

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 provisions will have the practical effect of operating as a full consent regime for all research while simultaneously incorporating provisions for its promotion and facilitation, Canada is satisfied that they balance the rights of those states wishing to conduct research and the legitimate rights and interests of coastal states in controlling or regulating certain types of MSR bearing on the utilization of resources over which they exercise sovereign rights.

Plenary Discussions on the Settlement of Disputes

For the first time, the Conference had before it a draft text on the settlement of disputes (Part IV of the RSNT) having the same status as the other parts of the RSNT. Discussions of this subject were conducted in Plenary under the chairmanship of the President of the Conference and were directed to four basic ends: (1) improving the style and drafting of the RSNT; (2) consolidating the disputes settlement provisions of Part I of the RSNT on exploitation of the deep seabed with the comprehensive law of the sea dispute settlement system which had been