



Statements and Speeches

No. 84/5

GULF OF MAINE MARITIME BOUNDARY CASE

Opening Statement by the Honourable Mark MacGuigan, Minister of Justice, at the International Court of Justice, The Hague, April 2, 1984.

I am honoured to open these historic proceedings on behalf of Canada. The late Judge John E. Read was one of the early advocates of a flexible chamber system within the International Court of Justice. So it is especially appropriate that Canada's first case before the Court should be the first case heard by a chamber formed under Article 26, paragraph 2 of the Statute. This is also the first time that any international tribunal has been called upon to fix a single maritime boundary dividing both the continental shelf and the 200-mile fishing zones of neighbouring coastal states. The practical effect is that we are dealing with the first judicial delimitation of the exclusive economic zone since the emergence of this new concept in state practice and in the United Nations Convention on the Law of the Sea. What we do here is likely to prove of great moment to the future development of international law.

Mr. President, Canada and the United States have never before submitted a boundary question — or any other question between them — to the International Court of Justice. The two countries, however, are not strangers to third-party settlement procedures in their bilateral relations. Indeed, they have resorted to arbitration of their differences on 20 occasions in the past, beginning with the St. Croix River Boundary dispute in 1798. The present case fits within a long tradition of peaceful and progressive settlement of the boundaries of Canada and the United States. Mr. President, I wish to make clear at the outset what it is that brings the parties before the Court on this occasion. In two words, it is Georges Bank. The written pleadings of both parties leave no room for doubt that the object of their dispute is Georges Bank. More specifically, the dispute centres on the abundant fishery resources and the potential hydrocarbon resources of this large detached bank seaward of the Gulf of Maine, off the coasts of Nova Scotia and Massachusetts.

Canada has claimed less than half of Georges Bank since it first began to issue oil and gas permits in the Gulf of Maine area in 1964. The United States has claimed the whole of the Bank since 1976. This difference in the extent of the claims of Canada and the United States is more than a simple quantitative difference. Whatever may be the outcome of the present proceedings, the United States will not cease to be present on Georges Bank, since the Canadian claim itself leaves more than half of the Bank to the United States. If the Court were to accept the United States' claim, however, the result would be Canada's eviction from the Bank as a whole. Canadian fishermen would be banished entirely from this traditional fishing ground on which they depend today and have depended on for many years.

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