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Building for Tomorrow

Unresolved Canada-U.S. boundaries risk boiling over

<https://cwf.ca/research/publications/unresolved-canada-u-s-boundaries/>

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The issue of the unresolved Canada-U.S. boundary in the Beaufort Seas has been relatively dormant in recent years but could resurface in the context of Canada's ongoing trade negotiations with the United States. The following is a look at some of Canada's options should this occur.

Threats by Donald Trump

There are reports that in a conversation last year with former Prime Minister Justin Trudeau, President Donald Trump made veiled [threats to end the 1908 Boundary Convention](#) between the two countries. It is ludicrous to think that the president would have the legal authority to unilaterally alter the boundaries of the United States. But the threat itself, as far-fetched as it may be, reflects the shattered bilateral relationship that the Canadian government has to deal with.

To put the record straight about the 1908 Convention, it did not establish the boundary between the two countries, which had been settled long before through a series of treaties between Britain and the United States and later between Canada and the United States when Canada achieved full sovereignty. The most well-known of these is the 1846 Oregon Treaty that extended the boundary from the

Great Lakes to the B.C. coast along the 49th parallel. What the 1908 Convention did, on the other hand, was to improve on joint boundary administration, among other things, by strengthening the work of the International Boundary Commission (IBC).

However misguided Trump might be about the 1908 Convention, his implied threat over the border and his taunts about Canada as a 51st state, reflect a pattern of aggressively bullying this country at every turn. The disgraceful Gordie Howe International Bridge saga is a recent manifestation of Trump's disrespect, his disregard for binding treaties and for any kind of amicable course in the bilateral relationship ([recently commented on by Colin Robertson](#)).

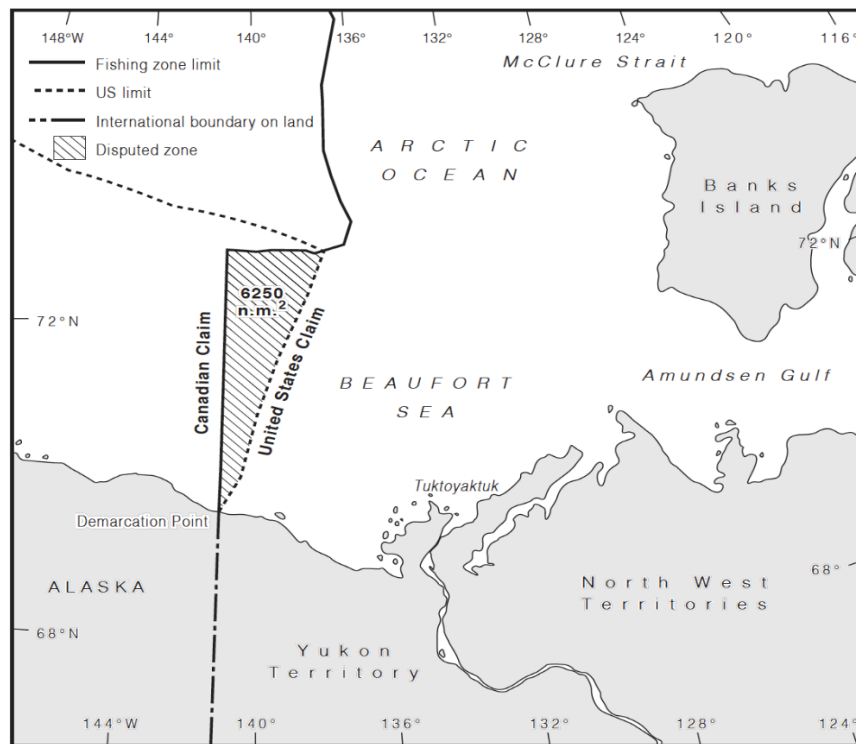
Trump's implied threat over the 1908 Convention and the land boundary does not end there, however. While land boundaries were settled long ago by treaties, there are offshore boundaries that, surprising as it may seem, have never been resolved. One is the boundary in the waters of Hecate Strait north of Haida Gwaii, between Alaska and British Columbia. Happily, a modus vivendi between the two countries has so far avoided outright confrontation over fisheries regulation and law enforcement in the disputed area.

Beaufort Sea maritime boundary

Potentially much more serious is the unresolved dispute with the United States over the Beaufort Sea boundary line. The disputed area covers some 21,000 square kilometres and contains serious hydrocarbon potential. It is strategically important given current geopolitical tensions between Russia and China versus the West. According to Canada's National Energy Board some years ago, the disputed area contains a potential of [1.7 billion cubic metres of gas](#), enough gas to supply

Canada for 20 years, and more than one billion cubic metres (or more than six billion barrels) of oil.

As shown in the image, Canada's position is that the maritime boundary should be the seaward extension of the Alaska-Yukon land boundary based on the 1825 Treaty of St. Petersburg between Russia and Great Britain. This treaty defined the Alaska boundary along the 141st meridian *jusqu'à la mer Glaciale* or "until the frozen sea". That boundary was confirmed in 1867 when the United States purchased Alaska from Russia. Canada says the words in the 1825 treaty mean the 141st meridian extends to ice-covered waters and thus define the maritime boundary. The U.S. position is that the boundary should be based on the equidistance principle, a rule recognized as a [primary method of maritime boundary delimitation](#).



David H. Gray, "Canada's Unresolved Maritime Borders" (via [IBRU](#) at [Durham University](#)).

Sporadic efforts have been made over decades to come to some resolution on how to deal with the disputed area, short of some resolution on the actual boundary. After years of discussions, in September 2024, the two governments created a [Joint Task Force to Negotiate the Beaufort Sea Boundary](#), “to clarify our shared northern boundary through cooperative bilateral negotiation and meaningful engagement with state, territorial and Indigenous partners.”.

Reports that nothing much has happened in the last two years makes the possibility of any mutual agreement with the team in the White House practically non-existent. Trump’s references to the 1908 Convention, the Gordie Howe International Bridge shakedown and his tariff wars against Canada all show the lamentable extent to which the bilateral relationship has deteriorated.

Bygone era of respect

It seems hard to believe that in 1981 Prime Minister Pierre Trudeau and President Ronald Reagan agreed to have differences over the maritime boundary in the Gulf of Maine off the east coast resolved through a joint reference to the International Court of Justice (ICJ). That agreement showed the world that mature democracies could resolve differences through third-party adjudication under rules of international law. It was nothing less than remarkable, an era when mutual respect governed the relationship, with each country agreeing to abide by the [ICJ's determination that was ultimately issued in 1984](#). It was a bygone era, when a strong and respectful bilateral relationship meant something.

The path ahead

Given the unpredictability of U.S. trade policy positions and differences over the Beaufort Sea boundary, other Arctic issues could emerge in the context of the

impending Canada–United States–Mexico Agreement (CUSMA) negotiations. This unpredictability has been starkly illustrated by the latest aggressive move by President Trump to ratchet up tariffs on Canadian exports, employing the discredited and long forgotten [Tariff Act of 1930](#) (the Smoot-Hawley Tariff Act), escalating the Canada-U.S. trade war to a new dimension. The Canadian side should be prepared that non-trade issues, including this unresolved border, could be put on the table by the United States in these trade negotiations. With Donald Trump, one never knows.

However, no hydrocarbon development projects in the disputed offshore will happen with unresolved conflicting sovereignty claims. Neither government has issued exploration licences in recent years, with Canada having a moratorium for the past decade. Even if it was free of conflicting claims, active exploration development projects would be years away, subject to a range of commercial and geopolitical factors affecting global oil and gas markets.

That said, with the possibility, as remote as it may seem, of Beaufort Sea issues emerging in the context of the ongoing CUSMA negotiations, the federal government should be prepared. Recognizing (1) that settling the offshore boundary by agreement is out of the question and (2) that a Gulf of Maine-type reference to an international dispute settlement body is impossible, the government should resurrect efforts for a joint development scheme, without prejudice to each sides' boundary claims.

This could involve revitalizing the federal government's [Beaufort Sea Regional Environmental Assessment](#) initiative and updating proposed arrangements for joint recognition of resource authorizations and licences, as well as mutually accepted guidelines for safeguarding local Indigenous interests and environmental and living resource aspects.

This is not for tomorrow or even the day after tomorrow. And it won't be easy to get bilateral discussions going, let alone reaching some formula for joint administration. But there could come a point where this dormant issue of the Beaufort Sea boundary could resurface as an issue with the United States. Canada needs to be ready.

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