



AMBASSADOR OF THE UNITED STATES OF AMERICA  
OTTAWA, CANADA

October 27, 2006

Mr. Peter Boehm  
Assistant Deputy Minister, North America  
Department of Foreign Affairs and  
International Trade  
125 Sussex Drive  
Ottawa, Ontario

Dear Mr. Boehm:

This is in reply to your office's request to release to Parliament the texts of the Embassy's Notes No. 437 of July 28, 1999, and No. 310 of March 26, 2003, regarding transit of the U.S. Coast Guard icebreaker USGC *Healy* through the Northwest Passage.

The United States has no objection to the release of these notes to Parliament. In light of recent public statements in Canada, and recognizing that Canada does not agree, I wish to take this opportunity to restate the longstanding United States position regarding Canada's maritime claims in the Arctic and to put these two notes in their proper context.

For the record, the United States sees no basis in international law to support Canada's drawing of straight baselines around its Arctic islands and its claim that all the waters among the Canadian Arctic islands, including the Northwest Passage, are internal waters of Canada.

The Northwest Passage is a strait used for international navigation. Therein, all ships and aircraft enjoy the right of transit passage, in accordance with international law as reflected in the 1982 Law of the Sea Convention. The enjoyment of transit passage is not subject to prior notice to, or permission from, Canada as the State bordering the strait. However, an activity that is not an exercise of the right of transit passage, such as marine scientific research, remains subject to the other applicable provisions of international law.

Canada, consistent with its right as a coastal State under international law, requires that marine scientific research may be conducted in its waters only with its consent. Accordingly, as set out in the Agreement on Arctic Cooperation of January 11, 1988, the United States agrees to seek Canada's consent when U.S. icebreakers intend to conduct marine scientific research as they transit the Northwest Passage.

The Embassy's notes of July 28, 1999, and March 26, 2003, were provided to Canada in accordance with that Agreement

The Agreement expressly provides that neither it nor any practice thereunder affects the legal views of the two Parties. Thus, the Agreement does not affect the U.S. view that our icebreakers, in the absence of marine scientific research, would not be required to seek Canadian consent before transiting the Northwest Passage.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Wilkins".

David Wilkins