

outlined in the memorandum was that Canada has asserted its claim to sovereignty over the Arctic islands since the 1860s [sic] and published the limits of its claim as early as 1895; no protest by other nations has been received apart from that of Norway in 1930 and that was settled; and that apart from such formal assertions of sovereignty, Canada has made so many displays of the effect of sovereignty in so many respects, and for so long a period, as to establish its title to all of the islands in the Arctic Archipelago upon the doctrine of effective occupation in conformity with international Law. (The paper did not discuss the basis of any Canadian claim to the waters of the Arctic Archipelago.)

#### *Subsequent Developments*

6. (1) The 1960 Law of the Sea Conference did not reach agreement on the breadth of the territorial sea and contiguous zone but further efforts by Canada to achieve an agreement on it made it necessary to continue to withhold formal announcement of Canada's claim to the waters of the Arctic Archipelago.

(2) The Antarctic Treaty, which had been signed, on December 1, 1959, after fifteen months [of] negotiation, by Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, South Africa, the Soviet Union, the U.K. and the U.S.A., entered into force on June 23, 1961. It had been thought that the terms of the treaty or the circumstances under which it was concluded might have had some implications for Canada's claim to the Arctic (should, for instance, the treaty have attempted to lay down principles of general application to polar areas), but this did not occur. The Advisory Committee on Northern Development has therefore been giving consideration to the advisability of Canada acceding to the Antarctic Treaty. The preliminary conclusion of the Committee has been that there would seem to be no compelling reason for acceding to the Treaty, provided the results of the research being carried out in the Antarctic can be obtained by other means. This latter question is being followed up through our missions in Washington, London, Canberra and Wellington.

(3) Since the submission of the two memoranda to Cabinet previously referred to, two requests have been received from the U.S.A. (through service to service channels only), for Canadian concurrence in the passage of U.S.A. nuclear submarines through the waters of the Arctic Archipelago.<sup>1</sup> The nature and circumstances in which these requests have been received would seem to indicate a desire on the part of the U.S.A. to show an awareness of the Canadian interest in these waters, while neither conceding nor disaffirming Canadian sovereignty over them; hence there would seem to be no reason to assume that the U.S.A. attitude has altered from that outlined in the two memoranda to Cabinet.

7. In a memorandum of the Cabinet Committee on Territorial Waters to Cabinet dated February 7, 1961 on "Problems Connected with Implementation of the Straight Baseline System" it was recommended:

(a) that approval be given to the implementation of the straight baseline system for the delineation of the line from which Canada's territorial waters may be measured; and (should this recommendation be accepted),

(b) that instructions be given as to the way in which the straight baseline system should be implemented with respect to the Gulf of St. Lawrence, the Newfoundland Bays and the Bay of Fundy on the East coast, Hudson Bay, Hudson Strait and the Arctic Archipelago in the North and Hecate Strait and Dixon Entrance on the West Coast, and (should it be decided to close off some or all of these areas by means of the straight baseline system),

(c) that informal discussions be held beforehand with the U.S.A., the United Kingdom and France; and

<sup>1</sup> Voir/See Volume 27, documents 663-665.