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JUNE 2, 1978



# STATEMENT DISCOURS

SECRETARY  
OF STATE  
FOR EXTERNAL  
AFFAIRS.

SECRÉTAIRE  
D'ÉTAT AUX  
AFFAIRES  
EXTÉRIEURES.

STATEMENT MADE BY THE  
SECRETARY OF STATE  
FOR EXTERNAL AFFAIRS,  
THE HONOURABLE  
DON JAMIESON,  
IN THE HOUSE OF COMMONS  
ON JUNE 2, 1978

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"CANADA-USA FISHERIES  
RELATIONS"

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EXTERNAL AFFAIRS  
AFFAIRES EXTÉRIEURES

JUN 13 1978

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IN THE PAST FEW WEEKS, THE GOVERNMENT HAS ENCOUNTERED SEVERAL DIFFICULTIES WITH RESPECT TO THE IMPLEMENTATION OF THE 1978 CANADA/USA INTERIM FISHERIES AGREEMENT ON BOTH THE PACIFIC AND ATLANTIC COASTS.

ON THE PACIFIC COAST, THE PROBLEM RELATES TO THE TERMS UNDER WHICH CANADIAN FISHERMEN WOULD BE ALLOWED ACCESS TO WATERS OFF WASHINGTON STATE TO TROLL FOR SALMON.

ON THE ATLANTIC COAST, THE PROBLEMS RELATE TO UNRESTRICTED U.S. SCALLOP AND POLLOCK FISHERIES IN THE GULF OF MAINE/GEORGES BANK AREA AND WHAT WE VIEW AS EXCESSIVE ALLOWABLE U.S. CATCH LEVELS FOR COD AND HADDOCK.

THESE DIFFICULTIES WERE DISCUSSED AT A MEETING BETWEEN CANADA AND U.S. OFFICIALS IN WASHINGTON ON APRIL 28 AND AT MEETINGS BETWEEN THE CANADIAN AND USA SPECIAL NEGOTIATORS FOR MARITIME BOUNDARIES IN OTTAWA ON MAY 11-12 AND AGAIN IN WASHINGTON ON MAY 26. AT THE MAY 26 MEETING AND DURING SUBSEQUENT CONVERSATIONS, IT HAS BECOME CLEAR THAT THESE PROBLEMS CANNOT BE RESOLVED IN A WAY THAT WOULD PROTECT CANADIAN INTERESTS. MY COLLEAGUES AND I HAVE COME TO THE RELUCTANT CONCLUSION THAT THE 1978 INTERIM RECIPROCAL FISHERY AGREEMENT CANNOT BE IMPLEMENTED BY THE U.S. IN A MANNER COMPATIBLE WITH PRESERVING AND PROTECTING OUR FISHERIES INTERESTS. ACCORDINGLY, I WISH TO ANNOUNCE

THAT THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS HAS CALLED IN THE U.S. AMBASSADOR AND GIVEN HIM A DIPLOMATIC NOTE STATING THAT THE GOVERNMENT OF CANADA IS NOT PREPARED AT THIS TIME TO CONTINUE PROVISIONAL IMPLEMENTATION OF THE AGREEMENT. THE NOTE STATES THAT, CONSEQUENTLY, U.S. FISHING VESSELS WILL NOT BE PERMITTED TO CONTINUE FISHING OPERATIONS IN CANADIAN FISHERIES WATERS AFTER 12 NOON JUNE 4. THIS MEANS, OF COURSE, THAT THE U.S. WILL TAKE CORRESPONDING ACTION AGAINST CANADIAN FISHING VESSELS IN U.S. WATERS.

THE GOVERNMENT HAS TAKEN THIS ACTION WITH GREAT RELUCTANCE, BUT UNDER THE CIRCUMSTANCES WE BELIEVE IT IS THE MOST APPROPRIATE MEANS OF MAINTAINING A BALANCE BETWEEN THE FISHING INTERESTS OF THE TWO COUNTRIES. I AM CONFIDENT THAT WE CAN WORK OUT, ON A CO-OPERATIVE BASIS, ENFORCEMENT ARRANGEMENTS IN THE BOUNDARY REGIONS THAT WILL AVOID CONFRONTATION.

THE PROBLEMS WE HAVE EXPERIENCED WITH THE INTERIM AGREEMENT DEMONSTRATE CLEARLY THE NEED FOR AN EARLY SETTLEMENT OF MARITIME BOUNDARIES AND FOR A LONG TERM AGREEMENT ON RECIPROCAL FISHING. MY COLLEAGUES AND I CONTINUE TO BELIEVE THAT A COMPREHENSIVE MARITIME BOUNDARIES/ RESOURCES AGREEMENT, ARRIVED AT BY NEGOTIATION, IS THE PREFERRED MEANS OF PROVIDING FOR THE EFFECTIVE AND MUTUALLY BENEFICIAL MANAGEMENT OF MARITIME RESOURCES IN CANADA/USA BOUNDARY AREAS.

THE GOVERNMENT RECOGNIZED THAT, IN NEGOTIATING AN OVERALL AGREEMENT OF THIS KIND, DIFFICULT PROBLEMS REMAIN FOR BOTH SIDES IN RECONCILING THE VARIOUS REGIONAL AND INDUSTRY INTERESTS. AT THE SAME TIME, IT HAS BECOME CLEAR THAT A BALANCED AND EQUITABLE AGREEMENT CANNOT BE CONSTRUCTED ON THE BASIS OF CONTINUED INSISTENCE BY ALL CONCERNED ON THEIR MAXIMUM DEMANDS. THE DIFFICULTIES WHICH HAVE LED TO THE GOVERNMENT'S PRESENT DECISION ARE THE BEST EVIDENCE OF THE NEED TO REPLACE A GENERALIZED INTERIM AGREEMENT WITHOUT INSTITUTIONAL ARRANGEMENTS BY A PERMANENT, COMPREHENSIVE AGREEMENT THAT PLACES ALL THE ISSUES IN AN INTER-RELATED FRAMEWORK AND INCLUDES EFFECTIVE MECHANISMS FOR INTERPRETING THE AGREEMENT AND FOR THE SETTLEMENT OF DIFFERENCES.

AMBASSADOR CADIEUX HAS BEEN INSTRUCTED TO RESUME HIS NEGOTIATIONS AND HAS BEEN IN TOUCH WITH THE U.S. NEGOTIATOR, AMBASSADOR CUTLER, AND THEY BOTH AGREE THAT THE SUSPENSION OF THE INTERIM AGREEMENT NEED NOT AND SHOULD NOT IMPEDE THEIR NEGOTIATIONS WHICH, AS YOU KNOW FROM THE JOINT REPORTS ISSUED IN OCTOBER AND MARCH, HAVE LAID THE BASIS FOR PROGRESS TOWARDS A COMPREHENSIVE AGREEMENT. THUS, IN AN EXCHANGE OF LETTERS WHICH IS BEING RELEASED, THE TWO NEGOTIATORS HAVE AGREED TO RESUME THEIR NEGOTIATIONS ON THE LONG TERM AGREEMENT. THEY HAVE SCHEDULED FOR JUNE 19 AND 20 THE FIRST OF A SERIES OF MEETINGS THAT ARE INTENDED TO LEAD TO EARLY RECOMMENDATIONS ON A COMPREHENSIVE AGREEMENT.

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TEXTS OF THE DOCUMENTS TABLED IN THE HOUSE OF COMMONS BY THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS ARE ATTACHED.

TEXT OF LETTER FROM AMBASSADOR CADIEUX TO HIS  
AMERICAN COUNTERPART DATED JUNE 2/78

Ottawa, Ontario  
K1A 0G2

June , 1978

My dear colleague,

The Department of External Affairs has just informed the United States Embassy that the Canadian Government will no longer continue to give provisional effect to the 1978 Interim Reciprocal Fisheries Agreement. The purpose of this letter is not to rehearse the history of our differences over the Interim Agreement, but rather to reaffirm my commitment to pursue the negotiations towards a long term agreement which will provide a framework for resolving such differences as may occur in the future.

I continue to believe and I know you share this view that an agreement which encompasses, in an inter-related framework, the full range of trans-boundary maritime issues of common concern to our two countries is the most promising means of assuring that the important maritime resources along our common borders can be effectively managed in our mutual interests.

We both agree that negotiations towards a long term maritime boundary/resources agreement should be pursued vigorously and that the problems we have encountered with respect to the Interim Reciprocal Fisheries Agreement need not and should not be allowed to impede this process. In order to promote an atmosphere which will facilitate our negotiations, I propose that the two governments should enter into an undertaking that the actions of the two countries relating to jurisdictional matters in the boundary areas for the duration of our negotiations should be considered as not prejudicing the position of either country in the negotiations or in any third party procedures to which these jurisdictional disputes may be submitted.

Special Negotiator Lloyd N. Cutler,  
U.S.A. Department of State,  
Washington, D.C.

In the course of the past eight months, I have found that we have worked effectively together and I believe your future availability augurs well for the success of our endeavours.

I look forward to resuming our negotiations on a long term agreement in the very near future and to submitting a final joint report to our governments shortly thereafter.

Yours sincerely,

M. Cadieux  
Negotiator for Maritime  
Boundaries (Canada/USA)

Text of Note given to United States Ambassador Enders  
on June 2, 1978

The Department of External Affairs presents its compliments to the Embassy of the United States and has the honour to refer to the Exchange of Notes completed April 11 constituting an Interim Reciprocal Fisheries Agreement for 1978, and to recent discussions between the Special Negotiators for Maritime Boundaries and Related Resource Issues with regard to the implementation of the Agreement.

Due to difficulties which have arisen with regard to the implementation of the 1978 Interim Reciprocal Fisheries Agreement, and which have not been resolved in the course of the discussions between the Special Negotiators, the Government of Canada is not at this time prepared to continue implementation on a provisional basis of the Agreement. Therefore, United States fishing vessels will not be permitted to continue fishing operations in Canadian fisheries waters after noon, local time, June 4, 1978 except those vessels fishing pursuant to the Convention for the Preservation of the Halibut Fishery in the Northern Pacific Ocean and Bering Sea of March 2, 1953.

The Government of Canada is prepared to undertake, on a reciprocal basis, efforts to avoid confrontation in the boundary regions by adopting flag-state enforcement procedures along the lines of the 1977 Reciprocal Fisheries Agreement. The Government of Canada is also prepared to convene a meeting of officials to discuss such arrangements at the earliest possible date.

The Government of Canada reaffirms its commitment to pursue negotiations on maritime boundaries and related resource arrangements, as well as a long term salmon interception agreement, in an effort to conclude mutually acceptable agreements as soon as possible. In addition, the Government of Canada is willing to discuss further the question of interim fisheries arrangements for the balance of 1978.

Ottawa, June 2, 1978.



EMBASSY OF THE  
UNITED STATES OF AMERICA

OTTAWA

June 2., 1978

Dear Ambassador Cadieux:

Ambassador Lloyd Cutler has asked me to transmit the following message to you.

"My Dear Marcel:

"I deeply regret that the Government of Canada has found it necessary not to give provisional effect to the 1978 Reciprocal Interim Fisheries Agreement any longer. Throughout the negotiation of the 1978 Interim Agreement and throughout our consultations regarding its implementation I have continued to hope that our differences might be resolved in a manner which would permit reciprocal fishing to continue pending completion of the negotiation of a long-term agreement. Those differences unfortunately still remain unresolved.

"As is evident, interim agreements based on generalized references to the status quo are clearly insufficient to meet the maritime concerns of importance to us both. I fully agree that we must now urgently and forcefully pursue the negotiation of a comprehensive agreement on maritime boundary and resource issues. I share your view that the problems we have encountered in the effort to establish a regime for continued reciprocal fishing in 1978 themselves demonstrate the pressing need for an agreement that encompasses the full range of maritime issues in an inter-related framework and that includes mechanisms for the settlement of differences.

Honorable Marcel Cadieux,  
Environment and Fisheries Law Section,  
Department of External Affairs,  
Ottawa.

"I also fully agree that the actions of the two countries relating to jurisdictional matters in the boundary regions for the duration of our negotiations should be considered as not prejudicing the position of either country in the negotiation of a long-term agreement or in any third party procedures to which jurisdictional disputes might be submitted. I hope that mutual restraint by both sides will prevent the exacerbation of our differences in those regions.

"I believe as you that our common effort over the past eight months provides a firm basis for future progress. The dedication and statesmanship you have brought to these negotiations gives me confidence that we can resolve the issues before us in a comprehensive agreement that serves the important maritime interests of both countries.

Sincerely,

/s/

Lloyd N. Cutler"

Sincerely,

 06/01-

Thomas Ostrom Enders