

ed October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the Commission fail to agree.

ARTICLE XI

A duplicate original of all decisions rendered and joint reports made by the Commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the Commission.

ARTICLE XII

The International Joint Commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each Commissioner upon the first joint meeting of the Commission after his appointment shall declare before proceeding with the work of the Commission that he will faithfully and impartially discharge his duty, and such declaration shall be recorded in the proceedings of the Commission.



THE BOUNDARY WATERS TREATY OF 1909

And whereas the Senate of the United States by their resolution of March 3, 1909, (two-thirds of the Senators present concurring therein) did advise and consent to the ratification of the said Treaty with the following understanding to wit:

Resolved further, (as a part of this ratification), that the United States approves this treaty with the understanding that nothing in this treaty shall be construed as affecting, or changing,



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TREATY

of January 11, 1909

between the United States and Great Britain

RATIFICATION, PROCLAMATION, MEETING AND ADOPTION AND PUBLICATION OF RULES OF PROCEDURE

Signed at Washington	January 11, 1909
Ratification advised by the Senate	March 3, 1909
Ratified by Great Britain	March 31, 1910
Ratified by the President	April 1, 1910
Ratifications exchanged at Washington	May 5, 1910
Proclaimed	May 13, 1910

INTERNATIONAL JOINT COMMISSION

Meeting of Commission for organization under Article XII of the treaty at Washington	January 10, 1912
Adoption and publication of rules of procedure in accordance with Article XII	February 2, 1912
Major revision of the rules of procedure	December 2, 1964



TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN RELATING TO BOUNDARY WATERS AND QUESTIONS ARISING BETWEEN THE UNITED STATES AND CANADA

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:



PRELIMINARY ARTICLE

For the purpose of this treaty, boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.



ARTICLE I

The High Contracting Parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this treaty shall remain in force, this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing



or which may hereafter be constructed on either side of the line. Either of the High Contracting Parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the High Contracting Parties and the ships, vessels, and boats of both of the High Contracting Parties, and they shall be placed on terms of equality in the use thereof.



ARTICLE II

Each of the High Contracting Parties reserves to itself or to the several State Governments on the one side and the Dominion or Provincial Governments on the other as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the High Contracting Parties intends by the foregoing provision to surrender any right, which it may have, to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.



ARTICLE III

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the Parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbours, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

arbitre choisi conformément à la procédure indiquée dans les paragraphes quatre, cinq et six de l'article XLV de la convention de La Haye pour le règlement pacifique des différends internationaux en date du 18 octobre 1907. Cet arbitre sera autorisé à rendre une décision finale sur les questions en litige au sujet desquelles la Commission n'aura pu s'entendre.

ARTICLE XI

Un original en duplicata de toutes les décisions et des rapports conjoints de la commission doivent être transmis et conservé chez le Secrétaire d'État des États-Unis, et chez le Gouverneur général du Canada. Et à eux doivent être adressées toutes les communications de la Commission.

ARTICLE XII

La Commission mixte internationale doit se réunir et s'organiser à Washington, promptement après la nomination de ses membres, et une fois organisée, elle doit fixer les époques de ses réunions. Selon les besoins, elle tiendra ses assemblées qu'elle convoquera sur la production de lettres ou de instructions spéciales de l'un ou l'autre des commissaires doit, à la première réunion, faire une déclaration solennelle par écrit par laquelle il s'engage à respecter les devoirs imposés par le présent traité et l'adj



TRAITÉ RELATIF AUX EAUX LIMITROPHES

Le présent traité est ratifié par Sa Majesté britannique et par le président des États-Unis d'Amérique, de l'avis et du consentement du Sénat de ces deux pays. Les ratifications seront échangées à Washington dans le plus bref délai possible, et le traité entrera en vigueur à partir de la date de l'échange des ratifications. Il est valable pour cinq ans à compter de la date de l'échange des ratifications, et jusqu'à la terminaison de sa durée qui devra être signifiée par un avis écrit émanant de l'une ou l'autre des Hautes