

begun in a coastal state in respect of pollution proceedings against a vessel of its registry except where the proceedings relate to a case of major damage to the coastal state or the flag state in question has repeatedly disregarded its obligations to enforce effectively applicable international rules. This right of preemption would be without prejudice to the right to institute civil proceedings in respect of any claim for loss or damage resulting from pollution of the marine environment.

II. Coastal States

Coastal states may establish and enforce national laws regulating ship traffic in the territorial sea including the right of physical inspection and, where necessary, arrest of a polluting vessel. However, with respect to design, construction, manning and equipment of foreign vessels, coastal states would be limited to enforcing only international rules. While unhappy with this constraint on the exercise of coastal state sovereignty, Canada was at least successful in obtaining the deletion of an even more restrictively worded text. In the economic zone, a coastal state will have the power to request information from a vessel where there are clear grounds for believing that it has violated applicable international rules or national laws