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EXTERNAL AFFAIRS
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GARRISON DIVERSION UNIT

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Text of Note from Canadian Embassy to State
Department, June 23, 1975

The Embassy of Canada presents its compliments to the Department of State and has the honour to inform the Department that, in view of recent developments relating to the Garrison Diversion Unit as it affects Canada, the Embassy has been instructed to transmit an outline of the Canadian position on the Garrison Diversion Unit. The Embassy would be grateful if the Department of State would bring this position outline to the attention of the appropriate committees of the United States Congress and other relevant Departments and Agencies of the United States Government.

The Embassy of Canada avails itself of this opportunity to renew to the Department of State the assurances of its highest considerations.

Washington, D.C., June 23, 1975.

Outline of the Canadian Position on the Garrison Diversion Unit

During the course of recent testimony before the Subcommittee on Public Works of the House of Representatives Committee on Appropriations, it was stated that the issue with Canada over the Garrison Diversion Unit relates only to the return flows from the Souris Loop division. It was also suggested that alternatives to the Garrison project are being discussed with Canada.

In this context, it seems desirable to reiterate Canada's concerns about the potential adverse effects of the Garrison Diversion Unit, as currently envisaged, on waters crossing the boundary into Canada. The Government of Canada has concluded, on the basis of studies conducted in the United States and Canada, and on the basis of information provided by the United States in response to questions raised in Canada, that the Garrison Diversion Unit, as currently envisaged, would have adverse effects on the Souris, Assiniboine and Red Rivers, and ultimately Lake Winnipeg, which would cause injury to health and property in Canada.

The Government of Canada, therefore, is pleased to learn that consideration is being given to alternatives to the current Garrison Diversion Unit which would not adversely affect Canada. The

Government of Canada has not yet been officially informed of these alternatives, however, nor have these alternatives been discussed with Canadian officials.

Since 1969, by means of a series of diplomatic Notes and meetings, the Government of Canada has been in continuing consultation with the Government of the United States on the Garrison Diversion Unit as it affects Canada. An important stage in this consultative process was reached on October 23, 1973, with the presentation of a Note to the United States Government in which the Government of Canada concluded, based on studies conducted in both countries, that the proposal would run counter to the obligations assumed by the United States under Article IV of the Boundary Waters Treaty of 1909. Accordingly, the Note requested the Government of the United States to "establish a moratorium on all further construction of the Garrison Diversion Unit until such time as the United States and Canadian Governments can reach an understanding that Canadian rights and interests have been fully protected in accordance with the provisions of the Boundary Waters Treaty".

The Government of the United States gave its assurances in a reply Note dated February 5, 1974, that "the U.S. will comply with its obligation to Canada not to pollute water crossing the boundary

to the injury of health or property within Canada". The Note further stated that "no construction potentially affecting waters flowing into Canada will be undertaken unless it is clear that this obligation will be met".

The Government of the United States has since repeated these assurances in response to further expressions of concern by Canada in meetings of Canadian and U.S. officials on the subject, including the January 16, 1975 meeting in Washington, D.C., where it was agreed to recommend to the respective governments that they select an appropriate mechanism to undertake a joint examination of certain aspects of or adjustments to the project, to ensure that the provisions of Article IV of the Boundary Waters Treaty are honoured.

That this subject is a matter of considerable concern in Canada is evident from the continuing discussion in the House of Commons and the Manitoba Legislature, and the fact that Prime Minister Trudeau raised the issue during his discussions with President Ford in Washington in December, 1974.