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Summary records of meetings of the Third Committee 7th meeting

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marine pollution. States must organize themselves internationally to prevent further degradation of the marine environment. Some organizational difficulties still persisted, but it was clear that there was no difference about the goal to be achieved.

101. His delegation had listened with great interest to the helpful summaries of national positions that had been made, and had been impressed by the spirit of accommodation demonstrated, which boded well for the success of the Committee's work.

102. In view of the fact that the Committee had so few working days left his delegation had decided to defer its substantive comments until the informal meetings on the subject.

103. His delegation's position had already been made plain in the sea-bed Committee, to whose report (A/9021 and Corr.1 and 2) he wished to call the Committee's attention.

104. He hoped that an early start could be made on the remaining topics before the Committee, starting with the enforcement articles and the unfinished work left by the sea-bed Committee. The Third Committee could then return to a reading of all the draft articles, which could then be considered in detail. That, he felt, would be the most effective way of proceeding.

105. Mr. BUHL (Denmark), speaking on behalf of the seven States parties to the Helsinki Convention, proposed that, for the information of the Committee, the preamble, the 29 articles, annexes I to III, and the headings of annexes IV to VI of the Convention, together with a resolution adopted by the signatories, should be circulated as a document of the Committee in the original language, English, and later possibly in the official Russian translation.

106. The CHAIRMAN said he would take it that the Committee agreed to the suggestion.

It was so decided.

107. In response to a question from Mr. YTURRIAGA BARBERAN (Spain), the CHAIRMAN said that to translate those parts of the Helsinki Convention which it was proposed to circulate into all the languages of the Conference would be a lengthy and expensive undertaking. He therefore suggested that the Committee might waive its right to such translations.

It was so decided.

108. The CHAIRMAN announced that the Committee had ended its discussion of item 12, which had been held in an atmosphere of mutual accommodation. Constructive proposals had emerged from the debate, and although the emphasis laid on priorities had varied, some very important general trends were discernible.

109. Clearly, all States were gravely concerned about the mounting danger of marine pollution and the deterioration of the marine environment, and about the urgent need for effective, co-ordinated action. Moreover, it had been pointed out that the scope and extent of coastal and flag State rights and duties with regard to marine pollution control were matters of paramount importance. Reference had been made to the general and particular obligations of States and to the need for an appropriate balance between coastal State and flag State jurisdiction in marine pollution control.

110. There had been general emphasis on the interrelationship between global, regional and national action to prevent or reduce marine pollution, and special reference had been made to regional arrangements such as those provided for in the Helsinki Convention, which had been mentioned as a possible model. International and national regulations or standards had to be dealt with in an appropriate manner.

111. Great stress had been laid on the need for assessment, operational control and enforcement action with respect to the main sources of pollution, namely, land-based pollution, pollution deriving from sea-bed exploitation, vessel-based pollution and dumping. Special reference had been made to particularly hazardous pollutants such as radioactive substances.

112. It had been pointed out that the responsibility and liability of States, particularly flag States, with regard to vessel-based pollution had to be given special consideration.

113. A number of delegations had emphasized the need to make greater use of existing international institutions concerned with the conservation of the marine environment, and to the need for more co-ordination among them.

114. Many delegations had underlined the importance of the progressive development and codification of international law, with special reference to the need for an "umbrella" convention.

115. A number of problems were, however, still outstanding, and differing views had to be reconciled in the Committee's forthcoming discussions. The main objective was to embark on meaningful negotiations, particularly during the forthcoming informal meetings, and to make full use of the preparatory work already done. The Committee now had to work out draft articles on the basis of existing texts and new proposals, to reduce the number of alternatives and narrow down existing difficulties. On that subject he informed the Committee that the Secretariat had now completed the tables of proposals relating to the items on the Committee's agenda.

The meeting rose at 6.15 p.m.

7th meeting

Thursday, 18 July 1974, at 3.30 p.m.

Chairman: Mr. A. YANKOV (Bulgaria).

Scientific research [Agenda item 13]

Development and transfer of technology [Agenda item 14]

1. Mr. RASOLONDRAIBE (Madagascar) said that recent technological developments had made large-scale exploitation of the resources of the sea feasible, which was fortunate at a time of growing awareness that land resources were not inexhaustible. The Committee had to decide what legal rules would

regulate the scientific research that was needed to develop marine technology. Some delegations called for total freedom of scientific research by analogy with the principle of the freedom of the high seas. Rejecting that approach, he referred to a recent article in *Le Monde* which pointed out that the choice of areas to be researched was very often determined by subjective criteria and value judgements. Since marine research was and for some time would be carried out almost exclusively by the developed countries, he considered it politically necessary that the subjective element of scientific research should be offset by some provision to ensure that marine research was

- used to implement the concept of the common heritage of mankind and take account of the priority needs of the developing countries. The International Sea-Bed Authority should, either by itself or in co-operation with other international agencies, carry on its own research programme, and all other research activities should be subject to its control.
2. With regard to research in the zone under national jurisdiction, he said that research should concentrate on increasing knowledge of the marine environment to enable the coastal State to benefit from local resources and to fulfil its obligations with respect to conservation and prevention of pollution. Foreign researchers did not always restrict themselves to pure research; usually their research was directed either towards discovering and exploiting new raw materials or was related to military or paramilitary considerations. There was no real difference between fundamental research, applied research and strategic military research. Accordingly, he could not accept any system in which foreign researchers would simply have to give prior notice to the State in whose waters they would carry on research, because the coastal State concerned was responsible for the area. His country, however, was open to any form of co-operation and mutually agreed assistance.
3. With regard to the question of training, he endorsed the position adopted at Nairobi in March 1974 by the Group of 77 which recommended that existing international agencies and the International Sea-Bed Authority should draw up programmes for training personnel from developing countries in marine technology, using the knowledge and expertise of the advanced industrialized countries, which should be urged to co-operate fully to ensure the success of the programmes.
4. Mr. MITSCHKA (German Democratic Republic) said that, in the interests of conservation and the peaceful utilization of the seas, States should co-operate in scientific research on conservation and the economic utilization of the seas in the interests of all mankind; the obligation of States to co-operate should *expressis verbis* be included in a future convention on the law of the sea.
5. Freedom of marine research should be understood in connexion with the fundamental principles of international law as contained in the Charter of the United Nations and General Assembly resolution 2625 (XXV). Freedom of scientific research should in no way hamper freedom of navigation. The needs of the developing countries should be taken into account in drafting the legal norms for marine research. International research programmes, co-ordinated by competent international organizations, such as the Inter-Governmental Maritime Consultative Organization, the Intergovernmental Oceanographic Commission, the World Meteorological Organization and the International Atomic Energy Agency could help to promote international co-operation in the exploration of the marine environment. In that connexion, he drew attention to the resolutions adopted at the IMCO International Conference on Marine Pollution in 1973 and to the work programme of the IMCO Marine Environment Protection Committee.
6. It was important to have universally valid and uniform legal regulations ensuring freedom of scientific research in the high seas. The needs of the developing countries should be taken into consideration in planning marine research to help them determine the potential uses of their marine environment. One way of transferring technology would be for States which had the necessary technical means and experience and for competent international organizations to provide assistance to developing countries, while another form of co-operation would be to make available or "pool" existing technical resources.
7. His country made considerable contributions to international oceanological research projects and provided training in marine technology for nationals of developing countries.
8. Mr. VANDERGERT (Sri Lanka) said that arrangements for the investigation of the marine environment, the collection of useful data and its dissemination, particularly among the developing countries, and the rapid transfer to developing countries of the types of marine technology they needed were essential to enable those countries to derive maximum benefit from the wealth of the oceans, to obtain essential protein-rich food from the sea, and to participate fully in the exploitation of the sea-bed beyond national jurisdiction.
9. The right of every State to conduct scientific research in the sea and on the sea-bed beyond the territorial sea should be recognized and should be exercised in such a way as not to impede the exercise of the rights or the performance of the obligations of others in that area. Subject to that basic norm of conduct, there should be no interference with fundamental oceanographic or other scientific research carried out with the intention of open publication referred to in article 5 of the 1958 Convention on the Continental Shelf.¹ The right of a State to carry out scientific research should be subject to the recognized rights of the coastal State within its exclusive economic zone and subject to the rights of the international community in the area beyond. Those rights referred to maintenance of security, preservation of the marine environment, and publication and dissemination of data obtained from research. Rules applicable to the conduct of scientific research would be enforced by the coastal State within its area of jurisdiction, and by a designated International Authority acting on behalf of the international community in the area beyond national jurisdiction. That would help to ensure safe and orderly investigation and perhaps avoid needless duplication of effort.
10. Those rules could include, in the zone within national jurisdiction, prior notice in writing to, and the permission of, the coastal State and submission to inspection by the duly authorized representatives of the coastal State. In the area beyond national jurisdiction the rules might call for written notification to the International Authority and an undertaking that the research was being carried out for peaceful purposes. A State carrying out research in the area under national jurisdiction might be required to collaborate with the coastal State in furnishing it with a statement of its research programme and objectives and permitting a specified number of its nationals to participate in the research activity. In the case of research beyond national jurisdiction, a statement of the research programme and objectives might be required by the International Authority, which should be able to place a specified number of nationals from developing countries with the research project. Data obtained from such research should be turned over to the coastal State or the International Authority subject to appropriate arrangements for publication and copyright. There should, of course, also be rules relating to the safety of personnel, navigational safety and the preservation of the marine environment, including pollution control, liability for damage to, and restoration of, the environment. The rules should be kept to a minimum, should be applied without discrimination and would not, in his view, impede scientific research. In general, no charges should be levied with respect to scientific research, although a refundable deposit might be sought in certain cases against damage or infringement of regulations.
11. A related problem was how to determine what activities would be subject to those rules. There was a difference between scientific research and what might be termed "industrial research", although "pure research" as a legal concept might not be tenable. It should, however, be possible to distinguish between research projects by reference to the degree to which the data obtained could be readily marketed for industrial purposes. A simple objective rule should be devised for application on a non-discriminatory basis. He suggested that "scientific research" for the purpose of granting exemptions should mean

¹ United Nations, *Treaty Series*, vol. 499, p. 312.

detailed observation and analytical activity which had as its sole objective a better understanding of the nature and characteristics of the particular area and its resources and the physical environmental factors affecting them, the results of which were intended to be published and were in fact published.

12. With regard to institutional arrangements for the conduct of scientific research on the marine environment and dissemination of the results, he supported a formulation whereby States would, subject always to the rights of the coastal States concerned, undertake to co-operate in the promotion of programmes of scientific research, taking into particular consideration the needs and interests of the developing countries, both coastal and land-locked, and ensure that all data obtained from such programmes would be made accessible to the developing countries.

13. Turning to the question of the transfer of technology, he said that as long as marine technology remained in the hands of a few developed countries, the peoples of Asia, Africa and Latin America would be unable to harvest effectively the resources of the sea which they so desperately needed. In many cases the technology was in private hands, protected by contract as well as by patent and copyright arrangements, and was intended for uses that would produce the optimum commercial gain. The political system would usually make direct governmental intervention to compel transfer of the technology impracticable or very difficult. The Conference should try to achieve a balance between the understandable financial and other considerations that motivated those who currently possessed the technology and the wider social considerations that called for its rapid transfer to the developing countries.

14. Referring to section 7 (Science and technology) of part C of the International Development Strategy for the Second United Nations Development Decade,² and to part IV (Transfer of technology) of the Programme of Action on the Establishment of a New International Economic Order,³ he suggested that provisions for the transfer of marine technology should require States to promote, either directly or through an appropriate intergovernmental organization such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations (FAO) or the International Sea-Bed Authority, programmes for the rapid transfer of appropriate types of marine technology to the developing countries. The transfer could be made by direct technical assistance, training personnel, convening international conferences on selected technical subjects, joint ventures, trade, ensuring access by the developing countries to patented and non-patented technology under just and reasonable conditions, studying the problems associated with the transfer of marine technology to the developing countries and how to overcome them. As an example of what could be done, he referred to the regional fishery commissions of FAO which showed how technology could be transferred effectively by including appropriate provisions in the terms of reference of intergovernmental organizations or their subsidiary bodies. Another method also used by FAO was to convene technical conferences and to facilitate the exchange of information and ideas. As had been said at the FAO Technical Conference on Fishery Management and Development held at Vancouver in 1973, the two basic elements for development were know-how and the intention of Governments, neither of which was effective without the other; in addition, outside assistance must be provided in harmony with the intentions of the recipient country.

15. It could be said that adopting a new provision on the transfer of marine technology might only serve to adorn some new international instrument with another wordy paragraph, but the mandate of the Committee was limited and it must do

what it could. The developing countries had for many years cried out for technology, but had received in response financial assistance, costly equipment and foreign expertise—everything, in fact, except the technology that was the corner-stone of development.

16. He recalled that at the 1973 summer session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, the representative of Colombia had suggested that the Secretariat should prepare a study to enable the Conference to establish the main objectives of the transfer of technology and the means for achieving it in a rational and progressive manner. He hoped that the study would be made available as soon as possible.

17. The CHAIRMAN said that the study on the transfer of technology, referred to by the representative of Sri Lanka, had been prepared and would be circulated as soon as possible.

18. Mr. HASSAN (Sudan) referred to the Declaration of the Organization of African Unity on issues relating to the law of the sea (A/CONF.62/33) which asserted the right of all States, irrespective of their geographical locations, to conduct marine scientific research for peaceful purposes without endangering the marine environment. In the view of his delegation, attempts to define scientific research might limit that right or jeopardize attainment of the objective sought. Provided that scientific research was conducted under the foregoing conditions, he saw no valid point in curtailing the ability to acquire more knowledge.

19. His country would have liked to draw a distinction between pure science and applied research aimed at commercial exploitation. However, those two aspects were so inseparably interrelated that to draw a non-existent artificial distinction would be detrimental to both. If the envisaged articles of the convention strongly adhered to the principle that marine scientific research should not form any legal basis for any claim to exploitation rights, the interests of mankind would be adequately safeguarded.

20. His delegation subscribed to the view that scientific research should encompass international political realities and subject itself to agreed regulations. Scientific research in the area beyond national jurisdiction should be conducted in compliance with the spirit and intentions of the concept that the resources of that area were the common heritage of mankind. Accordingly, the Authority to be established should regulate scientific research in the area beyond national jurisdiction, and be responsible for the protection of the marine environment and the prevention of pollution. His delegation supported the proposal calling for the formation of an agency, under the supervision of the Authority, entrusted with the task of co-ordinating research programmes and disseminating results globally.

21. Marine scientific research in the sea within the national jurisdiction of coastal States should be subject to the prior consent of the coastal State concerned. The rights of the coastal State could be protected by strict observance of its laws and regulations. Those rights could be further protected through: first, effective participation of the coastal State in the research in the manner it chose; secondly, unimpeded transmission of all data, findings and results of the research to the coastal State and non-publication of those results without the prior consent of the coastal State concerned; thirdly, *bona fide* research certification by the flag State; fourthly, assistance to the coastal State in interpreting scientific data and training its nationals; and fifthly, scientific research conducted in such a way as not to harm marine resources or obstruct their exploitation.

22. International co-operation constituted an essential factor in scientific research activities in the seas and oceans.

23. With regard to the transfer of technology to the developing countries, international regulations governing technical

²General Assembly resolution 2626 (XXV).

³General Assembly resolution 3202 (S-VI).

assistance should be formulated and States in a region where marine scientific research was being conducted should participate in that research. The envisaged Authority should co-ordinate all technical assistance programmes and the transfer of technology.

24. Mr. BUSTANI (Brazil) said that the 1958 Geneva Conventions had not dispelled doubts concerning the juridical basis for the conduct of scientific research, which had escaped effective international control except with regard to the continental shelf. On the pretext that the four freedoms of the sea contained in article 2 of the 1958 Geneva Convention on the High Seas⁴ were not exclusive, attempts had been made to carry out unrestricted activities the results of which benefited only a few States. The international community had accepted the concept that the sea-bed and ocean floor beyond the limits of national jurisdiction were the common heritage of mankind. It followed that all research in that zone should be subject to international rules and should benefit mankind as a whole. The equality of all States should be guaranteed by an appropriate International Authority to ensure that the developing countries were not dependent on the developed countries for obtaining the results of scientific research or for training. Results should be globally disseminated and developing countries should be assisted in training personnel in order to ensure their capacity to assimilate such information. It was necessary to draw up rules to govern scientific research in the international zone which would recognize the legitimate rights and interests of mankind as a whole and which would be incorporated in a convention to be prepared at the Conference.

25. His delegation doubted whether it was possible to draw a distinction between pure research and applied research with a view to commercial exploitation. However, even a simple theoretical definition would be useful for the purpose of setting limits and defining the objectives of marine research activities.

26. With regard to scientific research in areas within the jurisdiction of coastal States, it was necessary to protect the rights of coastal States and to avoid any widening of the existing technological gap between the developed and developing countries. In that connexion, he quoted from the working paper on scientific research (A/AC.138/SC.III/L.45) which Brazil and other delegations had submitted to the sea-bed Committee in 1973.

27. The Convention on the Continental Shelf contained similar provisions, and in practice, some States regulated the conduct of scientific research in areas under their jurisdiction in accordance with those provisions, with excellent results for them and for the international scientific community.

28. With regard to the transfer of technology, his delegation felt that contributions from the international organizations or the developed countries were required in order to provide better-trained staff in the developing countries.

29. U TUN MYAT (Burma) said that his delegation fully realized the vital role of scientific research in the development of marine technology and the vast potential benefits that mankind could derive therefrom. However, past experience had shown that marine scientific research was not completely immune to the dictates of politics and big business. It therefore felt that the prior consent of the coastal State was a basic prerequisite to the conduct of scientific research anywhere on the continental shelf or in the exclusive economic zone of a State. The coastal States should participate in such research; data and samples should be shared with the coastal State; results should be published with the consent of the coastal State and it should be given assistance in evaluating research results and compliance with all international standards.

30. The immense potential resources of the sea offered developing States a genuine opportunity to improve their living

standards. However, in order to take advantage of that potential, they needed to acquire the technology to exploit the riches the sea offered. Since the acquisition of that technology involved expenditure which a developing State could not afford, appropriate arrangements should be made for international technical co-operation. His delegation hoped that the conference would arrive at a concrete set of provisions for the effective transfer of such technology.

31. Mr. ESCALLON VILLA (Colombia) said that the aspirations of the under-developed world to provide for the well-being of its peoples were at stake in the current negotiations aimed at promoting scientific research and the transfer of technology without the burdensome cost which had been responsible for further widening the gap between the world of misery and hunger and the world of affluence and waste. The developing countries could no longer accept crumbs from the table of the industrialized countries.

32. The concentration of scientific knowledge in the hands of a few was a cause of anxiety to a number of countries with long coastlines, but with limited means to obtain information concerning their geographical characteristics and actual wealth. Unable to meet the basic needs of their peoples for health, education, work, and housing, the developing countries were even less in a position to dedicate large sums of money to scientific research.

33. With regard to the common heritage of mankind, the Conference had the obligation to protect the interests of future generations in view of existing conditions and reasonably foreseeable possibilities.

34. The developing countries were in need of training programmes conducted by international bodies to enable them to assimilate research findings, while continuing consultations should be held with regard to the training of personnel, methodology, and the use of equipment.

35. The coastal State should have the right to regulate and control scientific research activities in its territorial sea, patrimonial sea or economic zone, and its continental shelf. The coastal State should grant its permission for such activities when they would benefit their peoples and the international community.

36. The coastal State had the right to participate in scientific research for which it had given its approval, in the stages of planning, execution, processing, interpretation, and publication of findings.

37. Scientific research carried out in the area beyond national jurisdiction should conform with the rules to be established by the assembly and council of the International Authority. Since such research would be carried out in the name of mankind and in the area of its common heritage, all men were entitled to scientific knowledge of the zone and to benefit from its resources.

38. The transfer of technology went hand in hand with scientific research when the latter was carried out in good faith and for the benefit of the international community.

39. There was no question of restricting scientific research, but rather of intensifying it in the light of the need of the developing countries to acquire the necessary and basic information to achieve their ideals and objectives.

40. Miss MARIANI (France) said that the definition of scientific research worked out by Sub-Committee III of the sea-bed Committee was valuable in that it maintained the essential distinction between fundamental or "open" research and industrial exploration. Although in the long term fundamental research might have eventual practical applications, it was carried out without any concern for immediate application, with a view to increasing knowledge for the general benefit. Scientific research was therefore a legitimate activity and a right to be enjoyed by all States, whatever their geographical position, and competent international organizations as well. France ap-

⁴United Nations, *Treaty Series*, vol. 450, p. 82.

proved variants A and E of document WG.3/Paper No. 5 prepared for Sub-Committee III, contained in the report of the sea-bed Committee (A/9021 and Corr.1 and 3, vol. 1, pp. 103 and 105).

41. The Committee had to pick up where Sub-Committee III had left off and study the conditions governing the exercise of the right to carry out scientific research. Those conditions could differ depending upon the area in which the research was carried out. The right to conduct scientific research should also be coupled with certain obligations which might be described as the ethics of research.

42. It was quite reasonable, therefore, that research in the territorial sea should be subject to the consent of the coastal State. In areas under national jurisdiction, the provisions of the Geneva Convention on the Continental Shelf struck a balance between the interests of the coastal State and those of researchers. They provided a satisfactory point of departure, though they could be improved to take into account the needs and aspirations of States which had not participated in the 1958 Conference on the Law of the Sea. The consent of the coastal State was necessary, but it should not ordinarily be refused when the proposed research met certain conditions. Very often refusals by the coastal State were the result of misunderstanding. For that reason, the Intergovernmental Oceanographic Commission had developed a procedure which facilitated the obtaining of the consent of the coastal State and ensured the latter's participation in the scientific research. Resolution VI-13 of the Commission, concerning the promotion of fundamental scientific research, encouraged co-operation between the State which carried out research and the coastal State by including the latter in all stages of the work. France had immediately put that resolution into practice by adopting a two-step procedure for the submission of requests and the granting of authorizations for scientific research in the territorial waters or on the continental shelf of other States, which consisted of a general request, followed by a detailed request, thus following exactly the guidelines of resolution VI-13.

43. It was necessary to facilitate research in a spirit of co-operation along the lines recommended by the International Council of Scientific Unions in document A/AC.138/SC.III/L.38.

44. Beyond the areas subject to national jurisdiction, research must remain unimpeded as it had always been for the greater good of all mankind, subject of course to respect for the environment and the other legitimate uses of the sea. Such freedom, however, did not preclude co-operation which in most cases proved to be indispensable.

45. The conduct of research imposed certain obligations on scientists which they regarded as perfectly natural, as the resolution of the International Council of Scientific Unions illustrated. In that connexion, the draft articles submitted by the United States delegation (A/AC.138/SC.III/L.44) contained some interesting points.

46. She emphasized the right of the coastal State to ensure the presence of scientific observers on board research vessels and its right to access to the findings. To facilitate access to and exchange of data, appropriate networks should be set up making use of the international, regional, or national data centres, and through the use of standardized formulae such as the ROSCOP inventory (Report of Observations/Samples Collected by Oceanographic Programmes) developed by the Intergovernmental Oceanographic Commission.

47. The question of the transfer of technology had to be viewed in a different light according to the level of development of the countries involved. The transfer of technology was first of all a problem of education and training. The specialized agencies and other bodies of the United Nations such as UNESCO, FAO and the United Nations Conference on Trade and Development (UNCTAD) had a role to play, each within

the realm of its own competence. Thus training and educational programmes were one of the ways to carry out the transfer of technology, but they raised the question of the need for an adequate infrastructure. It was, therefore, necessary to promote the establishment of regional centres or multidisciplinary institutions to meet the needs of the countries involved, (with due regard to studies of local species and ecology). Scientific and technical personnel had to be trained in the processing and interpretation of data. Training courses for personnel from developing countries were given in various data centres, and one was planned for the centre in Brest when sufficient personnel would be available.

48. The transfer of technology was only part of an over-all programme of scientific development, and the modalities for the transfer of technology had to be determined within the context of a global strategy. Finally, as in the case of the protection of the marine environment, the Conference should confine itself to drawing up, in the form of treaty articles for inclusion in a general convention, a set of principles establishing broad guidelines for the transfer of technology, leaving to specialized bodies, which had at their disposal adequate technical facilities, the task of working out the modalities of the transfer.

49. Mr. BOOH (United Republic of Cameroon) said that the examination of the two questions of scientific research and the transfer of technology was a test of the sincerity of the declarations of good faith which had been made by all delegations. The question was whether marine research would promote genuine human solidarity and development of all peoples, or whether it would serve the desire for domination and the selfish interests of a minority of technically advanced Powers.

50. Certain delegations were trying to hedge the question by asserting dogmatically what they called the freedom of scientific research. If that freedom were not subject to any conditions, it would certainly complicate the matter of marine research. No one questioned the need to gather the maximum amount of information on the oceans and their resources. The Conference's task was to take adequate steps so that such research would not be diverted from peaceful and human purposes to serve the exclusive interests of the industrialized States. Such basic preoccupations of the developing countries in the matter of scientific research should not be ignored.

51. The representative of the United Republic of Cameroon then referred to the provisions of relevant documents and declarations such as General Assembly resolution 2560 (XXIV), the Lima Declaration of 8 August 1970,⁵ the Addis Ababa Declaration of the Organization of African Unity of 1973 and the 1958 Geneva Convention on the Continental Shelf, all of which mentioned in one way or another the rights of the coastal State to approve or reject the conduct of scientific research in areas under its national jurisdiction. The future convention on the law of the sea should expressly embody the principle that all scientific research carried out in the area subject to the sovereignty and jurisdiction of a State should be subject to prior authorization of that State, which would also have the right to participate in that research and ensure for itself an equal share of the knowledge thus acquired. With regard to the area beyond national jurisdiction, scientific research should be carried out for exclusively peaceful purposes in conformity with the provisions of General Assembly resolution 2749 (XXV), and should be subject to an appropriate form of international regulation so that all mankind would receive the greatest possible benefit from it.

52. The question of the transfer of technology to the developing countries was closely linked with scientific research and should be included in a global strategy of development for the poor countries. The experience acquired in this regard by the international community within the framework of the imple-

⁵ Document A/AC.138/28 of 14 August 1970.

mentation of the International Development Strategy for the Second United Nations Development Decade could help to avoid certain mistakes of the past.

53. Developing countries had often spent large sums of money to import technology from developed countries which was in some cases already outmoded, with serious repercussions for their foreign trade and balance-of-payments. Taking a laissez-faire approach to transfer of technology would aggravate certain aspects of under-development instead of eliminating them, and would make the developing countries more dependent on other countries. If such a dependence were to prevail in the realm of the seas, it would rob of all meaning the principles proclaimed by the General Assembly of the United Nations in resolution 2749 (XXV).

54. In view of the magnitude of the transfer of technology to be carried out, serious attention should be paid to resolution 39 (III) adopted by the third session of UNCTAD in 1972, calling upon the developed countries to devote .05 per cent of their gross national product each year towards the solution of the technical problems of the developing countries, and at least 10 per cent of their expenditures for research and development toward programmes aimed at finding solutions to the specific problems of the developing countries.

55. The foregoing measures would help to improve substantially the situation of the developing countries if they were the object of an efficient multilateral approach and if they were backed up by a real willingness on the part of the developing countries to co-operate on a regional or subregional level.

56. Mr. JACOBSEN (Denmark) said that his delegation would like to see articles on scientific marine research incorporated into a future convention on the law of the sea and not in a separate convention. They should aim at hindering research as little as possible, and at promoting the closest international co-operation. To facilitate the conduct of marine research, coastal States should simplify the procedure of acceptance and for the entry of research vessels into their ports.

57. All States and international organizations should have the widest acceptable rights of conducting marine scientific research freely, with due regard for the legitimate uses of the sea and the general principles of international law.

58. Within the territorial sea and on the continental shelf subject to national jurisdiction, research could only be carried out with the consent of the coastal State in accordance with the existing rules contained in article 5 of the 1958 Convention on the Continental Shelf. As long as the proposed research was based upon internationally agreed scientific principles, such consent should not normally be denied. The request for the intended research programme should include a general description of objectives, methods, time schedule and location of the intended activities and be submitted within a period to be determined by international agreement. Scientific representatives nominated by the coastal State should have the opportunity to participate in the planning and conduct of the investigations and all results should be shared with the coastal State by providing copies of all data obtained during the research activity. Prompt publication of the obtained data through internationally accepted scientific media would confirm the good faith with which the research activities were carried out.

59. Marine scientific research should be conducted in strict accordance with the principles concerning the preservation of

the marine environment and in accordance with existing international or regional conventions.

60. Scientific research in areas outside national jurisdiction should be open, as mentioned in the paper submitted by the International Council of Scientific Unions (A/AC.138/SC.III/L.38), in view of the fact that any regulations or restrictions on the conduct of such research would inhibit the advancement of scientific understanding and be detrimental to the future welfare of people of all countries. With regard to the transfer of technology to the developing countries, Denmark operated through the various agencies of the United Nations by arranging specialized training courses, a number of which had taken place in Denmark in recent years.

61. Mr. SANDERS (Guyana) shared the view that scientific research was necessary and desirable. Some delegations advocated freedom of scientific research to improve knowledge of the marine environment while others advocated regulations because they regarded scientific research as the first step towards exploitation of the resources of the marine environment by those capable of conducting research. Many developing countries lacked the adequate expertise to conduct or participate meaningfully in such research or to evaluate the results. Some of them feared, with good reason, the possibility of espionage and other subversive activities which might be carried out under the guise of, or alongside, scientific research for genuinely peaceful purposes.

62. His delegation believed that it was necessary to provide appropriate rules to govern the conduct of such research. It supported the view that coastal States should exercise sovereign rights for the purpose of controlling scientific research and exploring the natural resources of the sea-bed, subsoil and superjacent waters in the area of national jurisdiction, including the economic zones. Scientific research in that area should be carried out only with the express consent of the coastal State, but such consent should not be unreasonably withheld. The coastal State should have a duty to promote scientific research. Furthermore, information obtained as a result of such research should be the property of the coastal State and its publication should be controlled by that State. The coastal State should have the right to participate in the research and the possibility of governmental, bilateral and regional arrangements for specific research programmes should not be ruled out.

63. With regard to the international area, his delegation agreed on the need to promote scientific research in that area and to ensure that the results obtained were made available to all States. An International Authority should be established as the sole representative of mankind in the research and exploitation of the international area. It should be empowered to undertake scientific research either on its own or through third parties, in a way and under conditions to be established by common agreement which would ensure its direct and effective control at all times over such research. With regard to the development and transfer of technology, his delegation felt that suitable programmes should be worked out within the framework of existing international agencies and the International Authority, with the continued invaluable co-operation of the developed industrialized States, to ensure that the developing countries were afforded every opportunity for intensifying their efforts in training personnel in all aspects of marine science and technology.

The meeting rose at 5.30 p.m.