

With respect to Part III of the RSNT, Canadian efforts to strengthen coastal state enforcement powers in the exclusive economic zone to the extent of allowing inspection of foreign vessels in cases of threatened pollution damage did not meet with success due to the strong opposition of the maritime powers. Conversely, determined efforts by a number of maritime powers to further limit coastal state enforcement powers in the exclusive economic zone were equally unsuccessful. However, the ICNT includes provisions (principally Article 212) which could have the effect of weakening both coastal state and flag state obligations alike in implementing international pollution standards in domestic law by allowing them the right only to pass laws which give effect to "generally accepted" international rules and standards in the exclusive economic zone.

The universal port state concept has been retained despite concerted efforts by some maritime powers to limit its scope. However an amendment agreed by the informal negotiating group of Committee III at the Fifth Session which would have entitled a port state to undertake an investigation of a vessel voluntarily within its internal waters, as well as within port or at an offshore terminal, which had committed a discharge violation on the high seas or in the internal waters, territorial sea or economic zone of another state, was not included in the ICNT. This matter will have to be considered at the Seventh Session.

Another important factor to emerge from the Sixth Session of importance to Canada is that the RSNT provision recognizing the right of the coastal state to apply special environmental standards in ice-covered waters, the "Ice-covered areas" article, has been incorporated unchanged in the ICNT, (Article 235) further strengthening international acceptance of Canada's Arctic Waters Pollution Prevention Act of 1970.

In summary, while there are some important inadequacies in specific articles, the basic concept of a comprehensive umbrella marine pollution control treaty based upon the zonal concept and a functional sharing of jurisdiction 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.)