

forbidden under the treaty.<sup>96</sup> In her second version, she once again notes the verification problem as well as the disproportionate impact of such a ban on the Soviet Union, given that "it would make it impossible for their submarines to get from their Northern ports into Southern waters." This time she concludes that "the transit of vessels carrying nuclear weapons through the Arctic Ocean or under its ice should probably be permitted."<sup>97</sup> Yet nowhere does she attempt to reconcile this with the fact that her proposal would prohibit the very basing of such submarines (and other nuclear-capable vessels) in northern ports in the first place! A February 1987 paper by Newcombe reverts to her initial preference in noting that "the rules for a new NWFZ exclude not only emplacement of nuclear weapons in these territories . . . , but also transit including by sea or in airspace."<sup>98</sup>

For his part, Byers suggests, in regard to an Arctic Ocean "peace zone," that the transit of nuclear weapons through both ocean areas and air space would probably have to be permitted. As for his proposed NWFZ limited to the territories of the "lesser" Arctic states, he has agreed that the Soviet Union would have to be granted transit rights through territorial waters, allowing movement into the Barents Sea.<sup>99</sup>

Owen Wilkes begins his discussion of the subject by stating bluntly that the CADZ would include a total ban on the transit of nuclear weapons. However, he almost immediately backs away from this position, noting that a transit ban "might be more difficult" than one on deployment, "since both the U.S. and the Soviet Union are opposed on principle to any limitations on their use of international waters or air space." He continues: "But certainly transit could be banned within the territories of the independent zone states. In other words, warships and aircraft of the nuclear powers would be banned

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96. Newcombe, 1980, *op. cit.* note 60, p. 180.

97. Newcombe, 1981, *op. cit.* note 60, p. 255.

98. Hanna Newcombe, "A Nuclear Free Zone in the Arctic," paper for the Forum of Scientists on "The Staged Elimination of Nuclear Weapons," Moscow, 14-16 February 1987, p. 1.

99. Byers, *op. cit.* note 70.