

LAW OF THE SEA
(Previous reference February 8th†)

22. *The Acting Prime Minister* said that a telegram had been received from the Canadian Embassy in Washington describing the U.S. reaction to the Canadian government's recent decisions to claim certain bodies of water as internal Canadian waters, and to suggest a new international conference to determine the breadth of the territorial sea and fishing rights in the contiguous zone. The U.S. reaction had been "not only faster, but more vigorous and more negative than had been expected."

The Deputy Under-Secretary of State for External Affairs had reported that an adverse public U.S. reaction to an announcement of these claims by Canada would not only undermine the whole legal basis of certain of the claims, but could also have serious repercussions in the financial field. It could affect fisheries exports from Canada to the United States, and possibly also other important items such as oil and lumber. It seemed clear that the U.S. was not willing to acquiesce in the Canadian claims. The Canadian government should take early action to show its willingness to review the subject in the light of the U.S. views in order to head off a possible deliberate leak by the U.S. administration. Certain of Canada's claims had doubtful legal validity and would have little chance of being recognized without U.S. acquiescence.

23. *During the brief discussion* the following points were raised:

(a) Some said that, in view of the U.S. reaction it would now be folly to adhere to the terms of the Cabinet decision of February 9th, or to take the risk of a premature leak in Washington.

(b) The U.S. government should be informed that the Canadian government would give careful consideration to their reaction before any further steps were taken. It would be unnecessary to state, as the Under-Secretary had suggested, that Canada would not disregard U.S. interests and would negotiate with the United States in order to arrive at mutually acceptable arrangements. Canada should offer, however to consult the U.S. before taking any further steps.

24. *The Cabinet* agreed that the Acting Prime Minister should convey to the Prime Minister the recommendation of the Cabinet

(a) that no further action should be taken at this time on the decision of the Cabinet meeting of February 8th on the Law of the Sea; and

(b) that the Canadian Embassy in Washington be instructed to inform the U.S. government that their reaction would be considered carefully by the Canadian government, and that they would be consulted before any further steps on this matter would be taken by the Canadian government.

Note: The Acting Prime Minister informed the Prime Minister and Secretary of State for External Affairs of this decision. They agreed among themselves that it should be modified and pending the preparation and approval by the three of a revised message, the instructions in (b) above would not be given.

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