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CANADA

TREATY SERIES, 1940

No. 15

EXCHANGE OF NOTES

(September 23 and October 18, 1940)

BETWEEN

CANADA

AND THE

UNITED STATES OF AMERICA

CONSTITUTING AN

AGREEMENT REGARDING PERMISSION FOR UNITED STATES COAST GUARD VESSELS ON THE GREAT LAKES TO ENTER CANADIAN TERRITORIAL WATERS IN CERTAIN CIRCUMSTANCES

IN FORCE OCTOBER 18, 1940



OTTAWA

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FOR UNITED STATES COAST GUARD VESSELS ON THE
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WATERS IN CERTAIN CIRCUMSTANCES.

*The United States Minister to Canada
to the Secretary of State for External Affairs, Ottawa.*

LEGATION OF THE UNITED STATES OF AMERICA,

OTTAWA, September 23, 1940.

No. 137.

SIR,

Under existing practice it is necessary, before a vessel of the Coast Guard may enter Canadian territorial waters, that permission be obtained from the Canadian Government. The activities of the Coast Guard with respect to patrolling regattas and yacht races on Great Lakes in the interest of safety to life, where the course of a race may be partly in Canadian territorial waters; having cutters and picket boats proceed from one lake to another as, for instance, from Lake Erie to Lake Ontario for repairs or overhaul, involving transit through the Welland Canal; and other movements of Coast Guard vessels through the Great Lakes involving passage through Canadian waters, have led to a continuing flow of requests for permission in each case, involving considerable correspondence through a long chain of intermediaries, delays in arrangements, and quite frequent resort to telegraph. This situation has become more acute since the consolidation of the former Lighthouse Service with the Coast Guard, effective July, 1939, resulting in placing under the administration of the Coast Guard aids to navigation in Canadian territorial waters, as follows: 6 United States aids to navigation in the St. Lawrence River; 7 in the Niagara River; 3 in Lake Erie; 25 in the Detroit River; 7 in the St. Clair River; and 47 in the St. Marys River. To service these aids to navigation involves entrance of the Coast Guard cutter into Canadian territorial waters.

In view of the foregoing I have been instructed to inquire whether the Canadian Government would be willing to grant blanket authority to enter Canadian territorial waters to vessels of the United States Coast Guard when establishing, servicing or inspecting United States aids to navigation in Canadian territorial waters; when proceeding from one lake to another, including passage through the Welland Canal; and when patrolling regattas or yacht races in the interest of safety to life. Such permission would not contemplate that vessels of the Coast Guard would enter Canadian ports except in cases of emergency.

Accept, Sir, etc.

PIERREPONT MOFFAT.

*The Secretary of State for External Affairs, Ottawa,
to the United States Minister to Canada.*

DEPARTMENT OF EXTERNAL AFFAIRS,

OTTAWA, October 18, 1940.

No. 208.

SIR,

I have the honour to refer to your note number 137 of September 23 and to state that blanket permission to enter Canadian territorial waters is hereby granted to vessels of the United States Coast Guard when establishing, servicing or inspecting United States aids to navigation in Canadian territorial waters; when proceeding from one lake to another, including passage through the Welland Canal; and when patrolling regattas or yacht races in the interest of safety to life.

It is noted that this permission does not contemplate that vessels of the United States Coast Guard would enter Canadian ports except in cases of emergency.

I have, etc.

O. D. SKELTON,

for the Secretary of State for External Affairs.

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