

CANADA-USA MARITIME BOUNDARY ISSUES

While the judgement, in October 1984, of a Chamber of the International Court of Justice (ICJ) determined a single maritime boundary between Canada and the United States in a large portion of the Gulf of Maine area, several maritime boundaries remain unsettled between the two countries. Negotiations on these boundaries will resume in due course.

Gulf of Maine - Landward and Seaward Extensions

Under the terms of the agreement submitting the Gulf of Maine boundary dispute to a Chamber of the ICJ, the Chamber was to establish the boundary seaward from a point 39 nautical miles from the terminus of the land boundary. The reason for not having the Chamber rule on the boundary landward from this point related largely to the dispute over Machias Seal Island, which is claimed by both countries. The eventual seaward extension of the continental shelf dividing line will also have to be agreed in due course.

Strait of Juan de Fuca

Both Canada and the USA have used an equidistance line in delimiting their 200-mile fishing zone in this area. Because each country has used a different approach in determining how such a line should be drawn, however, there is a discrepancy between the respective lines they assert. Canada's line was drawn from straight baselines (based on Article 4(1) of the 1958 Geneva Convention on the Territorial Sea). The Americans have rejected this approach in favour of a line drawn by references to the coastal sinuosities. The resulting lines differ slightly, with the Canadian line for the most part lying south of the American line and bringing more of the area under Canadian jurisdiction.

Dixon Entrance

Inside the Entrance, the Canadian position is that the "A-B Line", established by the 1903 Alaska Boundary Tribunal, is the international boundary with respect to both land and sea. The Americans, who earlier claimed a three-mile territorial sea and a nine-mile contiguous fishing zone in the area, now maintain that the maritime boundary should follow a median line, more or less equally dividing the waters inside the Entrance between Canada and the United States.

There is no agreement between Canada and the United States regarding the extension of the boundary outside of the Dixon Entrance to the 200-mile limit. The United States position has been to espouse equidistance.