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International Water Marketing: Perspectives from North America

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Doug Kenney is a Research Associate at the Natural Resources Law Center, University of Colorado School of Law (Boulder). In that capacity, he designs and implements a comprehensive research agenda examining a variety of public policy issues associated with water and public lands. He has written extensively on several water-related issues, including river basin and watershed-level planning, the design of institutional arrangements, and alternative strategies for solving complex resource issues. Before beginning his current position with the Natural Resources Law Center, he served as a principal technical consultant to the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa (ACT/ACF) Comprehensive Study, assisting Alabama, Florida, and Georgia in the development of two interstate water compacts. Dr. Kenney has a BA in Biology from the University of Colorado, a MS in Natural Resources Policy and Administration from the University of Michigan, and a PhD in Renewable Natural Resource Studies from the University of Arizona.

ABSTRACT

Market based approaches to water allocation have been heralded as efficient and appropriate mechanisms for distributing a scarce and vital resource. When such approaches involve transferring water across jurisdictions, especially across national boundaries, concerns arise over sovereignty, ownership of water rights and the applicability of international and national law. The current state of international water marketing in North America, where transboundary legal issues of water access have largely been resolved, brings these issues to the fore. In the post river-by-river treaty era, how do international law and national law shape the marketing of water? How does the North American Free Trade agreement color consideration of water transfers from Canada to the United States and from the United States to Mexico? In defining water marketing options, what role does the International Joint
Commission play between the United States and Canada and the International Boundary and Water Commission play between the United States and Mexico? To address these questions, an institutional analytic approach is employed.