreement. Russia retained sole settlement rights north of 54° 40' N.L. including Prince of Wales Island. The agreement also established the Alaska boundary.

These treaties worked well until 1834 when the Hudson's Bay Company set out to establish a base on the Stikine River.

The insatiable Hudson's Bay company, ever ready to extend their traffic by force, or fraud if necessary, conceived the audacious idea of establishing a fort on the Russian territory (Dall 1870, 337).

When the Russians heard of the intention of the British to settle on the Stikine River, Ft. St. Dionysius was hastily constructed at the mouth of the river. The British ship Dryad was turned back in 1833. This same year, the Russians withdrew navigation privileges for Americans because of alleged liquor and firearm sales to the Indians.

Great Britain protested the Dryad affair and sought retribution of 20,000 pounds sterling for their losses. The two governments decided to leave negotiations to the Russian-American Company and the Hudson's Bay Company directly. By this time, sea otter populations had been severely decimated and in an unexpected move the Russians offered to lease a strip of the mainland including Ft. St. Dionysius. The Hamburg Agreement of 1839 completed terms to lease the mainland coast to Britain's Hudson's Bay Company. A clause in the agreement protected the British from American competition. The next year, Ft. St. Dionysius became Ft. Stikine.

#### 2.2.3. The Gold Rushes

By the 1860s, the fur trade fervor was replaced by a hunger for gold. Several discoveries in the Stikine-Cassiar region were followed by strikes near Juneau. The Klondike gold strike of 1896 attracted prospectors from around North America.

Through successive negotiations, the lease to the Hudson's Bay Company was extended until 1865. Because of a decline in the fur industry and the inability of Russia to keep out competition, an offer by the financially burdened Russian-American Company to lease all of the Panhandle was refused. Unexpectedly, the U.S. purchased all of Russia's North American holdings in 1867 for \$7,200,000. Until this time, the region was controlled primarily by private companies rather than directly by governments. The U.S.

Consul in Victoria attempted to have B.C. join the U.S. just after the Alaska purchase (B.C. Studies 1988).

Boundary and navigation rights again became an issue with American control of Alaska. A British ship was turned away from the Stikine River. Protests led to the Treaty of Washington in 1871. Although the navigation issue was resolved, the exact location of the boundary was not.

The border question became inflamed when Canadian officials transported an American prisoner from the upper Stikine River across the border. Peter Martin escaped, was recaptured but released after it was determined that he was in American territory (Ball 1971). This incident sparked new concern about establishing a mutually agreeable border.

Canada's claim to land (including Skagway) was found to be unwarranted by an official of the U.S. Corps of Engineers in 1896. The following year, the U.S. army was dispatched to Wrangell, Dyea and Skagway. Both governments agreed to set up a commission to settle the boundary dispute in 1898 but this effort was to no avail (Naske and Slotnick 1987).

The Yukon's Klondike gold rush provided a major mining related boom to the region by 1899. It was the greatest concentration of placer gold in the world (Canada Department of External Affairs 1982). The primary access to the gold fields was through the Chilkoot Pass above Skagway. Victoria attempted to capture Seattle's role as an out-fitting center by marketing the Stikine as an all-Canadian route to the Yukon. This failed and by July 1898, "the Stikine Gateway served as much an exit from the interior as

a route to the Cassiar and the Yukon" (Tripp 1975, 153). Also during this period, a telegraph line from Hazelton to the Yukon was completed. Tripp found that the periods of bust served as an opportunity to consolidate

the gains of the boom years into a framework that provided the basis for the next period of expansion (1975, 105).

#### 2.2.4. The Twentieth Century

After the Alaska Purchase, Canadians became alarmed that the U.S. had gained such control. The border dispute was eventually resolved in what a Toronto Star Weekly editorial called a

miscarriage of justice which was brought about by Teddy Roosevelt, then president, threatening to back American claims with troops; the threat was used to coerce British support for U.S. aims on an "impartial" Canadian-British-American Commission (1959, 2).

The 1903 agreement settled the disputed land boundary (U.S. 1903, Ireland 1939) but the two maritime boundaries remain in contention. The 1903 treaty set up a tribunal of three Americans, two Canadians and one Englishman to decide the exact location of the border. The two Canadian members refused to sign the agreement because Great Britain's representative, Lord Alverstone, agreed with the American position. The phrase "to be Alverstoned" thereafter was used by many Canadians when someone was sold out (Colombo 1986).

Four decades of slow economic growth followed the Klondike Gold rush. Subsistence hunting and fishing were important means of existence for many of the residents.



Trapping, placer mining, guide-outfitting, and government spending also maintained the relatively stagnant economy (Cross et al. 1966, Tripp 1975). The Yukon telegraph line was abandoned in 1936 with the advent of wireless communication. During this period, many salmon canneries were built along the Coast to take advantage of the new resource boom. The fisheries were poorly managed and entire runs were wiped out, seriously depleting salmon stocks. Handlogging also provided income for a small portion of the population.

World War II brought another boom to the region. Construction of the Alaska Highway opened up a new route to Alaska motivated by defense considerations. The highway also fostered future growth of the region.

After two decades of a depressed economy, governments looked to the ABCY Region as a new economic frontier. During the 1960s and early 1970s, a vision of a limitless bounty grew with fervor. Massive hydroelectric, mineral, transportation, petroleum, and forest "megaprojects" were planned. A Canadian federal Ministry of Transport report claimed that railroads would "have a key influence on the related economic and social development of the Canadian Northwest" (1972, 4). Rail connections to Whitehorse, Dawson City and Alaska were planned. The Dease Lake extension of the B.C. Railway was thought to be the sole stimulus that would spark a wave of forest harvest and mineral development. Large-scale hydroelectric power development proposals were also devised. These development

schemes have yet to be realized. The same obstacles exist today that were a problem a decade ago: access, capital, power, and stable markets. These factors and an economic slump in the early 1980s have hampered the dream for rapid economic expansion of the region.

### 2.3. Current Major Issues

Major issues in the region include: hydroelectric development, timber harvest, mineral exploitation, petroleum development, fish and wildlife harvest, tourism, wildland protection, and transportation and utility corridors. These issues will be discussed below.

#### 2.3.1. Hydroelectric Power

Several major hydroelectric developments have been proposed for the ABCY Region in the past few decades. Ventures Ltd. proposed harnessing waters of the upper Yukon through a water diversion to the Coast via the Taku River. The project was stalled in 1955 by the Canadian federal government (Halsey-Brandt 1965). It was further inhibited in the 1970s when B.C. created a park near Atlin Lake (Johannson 1976, 50). The Yukon-Taiya project concerned a proposal for an inter-basin water transfer from the Upper Yukon River to a powerhouse at tidewater near Skagway.

Another water diversion scheme, NAWAPA<sup>3</sup>, received less regional support. Major events concerning hydroelectric development in the region are summarized in Appendix A.

The most controversial recent hydroelectric development proposal involved B.C. Hydro's scheme to harness the Stikine and Iskut Rivers. The plan called for two dams above Telegraph Creek on the Stikine River and three dams on the Iskut River. B.C. Hydro shelved the plans after it became clear in 1983 that the power wasn't needed. If this dam had been completed on schedule, it would have been the most costly and the greatest power producer of any such project in the Province.

Originally, hydroelectric development was thought to be the answer to problems associated with other forms of power generation. Today hydroelectric proposals produce a heated debate. Opponents point to concerns about possible damage to fish, wildlife and wilderness. Proponents envision a future where the untapped resources of the North will bring economic gains to people within and outside the region. Exact effects of the dams are difficult to predict but it is likely that some changes will occur.

Studies for the Stikine project found that increased water flows in winter, decreased water flows in the summer, a reduced sediment supply in the delta, warmer water

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<sup>3</sup>The North American Water and Power Alliance plan proposed inter-basin transfers of waters from the ABCY Region to California.

temperatures in the winter, and reduced flooding would be likely results (B.C. Hydro 1982d). Changes in river flow, temperature, and a supersaturation of nitrogen may effect both juvenile and spawning salmon. The estuary would be adversely affected without the annual spring flood carrying silt and nutrients to the delta. Reduced side channeling would decrease spawning habitat. The mountain goat population in the Grand Canyon would also be displaced. The local economy would be altered but it is uncertain just how tourism and employment would be affected. Over 30 groups have opposed this project (Canada Department of Indian and Northern Affairs 1982).

In 1982 B.C. Hydro was the second largest borrower on the world bond market and one-half of the provincial debt was attributed to it (Bassett 1984). Today, for the first time in 25 years, B.C. Hydro is not involved in the construction of a major hydro project (Swainson 1986).

#### 2.3.2. Timber Harvest

The coastal area supports a forest of Sitka spruce, western hemlock, red cedar, yellow cedar, cottonwood, and alder. The interior boreal forest consists of birch, pine, white spruce, and black spruce. Coastal forestry in Northwest B.C. and Southeast Alaska has become a major part of those economies. A new strategy by the Yukon government to use local materials in the mid-1980s has increased the importance of interior timber. The timber market of

interior Alaska has yet to realize its full potential (Alaska State Legislature 1986).

The Stikine drainage is one of the largest areas for potential cottonwood tree harvesting on the B.C. coast and it also contains marketable spruce (Stenerson 1985). The first timber sale license (TSL) on the B.C. side of the border was issued in 1964. It was not economical and failed due to the isolated area and the problems associated with dealing with the various levels of governments. More recently another timber sale was completed in the area. Timber harvested in B.C. was floated down the Stikine, loaded on ships in Wrangell and exported to China.

#### 2.3.3. Mineral and Petroleum Development

Mining has played an important role in the ABCY Region. Today several large mines are either in production or are in the planning stages. The Alaskan mining industry declined during the early 1980s (Thorstad 1987) but two significant sites are being developed in Southeastern Alaska: The Green's Creek mine on Admiralty Island and the Borax mine near Ketchikan. During the early 1980s, the depressed mineral market led to nearly a 40% reduction in the Yukon's economy (Dector 1988). During the mid-1980s the mining industry experienced a resurgence. The reopened zinc-lead-silver mine at Faro is operating at a greater profit than before it was closed.

Northwest B.C. has several operating mines and many potential ones. The Cassiar mine in Northwestern B.C. is a

major producer of asbestos. The Stikine River basin also has outstanding mineral potential (Sevensma 1985). Gold was once the most important mineral in the Stikine region but today deposits of anthracite coal, copper, silver, zinc and molybdenum are also promising. During the 1960s, a great surge of mining activity occurred in the Stikine. The Vancouver Board of Trade reported that

the entire lower Stikine-Iskut area is perhaps of greatest interest and speculation in Northern B.C. to-day . . . It has been reported that during the summer of 1964 a total of 2000 mineral claims were staked and 11 helicopters worked at full capacity all season (McFeely and Brynelsen 1965, 19).

The level of optimism was high. Patterson (1966, 35) predicted that it "may prove to be one of the great copper areas of North America, perhaps even the world". A 1983 B.C. Cabinet Committee on Economic Development report identified three mines likely to be developed by the end of the century: The Stikine, Kutcho Creek and Mt. Klappan. Skyline Resource's prospect near the Iskut River has an estimated one billion dollars worth of gold (Dickson 1987). About 300 people were employed in the area in 1987 (Schiller 1988).

Lack of access, power and stable markets are the primary obstacles to mineral development. Environmental concerns further hamper development. There are ongoing negotiations to encourage transportation corridors to the Coast and to use Alaskan power to develop the mineral potential of B.C.

Petroleum resources of the region are also important. Alaska's economy is fuelled primarily by petroleum royalties. The discovery of the Prudhoe Bay reserves in 1968 provided money for rapid growth during the 1970s. By the mid-1980s however, a world oil glut sent Alaska into a recession. Prospects for oil development in the Arctic National Wildlife Refuge may once again revive the economy.

Oil development in the Canadian northwest has been less eventful. Although oil reserves exist, they have been too small to make large scale development feasible.

#### 2.3.4. Fish and Wildlife

A rich biologic diversity characterizes the ABCY Region. Five species of salmon spawn in the rivers. Other fish include Dolly Varden, grayling, rainbow trout, char, and whitefish. Brown and black bear, caribou, moose, wolves, wolverine, lynx, stone sheep, mountain goats, and deer migrate across the border. Otter, beaver, and martin are also prevalent.

Allocation of the fishery resource between Canada and the U.S. provides one of the biggest challenges in the region. Intricate institutions have been established to negotiate the amount of fish to be intercepted by each nation. The 1985 U.S.-Canadian Pacific Salmon Treaty created the Pacific Salmon Commission to determine the catch allocations other than in the Yukon River. This agreement will be discussed further in Chapter 4 and Chapter 5.

Wildlife is an important economic resource for local residents. In addition to subsistence hunting, many rural residents add to their income by trapping (B.C. Ministry of Lands Parks and Housing 1984). Big game hunting and guiding also provides revenue to residents. Little is known about the exact effect developments might have on specific populations of wildlife. It is generally agreed, however, that the wildlife populations in the Stikine region have suffered from over hunting as a result of increased opportunities for vehicular access.

The most controversial wildlife issue along the Alaska-Canada border relates to proposed oil and gas exploration of Alaska's Arctic National Wildlife Refuge (ANWR). Subsistence users of this region are concerned that development of the range will reduce caribou populations. The Yukon Territorial government initiated a campaign to prevent development in the area. The House of Commons Standing Committee on Energy, Mines and Resources released a report supporting the opening of ANWR to exploration as well as a transportation corridor through Mackenzie Valley to the wildlife refuge (Canadian Arctic Resources Committee 1987).

#### 2.3.5. Wilderness and Tourism

Wilderness is a term that has many interpretations throughout the world. The U.S. federal Wilderness Act mandates that designated wilderness be managed as "area(s) where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain"



(U.S. Forest Service 1978, 202). The 1980 Alaska National Interest Lands Conservation Act (ANILCA) included special exemptions in Alaska wilderness areas. Existing plane access, motor boat use and construction of cabins for public safety were permitted. There is no one definition for wilderness in Canada (Ahrens 1986, 6). The B.C. government has a flexible interpretation of wilderness. Unless specifically noted, the terms wilderness and wildlands will be used in this study to describe large tracts of undeveloped land.

The wild character of the ABCY Region attracts visitors from more populated areas. Tourism is increasing in economic importance in all three jurisdictions. Income from tourism almost equalled the economic importance of mining in B.C. during the early 1980s (Dorcey 1986b). The opening of Highway 37 in 1972 led to increased travel through Northwestern B.C. Cruise ship traffic through Southeast Alaska also has increased dramatically in recent years as well as surface traffic through the Yukon.

The B.C. government's Minister of Environment set up the Wilderness Advisory Committee (WAC) in 1985. It developed a process to assess use of certain wild areas of the province and recommended future use of 24 specific areas. The report recommended a scenic corridor for Stikine River from Highway 37 south to the U.S. border.

The wild nature of Alaska attracts visitors to the state. Over one third of Alaska is within some kind of protective designation (Gray 1984). A great portion of U.S.

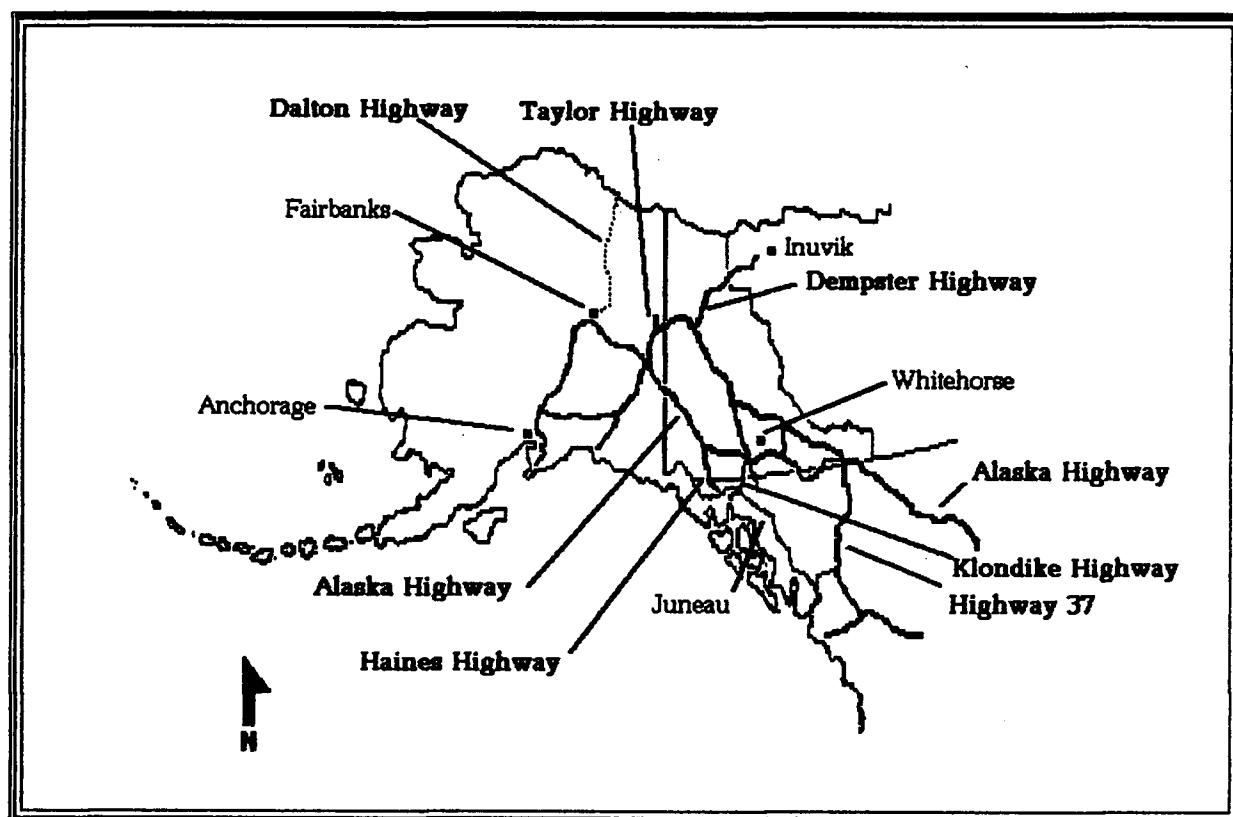
national parks are in Alaska. Increased overland traffic to Alaska also benefits the Yukon. While the Yukon may be the destination of some travellers, most stop off here on their way to Alaska. The challenge for the Yukon is to find ways to increase the length of stay.

Tourism is an inviting economic enterprise but it does have limitations. The degree of its future economic importance is connected to the amount of disposable income available to travellers as well as their choice of destination. The unprecedented success of the 1986 and 1987 tourism seasons have been partially attributed to threats of terrorism abroad. Additionally, the seasonal nature of the industry does little to help these local economies through the winter.

#### 2.3.6. Transportation and Utility Corridors

Transportation and utility corridors in the ABCY Region have been topics of concern since the area was first inhabited. Control of the major transportation routes was coveted by early aboriginal groups. Although the Hudson's Bay Company made it as far West as Ft. Yukon, Alaska, the more common routes were from the Coast. At one time, the Stikine River, the White Pass and the Dalton Trail were the primary gateways to the Interior, penetrating the rugged Coast Mountains. The location of highways, rail routes, pipelines, and power transmission lines is still a topic of major concern today. Figure 2-3 illustrates the major highways in the region.

Figure 2-3. Transportation Routes



Source: Adapted from U.S. Geological Survey 1980

Railways were considered as early as the 1890s to link the Coast to the Interior. Construction of the White Pass and Yukon Route provided miners an easier route to the Klondike than the Chilkoot Trail. A rail route from Glenora to Teslin Lake, the Cassiar Central, never made it to the construction stage (Dawson 1888). A load of rail arrived on the scene but before it could be installed, the Canadian Senate defeated the proposal, exerting its seldom exercised power (Tripp 1975). The rail ended up rusting on a small island in the middle of the Stikine River (Patterson 1966).

Other attempts have been made to connect Alaska to the continental U.S. by rail. An 1949 proposal was halted due to lack of Canadian and U.S. military support. The U.S.

Congress created the Alaska International Rail and Highway Commission in 1957 to produce what was known as the Battelle Report. Completed in 1961, it was more favorable to highways than railways. After the manager of the Alaska Railway protested the commission reversed its recommendations and concluded that railways would have priority over highways (Alaska State Legislature 1979). A 1975 Alaska State Legislative Resolve led to an international rail conference. Two years later, an Alaska Department of Commerce and Economic Development study recommended B.C. Railway's Dease Lake route as well as a joint U.S.-Canadian study. The Dease Lake extension was hastily constructed with the expectation of stimulating mineral development and forest harvest. Ellsworth (1972) speculated that Premier W.A.C. Bennett planned the rail extension to lure the Yukon Territory to become part of B.C. The outlook for the extension became more gloomy with decreased economic activity due to the oil crisis of the 1970s. Its construction was halted in 1977 just after completion of a three million dollar rail bridge over the Stikine River (Canada Department of Indian and Northern Affairs 1982). The railway grade was finished over the entire right-of-way but only 350 kilometers of track is operable. In 1979, the Alaska State Department of Transportation and Public Facilities completed a report that outlined a route from the Alaska Railroad to the Canadian border.

Plans for road access to Alaska began as early as the 1930s. A U.S. Department of Interior study proposed the Pacific Yukon Highway to Alaska. The route was to begin in Hazelton and end in Fairbanks travelling through Atlin, Whitehorse, and Dawson City. A spur road through Telegraph Creek to Wrangell was also planned. This route was never realized due to completion of the Alaska Highway. This effort created an upswing in the local economy with the arrival of 34,000 U.S. soldiers to the region between 1942 and 1945 (Staples 1988). During this period, U.S. military personnel outnumbered Canadian residents in the North (Abele 1987).

A Stikine route to the Interior has been alternately promoted and discouraged for decades. Concerns were raised between 1949 and 1956 but it was decided that the Canadian need for access wasn't strong enough. The B.C. Yukon Chamber of Mines passed a resolution promoting the Stikine route in 1953 (Halsey-Brandt and Charles 1965). By 1959, the route was surveyed and the Petersburg Chamber of Commerce passed a resolution that the road be approved. U.S. Senator Bartlett of Alaska proposed that Canada receive a corridor in exchange for Canadian approval of the Yukon-Taiya hydroelectric project (Halsey-Brandt and Charles 1965, Siddle 1957, Haduk 1952, Buss 1956). At the first Alaska-Yukon-B.C. Conference, an Alaskan official described the Stikine route as the "most actively pursued route in Alaska to-day" (British Columbia 1960). The Battelle Report identified a Stikine route for the transportation of ore

(U.S. Congress 1961). In 1968, the question of access was again opened up for discussion at the insistence of the Americans but no progress was made.

The decision to complete the Dease Lake extension of the B.C. Railway in 1969 decreased the perceived need for access to the Coast. The 1969 Canadian Transportation Study focused on rail access and didn't mention a road to the Coast. A 1971 Regional District of Kitimat-Stikine report claimed that the Stikine-Wrangell route would benefit the Americans more.

After the Dease Lake railway extension was halted, Canadian officials became worried that future options for access through Southeastern Alaska might be precluded. The Alaska Commissioner of Natural Resources described the Stikine access route as "extremely high priority" (LeResche 1978). Canadian concerns resulted in the inclusion of Section 1113 in the Alaska National Interest Lands Conservation Act. This section stated that

the President shall consult with the Government of Canada and shall submit a report to the Congress containing his findings and recommendation concerning the need, if any, to provide for such access [through the Stikine watershed] (U.S. Congress 1980).

Talks were held in Ottawa in September 1985. The Canadian position paper asserted Canada's rights for access due to the navigation clauses in the Russian treaty of 1825, the 1871 Treaty of Washington and the 1909 Boundary Waters Treaty. The Chief Forester of the USDA Forest Service, however, stated that it wasn't clear if the treaty just covered water or land also (U.S. Congress 1984). The

position paper focussed on the need for a process to permit selection of routes throughout the Alaskan Panhandle. The Alaska Department of Transportation and Public Facilities (DOTPF) claimed that the Stikine route was the only realistic alternative. It supported the Canadian position for a better process to designate transportation corridors. DOTPF noted that although there were provisions in the ANILCA legislation to permit utility and transportation corridors within Alaskan wilderness areas, they were "lengthy, cumbersome, and potentially flawed" (Alaska Department of Transportation and Public Facilities 1985, 1). Because the U.S. portion of the Stikine is a designated wilderness area, an Alaskan transportation group has looked more closely at a route further south (Meketa 1988). Funds to study possibilities for a road down the Iskut River valley to the Coast were appropriated by Alaska in 1988 and B.C. and Canada in 1989 (Kleeschulte 1989).

Utility corridor proposals throughout the region have been proposed for oil and gas pipelines as well as power transmission lines. Proposed routes were identified in Canada for the transport of Alaska petroleum. While an all-Alaskan route was chosen for the oil pipeline, a proposed gas pipeline still could be constructed through Canada. A 1979 Canadian Environmental Assessment addressed this possibility.

A work group between the Alaska Power Authority, the Alaska Power Administration and the Northern Canada Power Commission was established in 1983 to study possible power

interties (Alaska Power Authority 1988). Routes have been proposed between Skagway and the Yukon, between the Quartz Hill mineral deposit and B.C. and most recently between the Tyee Lake Project (near Wrangell) and the Johnny Mountain Mine site in B.C. A letter from Alaska Power Authority to the Commissioner of Commerce and Economic Development recommended that officials of Alaska, B.C. and the Yukon Territory develop a joint effort to determine the "economic, technical, and institutional feasibility of an Alaska-Canada power system" (Alaska Power Authority 1983). An agreement was finally reached in 1988 to jointly study needs for power interties.

Direct air links between Alaska and Canada are few. There is limited service between Juneau and Whitehorse. A 1988 proposal by the Juneau Economic Development Council recommended that direct service be instituted between Juneau and Vancouver (Peter 1989).

#### 2.4. Summary

Conflicts between the major powers in the ABCY Region have occurred throughout recorded history. Institutions utilized to resolve these conflicts have, however, changed throughout time. The earliest struggles concerned territorial claims and trade rights between native groups. After the arrival of explorers, relations were further aggravated by disagreements over resource allocation, navigation rights and location of boundaries. Early conflicts were resolved by physical force. During the fur



harvest years international conflicts generally followed a standard scenario with one country's claims being transgressed by another. The original country retaliated by seizing property. Protests by the second nation inevitably resulted in some form of compromise. The Hamburg Agreement of 1839 is of special interest because two private companies were directed to negotiate an agreement without direct government participation. Although military intervention was threatened during the Alaska boundary dispute, international negotiations after the 1867 Alaska purchase were generally conducted in a peaceful manner. Boards, commissions, tribunals, and meetings between leaders were used to resolve conflicts. Although the actors have changed, many of the issues remain the same: allocation of resources (e.g., fisheries), territorial disputes (e.g., maritime borders, arctic sovereignty) and navigation rights (e.g., Jones Act<sup>4</sup>).

The economies of the region have historically been dependent on resource development. The people of this region are dependent on export of raw resources and import of finished goods. Booms and busts have sequentially fuelled and then drained the economies. Before foreign explorers arrived, Native people subsisted off of a rich bounty of resources. A lucrative market for sea otter furs

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<sup>4</sup>The U.S. Jones Act prohibits a foreign made ship from sailing between two American ports.

then attracted competition from around the world. Once this resource was depleted, gold discoveries continued to attract outsiders to the region. World War II, minerals, petroleum, fisheries, forestry, and government spending have all provided booms of varying degrees in different parts of the region. Subsistence hunting and fishing and government spending helped soften the slow periods between booms.

One can learn much by reviewing the history of the ABCY Region. Without some kind of structure and commitment to cooperate, relations will occur on an ad hoc basis. Personality clashes, such as the one between Alaska's governor and B.C.'s premier in the mid-1960s, can lead to a break in relations for many years. Another lesson from the past relates to the tone of the relationship. Without regular communication and coordination significant problems are not likely to be jointly addressed early on. During the periods when regular meetings between the three heads-of-government occurred, a continuing dialog assured that transboundary issues were discussed. Additional meetings between other government workers enabled them to seek solutions to problems as well as explore opportunities to work together. Within each jurisdiction, a history of a boom and bust economy has been the result of a failure to diversify.

Unless new approaches to cooperation are implemented, international conflicts are also likely to grow. Governments in the region have often ignored lessons of the past. They apply short-term fixes to long-term problems. They

usually deal with issues after they reach a critical stage rather than establish and maintain institutions capable of anticipating issues. A look to the region's past experience, however, can help prevent repeating the same mistakes.

## CHAPTER 3

### COOPERATIVE TRANSBOUNDARY PLANNING

#### 3.1. Transboundary Cooperation

This chapter provides the theoretical background for evaluating international cooperation in the ABCY Region. The first part of the chapter explores reasons for cooperation, kinds of cooperation and possible avenues countries may use to cooperate. Major factors affecting international cooperation will then be presented. A discussion of international experiences will be followed by an overview of historical Canadian-U.S. relations.

#### 3.2. Benefits of Cooperation

There are many compelling reasons for fostering better relations. While it is possible to cooperate without receiving benefits, international cooperation can lead to mutual gains not available if the nations were to act independently. Economies of scale may be present where joint development of a resource would provide greater returns for each country than if they worked independently (LeMarquand 1986). An increase in cooperation can also lead

to economic alliances such as Europe's EEC or the 1988 Canada-U.S. free trade agreement. Joint studies and information exchanges can save money by reducing duplication. Concern over environmental degradation may lead to pollution prevention, thereby decreasing health risks to citizens on both sides of the border. A cooperative spirit can also improve a nation's international image. Lastly, a nation may want to cooperate in a situation even if there are no immediate benefits. They may wish to build a reservoir of good will to draw upon when they are in a future disadvantage (LeMarquand 1977).

### 3.3. Kinds of Cooperation

International cooperation ranges from informal exchange of information to complex agreements approved by legislative bodies. It may be useful to categorize cooperation into three areas: information exchange, joint planning and joint programs. Information exchange involves the sharing of information without any obligation to act. Joint planning occurs when representatives of both nations work together to evaluate future options. Planning processes may be completed for transboundary land use issues or for health, education, communications, and law enforcement issues. The decision to cooperatively plan doesn't necessarily mean that an agreement will be reached. Joint programs occur when governments agree to act in concert. Joint programs include cooperative management of a resource or any instance where

nations co-sponsor a program. The highest level of cooperation is the treaty (Swanson 1974, Berber 1959).

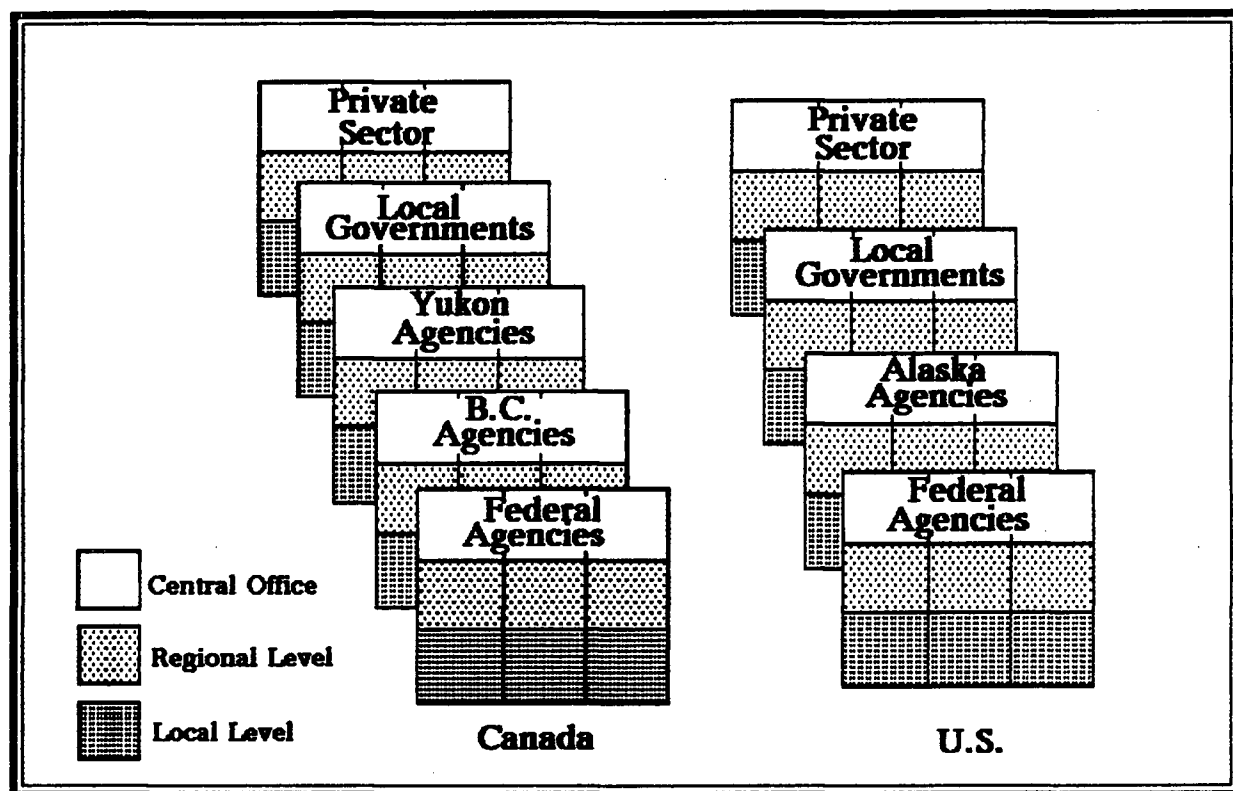
Although information exchange and joint planning may be activated by informal oral agreements, they may also be documented in writing. Joint programs are usually the result of meticulous negotiations resulting in formal written agreements. These activities may occur separately or they may also be closely linked (e.g., joint planning may be initiated by an existing joint program).

While joint programs receive much attention, it is interesting to note that former Governor Curtis of Maine, once an IJC commissioner, found that the most effective interactions are those based upon a handshake rather than upon written, unenforceable agreements (Curtis and Carroll 1983).

#### 3.4. Avenues of Cooperation

Cooperation between two or more nations usually occurs on a variety of levels. Between two federated countries, it involves federal, subnational, and local government entities as well as private corporations and special interest groups. Figure 3-1 illustrates the complexity of communication channels in the ABCY Region. Cooperation in transboundary regions often occurs simultaneously on several different levels. It may take place horizontally between similar levels of government, obliquely between different levels or vertically within one country (Leach, et al. 1973). The

**Figure 3-1. Avenues for Cooperation in the ABCY Region**



most common avenues of cooperation between the U.S. and Canada occur through provincial-state contacts, private industry relations, interest group linkages, and between Washington D.C. and Ottawa (Sadler 1986).

### 3.5. Factors Affecting Cooperation

Many factors influence a nation's choice if, when and how to cooperate with its neighbors. Intergovernmental coordination "in a complex and uncertain setting is always a difficult and arbitrary task" (Boschken 1982, 188). According to LeMarquand (1976) there is no easy way to eliminate barriers to cooperation. Unless there are tangible benefits, obstacles to cooperation will likely

overshadow the need to consult other governments. The mere existence of a border is often enough to inhibit consideration of the region as a whole system. Maps of Alaska rarely contain topographical depiction of Canada and some maps of B.C. leave out the outlines of Alaska. Additionally, former relations between governments may affect cooperation. A history of amicable relations between diplomats or on-the-ground managers will enhance bargaining and negotiation across the border.

A multitude of institutions may have bearing on international relations. A country's constitution, its laws, agency regulations, and policy mandates provide direction for or limitations to cooperation. Existing treaties and other kinds of agreements may provide a framework for cooperation. Joint bodies such as international commissions, task forces, working groups, and information exchange committees also set the tone for future cooperation.

The degree of cooperation likely to occur over a particular transboundary issue depends on a complex web of variables. Each issue may involve a different subset of variables. Four general factors which affect the success of transboundary cooperation will be discussed in more detail: political will, similarities in perspectives, the approach towards cooperation, and the resources used to foster cooperation.



### 3.5.1. Political Will

The bottom line in any effort to cooperate is the willingness of the parties to work together. Political will of the nations involved is necessary before meaningful cooperation can begin (LeMarquand 1986).

International arrangements encourage recognition of international obligations and provide mechanisms to reconcile conflicts of interest, but they depend on the will of both countries to make use of them (Canada Inquiry on Federal Water Policy 1985, 81).

No amount of new programs, commissions, task forces, or summits will be successful without a motivation to cooperate. A long-term commitment from the leaders of each country to improve relations will foster meaningful interactions at lower levels of government.

Several factors may contribute to political will. A nation's commitment to cooperate in a specific instance is dependent upon the priority placed on the issue. There may be more pressing concerns with other countries or more important issues at other locations along the border. If both nations stand to gain or lose over the outcome of a specific issue, they will work harder to reach agreement (LeMarquand 1976). The temper of the relationship is also important (Sadler 1986). Precedent established by the nations' institutions strongly influences the cooperative spirit. Linkage of the situation to other bilateral events may also increase interest (LeMarquand 1976, Scott 1974) but it often complicates the overall relationship (Doran 1984). Nations may desire to develop a pool of good will for future

use or they may decide to retaliate against the other party for some past action. Political pressure from special interest groups may either promote cooperation or fuel nationalistic feelings.

### 3.5.2. Perspective

The degree of similarity between planning, management and development perspectives, affects how well nations will interact with each other. The way issues are perceived and problem solving techniques chosen to resolve conflicts are also important. Similar kinds of institutions can be expected to facilitate cooperation while dissimilar institutional structures can inhibit it. Different regional planning concepts employed in shared regions can provide barriers to cooperation (Prieur 1979). Similar backgrounds of experts, on the other hand, can improve relations (Scott 1974). Different kinds of laws may place a further burden on negotiations (Bothe 1979).

Development perspectives are also important considerations. Attitudes toward how international environmental conventions relate to transborder developments will either alleviate or agitate problems. The common practice of placing industrial complexes or power generating facilities near borders may set a negative tone for relations (Organisation for Economic Cooperation and Development 1979, Despax 1979).

### 3.5.3. Approach Towards Cooperation

The approach towards international cooperation sets the stage for success or failure. An open-minded approach emphasizing interests and common concerns is likely to be more successful than hard bargaining using concrete position statements (Sewell and Utton 1986). This has also been found to be quite important in mediation (Bingham 1986) and negotiation in general (Fisher and Ury 1981). It is important that major actors are directly represented (Sewell 1986). Bingham (1986), in a review of ten years of environmental mediation, found that involving decision-makers in the process was the most important factor for success.

Maxwell Cohen, a one time IJC commissioner related five factors that facilitate cooperation: don't catch each other by surprise, replace "unilateral rhetoric" with joint fact finding, anticipate future threats to both countries, and where there is an non-negotiable valid legal claim, consider referral to the International Court of Justice (Carroll 1986).

Another factor that influences overall relations is whether problems are resolved on an ad hoc basis or through a more integrated approach. Lack of institutions to proactively plan and anticipate future problems results in a reactive relationship. Concerning U.S. resource planning,

today few voices are heard for the need to integrate  
-to the putting of fragmented pieces of policy together  
-perhaps because we lack the constitutional and

intellectual capacity, as well as the societal guts to even undertake the task (Wengert 1980, 25).

Bureaucratic jealousy, strongly divided sectoral planning, and different planning perspectives inhibit an integrated approach. Line agencies with a narrow focus also thwart integration (Mitchell 1986). When nations are not accustomed to integrative planning within their own borders, the task of international planning becomes much more difficult.

#### 3.5.4. Resources

Even if political will, like perspectives and similar planning approaches are present, international cooperation will flounder without sufficient resources. Nations must be able to provide sufficient funding and personnel. Funding should be on an equal basis: common planning requires common funding (Bothe 1979). Equal support lessens perceptions that one nation is doing more than its fair share.

Resources should be expended to provide sufficient knowledge to reach informed decisions. Government structures must also be capable of international cooperation (United Nations 1975). Unfortunately, institutions evolve slower than technical development and socioeconomic values (Sadler 1986). Thus, institutions charged with the task of international cooperation will often be outdated or awkward.

In summary, before meaningful cooperation can take place, nations must want to cooperate. Even when political

will exists, other substantial obstacles must be overcome. Differences in perspective need to be recognized when negotiating terms for cooperation. Cooperative efforts must be designed to complement the planning approaches of both nations. Finally, for cooperation to work, sufficient resources must be allocated by both countries.

### 3.6. History of Transboundary Cooperation

Transboundary cooperation is a relatively new concept. While isolated incidents of early cooperation may be found, it was not until the 1960s that a major thrust began. As land use became more intensified and technology advanced, new pressures affected transboundary areas. Nuclear power plants, hydroelectric developments, landfills, and industrial parks were often situated near borders. Resource developments including mines and timber harvest also occurred adjacent to other jurisdictions. Air and water pollution passed easily across international boundaries.

An overview of some important responses to transboundary conflicts worldwide will be followed by a closer look at U.S.-Canadian relations. After that, activities of the International Joint Commission (IJC) will be examined more closely.

#### 3.6.1. International Planning

Integrative planning in transboundary regions occurred as early as the mid-nineteenth century in the Rhine River basin (Teclaff and Teclaff 1985) but really did not mature

until the 1960s. Major transboundary issues usually related to pollution or water distribution problems. A major international agreement, the Boundary Waters Treaty, established a joint commission to address water quality and quantity issues between the U.S. and Canada. A conflict over air quality between these two countries led to a landmark decision by an arbitral tribunal (Carroll 1986). The 1941 Trail Smelter case between the U.S. and Canada developed a precedent that placed responsibility for transborder pollution on the country of origin. In 1956, Article 8 of the the Dubrovnik Conference of the International Law Association called for a multipurpose river management approach concept.

[R]iparian states should join with each other to make full utilization of the waters of a river both from the viewpoint of the river basin as an integrated whole, and from the viewpoint of the widest variety of uses of the water, so as to achieve the greatest benefit to all (Teclaff 1967, 153).

The U.N. advocated multipurpose river basin development in a 1956 Economic and Social Councils resolution (Saha 1981). The International Law Association adopted what is now known as the Helsinki Rules at their 1966 meeting. Although these rules have not been formally adopted, they do have some influence and are often quoted.

Each basin state is entitled within its territory to a reasonable and equitable share in the beneficial uses of the water of an international drainage basin (Utton 1973, 299).

During the 1960s several international river basin agreements reflected an increase in transfrontier planning. The River Niger Development Agreement in Africa brought

eight countries together to study navigation and development issues. It contained great powers of integration and coordination compared to European agreements (Despax 1979). Africa's Senegal River Basin agreement established cooperation about navigation and economic development issues. Asian agreements include the 1960 Treaty of Karachi (India and Pakistan) and the 1966 Mekong Convention. Five South American countries agreed to share data as a result of the 1969 River Platte Agreement (Despax 1979, Dupuy 1979a, United Nations 1975).

During the 1970s an emphasis was placed on the river basin as the ultimate international region. People supporting this perspective believed institutional structures should be created to jointly plan and manage common watersheds. Utton (1973) describes the potential river basin authorities in detail but admits it is unlikely that countries will cooperate to that extent. Like water, political bodies often follow the path of least resistance. Scott captured the dilemma faced by two countries managing a common basin:

It is not helpful to regard the two national halves of the basin as halves of a self-contained region artificially split by the frontier. From the point of view of the two countries, each half is merely one region out of the several that make up the whole economy (Bruce and Quinn 1979, 7).

It may be easier to disregard another nation's activities than to wade through cumbersome diplomatic processes. The fact remains, however, that activities occurring upstream in an international river basin may ultimately affect

downstream water quality or quantity. Pollution complaints from downstream nations are often the main catharsis for international environmental negotiations.

During the 1970s, as a direct result of a growing pollution problem, more emphasis was placed in viewing border areas as regions. The OECD Secretariat (1979) recommended that nations engaged in transboundary problems envision solutions that would be possible if there were no boundaries. Institutions to help countries view the connectedness of transfrontier regions were created.

Many new agreements were forged during this decade. The 1972 Belgium, France and Luxembourg agreement established a permanent tripartite commission (Despax 1979). Two years later, the OECD adopted environmental standards to address frontier region pollution. Scandinavia was the focus of several developments beginning in 1971 with establishment of the Finland Swedish Frontier Rivers Commission. This powerful commission was empowered to enforce regulations, set conditions for permits and to impose penalties. The decisions, however, were subject to appeal by either government (Dupuy 1979b). A few years later the Nordic Convention between Norway, Sweden, Denmark, and Finland permitted access to each other's courts for legal remedies. Scott (1986) sees the concept of equal right of access "most fully embodied" (344) in this treaty. The 1972 United Nations Stockholm Declaration of the Human Environment called for an integrated and coordinated approach to international river basin planning and for equal



right of access to courts regarding liability and compensation for pollution damages (United Nations 1975).

### 3.6.2. U.S.-Canadian Relations

Canada and the U.S. share the longest demilitarized border between any two countries in the world. The 5,335 mile frontier separates the northern portion of North America into two major political zones often ignoring natural regions. The physical characteristics are more similar in a north-south than an east-west orientation (Johannson 1975). The mostly straight line border is a "triumph of geometry over geography" (Bruce and Quinn 1979, 6). The two countries share boundary waters, river basins, fish and game resources, and airsheds. Two-thirds of Canadians live in drainage basins shared with their southern neighbors. Early industrialization in the U.S. along with a greater population has assured that "Canada is more often the victim than the villain in transboundary issues" (LeMarquand and Scott 1976, 157).

Relations between the U.S. and Canada are far from optimal but in a worldwide perspective, they are a best case scenario (Sadler 1986, LeMarquand 1977, Souto-Maior 1981). Ironically, all four U.S. maritime borders are in some form of dispute (Curtis and Carroll 1983). Oil, gas and fishery resources have prolonged contention over these boundaries. There were 22 treaties between the U.S. and Canada in 1977 (United Nations 1977), 180 treaties by 1984 (Doran 1984) and

over 227 treaties by 1988 (Canada Embassy 1988). Appendix D lists some of the more important Canadian-U.S. agreements.

### 3.6.2.1. Perspective

Canadians and Americans are similar in many respects yet some basic differences exist. To an undiscerning observer these two cultures might at first appear more similar than they actually are. Most of the people speak the same language, dress alike and feel similarly toward the environment. They are acculturated by media which cross the border with ease. Some of the more subtle differences between these two peoples will be explored in this section.

Perspectives differ on several planes. First, the general geographical outlook of each country is almost opposite. Eighty percent of all Canadians live within 100 miles of the border and 90% live within 200 miles of the border (Carroll 1983). Optimum lands for development in Canada lie to the south. Land use in the Okanagan Valley in B.C. and Washington State provides an example of differing perspectives. To Canadians, the climate and growing conditions are unique resulting in an emphasis in peach, pear and cherry production. The Okanagan's agricultural potential is considered poor quality to Americans and is planted primarily in apple crops (Bruce and Quinn 1979).

Conflicting wilderness perspectives occur along the border. Canada's prime development land is located there while Americans look north towards the border for wilderness quality. Canadians see the far North as true wilderness.

Additionally, because so much of Canada is undeveloped there is less of a need to preserve wilderness (LeMarquand 1986). During the 1970s,

Canadians spoke resentfully of a U.S. tendency to designate rivers flowing from Canada to the United States as "national wild and scenic," and rivers flowing from the United States to Canada as public sewers (Carroll 1986, 215).

Because the U.S. put the most pressure on the environment until the 1970s, Canadians resent America's new concern for protecting border areas (Bruce and Quinn 1979).

Another major difference in perspectives relates to U.S. dominance. A high concentration of U.S. corporations are involved in Canadian resource development (Curtis and Carroll 1983). The U.S. invests more in Canada (20% of all foreign investments) than in any other country (Doran 1984). Canadians are also greatly dependent on exports to the U.S. They place much importance on bilateral affairs while the U.S. perceives the Canadian relationship secondary to other international affairs. These factors have led to an increase in Canadian nationalism.

Perhaps another major difference in perspective is citizen attitude towards government. American interest in citizen participation arose in the 1960s and resulted in a greater public role in government. There is far less legislation in Canada mandating public involvement. Canadians are more apt to trust government and tolerate more secrecy than Americans.

Canadians are more deferential toward authority than Americans, Canadians value order more than Americans and equate liberty less often with freedom . . . Canada

is a much more hierarchically organized society in which the existence of authority is assumed (Doran 1984, 58).

The American system of checks and balances appears to Canadians "to encourage political diffusion, chaotic administration, and demagoguery" (Doran 1984, 90).

Relating to foreign policy, the two countries were "more and more at odds" by the early 1980s (Curtis and Carroll 1983, 87). For example, Canadians have criticized American foreign policy in Central America and the Middle East (U.S. 1984). Foreign policy outlooks have become more similar since the Mulroney administration came into power.

#### 3.6.2.2. Bilateral Trends

No clear trends exist in the Canadian-U.S. relationship. Instead, a

kaleidoscope of patterns . . . may emerge from a slight change in leadership, policy, and mood or from dramatic events at home or abroad (Riekhoff, et al. 1979, 56).

Keeping this in mind, the following will be an attempt to only identify some basic trends.

Initial contact between Canada and the U.S. was tumultuous. During the American revolution, the U.S. invaded Montreal and there was a "constant threat of invasion elsewhere" (Curtis and Carroll 1983, 5). The war of 1812 brought five invasions by the U.S. into Canadian territory. Troops burnt the town of York (Toronto) and removed the official Mace. British soldiers retaliated by setting fire to the White House and the Capitol.

Another conflict was kindled between Great Britain and the U.S. over the Oregon Territory boundary in 1844. A popular slogan "Fifty-four forty or fight" reflected a desire to expand the U.S. border up to Alaska. East Coast fisheries disputes in the late 1880s led to the following jingle:

We do not want to fight,  
But, by jingo, if we do  
We'll scoop in all the fishing grounds  
And the whole Dominion, too (Walton 1970, 59).

The U.S. purchase of Alaska in 1867 led to a new sense of concern and defensiveness.

British Columbians did not want to be treated in their own territory by the United States as the Indians of the interior had been treated by the coastal tribes (Tripp 1975, 46).

The 1871 Treaty of Washington permitted free navigation on a number of eastern rivers as well as the Yukon, Porcupine and the Stikine Rivers. Relations grew more tense during Alaska border negotiations. President Roosevelt threatened to use military force if the boundary tribunal didn't meet his expectations (Classen 1965). The 1903 Treaty of Washington settled the border dispute but was negatively received by many Canadians (Toronto Star Weekly 1959, Doran 1984).

Management of U.S. and Canadian transboundary watersheds gained in importance with the establishment of the 1905 International Waterways Commission. This advisory body was concerned with the Great Lakes-St. Lawrence region (Canada Inquiry on Federal Water Policy 1985). Its recommendations led to the 1909 Great Britain-U.S. Boundary Waters Treaty. The International Joint Commission (IJC) was

established to carry out provisions in the treaty and first met in 1912. Because the IJC is often heralded as one of the best examples of international cooperation, it will be further discussed at the end of the chapter.

Between establishment of the IJC and World War II, other international environmental agreements were negotiated. The Migratory Birds Convention was signed in 1916 preceding the Lake of the Woods Convention of 1925. The International Pacific Halibut Commission of 1923 required that one member of the commission be an Alaskan. The 1930 International Pacific Fisheries Commission gave authority for joint management of the Fraser River salmon stocks. The 1930s and 1940s brought the Rainy Lake Convention, the Joint Board of Defense and the Hyde Park Declaration (Holmes 1981). During this period, President Roosevelt became the first president to ever meet a Canadian prime minister in Canada. Roosevelt returned the Mace stolen from York 121 years before (Colombo 1986).

Post war issues led to an increase in cooperation. During the 1950s, the Niagara River Water Diversion (1950) and the St. Lawrence Seaway Project (1952) were negotiated. A federal level exchange of legislators, the Canada-United States Interparliamentary Group, began annual meetings in 1959. The Columbia River Treaty (1961) and Protocol (1964) permitted power export after two decades of negotiations. B.C.'s insistence to sell its downstream benefits in the Columbia River basin against the desire of the federal government marked a new era in federal-provincial relations.

The province successfully asserted its power to affect more control over the resources within its boundaries (Sewell 1986). During the 1960s, bilateral relations soured. Prime Minister Diefenbaker and President Kennedy had major differences over foreign policy approaches towards Cuba and China and the placement of nuclear warheads in Canada. Diefenbaker held an election on the later issue and lost.

Both gains and losses to the bilateral relationship occurred during the 1970s. Riekhoff et al. (1979) claim that relations deteriorated between 1970-1976 and gradually improved through the end of the decade. During this period Canada instituted an era of economic nationalism to assert its sovereignty and independence from the U.S. (Colombo 1986). President Nixon's economic policy ended a special relationship with Canada by eliminating exemptions for import surcharges. Arctic sovereignty became an issue when the Manhattan, an American oil tanker, traversed Canadian waters without obtaining permission. Canada reacted by passing the Arctic Waters Pollution Act regulating all shipping within a hundred miles of the coastline. Prime Minister Trudeau's Third Option sought a future where Canada would be more independent of the U.S. The IJC's growing presence provided gains to the relationship. It's influence was paramount in reaching agreement for water quality in the Great Lakes region in 1972 and 1975. Lemarquand and Scott (1976) remarked that it was also "as much the culmination of diplomatic exchange and agreement between the two sovereign authorities of Ontario and Canada as between Canada and the

U.S" (158). Carroll (1983) marks the 1970s as a period when the U.S. began efforts to protect the border from Canadian development.

Relations between state and provincial governments began as early as 1960 but flourished during the 1970s and 1980s. At one time, the Washington D.C.-Ottawa connection was the primary link between the two countries. Today the federal government couldn't manage all of the day-to-day contacts between the two countries (Curtis and Carroll 1983). Links between the subnational governments became more important by the 1970s (Leach et al. 1973, Swanson 1978). An early subnational group was established in 1960 with the first meeting of the Alaska-Yukon-British Columbia conferences. Other regions followed with similar institutions. The Conference of New England Governors and Canadian Premiers first met in 1973. Annual meetings of this East Coast institution have led to establishment of permanent committees: the New England International Committee on Energy and the International Tourism Regional Foundation. Alberta and the Rocky Mountain States have cooperated in an effort spearheaded by Montana (Curtis and Carroll 1983). Additionally, the Conference of Great Lakes and Midwest Governors was instrumental in the attainment of the Great Lakes Water Quality Agreement. Referring to the Atlantic and Pacific groups, Curtis and Carroll 1983 predict that relations are likely to continue to grow, with achievement largely determined by the rise and fall of individual key governments and premiers and the level of interest that both maintain (75).



Private groups gained more influence in bilateral relations during the 1970s and 1980s. The Canadian-U.S. Environmental Coalition meets at least once per year. It is made up of the Canadian Nature Federation, the Wilderness Society and many additional national and regional groups (Curtis and Carroll 1983). Another organization, the Flathead Coalition, was organized primarily by Montanans but also had some B.C. constituents. Canadian-Alaskan environmental groups also joined forces to develop a joint plan for the Stikine during the mid-1980s. Because the U.S. government has more avenues for input, Canadian groups are more likely to lobby U.S. government leaders than vice versa (Souto-Maior 1981). The Canadian Coalition on Acid rain lobbies in Washington (Sewell 1986). Topics of concern range from release of flood waters to smoke from slash burns (Scott 1974).

The 1980s reality along the Canadian-U.S. border is a situation of fast increasing transborder, transnational networks and coalition building by countless individuals, aided by many hundreds of non-governmental organizations and institutions (Carroll 1986, 219).

Scott (1974) characterizes private groups as operating on an ad hoc basis due to changing membership and outlook. They can be a unifying force as long as their interests are not too parochial (Curtis and Carroll 1983). There may be a greater role for environmental groups in the future.

The lesson for bureaucracy is clear: environmentalists and other publics must be brought sincerely and openly into the planning process early, not for co-option but for conscientious consideration of alternative viewpoints as possibilities (Kirn and Marts 1986, 287).

The 1980s continued bittersweet relations. Some authors indicate that the relationship is deteriorating (Sewell 1986, Carroll 1983, Curtis and Carroll 1983). The unprecedented annual Reagan-Mulroney summits, however, have provided stability to bilateral relations (U.S. Department of State 1988). An increase in Canadian nationalism and protectionist attitudes in both countries added to the complexity of issues. Gains in the bilateral relations parallel an increasing difficulty in reaching agreements on a growing number of issues (Sewell 1986). Acid rain, arctic haze, water pollution, oil development, and American domination of Canadian corporations are persistent problems. Canada's 1980 National Energy Policy sought more Canadian control in the oil industry with an objective of 50% Canadian ownership. This policy was developed without consultation with the territories (Abele 1987). A negative reaction from U.S. petroleum companies resulted in a reduction in exploration and eventually led to the downfall of the initiative. The IJC was instrumental in negotiating an innovative alternative to raising water levels in the Skagit River Treaty of 1984. Two important agreements in the ABCY Region were also completed in the mid 1980s: the 1985 salmon treaty and in 1987 the Porcupine Caribou agreement. A monumental free trade agreement was placed into effect during 1989. Although free trade became a major issue of the 1988 Canadian federal elections, voters backed the government.

Trends in Canadian-U.S. relations are summarized by a observations that the

Canada-U.S. experience can be seen as a linear progression of eras of great collaboration and great joint works, evolving into eras of caution, hesitancy, sniping, argument, disagreement, and threats, and then again into eras of amity and cooperation (Carroll 1986, 218).

Relations between the U.S. and Canada reflect an unbalanced effort (Sewell and Utton 1986, Carroll 1983, Curtis and Carroll 1983, Sadler 1986, Doran 1984). While Canadian government structure reflects a priority with U.S. relations, the converse is not true. Canada's largest embassy is in Washington D.C. and it is staffed four to five times higher than the American embassy in Ottawa (Doran 1984). A special division within the Canadian Department of External Affairs is dedicated to U.S. relations. The small U.S. office of Canadian Affairs is within the Bureau of European Affairs and only one diplomatic officer is assigned full time to Canadian affairs (Carroll 1983).

Unlike that with any other nation, the U.S. interaction with Canada tends to be managed in an ad hoc dispersed manner (Curtis and Carroll 1983, 10).

Canadian officials feel insulted at the lack of U.S. commitment or attention.

It is not unusual for a State Department official to be dispatched to inform Canada and ask for its cooperation on a policy hours after it has been announced through the media (Curtis and Carroll 1983, 9).

Although these two nations are each other's greatest trading partners, the U.S. is preoccupied with its foreign policy programs elsewhere. The size of the entire Canadian market

has been compared with that of California (Karmin 1987). While 21% of U.S. exports end up in Canada, 77% of Canadian exports end up in the U.S.

Although U.S.-Canadian institutions dealing with transboundary issues have been criticized, many countries look to this relationship for guidance. One institution in particular, the IJC, is often used as a benchmark by other countries when developing transboundary agreements.

### 3.6.2.3. International Joint Commission (IJC)

The IJC has existed for over three-quarters of a century and is the only permanent Canadian-U.S. institution concerned with environmental relations (Carroll 1986). This overview of the IJC begins with a description of its duties followed by a brief historical overview. A discussion of its attributes and limitations will then be presented along with recommendations by other authors for future changes.

U.S.-Canadian transboundary issues gained importance after the turn of the century with the establishment of the International Waterways Commission (IWC). The Commission was concerned with power developments and water levels along the eastern part of the border. It was "weak but symbolically significant" (Carroll 1986, 21). Dreisziger (1981) claims that the failure of the IWC to induce political action was due to negative feelings resulting from the 1903 Alaska boundary treaty. IWC recommendations for a more structured institution to deal with the growing number

of transboundary problems resulted in the Boundary Waters Treaty of 1909 and the establishment of the IJC.

The Boundary Waters Treaty (BWT) provided basic procedural guidelines for negotiating future issues. It settled a few existing disputes, protected navigation rights, contained an anti-pollution clause, established the principle of equal rights for both countries, and developed a prioritized hierarchy of water uses. Sections of the treaty gave the IJC administrative (IV), quasi judicial (III, IV, VII), arbitral (X) and investigative (IX) powers (Carroll 1983). Arbitral powers, however, have never been exercised. The two major roles are investigating references and approving projects that would alter levels of boundary waters. The BWT prohibits construction of dams that would effect the water level of international navigable rivers unless approved by the IJC.

The IJC is a unitary agency made up of three commissioners from each country. Canadian commissioners are appointed for fixed terms while American commissioners serve at the pleasure of the President, pending Senate approval. Only two commissioners, the co-chairmen, work for the commission full time. Although the IJC has few permanent staff, it does appoint boards to collect and evaluate information. The boards are composed of federal, state, provincial, and municipal employees, and occasionally private citizens. The IJC operates on a consensus basis.

Although sometimes criticized, the IJC is generally considered a success. The Commission rarely divides along

national lines and 80% of its recommendations have been accepted by the governments. It has prevented many problems through its approval process for activities that would alter the water levels (LeMarquand and Scott 1976).

Until the 1950s, most of the work done by the IJC involved its quasi-judicial role of project approval (Canada Inquiry on Federal Water Policy 1985, Sadler 1986). Pollution and navigation issues were not referred to commission. Since the 1950s, it has received more references and has addressed such hot spots as the Great Lakes, the Garrison Diversion, the Flathead River and the Skagit River. The Great Lakes Water Quality Agreement (GLWQA) of 1972 gave it additional duties (Willoughby 1981). It was empowered to act on issues in this region without specific referrals. This agreement led to the

largest step towards evolution of management process that recognized substantial interrelationships, integration, ecology or stated another way, the "totality of the whole" (Dworsky 1986, 328).

Others are somewhat less enthusiastic. Utton found that the 1972 agreement strengthened the role of the IJC but that it was "still largely restricted to coordination, monitoring and surveillance" (Utton 1973, 301).

The IJC has been criticized for other reasons. One author claimed that the IJC entered an "era of benign neglect" (Carroll 1983, 55) at the outset of the Reagan administration. References are not given when results would likely be to a government's disadvantage (Carroll 1983, Canada Inquiry on Federal Water Policy 1985, Sadler 1986).

There is some speculation that the IJC is sometimes used as a pawn for political motives (Carroll 1983). The level of confidence in the IJC by government officials declined markedly in the late 1970s (Munton 1981). Governments have avoided using its full capabilities (LeMarquand 1986). No new investigative assignments occurred between 1977 and 1985.

Suggestions for improving the IJC are wide ranging. Curtis and Carroll (1983) have recommended that additional offices be created with more provincial-state representation. Reformers recommend expanding its investigatory and fact finding roles (Sadler 1986, LeMarquand 1986), describing and monitoring functions (Scott 1974), quasi-judicial role in regulating water flows (Sadler 1986, Canada Inquiry on Federal Water Policy 1985), and even power to initiate its own references (Curtis and Carroll 1983). The Canadian-U.S. University Seminar recommends that the IJC use mediation and surveillance techniques (Munton 1981).

The IJC's ability to address potential problems before they arise has been targeted for improvement. Sewell and Utton (1985) recommended more of an ability to anticipate future problems. Dworsky (1986, 326) called for a "futures orientation toward planning and management" in the Great Lakes region. He has also recommended the IJC consider linkages between existing programs.

New problems not mentioned in the BWT need to be addressed. Outer Continental Shelf exploration, hydrocarbon development, marine water quality, air pollution, arctic

resources development, television broadcasts, forestry, parks, wildlife, and wilderness issues have all been identified (Canada Inquiry on Federal Water Policy 1985, Carroll 1983).

There have been calls for both governments to increase support for the IJC. Curtis and Carroll (1983) recommend direct funding as well as a separation from the U.S. State Department. The 1985 Canada Inquiry on Federal Water Policy called for increased Canadian support by providing personnel, scientific support and timely replacement of commissioners. There have also been recommendations to appoint the U.S. commissioners for fixed terms and to make commissioners full time employees (Curtis and Carroll 1983).

Some authors believe that political realities preclude expanding IJC powers. It is generally acknowledged that a similar treaty couldn't be negotiated today. Munton (1981) believes that most reformers don't fully understand consequences of their proposed changes. He believes increasing the IJC's horizon to other fields may press it beyond its capabilities. If it initiated its own referrals, it could lose its impartiality, becoming a victim to lobbying efforts.

Lack of IJC involvement in the ABCY Region may be due to a reluctance by states to involve the IJC or because transboundary water problems have not reached a critical level yet. Sutto-Maier (1981) found that provincial and state authorities were reluctant to use the IJC in the St. John River dispute. During the Stikine hydroelectric



controversy, there were calls to involve the IJC (United Fishermen of Alaska 1981, Taylor 1984, International Joint Commission 1987, Johannson 1976).

### 3.7 Summary

Cooperation between Canadian and U.S. officials in the North can provide many benefits to the people of both countries. By working together, it is possible to obtain mutual gains not available by acting independently. Joint endeavors can also lead to fiscal savings.

Cooperation occurs through a complex network of communication channels and is affected by many factors. The three jurisdictions share information, execute joint planning projects and complete joint programs. They cooperate through federal, subnational, regional, and local channels. Cooperation is affected by factors such as political will, regional planning and decision making approaches, and the amount of resources expended. A genuine desire to cooperate is perhaps the most important factor; without sufficient political will, meaningful cooperation will not occur.

Throughout history, nations of the world have placed more emphasis upon protecting their boundaries from cross border intrusions than cooperation with their neighbors. The result has been incompatible land uses, pollution problems and water quantity problems. Few examples of transboundary planning exist before the 1800s. Although transboundary agreements have increased dramatically since

the 1960s, few countries have given up their sovereignty to joint institutions.

Bilateral relations between the U.S. and Great Britain concerning Canada began with military incursions but have evolved to a best case scenario. At the turn of the century relations began to improve. The Boundary Waters Treaty led to the creation of the powerful International Joint Commission. Other important agreements followed. Today, the relationship provides a positive example to the rest of the world. Even with persistent problems such as acid rain, fishery allocation problems, and the location of the maritime borders, relations remain amicable. The two countries are each others' major trading partners and have recently completed a free trade agreement unparalleled by any other two countries (Karmin 1987, Terry et al. 1987). Although in a worldwide perspective relations are excellent, there are no clear trends and the degree of cooperation often changes with elections of new administrations. The Reagan-Mulroney yearly summits and annual meetings between legislative bodies provided stability.

People of Canada and the U.S. are alike in many ways but also have subtle differences. They speak the same language, are exposed to the same media and share the same continent. Attitudes toward government, however, contrast sharply on either side of the border. The strict separation of powers between the branches of the U.S. government differs from the mingling of executive and legislative powers in Canada. Canadians trust their governments with

more power than Americans do. Differences in geographical and psychological perspectives also complicate relations.

Important institutions in the ABCY Region will be described in more detail in the next chapter. Each country will be covered separately followed by international institutions. The international cooperative effort will then be evaluated in Chapter 5.

## CHAPTER 4

### THE INSTITUTIONAL SETTING

This chapter provides an institutional background to Canadian-U.S. relations with an emphasis on the ABCY Region. The first section compares the general differences between the two systems of governance. Major institutional systems of the ABCY Region will be then be discussed. The final section provides an overview of the arrangements for cooperation between Canadian and American interests.

#### 4.1. U.S. and Canadian Governance

Canada and the U.S. are "Children of a Common Mother."<sup>1</sup> Both nations are democracies as well as federations but the separation of powers and responsibilities for resource management differ in each country. Perhaps of greater importance, the differences in style and philosophies affect how regional planning and resource management occur.

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<sup>1</sup>Inscription on the Peace Arch at the international border at Blaine, Washington and Douglas, B.C.

The U.S. was created in 1776 after a bloody revolution while Canada's autonomy evolved more gradually. Independence from Great Britain began with the British North America Act (BNA) in 1867 and culminated with the passage of the 1982 Constitution Act. Canada retained the parliamentary system of government and remained part of the Commonwealth. In contrast, America's clean break with Britain enabled it to modify its system of government.

The designers of the American constitution were influenced by the writings of a Frenchman named Montesquieu. Montesquieu was critical of too much consolidation of power.

[W]hen the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty (1823, 152).

A strict separation of powers between the legislative, judicial and executive branches of government resulted. The legislative chambers of the U.S. federal and all but one state governments are divided into two bodies: the Senate and the House of Representatives<sup>2</sup>. Before a bill becomes law, it must be approved by both legislative bodies. The president and governors are elected by popular vote but the leaders of state and federal departments are appointed.

The U.S. federal government has power to control commerce, defense, treaties, federal property, and inter-state compacts. When federal and state laws conflict,

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<sup>2</sup>Nebraska has the only unicameral U.S. state legislature.

federal law supersedes. The U.S. has greater federal powers at the expense of the states. The

states don't have the province's powers over industry, transportation, property, civil rights, water, and other natural resource issues (LeMarquand and Scott 1976, 158).

Residual powers not spelled out in law belong to the states.

A less distinct separation of powers exists in the Canadian parliamentary system, especially in regard to the executive and legislative functions. The party which elects the most legislators appoints the prime minister or premier. This leader then appoints other elected party members as cabinet ministers. They serve concurrently as members of the cabinet, ministers of a department and as elected members of the legislative body.

This results in an inevitable mingling of politics and administration which some find disturbing but is nevertheless likely to continue (Morely, et al. 1983, 65).

The cabinet is extremely powerful in both federal and provincial governments. In a situation such as B.C. where 30% of the legislature are members of the cabinet, their powers are astronomical when compared to executive power in the U.S. Although technically the lieutenant-governor-in-council (the governor-general in the federal government) holds executive power, the premier (or prime minister) and the cabinet actually make most decisions. Through a vehicle known as an order-in-council, the cabinet acts legislatively in a way not possible in the U.S. It also administers laws and may act as a judicial tribunal. "The cabinet in a real sense is the government" (Morley, et al. 1983, 75). It

decides the content of legislation, when it is introduced and when it becomes law. Ministers are strongly discouraged from publicly dissenting with cabinet decisions.

The cabinet speaks with only one voice based on one unanimous vote and that voice and that vote are totally and absolutely binding on all ministers (Nichols 1986, 3).

Should legislation introduced by the government leader fail to pass the legislative body, a vote of no confidence occurs and an election is held.

The parliamentary system provides an efficient way to accomplish goals. Legislative debate serves primarily as a forum to bring issues to the attention of the public. Cabinet reaches its objectives with a minimum of delay. At times, decisions are even approved retroactively.

The Canadian Parliament is a bicameral body although the Senate rarely exercises its powers. B.C.'s legislative assembly is a unicameral body.

The British North America legislation, enacted by Great Britain, created a federal system for Canada. Responsibilities outlined in this act resulted in a cobweb of jurisdictions with some uncertainties. The provinces manage most natural resources although the federal government does have some overlap of responsibilities. The Canadian federal government has jurisdiction for navigable rivers, seacoast and inland fisheries, Indian band administration, and many transboundary concerns. Residual powers not covered by the act are federal responsibility yet compared to the U.S. situation, the provinces have much more control of their

destiny. There are, however, still jurisdictional gray areas. One such ambiguity occurs in the field of international cooperation. Although Section 132 of the BNA Act gave the federal government responsibility for international obligations, in practice the provinces often become directly involved in international relations. This topic will be discussed in more detail at the end of this chapter.

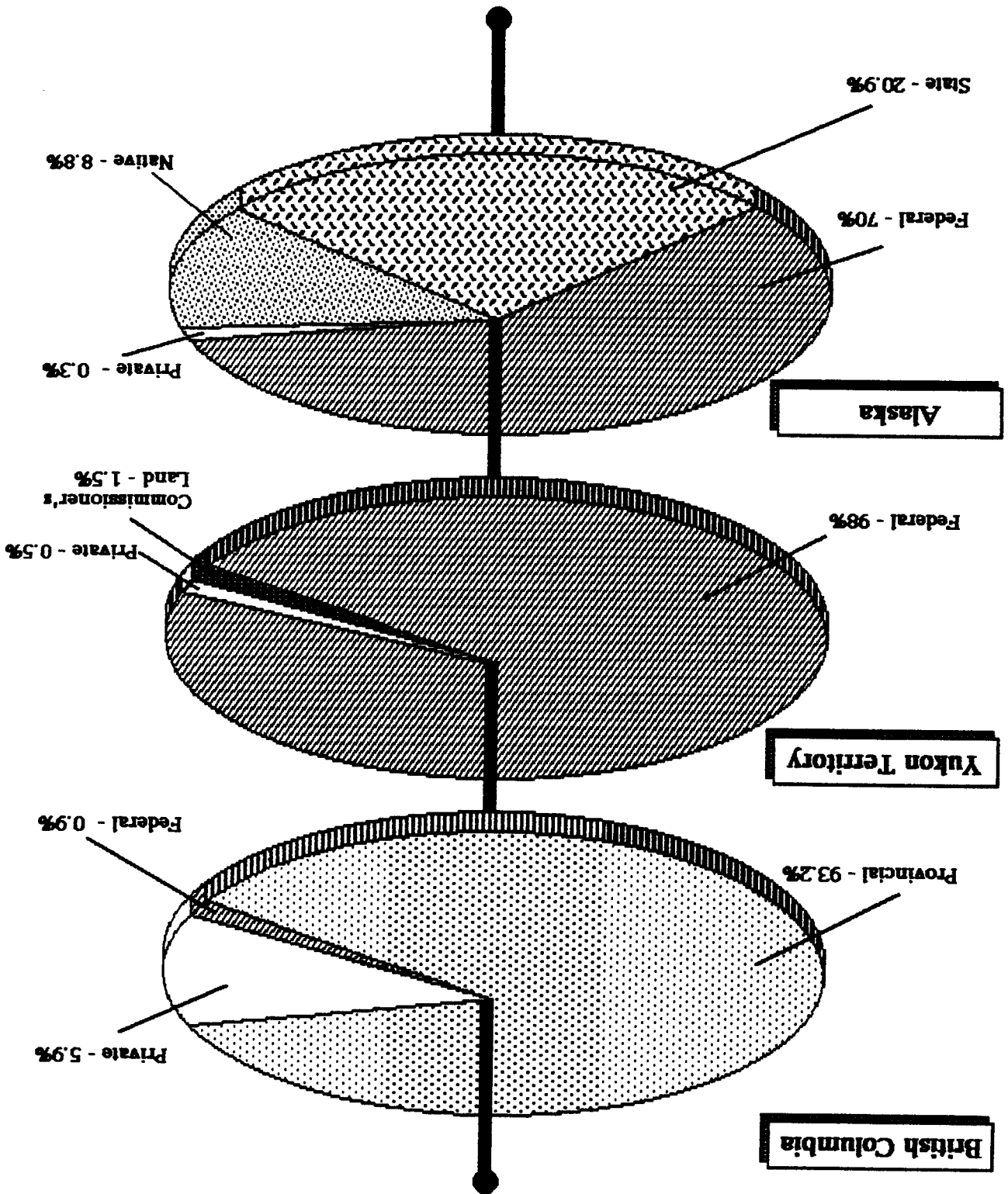
Provisions for management of anadromous fish vary but in B.C. the federal government has responsibility for salmon. A protective clause in the amended federal fisheries act giving the federal government broad powers is often used as a bargaining tool. It has been labelled an

essential element in achievement of environmental control in Canada where provincial regulatory resources or will are weak (Nemetz 1986, 607).

Responsibilities for land management differ in B.C., Alaska and the Yukon (Figure 4-1). The provincial government manages most of the land while the federal government has little presence. Areas managed by government are referred to as Crown land. In the U.S., the East is mostly in state and private ownership while in the West the federal government has a more significant role. Division of responsibilities between federal and state governments in Alaska is almost the direct opposite of the situation in B.C. For example, in Southeastern Alaska, 96% of the land is under federal jurisdiction. Management of the Yukon more closely parallels Alaska but the federal government has even more power.



Figure 4-1. Land Management in the ABCY Region



Source: Data from British Columbia 1985, Yukon Territory 1989, Alaska 1987

On several accounts, the style of governance differs between the two nations. The Canadian government relies more on broad ministerial powers than on public consultation or definitive legislation. Liberal use of the phrase, "the minister may," assures ministerial discretion (Aberley 1985). The U.S., on the other hand, more often uses the terms "shall" and "must" in legislation. There is a greater role for the media to inform the public in Canada while lobbying and litigation have more importance in the U.S. (Carroll 1983). Public involvement has become an expected American institution, often legislatively mandated. The average U.S. citizen has the power to file class action suits against the government, a recourse not available in Canada<sup>3</sup>. Controversial projects are often reevaluated as a direct result of public lawsuits.

Availability of information also differs between the two governments. The U.S. Freedom of Information Act reflects a commitment to permit open access to federal information. This strong piece of legislation enables people to obtain many kinds of information from federal agencies within ten days of being requested (U.S. General Services Administration 1981). Although Canada has a similar act, it is not as strong as the U.S. act and at times, Canadians have used U.S. sources to find out about

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<sup>3</sup>At one time it was also difficult in the U.S. to get standing for class action suits unless a party was directly affected by some government action.

Canadian issues. Alaska's access to information legislation provides less discretion about what may be disclosed than in B.C.

The approach of the two countries to environmental pollution control also differs. In Canada, the control is by overall ambient standards for each body of water and the system fosters bargaining (Carroll 1983). Negotiations work from objectives back to the causes of pollution. Discharge licenses are then issued (LeMarquand 1986). Nemetz (1986) characterizes the Canadian approach as being closed, consensual with a small number of prosecutions. In the U.S., strict point source effluent standards don't permit much negotiation. This system results in much litigation and hostility.

Methods for establishing parks differ in the U.S. and Canada. B.C. for example, may establish parks by an act of the legislative assembly, administrative arrangements or an order-in-council. Parks established by an order-in-council may also be dismantled or boundaries changed by a similar action (B.C. Wilderness Advisory Committee 1986). U.S. parks are generally created by an act of the federal or state legislatures.

#### 4.2. U.S. Institutions in the ABCY Region

The federal government is the primary land manager in Alaska but state agencies, local governments and Native corporations have some importance. These agencies will be briefly discussed below.

#### 4.2.1. Federal Government

The federal government is an important actor in Alaska because it manages 70% of the state. Federal land management agencies are housed within two departments. The Forest Service is the primary management agency of Southeast Alaska and is a part of the Department of Agriculture. The Fish and Wildlife Service, Bureau of Land Management and the Bureau of Indian Affairs also manage land under direction of the Department of the Interior.

Important federal legislative acts in the U.S. have had a profound effect on resource management and planning. The National Environmental Policy Act of 1969 (NEPA) was enacted to improve federal plans, increase coordination and to protect the environment. Federal agencies are encouraged to

utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking (USDA, Forest Service 1978, 250).

A detailed statement of environmental impacts for major federal actions is required. Alternatives to the proposed action, including a "no go" alternative must be addressed. The environmental impact statement (EIS) must consider how short-term uses relate to long-term productivity of the resource.

The Wilderness Act of 1964 established the mechanism for designation of wilderness. It permits Congressional designation of wilderness on federal lands.

The Alaska Native Claims Settlement Act (ANCSA) of 1969 set the stage for a wilderness debate that would last more than a decade. It was primarily concerned with Native land claims but section 17 (d) (2) directed the secretary of the interior to

withdraw from all forms of appropriation . . . up to but not to exceed eighty million acres of unreserved public lands, which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems (United States Congress 1971, 322).

Although never mentioned in ANCSA, the designation of wilderness areas became a major issue throughout the next eleven years. A bitter struggle ensued between preservationists and those who supported unrestricted resource development. The protection ran out for the lands in 1978. Exercising a rarely used power granted by the Antiquities Act<sup>4</sup>, President Carter established a series of national monuments. The Secretary of the Interior withdrew further lands from development. In 1980, 11 years after the Native Claims Act was passed, the Alaska National Interest Lands Conservation Act (ANILCA) was approved by Congress and signed by President Carter, just days before he left office. ANILCA relaxed some of the strict Wilderness Act requirements by permitting existing float plane and motorboat

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<sup>4</sup>The Antiquities Act empowers the President to create national monuments to protect areas of archeological significance. The Forest Lands Policy Management Act of 1976 gave the Secretary of the Interior power to withdraw unreserved federal lands from development.

access as well as construction of some cabins for public safety. It resulted in over one third of the state being placed into some kind of protective stewardship.

#### 4.2.1.1. USDA Forest Service

The USDA Forest Service manages forest, range, mineral, water, and recreation resources as well as fish and game habitat within national forests. Theoretically, national forests are managed according to first chief forester Gifford Pinchot's principle of "the greatest good for the greatest number of people." Planning processes include participation of the general public, but special interest groups are often more vocal.

The Forest Service is a large hierarchical agency with decentralized offices. Policy making is generally a top-down process. A voluminous set of manuals and handbooks provides a "cook book" approach with an intricately cross-referenced list of recipes to cover almost any situation<sup>5</sup>. Local direction is set out in regional and area supplements.

The Forest Service's Alaska Region includes two national forests: the Chugach and the Tongass. The Tongass is further subdivided into three areas: the Chatham Area, the Stikine Area and the Ketchikan Area.

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<sup>5</sup>Side-by-side the USDA Forest Service's manual system extends nearly three meters.

Management of the Tongass National Forest evolved from an early emphasis in timber harvest to one of multiple use. The first forest reserve in Southeastern Alaska was created by presidential proclamation in 1907, later expanding to cover almost all of the Panhandle. Until the 1970s, virtually all Forest Service decision makers were trained as foresters. During the 1960s and 1970s, the U.S. Congress responded to popular environmental concerns by passing several critical acts. Section 1 of the 1960 Multiple Use and Sustained Yield Act (MUSY) directed that

national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes (USDA Forest Service 1978, 197).

This act led to a greater diversification of professionals working for the agency. Today, fish and wildlife biologists, soil scientists, hydrologists, and recreation specialists help manage the Tongass National Forest. The act also mandated sustained yield of renewable resources.

The National Forest Management Act of 1976 and the Forest and Rangeland Renewable Resources Act of 1974 provide the primary direction for planning. Specific direction is set out in manuals. Plans are completed at five levels: national, regional, forest, management area, and project (Gallagher 1987).

#### 4.2.1.2. Bureau of Land Management (BLM)

The Bureau of Land Management is housed within the Department of the Interior. The BLM originally was a land

disposal agency for all federal agencies with additional responsibilities for protection of lands from forest fires. The agency was given a land management and planning mandate in the Federal Land Policy and Management Act (U.S. Forest Service 1978). This legislation gave the BLM a role similar to the Department of Agriculture's Forest Service. While there have been attempts to merge these two agencies, they currently remain in separate federal departments. Four kinds of plans are completed using a nine step planning process: policy, land use, activity, and project (Gallagher 1987).

#### 4.2.1.3. National Park Service

The National Park Service is housed within the Department of the Interior and manages national parks, national preserves, national monuments and national historic areas. The Park Service's mandate to protect areas contrasts with the Forest Service's multiple use approach. The National Park and Recreation Act of 1978 and the 1980 ANILCA legislation require the agency to prepare management plans (Gallagher 1987). Parks along the border include the Klondike Gold Rush National Historic Park, Wrangell-St. Elias and Glacier Bay. The Yukon-Charley Rivers National Preserve also abuts Canada.

#### 4.2.1.4. Fish and Wildlife Service (FWS)

The Fish and Wildlife Service is a part of the Department of the Interior. It is concerned with the



management of fisheries and wildlife including migratory birds and eagles. The agency manages three wildlife areas at or near the border: the Arctic, Yukon Flats and Tetlin National Wildlife Refuges. The primary mission of this agency is the protection of fish and wildlife habitat. Refuges accommodate other uses as long as they do not interfere with its primary mission. The FWS receives statutory direction from the National Wildlife Refuge System Administration Act of 1966. Specific planning direction is provided by statutes (50 CFR Part 36) and Section 304 of ANILCA (Gallagher 1987).

#### 4.2.1.5. National Marine Fisheries Service (NMFS)

The National Marine Fisheries Service, a division of the U.S. Department of Commerce's National Oceanic and Atmospheric Administration, becomes involved with some of the committees set up by the salmon commissions. NMFS is also involved with marine mammal management and participates in cooperative fishery research with Canada.

#### 4.2.1.6. The Department of State

The Department of State is the primary U.S. federal agency for international affairs. It becomes involved in formal federal level international negotiations. This department negotiates directly with Canada's External Affairs.

#### 4.2.1.7. Army Corps of Engineers

The U.S. Army Corps of Engineers is responsible for maintaining the navigability of rivers and issues permits for use and development of wetlands. It becomes involved in international affairs by overseeing log transport, moorage and navigability of international rivers.

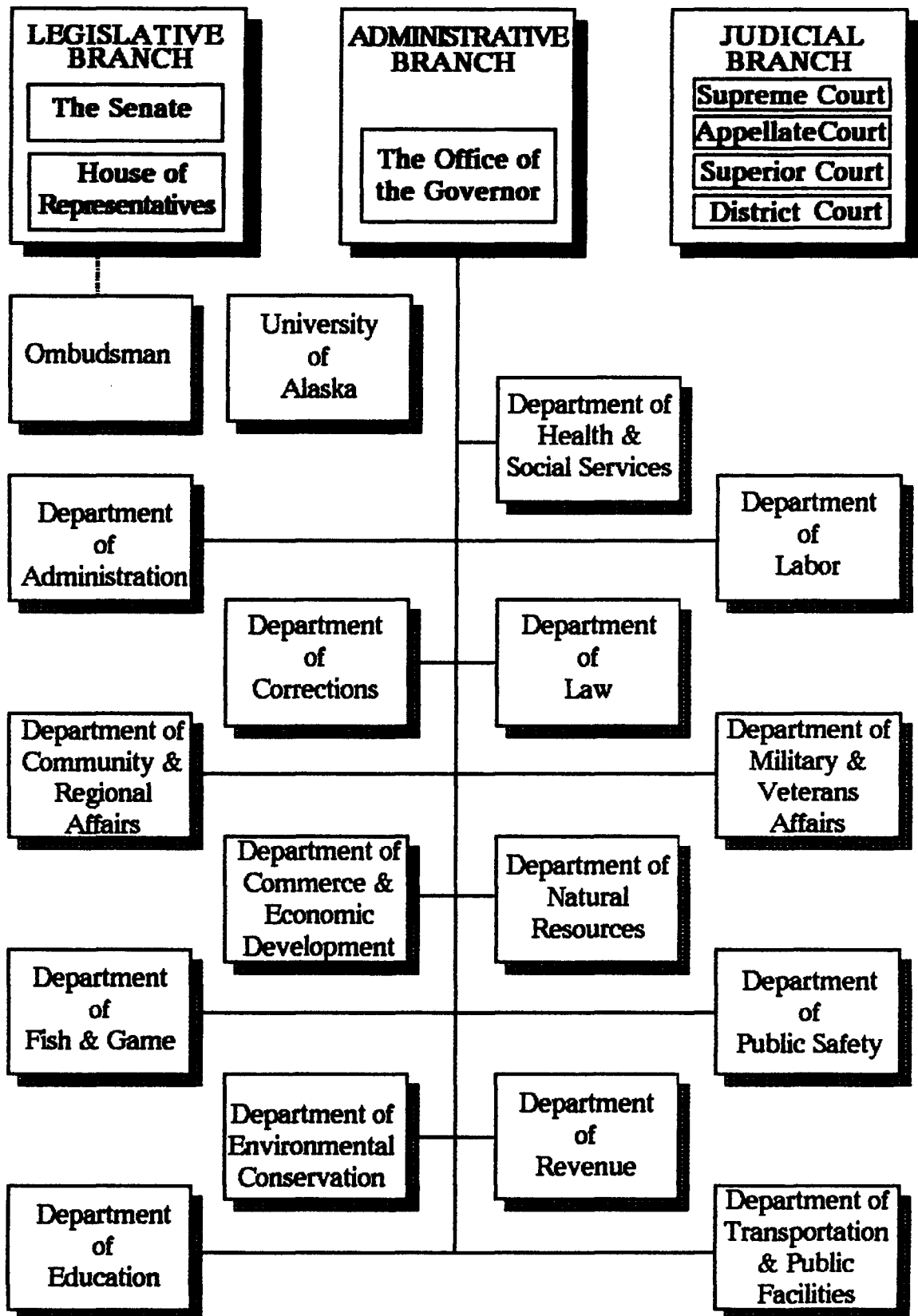
#### 4.2.2. State Agencies

The State manages 21% of Alaska's lands. Similar to the federal government, administrative, judicial and legislative branches are separate entities. Elected officials include members of the legislature (senators and representatives), the governor and the lieutenant governor. The governor leads the administrative branch. The majority of Alaskans are not affiliated with any political party but most elected officials belong to either the Republican or Democratic parties. State resource management agencies are described below. Alaska's government structure seldom changes and there has been a tendency to place resources under the jurisdictions of a few large agencies. Figure 4-2 illustrates the government structure of the State of Alaska.

##### 4.2.2.1. Office of the Governor

The Governor's Office is responsible for overseeing fifteen departments and the University of Alaska. Before

**Figure 4-2. State of Alaska Government Structure**



Source: Adapted from Alaska 1988

any bill becomes law, the governor has the option to sign it into law, veto it or let it become law without signature<sup>6</sup>. The governor becomes involved with international affairs ranging from informal meetings to written agreements. The governor is also commander-in-chief of the state's armed forces. Although he or she may have some influence in setting the federal agenda for international cooperation, the governor's major role is deciding how Alaska will become involved in international affairs within its jurisdiction.

The Division of Governmental Coordination is responsible for coordination between the federal government and Alaska. Federal acts such as the Outer Continental Shelf Lands Act, ANILCA, and Coastal Zone Management Act of 1972 all require the federal government to consult with the governor. The NEPA legislation mandates that federal agencies cooperate with state and local agencies using an interdisciplinary approach. Most major development proposals are therefore sent to this office for review. Specific direction for planning is found in the Alaska Coastal Zone Management Act of 1977. Although there are at times animosities between national and subnational jurisdictions, stringent mandates to cooperate assure that a continuing dialogue occurs.

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<sup>6</sup> A governor's veto may be overridden by a two-thirds majority vote of the legislature.

#### 4.2.2.2. Alaska Department of Fish and Game (ADFG)

ADFG has been responsible for management and enhancement of fish and wildlife on all state lands since it was created in 1959. It also manages fish and game, other than habitat, on Alaska's national forests. The agency becomes involved in international affairs such as fisheries allocation and caribou management negotiations. ADFG cooperated with U.S. and Canadian agencies during the Stikine-Iskut hydroelectric studies of the mid-1980s. The legal base for planning is found in Title 16 of the Alaska Statutes (Gallagher 1987).

#### 4.2.2.3. Department of Environmental Conservation (DEC)

DEC is responsible for water and air quality control, pollution prevention as well as other activities to protect the environment and public health. The department may become involved in international affairs should an activity by another country threaten the health or safety of Alaskans.

#### 4.2.2.4. Department of Natural Resources (DNR)

DNR manages all resources other than fish and game on state land. This includes water, mineral, timber, petroleum, and agriculture resources. The department is also responsible for the state park system. Of all the states, Alaska is the only one with a separate article in its constitution dedicated to natural resources (Gallagher

1987). Title 38 of the Alaska Statutes provides more specific direction for planning. The Division of Land and Water Management completes statewide, area and management plans using an eight step process. The Division of Forestry receives planning direction from Title 41 of the state statutes and uses a seven step process. The Division of Parks and Outdoor Recreation completes statewide, regional, park unit, and site plans using a nine step process.

#### 4.2.2.5. Department of Transportation and Public Facilities

The department is responsible for developing and maintaining buildings, road systems and the Alaska Marine Highway. The agency works with the federal government and the Office of the Governor concerning international transportation planning matters.

#### 4.2.2.6. Alaska Power Authority (APA)

APA is a public corporation within the Department of Commerce and Economic Development but technically separate from the State. It is responsible for hydroelectric developments, power interties and other energy matters. APA is involved with planning future interties to share power between Alaska, B.C. and the Yukon.

#### 4.2.3. Regional and Local Government

Most agencies have some form of regional level administration but the borough is the level of government charged solely with region-wide governance. In many areas,

city and borough governments are amalgamated into one. The twelve boroughs cover half of the state but they actually own only a small percentage of the land. Title 29 of the Alaska Statutes requires boroughs to complete plans and deliver educational services (Gallagher 1987). Although much of the land within boroughs is managed by federal or state agencies, boroughs are responsible for taxation. In practice they act more as local government entities than as regional governments.

#### 4.3. Canadian Institutions in ABCY Region

There are five levels of government involved in the Canadian portion of the ABCY Region: federal, provincial, territorial, regional, and local. Large private sector corporations also wield strong influence in B.C. According to Morely, et al. (1983, 275), the federal government, the provincial government and the major resource industries form a "complex triangular interaction". The BNA Act outlined the responsibilities the federal and provincial governments would have over the various resources. This act set the stage for an ongoing conflict between these two levels of government. During the years B.C. was lead by W.A.C. Bennett, the province was isolated geographically and politically from the federal government. Bennett discouraged regular government contacts (Morely, et al. 1983). Better relations between the two levels of government were fostered by the NDP government and by the present Socred government. B.C., however, still refuses to

participate in federal initiatives such as Native claims negotiations and the Heritage Rivers system. "It has often been easier to resolve international than interprovincial problems" (Bruce and Quinn 1979, 4).

#### 4.3.1. Federal Government

The federal government is responsible for most of the resources in the Yukon but has less influence in B.C. The major Canadian federal actors are discussed below.

##### 4.3.1.1. Department of Indian and Northern Affairs (DINA)

The Minister of Indian Affairs and Northern Development is responsible for this department as well as many aspects of administration of the Yukon and Northwest Territories. The department is responsible for resource development north of 60° latitude. This agency also is responsible for Indian reserves and Native affairs in the territories and B.C.

##### 4.3.1.2. Department of Fisheries and Oceans (DFO)

The BNA legislation gave the federal government jurisdiction over the coastal and inland fishery resource. Federal officials are responsible for maintaining habitat and regulating commercial fisheries. This agency was formerly called the Department of Environment (1970), and the Department of Fisheries and Environment (1972), and became DFO in 1977 (Dorcey 1986a). The Federal Fisheries Act was strengthened in 1970 and 1977. It gave DFO broad powers to protect fish habitat. Section 31 (c) states that



[n]o person shall carry on any work or undertaking that results in harmful alterations, disruption or destruction of fish habitat.

The Pearse Royal Commission on Pacific Fisheries Policy (Pearse 1982) recommended that this provision remain intact even though it received strong criticisms. Pearse recommended that fisheries authorities be more involved in planning for integrated resource management.

#### 4.3.1.3. Environment Canada

Environment Canada became a department in 1967. This agency is currently responsible for enforcing environmental protection laws, providing information about climatic conditions, protecting and managing migratory birds, and for completing research on environmental and land use matters. The Minister of Environment is responsible for activities of the Federal Environmental Assessment Review Office (FEARO). This agency was created by an order-in-council in 1973 and oversees completion of federal environmental assessments. Parks Canada, another division of Environment Canada, manages three areas in the ABCY Region: Kluane, Chilkoot Trail, and the North Yukon National Parks. The agency has recommended establishment of a national park in the Stikine region but the B.C. government has been reluctant to provide lands for this purpose.

#### 4.3.1.4. Department of External Affairs

The Department of External Affairs becomes involved during formal federal level international negotiations.

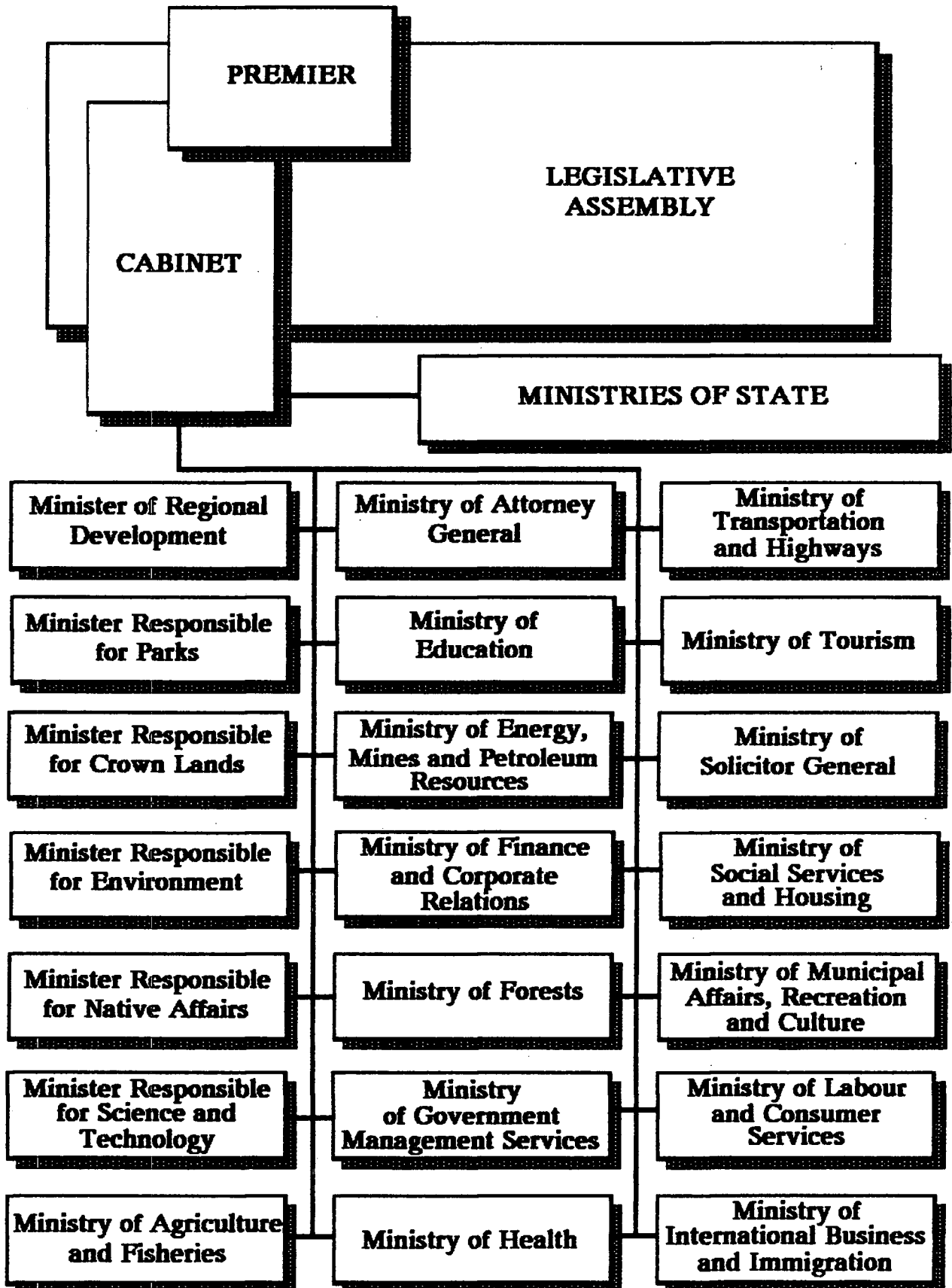
Many federal and provincial agencies work through this department when they cooperate with the U.S. External Affairs Canada often works directly with the U.S. State Department.

#### 4.3.2. B.C. Provincial Institutions

B.C. has had only four different premiers in the last three decades yet the government structure has been reorganized many times. Between 1986 and 1988, agencies have been under three different organizational structures. After the 1986 reorganization, B.C.'s premier called for a "continual process of re-evaluation and reorganization" (Vander Zalm 1986, 2). Figure 4-3 illustrates the structure as of the July 1988 change. This most recent restructuring has resulted in a shuffling of existing ministries and the addition of regional ministries (B.C. 1988). A legislator may hold more than one title, being the minister of state for a region, minister responsible for a program or head a ministry. This overview of the B.C. government begins with a discussion of past structures and trends. It ends with an outline of a few selected ministries important in the ABCY Region.

Several trends occurred in B.C. during the past few decades. Between 1952 and 1972, Premier W.A.C. Bennett led the province as leader of the Social Credit (Socred) party. He operated the government with a highly centralized power

**Figure 4-3. Province of British Columbia Government Structure**



Source: Data from British Columbia 1988

base. The New Democratic Party (NDP) gained control of the province for a brief period between 1972-1975. During this time opportunities for public participation and decentralization increased. Some of these reforms have been at least partially retained by the Socred party since regaining control in 1975. Poor world resource markets have resulted in an era of retrenchment and many programs have been discontinued.

Early on, individual resources were managed in isolation but a few institutions have been developed to provide more integration. A committee of cabinet ministers representing major resource departments was established in 1969 to resolve conflicts between resource agencies. Two years later, the passage of the Environment and Land Use Act formally established the Environment and Land Use Committee (ELUC). This committee had the power to overrule any act or regulation. The Environment and Land Use Committee Secretariat (ELUCS) was established in 1973 to share the high work load and foster interdepartmental coordination. ELUCS became a de facto central agency and "ranked as the New Democrat's major institutional response to the environmental movement" (Morely, et al. 1983, 146). Two divisions were formed within the Secretariat. The Resource Planning Unit was responsible for preparation of resource plans while the Special Projects Unit coordinated major project planning and resource allocation (Crook 1976). This unit developed a review process for B.C. Hydro proposals. A committee of deputy ministers, the Environment Land Use

Technical Committee (ELUTC), was also formed to advise ELUC and direct the Regional Resource Management Committees (B.C. Environment and Land Use Committee 1982). It coordinated provincial resource planning programs and activities of local governments and Crown corporations. ELUTC is responsible for

integrated land and resource use policy planning, project impact assessment, land use conflict resolution, and developing and implementing procedures for administering above (B.C. Ministry of Forests 1984b).

Regional Resource Management Committees (RRMCs) were created to assist in interagency communication and conflict resolution. They assisted in forming regional resource policy statements and coordinating land use planning using a task force approach (Heayn 1977). The province was divided into seven resource management regions on the basis of watersheds in 1975 (Aberley 1985). The ELUCS and RRMCs were abolished in January 1984 as part of the restraint program.

Because ELUC and ELUTC deal solely with matters perceived to be of great importance, they are supplemented by other coordination measures. An example of this may be found in the Cabinet Committee on Economic Development's investigation into development potential of Northwest B.C. A preliminary investigation resulted in the 1982 publication titled: The Northwest Region. Six committees studied the development potential of the region.

The most common method for interagency coordination between ministries occurs through the referral process. Proposals for resource developments are circulated by the

responsible agency to other agencies that have a concern in the matter. A 30 day response period is usually provided. Day-to-day communication between agency staff members supplements the referral system.

#### 4.3.2.1. Minister of Regional Development

This new ministerial position was created to make recommendations about which services could be delivered on a regional basis. Other responsibilities include the review of funding sources for regional development and to make recommendations about the coordination of economic and environmental issues in an attempt to reach a consensus.

#### 4.3.2.2. Minister Responsible for Parks

At the beginning of this study parks were the responsibility of the Ministry of Lands, Parks and Housing. Parks then were transferred to the Ministry of Environment and Parks. The Minister Responsible for Parks administers park programs, outdoor recreation, ecological reserves and visitor services. Provincial parks in the ABCY Region include the Spatsizi Wilderness Park, the Gladys Lake Ecological Reserve and Atlin Provincial Park.

#### 4.3.2.3. Minister Responsible for Environment

Before the 1986 government reorganization the Ministry of Environment was a separate entity. It was then consolidated into the Ministry of Environment and Parks and responsible for all renewable resources other than salmon

and timber. The current minister manages water, air quality, wastes, recreational fisheries, and wildlife. Because these responsibilities are located on lands managed by other ministries, close coordination with other ministers is necessary.

A strategic planning process was initiated in 1981 for the Ministry of Environment when the eight management regions were divided by watersheds into 40 resource management units. Separate strategic plans were created to establish policy direction. Strategic plans would be used

in the bargaining process involving several resource agencies when preparing integrated land and resource plans for the Province (O'Riordan 1981, 19).

These plans were created in an effort to determine resource demands, the capability of the environment to meet these demands, evaluation of options, establishment of targets, the development and execution of programs, and monitoring.

#### 4.3.2.4. Ministry of Agriculture and Fisheries

This ministry is responsible for agriculture, aquaculture, and commercial fisheries. Its title survived the most recent organizational change. Prior to the 1986 reorganization agriculture was a responsibility of the Ministry of Agriculture and Food and fisheries were within the Ministry of Environment.

#### 4.3.2.5. Ministry of Energy, Mines and Petroleum Resources

The Ministry of Mines, Energy and Petroleum Resources (MEPR) manages the various resources listed in its title.

It is responsible for forecasts, project analysis, evaluation, and energy policy development. This ministry is one of the few that have retained the same title since 1978. The main legislation directing this agency is the Minerals Act. Amendments to the act in 1973 and 1974 gave discretionary powers to the Minister to approve mining operations. These powers were revoked in a 1979 amendment which stated that the minister "shall issue a mining lease to a holder of a mineral claim" to those who apply. The Minerals Act is a powerful piece of legislation because it takes precedence over all other acts other than the Environment and Land Use Act.

#### 4.3.2.6. Ministry of Forests

The Ministry of Forests (MOF) was split from the Ministry of Lands, Forests and Water Resources in 1976 to become a separate entity. It was given additional responsibilities in 1986 when it was consolidated with the Lands Branch (formerly of the Ministry Lands, Parks and Housing). The 1988 reorganization again created a separate entity. The MOF is responsible for timber marketing, inventory, supply, forest protection and integrated resource management.

The Stikine Provincial Forest is located within the Cassiar Timber Supply Area and is adjacent to Alaska. The district office is based at Dease Lake. The Cassiar Forest District is a subdivision of the Prince Rupert Forest



Region. Acts important for MOF policy guidance include the Ministry of Forests Act, the Forest Act and the Range Act.

Forest planning occurs on a variety of different levels from provincial to local resource use plans. Broad guidelines exist for local plans but the district manager has much discretion.

#### 4.3.2.7. Other Provincial Ministries

Two other provincial ministries which operate in the ABCY Region will be briefly discussed. The Ministry of Transportation and Highways is responsible for highway corridor planning, airports and maintenance. It becomes involved in international transportation planning.

The Ministry of Tourism is responsible for international tourism marketing. The minister is also responsible for the Pacific Rim Institute of Tourism and the Provincial Tourist Advisory Council.

#### 4.3.2.8. Crown Corporations

Two important Crown corporations involved in the ABCY Region are B.C. Hydroelectric and Power Authority (B.C. Hydro) and B.C. Railway. They are essentially private corporations whose board is responsible to the government. B.C. Hydro has either authored or sponsored an impressive array of reports on the possible effects of the Stikine hydroelectric proposal. A list of reports is included in the reference section of this paper. B.C. Railway is

responsible for development of rail transportation including the Dease Lake extension in northwest B.C.

#### 4.3.3. Regional and Local Government

Regional government in B.C. is represented by twenty-nine regional districts. They were created in 1965 by an amendment to the Municipal Act. The Kitimat-Stikine Regional District and the Stikine Regional District border Southeast Alaska. The Stikine Regional District is the only one in the province without representation or an administrative staff.

Regional districts were originally directed to develop plans and control building in unorganized areas. Additional powers have been given to them resulting in "a dazzling array of 78 functions which range from pest control to economic development commissions" (Aberley 1985, 87).

Regional districts are composed of elected and appointed officials. Voting rights are weighted according to the population that a member represents. The Technical Planning Committee provided a liaison between the regional districts and other agencies. It was abolished in 1984 and the authority to produce plans was revoked. The regional government concept brought negative reactions from other ministries and the private sector.

#### 4.3.4. Yukon Territory Institutions

The Yukon Territory's constitution is based on the Yukon Act and the Government Organization Act. The Yukon

Act established the Commissioner and the Yukon Legislative Assembly. The Government Organization Act gave the Department of Indian and Northern Affairs (DINA) responsibility for governmental coordination (Canada External Affairs 1982).

Prior to the introduction of party politics in 1978, the commissioner was the head of the executive committee. He was responsible for administration of the territory and reported directly to DINA. Since 1978, more responsibility has been delegated to the territory. The government leader heads the Executive Council (Cabinet) and is also an elected member of the Yukon Legislative Assembly. This position is similar to the premier in other provinces except that in the territories, the subnational government has fewer resource management responsibilities<sup>7</sup>.

After the first election along party lines in the Yukon, the Progressive Conservative party formed a majority government between 1978 and 1985. The New Democratic Party gained control in 1985 and was returned to power in the 1989 election. There are sixteen ridings in the territory.

A certain amount of friction between the federal and territorial governments exist. Tony Penikett, the present Government Leader, remarked in 1982 that the territorial legislature had little information to work with because of

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<sup>7</sup> The territorial government is responsible for wildlife management.

the lack of a strong freedom of information act (Alaska State Legislature 1982). A federal Access to Information Act was passed in 1983 but some people still report problems. The Canadian Arctic Resources Committee (1988, 7) reports "that it is sometimes easier to obtain information from Moscow" than from Ottawa. Yukon's Government Leader has also pointed out that the YTG was never consulted during the free trade negotiations (Penikett 1988).

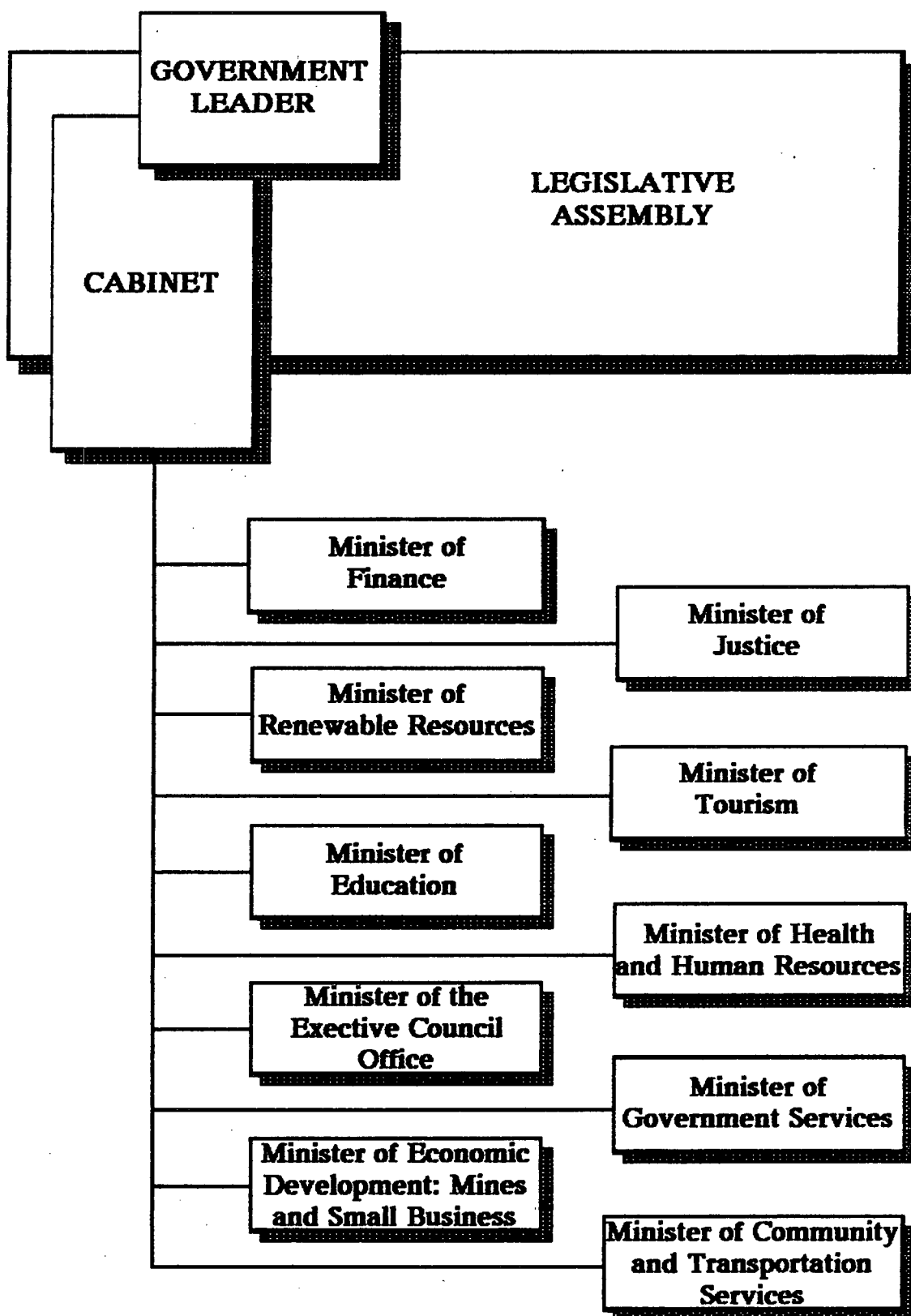
The Yukon government instituted a strategic planning process in 1986 called Yukon 2000. The creation of the Yukon Development Strategy occurred through a bottom-up process incorporating a considerable public involvement process. The process was initiated in reaction to a downturn in the minerals sector which resulted in eliminating nearly forty percent of the economy (Dector 1988).

The organizational structure for the Yukon Territory Government (YTG) is illustrated in Figure 4-4. The trend of devolution can be expected to gradually pass on more responsibilities on to the territory. Federal agencies such as DFO and DIAND still have a significant presence in northern Canada. A few of the major YTG departments will be discussed below.

#### 4.3.4.1. Department of Renewable Resources

The department is responsible for wildlife resources in the Yukon. Most of the other resources are under federal jurisdiction but the Yukon is gaining more responsibilities.

**Figure 4-4. Yukon Territory Government Structure**



Source: Data from Yukon Territory 1989

Fisheries are managed under the federal Fisheries Act but the Yukon government is responsible for enforcement, promotion, licensing, and monitoring harvest (Yukon Territory 1987). Transfer of the freshwater fishery to the YTG is currently under negotiation. Forestry is also a federal responsibility but it is also to be transferred to the YTG. Neither federal or territorial legislation exists for forest management in the Yukon.

#### 4.3.4.2. Department of Economic Development: Mines and Small Business

This department has wide ranging responsibilities for economic concerns. Minerals provide the territory with most of its income from resources. A downturn in the minerals market during the early 1980s was responsible for a major recession in the Yukon. The YTG responded by negotiating a development agreement with the territory's largest private sector employer to reopen the mine in Faro (Penikett 1988).

#### 4.3.4.3. Tourism Yukon

This department is responsible for expanding tourism in the Yukon. Most of the current tourism traffic is from people travelling to Alaska over the highway. Even so, tourism accounts for over fifteen percent of the labor force (Yukon Territory 1988).

#### 4.3.4.4. Department of Community and Transportation Services

This department is responsible for assisting in the development of community infrastructure and transportation. The department also assists communities in the development of plans.

#### 4.4. International Institutions in the ABCY Region

Cooperation between Alaska and Canada occurs both through formal and informal channels. Formal cooperation has traditionally been obtained through high level negotiations leading to treaties or other written agreements. There has been a trend in the last two decades to deal on a more informal basis. Some kind of cooperation occurs through almost every possible link between the federal, state, provincial, territorial, regional, and local governments. Nongovernmental groups also interact with many of these agencies.

##### 4.4.1. Federal Level Cooperation

Bilateral negotiations concerning Canada originally occurred between the U.S. and Great Britain. Today, Canadian and U.S. federal officials work together through contacts between their embassies, between the U.S. Department of State and External Affairs Canada, through negotiations of senior-level officials, through the Canada-United States Interparliamentary Group, and through other special organizations. Rather than the federal

government acting as a single entity, its many different agencies provide cooperation through constellations of different actors (Swanson 1978).

Cooperation between federal officials in the ABCY Region occurs for a wide variety of topics. Boundary negotiations, national defense matters, international wildlife agreements, energy issues, and international trade concerns are addressed between the U.S. Department of State and External Affairs Canada.

Some of the most formal institutions have been established for fish and wildlife issues. Three fishery institutions include the Canada-U.S.-Japan North Pacific Fishery Management Council, the Canada-U.S. International Halibut Commission, and the Pacific Salmon Commission. The latter was created by the U.S.-Canadian Pacific Salmon Treaty of 1985. This institution provides an ongoing opportunity to negotiate agreements about salmon catch allocations. Once initial quotas outlined by this treaty lapsed, the Pacific Salmon Commission was unable to reach agreement on new quotas during the summer of 1987 (McAllister 1987). After one season without an agreement, The Commission agreed to raise the allowable catch for Canada and entered into a joint enhancement project. Problems in reaching other quotas continued during 1989. The International Porcupine Caribou Board is an institution set up in 1987 to advise the two nations about issues related to the caribou resource. The Porcupine Caribou herd is located in the northern part of the region.



The Canada-U.S. Interparliamentary Group is a multi-sector forum used to discuss topics of national interest. This group of elected Canadian and U.S. federal representatives have met annually since 1959. Twenty-four members of each legislature meet off-the-record to discuss issues. No votes are taken (Swanson 1978). They discuss issues ranging from specific border conflicts to U.S. foreign policy. The 1979 meeting occurred in Anchorage (U.S. Congress 1979).

Informal meetings between senior-level federal officials also occur. In January 1979 representatives of the Canadian Ministry of Environment and DINA met with Secretary of Interior Andrus to talk about possible U.S. Scenic River designations along the Alaska border (Bruce and Quinn 1979). The USDA Forest Service and the B.C. MOF occasionally meet and refer reports to each other. The Forest Service has also worked closely with B.C. Hydro about potential Stikine developments (Sheridan 1985).

Cooperation also occurs between the federal level of one country and the subnational level of the other. An example of this occurred during the West Coast Oil and Gas Environmental Assessment Review Process (EARP). The Canadian Federal Assessment and Review Office (FEARO) met with the Governor of Alaska about possible cross border effects of the oil exploration. State ADFG personnel also meet regularly with Canadian federal DFO employees.

#### 4.4.2. Subnational Relations

Different powers granted to states and provinces affect what kinds of agreements they may sign. Both countries, however, still have ambiguities concerning the extent sub-national jurisdictions may enter into agreements. The Canadian federal government is unable to legally bind provinces into some kinds of agreements with the U.S. (Canada Senate 1975). For instance, in respect to international relations,

the uncertainty lies in determining how far the federal hand may reach into spheres that are otherwise provincial in order to carry out its international obligations (Thompson and Eddy 1973, 79).

Canada received complete international powers from Great Britain in 1931. A court decision gave the federal government power for administering treaties before 1931 but its powers to complete new treaties concerning resources managed by the provinces is less clear. Older treaties such as the Boundary Waters Treaty and Migratory Birds Convention are under federal jurisdiction (Canada Inquiry on Federal Water Policy 1985). "[P]rovinces retain jurisdiction over implementation of treaties in the field of their legislative competence" (Leach, et al. 1973, 471). The territories have less of an ability to carry out international agreements.

The states on the other hand, are prohibited from entering into treaties. Article 1, section 10 of the American constitution prohibits them from entering into agreements or compacts with other states or nations. The 74th and 88th sessions of the U.S. Congress stated that the

terms compact and agreement didn't apply to every kind of cooperative arrangement (Swanson 1978).

According to Schechter, et al. (1982, 47), states work out "a variety of meaningful working arrangements" with each other and foreign governments. One of the original drafts of Alaska's constitution contained a provision for cooperation with foreign nations in Article XII, Section 2. It was left out of the final constitution because of fears of a negative reaction from Congress<sup>8</sup>. According to Schechter et al. (1982, 3) Alaska's "unique geohistorical position" could put it in a leading role to expand states' jurisdiction in international cooperative efforts.

The Canadian Senate's 1975 study on provincial-state relations categorized three kinds of cooperation: mini summits of leaders, administrative contact between government officials and inter-legislative conferences. Swanson's 1974 study found that there were 766 interactions between states and provinces. Before this study, little had been documented about subnational relations.

A 1985 meeting of fifteen states and several provinces occurred to discuss acid rain. The National Governor's Association's U.S.-Canadian Task Force met in 1987 to discuss free trade and other issues (Cowper 1987). Alaska Legislative Resolve 79 (Alaska State Legislature 1988a)

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<sup>8</sup> Resolutions have been introduced into the Alaska legislature to put this provision back into the state Constitution but they have not received much support.

requested state participation in federal boundary negotiations.

Topics for cooperation include attempts to arrive at compatible land use designations, cooperative economic development strategies, health and education programs, communications facilities, transportation and utility corridors, and fish and wildlife management. Mineral development, timber harvest, power projects, and pipelines are just a few kinds of developments that lead to cooperation. Trade, defense and navigation issues are also targets of cooperation.

Information exchange is the most common form of cooperation because it involves the smallest commitment. Reports are occasionally referred across the border. A simple form of information exchange occurs through day to day contact between on-the-ground managers. Government workers who have met during official exchanges or during meetings of professional organizations sometimes share information through the mail or on the telephone. Topics for cooperation include sharing of regional planning strategies, public involvement, environmental mitigation, development proposals, educational programs, and economic issues.

Joint planning occurs somewhat less often because parties must first agree on the topics to be discussed and the forum that will be used. Before this level of cooperation occurs, participants must first be able to conceptualize a region larger than the area within their

jurisdictions. Approval by government leaders is often necessary. Joint planning normally begins with a simple exchange of information or identification of issues. It sometimes occurs in response to large development proposals. Cooperative planning occurs between government leaders, senior level managers, corporate employees, and environmental group members. Still another level of joint planning includes cooperation of subnational governments to pressure their national governments to reconsider trade policies.

Joint programs are even less common than information exchange or joint planning because they require an agreement to work together. Joint programs include such topics as reciprocal medical evacuation arrangements, joint in-state tuition relationships for universities, small-scale power sales, education in isolated border towns<sup>9</sup>, sharing of motor vehicle infraction information, tourism development programs, and joint fire fighting and pollution control arrangements.

Cooperation in the ABCY Region on the state-provincial level has a relatively long history. Four important vehicles include: Trilateral Heads-of-Government meetings (THOG), the Stikine-Iskut Rivers Information Exchange Committee, legislative exchanges, and informal contacts

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<sup>9</sup>Hyder, Alaska uses Canadian currency and power and its children are educated in Stewart, B.C.

between agency officials. THOG meetings will be discussed in-depth because they serve to illustrate the dynamics of multi-level subnational cooperation in this region.

#### 4.4.2.1. Trilateral Heads-of-Government (THOG)

The Alaska-B.C.-Yukon conferences between government leaders began in 1960. These meetings covered a multitude of topics including tourism development, Panhandle access, ferry routes, rail development, Pacific Rim trade potential, communications, and hydroelectric development. Before Alaska gained statehood status in 1958, international relations were primarily a federal responsibility. The first state legislature established the International Development Commission to plan for joint hydroelectric development of the upper Yukon, explore the possibility of leasing Alaskan land to Canada and to seek cooperation in the development of mineral, power and forest resources along the border. The state initiated commission was composed of local, state and federal officials. Governor Egan wrote the commissioner of the Yukon Territory and B.C.'s Premier Bennett soon after its establishment suggesting that the three leaders meet.

The first THOG meeting occurred in Victoria during 1960. A joint technical committee on highways met in Victoria later that year. The next year a THOG meeting was held in Juneau. The "annual" meetings were postponed until 1964 when the three leaders met in Whitehorse. An interim

power committee was formed at this meetings to explore hydroelectric possibilities.

The importance of personalities became evident early on. After the first meeting, Yukon Commissioner Collins wrote Egan about the second THOG meeting.

If B.C. shies around too much there are many Yukon-Alaska problems of mutual concern which can be discussed without the presence of British Columbia and I think so far as the Yukon is concerned this is what we should do (1960, 1).

The Commissioner may have been wary of B.C.'s expansionist motives. Premier Bennett wanted to annex the Yukon and the Mackenzie Valley portion of the Northwest Territories (Johannson 1975).

A conflict between Alaska and B.C. arose after the third meeting. The U.S. Jones Act prohibited B.C. ferries from travelling between Alaskan ports. The press claimed Bennett had held a Prince Rupert ferry out of service for almost a year in order to force changes in the Jones Act<sup>10</sup>. Governor Hickel, Alaska's new leader, and Premier W.A.C. Bennett exchanged comments through the press, refusing to speak directly to one another. Governor Hickel declared that relations with B.C. had reached an all-time low (The Sun 1969).

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<sup>10</sup> During this period the southern terminus of the Alaska Marine Highway was Prince Rupert. Poor road conditions made the B.C. Ferry routes to Vancouver Island an essential link.

THOG meetings were terminated for more than a decade as a result of the conflict between the two leaders. A 1969 letter from Governor Miller inviting Bennett to visit Alaska did not manage to improve relations. Governor Egan sent a telegram to Bennett in 1972 during Egan's second term in another unproductive attempt to mend the relationship. Soon after this, Bennett refused to grant a right-of-way on the B.C. portion of the proposed Carcross-Skagway road.

In 1972 Premier W.A.C. Bennett's two decade term ended when the New Democratic Party took control of the B.C. government. Barrett met with Egan and Commissioner Smith of the Yukon in November 1972 to sign an agreement permitting the right-of-way for the Skagway-Carcross Road (now called the Klondike Highway). Bennett told the press it was a "giveaway." Governor Egan wrote Barrett soon after the meeting offering B.C. free communication with Alaskan authorities.

[Y]ou, your staff and Ministers who head your various segments of government are free to phone or otherwise contact any of the Commissioners of the principal departments of State of Alaska government or to communicate in any other way with our public servants that is deemed advisable (Egan 1972, 1).

This marked a new foundation for cooperation. Premier Barrett, however, was wary of U.S. intentions. He was discouraged by the proposal to increase flooding of the Skagit Valley and had misgivings over the Columbia River Treaty and Alaska's choice for an all-Alaskan pipeline (Johannson 1975). Barrett's short term ended in 1975 when



Premier Bill Bennett (son of the former Premier) gained leadership of B.C.

Eight officials from the Yukon visited Alaskan Governor Hammond in 1975. The meeting resulted in a proposal for a joint economic planning council. The idea was expanded to include topics such as transportation, environment, wildlife, law enforcement, and to include B.C. By the end of the year, the Alaska-B.C.-Yukon Coordinating Committee (1976) was formed to exchange information and to identify common problems.

Governor Hammond's administration took the tripartite relationship seriously. By December 1976 the first revived THOG meeting was held in Victoria. Briefs from senior government officials and private citizens were reflected in Hammond's presentations. Yukon's Commissioner A.M. Pearson (1976, 1) described the "Northwest corner of North America . . . as a compact economic unit with dynamic potential for economic development". In a news release about the meeting, Alaska's governor outlined the purpose of the relationship.

Despite the fact that boundaries place us into three separate governments, our citizens have much in common. Since it is clear the action of one government can impact another, we are all better served by exploring mutual experiences (Hammond 1976, 1).

The meetings were revived in a somewhat different format than in the 1960s. They were held informally with the three leaders and minimal staff support. Public observers and the large contingent of federal and state government employees characteristic of the 1960s meetings were absent. The newly

formed coordinating committee, however, provided a forum for state government officials to communicate.

The next THOG meeting was held in Whitehorse in January 1978. Later that spring, the three leaders met in Anchorage during the Alaska-Canada Rail Congress. The 1979 THOG meeting was held in Victoria. Four more THOG meetings were held between 1981 and 1984. After a four year hiatus, the next meeting was held in Fairbanks, Alaska. These meetings have received varying degrees of interest. During the 1980s, there hasn't been a strong commitment to meet on a regular basis.

#### 4.4.2.2. Stikine-Iskut Rivers Information Exchange Committee

During the early stages of the B.C. Hydro Stikine-Iskut proposal, the Alaskan State government became concerned about possible downstream effects of the dams. After a year of negotiations between Governor Hammond and Premier Bennett, the Stikine-Iskut Rivers Information Exchange arrangement was signed in 1982. This state-provincial committee was composed of six representatives. The agreement required annual reports and provided opportunities for information exchange for socioeconomic and environmental issues in an attempt to minimize overlap of studies. A memorandum of understanding between U.S. federal and state agencies directed them to share information about the project. After the proposal was postponed, the need for this institution ended.

#### 4.4.2.3. Legislative Exchanges

Legislative exchanges have occurred between Alaska, the Northwest Territories and the Yukon. The Yukon and Alaskan legislative delegations have met each year since 1982 in either Juneau or Whitehorse. The meetings are usually informal with presentations given to various committees followed by a question and answer period. A major topic during the meetings of the late 1980s was the proposed development of the core calving ground of the Alaska National Wildlife Refuge (ANWR).

References to Canada in Alaska legislative committee meetings have increased dramatically. During the sixteenth Legislature (1987-1988) more references were made to Canada than during the prior two legislatures (1982-1986).

#### 4.4.3. Local and Regional Cooperation

Little cooperation occurs on the local and regional level. A letter from the Regional District of Kitimat-Stikine in 1971 to Alaska Governor Egan promoted more exchange but not much came of this. The one exception of cooperation on this level is an effort between the cities of Juneau and Whitehorse. This local government initiative has resulted in discussion on many issues of concern to the ABCY Region as a whole. In Skagway, Yukon residents attended a municipal meeting about commercial use of the Klondike Highway (Hamme 1987).

#### 4.4.4. Non-governmental Cooperation

Relations between Canada and the U.S. occur on more of a non-governmental level than in most other bilateral relations. Labor and trade organizations, multinational corporations, citizen groups, scientific and professional organizations, academic institutions, and the media connect citizens of both countries (Carroll 1983).

The influence of labor, trade organizations and multinationals should not be underestimated. Canada and the U.S. are each others major trading partners. Canadian subsidiaries of U.S. based corporations are involved in many fields. Nongovernmental actors "use personnel, funds, research, and propaganda media to obtain favorable domestic Canadian or IJC decisions" (LeMarquand and Scott 1976, 160). The role of U.S. and Canadian corporations is growing (Carroll 1983). The Canadian-American Committee was formed in 1957 to study economic factors which influence the relationship. The committee is represented by the National Planning Association of the U.S. and the C.D. Howe Institute of Canada.

The chamber of commerces also work together. At the national level, the Canada-United States Relations Committee has been in existence since 1933. Two meetings each year deal with economic and environmental issues. At the local level, during the 1970s, the chamber of commerces had a joint organization known as the Northwest B.C. Chamber of Commerce and Alaskan Affiliates (1974). The meetings have

resulted in resolutions being sent to government officials about the Cassiar-Stewart road connection through the Stikine River basin. The joint chamber organization has dissolved but there is some interest in reviving it (Kitimat Chamber of Commerce 1987).

Universities also play a role in aiding cooperation. The University of Alaska's Anchorage branch has a Canadian Studies program. Nationwide, the U.S. Association for Canadian Studies encourages the study of Canadian affairs.

Environmental coalitions generally have a small role in bilateral relations but do have influence in site specific issues (Carroll 1983). Canadian interest groups have also testified before a tribunal about the Trans-Alaska Pipeline. Another coalition of private environmental groups focussed on the Stikine River basin. In 1985, environmental groups from Southeast Alaska, B.C. and the Yukon met in Telegraph Creek with Canadian national and B.C. governmental officials to discuss future plans for the watershed.

Sports events are another way that people of both nations work together. The Arctic Winter Games involve people of the circumpolar nations. People from Whitehorse and Juneau also compete regularly in softball and hockey tournaments. A yearly relay race from Skagway to Whitehorse also involves teams from both nations.

Cooperation between Native people in the region is substantial. People cooperate informally between friends and through more formal channels. Former Tanana Chiefs

President Spud Williams explained how Native people cooperate.

We don't care about borders, they are false lines. The state cannot manage across state lines, but we can; we have brothers and sisters on the other side of the border (North Slope Borough 1984).

The Inuit Circumpolar Conference (ICC) provides a structured forum for people of the North to cooperate (Lauritzen 1983). This private initiative of northern Native people meet regularly to discuss issues common to the arctic region. The ICC contracted with Justice Thomas Berger during 1983 to review the effectiveness of the Alaska Native Claims Settlement Act (Berger 1985). This private initiative drew upon the experience Justice Berger gained through his Mackenzie Valley Pipeline Inquiry.

Litigation is one of the few alternatives for private organizations or individuals to seek redress when cooperation fails. According to Carroll (1983) a demand exists for cross border litigation but the institutions are slow in evolving. The American Bar Association-Canadian Bar Association has called for equal access to courts. Utton (1973) echoed this recommendation. The Boundary Waters Treaty (Article II) states that in litigation due to injuries resulting from water diversions, the courts of the upstream country must give the same access to inhabitants from the downstream country as if the injury occurred in the same place as the diversion. Attempts by U.S. citizens to recover damages in Canada would probably fail, however, because Canadian courts would hold that they lack power to

hear such cases (Carroll 1983). Specific ramifications of international environmental litigation between private parties of Canada and the U.S. are uncertain. There are few cases to use as precedent and the situation is complicated because each nation is a federation with both federal and subnational courts. McCaffrey (1973) suspects that under optimal conditions, it would be possible for transboundary pollution victims to find relief but many obstacles would have to be overcome.

#### 4.5. Summary

International cooperation between the Yukon, Alaska and B.C. occurs through many different channels. The primary actors in the region are federal, state, provincial, territorial, and local authorities. Relations become even more complex when agencies have central, regional and local offices. The federal governments have had a major presence in Alaska and the Yukon while the provincial government manages most of the resources in B.C.

International institutions have evolved for a myriad of individual issues yet few are capable of multi-sector review. Three notable exceptions to this situation are the Trilateral-Heads-of-Government (THOG) meetings, legislative exchanges and on the local level, meetings between the cities of Juneau and Whitehorse. Private cooperation is expressed through chambers of commerces, tourism alliances, environmental groups, professional organizations, cultural exchanges, and corporations.

Although mechanisms exist for international communication, it should be noted that in general, the boundary between the two countries reflects separate management and planning philosophies. Different approaches to planning and management occur without much integration. Cooperation between the countries occurs on an issue related basis rather than through an overall proactive planning effort. The next chapter will provide a more detailed critique of the relations in the ABCY Region.



## Chapter 5

### CRITIQUE OF INTERNATIONAL COOPERATION IN THE ABCY REGION

#### 5.1 Introduction

A critique of international cooperation in the ABCY Region will be evaluated in this chapter against five criteria. These criteria were chosen to determine if existing institutions are sufficient to address present or likely future issues. These questions will be applied to five important land use issue areas: fish and wildlife, wildlands and tourism, energy and minerals, transportation, and forestry. Four other issue areas not directly related to land use will be briefly discussed. At the end of the chapter, the overall condition of the international relationship in the ABCY Region will be summarized.

The primary purpose of this critique is not to point out what the governments have not done. Instead, it is hoped that it will provide insight to the dynamics of transborder cooperation and opportunities available for future cooperative efforts. Both countries are still struggling to solve major enigmas common to northern

resource areas. Booms and busts plague the economies. The rural-urban split persists; rural regions import much of their finished goods while exporting raw materials. Striking a balance between development and preservation still provides one of the most challenging tasks for politicians, planners and managers. When these dilemmas have not been solved within each country, one could hardly expect international cooperation to meet utopian ideals. When it does occur, the sharing of information between different jurisdictions at least points out that there are different approaches to similar problems. If cooperation does nothing else, it can promote a multiple perspective outlook.

The boundary between Alaska and Canada acts as more of a conceptual delineation between the two countries than as a separation between natural regions. Although in the southern portion of the region it separates the dry Interior from the wet Coast, river basins provide a connection between the two natural regions. The boundary, however, makes it easier to ignore these natural connections. Issues common to both countries are often treated intra-nationally rather than with cross border dialogue. Across much of its breadth the boundary currently has little meaning. For the near future, the land is likely to remain rock, ice and tundra. Transboundary conflicts can be expected to increase as the region is further developed.

## 5.2 Criteria for Evaluation of Cooperation

The international cooperative effort along the Alaska-Canada border will be evaluated by posing five questions (Table 5-1). These criteria were chosen to evaluate the process of cooperation rather than the merit of the outcomes of the decision-making processes. The criteria have been tailored to objectively evaluate the current status of bilateral relations in the region. By using more subjective evaluative criteria, conclusions would be based more on the author's biases and would be difficult to defend.

The first question addresses the sufficiency of opportunities for information exchange. Are there regular meetings between the different agencies concerned with the particular issue? While regular meetings will not necessarily lead to joint benefits, they at least expand the possibilities for identifying opportunities for joint gains. Regular meetings can lead to the identification of future issues. Information sharing can result in a reduction in duplication of effort by identifying opportunities for joint planning and joint programs. Comparing the results of one management approach to another may also provide new ideas of how to approach similar problems faced by northern people.

Are there opportunities for input in the other country's planning process? Most often each country plans

Table 5-1. Five Questions Used to Evaluate Cooperation  
in the ABCY Region

- Question 1: Are there regular meetings between people of both countries concerned with the issue?
- Question 2: Are there opportunities for consultation by one jurisdiction in another's planning process?
- Question 3: Are opportunities for joint planning taken advantage of?
- Question 4: Have decision making processes led to compatible land-use designations?
- Question 5: Has cooperation led to joint programs?

for its own resources without seeking input from the other nation. This question explores the opportunities for consultation across the border through meetings, telephone calls, or correspondence.

Are opportunities for joint planning taken advantage of? Joint planning is defined as interactions where representatives from both countries work together to identify similar goals and possible alternatives. Joint planning infers that there is some action greater than information exchange. There is a reaching out to determine how the resources of the region could be managed.

Have cooperative processes led to a consideration of compatible land use designations along the border? This question will explore if land use designations were influenced by international cooperation. While a jurisdiction may choose a land use that is not compatible with an adjoining area, failure to at least consider designations across the border may close the door to future

opportunities. Bothe (1979) found that incompatible land use can provide a major obstacle to cooperation. Many designations are mutually exclusive and will permanently affect options for future land use.

Has cooperation led to joint programs? Joint programs are defined as instances where both nations agree to undertake projects together. This action may either be in the form of joint research or other activities. Joint research occurs when the countries work together in the gathering or analyzing of data. Other joint programs include joint resource development or enhancement, joint training programs, and the creation of international decision-making bodies. Joint programs represent the highest form of cooperation.

### 5.3. Evaluation of International Cooperation

The five questions outlined above will be applied to cooperation in issue areas. For the purpose of this critique the issues have been separated into nine areas (Table 5-2). For a more detailed background about these issues, refer to Chapter 2. Although these issue areas are discussed separately, they may in practice be closely associated with one another (e.g., caribou and ANWR oil exploration, Stikine wilderness and hydroelectric power, minerals and transportation corridors, or fisheries and the southern maritime border). Some non-land use issues to be briefly discussed without applying all of the criteria include: health, education, boundary negotiations, and

Table 5-2. Major Issue Areas in the ABCY Region

1. Fish and Wildlife Issues
2. Wildland and Tourism Issues
3. Energy and Mineral Issues
4. Transportation Issues
5. Forestry Issues
6. Health Issues
7. Education Issues
8. Arctic Sovereignty and Maritime Borders
9. Trade Issues

trade. These topics may not appear to be directly related to transboundary environment and land use issues but will be addressed here for two reasons. First, during multi-sector forums, such as the Trilateral Heads of Government meetings and legislative exchanges, all of these issues may be discussed during the same meeting. Second, these issues often are interconnected. For example, the health of the region's people may be directly affected by transboundary developments. The contention over maritime borders are related to fish and petroleum issues. Trade between the two countries may include export of resources. Finally, education agreements may involve discussions about any of the other issues.

### 5.3.1. Fish and Wildlife Issues

Fish and wildlife concerns have led to the most intricate international institutions in the ABCY Region. The fishery resource, especially its allocation, has led to nationalistic feelings on both sides of the border. Possible effects on the Porcupine caribou herd from oil and gas exploration in the Arctic National Wildlife Refuge (ANWR) is another emotion ridden issue. The federal governments, their subnational jurisdictions and private organizations have all become involved in fish and wildlife issues.

#### 5.3.1.1. Forum for Regular Meetings

Meetings between the two countries concerning salmon occur often. Each October, the Pacific Salmon Commission (Canada-U.S.) meets to determine issues that will be negotiated during that year. The Commission, created in 1985, is composed of four Canadians and four Americans. Additional representatives are appointed to panels. These panels meet to explore issues outlined in the October meeting. The Northern Panel is concerned with issues associated with the B.C.-Southeast Alaska region. It is composed of ten members, five from each country. The Commission meets to monitor the work of the panels. Panel recommendations are then accepted or rejected at the February meeting. The International Halibut Commission (Canada-U.S.) is another bilateral institution concerned

with fishery management. The North Pacific Fishery Management Council (Canada-Japan-U.S.) also meets once each year to negotiate interception of salmon in the high seas.

The king salmon fishery of the Yukon River has been the topic of meetings between officials of the two governments. There is no regular forum for negotiating this issue but four meetings have occurred in the past few years between Alaska and the Yukon Territory.

Cooperation between the Department of Fisheries and Oceans and the Alaska Department of Fish and Game (ADFG) also occurs. During 1987, Alaska became interested in the Canadian modelling process for forecasting salmon populations given certain management and enhancement options. ADFG contacted the Department of Fisheries and Oceans to learn more about their forecasting system (Alaska Department of Fish and Game 1987).

Concerns over management of the Porcupine caribou herd have also led to regular meetings. The 1987 joint U.S.-Canadian Agreement concerning the caribou herd created the International Porcupine Caribou Board. The board was preceded by a 1982 Native initiative called the International Porcupine Caribou Commission. The eight member advisory board hadn't met yet at the time this thesis was completed<sup>1</sup>. Early negotiations for the treaty were

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<sup>1</sup>The first meeting was scheduled for January 1989 but the American delegation failed to show up (Kassi 1989).



completed by the Carter administration. During the beginning of the Reagan administration, negotiations were given less priority (Schechter, et al. 1982). There was also a perception, however, that the federal governments used their influence to stop subnational negotiations (North Slope Borough 1984).

Other officials from the Yukon and Alaska meet about game issues. Biologists discuss issues concerning caribou annually in either Whitehorse or Fairbanks. The Director of Game for the Alaska Department of Fish and Game (ADFG) and Yukon's Minister for Renewable Resources meet occasionally at international conferences. Annual legislative exchanges between the Yukon Territory and Alaska have also included discussions about the region's fish and wildlife.

#### 5.3.1.2. Opportunities for Consultation

Although opportunities exist for consultation about fish and wildlife issues, conflicts do arise. Some Canadians felt that they were not afforded enough consultation prior to the issuance of the draft environmental impact statement for ANWR. U.S. Senator Murkowski (1988) stated that Secretary of the Interior Hodel was "justifiably outraged" because Canada had been given the same opportunity to respond to the draft as any U.S. citizen. The senator pointed out that "No statute requires that our [U.S.] government consult with the Canadians prior to the beginning of the public comment process" (Murkowski

1988, 6). The senator stated that Canada created the North Yukon National Park because oil and gas exploration didn't lead to the discovery of major oil fields. During February of 1988, the Yukon Territorial government mounted a media campaign to discourage the opening of ANWR to oil and gas development (Livingstone 1988). The federal government helped distribute publications through the Canadian Embassy in Washington D.C. and consulates in twelve other cities. Assistant Deputy Minister of the Yukon Executive Council Office, William Oppen (1988), spoke of "the lack of attention paid to transboundary concerns" in U.S. proposals, especially ANWR. The Canadian Parliament's Standing Committee on Energy, Mines and Resources, however, recommended an oil and gas corridor from ANWR across the Mackenzie Valley (Canadian Arctic Resources Committee 1988).

As far as fisheries issues are concerned, there are many opportunities for consultation through meetings held by the various fisheries commissions. Although a framework for consultation exists, each country may take as much of the fish as they please if no agreements are in force. Unless specifically negotiated, there are no requirements to consult about fishery harvests. Where joint management bodies, such as the Pacific Salmon Commission, negotiate allocation close cooperation is almost assured.

Consultation about other projects which potentially could affect the fish and wildlife resources may or may not occur. Major projects would likely lead to consultation. An example of this is the agreement between Alaska and B.C.

that led to the creation of the Stikine-Iskut Information Exchange Committee. At the national level, the NEPA legislation requires the U.S. government to consult with foreign governments should major federal actions affect them. Most smaller projects proceed without a mandate for consultation.

#### 5.3.1.3. Joint Planning

Joint planning for fish and wildlife issues occurs occasionally. Before the Canada-U.S. Salmon Treaty and the Porcupine Caribou agreement, ADFG often met with Canadian officials. It met with both the Yukon Ministry of Renewable Resources and the Federal Department of Fisheries and Oceans. Meetings included discussions about possible management options open to their respective decision-makers.

Joint planning also occurs in the international fisheries commissions. These bodies plan for the enhancement, protection and allocation of fish. They will be discussed in more detail below under joint programs.

#### 5.3.1.4. Compatible Land Use Designations

ANWR and the North Yukon National Park are an example of incompatible land use designations. While much of the caribou range on either side of the border is somewhat protected, the designations are not completely compatible. Canada closed oil and gas exploration on its side of the border with the creation of the national park. The debate about permitting exploration in ANWR was in progress at the

time this was written. International negotiations have not yet been successful in resolving the caribou issue. The Senate of the Alaska State Legislature responded to opposition to opening ANWR to exploration by passing Senate Resolve 9. This resolution congratulated the Canadians on their success in developing the oil and gas resources (Alaska State Legislature 1987a). While on the surface, the resolution appeared to be congratulatory, it can be interpreted as a sarcastic message to justify oil and gas exploration in ANWR.

#### 5.3.1.5. Joint Programs

Joint wildlife programs between Canada and the U.S. began as early as 1939 when a cooperative border patrol was instituted to enforce game violations (White and Rhode 1939). The program was instituted by two wildlife agents of the U.S. Fish and Wildlife Service (FWS) and the R.C.M.P. This set the stage for a cooperative effort which continues today where FWS personnel cooperate with Canada to complete wildlife surveys.

The fisheries treaties set the foundation for joint management. The Pacific Salmon Commission negotiates allocation of the fishery as well as enhancement projects. Since each country has only one vote, any decision reached by the Commission must be unanimous. The commission agreed in 1988 to cooperate in a joint salmon enhancement project. Eggs taken from the Canadian portion of the watershed are reared in Alaskan hatcheries and returned to the Taku and

Stikine Rivers. There is also a joint research project in the Kluane-Glacier Bay area (Tobin 1988).

Another instance of cooperation occurred in 1982 when the Alaska Department of Fish and Game transferred \$50,000 to the Yukon Territory's Department of Renewable Resources for caribou studies (North Slope Borough 1982).

The agreement concerning the Porcupine caribou also may be considered a joint program. Although the board acts only in an advisory capacity, the institution is a joint body recognized by both countries. Board members may obtain input from management agencies, local communities and researchers.

Biologists from the Yukon and Alaska cooperate in joint research efforts. They complete winter surveys, inventory and monitoring of the caribou herds.

#### 5.3.2. Wildland and Tourism Issues

Wildland and tourism issues are often intertwined with other resource issues. As wild areas are altered by resource development, there is a perception that wilderness values and thus tourism dollars will be effected. Wildland and tourism issues include both creation of protective designations as well as actively marketing the area to attract visitors. These two issues have been lumped together with the understanding that some kinds of tourism developments might be incompatible with wilderness designations.

#### 5.3.2.1. Forum for Regular Meetings

Meetings occur between both private and public sector groups concerning wilderness and tourism issues. Government representatives work together to jointly promote tourism. The Yukon and Alaska tourism departments have met regularly since the late 1970s to create an annual joint brochure. Some private international groups also work towards joint gains. Managers of the Klondike Gold Rush Historic Park and the Chilkoot National Park meet annually. Other private groups have worked together across the border to preserve wilderness qualities. Although sporadic meetings do occur, there are few forums for regular interchange concerning wilderness and tourism issues.

#### 5.3.2.2. Opportunities for Consultation

Most wilderness or park designations are made without consultation across the border. Consultation has occurred in some specific instances. During land use discussions about the area in Alaska surrounding Kluane National Park, Canadian officials recommended the designation of the Wrangell-St. Elias National Park.

During Congressional oversight hearings about Alaska, however, USDA Forest Service officials expressed reluctance to encourage wilderness designations on the Canadian side of the Stikine River basin (U.S. Congress 1984). It was noted that the Forest Service does express concerns about activities that might affect the wilderness quality on the

U.S. side of the border. During the B.C. Wilderness Advisory Committee meetings, few Americans submitted comments to the Committee. Elsewhere in the province, U.S. environmental groups exerted pressure to designate South Moresby Island as a national park.

#### 5.3.2.3. Joint Planning

Joint planning in tourism and wildland issues occurs occasionally but not to a great extent. The Klondike Gold Rush National Historic Park is an example of a joint planning effort. This international park retraces the steps of miners during the Klondike gold rush. During early THOG meetings, the three leaders discussed refurbishing the trail.

Private environmental groups have also initiated joint planning endeavors. One of the few efforts to provide an overall view of the Stikine watershed was spearheaded by environmental groups. Although their perspective was somewhat parochial, in May 1985 four environmental groups from B.C., Alaska and the Yukon Territory met in Telegraph Creek to discuss the future of the Stikine River basin. Representatives of federal and provincial agencies attended this privately sponsored convention as well as the Association of United Tahltans. A conference resolution recommended management of the Stikine as a single ecological unit (Friends of the Stikine 1985a).

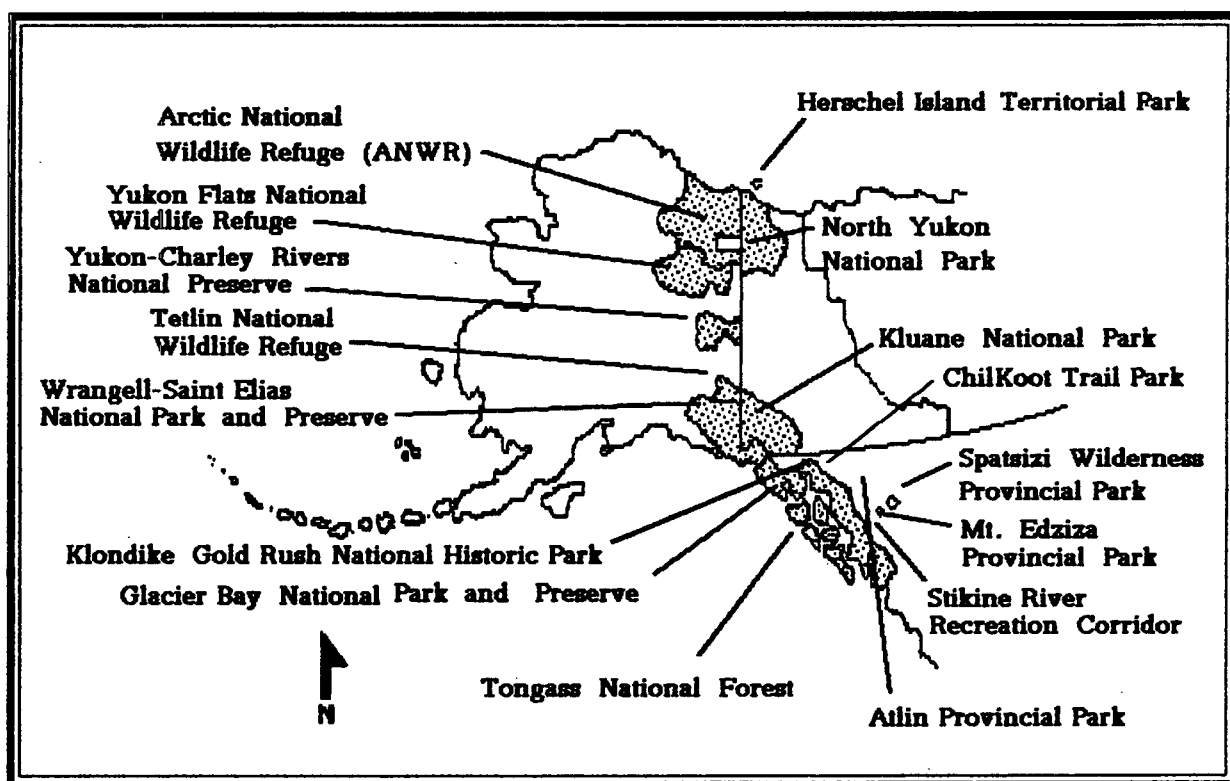
#### 5.3.2.4. Compatible Land Use Designations

For the most part Canada and Alaska have used separate processes to allocate protective status to wildlands. Figure 5-1 illustrates where these designations occur. Prior to establishment of wilderness designations in Alaska, a briefing paper submitted to Governor Hammond for the 1976 THOG meeting contained one of the few calls for coordinating land use designations.

The State might further urge the establishment of corresponding management areas across the international boundary at the provincial, state or national government level (Conover 1976, 1).

An example of a compatible land use designations may be found along the border where Kluane and the Wrangell-St.

**Figure 5-1. Wildland Designations in the ABCY Region**



Source: Adapted from U.S. Geological Survey 1980



Elias National Parks meet. Another compatible land use designation occurs between Skagway and Whitehorse where an international park has been created to commemorate the Klondike Gold Rush.

The decision-making processes leading to land use designations in the Stikine River basin exemplify how governments are reluctant to consider compatible designations along the boundary. While cross border cooperation may not lead to similar land uses, a lack of communication results in lost opportunities to jointly consider a range of alternatives. The U.S. portion of the Stikine is managed with a strict interpretation of wilderness. Just over the border the area is managed for timber, mineral and water development. A recreation corridor was established along part of the river in 1987 but resource development will still occur in the area. Governments have been reluctant to become involved in each other's planning processes. Even within the B.C. portion of the watershed there are conflicting land use plans. B.C. Railway constructed a rail grade to Dease Lake and a three million dollar bridge across the river while the same area was planned to be flooded by B.C. Hydro. Both projects are currently on hold. After the B.C. Wilderness Advisory Committee completed its findings, the Friends of the Stikine remarked that the Committee never visited the Stikine and did not mention the area's international significance in the final report (Friends of the Stikine 1986).

The designation of the Atlin Provincial Park is another example of one country acting on its own accord. This designation occurred after the New Democratic Party gained control of B.C. Its apparent purpose was to prohibit construction of a large hydroelectric development. The area across the border is managed by the USDA, Forest Service. Other than managing the growing number of helicopters, the area received no special attention.

The northern part of the ABCY Region provides an example of how subtleties of an apparent similar designation can lead to conflict. While ANWR and the North Yukon National Park are both protective designations, there are differences. Oil and gas development could occur in the wildlife refuge with Congressional approval. Exploration is not permitted in the North Yukon National Park.

#### 5.3.2.5. Joint Programs

Joint tourism development programs have also been successful. An international effort leading to the creation of an annual tourism brochure for Alaska and the Yukon lasted for about a decade. The Alaska Division of Tourism worked with Tourism Yukon to produce this brochure (Wright 1988). Alaska's 1989 tourism brochure, however, was not jointly produced. During the 1988 THOG meeting, the leaders of Alaska, B.C. and the Yukon agreed to change their tourism marketing programs to attract more visitors along the Alaska Highway. Tourism North was formed by the three subnational governments and a joint marketing agreement was signed on

January 3, 1989. They have joined with the federal governments to complete a joint marketing effort to celebrate the fiftieth anniversary of the Alaska Highway. An interagency committee was also formed to develop a joint exhibit at the border (Alaska 1988).

Joint training of employees is another area where some cooperation has occurred. Glacier Bay National Park and Kluane National Park have cooperated in some joint training of naturalists. Similar exercises have also occurred between personnel of Wrangell-St. Elias and Kluane National Parks.

#### 5.3.3. Energy and Mineral Issues

Energy issues to be evaluated include oil and gas exploration, development and transport. Hydroelectric development and power export are also covered. Cooperation concerning mineral issues will also be discussed in this section.

##### 5.3.3.1. Forum for Regular Meetings

Cross border meetings concerning energy and mineral issues tend to be episodic. The Stikine-Iskut Rivers Information Exchange Committee is an example of an instrument created to keep communication channels open on a specific issue. The USDA Forest Service maintains that the group "facilitated considerable informal contact between specialists of the Forest Service and Canada on technical matters" (Lynn 1986, 1). During the planning of the

hydroelectric project much information was exchanged between the governments. Interest diminished as it became clear that the project would not be pursued in the near future. During the 1988 THOG meeting, the three leaders agreed to have energy officials meet on a regular basis. A memorandum of understanding was signed by the three leaders to jointly determine the feasibility to construct power interties.

Before an all-Alaskan route was chosen for the Alaska Pipeline, a Canadian route was also considered. Meetings between government officials and industry representatives occurred regularly. During the late 1970s Foothill Pipe Lines Ltd. proposed a Canadian route to transport Alaskan natural gas. This was the subject of Canada's tenth federal assessment panel report. To date, the pipeline and its route have not been approved.

Meetings about minerals issues also occur. A yearly natural resource development conference sponsored in part by the B.C. and Yukon Chamber of Mines provided a chance for Alaskans and Canadians to meet. Alaskan officials have also visited Canada to learn about mining in the North. During 1989, a mining conference was held in Juneau with participants from the three areas.

#### 5.3.3.2. Opportunities for Consultation

Generally, each country develops its own energy plan without much international consultation. Cooperation has occurred in relation to specific proposals such as oil and gas pipelines, tanker traffic and hydroelectric development.

During development of the Stikine-Iskut Hydroelectric plans, B.C. officials did meet with Alaskan officials. The Governor and Premier met in Juneau and signed the information exchange agreement. As well, B.C. Hydro officials held a meeting in Juneau to solicit input. The Alaska State Legislature (1981) passed a resolution requesting future consultation about this issue. If the development continued it is possible that a U.S. EIS would have been completed. Such an EIS process would have increased pressure for more consultation.

#### 5.3.3.3. Joint Planning

Joint energy planning was one of the original reasons Alaska, B.C. and the Yukon began meeting in the 1960s. Several large-scale hydroelectric developments were proposed. The cooperative planning effort did not get very far due to the Canadian federal government's reluctance to export power. U.S. representatives suggested that Canada be given a corridor through Southeast Alaska to Skagway in exchange for power sales. Ironically, as a result of the Columbia River issue, the export ban was eventually lifted but without any corridor provision through Southeast Alaska. Enthusiasm for large, international hydroelectric schemes in the region diminished during the next two decades.

More recently, joint planning has also occurred concerning power interties. The Yukon, B.C. and Alaska currently have separate power grids. There used to be a surplus of power in the Yukon but now that mines are open

there is a greater demand. The Johnny Mountain mining operation in B.C. will need a power supply once the mine opens. Presently, fuel is flown in from Wrangell. Nearby in Alaska, U.S. Borax's molybdenum mine at Quartz Hill will eventually need more power than can be supplied locally. The Stikine-Iskut hydroelectric facility, if built at all, would not likely be completed until 2020. A Memorandum of Understanding was signed by the leaders of the Yukon, Alaska and B.C. at the 1988 THOG meeting to encourage joint study of the feasibility for power interties.

Joint planning also occurred during the oil and gas pipeline proposals for Alaska's Prudhoe Bay. An all-Alaskan pipeline was eventually chosen but there is still a possibility a gas pipeline may be routed through Canada. Contingency planning for possible oil spills along Canada's West Coast from oil tankers is another area where there has been cross-border cooperation.

#### 5.3.3.4. Compatible Land Use Designations

Where major developments have been proposed or constructed, there has been few examples of processes leading to joint energy development designations. Along the northern end of the Alaska-Canada border, the land on the Canadian side is closed to oil and gas exploration while Alaskans are pushing for renewed exploration of ANWR. The second area with incompatible designation is the Stikine River basin. While the Canadian side has land reserved for

hydroelectric development, the American side is being managed under a strict interpretation of the Wilderness Act.

#### 5.3.3.5. Joint Programs

Canada and the U.S. agreed to participate in a joint study about utilization of the power potential of the upper Yukon River in 1968. The study focussed upon the market potential of the power. An inter-basin water transfer from the Yukon river through the Coast Range to a powerhouse at Skagway was considered. This study involved U.S. and Canadian federal governments, the State of Alaska and the province of B.C. (Hickel 1968).

Another early example of a joint energy program occurred in Hyder. This small Alaskan town used electricity originating in Stewart, B.C. during a time when power export from this part of Canada was technically prohibited. Hyder still obtains its power from across the border.

Cooperation in the mining industry has occurred in the recent development of the Johnny Mt. deposit in B.C. Materials are being airlifted from Wrangell Alaska to the remote mining camp. Further North, mining companies from the Yukon truck their ore to the port of Skagway, Alaska for shipment outside.

The two countries have also worked out a joint contingency plan for oil spills in the arctic. In the event of an oil spill on either side of the border, resources of both countries would be used to contain it (Carroll 1986, U.S. Congress 1981). After the failure of oil companies to

contain the 1989 Valdez oil spill, it can be expected that international oil spill contingency plans will again become an issue.

#### 5.3.4. Transportation Issues

Transportation issues include the development of rail, highway, air, and water routes. Transportation routes in the ABCY Region have been a major topic during many meetings between U.S. and Canadian officials. The construction of the Alaska Highway during World War II completed a ground link to Alaska through Canada that was proposed as early as the 1930s. Another major transportation issue involves legislation regulating the transport of marine freight.

##### 5.3.4.1. Forum for Regular Meetings

Transportation issues were the subject of the earliest meetings between Canadian and Alaska interests. Meetings in the last century led to a treaty assuring unimpeded navigation through Alaska to Canada.

The federal governments held meetings beginning in the 1930s concerning transportation through Canada. Although the route was selected and constructed in the 1940s, transportation has continued to be the subject of many meetings. During the 1960s, the U.S. Congress commissioned the Battelle Institute to complete a study about rail and highway links to Alaska resulting in additional meetings.

Since the first THOG meeting in 1960, transportation has been a major topic. During the 1960 meeting, a



transportation subcommittee was created. During 1972, the three subnational leaders met in Victoria and agreed to permit construction of a road from Skagway to Whitehorse<sup>2</sup>. More recently, the 1988 THOG meeting resulted in a joint committee to study the possibility of extending operation of the White Pass and Yukon Railroad to Whitehorse.

Personnel from the Department of Transportation and Public Facilities (DOTPF) often communicate with counterparts in the Yukon and B.C. governments. They talk about highway improvement issues and possible new routes. DOTPF also meets annually with the B.C. ferry people.

Rail links have been the topic at many meetings. The most notable meeting, the Alaska-Canada Rail Congress, was held in 1978. This meeting provided federal and sub-national officials a chance to evaluate opportunities for rail links between the two countries.

There are also ongoing meetings between the Department of State and External Affairs Canada about transportation routes through the Stikine River basin and other corridors through Southeast Alaska to the Coast.

While transportation issues are not always the sole reason for meetings, they are often brought up at general meetings between Canadians and Alaskans. Highway maintenance, creation of new routes, improvement of air

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<sup>2</sup>Former Premier W.A.C. Bennett refused to grant the easement through the small portion of B.C. and held up construction of this route.

transportation, and coordinating marine transportation require close contact between the two countries.

#### 5.3.4.2. Opportunities for Consultation

Consultation occurred between the two countries when planning transportation routes because without such cooperation, routes would end at the border. A notable instance of consultation occurred with a provision included in the U.S. ANILCA legislation. Section 1113 of that act directed the President to consult with the government of Canada concerning access through the Stikine-LeConte Wilderness Area.

#### 5.3.4.3. Joint Planning

Joint planning for transportation primarily occurs at the federal level and at the state level during THOG meetings. Besides planning for construction of new transportation links, officials also plan for maintenance, upgrades and all year operation of existing routes.

Joint transportation planning began in the 1930s with plans for a corridor through Canada to Alaska. These plans were brought to fruition during World War II with the construction of the Alaska-Canada Highway. The federal government has also been involved with negotiations for other transportation corridors such as the provision for a corridor through the Stikine River basin as directed in the ANILCA legislation.

#### 5.3.4.4. Compatible Land Use Designations

Although the Alaska-Canada border covers a great expanse, there are only a few major transportation corridors. The compatibility of land use designations may or may not be an issue in planning for future transportation routes. The Taylor Highway and Alaska Highway provide the only two major land connections along the straight lined border of Alaska and the Yukon. Land use designations do not seem to be an issue in this area. A conflict during the 1970s about a right-of-way through B.C. stalled the Klondike Highway construction but this was due more to a personality conflict than incompatible land uses. Along the remainder of the border between Southeast Alaska and B.C., land use designations may become more of an issue in the future. Specifically, in the Stikine River basin the designation of wilderness in the American side has provided an additional obstacle for those who desire more routes through the Panhandle. While there is a provision in the ANILCA legislation for a Stikine route, plans for highway construction through a wilderness area would bring national attention to the issue. It is likely that future routes through the Panhandle will occur outside of this watershed.

#### 5.3.4.5. Joint Programs

Joint programs occur in land, water and air transportation links between Canada and Alaska. The Prince Rupert terminus for the Alaska Marine Highway was negotiated at the

first THOG meeting. Alaska leases the ferry terminal at Prince Rupert from Transport Canada. The B.C. Ferry Corporation and the Alaska Marine Highway also jointly publish a brochure.

Close cooperation between the federal and subnational jurisdictions have led to the many improvements in the transportation network. Recent cooperation between the two countries resulted in resurrection of the White Pass and Yukon rail route. Joint programs have also led to the creation of and improvement to the major land links between Alaska and Canada. Pressure exerted by the subnational authorities on their respective federal governments has resulted in joint funding schemes for highway improvements. Cooperative air transport programs facilitate air links between the two countries. The governments also reciprocate information about motor vehicle violations.

The construction of the Alaska Highway was perhaps one of the best examples of cooperation in the field of transportation. This effort, however, was met with some skepticism. Prime Minister W.L. Mackenzie King stated that the highway project

was less intended for protection against the Japanese than as one of the fingers of the hand which America is placing more or less over the whole of the Western hemisphere (Granatstein 1976, 34).

#### 5.3.5. Forestry Issues

Forestry management issues are generally addressed solely within each country. An exception to this are some

personnel exchanges, report referrals and cooperation between environmental groups.

#### 5.3.5.1. Forum for Regular Meetings

Occasional meetings on timber issues within the public sector occur between B.C. and Alaska. The USDA Forest Service meets annually with the B.C. Ministry of Forests. Topics discussed include current forestry activities along the border and wildfire preparedness plans. Informal contact occurs on the central level (Sheridan 1985) and at the local level (Lynn 1984) of these agencies.

#### 5.3.5.2. Opportunities for Consultation

For the most part, the opinion of the neighboring country about forestry operations along the border is not solicited. An exception to this occurs when report referrals are circulated across the border. For example, the Ministry of Forest's (MOF) Landscape Assessment plan for the Inside Passage was referred to the USDA Forest Service (Wood 1987). The MOF also referred the Hal-Pac sale proposal in the Stikine River basin to the USDA Forest Service and the Alaska Department of Environmental Conservation for comment (Kriowken 1986). Most U.S. timber harvest plans are subject to public comment and nothing would prevent Canadian citizens or agencies from submitting their opinion.

#### 5.3.5.3. Joint Planning

Alaska's 1959 legislative act creating the International Development Commission promoted cooperation in developing the region's natural resources including timber. THOG meetings have actually seldom covered timber issues.

Cooperative planning has occurred in the topic of fire protection. B.C. and Alaska personnel have agreed to help each other out in the event of serious fires along the border.

#### 5.3.5.4. Compatible Land Use Designations

The most striking example of incompatible land use designations occurred in the Stikine River basin. While the Alaska portion is designated as wilderness, timber harvest occurred just a few miles over the border. This issue has been discussed in more detail earlier in this chapter in the wildland and tourism section.

#### 5.3.5.5. Joint Programs

While some minor instances of joint programs have occurred, the timber resource is generally managed independently. One exception is the cooperative fire-fighting arrangement between the USDA Forest Service and B.C.

### 5.3.6. Other Issues

Although not directly related to land use, several other issue areas will be briefly discussed. Health, education, border negotiations, arctic sovereignty and trade can affect the general tone of the relations. As noted earlier, they will be addressed here because they may have direct connections to environmental and land use issues. These issues have been topics at THOG meetings, legislative exchanges, and during meetings between agency personnel. During such multi-sector forums, government officials may address any of these issues and the relations between them.

Several forums exist to cooperate in health issues. An agreement between the Alaska Department of Health and Social Services and the Medical Services Branch of the Department of National Health and Welfare of Canada was signed during February 1988. This state-federal agreement facilitates exchange of information, joint meetings and cooperation on research. Meetings of the Institute for Circumpolar Health also provide a forum for to discuss similar health problems.

Education issues are addressed through several institutions. The Canadian-Alaskan Institute for Northern Native Languages provides a forum for regular meetings. Another Alaska-Canada avenue for cooperation is through the universities. There is currently an institute for Canadian Studies at the University of Alaska's Anchorage branch. The Canadian government has donated \$10,000 for guest lecturers. During the 1988 THOG meeting, leaders agreed to joint

membership on an advisory board for the Canadian studies program. Tuition waivers exist for residents of the Northwest Territories and Yukon when attending the University of Alaska. Additionally, the Alaska State Library is a depository for Canadian publications. A unique cooperative effort occurs between Hyder, Alaska and Stewart, B.C. where Alaskans attend school in Canada. Other programs include the Canada-Alaska Institute for Northern Native Languages, the Boreal Institute for Northern Studies, the Circumpolar Committee on Rural Education (Inuit Circumpolar Conference), and teacher training exchanges.

Disputed maritime boundaries also provide an opportunity for cooperation. The Alaska Senate State Legislature passed Legislative Resolve 79 (1988) requesting the Department of State to include a representative from Alaska during boundary negotiations with Canada and the Soviet Union. The Department of State has never included Alaskan representatives in the negotiations. This topic has also been discussed at THOG meetings.

Arctic sovereignty is another area where more cooperation is needed. The U.S. doesn't recognize Canada's claim to Arctic waters and in 1969 sent the oil tanker Manhattan to test viability of oil transport across the Northwest Passage without seeking Canadian permission. This action was repeated in 1985 when the U.S. sent the Coast Guard icebreaker Polar Sea through the area. Canadians were further enraged when three U.S. nuclear submarines travelled to the North Pole in May 1986 (Bradley 1987). An agreement



was reached on January 11, 1988 where the U.S. agreed to ask Canada's permission before navigating through these waters without addressing legal claims (Canada 1988). Although the waters are still in dispute, the agreement should prevent former international incidents from being repeated. Carroll (1986) has recommended that the question of sovereignty should be solved by third party arbitration, if necessary.

The free trade treaty negotiated on the federal level is an example of how cooperation can lead to a major agreement. While the benefits or detriments of the agreement are yet to be proven, this cooperation has led to a trade agreement unmatched by any other two countries. Some industries in each nation will undoubtedly suffer but many new opportunities can be expected to arise from this agreement. The Yukon government expressed resistance to free trade because it goes against some of the territory's economic recovery plans. The agreement is likely to result in more importation of food product from the U.S. through Skagway to the Yukon. There will be minor benefits to the Yukon mining industry. Equipment and supplies will be less expensive as a result of removing tariffs. Free trade will also open energy markets and will end the practice charging more for power export than sales within the country. A major concern of the Yukon government relates to the possibility that current development programs will be disputed. The total impact of the agreement, however, will be evident only after it is fully implemented (Canadian Arctic Resources Committee 1988). While the Yukon had

little input, Alaska's governor was appointed to a commission about the treaty.

#### 5.3.7. Multi-Sector Institutions

Few institutions examine issues in more than one sector. Several institutions, however, provide occasional opportunities to look at the region as a whole. At the subnational level, Trilateral Heads-of-Government (THOG) meetings and legislative exchanges permit an overall view of the region. At the local level, meetings between the cities of Juneau and Whitehorse have addressed a variety of regional issues. At the federal level, issues in the ABCY Region may be discussed at meetings between the Department of State and External Affairs Canada as well as during legislative exchanges. These institutions will be discussed below.

##### 5.3.7.1. Trilateral Heads-of-Government (THOG) Meetings

The leaders of Alaska, B.C. and the Yukon Territory have conducted trilateral meetings since 1960. There is nothing to prevent THOG meetings from collapsing under unfavorable conditions. Several attempts to hold these meetings annually have been frustrated by events perceived to be of greater importance and by personality clashes. The rift between Alaska and B.C. leaders in the 1960s led to a ten year hiatus in the meetings. Appendix B lists the THOG meetings between 1960 and 1988.

THOG meetings provide a semi-informal forum to discuss any topic. The meetings also provide an excellent opportunity for the leaders to talk informally after the structured meetings.

Participants at the first few THOG meetings envisioned the beginning of a relationship that would include joint resource developments, hydroelectric schemes, railroads, and Panhandle access routes. These dreams have yet to be realized. Specific agreements have, however, followed discussions at THOG meetings. The Stikine-Iskut Rivers Information Exchange Committee was announced at the 1976 meeting. Before this, a meeting between the three leaders in Victoria led to an agreement about a long-standing right-of-way dispute delaying construction of the Klondike Highway. Construction and maintenance of other highways, tourism planning, and information sharing agreements have also resulted from these meetings.

Although THOG meetings provide an opportunity to discuss a variety of issues at one table, meeting agendas partition subjects into separate discussions. A few people have suggested a broader approach. Dr. A.M. Pearson, Commissioner of the Yukon Territory, suggested the following during the 1976 THOG meeting.

The Northwest corner of North America, consisting of Alaska, Yukon and British Columbia can be viewed as a compact economic region with dynamic potential for economic development and containing the resources, entrepreneurship and the initiative to carry it forward. Developmental planning in any area should not be restricted to the confines of existing political boundaries which are economically meaningless (1976, 1).

Two years later, Yukon Government Leader C.W. Pearson welcomed discussion at the 1978 Heads of State meeting about the

trans-border aspect of policy developments with respect to management of entire eco-systems such as the Northern Alaska/Yukon area, transportation systems, sports and cultural exchanges and pipeline related matters (Yukon Territory 1978, 9).

For the most part, calls for a broader approach have soon been forgotten.

The amount of interest in this institution changes from one administration to another. There is no guarantee that meetings will be held from year to year. Until new institutions are created, THOG meetings will provide one of the few opportunities for an overall outlook for the ABCY Region.

#### 5.3.7.2. Legislative Exchanges

Legislative exchanges between Alaska and the Yukon have occurred almost every year since 1982 (Phillips 1988). This forum provides an opportunity for selected lawmakers to meet and discuss transboundary problems as well as different approaches to common problems. Legislators attend committee meetings and floor sessions. During the evenings, they speak more informally and forge friendships that could prove valuable during times of future transboundary crises. Meetings result primarily in information exchange but they also serve to set the stage for future agreements.

### 5.3.7.3. Federal Multi-Sector Institutions

On the national level, periodic meetings occur between External Affairs Canada and the U.S. State Department. Annual meetings are also held between the two federal legislatures through the Interparliamentary Group. Alaskan-Canadian affairs are sometimes discussed at these meetings and the 1979 meeting was held in Alaska. A danger exists that when a national approach is taken, it becomes easier to link regional issues. Speaking about the Porcupine caribou issue, Minister Bruce McLaughlin of the Northwest Territories thought that federal level negotiations could end up trading "caribou for crabs on the East Coast" (Alaska State Legislature 1987b). Norma Kassi, a member of the Yukon Territory Legislature, feared the ANWR issue could be linked to acid rain negotiations (Taylor 1989).

### 5.4. Summary

Cooperation between Canada and Alaska in the ABCY Region occurs through many different channels. Federal, subnational, and local governments as well as private interests work together in response to a wide spectrum of issues. Instances of cooperation are usually in response to a specific issues within an individual sector. Few institutions are capable of addressing relationships between sectors.

Information exchange provides the most common form of cooperation between Alaska and Canada followed by joint

planning and joint programs. Although few arrangements mandate the exchange of information, it occurs through report referrals, in-person meetings and over the telephone.

Government officials rarely comment on the plans of other jurisdictions although isolated instances have occurred. Canadians have commented on plans to develop the Arctic National Wildlife Refuge (ANWR); they have suggested road corridors through a U.S. wilderness area, and have expressed support for certain park designations. On the local level, citizens of Whitehorse have testified at municipal meetings in Skagway. U.S. interests have participated in meetings about proposed Canadian hydroelectric power developments and oil and gas exploration. Governments are generally reluctant to interfere with each other's planning processes unless they have a direct stake in the outcome.

Before statehood in 1959, joint planning in the ABCY Region occurred primarily through the two federal governments. Once Alaska was granted more powers, opportunities for cooperative planning were explored. Because of the mingling of responsibilities, the federal government often becomes involved. Cooperative planning occurs for fishery allocation, connection of power grids, pipeline proposals, tourism marketing, transportation networks, caribou management, and wild fire suppression.

Compatible land use designations do occur along the border yet they have been more the result of political processes within each government. Because of the wild

character of the ABCY Region, the full ramification of incompatible land use designations will not become evident until the area is further developed. Two incompatible designations already have caused some concern. Probable oil development in Alaska's ANWR has resulted in a strong negative reaction by the Yukon government. Further south, a wilderness designation in the U.S. portion of the Stikine River basin borders an area slated for resource development in Canada.

Because governments are reluctant to reduce future options, few instances of joint management exist. Fisheries institutions are an exception. Other kinds of joint programs occur for tourism, transportation, energy, wildlife, education, naturalist training, and fire-fighting.

Natural resources, especially biological ones, are often the basis for international conflicts in the region. Elaborate international institutions have been set up to resolve differences in fish and wildlife issues. International fishery commissions meet on a regular basis to discuss fish allocation although they do not discuss Yukon River fishery issues. The International Porcupine Caribou Board has also been established to provide advice to the governments.

Methods for dispute resolution are still in their infancy. Again, the fisheries commissions have some of the most elaborate methods for resolving differences. Meetings between officials also serve to resolve conflicts. There are few established procedures for conflict resolution and

problems often simmer for many years without being adequately addressed. The 1988 Free Trade Agreement creates a dispute resolution board but it remains to be seen if it will address issues in the region.

Although cooperation is growing in the ABCY Region there is much room for improvement. Relations are ad hoc, reactionary, and issues are incrementally addressed in isolation. An overall picture is often lost to strong sectoral approaches. Three notable arrangements have been used to address multi-sector issues: the Trilateral Heads-of-Government (THOG) meetings, legislative exchanges, and meetings between the cities of Juneau and Whitehorse. Other than these multi-sector institutions there are few opportunities for proactive planning for the entire region. Each nation has its own agenda and within each nation competing interests often erode opportunities for integrative planning. Except for a few isolated instances where institutions have been highly structured, they eventually either fail to meet regularly or are abolished altogether.

The people of this region share a relatively unpolluted environment, abundant fish and game, and unsurpassed recreation opportunities. Minerals, petroleum and water power add to the region's wealth. Current decisions will effect long-term land use along the border yet each nation tends to plan for short-term concerns. Unless a planning process is undertaken for the entire region, increasing conflicts over irreversible land use designations can be



expected in the future. Just a marginal increase in effort by the governments could result in a disproportionately greater return. An effort to initiate long-term integrative planning for the transboundary region could function to encourage the individual jurisdictions to improve their own planning and decision-making processes. The final chapter outlines specific steps that the governments can take to proactively plan for the ABCY Region without giving up sovereignty.

## CHAPTER 6

### FINDINGS

This final chapter incorporates the major points of the previous chapters. It begins with a summary of the dynamics of international cooperation. The overall U.S.-Canadian relationship is then discussed followed by a look at the history of the ABCY Region. Conclusions from the evaluation of cooperation in the region are then summarized. Finally, specific actions to improve relations are recommended.

#### 6.1. Dynamics of International Cooperation

Throughout history, nations of the world have placed more emphasis upon protecting their boundaries from cross-border intrusions than upon cooperation with their neighbors. The result has been incompatible land uses, pollution problems and water quantity concerns. Although there were isolated instances of early cooperation, transboundary planning didn't mature until the 1960s. International agreements have increased dramatically in the past few decades but few countries have given up their sovereignty to joint bodies.

The effectiveness of a transboundary planning effort is dependent on many factors. It is affected by the political will of the nations to cooperate, compatibility of planning and decision making approaches, and the amount of resources expended. A genuine desire to cooperate is perhaps the most important factor; without sufficient political will, meaningful cooperation will not occur.

An important obstacle to integrated management of transboundary regions is the border itself. Boundaries are not always logically located.

While we laugh at people of the Middle ages because they thought the earth was flat, we ourselves have acted as if the contours of its rotundity were nonexistent (Mumford 1927, 277).

Countries usually take the border seriously, seldom looking at the transboundary region as a whole.

Transboundary cooperation can provide many benefits to people of both countries. By working together, it is possible to obtain mutual gains not available by acting independently. Fiscal burdens can be reduced by eliminating duplication of effort. A positive cooperative spirit may also improve a nation's international image. When in an advantageous position, a country may wish to develop a reservoir of good will to draw upon when they are in a future disadvantage.

## 6.2. Overview of Canadian-U.S. Relations

Early relations between the U.S. and British North America began with tumultuous interactions. Military

skirmishes set a negative tone for the future. The 1867 Alaska purchase worried Canadians because it cut their access off to the Coast. The Alaska boundary dispute resulted in several decades of acrimonious interactions.

Relations improved during the early part of this century. The establishment of such a powerful institution as the International Joint Commission was an anomaly in U.S. foreign relations. As this joint body matured more referrals were entrusted to it. Other important agreements followed.

Today, the sweet-sour relationship continues between Canada and the U.S. Transboundary disputes are dramatically increasing. A growing number of problems are

not being solved or even, for that matter, contained. They are leaving a residue of bad feelings in both countries and particularly Canada (Carroll 1983, 301).

There are no clear trends and the degree of cooperation often changes with elections of new leaders. Unsolved problems frustrate relations. On the other hand, annual meetings between the president and the prime minister and between the legislative bodies provide stability. The unparalleled free trade agreement is an example of the extent the two countries can cooperate.

Canada and the U.S. have similar cultures. Radio, television and printed media cross the border with ease. The people also have similar development perspectives. They share the same continent and most of them speak the same language. The difference in government structure, however, presents obstacles to cooperation. The strict separation of

powers between the branches of the U.S. government differs from the mingling of executive and legislative powers in Canada. Canadians trust their governments with more power than Americans do. A difference in the openness of the governments may limit information exchange. Canadian officials have expressed surprise that confidential documents become public information once given to a federal agency. Differences in geographical and psychological perspectives also complicate relations.

During the early part of this century transboundary issues were geographically contained. Technological advances such as railways and highways led to economic development being "liberated from the tyranny of place" (Weaver 1984, 64). At one time we shared a border. Today, with acid rain and other far reaching issues, we share a continent.

### 6.3. Relations in The ABCY Region

Conflicts between the major powers in the ABCY Region have occurred throughout recorded history. Institutions utilized to resolve these conflicts have, however, changed throughout time. Early conflicts were often hastily resolved by threats of physical force. They concerned territorial claims, trade and navigation rights, resource allocation, and location of boundaries. International conflicts after the 1867 Alaska purchase were generally conducted in a peaceful manner. Boards, commissions, tribunals, and meetings between leaders were used to

negotiate settlements. Although elaborate transboundary planning institutions have evolved, many major issues are still unresolved: fisheries allocation, maritime borders, arctic sovereignty, effects of oil development on caribou, wilderness designation, and navigation restrictions.

The resource economies of the region have historically been dependent on foreign markets and have been susceptible to cycles of booms and busts. Raw resources have been exported and finished goods imported. Booms revolved around export of sea otter furs, fisheries, minerals, petroleum, and military activity. Forestry, trapping, and tourism have also fuelled the region. Economic stability has been frustrated by access problems, distances to markets, power limitations, and poor prices for resources. Subsistence hunting and fishing and government spending helped soften the busts.

Booms and busts will likely continue in the near future despite attempts to diversify the economies. Unless new approaches are implemented, international conflicts are also likely to grow. Governments in the region, tend to ignore lessons of the past by applying short-term fixes to long-term problems. A look to the region's past experience, however, can help prevent repeating the same mistakes.

#### 6.4. Conclusions

A wide range of cooperation between Canada and Alaska in the ABCY Region occurs through a complex network of federal, subnational, and local governments as well as

private interests. The federal governments have had a major presence in Alaska and the Yukon while the provincial government manages most of the resources in B.C. Because of overlapping responsibilities, the federal governments become involved in some subnational cooperative efforts. Private cooperation is expressed through chambers of commerces, tourism alliances, environmental groups, professional organizations, cultural exchanges, and through corporations. The Inuit Circumpolar Conference (ICC) is an important private international institution representing Eskimo people of Canada, the U.S. and Greenland. The ICC is concerned with diverse issues such as environmental protection, arctic policy, and Native self government. This institution also addresses Canadian-Alaskan issues.

Information exchange provides the most common form of cooperation followed by joint planning and joint management. Although few arrangements mandate the exchange of information, it occurs through report referrals, in-person meetings and over the telephone.

Before Alaska's statehood status in 1959, joint planning occurred primarily through the two federal governments. After Alaska was granted more powers, opportunities for increasing cooperative planning were explored. Joint planning has occurred for fishery allocation and enhancement, caribou management, tourism marketing, energy development, pipeline proposals, transportation networks, and wild fire suppression.

Government officials rarely comment on each other's planning processes unless they have a direct stake in the outcome.

Compatible land use designations do occur along the border yet they have been more the result of political processes within each government than between them. Proposed oil development in Alaska's Arctic National Wildlife Range (ANWR) adjacent to the North Yukon National Park is an example of a conflicting land use. U.S. wilderness designation abutting resource development in the B.C. portion of the Stikine River basin is another example. The full ramifications of land use conflicts will not be evident until the area becomes more developed.

Because governments are reluctant to commit themselves to undertakings that may reduce future options, few instances of joint programs exist. The success of fisheries institutions is an exception. Less structured joint programs also occur for tourism, transportation, energy, education, and fire suppression matters.

Although cooperation is growing in the ABCY Region there is much room for improvement. International institutions are generally ad hoc, lack power and issues are incrementally addressed in isolation from each other. They are more suited to react to problems rather than to proactively plan. Except for a few isolated instances where institutions have been highly structured, they eventually either fail to meet regularly or are abolished altogether.

International institutions in the region have been developed for a wide spectrum of individual issues yet few



are capable of addressing the relationship between sectors. An overall picture is often lost to strong sectoral approaches. Joint bodies specially created for sectoral cooperation in the ABCY Region include the International Porcupine Caribou Board, the Stikine-Iskut Rivers Information Exchange Group and several fishery commissions. Three notable government arrangements have been used to address multi-sector issues: the Trilateral-Heads-of-Government (THOG) meetings, legislative exchanges, and meetings between the cities of Juneau and Whitehorse.

Methods for dispute resolution are still in their infancy. Fisheries commissions and meetings between leaders are some of the few institutions available to resolve conflicts. The 1988 Free Trade Agreement's dispute resolution board may or may not address issues in the region. Without in-place conflict resolution procedures, many problems have been long lasting and inadequately addressed.

Although relations between the U.S. and Canada began on a confrontational note, in a worldwide context they have evolved to a best case scenario. Bilateral relations are amicable and the region is relatively undeveloped. This situation provides an excellent opportunity to proactively plan before significant problems require a highly structured process. A marginal increase in effort could lead to disproportionately better results. Each nation has its own agenda and within each nation competing interests often erode opportunities for integrative planning. An initiative

at the international level, however, can provide necessary checks and balances to encourage an integrative approach within each nation. Because the rest of the world looks to the U.S.-Canada relationship as an example, a proactive approach in the ABCY Region could potentially have worldwide ramifications.

The growing seriousness of transboundary issues will increase future needs for cooperation. Fish and wildlife, wildland, transportation, energy development, and pollution issues are potential problem areas in the ABCY Region. Current dilemmas include mitigating effects of oil development, possible oil tanker spills, border and arctic sovereignty disputes, transportation corridors, power exchanges, wilderness, and ongoing fisheries allocation.

#### 6.5. Probable Future Trends

Many authors agree that new institutions are needed but specific recommendations differ (Utton 1973, Sewell 1986, Johannson 1975, Dupuy 1979a, Sadler 1986). While it is tempting to design utopian institutions, it is often necessary to work within existing systems. It is unlikely that Canada and the U.S. will cede authority to new joint management bodies (LeMarquand 1976).

Arms-length, year-to-year bargaining would appear to dominate the agenda, rather than commitment to accept future decisions of joint boards or commissions (Scott 1974, 847).

Utton (1973) expects to see flexible, open ended arrangements in the future. A complete revamping of

institutional systems will not work if participants have not made intellectual transformations necessary to effectively utilize them. This fact should not, however, inhibit experimenting with innovations that foster cooperation.

A proactive anticipatory approach involving regional and local interests is desirable. Relations need to be structured enough to encourage regular interaction yet flexible enough to respond to change. Redesigning existing institutions and creating new ones may be necessary. They can be designed to anticipate and mitigate future problems early on. Unless a proactive planning process is undertaken for the entire region, increasing conflict over irreversible land use designations can be expected.

#### 6.6. Future Options

Future relations between Canada and the U.S. will either improve, become more tense or stay the same. Carroll (1983) lists three alternatives for the future of U.S.-Canadian relations. The first alternative is to continue the status quo, approaching each issue as it arises. The second alternative is to adopt an incremental approach with some additional structure. Carroll's recommended approach would be creation of a new order, including a blanket treaty to provide more guidance. Clear rules would be established for dealing with transboundary issues.

Sadler (1986) suggests that the current ad hoc approach be replaced with an overall system for conflict settlement.

He also recommends institution of a "flexible form of 'umbrella' understanding in which broad principles and obligations are stated in general terms" (Sadler 1986, 375).

He recommends developing an

"anticipatory capability," a proactive approach to emerging problems based upon research and monitoring and empowered by intergovernmental and public consultations (Sadler 1986, 365).

Improving the relationship will require a concerted approach between the two federal and three subnational governments to experiment with different mechanisms tailored to the region.

The problem therefore is not to seek out a "one best way" but, instead, to devise decision processes that are both efficient in providing desired output and effective in achieving fair outcomes for all affected parties (Boschken 1982, 13).

The OECD (1979) asserts that there is no one institutional solution applicable in all trans-frontier regions. Because each frontier region has a unique set of circumstances, flexibility to experiment is necessary.

Increased structure is also needed to develop means to respond effectively to existing and future conflicts before they become unmanageable.

[P]lanning of development and expansion must be embodied well before an acute need for it is urgently felt (Glos 1961, 95).

Another purpose for increased structure would be to develop ways to assure regular meetings occur.

## 6.7. Specific Recommendations

The recommended approach for improving international cooperation in the ABCY Region is to use existing institutions as much as possible augmenting them with new structures when necessary. Recommendations will be separated from those actions that can be initiated at the national and subnational levels. Because of divided jurisdictions in both the U.S. and Canada, actions initiated at one level will often need to have cooperation from other levels of government.

### 6.7.1. National Level Recommendations

Detailed recommendations for improving federal cooperation along the Canada-U.S. border are beyond the scope of this study. Several general needed improvements, however, will be noted. Bilateral relations would be vastly improved if the two federal governments were to adopt general guidelines to direct future cooperation. Carroll's recommendations for an environmental treaty and a formal national level citizen advisory committee should be considered. The recommendation of the American Bar Association-Canadian Bar Association (ABA-CBA) to establish an arbitration commission should also be considered. More attention should also be directed to making existing institutions work smoother. The Washington D.C.-Ottawa connection would be best to focus on pressing federal level issues such as trade, air pollution and major development

planning. Increased input of subnational jurisdictions in federal level negotiations is also encouraged.

While federal-federal cooperation is usually limited to issues of national importance, federal agencies are responsible for many programs in ABCY Region. They work with state, provincial, territorial, and local interests. The federal governments should take a more active role in improving cross-border cooperation. Federal officials based in the region should be encouraged to cooperate more often with similar agencies on the other side of the border. Specific employees in each agency should be trained in international affairs and assigned responsibility for coordination.

#### 6.7.2. Subnational Recommendations

State, provincial, territorial, and local governments are the most important places to expand trans-border cooperation. Cooperation on the regional level on a specific issue is less likely to be inhibited by linkage to other issues. Linkage can be a stimulus to involve federal governments in issues they would otherwise ignore but its short-term advantages can have long-term costs (Doran 1984). Linkage of issues reduces the flexibility to negotiate about a particular issue. The check and balance of a regional and local interests provides an important role. Subnational governments may not care to see a local issue used as a bargaining chip in an unrelated international issue. These governments are also closer to problem areas than Washington

and Ottawa. Additionally, regional level governments are more adaptable to change. Intricate federal level protocol assures a slow process and it is often unresponsive to unforeseen circumstances.

This region is fortunate to have over three decades of subnational relations since the first Alaska-B.C.-Yukon conference in 1960. These Trilateral Heads-of-Government (THOG) meetings could be more productive with a few minor changes. It is recommended that a broad agreement between the heads-of-states of the three jurisdictions be approved to provide general guidelines for cooperation. Seven items should be covered by this agreement (Table 6-1). Guidelines would help establish standard procedures for scoping exercises and for developing terms of reference for joint planning and joint program development.

First, the agreement should establish yearly THOG meetings. By designating a month when the annual meetings will occur, they will be less likely to be postponed. Should unexpected events prohibit a leader from attending, audio or video teleconferences could be used.

Second, a Coordinating Committee similar to the one in use during the 1970's should be created. This committee would coordinate day-to-day cooperation and prepare leaders for the annual THOG meetings. The coordinating committee should have representatives from the major subnational government agencies most likely to be involved in transboundary issues. Each representative would also be responsible for coordinating Alaska-Canadian cooperation

within his agency. At a minimum, quarterly meetings should be held. Again, these meetings could be teleconferenced if necessary.

Third, the overall agreement should establish THOG subcommittees composed of experts in major issue areas: hydroelectricity, power interties, wilderness, tourism, transportation, minerals, oil and gas, forestry, fish and wildlife, subsistence, and economic development. Members of these committees should be chosen from federal, state, provincial, territorial, and local governments. These groups should at least meet by teleconference once per year. More meetings could be held as needed. Three major tasks should be assigned to these groups: information exchange, identification of opportunities for joint gain, and mitigating potential problems. The establishment of a

Table 6-1. Recommended Guidelines for Cooperation in the ABCY Region

1. Designate a month for annual THOG meetings.
2. Establish a THOG Coordinating Committee.
3. Create THOG subcommittees for major issues.
4. Encourage cooperation between management level employees.
5. Establish a citizen advisory board.
6. Document all international meetings.
7. Outline conflict resolution procedures and provide negotiation and dispute training.
8. Establish international regional conferences.



working relationship in each of these issue areas should identify potential conflicts before they become unwieldy.

Fourth, the agreement should encourage communication between on-the-ground managers and planners. While decisions would be approved by higher level officials, information exchange should be available to all government workers. Report referrals, comparison of management techniques and planning processes should be encouraged.

Fifth, a citizen advisory committee in each government could also be formed, reporting to Coordinating Committee members. This committee of nongovernmental employees would represent environmental, resource development, and other interests concerned with transboundary issues.

Sixth, the agreement should promote a means of documenting all meetings. During the 1960s, formal minutes were published on a rotating basis of the Alaska-British Columbia-Yukon Conferences. When the meetings were reestablished in the 1970s, minutes were again kept although less formal in nature. Other than handwritten notes, the meetings have not been well documented in Alaska during the early 1980s. Minutes or tapes of these meetings should be filed consistently in government archives for future review by government workers and researchers.

Seventh, this agreement should outline conflict resolution procedures. Training government employees involved in transboundary issues in conflict resolution and bargaining and negotiation skills would be a first step to encourage better relations. Wondolleck (1988) found that

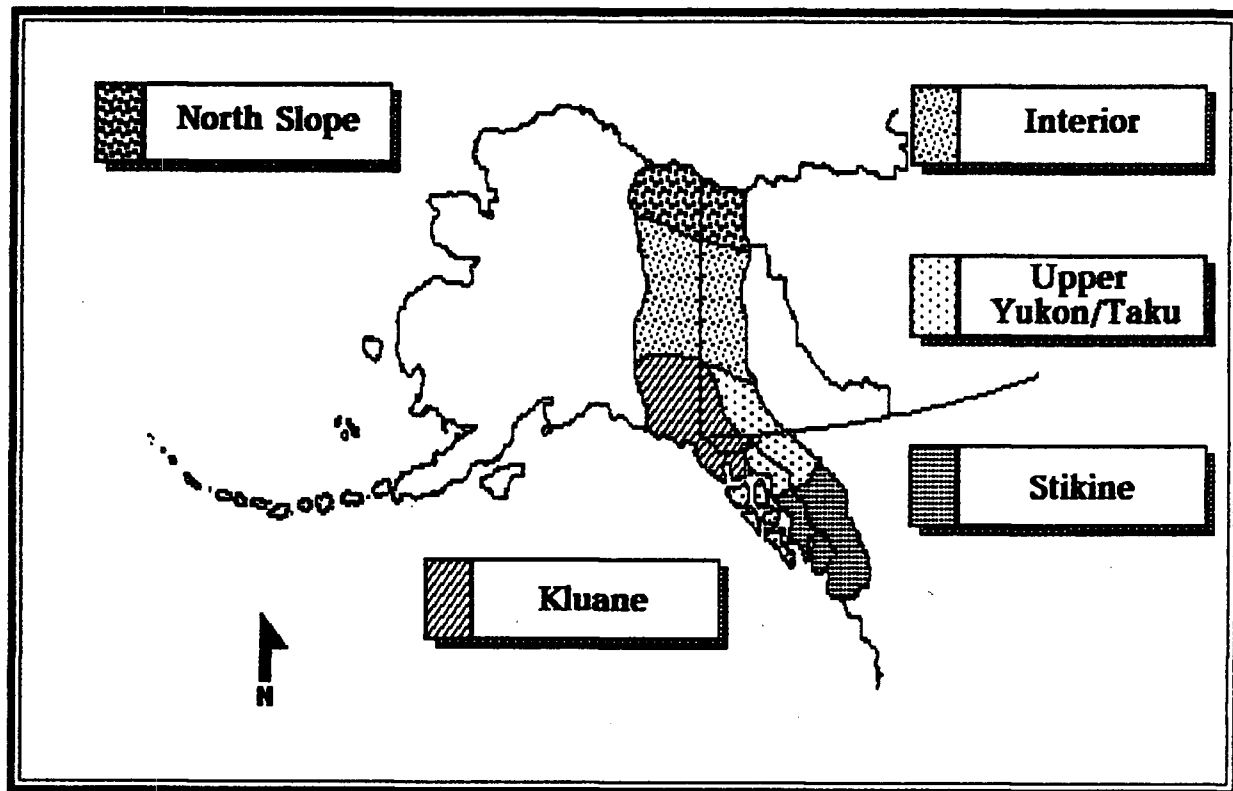
conflict resolution training for resource managers has proven to be beneficial. When problems not resolved through negotiation reach a critical level, they should be subject to mediation. Techniques such as focusing on interests rather than positions and win-win approaches should be considered (Fischer and Ury 1981).

Lastly, international regional conferences should be held for each of the major regions in the ABCY Regions. This idea will be further explained in the following section.

#### 6.7.3. International Regional Conferences

A major recommendation resulting from this research is the creation of a multi-sector mechanism to deal with issues localized to smaller areas within the ABCY Region. The creation of five sub-regions would focus discussions to more manageable units. Recommended sub-regions are the North Slope, Interior, Kluane, Upper Yukon-Taku, and Stikine (Figure 6-1). These sub-regions have been chosen after consideration of natural features and location of issues. Sub-region boundaries could be changed to accommodate new issues. International regional conferences would be held for each area on a rotating basis. The importance of current issues will determine how often these conferences should occur and which sub-regions should be addressed first. They would permit on-the-ground managers and representatives from citizen and professional groups to initiate proactive planning exercises. These meetings would

**Figure 6-1. Recommended Sub-regions**



also provide an excellent opportunity to hold short workshops on communication and negotiation techniques.

The conferences should occur near the area of concern and be limited to a manageable number of participants, 100 people or less. An agreement signed by representatives of the various governments would outline responsibilities and expectations. Because of divided jurisdictions for resource management in both countries, federal, provincial, state, and territorial agencies would be involved. The conference should be designed to foster non-confrontational interaction.

The purpose of the conferences is to establish working relationships, help participants envision the border area as a region and to address issues, concerns and opportunities. It is recommended that four documents be drafted during each conference: a statement of the areas of consensus, a list of points of contention, a list of several realistic future scenarios, and lastly, a preliminary plan for future cooperation. Besides working towards these goals, workshops, lectures and cultural events could be presented in the evenings.

A possible schedule for an international regional conference is outlined here for the purpose of discussion. The international experience of participants and issues specific to the sub-region may make it necessary to place an emphasis in different areas. The first day of the proposed conference would begin with an overview of current relations and objectives of the conference. Short sectoral presentations would occur through the rest of the morning. These presentations would provide an unbiased description of transboundary issues and opportunities along with current planning and management strategies. These initial presentations would set the stage for discussions later in the conference.

The first afternoon would be spent in workshops. It may be more effective to divide the participants into smaller groups and rotate them from one workshop to another. Suggested workshops include: effective communication, negotiation and bargaining; experiences of other

international regions; obstacles and opportunities for the ABCY Region; and current regional planning techniques for integration of sectoral planning.

During the second morning participants would break into sectoral groups. A facilitator trained in group processes would be assigned to each group. The groups would be encouraged to further delineate issues and to identify obstacles to and opportunities for cooperation.

During the afternoon, a representative from each sectoral group would meet together. These people would be responsible for drafting a statement of consensus, points of contention and a preliminary plan for future cooperation. The rest of the participants would form multi-disciplinary groups. They would then draft several alternative futures for the sub-region given different variables of events. During the last hour of the afternoon, all participants would meet together and a representative from each group would present their findings.

Controversial issues are not likely to be resolved during a three day conference. These meetings would, however, permit on-the-ground managers to meet and establish a network for future cooperation and coordination. The recommendations of the individual groups would not be binding on the governments but could be used to stimulate further discussions. It is recommended that a list of participants, their addresses and telephone numbers be mailed to each participant. Continued informal communication, coordination and report exchange would be

encouraged. Future plans for cooperation would be left to the three subnational leaders with input from the coordinating committee.

#### 6.8. Summary

Canadian-U.S. relations have become more civilized since earlier interactions but there is room for improvement. Controversial issues common to the lower border are almost absent along the Alaska-Canada boundary. Cooperation in the ABCY Region has historically been issue oriented occurring in a piecemeal fashion. Unless there is a targeted effort to encourage more structured interactions between the governments of the region, it is likely that complex problems will arise. Without increased cooperation, it is also likely that many opportunities to improve or maintain the quality of life for the region's residents will be missed.

The governments in the ABCY Region will be reluctant to cede any of their responsibilities to an international organization. More structure could, however, be introduced into the relationship without loss of individual sovereignty. Stability could also be accomplished while retaining ability to respond to sudden change.

Development of an overall agreement would provide guidelines to increase cooperation in the region. It is recommended that leaders meet regularly, a Coordinating Committee be established and a dispute resolution strategy be implemented. Finally, it is recommended that the ABCY

Region be delineated into five sub-regions. Regional conferences held in successive years would provide an opportunity to proactively plan for the region before major developments are completed, an option not available to many other transboundary regions. Unfortunately, cross border cooperation usually occurs in response to large development proposals or threats of pollution. The initiation of such an international regional planning process would provide an incentive for each nation to reduce piecemeal planning within their own jurisdictions along the Alaska-Canada border.

Increased cooperation will require a commitment of time and fiscal resources but the benefits of cooperation far outweigh its costs. Cooperation can lead to gains both in the near future and over a longer time period. Many benefits have already resulted from cooperation. The two nations have learned from each other's approaches to fish and wildlife management and operation of parks. Methods for the treatment of alcoholism in the North have also been shared. By working together transportation corridors have been constructed, oil spill contingency plans completed, fish and wildlife populations protected and enhanced, and results of research have been shared. Cooperation has also resulted in arrangements to respond quickly to medical emergencies. Another benefit of cooperation between Alaska, B.C. and the Yukon has been that more attention has been paid to regional issues by the national governments. While cooperation for long-range benefits may be not be

immediately tangible, long-term benefits will undoubtedly be realized. Land use and environmental decisions made today will greatly affect options available to future generations. Regular cooperation can lead to early recognition and mitigation of future problems, reduce instances of transboundary pollution, identify opportunities for joint gains, and simply make one jurisdiction aware of other possible approaches to common problems.



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## Appendix A

### Important Events in the Development of Hydroelectric Proposals

1940s	Proposal by Aluminum Company of America to divert Yukon River water to Taiya Inlet
1947	U.S. Federal Power Commission Report on hydro-electric potential of region
1950	After a survey Taiya proposal rejected by Canada
1952	Proposal for an all-Canadian project on Taku
1954	Survey of Taku area by Ventures-Frobisher-Quebec Metallurgical Industries Ltd.
1954	B.C. Government approves project
1955	Ventures Limited project held up
1964	B.C. reserves land for hydroelectric development in the Stikine River basin
1966	B.C. Hydro created
1968	U.S. and Canada agree to study Upper Yukon hydroelectric potential
1971	Brinco Ltd. discovered doing work in the Stikine
1972	B.C.'s NDP government stalls Stikine project
1975	Socred government continues Stikine planning
1978	Five dam scheme proposed for Stikine-Iskut Rivers
1973	Atlin Park created in attempt to thwart hydroelectric project
1980	Public meetings by B.C. Hydro held in Juneau
1980	Residents for A Free Flowing Stikine Formed
1980	Friends of the Stikine Formed
1981	Premier Bennett and Governor Hammond meet
1981	Hammond expresses opposition to Stikine project
1981	Alaska Legislative Resolve calls for meaningful input into B.C.'s Stikine project planning process
1982	Stikine-Iskut Rivers Cooperative Information Exchange Group formed
1982	Memorandum of Understanding signed by Alaska and U.S. agencies to exchange information about Stikine
1983	B.C. Utilities Commission chastised B.C. Hydro
1983	B.C. Hydro postpones Stikine project for 5 years
1984	B.C. Hydro postpones Stikine project indefinitely
1984	Four dam pool approved by Alaska for Panhandle

## Appendix B

A Partial Listing of Meetings Between Alaska,  
British Columbia and the Yukon Territory

4/1/59	International Development Commission (IDC) created by the first Alaska State Legislature.
7/7/59	IDC members meet for the first time.
7/19/60	First Trilateral Heads-of-Government (THOG) meeting between leaders of Alaska, British Columbia (B.C.) and the Yukon Territory held in Victoria.
9/18/60	THOG subcommittee on highways meet in Victoria.
6/20/61	THOG meeting in Juneau.
9/14/64	THOG meeting in Whitehorse.
11/3/64	THOG power subcommittee meets in Victoria.
11/67	Ak.-B.C. relations sour. THOG meetings terminated.
11/72	Three leaders meet in Victoria to sign a right-of-way agreement for Skagway-Carcross Road.
2/25/75	Yukon and Alaskan officials meet in Juneau to talk about resuming THOG meetings.
12/75	THOG Coordinating Committee is established.
6/22/76	Coordinating Committee meets in Juneau.
9/21/76	Coordinating Committee meets in Whitehorse.
12/6/76	THOG meeting in Victoria.
5/18/77	Coordinating Committee meets in Anchorage.
10/3/77	Coordinating Committee meets in Vancouver.
1/24/78	THOG meeting in Whitehorse.
5/30/78	Alaska-Canada Rail Congress meets in Anchorage.
8/79	Canada-U.S. Interparliamentary Group meets in Anchorage.
8/29/79	THOG meeting in Victoria.
1/29/81	THOG meeting in Whitehorse.
5/3/82	THOG meeting in Juneau.
9/27/83	THOG meeting in Vancouver.
9/7/84	THOG meeting in Dawson City.
3/13/88	THOG meeting in Fairbanks.

## Appendix C

## Important Events in the ABCY Region 1799-1912

- 1790 Nootka Convention between Spain and Britain
- 1799 Mouth of Stikine discovered by American fur traders
- 1799 Russian edict claims territories to 55° N.L.
- 1818 Joint occupation agreement
- 1819 Spain gives up claims north of 42° N.L.
- 1824 Convention of 1824 gives Americans free navigation
- 1825 Anglo-Russian agreement mirrors American one
- 1833 Hudson's Bay Company turned away from Stikine
- 1839 Hudson's Bay Company leases Alaska Panhandle
- 1846 Treaty settles Oregon Dispute
- 1849 Vancouver Island became colony
- 1858 B.C. mainland becomes colony
- 1859 Stikine Territory designated by Great Britain
- 1861 Gold Strike near Telegraph Creek
- 1863 Stikine Area incorporated into the B.C. Crown Colony
- 1865 Hudson's Bay Company fails to renew lease of Alaska
- 1866 Trans-Siberia telegraph line construction begins
- 1866 Vancouver Island and mainland become one colony
- 1867 U.S. Purchase of Alaska
- 1867 BNA Act separates powers between provinces & Dominion
- 1871 B.C. becomes 6th province
- 1871 Treaty of Washington permits British free navigation of the Stikine River
- 1872 Gold Strike at Dease River
- 1876 Escape of Canadian prisoner into Alaska sparks boundary dispute
- 1880 Gold discovery at Juneau
- 1882 U.S.-Great Britain Boundary survey treaty
- 1884 Organic Act creates civil government for Alaska
- 1887 Geologic survey of Canadian portion of the region is completed
- 1892 Treaty calls for a survey of the boundary
- 1893 Joint international survey for Panhandle
- 1896 Klondike gold discovery
- 1898 Yukon Territory separated from Northwest Territories
- 1900 Code of laws and court system established in Alaska
- 1903 Alaska Boundary Agreement completed
- 1911 Alaska Boundary Survey
- 1912 Alaska receives full territorial status

## Appendix D

## Selected List of Canadian-U.S. Agreements

1854	Free trade agreement establishing free trade between Canada and the U.S. (Terminated by the U.S. in 1866)
1903	Treaty of Washington - Alaska Boundary Treaty
1909	Boundary Waters Treaty (IJC)
1911	North Pacific Fur Seal Agreement (Canada, USSR, Japan and U.S.)
1916	Convention for the Protection of Migratory Birds in the U.S. and Canada
1923	Canada & Pacific Halibut Convention (first treaty independently signed by Canada)
1925	Lake of the Woods Convention and Protocol
1930	International Pacific Salmon Fisheries Convention (Canadian-U.S. agree to manage Fraser River stocks)
1940	Rainy Lake Convention
1941	Hyde Park Declaration (defense cooperation)
1950	Niagara River Water Diversion Treaty
1952	St Lawrence Seaway Project
1952	International North Pacific Fisheries Convention (Canada, Japan and the U.S.)
1957	North American Air Defense Agreement (Norad)
1961	Columbia River Treaty (1961) and Protocol (1964)p
1965	Auto Pact establishing Conditional trade in automotive products.
1972	Great Lakes Water Quality Agreement and 1978
1975	Stikine-Iskut Rivers Information Exchange Group Agreement
1980	Memorandum of intent concerning transboundary air pollution
1981	Pacific Coast Tuna Treaty governing use of port facilities.
1982	Agreement on management of radioactive waste
1984	Skagit River Treaty
1985	U.S.-Canadian Pacific Salmon Treaty
1982	Stikine-Iskut Rivers Information Exchange Committee
1986	North American Waterfowl Management Agreement
1987	Porcupine Caribou Herd Agreement (establishes the International Porcupine Caribou Board)
1988	Agreement on Free Trade
1988	Arctic Pact (U.S. agrees to seek Canadian consent before sending icebreakers through waters claimed by Canada)
1988	Alaska-B.C.-Yukon Agreement to study power interties
1988	Alaska-B.C.-Yukon Tourism marketing agreement