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CANADA-UNITED STATES EAST COAST MARITIME BOUNDARY SETTLEMENT TREATY ENTERS INTO FORCE

The Secretary of State for External Affairs, the Honourable Mark MacGuigan, announced today that Canada and the United States will refer the Gulf of Maine maritime boundary dispute to an international tribunal for binding settlement. A treaty to this effect was brought into force today when instruments of ratification were exchanged in Ottawa by Dr. MacGuigan and Mr. Richard Smith, Minister at the U.S. Embassy.

The treaty is officially entitled "A Treaty between the Government of Canada and the Government of the United States of America to Submit to Binding Dispute Settlement the Delimitation of the Maritime Boundary in the Gulf of Maine Area".

The treaty and the annexed "special agreement" provide for the final determination of the maritime boundary in the Gulf of Maine area by a five-member Chamber of the International Court of Justice in The Hague. If, for any reason, the International Court of Justice does not constitute the Chamber in accordance with the treaty and with the special agreement within six months, either Canada or the United States may terminate the special agreement. In that event an arbitration agreement, also annexed to the treaty, will come into force and the dispute will then be referred to a five-member international arbitral tribunal that would be specially constituted by Canada and the United States to hear the case.

Under the Statute of the International Court of Justice, a country that is not represented on the Court may nominate one of its nationals to sit as judge ad hoc in any case involving that country. The Government of Canada intends to nominate Maxwell Cohen, Professor Emeritus of the Faculty of Law, McGill University, and formerly Canadian Chairman of the International Joint Commission, to be judge ad hoc in the Gulf of Maine case.

The Legal Adviser of the Department of External Affairs, Léonard H. Legault, has been appointed Agent for Canada in the case and will be responsible for the conduct of the proceedings on behalf of Canada.

The Gulf of Maine area in dispute includes the valuable fishing grounds of Georges Bank. The single maritime boundary to be established will delimit both the fishing zone and the continental shelf appertaining to each country in this area.

The treaty referring the boundary dispute to binding third-party settlement was originally signed in Washington on March 29, 1979 and was part of a "package" together with the East Coast Fishery Resource Agreement. The latter agreement, which provided for joint management and reciprocal access by both countries in respect of the Georges Bank fisheries, was withdrawn from the U.S. Senate by President Reagan on March 6, 1981, after failing to obtain the Senate's advice and consent over a period of two years. Owing to this and other developments, the text of the maritime boundary settlement treaty entering into force today differs slightly from the original treaty signed on March 29, 1979.