

among coastal, flag and port states has been preserved in the ICNT. The effect of all these provisions, hopefully with further adjustments as noted, would be a major and radical change from the previous laissez-faire regime based upon the concept of unrestricted freedom of the high seas.

2. Marine Scientific Research (MSR)

One of the most contentious issues facing the session was the extent to which a coastal state should be given the power to withhold its consent to marine scientific research conducted in its exclusive economic zone or on its continental shelf. (There was no disagreement over the right of the coastal state to regulate marine scientific research within its territorial sea.) As a result of intensive, informal negotiations, a draft provision (combined as a "package" with provisions on issues concerning status of the economic zone and settlement of disputes) was agreed to among the states principally concerned and incorporated in Article 247 of the ICNT which recognizes the principle of coastal state consent for MSR in the exclusive economic zone or on the continental shelf coupled with the important proviso that coastal states shall "in normal circumstances" grant their consent for MSR projects by other states. However, a coastal state may withhold its consent where such research directly affects the exercise of its sovereign rights over living and non-living resources in the exclusive economic zone or on its continental shelf (as well as under certain other circumstances as spelled out in the Article). As was the case in the RSNT, the ICNT also includes an implied consent provision, allowing research projects to go ahead after six months from the date on which notification by the researching state has been given to the coastal state unless within that period the coastal state has refused consent.

Another important provision in the ICNT resulting from negotiations at the Sixth Session would exempt from the compulsory dispute settlement proceedings cases involving the exercise of discretion by the coastal state in granting or withholding its consent to conduct MSR or in exercising its right to require a cessation of research in progress. As the ICNT is now drafted, it may not entirely satisfy the concerns of either major researching states or some coastal states. However, it does appear that a broad cross-section of delegations are prepared to agree to the new text, at least as a basis for further discussion and as a "package" linked to the status of the economic zone. As the ICNT