



**The ILA study group on the Role of
Cities in International Law
City Report: Windsor**

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Border Notes: Windsor, Ontario

1. Introduction

Windsor, Ontario is a border city. It sits opposite Detroit, Michigan on the Detroit River, along the Canada-US boundary. It is tempting to say that the two cities sit on a “natural” border, but there is nothing natural or traditional about the river being a border. It was neither a border for the Indigenous peoples of the area,¹ nor one for the French settlers.² Indeed, the French settlement of Detroit (a derivation of “rivière du détroit » or “river of the straight”) existed on both sides of the river; the water was a conduit rather than a barrier for the settlement. The river is just over half a kilometer wide in places and the cities are tangibly close. As a resident of Windsor, I can see and even hear (concerts and festivals, as well as sirens and the elevated “People Mover” train screeching on bends in the rails) Detroit.³ For a decade, some Windsorites could even *feel* Detroit. A mysterious low frequency rumbling or hum sparking conspiracy theories was eventually linked to a Detroit industrial island on the US side of the river.⁴ Fishers and boaters from both countries intermingle on the river and try to stay clear of Great Lakes shipping. The border region is integrated economically, culturally and through interpersonal relations. From manufacturing to sports, and from dating to family dinners out, Windsor is in many ways part of metro Detroit. Despite these ties and the obvious potential for transnational sensibility, neither Windsor - nor its big cousin across the Detroit River - has sought a prominent role as international actors. Windsor and Detroit are border cities but not world cities. The governance links between the cities are low-key and informal. Further, they are border cities which have been relatively ignored in the field of border studies, certainly vis à vis the United States’ southern border with Mexico, or border cities within Europe. In this city report, I aim to pull back the “screen” between Windsor and Detroit.⁵ Although this is a city report on Windsor, it is impossible to do this without the centrality of Detroit to Windsor’s self-perception or role in city diplomacy.

¹ Benjamin Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands* (New York: Oxford University Press, 2021). Windsor sits on the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibwe, the Odawa, and the Potawatomi peoples. Other Indigenous peoples – most notably the Wyandotte- have also had important presence in the region.

² Guillaume Teasdale, *Fruits of Perseverance: The French Presence in the Detroit River Region, 1701-1815* (Montreal: McGill-Queen’s University Press, 2019). See also early maps of Detroit in June Manning Thomas and Henco Bekkering, *Mapping Detroit* (Detroit: Wayne State University Press, 2015).

³ “Straddling metaphorical borders essential part of ensemble’s performances” (2021), online: *University of Windsor* <<https://www.uwindsor.ca/dailynews/2012-10-24/straddling-metaphorical-borders-essential-part-of-ensembles-performances>>.

⁴ Martin, Rachel, Noel King & Colin Novak. *It Took a Pandemic: Mystery of Windsor Hum Is Solved* (NPR 50, 2020), online: <<https://www.npr.org/2020/08/04/898853311/it-took-a-pandemic-mystery-of-windsor-hum-is-solved>>.

⁵ Michael Darroch & Kim Nelson, “Windsoria: Border / Screen / Environment ” (2019) 1:40 *Journal of Education and Practice*, online: <<https://public.journals.yorku.ca/index.php/public/article/view/31971>>.

2. Canada Ends Here?

In many ways, Windsor is at the Canadian periphery, a situation not unusual for border towns in other parts of the world.⁶ Although it is easily within the top 20 Canadian cities by population, it remains mid-sized, with a greater Windsor area population of 336,000 people.⁷ When not ignored, it is frequently perceived as post-industrial/post-Fordist and hardscrabble, a “lunch bucket” town, with all the classist shades of that moniker. It has high poverty rates and a struggling downtown.⁸ In some ways it is indeed damaged, marginal and peripheral, a city where the province’s main highway, and Canada itself, end and where unsustainable land use is often on striking display.⁹ But there is another story. The city is diverse (one in 4 Windsorites is an immigrant), dynamic and reinventing. It is a city where the manufacturing sector, although bruised, remains strong and more resilient than many expected. Indeed, the city is seeing major new investments in its auto sector, with the production of e-vehicles, and research and development into a low-emissions future of “automobility.”¹⁰ And the city is diversifying its economy. Although still heavily reliant on the auto sector -Fiat Chrysler and Ford have plants there and it is the self-declared “Automobile Capital of Canada” - Windsor also has a vibrant start- up scene and important tech, health care and post-secondary sectors. In many ways it is a beautiful city surrounded by water and rich farmland, proud of its history and with real tourism potential. If Canada ends here, it also begins here.

Above all, rather than a hinterland, the city is closely connected to metro Detroit. It avoids isolation and provincialism through its connection to a major US city-region and, in many ways, is part of that region. As suggested above, cross-border city connections exist on many planes. Economically, the auto industry has closely linked the two cities for generations. Parts go back and forth across the Detroit River in a ‘just in time’ model before cars are spit out at plants in either city. The Windsor-Detroit crossing is North America’s busiest by trade volume. Goods and people cross by vehicles on the Ambassador Bridge or through the Detroit-Windsor Tunnel (and, less celebrated, the cities are also connected by a rail tunnel and a hazardous goods ferry). A new, publicly owned span is also in the works. Transit Windsor busses even have a fixed routes through the tunnel and into the heart of Detroit.

Much of this cross-border mobility is facilitated by the 2019 Canada-US-Mexico Trade Agreement (given the acronym CUSMA in Canada and USMCA in the US, it is “the New NAFTA”).¹¹ Like the North American Free Trade Agreement, CUSMA prohibits most tariffs between Canada, the U.S. and Mexico. CUSMA did introduce new rules of origin, particularly

⁶ Lila Leontidou et al, *Border Cities and Towns: Causes of Social Exclusion in Peripheral Europe* (Lesvos: EC Research DG, 2001).

⁷ While Windsor is an urban area with a significant industrial heritage, Greater Windsor includes Essex County, a more rural area with significant farming and greenhouse operations.

⁸ City of Windsor, *Windsor Works - An Economic Development Strategy for the City's Future Growth*, online: <https://www.citywindsor.ca/mayorandcouncil/Pages/Windsor-Works-Report.aspx>.

⁹ Resulting in livability, flooding, contamination, and transboundary pollution issues. On some of the urban planning issues facing the region, see Windsor Law’s Centre for Cities: <https://windsorlawcities.ca/>

¹⁰ Dave Waddell, “Windsor region receives \$7.5-million grant to support auto mobility plan” (20 May 2021), online: The Windsor Star <<https://windsorstar.com/news/local-news/windsor-region-receives-7-5-million-grant-to-support-auto-mobility-plan>>.

¹¹ *Canada-United States-Mexico Agreement*, 10 Dec 2019, Can TS 2020 No. 6 (entered into force 1 July 2020) [CUSMA].

including with respect to autos and auto parts, as well as new labour value content requirements, but these have not had a negative impact on Windsor's auto industry. Despite Trump-era rhetoric about the disciplining of the US's North American partners (and Windsor would have felt the impact hard if the three national governments had not successfully concluded negotiations), the new regional rules of origin have opened opportunities for Windsor businesses. Technical barriers to trade and pre-clearance procedures have also been clarified in the new agreement. Even before CUSMA, pre-screening entry programs for goods and individuals have facilitated the movement of people and goods across the border for some years.¹²

While the auto industry is the prime mover for integrated economies, there are other industries which draw daily commuters in one direction or the other, albeit mostly to Detroit. Even during the pandemic, when the border hardened (even more so than it did following 9-11), hundreds of Windsor nurses working in Detroit hospitals continued to commute.¹³ Cross-border shopping and petty smuggling is a standard feature of life for many. There is also a historic and well-established linking of illicit economies in the region, from now romanticised "rum running" during prohibition, to prostitution, human trafficking, gambling, firearms, and drugs.¹⁴

The border region is integrated culturally as well. Cross-border dating is frequent and there are many binational families with various combinations of single and dual citizenship. The pandemic and shutdown of the land crossings to non-essential traffic left many families heartbreakingly separated. Detroit radio is omnipresent in Windsor (even, annoyingly to this cranky author who grew up far from the border, in government offices), temperature regularly discussed in Fahrenheit, and sport is linked at amateur and professional levels.¹⁵ Artistic collaborations are frequent, often playing on the fragmented urban spaces on both sides of the border as well as the border itself.¹⁶ The mission statement of the Art Gallery of Windsor reads: "the gallery should be "distinct from yet complementary to our largest art museum neighbour, the Detroit Institute of the Arts (DIA)," and should serve "the southwestern Ontario region and the international border community of Windsor, Ontario, Canada and Detroit, Michigan, USA."¹⁷ Post-secondary institutions have joint and comparative programming. My own law school at the University of Windsor, for example, has a joint Canadian and American JD degree with Detroit Mercy Law School, research links with Wayne State University's law school, and a transnational environmental law clinic with various Great Lakes collaborators.¹⁸ Diaspora communities are also intermingled and this in turn affects immigration and settlement patterns. Most notably, Windsor's large Arab-Canadian population is closely linked to its American-Arab

¹² Pre-screening entry regimes include NEXUS.

¹³ Michael Darroch, Robert Nelson & Lee Rodney, "The Detroit-Windsor Border and COVID-19" (2020) 2(1) *Borders in Globalization Review* 42.

¹⁴ Holly Karibo, *Sin City North: Sex, Drugs, and Citizenship in the Detroit-Windsor Borderland* (Chapel Hill: University of North Carolina Press, 2015).

¹⁵ In all of Canada, Windsorites are the only citizens who have easy access to all four major North American sports at the elite level. On the "Canadization" of the Detroit Red Wings hockey team, see Stefan Szymanski & Silke-Maria Weineck, *City of Champions: A History of Triumph and Defeat in Detroit* (New York: The New Press, 2020).

¹⁶ Michael Darroch, "Border Scenes: Detroit ± Windsor" (2014) 29:3 *Cultural Studies*, online: <https://www.academia.edu/8715416/Border_Scenes_Detroit_Windsor>.

¹⁷ "Art Gallery of Windsor", online: AGW Art Gallery of Windsor <<https://www.agw.ca/page/261>>.

¹⁸ See <https://www.uwindsor.ca/law/>. The University also has a Cross-Border Institute and a Great Lakes Institute for Environmental Research.

counterpart in Dearborn in metro Detroit.¹⁹ Windsorites not only cross-border shop and dine, they cross-border worship and cross-border socialise. They even cross-border eat at home; foodways connected to diasporic communities are well-established and even during the pandemic, a Windsorite's pita was probably baked fresh in Detroit early that morning.²⁰

Further, the City's recently launched strategy for economic revitalisation pegs Windsor's fortunes explicitly with that of Detroit. The 2021 Windsor Works economic development strategy urges:

Geography and proximity to Detroit has shaped the city of Windsor. This will not change. Embrace the opportunities here and pursue scales and clusters. Experiment with innovative new ways to facilitate exchange of people and joint initiatives that thin the border divide and become better at selling Windsor-Detroit to the outside world."²¹

None of this is to say that informal integration is or will be steady, organic or easy. For starters, given the differences in scale,²² Detroit matters more to Windsor than vice versa. More broadly, one author has described a "transnational anxiety" which permeates interactions between the two cities.²³ Border securitisation post 9-11, racial profiling and other structural barriers to access for marginalised communities (passport requirements, crossing fees, current lack of active transportation links), trade friction/"America First" policies, and vacillations of perceptions of Detroit (bankrupt/depopulated/crime-ridden or a great-American comeback story/the next Brooklyn) are among the reasons for simultaneous division as well as integration.²⁴ Perhaps unsurprisingly, the number of border crossings has been on the decline in recent years.²⁵ Despite this transnational anxiety, the extent of the economic and cultural linking of the cities -in some ways both on their own national peripheries- is remarkable.

¹⁹ And African-Americans have an earlier diasporic connection, as the Windsor area was the terminus for the underground railway. Cross-border commemoration of -and tourism around- the underground railway remains significant. Jason Pomerleau, "Black History in Windsor Essex - Tourism Windsor Essex Pelee Island", online: <https://visitwindsor-essex.com/black-history/>.

²⁰ Robert Nelson, "Pitas and Passports: Arab Foodways in the Windsor-Detroit Borderlands" (2019) 6:2 *Mashriq & Mahjar Journal of Middle East and North African Migration Studies*, online: <https://muse.jhu.edu/article/778315/pdf>.

²¹ City of Windsor, *supra* note 8 at 84.

²² Although the City of Detroit has a population of roughly 670,000, metro Detroit has a population of over 4 million people. "U.S. Census Bureau QuickFacts: Detroit city, Michigan; Michigan", (2021), online: <https://www.census.gov/quickfacts/fact/table/detroitcitymichigan,MI/PST045219>.

²³ Lee Rodney, "Road Signs on the Border" (2011) 14:4 *Space and Culture*, online: <https://journals.sagepub.com/doi/abs/10.1177/1206331211412250?journalCode=saca>. And see Johanne Sloan, "Detroit, Windsor, and the art of mapping urban space" (2017), online: <https://halshs.archives-ouvertes.fr/halshs-01710538>.

²⁴ See Darroch, *supra* note 16 at 298 ("Detroit/Windsor is riddled with tensions between cross-border circulation and the border's increasing impermeability, and between images of stasis and transformation").

²⁵ Annual Michigan-Canada border crossings in 2019 were 31% lower than it was in 2000 (540M people annually in 2000 vs. 370M people annually in 2019). Source: "Border Crossing Entry Data: Annual Data", (2020), online: <https://explore.dot.gov/views/BorderCrossingData/Annual>.

Windsor is part of a “transfrontier metropolis” if not always recognised as such outside of the region itself.²⁶

3. Formal Cross-Border Governance

In 2011, still in the depths of the recession in this region, one observer wrote: “Given the similarities in problems, and their sources, the leadership of these twin ‘broken cities’ should have much to discuss about common challenges and how each community could respond to industrial revitalization and metropolitan renewal. Yet [there is] little communication between the two regions, much less cooperation.”²⁷ This assessment was a bit exaggerated in 2011 and is even less true one decade later. For example, in 2017 the two cities closely cooperated to put together a border-cities bid to be Amazon’s headquarters (“Detroit-Windsor vs. Everybody” t-shirts were made to mark the occasion).²⁸ Similarly, in the spring of 2021 Windsor’s mayor was in discussion with Detroit officials about Windsorites accessing surplus vaccines in Michigan. One suggestion put forward was to have a vaccination “pop up” at the borderline of the tunnel or bridge in the face of alleged insufficient action on the part of the federal government.²⁹ Nonetheless, despite these ad hoc examples of cooperation, and despite the high levels of integration at a business-to-business and people-to-people level, there are few formally established links at a city-to-city governance level.

Striking evidence of the lack of formal city-city diplomacy is revealed through the minutes of Windsor City Council’s official “International Relations Committee”. There are virtually no references to Detroit (or smaller neighbouring Michigan communities for that matter) in the records of the committee’s work. Most of the business of this advisory committee to City Council is on the traditional city diplomacy plane of relations with “sister cities” outside of North America. Significant city-to-city relationships include those with Lublin, Poland, Mannheim, Germany and Fujisawa, Japan. The closest twinned city in North America is Saltillo, Mexico.³⁰ The lack of coordination with Detroit is apparent from the floor of City Council chambers as well. When Windsor, like many other Canadian municipalities, declared a climate emergency in 2019, referencing the UN Intergovernmental Panel on Climate change,

²⁶ The term is not used with reference to Windsor-Detroit (indeed the northern US border is dismissed by the author as “lack[ing] significant urban settlements”, but see Lawrence Herzog, “International Boundary Cities: The Debate of Transfrontier Planning in Two Border Regions” (1991) 31:3 *Natural Resources Journal*, online: <<https://digitalrepository.unm.edu/nrj/vol31/iss3/6/>>.

²⁷ Jen Nelles, “Cooperation in Crisis? An Analysis of Cross-Border Intermunicipal Relations in the Detroit-Windsor Region” (2011) 6 *Articulo Journal of Urban Research*, online: <<https://doi.org/10.4000/articulo.2097>>.

²⁸ Dave Battagello, “Detroit-Windsor Amazon bid offers a ‘compelling story’” (October 19, 2017), online: *Windsor Star* <<https://windsorstar.com/news/local-news/binational-efforts-on-amazon-bid-bode-well-for-windsor-going-forward>>.

²⁹ Rich Garton, “Windsor mayor pitches plan to vaccinate Canadians in the middle of international tunnel” (May 26, 2021), online: *CTV News* <<https://windsor.ctvnews.ca/windsor-mayor-pitches-plan-to-vaccinate-canadians-in-the-middle-of-international-tunnel-1.5443869>>.

³⁰ “International Relations Committee Minutes”, online: *City of Windsor* <[https://www.citywindsor.ca/cityhall/committeesofcouncil/Advisory-Committees/International-Relations-Committee-\(IRC\)/Pages/International-Relations-Committee-Minutes.aspx](https://www.citywindsor.ca/cityhall/committeesofcouncil/Advisory-Committees/International-Relations-Committee-(IRC)/Pages/International-Relations-Committee-Minutes.aspx)>.

this was done with a rare and passing reference to Detroit. The City's administration was asked to prepare a report which included "any initiatives that we are aware of by our Detroit neighbours and any other neighbouring municipalities across the border."³¹

The lack of formal governance links with Detroit is in one sense normal. Canadian cities are widely acknowledged to have been the losers at Canada's confederation in 1867. With powers divided between two higher levels of government, the federal government and the provinces, cities have no independent constitutional foothold in Canada. They are the "creation" of the provinces, and Windsor, like all other municipalities in the province of Ontario with the exception of the capital Toronto, is governed by the *Municipal Act* which circumscribes municipal powers.³² There is no treaty-making power at the municipal or provincial levels. Although provincial implementation of treaties where the subject matter is one of provincial competence is required under Canada's dualist approach to treaty reception, cities have no analogous role to provinces.³³ Furthermore, there are important, well-established nation-to-nation governance links which regulate the Canada-US border, including over trade, security (up to co-locating border staff), joint investments and freshwater. In one sense, there is no jurisdictional lacuna for a border municipality to step into, at least not without some imagination and initiative.

The International Joint Commission (IJC) is particularly relevant for transnational governance in the region. Established by the *Boundary Waters Treaty* of 1909, the IJC has overseen water use and diversion for over a century. The IJC's work covers the entire span of the Canada-US border but has important implications for the Detroit River and the Great Lakes which the river connects. The IJC also has a Windsor office, the Great Lakes Regional Office, which is the only office of an international/binational organization in the city.³⁴ However, this binational water governance regime is headquartered in Ottawa and Washington and does not directly involve the cities in the decision-making structures established by treaty. At time of writing, none of the 6 commissioners -three appointed by each country- appear to have significant Windsor-Detroit roots.³⁵ Like other formal bilateral state structures or links (which include, the Great

³¹ City of Windsor, *City Council Decision* (Windsor: Office of the City Clerk Council Services, 2019), online: <<https://www.citywindsor.ca/residents/environment/Documents/Climate%20Change%20Emergency%20Declaration.pdf>>. It should be noted that some of the references to Detroit during the debate at Council appeared to confuse the issue of transboundary pollution with climate change. See Brian Cross, "'This is the time for Windsor to act.' Climate change emergency declared" *Windsor Star* (November 19, 2019), online: <<https://windsorstar.com/news/local-news/this-is-the-time-for-windsor-to-act-climate-change-emergency-declared>>.

³² *Municipal Act*, 2001, SO 2001, c 25, <<https://canlii.ca/t/54vn0>>.

³³ See Laura Barnett, *Canada's Approach to the Treaty-Making Process* (Ottawa: Library of Parliament, 2021), online: <<https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/HillStudies/2008-45-e.pdf>>. As it relates to Canadian cities in comparative perspective, see Geneviève Cartier, "The relationship between the city from a comparative (constitutional) perspective" in Helmut P. Aust, Janne E. Nijman & Miha Marcenko, eds., *Research handbook on international law and cities* (Cheltenham: Edward Elgar, 2021).

³⁴ Reasonably good water governance is now taken for granted, but historically shared water resources were sources of tension across the river. See Ramya Swayamprakash, "Flotsam: Garbage dumping, pollution, and legal tensions in the Detroit River" (2020) 12:3 *Water History*, online: <<https://link.springer.com/article/10.1007/s12685-020-00269-x#citeas>>.

³⁵ "Commissioners | International Joint Commission" (2021), online: *International Joint Commission* <<https://www.ijc.org/en/who/people/commissioners>>.

Lakes Fishery Commission in nearby Ann Arbor, Michigan,³⁶ the Great Lakes Commission,³⁷ and a Canadian consulate in Detroit³⁸), the city has no formal role in the work of the IJC.

4. Border Authorities and Spanners

Despite the lack of a formal role for city diplomacy in the Canadian constitutional order, cities are not explicitly excluded from any role either. As Geneviève Cartier puts it, “constitutions that do not explicitly confer on cities legal authority to act in foreign affairs matters do not necessarily deny them legal authority to act internationally” in every respect.³⁹ Windsor provides a good example. There is a large, often obscure, swathe of international/intercity relations between Windsor and Detroit. Much of this diplomacy lies not in city council chambers but in broader public sector entities and “authorities.” I borrow this latter term from Valverde and Flynn, who suggest in an article focused on Toronto, but with implications for most cities, that “[s]pecial-purpose public authorities are ubiquitous, indeed are more numerous than governments. Some are time-limited (say an urban development corporation set up to revitalize a particular urban intersection), but many are ongoing, such as transit, housing and conservation authorities, and public utilities.”⁴⁰ This concept seems especially apropos in understanding “microdiplomacy” at the Windsor-Detroit border.⁴¹

From the Windsor-Detroit Tunnel Corporation (jointly controlled by the City of Windsor on the Canadian side and outsourced to a private corporation on the US), to emergency services cooperation, cooperation between harbour masters, to policing -in its narrow and broader senses- and to cooperation over sporting/recreational events (marathons, cycle tourism and joint annual fireworks held on the river commemorating both our national holidays), practical diplomacy takes place on a large scale. This binational city governance is not always apparent or transparent, but it is real along multiple points of contact. Often these links rely on the influence of individuals and NGOs who are “boundary spanners”.⁴² (As an aside, given Windsor-Detroit’s industrial heritage, I particularly like the term “spanner,” with implications of a tool as well as someone who straddles).

³⁶ *Convention on Great Lakes Fisheries between Canada and the United States of America*, 10 September 1954, 3355 UNTS 98, Can TS 1955 No 19.

³⁷ The Compact was established subnational entities, namely, provinces and states. “Great Lakes Basin Compact” (2019), online: *Great Lakes Commission* <<https://www.glc.org/wp-content/uploads/GLC-Great-Lakes-Basin-Compact-2019.pdf>>.

³⁸ Although the current consul is someone with deep roots in the region -and is very much a Windsor-Detroit border spanner- rather than a career diplomat.

³⁹ Cartier, *supra* note 33 at 381 points to a sphere of “low politics” in this regard and includes in it “culture, trade, education, humanitarian cooperation and so on.”

⁴⁰ Alexandra Flynn & Marianna Valverde, *Where the Sidewalk Ends: The Governance of Waterfront Toronto’s Sidewalk Labs Deal* (Windsor: The Windsor Yearbook of Access to Justice, 2020), online: <<https://wyaj.uwindsor.ca/index.php/wyaj/article/view/6425>>.

⁴¹ On “transborder regional microdiplomacy”, see Herzog, *supra* note 26.

⁴² Boundary spanners are “vital individuals who facilitate the sharing of expertise by linking two or more groups of people separated by location, hierarchy, or function”. Allison J Egan & Robert C de Loë, “Thinking outside the “water box” in the Detroit River Area of Concern” (2020) 46:6 *Journal of Great Lakes Research*, online: <<https://www.sciencedirect.com/science/article/pii/S0380133020302367?via%3Dihub>>. On the availability of boundary spanners in the Windsor-Detroit beyond water resource issues, see Natalia Levina & Emmanuelle Vaast, “The Emergence of Boundary Spanning Competence in Practice: Implications for Implementation and Use of Information Systems” (2005) 29:2 *MIS Quarterly*, online: <<https://www.jstor.org/stable/25148682>>.

Take two examples where local networks spanning the border have cooperated on binational urban sustainability projects. The first is an example involving an ad hoc “authority”. Construction of a new bridge over the Detroit River -named after Gordie Howe, a Canadian player for the Detroit Red Wings hockey team- is currently ongoing. Following lobbying from residents and active transportation advocates on both sides of the river, the Windsor-Detroit Bridge Authority agreed that the new span will have multi-use paths for cyclists and pedestrians and not just vehicles.⁴³ Interestingly, the Bridge is itself a striking and unusual example of collaborative border management between Canada and the US with implications for border city life.⁴⁴ The Bridge Authority is a not-for profit Crown corporation owned by the Canadian government, but it is established by an agreement between Canada and a subnational entity, the State of Michigan.⁴⁵ The second example is ongoing and relates to the International Joint Commission. Again, while a binational rather than regional entity, the Commission engages with local networks and NGOs on both sides of the river, and indeed spanning the river in environmental coalitions (such as the Detroit River Coalition, a binational assembly of environmental groups working to eliminate litter pollution). The IJC’s “evolving governance regime”, as Zeemering puts it, taps “specialized networks that bridge the international border.”⁴⁶ As suggested above, boundary spanners are not only linked to sustainability networks in this border region. They can also be found in areas ranging from business,⁴⁷ to tourism,⁴⁸ to peace promotion.⁴⁹

There is also growing recognition in Windsor that to take full advantage of its border location -and to mitigate the downsides such as transboundary pollution- greater engagement beyond business-to-business and people-to-people links will be important. Individual and ad hoc

⁴³ “The decision to include a pedestrian and bicycle lane is the result of public consultation and feedback from communities on both sides of the border...” “Bike or Hike the Bridge | Spotlight | Gordie Howe International Bridge” (2021), online: *Gordie Howe International Bridge*

<<https://www.gordiehoweinternationalbridge.com/en/bike-or-hike-the-bridge>>.

⁴⁴ Chappell Lawson & Alan Bersin, “Collaborative Border Management” (2020) 14:1 *World Customs Journal*, online:

<[https://worldcustomsjournal.org/Archives/Volume%2014%2C%20Number%201%20\(Apr%202020\)/1897%201%20WCJ%20v14n1%20Lawson%20and%20Bersin.pdf?t=1602817231](https://worldcustomsjournal.org/Archives/Volume%2014%2C%20Number%201%20(Apr%202020)/1897%201%20WCJ%20v14n1%20Lawson%20and%20Bersin.pdf?t=1602817231)>.

⁴⁵ Crossing Agreement between Canada and Michigan, June 14, 2012, online:

https://www.michigan.gov/documents/buildthisbridge/Agreement_389284_7.pdf. The fact that the Authority is solely Canadian reflects the unwillingness of the US or Michigan to pay for the Bridge’s construction.

⁴⁶ Eric S Zeemering, “International Connections for Local Government Sustainability Initiatives: Networks Linking Detroit and Windsor” (2014) 36:1 *Journal of Urban Affairs*, online:

<<https://www.tandfonline.com/doi/abs/10.1111/j.1467-9906.2012.00648.x?journalCode=uja20>>. There is also a certain collective historical amnesia around the fact that in the 1950s, the two cities took united fronts with the IJC. See for example, “Congressional Record - Senate” (1953) 99:3, online:

<<https://books.google.ca/books?id=vQkc76pO-00C&lpg=PA3278&dq=joint%20meetings%20of%20windsor%20and%20detroit%20city%20council&pg=PA3278#v=onepage&q&f=false>>.

⁴⁷ For example, see the joint statement of the Windsor and Detroit Regional Chambers of Commerce on keeping borders open during the pandemic. Sandy Baruah & Rakesh Naidu, “COVID-19: Joint Statement from Detroit Regional Chamber (DRC) and Windsor-Essex Regional Chamber of Commerce (WERCC) - Detroit Regional Chamber” (2021), online: *Detroit Regional Chamber* <<https://www.detroitchamber.com/covid19/covid-19-joint-statement-from-detroit-regional-chamber-and-windsor-essex-regional-chamber-of-commerce/>>.

⁴⁸ See for example, cross-references between tourism boards: <https://visitdetroit.com/destinations/windsor-ontario/> and <https://visitwindsor-essex.com/crossing-made-easy/>

⁴⁹ See Mary Caton, “Peace in the Streets Conference | Windsor Star” (2019), online: *Windsor Star* <<https://windsorstar.com/news/local-news/former-fashion-photographer-becomes-peace-in-the-streets-activist>>.

boundary spanners will not be enough to confront the economic and sustainability issues facing the region. As the city's economic development strategy puts it, Windsor will need to "Invest more time to strengthen existing relationships and to forge new networks for collaboration between political leaders and civil society in Detroit and Windsor."⁵⁰ In the spring of 2021 an intriguing project to do just that was led by colleagues at the University of Windsor and Wayne State University, with the backing of both the cities of Windsor and Detroit. In seeking to become a cross-border *United Nations Regional Centre of Expertise (RCE)*, the proposal notes that the cities':

shared inheritance requires collective, transborder action to address the pressing, contemporary environmental and economic challenges that we are facing today, but navigating the diverse network of national, provincial, and state-level systems, as well as coordinating cross-border collaboration at local levels remains one of the most significant challenges facing the region. Cross-border collaboration on sustainability-related initiatives has been inconsistent over the last decades, and dependent on occasional links established by individual organizations.⁵¹

The universities are of course acting as boundary spanners in this instance. Having the cities speak to each other through regularised diplomacy may be the next crucial step in spanning the border and presenting common regional perspectives to higher orders of government on economic and environmental strategy, as well as daily good governance of border life.⁵²

5. Conclusion

There is a variety of different ways in which cities will engage in diplomacy. World cities may engage in one way, grandly, perhaps even cliquishly, with global agendas.⁵³ Some cities will deliberately and self-consciously engage with international law, and its various practice areas such as human rights.⁵⁴ Drawing from other International Law Association city reports, Graz (the first European Human Rights City),⁵⁵ Vienna ("a city of international law"),⁵⁶ and Arusha (a

⁵⁰ City of Windsor, *supra* note 8 at 101.

⁵¹ Wayne Windsor Regional Centre of Excellence Proposal (May 2021), on file with author.

⁵² Although largely forgotten, there is precedent for more formalised city diplomacy. Joint sessions of Windsor and Detroit city councils did occur in 1989-1990. See Gary Rennie, "Windsor Detroit councils seal pact", *Windsor Star*, 29 September 1989, A3: "The historic first meeting between the two councils was largely dominated by gift exchanges, glad-handing, flowery speeches and quips" although trade and tourism were also discussed." The city councils met again in 2006, in a meeting which was erroneously also considered "a historic first". See Dave Battagello, "Councils join in historic meeting" *Windsor Star* (1 March 2006), A1.

⁵³ See Ben Derudder & Peter Taylor, "The cliquishness of world cities" (2005) 5:1 *Global Networks*, online: <<https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1471-0374.2005.00108.x>>.

⁵⁴ Practice areas identified in the *Research handbook on international law and cities*, *supra* note 33, include health, development and migration.

⁵⁵ Gregor Fischer & Gerd Oberleitner, *The ILA study group on the Role of Cities in International Law City Report: Graz* (Graz: International Law Association, 2020), online: <<https://www.asser.nl/media/680283/city-report-graz.pdf>>.

⁵⁶ Markus Beham, *The ILA study group on the Role of Cities in International Law City Report: Vienna* (Vienna: International Law Association, 2020), online: <<https://www.asser.nl/media/794797/city-report-vienna.pdf>>.

sub-Saharan regional hub for international law)⁵⁷ all appear to fit this bill. Border cities such as Windsor and Detroit may behave in distinct ways, without self-conscious cosmopolitanism - the border is an everyday, if ambiguous, feature of life- but with thick informal engagement and diplomacy. In other words, an expanded typology of international law participation by cities may be in order and it would be interesting to see more reports from border cities, including outside of shared governance spaces like the European Union.⁵⁸ Certainly, the view from Windsor is that there is greater scope for cross-border city diplomacy as various orders of government -and bilateral nation-nation legal regimes- fail to adequately address issues such as transboundary pollution, climate change and a liveable cities agenda. As Windsor's economic development strategy puts it, "the interconnectedness between Windsor and Detroit must be nurtured with a thousand separate actions, all happening in the same direction but led by a varied group of actors, from municipal politicians and officials, to private businesses, civic organisations, and non-profit groups."⁵⁹ In a cross-border region "marked by interconnections and disruption, by transit and flow, by collaboration and conflict,"⁶⁰ city diplomacy, ratcheted up to the next level, could help meet the region tackle its challenges, contradictions and crossings.

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⁵⁷ Eric Yankson, *The ILA study group on the Role of Cities in International Law City Report: Arusha* (Arusha: International Law Association, 2021), online: <<https://www.asser.nl/media/788359/city-report-arusha.pdf>>.

⁵⁸ Both the Schengen agreement and the notion of Euroregions will presumably create quite different forms of cross-border engagement.

⁵⁹ Windsor City Council, *supra* note 8, at 84.

⁶⁰ Windsor Regional Centre of Excellence proposal, *supra* note 50.