

Law, Resilience and Multi-level Water Governance in the Canadian Prairie Provinces

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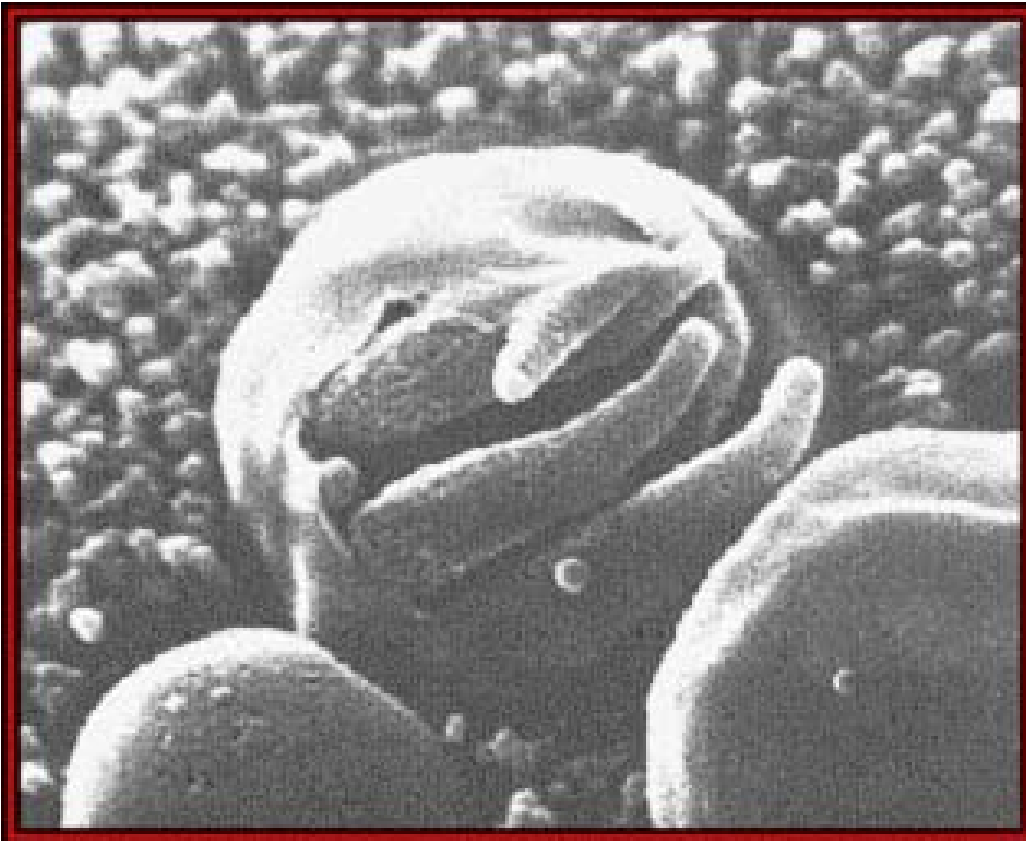
Law for Social-Ecological Resilience Conference
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Moving from Law to Resilience

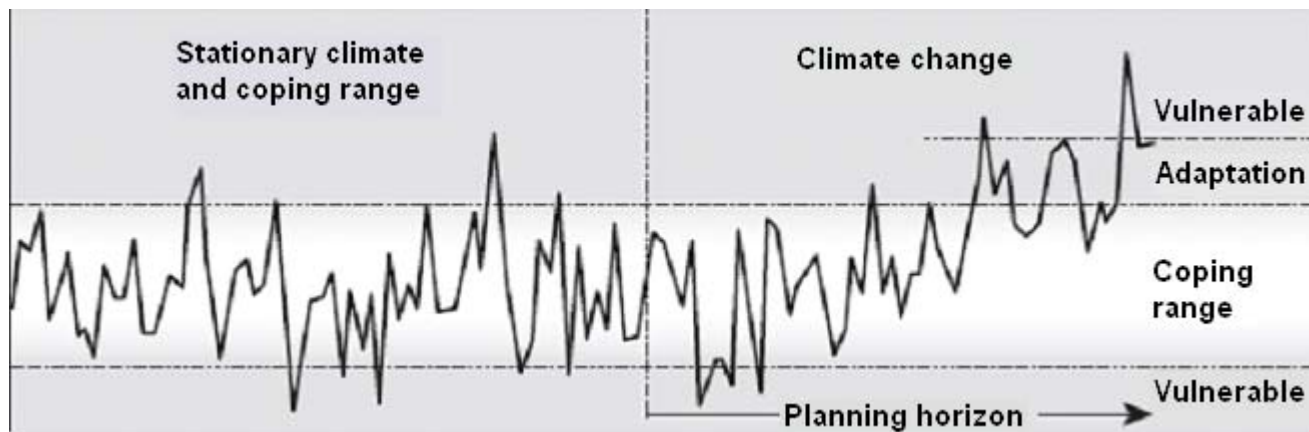
- Impetus to adaptation
- Water Law in the Canadian Prairies
- Resilience: participation, learning, capacity, trust
- Living Law – case studies

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Something needed to be done!



Further justification:



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Maple Creek, Saskatchewan



Water scarcity



Water Law in the Canadian Prairie Provinces

- Law is a closed system (Luhmann, 2003).
- Path dependency nurtured by socio-technical experts (lawyers and government bureaucrats) contrasts with the living law of farmers and rural communities.
- Facilitating the “living law” through incorporating participative structures increases adaptive capacity

Comparative Water Law

adapted from: Patiño, L. Unpublished. Participatory mapping and the integration of knowledge of community vulnerability and adaptation to climate change: Rural communities of the South Saskatchewan River Basin. Ph.D. thesis. University of Regina, Regina, Saskatchewan.

Alberta	Saskatchewan	Manitoba
Water is managed based on “wise use” and most beneficial use	Water is a common good	Right to Water is recognized
One formal institution	Institutional overlap	Integrated institutions
Statutory legislated model – grandfathered first in time priorities	Crown corporation administered allocation	Legislated model granting priority in order of domestic purposes, then municipal, followed by agricultural...
Statutory mandate for water plans	No statutory provision for plans or watershed groups	Statutory provision for conservation district water plans

Resilience

- Participation or bottom up governance is consistent with IWRM
- Creates trust
- Incorporates local knowledge
- Internalizes externalities into decision making
- Allows for social learning, reflection, social memory, re-evaluation

A scenic landscape photograph of a calm lake reflecting the surrounding environment. In the background, a range of mountains with significant snow cover is visible under a clear blue sky with a few wispy clouds. The lake's surface is still, creating a clear mirror image of the mountains and sky. The foreground is framed by dense, dark green evergreen trees on both the left and right sides, with the left side being in deep shadow. The overall mood is peaceful and majestic.

Alberta

Oldman Watershed Council

- Alberta wide consultations on water policy have occurred
- Water management plans commissioned by Alberta government to deal specifically with transfers of water licenses
- Participated in integrated River Basin council to plan for shortages
- No formal re-evaluation but mention made of pursuing State of Watershed report and IWRM

Saskatchewan



Photo by Jeremy Olson

Swift Current Creek Watershed Stewards

- Source water protection plan
- Local knowledge is applied and plans to acquire more water knowledge
- Pursing idea of valuing ecological goods and services
- Stewards involve, educate and communicate with community
- Initial plan formed; premature to make conclusions on reflection and re-evaluation

Manitoba



Turtle Mountain Conservation District

- Source water protection and drainage planning
- Recognition of inherent conflict with development and stated role in balancing interests
- Formal role in issuance of drainage licenses
- Re-evaluation of plans occurring

Oxymoron: independent integration?



Conclusions

- More research is needed
- All case studies utilized existing community organizations
- Local knowledge is incorporated and assists in identifying knowledge gaps
- Re-assessment is occurring whether statutorily required, or not
- Recommendations are being implemented into laws and policy
- Similar cases regardless of very different legal structures