

# Multi-jurisdictional governance of the Great Lakes fishery: Can a non-binding agreement work?

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*Great Lakes Fishery Commission*



Transboundary Environmental  
Governance: The Second Century

Woodrow Wilson Center,  
Washington, DC

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# OUTLINE

- **THE GREAT LAKES FISHERY AND WHO MANAGES IT**
- **AGREEMENTS AND SOVEREIGNTY**
- **HOW FISHERY MANAGERS COOPERATE**
- **WHY A NON-BINDING AGREEMENT**
- **CONCLUSIONS**

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Minnesota

Lake Superior

Ontario

Québec

Treaty  
of 1842

GLIFWC  
(headquarters)

Michigan

Wisconsin



Lake Michigan

Great Lakes  
Fishery  
Commission

Ontario

Lake Ontario

New York

Illinois

Lake Erie

Indiana

Ohio

Pennsylvania

# SHARED INTERESTS

- Sustain fish stocks
- Protect diversity
- Balance predator/prey
- Manage → best information
- Balance constituent needs





# PRIMARY MANAGEMENT AUTHORITY: PROVINCE, STATES, AND U.S. TRIBES

- Harvest regulation
- Licensing
- Stocking
- Species rehabilitation
- Assessment
- Habitat protection
- Interact with public



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# AGREEMENTS

## Binding–“Hard”

- Higher stature
- Enforceable
- Relinquishes some sovereignty
- Reduced transaction costs
  - Ongoing bargaining limited (rules-based decision making)
  - Reduced ability to build relationships
- High compliance . . . . but
- “Lowest common denominator”



# AGREEMENTS

## Non-Binding—“Soft”

- Not-enforceable
- Relinquishes little or no sovereignty
- Higher transaction costs
  - Consensus-based
  - Dialogue-focused
  - Focused on relationships
- Compliance depends on “goodwill” of parties
- More ambitious and flexible

# OUTLINE

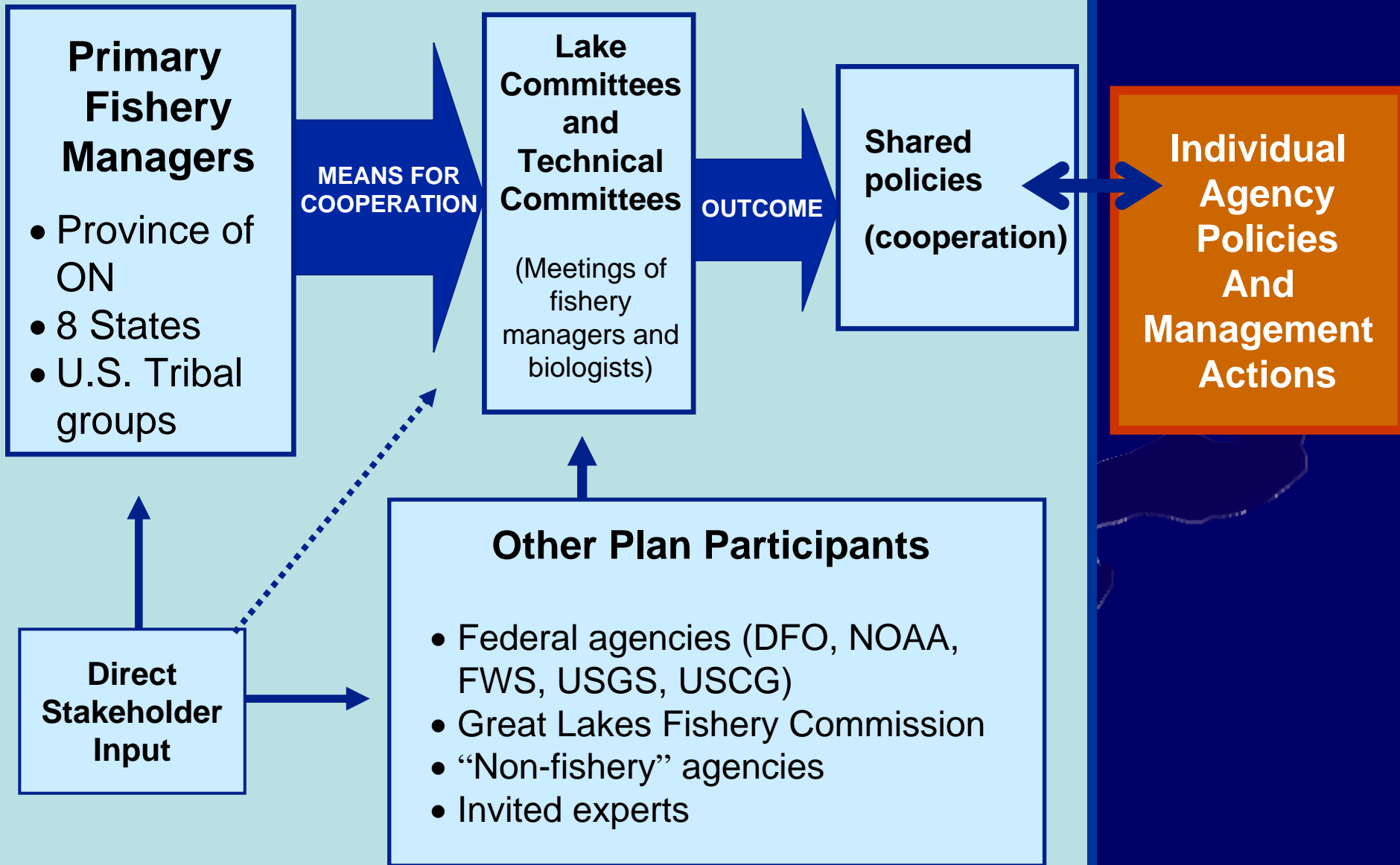
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# JOINT STRATEGIC PLAN

- Non-binding
- Non-regulatory
- Consensus-based



# A JOINT STRATEGIC PLAN FOR MANAGEMENT OF GREAT LAKES FISHERIES



# PROCEDURES FOR GREAT LAKES FISHERY MANAGEMENT UNDER THE PLAN

- **Mutual Accountability**
- **Information Sharing**
- **Consensus**



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# DATA SOURCES

- **Semi-structured interviews (62)**
- **Participant observation**
- **Analysis of historical documents (e.g., minutes, briefing items)**

# **WHY A NON-BINDING AGREEMENT**

**Sovereignty and independence are  
important**

**“What, really, can another jurisdiction  
say to you about what you can and  
cannot do?”**

# **WHY A NON-BINDING AGREEMENT**

**Great Lakes Fishery Management  
Needs Flexibility**

**“Once [a firm, specific agreement] is  
signed, sealed, and delivered, there is  
no wiggle room. Battles would be even  
more intense than they are now”**

# WHY A NON-BINDING AGREEMENT

**Compliance occurs without a binding agreement**

- “Us versus us.”
- Participants feel a sense of ownership
- Peer pressure: “We take others into account before we take actions that could affect the whole system.”
- Neutral third party—Great Lakes Fishery Commission

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# REALITIES



- **Responsibility to manage a shared resource**
- **Diffuse authority**
- **Non-federal autonomy**
- **Interest in independence**
- **Mutual interest in strategic planning**



# NON-BINDING PREFERRED

- **Sovereignty must be respected**
- **Flexibility more desirable than rigid compliance**
- **Plan's design elements**
  - Respect for jurisdictional independence
  - Reliance on shared strategies
- **Implementation can occur**
  - Consensus based agreement
  - Their own policies
  - Professionally accountable to peers
  - Neutral third party facilitator

# THANK YOU!

