

zone, where navigation is hazardous and the ecological balance particularly sensitive (as in Canada's ice-infested Arctic waters), adopt and enforce its own anti-pollution laws and regulations.

Although the Single Negotiating Text represented a major "negotiating" step forward, a number of its most important parts, however, remain to be "negotiated". Further work and balancing are needed so that the whole treaty will represent an equitable and effective "package". The chapter, for example, on straits used for international navigation was vague in scope and the rules of passage it proposes were too complex. Moreover, there were many contradictions among the various articles dealing with the protection of the marine environment and marine scientific research. No agreement was reached on the key question of the powers to be given coastal states to adopt and enforce their own standards on pollution by vessels of their territorial seas and economic zones. In spite of its weak points, however, the Single Negotiating Text has served as a useful working instrument in the intersessional consultations leading up to the session of the conference in New York from March 15 to May 7, 1976.

Environmental law

At the multilateral level, Canada ratified the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, which came into force on August 30, by depositing its instrument of ratification on November 13. The implementing legislation was proclaimed on December 13. The convention aims at controlling the pollution of the sea through the dumping of waste by setting up a permit mechanism, where such dumping is authorized, and by establishing a list of wastes that are totally prohibited.

At the organizational meeting that took place in London from December 17 to 20, the Inter-governmental Maritime Consultative Organization (IMCO) was designated as the competent body to perform secretariat duties under the convention and the UN Environment Program (UNEP) was requested to provide appropriate assistance, as required by IMCO or meetings of the contracting parties, in the implementation of the convention. A consultative meeting of the parties is to take

place in 1976 to set up rules of procedure and a settlement of dispute procedures.

The Governing Council of UNEP, at its third session, from April 17 to May 2, requested its Executive Director to establish an intergovernmental working group of experts to prepare draft principles of conduct for the guidance of states in the conservation and harmonious exploitation of natural resources shared by two or more states. Canada was asked to participate in the working group, which was to hold its first meeting in January 1976. Creation of this working group on shared natural resources stems from the failure of the Stockholm Conference in 1972 to include in the Stockholm Declaration a provision concerning the duty of states to notify and provide information to other states regarding activities that could have extraterritorial effects adversely affecting the environment. This subject was discussed in the UN General Assembly, which adopted a resolution (3129-XXVIII) setting out a "duty-to-consult principle", and requesting UNEP to take those principles into account and report on measures adopted for their implementation.

At the bilateral level, discussions between Canadian and U.S. authorities continued on the Garrison Diversion Unit, an irrigation scheme that would divert the waters of the Missouri River to irrigate a quarter of a million acres in North Dakota. On the basis of studies conducted in both countries, the Canadian Government concluded that, if the project were completed according to present plans, it would have adverse effects on Canadian portions of the Souris, Assiniboine and Red Rivers and on Lake Winnipeg. This could constitute a contravention of Article IV of the Boundary Waters Treaty of 1909, under which both countries have an obligation not to pollute boundary waters or waters flowing across the boundary to the injury of health or property on the other side. On October 22, a joint reference was presented to the International Joint Commission asking it to "make recommendations as to such measures, modifications or adjustments to the Garrison Diversion Unit as might be taken to assist governments in ensuring that provisions of Article IV of the Boundary Waters Treaty are honoured". The IJC was also asked to complete its investigation and submit its report no later than October 31, 1976.