

Preservation of the Marine Environment

Although this issue was barely taken into consideration at the first two Law of the Sea Conferences in 1958 and 1960, its importance has increased since then to a point where it will be one of the main questions and one of the most difficult to resolve at the Conference.

Every nation is disposed to accept, at least in principle, the idea that the marine environment must be preserved from all sources of pollution whether land-based or marine-based, however, given its nature and its terms of reference, the Conference will mainly concern itself with marine sources of pollution. Here again, there are strongly divergent views as to how these sources of pollution should be controlled.

Countries with large merchant navies take the view that only internationally agreed standards should be applicable and enforced by the coastal state and then only for offences occurring in its territorial waters. As to violations to the international standards in the high seas beyond the territorial sea, these states could accept "port state jurisdiction" that is, jurisdiction of the state in the port of which the responsible vessel has docked following its polluting activities.

On the other hand, a number of coastal countries, including Canada, see effective control of marine pollution only through internationally agreed standards supplemented by nationally prescribed and enforced standards when special circumstances warrant them. The unique environment of our Arctic is a case in point. Enforcement of either internationally established or nationally promulgated standards should rest with the coastal state not only with respect to its territorial waters but as well in its broader