

BC's LACK of EFFECTIVE, ENFORCEABLE REGULATIONS:
OLIVER BRANDES

Oliver Brandes, associate Director of the U.Vic Polis Project on Ecological Governance, was the guest speaker at the Salt Spring Island Water Preservation Society AGM in Ganges on Jan. 21, 2011.

Brandes, who has a degree in economics from Queens University and a law degree from U.Vic, spoke on the topic of “Water Law and Governance Reform: Think like a watershed”, using a power point presentation.

He began by explaining that POLIS is the Greek word meaning “a collective gathering together for better decision-making”, and that the Polis Project on Ecological Governance works on policy through U.Vic (and other universities) developing directions for practice as it intersects with sustainability. Governance is different from government, he pointed out. The core governance belief is that there are biophysical limits and the economy is a subset of the ecosystem.

The ecosystem has no waste, as nature recycles. We must take its complexity seriously by cultivating its feedback processes with decentralized power and institutions, developing societal resilience and comprehension as we help reconnect humans with nature and our place within it.

There is a fresh water crisis through the growing, concentrated demands by urbanization, energy needs and agriculture. There is persistent pollution and over-allocation resulting in crucial shortages such as ‘fish in the mud’. Disrupting natural flows has often resulted in unforeseen consequences, especially with the changing climate.

Brandes listed five fulcrums for change:

- (1) the assumption that water is “free” in the environment, it is a “commodity” by economic systems, and is also seen as more important than the social value of water’s necessity for a healthy quality of life; as well as being crucial to our spiritual life.
- (2) The “climate chaos danger” is now becoming more focused. We are beginning to realize that water is about adaptation and mitigation and that we must move beyond “de-carbonizing”.
- 3) Governance: the process of societal decision-making is the “who, what and how”, relating to accountability. Current power is focused in management and doing the perceived economic thing. Governance focuses on doing the right thing.
- (4) Governance matters in order to promote societal resilience to adapt to change, including more innovation, accountability, and increase of public participation. Poor governance prevents effective management of: watersheds, catchments, basins, etc. It also tends to ignore the complexity and “whole system thinking” which are the foundations of functioning ecosystems, with enforceable regulations out of collaborative engagement focused on watersheds.
- (5) This requires a new conception of infrastructure – beyond pipes and dams to increase supply, to the increase of knowledge and expertise through conservation programs which engage people eg. rainwater harvesting, low flush toilets, etc.

Many of these 5 trends are happening in various places, globally.

But where are we in BC? Do we have a model?

Oliver Brandes calls it the BC Water Muddle because BC lacks effective enforceable regulations. Decisions are highly discretionary and uncoordinated and not related to their ecological function. Oliver calls those who make the decisions: THE LORDS OF YESTERDAY, from about 100 years ago when the Water Act was written.

So how can we get past the muddle? What are the province's constitutional responsibilities? What are the limits of its power? What are the public's property and civil rights and what are the actual practices? The BC government's recent initiative, called LIVING WATER SMART (booklet, website, etc.) has a lot of potential, but its words can only be effectively activated when there are enough resources given to carry through.

Water Law is a process (see the website www.polisproject.org). The U.Vic Polis study has made reform recommendations, and the government has been involved in some discussions. But BC needs to develop "hydro-citizenship".

A modern Water Act needs to protect water as a priority, make watershed protection and other rules enforceable. First Nation communities must be involved in the governance, with time and resources shared through collaboration. Decisions need to be made on the basis of recognizing that the water cycle is one integrated global system with what might be pictured as 3 concentric circles, with human needs as a small centre circle, surrounded by a large "sustainable buffer" circle, with the largest outer circle indicating the needs of the total ecosystem. This entails whole system thinking; water is not free, but a public trust, now and into the future. There needs to be a new water Infrastructure based on conservation, stewardship and reuse, with accountability through independent oversight.

We need to recognize that politics matters; see water for human use as only a fraction of the ecological needs; encourage the current slow movement of going beyond water as a resource and commodity; recognize that the West's historical approach of the human as "over" nature and instead, we/the West must accept the biophysical limits of water.

Some challenges:

Oliver Brandes: "In a healthy society, economy always follows ecology and education precedes them both". We need to engage all in governance and ecology for we are just beginning to understand both. Beyond the 3 R's, schools needs to teach and experience ecology.

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