

Long-standing Canadian Offshore permits would become worthless overnight. The effect on Canada--and especially on Nova Scotia--would be a heavy one. No decision by the court could produce a similar result for the United States. There is accordingly an essential difference--a qualitative difference--in what is at stake for the parties in these proceedings. This was already the case in relation to the claims defended by the parties when they concluded the special agreement in 1979. The United States widened the gap still further in claiming its "adjusted perpendicular line" in 1982. In 1979 and in 1982, however, the United States' claim encompassed the whole of Georges Bank. The United States line has advanced further towards Canada but the United States objective remains the same. And it was precisely the extravagance of the United States' claim that made prudence and reasonableness seem unnecessary to those United States' interests that lobbied against ratification of the 1979 agreement on east coast fishery resources, which was negotiated and concluded by the parties at the same time as the special agreement.

The 1979 fisheries agreement reflected a long history of cooperation in the fisheries relations of Canada and the United States. Its antecedents can be traced back to the treaty of Paris of 1783. It was explicitly recognized as a fair deal by both parties. If it had come into force, the impact of the boundary issue on competing fishing interests would obviously have been greatly lessened. This approach, however, was rejected by the opponents of the 1979 fisheries agreement in the United States. It was rejected because these opponents considered that the United States could afford a "winner take all" approach, in which the fishing rights of the parties would be settled exclusively by the boundary line to be fixed by the court. For the United States, of course, no boundary to be fixed by the court could possibly result in a total loss of access to Georges Bank. As a result, the United States failed to ratify the 1979 Fisheries Agreement, although it did not fail to hedge its bets in the later expansion of its claim to the "adjusted perpendicular line".

For Canada, however, the 1977 Fisheries Agreement represented the single most important bilateral issue in its relations with any country at that time. It was in these terms that I described the agreement to the Canadian public and Parliament as Canada's then Secretary of State for External Affairs. And it was only Canada's profound confidence in the international judicial process that finally led my Government to accept the disassociation of the Fisheries Agreement from the special agreement, and to entrust the Court with the determination of the single Maritime boundary and thereby with the disposition of the parties' fishing interests.