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# Canada and the United States: Dispute Settlement and the International Joint Commission — Can This Experience be Applied to Law of the Sea Issues?

*Maxwell Cohen\**

## *The Problem*

**T**HE THIRD UNITED NATIONS CONFERENCE on the Law of the Sea,<sup>1</sup> in light of the many issues on which it has focused world attention for the past several years, has an importance for Canada and the United States that is multilateral as well as bilateral. There are certain very specific Canadian-United States problems which have led to some serious differences, as well as agreement, in perception and policy between these two neighbors who share coastal concerns on the Atlantic, on the Pacific and in the Arctic. These oceanic interests involve the debate over the meaning in context and geography of proposed "economic zones"; the breadth of the territorial sea and associated base-line problems; the continental shelf-margin and lines to be drawn defining the limits of national jurisdiction; rights of passage or transit through straits, territorial seas and other varieties of narrow waters; the scientific exploration of the ocean and its seabed within or beyond the economic zone over which restrictive claims are being made by coastal states; marine pollution and its control; and the new sense of equity in the sharing with landlocked or developing states the living and nonliving resources within the coastal seas or on and in the shelf-margin seabed and subsoil of countries more fortunate. All of these issues are important to Canada and the

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\* Chairman, International Joint Commission, Canadian Section; sometime Dean of the Faculty of Law (1964-69) and Macdonald Professor of Law (on leave of absence) McGill University; of the Bars of Québec and Manitoba.

<sup>1</sup> For discussions of the sessions of the Conference to date see Stevenson & Oxman, *The Preparations for the Law of the Sea Conference*, 68 AM. J. INT'L L. 1 (1974); Stevenson & Oxman, *The Third United Nations Conference on the Law of the Sea: the 1974 Caracas Session*, 69 AM. J. INT'L L. 1 (1975); Stevenson & Oxman, *The Third United Nations Conference on the Law of the Sea: the 1975 Geneva Session*, 69 AM. J. INT'L L. 4 (1975).

United States in the two countries' capacities as activist participants in the Third Law of the Sea Conference and as neighbors who share some views, as well as disputes, among these central issues before the Conference.

If one adds to these questions the odd but unsettling fact that some boundary areas remain to be appropriately or finally determined between Canada and the United States, some of which have important law of the sea aspects,<sup>2</sup> it is evident that the complex of Canadian-United States interaction on oceanic claims and concerns is another feature of the extraordinary interweaving of interests and potential conflict that geography and history have imposed upon the two neighbors.

Some of the oceanic problems and the related salt water boundary problems could become divisive between the two countries if appropriate steps are not taken to resolve them. Then, too, are the questions concerning U.S. access to the Northwest Passage, the Canadian Arctic Waters Pollution Prevention Act of 1970,<sup>3</sup> the struggle for Canadian control of the cod fisheries in the area of the Grand Banks off Newfoundland, the eastward seabed location of the continental shelf margin line for determining Canadian and United States claims, and the rights of passage through the narrow and difficult waters on the New Brunswick-Maine coast in the east and the British Columbia-Washington coast in the west.<sup>4</sup> In addition, the control of airborne and waterborne coastal marine pollution flowing from the United States and Canadian land mass, and from coastal and oceanic shipping are on the troublesome agenda as both countries seek to have a law of the sea agreement that meets their national interests but does not, at the same time, exacerbate the vital cooperative relations between them.<sup>5</sup>

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<sup>2</sup> For example, it has not yet been determined who owns Machias Seal Island in the Bay of Fundy; or how to measure the continental shelf eastward through George's Bank; or where the 'AB Line, running seaward, makes final the effects of the Alaska Boundary Award on Dixon Entrance and Hecate Strait; or whether the boundary between the U.S. and Canada in the Arctic shall, as they mark off their respective continental shelf claims in the Beaufort Sea, follow a simple direct sector extension northward to the pole or rest on a median line more favorable to the United States.

<sup>3</sup> Arctic Waters Pollution Prevention Act 1970, 18 & 19 Eliz. 2, c. 203.

<sup>4</sup> The question arises whether passage is innocent where proposed oil tanker routes pose substantial risks of accidental spills possibly causing long term ecological damage.

<sup>5</sup> Canada-U.S. Treaty Relations, in Deener, Ed., (1964, Duke Univ. Press) *passim*, for a review of all treaty relations from 1790-1960.

These matters, difficult as they are, might be better viewed from the perspective of the success that Canada and the United States have had in settling their fresh water disputes along a common frontier running from Maine-New Brunswick to Yukon-Alaska. The Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada<sup>6</sup>, which created the International Joint Commission, has led to a unique record of dispute settlement experience<sup>7</sup> which today is essentially environmentally oriented, even though a much simpler water use concept moved the treaty-makers three generations ago.<sup>8</sup>

Given the global character of the new interdependence touching on all major international issues, but given also the particular character of Canadian-United States relations and the special experience of the International Joint Commission, it might well be asked whether the Commission provides a model for the settlement of some pending Canadian-United States oceanic disputes, particularly coastal ones, if and when the Third Law of the Sea Conference produces principles in a final and binding instrument or instruments.<sup>9</sup>

This article, therefore, is designed to describe briefly the basis of Canadian-United States relations and the experience of the two countries under the Boundary Waters Treaty and with the International Joint Commission. The reader is left to judge the extent to which the concepts underlying the Treaty and the Commission's work apply to salt water issues and the extent to which they assist the two countries in seeking appropriate machinery for managing disputes as they arise on the trinity of seas they share.

#### *Canadian-United States Relations in a Global Context*

Our times are full of contradictions and changes, with massive global problems compelling new institutional arrangements. Na-

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<sup>6</sup> Treaty between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, 36 Stat. 2448, T.S. No. 548 (1909) [hereinafter cited as Boundary Waters Treaty].

<sup>7</sup> For a summary of the work of the International Joint Commission see L. BLOOMFIELD & G. FITZGERALD, *BOUNDARY WATERS PROBLEMS OF CANADA AND THE UNITED STATES* (1959).

<sup>8</sup> See, *supra* note 5, at 40-46.

<sup>9</sup> For discussions of dispute settlement proposals at the Law of the Sea Conference see Sohn, *Settlement of Disputes Arising out of the Law of the Sea Convention*, 12 SAN DIEGO L. REV. 495 (1975); and Adede, *Settlement of Disputes Arising Under the Law of the Sea Convention*, 69 AM. J. INT'L L. 798 (1975).

tionalism, in varying degrees, now moves uneasily in tandem with international and regional machinery. This is true not only in the public sector represented by states, but also in the private sector represented by multinational corporations. From this perspective each country becomes a decentralized arena dealing with transnational problems of immense complexity. The world therefore needs both viable, innovative states (but not mini-states) and viable, imaginative multinational institutions. The new international economic order presents a further stage in the potential reconstruction of the international system. A subtle shifting over time of varied balances may be among the most sophisticated challenges of modern international statesmanship.<sup>10</sup>

Existing institutions range from global mechanisms with differing degrees of "clout" such as the UN family, to regional machinery with great authority such as NATO, and regional machinery with little sanctioning power such as the Arab League. Similarly, the movement toward establishing free trade areas and extensive regional economic cooperation such as the European Economic Community, the Central American Common Market and the East African Community, demonstrates a strong urge to find transnational answers to common economic and technological problems. In environmental matters, the same process is taking place, from the Stockholm Conference of 1972<sup>11</sup> to the present on-going Law of the Sea Conference, with the likelihood that bilateral, regional and global institutions will emerge to regulate or manage common marine, land, environmental and economic interests.

One significant result of this institutionalizing process, in a political and formal sense, is to give symmetry to interstate relations that would otherwise be heavily asymmetrical, thereby helping to correct the distorted pattern of smaller powers versus greater powers.

#### *Canadian-United States Institutions and the Founding of the International Joint Commission*

These global and regional institutions transcend Canadian-United States bilateral relations: for example, globally from the

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<sup>10</sup> See e.g., the evidence of the Hon. Allan J. MacHeachen, Secretary of State for External Affairs, before the Committee, June 10, 1975, Proceedings of the Standing Committee, No. 16; see also the evidence of his predecessor, the Hon. Mitchell Sharp in Proceedings Issue No. 1., March 28, 1974, at 5-19.

<sup>11</sup> The United Nations Conference on the Human Environment was held in Stockholm, Sweden from June 5 to 16, 1972.

UN to the World Bank, and regionally from NATO in security matters to ICNAF in fisheries.

Nevertheless, continental geographic imperatives have compelled the fashioning of joint machinery reflecting the Canadian-United States fact of physical neighborhood. Looking at the whole of treaty relations between Canada (Britain) and the United States, from the 1790's to date, there have been six periods in the evolution of treaty relations.<sup>12</sup>

Generally, treaty relations did not give rise to permanent institutions until recent times. Rather, they provided generally for bilateral problem-solving by promulgating agreed rules on which negotiation and diplomacy could be founded, or rules upon which the courts of both countries could act if necessary, for example, with respect to extradition and taxation. But they left many gray areas such as failure to clarify through treaty the effect of United States laws on Canada.<sup>13</sup>

The growth of a bilateral, permanent mechanism which could partly or wholly replace *ad hoc* negotiation, did not begin until the International Waterways Commission was established in 1905. That commission soon recognized its limitations since its work was advisory and its jurisdiction limited. Disputes over the Niagara River, over dry areas in the West around the St. Mary and Milk Rivers, as well as problems emerging at the Sault in the outflow from Lake Superior into Huron, all encouraged thinking about the need for a more permanent method of resolving these and other disputes in the longest, most complex water boundary and trans-boundary waterway system in the world.<sup>14</sup>

These considerations offered an inviting opportunity for creating a permanent institution to manage in a comprehensive way water sharing, use, levels and flows affecting each country. The U.S. position was self-contradictory in the 1907-to-1909 negotiation although agreement finally was reached with concessions on both sides. Originally, the United States did not want such comprehensive authority delegated to a permanent commission. The Canadians did not want the U.S. Harmon Doctrine claiming absolute rights of diversion by the upstream sovereign of water on

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<sup>12</sup> Canada-U.S. Treaty Relations, *supra* note 5, *passim*.

<sup>13</sup> Such extraterritorial effects may even be violations of international law, for example, where the United States attempts to apply its penal and fiscal laws directly or indirectly to Canadian corporations or citizens, or to United States nationals permanently residing in Canada: *see also* Sharp, *supra* note 10, at 6-9.

<sup>14</sup> Second Interim Report of the Canadian Section and First Joint Report of the International Waterways Commission, Ottawa, 1906, *passim*.

either side of the line in a transboundary lake or river. However, the United States was, at that time, ideologically favorable to both arbitration and third-party intervention and was accustomed to the technique of having public hearings before U.S. regulatory agencies made decisions. These views influenced U.S. advocacy for something similar to be included in the Boundary Waters Treaty of 1909.<sup>15</sup> Finally, the Treaty appears to be the last great Imperial Treaty signed by the United Kingdom on behalf of Canada, although negotiated essentially by Canadians. The Treaty has important constitutional significance for Canada today, since it permits the exercise of some federal jurisdiction over otherwise provincially-owned resources such as boundary and transboundary rivers and lakes.<sup>16</sup>

Not until the Halibut Fisheries of Northern Pacific and Bering Sea Treaty of 1930,<sup>17</sup> the first truly Canadian treaty, did a second Canadian-U.S. joint agency, the International Pacific Halibut Commission, come into operation.<sup>18</sup> Thereafter a series of more or less permanent institutions gradually emerged. These can be classified in different ways and some perhaps do not deserve to be regarded as "institutions." From the point of view of managing a joint operation with permanent joint secretaries, there appears to be one group of only six such agencies, with a second group of five having less of a specifically joint, united, operational mechanism. The range of most of these institutions is essentially technical. There is, of course, a third group that is primarily political in objective with annual or intermittent meetings and without "permanent" secretariats, namely the Inter Parliamentary Group and the two Ministerial Committees on Joint Defence, and on Trade and Economic Affairs.<sup>19</sup>

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<sup>15</sup> Note 6 *supra*.

<sup>16</sup> Dreisziger, *The International Joint Commission of the United States and Canada* (Unpublished thesis, 1974, Royal Military College, Kingston, Ont.) Vol. 1, 50-127.

<sup>17</sup> Convention between the United States of America and the Dominion of Canada for the Preservation of the Halibut Fishery of Northern Pacific Ocean and Bering Sea, 47 Stat. 1873, T.S. No. 837 (1930).

<sup>18</sup> The International Boundary Commission of 1910 is, of course, an exception.

<sup>19</sup> See Cohen, *Canada and the United States — Possibilities for the Future*, 12 COLUM. J. TRANSNAT'L LAW 196 (1973); a more recent listing of "institutions" by Profs. Holsti and Levy of British Columbia and Dalhousie Universities is to be found in their paper on bilateral Canadian-United States institutions published in the autumn of 1974 in a special number on Canada and the United States in the *Quarterly Journal, International Organization*; see the list attached to Mr. Sharp's evidence, *supra* note 10, at 35-39, presumably replacing the Holsti-Levy list; the Department of External Affairs' analysis of these institutions, entitled "Canadian

The significance of this grouping is to demonstrate the generally limited character of permanent Canadian-U.S. institutions despite the immense network of trade, investment, resource, immigration, culture, security and other intertwinings that mark the frontier dealings of the two countries.<sup>20</sup> In this setting the International Joint Commission appears to be the most advanced effort to approach the concept and practice of common fact-finding, recommendations, quasi-management and judgment-making in very significant areas of mutual national interests.<sup>21</sup>

*The International Joint Commission and  
The Boundary Waters Treaty of 1909*

There are several significant features of the Treaty<sup>22</sup> and of the Commission itself:

- (a) the Commission's power to make orders binding on both countries, controlling the building of any structure affecting levels and flows, guided by certain priorities, with navigation being a special case;<sup>23</sup>
- (b) public hearings dealing with Orders of Approval and References, with provisions in Orders for indemnification and protection of injured interests;<sup>24</sup>
- (c) the pioneer anti-pollution provisions;<sup>25</sup>
- (d) the wide range of investigative jurisdiction of "any other questions"<sup>26</sup> (known as "References");
- (e) the so-far unused power to adjudicate "any questions";<sup>27</sup>
- (f) the significant absence of treaty amendments, except for the Niagara<sup>28</sup> and new agreements dealing with Lake

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Governmental Instruments for Conducting Relations with the United States," and dated October 9, 1969, did not seem to list the Great Lakes Fisheries Commission of 1955 or a number of other agencies set out in the Holsti-Levy list.

<sup>20</sup> No reference is here made to Province-State relations or modalities.

<sup>21</sup> This is the view of the Senate Report, *supra* note 5, at 40-42, particularly at 40.

<sup>22</sup> Treaties and Agreements Affecting Canada in Force between His Majesty and the United States of America, Br. T.S. 1910, No. 23 (Ottawa, 1927).

<sup>23</sup> Boundary Waters Treaty, arts. III, IV, VIII.

<sup>24</sup> *Id.* art. VIII; "Orders of Approval" refers to the express approval that must be given by the Commission before groups from either country may engage in activities that would affect topical or geographical areas covered by the treaty.

<sup>25</sup> Boundary Waters Treaty, art. IV.

<sup>26</sup> *Id.* art. IX. Either country may initiate a Reference, but in practice both agree to the terms.

<sup>27</sup> *Id.* art. X.

<sup>28</sup> Uses of Waters of the Niagara River, [1950] 1 U.S.T. 694, T.I.A.S. No. 2130.

of the Woods,<sup>29</sup> Rainy Lake,<sup>30</sup> and Great Lakes Water Quality Agreement of 1972.<sup>31</sup>

The structure of the Commission, three Canadian and three U.S. Commissioners, provides for parity of membership. However, the Commission acts as a unitary body, with the Canadian and U.S. sections having been established, with offices in Ottawa and Washington, only for necessary organizational purposes. Symmetry in the Commission offsets the political asymmetry resulting from differences in sheer size between the U.S. and Canada.<sup>32</sup> Similarly, all boards in the field, control, investigation, monitoring or surveillance, operate on the basis of parity of membership.<sup>33</sup> All board members are appointed by the Commission as a whole and all boards owe responsibility collegially to the International Joint Commission.<sup>34</sup>

The two main aspects of the Commission's work, in a formal sense, have been Orders of Approval for water uses affecting levels and flows along the boundary waters or waters crossing the boundary; References affecting levels, flows or pollution with Recommendations to Governments, and investigations into other subjects of a controversial nature such as Point Roberts along the British Columbia-Washington boundary and the possibility of Passamaquoddy power.<sup>35</sup> The "track record" on acceptance of Recommendations is very good. In the case of these References only three Recommendations have not been accepted or implemented, and only two boards have been divided in their final report along national lines. The record of the semi-judicial role of the Commission is significant in the general unanimity with which its binding Orders have been reached. Only four

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<sup>29</sup> Boundary: Lake of the Woods-Lake Superior, 44 Stat. 2102, T.S. No. 720 (1925); Level of Lake of the Woods, 44 Stat. 2108, T.S. No. 721 (1925).

<sup>30</sup> Level of Rainy Lake, 54 Stat. 1800, T.S. No. 961, 6 Bevans 115 (1938).

<sup>31</sup> Great Lakes Water Quality Agreement, [1972] 1 U.S.T. 302, T.I.A.S. No. 7312 (1972).

<sup>32</sup> See Evidence to the Senate Standing Committee of Maxwell Cohen, Canadian Chairman, No. 16 (1975), *supra* note 5.

<sup>33</sup> See Appendix II, *infra*.

<sup>34</sup> Members of the Lake of the Woods Board and the St. Mary-Milk Board are appointed by the two governments.

<sup>35</sup> Copies of the Point Roberts Reference, 1971, and the Passamaquoddy Power Reference, 1948, can be obtained from the International Joint Commission, 1717 H St. N.W., Rm. 200, Washington D.C. 20440.

decisions by the Commission in its Orders of Approval have led to dissenting opinions or a divided Commission.

Viewed in terms of historical and functional development the International Joint Commission has gone through four stages:

- (a) the period of shaping the work of the Commission, from 1912 to the beginning of World War II, when applications for Orders of Approval and References on pollution, and water levels and flow defined the general pattern;
- (b) the "great works" period of post-World War II, expressed in the St. Lawrence Power and Seaway Orders of Approval of 1952 and 1956,<sup>36</sup> and the Columbia River Reference of 1944 completed in 1959,<sup>37</sup> which laid the basis for the Columbia River Treaty in 1961 and 1964;<sup>38</sup>
- (c) the gradual shift away from Orders of Approval to References after 1956 as the principal work of the Commission such as the Great Lakes Levels, pollution on the Lower Lakes and connecting channels, the several Air Pollution References, and more recently the Garrison Diversion Reference;
- (d) the growing importance of air pollution and water quality problems and the emergence of an increasingly environmental perspective from 1960 onwards, culminating in the Great Lakes Water Quality Agreement of 1972<sup>39</sup> and the Air Pollution References of 1972,<sup>40</sup> and 1975.

#### *Some Observations on the Present Administration and Operations of the Commission*

The present staff at headquarters in both Washington and Ottawa number five and six officers in each section respectively and hopefully will reach 10 in Canada by mid 1976.<sup>41</sup>

Twenty-eight boards in the field<sup>42</sup> depend on the substantive

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<sup>36</sup> Copies of the order can be obtained from the address in note 35 *supra*.

<sup>37</sup> *Id.*

<sup>38</sup> Columbia River Basin; Cooperative Development of Water Resources, U.S. and Canada, Jan. 17, 1961, with related agreements signed Jan. 22 and Sept. 16, 1964, [1964] 2 U.S.T. 1555, T.I.A.S. No. 5638.

<sup>39</sup> Great Lakes Water Quality Agreement, U.S. and Canada, [1972] 1 U.S.T. 302, T.I.A.S. No. 7312.

<sup>40</sup> Copies can be obtained from the address in note 35 *supra*.

<sup>41</sup> For Manpower and Budget of the Commission see Appendix I.

<sup>42</sup> See Appendix II, *infra*.

departments for membership and the financing of their operations. Excellent cooperation from these departments and three generations of U.S. and Canadian public servants have worked jointly to create a broad pool of cooperating talent in both countries.

The effect of the Great Lakes Water Quality Agreement of 1972,<sup>43</sup> with its two Boards, two Groups and one Regional Office, on the future work pattern of the Commission, suggests responsibilities for the International Joint Commission amounting to almost quasi-management but with no final or binding authority in the Commission except the power to make recommendations and publicize its views at all times. This power or practice has not yet been made applicable to other reports of the Commission under the Boundary Waters Treaty itself, although the Commission probably has the authority to amend its own present rules providing for publication only with the consent of both governments.

### *Conclusions*

In a time of considerable destabilization in Canadian-United States relations with frequent irritation and occasional confrontation, the International Joint Commission is doubtless a stabilizing influence.

To test this proposition, imagine the condition of Canadian-United States relations if each river basin, boundary air problem, or land use as it affects water quality and air quality along the common frontier were to be dealt with *ad hoc* through adversary negotiations. To this should be added the growing importance of fresh water needs for all economic and environmental purposes over the years to come, affecting both countries along the common frontier and elsewhere.

The evolving role of the International Joint Commission is increasingly in dealing with complex environmental and developmental imperatives along the common frontier. This is due to the powerful binational reciprocal interest in their solution through parity of membership and a long tradition of effective cooperation, using sound symmetrical and unitary machinery already in place to resolve them. Three generations of engineers and other skilled personnel from both countries have molded together in an unusual record of successful cooperation.

Does this mean that the use of peer technicians, under some institutional umbrella, equal in number and skill, who are appointed by and responsible to that unitary umbrella agency, is a method applicable to other areas of Canadian-United States relations?

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<sup>43</sup> See note 38 *supra*.

How does it square with the new nationalism and the now chosen "third option" of Canadian foreign policy which seeks some wider, balancing relationships with Japan, China, the Pacific rim, Latin America and the Common Market? There is room within that option for exploring the applicability of this technique to other areas of Canadian-United States issues whether it be under the International Joint Commission umbrella or not. For the Commission "technique" and its applicability to appropriate situations have been amply demonstrated not only in the work of the Commission itself, but also in the recent agreement which defines procedures for agreeing annually upon Canadian-United States balance of payment statistics.

The Boundary Waters Treaty is flexible enough to allow for creative interpretation in the future. Ironically, in the present Canadian-United States mood the Treaty probably could not be even drafted today, to say nothing of being agreed upon by both countries. Interpretations of legal principle and treaty language by the Commission, designing new tasks for it by both governments as in the Great Lakes Water Quality Agreement, requests by both countries for investigations involving a new awareness of the environmental-developmental complex such as the Garrison, are all in effect now with no major changes in the core provisions of the Treaty or in the core operating traditions of the Commission.

The common frontier is a geophysical fact, a special physical relationship, however that concept is interpreted today. That frontier unites the two countries in their search, through the Commission, for common solutions to their boundary and transboundary problems of water levels and supplies, water quality, air quality and related land use problems. No one could have foreseen in 1909 this interacting complex of issues existing in 1976. Neither can anyone foresee the further evolution of that complex in 1995. But there must be the imagination to envisage the meaning of the present for the on-going tasks of the future. For these reasons, the Commission may have to have the capability of undertaking its own preliminary inquiries wherever its emerging environmental-developmental perspectives alert it to possible difficult issues arising along the common frontier. It should have the power to publicize its considered views on all matters of common interest, as it now may do for the Great Lakes clean-up, power which is not clearly present for its primary duties under the Boundary Waters Treaty itself,<sup>44</sup> although it could, if wisely managed, amend its own rules accordingly.

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<sup>44</sup> These views are supported by the Canadian Senate Committee, *supra* note 5.

Finally, nationalism as a source of social energy can be either creative and constructive or negatively destructive. One of the consequences of nurturing stabilizing instruments for dealing with appropriate sectors of Canadian-United States relations is to channel that energy towards imaginative and constructive yet tough-minded and rational solutions rather than having chronic confrontation for answering Canadian-United States problems. Canada loses nothing by being firm on the level of equality afforded by parity of institutions instead of being aggressively angry from a posture of inequality through the reality of differences in sheer size. The United States would be wise to choose the road of prior consultation and common fact-finding before undertaking unilateral policies clearly damaging to Canada.

Is it desirable to envisage a similar approach, optionally but not necessarily through the International Joint Commission, to deal with law of the sea disputes between Canada and the United States which negotiation, used as the primary tool, may have failed to resolve? Coastal disputes, boundary and non-boundary, certainly seem worth considering as suitable subjects for common fact-finding machinery on a permanent basis, to deal with future Canadian-United States relations. For if facts cannot be commonly perceived and followed through to the same conclusions, then the dispute will fester and feed on ambiguity and rhetoric. That is the prime lesson from the International Joint Commission experience, and one that seems generally applicable to many as yet unsettled law of the sea differences between these unique neighbors.

## APPENDIX I

IJC ACTUAL AND ANTICIPATED EXPENDITURES  
1970-1977

<i>Fiscal Year</i>	<i>Canadian Secretariat OTTAWA</i>		<i>Great Lakes Regional Office WINDSOR <sup>2</sup></i>	
	<i>Expenditures</i>	<i>Man Years</i>	<i>Expenditures</i>	<i>Man Years</i>
1970-71	499,000	11		
1971-72	536,000	11		
1972-73	451,000	12	***	4
1973-74	504,000	14	206,000	8
1974-75* <sup>1</sup>	1,180,000	14	640,000	15
1975-76**	1,450,000	24	850,000	20
1976-77**	1,500,000	26	1,300,000	20

\* Estimated

\*\* Anticipated

\*\*\* Included in Ottawa Secretariat budget

(1) This includes payments to the Government of Ontario for one-half the costs of the work carried out by Ontario in direct support of the Commission's Land Use Activities Reference and the Upper Lakes Pollution Reference.

(2) The costs of the Regional Office at Windsor, staffed by Canadian and United States Public Servants, are shared equally between Canada and the United States except for capital items (furniture and furnishings) which are paid for and retained by Canada. Each Country pays and recruits its own officials. The figures above represent salaries of Canadian professional and support staff and the total operating costs which are initially paid from Canadian appropriations and then are shared by the United States equally.

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It is not possible to estimate approximate values of the services of other departments which have been provided to the IJC during the same period, which have run into millions of dollars. Much of the work performed by Departments for the IJC consists of work required as well under ongoing Departmental programs.

## APPENDIX II

### REPORTING BY INTERNATIONAL BOARDS

	Board Appearance	REPORTS		IDENTIFICATION OF REPORTS
		Frequency	When	
<b>BOARDS OF CONTROL</b>				
St. Lawrence River (4) <sup>z</sup> *	Yes	Semi-	Apr - Oct	41st Progress Report Sept 73-Mar 74
Niagara River (2)	Yes	Semi-	Apr - Oct	42nd Semi-Annual Progress Report Sept 73-Mar 74
Lake Superior (1) **	Yes	Annual	Apr	48th Annual Report 1973 Calendar Year
St. Croix River (1)	No	Annual	Apr	1973 Annual Report
Prairie Portage (1)	No	Annual	Apr	Report for Calendar Year 1973
Rainy Lake (1) *	As Rq	Annual	Apr	Report for Calendar Year 1973
Lake of the Woods (1) *(x)	No	Annual	Apr	Report for Calendar Year 1973
Souris River (1)	No	Annual	Apr	15th Annual Report Calendar Year 1973
St. Mary-Milk Rivers (1)	No	Annual	Apr	Report for 1973
Kootenay Lake (2) *	No	Annual	Apr	35th Annual Report (1973 Calendar Year)
Columbia River (1)	No	Annual	Apr	32nd Annual Report 1973
Osoyoos River (2)	No	Annual	Apr	28th Annual Report 1973
Skagit River (1)	No	Annual	Apr	7th Annual Report 1973 Calendar Year
Champlain (1) yy	No	Annual	Apr	
<b>POLLUTION ADVISORY BOARDS</b>				
St. Croix River Pollution (3)	As Rq	Semi-	Apr - Oct	24th Progress Report February 1974
Rainy River Pollution (2)	As Rq	Semi-	Apr - Oct	17th Progress Report March 1974
Red River Pollution (2)	As Rq	Semi-	Apr - Oct	10th Progress Report March 1974
Air Pollution-Boundary (3)	Yes	Semi-	Apr - Oct	Progress Report # 16, April 1974

GREAT LAKE WATER  
QUALITY AGREEMENT

Great Lakes Water Quality (9)	Yes	Semi-Annual	Apr - Oct	Semi-Annual Report April 1973 or 3rd Progress Report October 1973
Great Lakes Research Adv. (8)	Yes	Semi-Annual	Apr - Oct	Semi Annual Report September 1973 3rd Semi-Annual Report March 1974
Upper Lakes Pollution (8)	Yes	Annual	Apr	3rd Progress Report March 1974
Land Use Activities (9)	Yes			
Working Group on Dredging (7) yyy				

INVESTIGATIVE —  
ENGINEERING BOARDS

Garrison Study (12)	Yes	Monthly		Board's Work Plan adopted Jan. 16, 1976
Champlain Richelieu (4)	Yes	Semi-Annual	Apr - Oct	Not Applicable. Final report for 1 year study
American Falls (2)	Yes	Semi-Annual	Apr - Oct	14th Semi-Annual Progress Report Sept 73-Mar 74
Great Lakes Levels (3)	Yes	Semi-Annual	Apr - Oct	19th Progress Report Sept 73-Mar 74
Roseau River (2)	Yes	Semi-Annual	Apr - Oct	Semi-Annual Progress Report Sept 73-Mar 74
Souris and Red River (3)	No	Annual	Oct	38th Progress Report Oct 72-Sept 73
Point Roberts (3)	Yes	Semi-Annual	Apr - Oct	3rd Interim Report
St. John River (CCMS) (3) (xx)				

NOTES: \* Regulation Data Submitted weekly. \*\* Regulation Data Submitted monthly. yy Inactive. yyy Not reporting directly.  
(x) Strictly not an IJC Board since created by Convention and appointed by Governments.  
(xx) Created by both Governments but reporting to IJC.