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Publication of Canadian Boundary Claims

Q: On November 1, Canada published in its official gazette an Order-in-Council which will bring into effect on January 1, 1977 the extension of 200-mile national fishery zones off the coasts of Canada. The coordinates given in that publication overlap with the area the US will claim on March 1, 1977, under the Fisheries Conservation and Management Act. What is being done to safeguard US interests in this matter and avoid a confrontation with Canada?

A: The United States and Canada have engaged in active discussions for several months concerning our mutual maritime boundries. Progress has been made in these discussions, but several important issues remain to be resolved. It is my understanding that Canadian legislation requires that the Canadians publish the lateral limits of their fishing zone 60 days prior to the January 1, 1977 effective date of their 200-mile fishery zone extension. To avoid prejudice to our interests, the United States will also publish in the Federal Register several coordinates for boundries of our fishing zone and continental shelf. In the meantime our talks with Canada will continue on this issue.

Q: Can't you be more specific? Which areas are in dispute?

A: For further details, I would direct you to the State Department.



Maritime Boundaries Between the United States and Canada

Yesterday Canada published in its official gazette an Order-in-Council which will bring into effect on January 1, 1977, the extension of 200-mile national fishing zones off the coasts of Canada. The Canadian Government has advised the United States Government that in keeping with its previously announced plan to implement its extended fishing zone on January 1, 1977, under Canadian legislative requirements it is obliged to give 60 days notice of its extension of these zones.

The Order-in-Council delineates the lateral limits of the fishing zone asserted by Canada in the Atlantic and Pacific Oceans, a number of which lie off the coasts of the United States and Canada. The United States and Canada have not yet reached agreement on their continental shelf boundaries nor on the lateral extent of the proposed extended fishery zones of the two countries. The United States does not accept all of the lateral coordinates published in the Order-in-Council.

In view of the Canadian publication, the ^{Department of State} ~~United States~~ Government has sent today to the Federal Register for publication the coordinates of the boundaries of the continental shelf and fisheries jurisdiction asserted by the United States in the areas off the coasts of the



United States and Canada. In a number of areas, these do not correspond to the coordinates published by Canada.

Shortly following the extension of the Canadian fishing zone on January 1, 1977, the extended United States fishery conservation zone will enter into effect on March 1, 1977, under the terms of the Fishery Conservation and Management Act of 1976. Moreover, there is active interest in the hydrocarbon potential of some continental shelf areas off the coasts of the United States and Canada. These considerations lend immediacy to settlement of the maritime boundaries between the two countries.

In an effort to resolve the maritime boundary questions and to establish mutually satisfactory arrangements affecting the living and non-living resources off our two coasts before either country extends its maritime jurisdiction in 1977, the Governments of Canada and the United States have been engaged in active discussions of these issues for a number of months. While progress has been made in these negotiations, it has not yet been possible to resolve the main issues. Therefore the two Governments are taking measures to ensure that their respective assertions of jurisdiction will not prejudice the claims or interests of either party or adversely affect the ongoing negotiating process. To this end, the Canadian Order-in-



Council and the United States Federal Register notice each make clear that these assertions of jurisdiction are without prejudice to the negotiation of any maritime boundary between the two countries.

The two Governments recognize the need to continue serious and active negotiations toward a mutually acceptable boundary settlement keeping in mind that if negotiations do not make progress, the governments will need to consider binding third party procedures. In the meantime, the two governments are negotiating mutually acceptable interim fisheries arrangements. They will also avoid steps for the time-being relating to the development of the non-living resources in the disputed boundary areas concerned which could prejudice the negotiation of permanent agreements.

The United States makes this announcement with full appreciation of the importance of our exceptionally close and mutually beneficial relations with Canada. We will continue negotiations of these offshore issues in confidence that the important national interest of each country in the cooperative development of our offshore resources will lead the United States and Canada to a mutually agreeable and beneficial resolution of these questions.



DRAFT

For Federal Register

The Fishery Conservation and Management Act of 1976

(P.L. 94-265) establishes a fishery conservation zone contiguous to the territorial sea of the United States, effective March 1, 1977, the outer boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

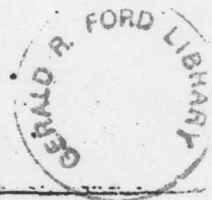
The United States exercises sovereign rights, in accordance with international law, over the continental shelf appertaining to the United States for the purpose of exploring it and exploiting its natural resources.

The Government of the United States of America has been, is, and will be engaged in consultations and negotiations with the governments of neighboring countries concerning the delimitation of areas subject to the respective jurisdiction of the United States and of these countries.

The Government of the United States of America intends in due course to determine and publish the limits of the entire fishery conservation zone off its coast.

The Government of Canada, on November 1, 1976, announced in an Order-in-Council the extent of the fishery zone to be asserted by Canada which will become effective on January 1, 1977.

The United States and Canada have not agreed on maritime boundaries and the United States does not accept all of the coordinates published by Canada on November 1.



Therefore, in order to protect the rights of the United States and those of its nationals, the Department of State, on behalf of the Government of the United States of America, hereby announces the lateral limits, in certain maritime areas off the coasts of the United States adjacent to areas off the coasts of Canada, within which the United States will exercise its fishery management authority and its sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources in accordance with international law.

The limits of the maritime jurisdiction of the United States as set forth below are intended to be without prejudice to any negotiations with Canada or to any positions which may have been or may be adopted respecting the limits of maritime jurisdiction in such areas.

Publication of a proposed announcement on this subject for public comment has been found unnecessary and impracticable because of the necessity for the United States to react immediately to the announcement of the Government of Canada. An announcement which is effective immediately upon publication also is necessary to effectively exercise the foreign affairs responsibility of the Department of State. (See Title 5, United States Code, Sections 553(a)(1) and (b)(B)).

Followed by lists of coordinates





DEPARTMENT OF STATE

Washington, D.C. 20520

October 23, 1976

CONFIDENTIALMEMORANDUM FOR MR. BRENT SCOWCROFT
THE WHITE HOUSE

Subject: U.S.-Canadian Maritime Boundaries

On October 30, 1976, the Canadian Government is planning to publish the limits of its 200-mile fishery zone which goes into effect on January 1, 1977. Canada's claim will overlap in some places with the fishery conservation zone we claim which becomes effective March 1, 1977, and with U.S. continental shelf claims. The most significant area of overlap includes the north-eastern one-third of Georges Bank in the Gulf of Maine area -- an area of great fishery importance to New England and of current hydrocarbon interest. Other areas of overlap interest Alaska and Washington State.

U.S. and Canadian negotiators have been seeking a resolution of the hydrocarbon, fishery, and boundary problems that are created by our conflicting claims. Although progress has been made, it has not been possible to resolve the main issues before Canada believed it was legally obliged to publish its claim.

To avoid prejudice to our own position, we will respond immediately to the Canadian publication with an announcement publishing our claimed maritime boundaries with Canada. Both governments recognize that these assertions of jurisdiction could impact negatively on our joint effort to reach agreement by negotiation. Therefore, we have agreed to coordinate our announcements in a manner so as not to prejudice a negotiated solution. We expect that both announcements will specify that the claims are without prejudice to negotiation of agreed boundaries and resource regimes. If Canada agrees, we would also mention the possibility of third-party settlement and of interim resource arrangements to avoid conflict. The latter would include a temporary moratorium on hydrocarbon development.

CONFIDENTIAL

GDS

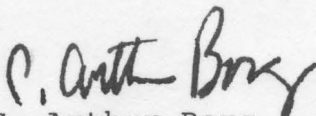
- 46 10/15/61



~~CONFIDENTIAL~~

- 2 -

This matter is being brought to your attention because of the timing, the sensitivity with which it is regarded by New England fishermen, and because of the amount of press coverage it is likely to receive.


C. Arthur Borg
Executive Secretary

~~CONFIDENTIAL~~
GDS



11/2/76

State Draft

US-Canadian Maritime Boundary

- Q: What is the United States' Government reaction to the Canadian announcement today of its fishery zone boundaries with the United States?
- A? As you know, the two governments have had the question of maritime boundaries and resources under negotiations for sometime. The Canadian announcement at this time was anticipated as Canadian law requires 60 days advance notice for implementation of its fishery zones on January 1, 1977. It does not affect our ongoing negotiations. The two governments are continuing to work amicably toward settlement of the boundary resource question, including interm fisheries arrangements. We will have more detailed comments later.



NSC CORRESPONDENCE PROFILE

DOC		RECD			LOG NUMBER
MO	DA	MO	DA	HR	
10	23	10	25	9	500 7605898

INITIAL ACTION *Cleft*

TO: PRES _____ FROM: SECSTATE _____ S/S 7622020 UNCLAS LOG IN/OUT
 SCOWCROFT X SECDEF _____ LOU NO FORN NODIS
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 DAVIS _____ STATE EXSEC X S CODEWORD
 OTHER _____ TS SENSITIVE

SUBJECT: *US & Canada maritime boundaries re 200 mile Canadian fishery zone & conflict w/ some US conservation zone & shelf areas*

SOURCE/CLASS/DESCRIPTION

DISTRIBUTION/INITIAL ACTION ASGMT

INTERNAL ROUTING AND DISTRIBUTION					REC CY FOR	ACTION REQUIRED
ADV CYS S'CROFT/WGH	ACTION	CONCURRENCE	COORDINATE	INFO		
STAFF SECRETARY						MEMO FOR SCOWCROFT. <u>X</u>
CONGRESSIONAL					<u>X</u>	MEMO FOR PRES. _____
ECONOMIC						REPLY FOR _____
<u>EUB/CANADA/OCEANS</u>	<u>X</u>				<u>X</u>	APPROPRIATE ACTION. _____
FAR EAST/PRC						MEMO _____ TO _____
INTELLIGENCE						RECOMMENDATIONS. _____
LATIN AMERICA						JOINT MEMO. _____
MID EAST/NO. AFRICA						REFER TO _____ FOR: _____
NSC PLANNING						ANY ACTION NECESSARY? _____
PROGRAM ANALYSIS						CONCURRENCE. _____
SCIENTIFIC						DUE DATE: <u>11/01</u>
SUB-SAH/AFRICA/UN						COMMENTS: INCLUDING SPECIAL INSTRUCTIONS!

SUBSEQUENT ROUTING/ACTIONS

DATE	FROM	TO	STATUS	SUBSEQUENT ACTION REQUIRED (OR TAKEN):	DUE	CY TO
10/30		Scroft	X	Decision (11/01)		
10/31		NSC/S	X	Scroft approved decision		
11/1		NSC	S	no further action 11/1		
11/5	Cleft	NSC/S	C	no further action necessary OBE		

NSC/S DISP INSTR

DISPATCH _____ NOTIFY _____

SPECIAL DISPOSITION: _____

SPECIAL INDEXING: _____

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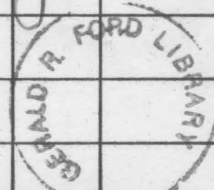
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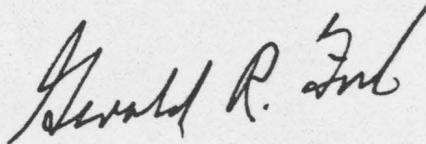
THE WHITE HOUSE
WASHINGTON

November 29, 1976

Dear Charlie:

Thank you for your letter of October 19 with the results of the 144th meeting of the Canadian-United States Permanent Joint Board on Defense. I am happy to note that negotiations on the continued use of the Goose Bay Air Base have been successfully concluded and that the Board has made progress with regard to Canadian participation in the NATO AEW and North American AWACS program. The continuing work of the Board on air defense responsibilities and other matters emphasizes the significant role that the Board plays in US-Canadian bilateral defense relations.

Sincerely,



Mr. Charles S. Gubser
Chairman, United States Section
Permanent Joint Board on Defense
Canada-United States
1111 North 19th Street
Arlington, Virginia 22209



MEMORANDUM

THE PRESIDENT HAS SEEN...

11/29/76

5948

THE WHITE HOUSE

WASHINGTON

~~CONFIDENTIAL~~

ACTION

November 29, 1976

MEMORANDUM FOR THE PRESIDENT

FROM:

Brent Scowcroft *BS*

SUBJECT:

Letter from Charles S. Gubser

Charles S. Gubser, Chairman of the US Section of the Canada-United States Permanent Joint Board on Defense, has written you at Tab B to report on the 144th meeting of the Board held in Sydney, Nova Scotia in September. Mr. Gubser reports that:

-- negotiations for continued US use of the Goose Bay Air Base have been concluded;

-- a joint working group's final report on Canadian participation in the NATO AEW and North American AWACS program is being submitted for policy review; and

-- other joint working groups are being organized to discuss national responsibilities and cost sharing in North American air defense.

The letter for your signature to Mr. Gubser at Tab A would thank him for his report.

The text of your letter to Mr. Gubser has been approved by Doug Smith of Robert Hartmann's office.

RECOMMENDATION

That you sign the letter to Charles S. Gubser at Tab A.

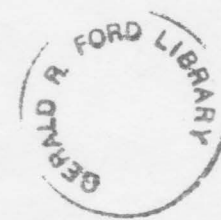
DECLASSIFIED

E.O. 12958, SEC. 3.5

NSC MEMO, 11/24/98, STATE DEPT. GUIDELINES

BY lcb, NARA, DATE 10/15/01

~~CONFIDENTIAL~~



PERMANENT JOINT BOARD ON DEFENSE
CANADA-UNITED STATES

Staff - by Kootenay

5948

UNITED STATES SECTION
ROOM 725, LYNN BLDG.
1111 N. 19TH STREET
ARLINGTON, VIRGINIA 22209

October 19, 1976

22 8 MA 85 130 876

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

RH

In my capacity as Chairman of the United States Section of the Permanent Joint Board on Defense, Canada-United States, I had the privilege of co-chairing the 144th meeting of the Board held last month in Sydney, Nova Scotia. The discussions as usual were cordial, frank, and comprehensive. I am happy to be able to inform you that the negotiations with Canada for our continued use of Goose Bay Air Base have been successfully concluded. Additionally, a previously established Canada-United States ad hoc military working group has concluded its efforts in examining and recommending levels of Canadian participation in the NATO AEW program and the North American AWACS program. The working group's final report is being submitted to the appropriate policy levels in both governments.

Further important steps have been taken concerning the vital area of cooperation in North American air defense. As a result of a Permanent Joint Board on Defense initiative, the two sides have agreed to organize working groups on national responsibilities and cost sharing in North American air defense. An initial policy level meeting was held in Ottawa on September 27, 1976 between Mr. Maynard Glitman, Deputy Assistant Secretary of Defense for International Security Affairs and Mr. E. P. Black, Canadian Assistant Deputy Minister of National Defence. The review process that has been set in motion is expected to make a significant contribution to clarifying and strengthening the defense partnership that exists between our two countries.



I have forwarded a detailed account of the Sydney meeting to Brent Scowcroft in the form of the Journal of the 144th meeting of the Board.

With best wishes,

Sincerely,

Charlie

Charles S. Gubser



MEMORANDUM

NATIONAL SECURITY COUNCIL


5948

ACTION

November 5, 1976

MEMORANDUM FOR BRENT SCOWCROFT

FROM:

Mr. Clift 

SUBJECT:

Letter from Charles S. Gubser

Charles S. Gubser, Chairman of the US section of the Canada-United States Permanent Joint Board on Defense, has written to the President at Tab B to report the results of the 144th Board meeting. A brief note responding to Mr. Gubser has been prepared for the President's signature at Tab A.

The memorandum for your signature to the President at Tab I would forward Gubser's letter and recommend that the President sign the note of acknowledgment.

The text of the President's letter has been approved by Doug Smith of Robert Hartmann's office.

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

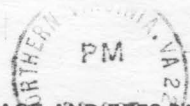


Handwritten notes:
Jwd to Cannon
ofc 11/29 1100 SP
RCM

1111 N. 19th Street, Room 725
Arlington, Virginia 22209
PERMANENT JOINT BOARD ON DEFENSE
CANADA-UNITED STATES
OFFICE OF THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

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The President
The White House
Washington, D.C. 20500

NSC CORRESPONDENCE PROFILE

DOC		RECD			LOG NUMBER
MO	DA	MO	DA	HR	
10	19	10	28	17	7605948

INITIAL ACTION **CLFT**

SOURCE/CLASS/DESCRIPTION

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 DAVIS _____ STATE EXSEC _____ S CODEWORD
 OTHER Gubser, C TS SENSITIVE

SUBJECT: Ack ltr to Pres from Gubser re account of 144 mtg of Permanent Joint Board on Defense Canada & US re NATO AEW program

DISTRIBUTION/INITIAL ACTION ASGMT

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ADV CYS (CROFT/WGH)	ACTION	CONCURRENCE	COORDINATE	INFO	
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INTELLIGENCE					
LATIN AMERICA					
MID EAST/NO. AFRICA					
NSC PLANNING					
PROGRAM ANALYSIS					
SCIENTIFIC					
SUB-SAH/AFRICA/UN					

ACTION REQUIRED

MEMO FOR SCOWCROFT

MEMO FOR PRES _____

REPLY FOR _____

APPROPRIATE ACTION _____

MEMO _____ TO _____

RECOMMENDATIONS _____

JOINT MEMO _____

REFER TO _____ FOR _____

ANY ACTION NECESSARY? _____

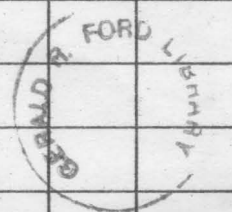
CONCURRENCE _____

DUE DATE: 11/5

COMMENTS: (INCLUDING SPECIAL INSTRUCTIONS)

SUBSEQUENT ROUTING/ACTIONS

DATE	FROM	TO	STATUS	SUBSEQUENT ACTION REQUIRED (OR TAKEN):	DUE	CY TO
11/05		Scowt	X	Pres to sign ltr to Gubser		(11/15)
11/29		Pres	P	Sign ltr to Gubser		
11/29		NSC/S	C	Pres sgd ltr to Gubser		



NSC/S INSTR

DISPATCH done nk 11/30/76 NOTIFY _____

SPECIAL DISPOSITION: _____

SPECIAL INDEXING: _____

SUSPENSE CY ATTACHED NO

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**PERMANENT JOINT BOARD ON DEFENSE
CANADA-UNITED STATES**

UNITED STATES SECTION
ROOM 725, LYNN BLDG.
1111 N. 19TH STREET
ARLINGTON, VIRGINIA 22209

22 December 1976

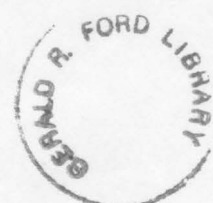
MEMORANDUM FOR THE ASSISTANT TO THE PRESIDENT
FOR NATIONAL SECURITY AFFAIRS

Subject: 145th Meeting of the Permanent Joint
Board on Defense, Canada-United States

1. Attached for your information is a copy of the Journal of Discussions and Decisions of the 145th meeting of the Permanent Joint Board on Defense, Canada-United States (PJBD), held at Aberdeen Proving Ground, Maryland, 16-17 December 1976.
2. The PJBD will hold its 146th meeting in March 1977. If you have any suggestions as to agenda items, the US Section would be happy to receive them.
3. Without attachment, this memorandum is UNCLASSIFIED.

Charles S. Gubser
CHARLES S. GUBSER
Chairman

Attachment



~~SECRET~~

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 014159

REASON FOR WITHDRAWAL National security restriction

TYPE OF MATERIAL Journal

TITLE Permanent Joint Board on Defense:
Canada-United States

DESCRIPTION Journal of Discussions and Decisions
for the 145th Meeting Held at Aberdeen
Proving Ground, Maryland, 16-17
December 1976

CREATION DATE 12/1976?

VOLUME 14 pages

COLLECTION/SERIES/FOLDER ID . 032500043

COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL
COUNTRY FILES FOR EUROPE AND CANADA

BOX NUMBER 2

FOLDER TITLE Canada (14)

DATE WITHDRAWN 10/16/2001

WITHDRAWING ARCHIVIST GG

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DOC		RECD			LOG NUMBER
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INITIAL ACTION O

NSC CORRESPONDENCE PROFILE

TO: PRES _____ FROM: SECSTATE _____ S/S _____ UNCLAS LOG IN/OUT _____
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 DAVIS _____ STATE EXSFC _____ S CODEWORD _____
 OTHER _____ TS SENSITIVE _____

SUBJECT: Journal of Discussion of the 145th Mtg of the Permanent Joint Board on Defense Canada & US

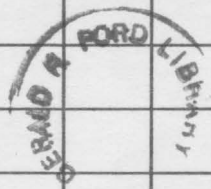
SOURCE/CLASS/DESCRIPTION

DISTRIBUTION/INITIAL ACTION ASGMT

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	ACTION	CONCURRENCE	COORDINATE	INFO		
ADV CYS S'CROFT/ WGH						MEMO FOR SCOWCROFT. () <u>X</u>
STAFF SECRETARY						MEMO FOR PRES ()
CONGRESSIONAL						REPLY FOR _____ ()
ECONOMIC						APPROPRIATE ACTION ()
EUR/ CANADA/ OCEANS	<u>X</u>				<u>X</u>	MEMO _____ TO _____ ()
FAR EAST/ PRC						RECOMMENDATIONS ()
INTELLIGENCE						JOINT MEMO ()
LATIN AMERICA						REFER TO _____ FOR: _____ ()
MID EAST/ NO. AFRICA						ANY ACTION NECESSARY? ()
NSC PLANNING					<u>X</u>	CONCURRENCE ()
PROGRAM ANALYSIS					<u>X</u>	DUE DATE: <u>1/4</u>
SCIENTIFIC						COMMENTS: (INCLUDING SPECIAL INSTRUCTIONS)
SUB-SAH/ AFRICA/ UN						

SUBSEQUENT ROUTING/ACTIONS

DATE	FROM	TO	STATUS	SUBSEQUENT ACTION REQUIRED (OR TAKEN):	DUE	CY TO
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