

In addition to its regular work programme, the Group has been assigned the task by the Governing Council of reviewing documentation and acting as a preparatory committee for the Senior Level Meeting of Experts on Environmental Law.

The Legal Committee of the Intergovernmental Maritime Consultative Organization continued its work on draft articles for a convention on liability and compensation in connection with the carriage of noxious and hazardous substances by sea.

Bilateral

On August 6, 1980 Canada and the United States signed a Memorandum of Intent on transboundary air pollution which represents a step forward in developing measures with the United States to reduce transboundary air pollution, particularly in the form of acid rain. The memorandum pledges the governments to negotiate an air pollution agreement and establishes a committee structure to undertake preparatory work to be followed by formal negotiations. It also pledges the governments to take interim action, including vigorous enforcement of existing laws and regulations, advance notification and consultation on activities and on changes in policy, laws, regulations or practices which may affect the transboundary flow of pollutants, and increased cooperation in scientific studies.

Further discussions between officials in Canada and the United States regarding a Migratory Caribou Agreement have been held and extensive consultations involving territorial governments, native peoples, interested groups and individuals have taken place. Final negotiations, in which native peoples and territorial governments will participate on the Canadian side, are expected to take place in the near future.

The legal aspects of a longstanding transboundary problem between Canada and the United States have again assumed prominence during 1980. In 1941 the city of Seattle applied to the International Joint Commission (IJC), under the terms of the 1909 Boundary Waters Treaty, for authority to raise the level of the Skagit River which flows from British Columbia into Washington State, by increasing the height of Ross Dam, the effect of which would be to flood approximately 5,475 acres of land in British Columbia. In 1942 the IJC issued an order giving its approval, subject to certain conditions, one of which was that any Canadian interests affected be adequately compensated. In 1967 British Columbia and the city of Seattle concluded a compensation agreement under which British Columbia received annual compensation payments between 1967 and 1973. Since 1967 public concern over environmental preservation has increased and the Government of British Columbia now opposes flooding the Skagit Valley, a position which is supported by the Government of Canada.