

request permission from the Canadian Government to make the voyage. Although the US Government made it clear that it did not agree with Canada's position on the status of the Arctic waters, it did propose that the voyage be on a co-operative basis. It also stated that the voyage did not prejudice the legal position of either government with regard to the waters.

John Anderson, at that time Assistant Deputy Minister for Policy at the Department of National Defence, explained the American view more fully:

...the Law of the Sea convention provided that international straits that would be closed by the extension of coastal jurisdiction under the other provisions of the Law of the Sea convention would become subject to a right of transit. That right of transit is without restriction....It covers operation of ships on the surface, submarines under the surface and aircraft above the surface [and] applies to straits that are considered to connect high seas to high seas....The Americans...contend that the Northwest Passage is such an international strait, connecting high seas to high seas. Canada contends that it is internal waters of Canada. Under the American interpretation of the status of those straits, even though we have closed them and made them internal waters, even though parts of that strait were closed as territorial sea when we extended the territorial sea to the 12-mile limit, under the 1983 convention a pre-existing right of transit would continue to exist.<sup>1</sup>

### Current Canadian Position

The Speech from the Throne, read by the Governor-General on 1 October 1986 said:

<sup>1</sup> Standing Committee on National Defence Proceedings, 5 May 1986, p. 34.