

However, negotiating efforts must continue to obtain satisfactory results on certain outstanding issues. The package deal reflected in the current draft text whereby coastal states forego standard-making powers (i.e., powers to enact national laws to protect and preserve the marine environment) in return for the right to enforce internationally agreed standards in respect of vessel-source pollution in the economic zone remains intact. However, there was an effort by a few maritime states to introduce more stringent restrictions on coastal state jurisdiction. Canada and other coastal states took a strong stand against such efforts warning that any further diminution of coastal state enforcement powers, already well hedged with flag state safeguards, would put at risk the delicately balanced compromise reflected in the current RSNT text.

With respect to coastal state powers to control marine pollution in their territorial seas, many maritime states have construed the right of innocent passage in an absolute sense so as to impose severe restrictions on the powers of a coastal state to set standards relating to vessel-source pollution. Canada and a number of other states, on the other hand, have insisted on the sovereign right of a coastal state to enact national laws within the territorial sea to regulate the design, construction, manning, and equipment of vessels in the absence or anticipation of agreed international standards applicable to such matters, as well as to set more stringent discharge standards. Some progress was achieved on this issue at the recent session in that the Chairman's final report acknowledged that this was a key issue on which further negotiation was essential in order to reconcile the navigation rights of shipping states with the sovereign prerogatives of the coastal state to enact and apply environmental laws in its territorial sea.

In the area of marine scientific research the key issue has been, and is likely to remain, whether the consent of the coastal state is required before any research activities are undertaken in its economic zone or on its continental shelf. The solution incorporated in the RSNT, Part III went some way towards a workable compromise, by making the consent of the coastal state necessary but also specifying that this consent would not be withheld unless the project:

- "a) bears substantially upon the exploration and exploitation of the living or non-living resources;
- b) involves drilling or the use of explosives;
- c) unduly interferes with economic activities performed by the coastal state in accordance with its jurisdiction as provided for in this Convention;
- d) involves the construction, operation or use of such artificial islands, installations, and structures as are referred to in Part Two of this Convention."