

### The Treaty and the Commission

The object of the treaty was "to prevent disputes - to settle questions - between the United States and Canada". The short title was the "Boundary Waters Treaty", for the particular problems which the governments had in mind at the time were those arising "along the common frontier". It is interesting, nevertheless, that provision was made for wider application of the treaty regime, and for broader functions for the Commission.

The IJC was an unusual international body when it was established. It still is. Not only in its composition - there are three Commissioners from each country - but, more important, in the way it operates.

The concept of the negotiators was that solutions to problems in which the two countries had differing - even opposing - interests should be sought, not by the usual bilateral negotiation, but in the joint deliberations of a permanent tribunal composed equally of Canadians and Americans. In other words, the Commissioners were to act, not as separate national delegations under instruction of their respective governments, but as a single body seeking common solutions in the joint interest - and, very important, in accordance with agreed "rules or principles".

It is on this basis that the International Joint Commission has acted over the years. Its record of accomplishment has been impressive, particularly when one considers the unparalleled expansion of both countries in its (50-year) lifetime when variations and conflicts of interest were bound to develop. In almost every case which has come before them, the Commissioners have been unanimous. There has been little tendency to divide on national lines. The faith of the two governments in the method of the treaty has been amply justified.

### Notable Cases

The problems which have come before the Commission so far have all arisen along the boundary. The majority have had to do with use of the great common resource of inland waters - rivers and lakes - which stretch from Passamaquoddy Bay to Juan de Fuca Strait. They have involved questions of domestic and sanitary supply, navigation, power development and irrigation. They have varied in nature and extent from extracting the maximum benefit from small streams in dry prairie areas to multi-million dollar developments on our great rivers. Most cases have come before the Commission as agreed "references" from the two governments, upon which, after investigation, conclusions and recommendations have gone forward to Washington and Ottawa. In many others, the IJC has exercised its judicial role and ruled upon applications made and argued before it. In some instances the Commission's role, having begun as deliberative and advisory, has continued into the administrative and regulatory.