

WEST COAST TANKERS: INTERNATIONAL LEGAL ASPECTS

The purpose of this presentation is to outline from the Canadian perspective recent developments with respect to international environmental law and their impact on Canadian policy and legislation. The matters reviewed encompass multilateral negotiations at the Third United Nations Conference on the Law of the Sea and in the Intergovernmental Maritime Consultative Organization and bilateral negotiations between Canada and the United States.

MARINE POLLUTION: LAW OF THE SEA TRENDS

2. The existing law of the sea rests on two traditional legal concepts, that of the high seas where freedom of the seas prevails, and that of the territorial sea which is under the sovereignty of the coastal state subject to the right of innocent passage by foreign vessels. On the high seas, traditionally, ships have been subject exclusively to the jurisdiction of the flag state. These basic principles have until recent years provided the basis for coastal state and flag state powers to set and enforce rules and regulations with respect to the preservation of the marine environment. It has become evident, however, that this system of law based on a firm doctrinal attachment to the principle of freedom of the high seas and restricted coastal state rights is no longer adequate, in light