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Iraq: revised draft articles on scientific research

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume III (Documents of the Conference, First and Second Sessions)*

of the international area, the exploitation of its resources and related activities be made available to all developing States upon request;

(c) That adequate provisions are made by it to facilitate the acquisition by any developing State, or its nationals, of the necessary skills and know-how including professional training in any undertaking by the Authority for exploration of the international area, exploitation of its resources and related activities;

(d) That a Special Fund be established to enable developing States, including land-locked and geographically disadvantaged States, in the acquisition of necessary equipment, processes, plant and other technical know-how required for the exploration and exploitation of their marine resources.

Article 4

1. The International Authority shall ensure the establishment in developing States of regional marine scientific and technological research centres, in co-ordination with States, international organizations and national marine scientific and technological institutions.

2. The functions of such regional scientific and technological research centres shall include, *inter alia*:

(a) Training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, geology, sea-bed mining and desalination technologies;

(b) Management studies;

(c) Study programmes related to the preservation of the marine environment and the control of pollution;

(d) Organization of regional seminars, conferences and symposia;

(e) Acquisition and processing of marine scientific and technological data and information, in order to serve as regional data centres;

(f) Prompt dissemination of results of marine scientific and technological research in readily available publications;

(g) Serving as a repository of marine technologies for the States of the region covering both patented and non-patented technologies and know-how; and

(h) Technical co-operation with the countries of the region.

3. When a regional approach is adopted regarding the transfer of technology, particular attention shall be paid to the special interests, needs and scientific and technological priorities of each of the countries which form a part of such a region.

Article 5

The transfer of technology shall be made to the developing countries at a concessional rate of payment taking into account their economic capacity and needs for development.

DOCUMENT A/CONF.62/C.3/L.13/REV.2

Iraq: revised draft articles on scientific research⁴⁷

[Original: English]
[21 April 1975]

Item 2 (a)—Right to undertake scientific research activities

1. Coastal States have the exclusive right to conduct and regulate scientific research activities in their (. . .)⁴⁸ and to authorize and regulate such research as provided for in article. . . .

2. Scientific research activities in the international area⁴⁹ shall be conducted directly by the International Authority and, if appropriate, by persons, juridical or

physical, through service contracts or associations or through any other such means as the International Authority may determine, which shall ensure its direct and effective control at all times over such research.

Item 2 (b)—Consent, participation and obligations of the coastal State

1. Scientific research activities in the (. . .)⁴⁸ of a coastal State shall not be conducted without the explicit consent of that State.

2. States and appropriate international and regional organizations, as well as persons, juridical and physical, seeking consent of the coastal State to conduct scientific research in the area referred to in paragraph 1 shall, *inter alia*:

- (i) Undertake to conduct the research exclusively for peaceful purposes;
- (ii) Disclose the nature and objective of the research, as well as the means to be used, including Oceanic Data Acquisition Systems (ODAS);
- (iii) Indicate the precise geographical area in which the activities concerning such research are to be conducted;

⁴⁷ The representative of Iraq, as the Chairman of the Group of 77 of the Third Committee, while presenting this document, would like to point out that it has been agreed upon by consensus by the Group of 77 of the Third Committee without committing the final position of members of the Group.

⁴⁸ A decision on the precise terms to be used here, such as economic zone, patrimonial sea, national sea or area under national jurisdiction and/or sovereignty, and continental shelf, and which do not refer to the international area, shall be adopted in the light of the decisions on the definition and nature of those terms in the Second Committee.

⁴⁹ The international area referred to in this paragraph is the area with which the First Committee is concerned. With regard to the remaining international area, the matter will be discussed at a later stage.

- (iv) State the proposed date for commencement of the activities and the period for completing the project;
- (v) Give full information and particulars regarding the sponsoring institution, if any, the scientific staff, and the vessels, equipment and other means to be employed;
- (vi) Provide the coastal State with a detailed description of the research project which shall be kept up to date;
- (vii) Include active participation or representation of the coastal State, if it so desires, in all stages of the research project;
- (viii) Undertake to supply on time all raw and processed data, including the final evaluations and conclusions and samples to the coastal State;
- (ix) Assist the coastal State in assessing the implications of the said data and samples and the results thereof in such a manner as that State may request;
- (x) Undertake that results of scientific research shall not be published without the explicit consent of the coastal State; and
- (xi) Undertake to comply with all applicable environmental standards and regulations of the coastal State, as well as international standards established or to be established by (insert name or names of appropriate organizations).

3. The coastal State shall have the right to supervise scientific research activities undertaken in the area referred to in paragraph 1 and suspend or terminate them if that State finds that these activities are not being carried out for the declared objective or purpose of the research or are not being carried out in accordance with the provisions of these articles.

4. Coastal States in considering requests by States to undertake scientific research in their (. . .)⁴⁸ shall extend preferential treatment to developing neighbouring landlocked States and other developing neighbouring geographically disadvantaged States, as defined in this Convention.

5. The exercise of innocent passage and navigation does not confer on States, international organizations or other juridical or natural persons the right to undertake scientific research.

[6. Considering that certain scientific research activities which are not carried out directly in the marine environment should be subject to regulation by the coastal State, the Group of 77 agreed to draw up appropriate provisions on activities carried out by satellites, remote sensing devices or other means, which do not operate in the marine environment.]

DOCUMENT A/CONF.62/C.3/L.15/ADD.1⁵⁰

Results of consideration of proposals and amendments relating to the preservation of the marine environment

[Original: English]
[6 May 1973]

VIII. *Draft article on monitoring* (See A/9021,⁵¹ vol. I, p. 92, WG.2/Paper No. 13; and CRP/MP/7/Add.1, 3, 4 and 5)

1. States shall, consistent with the rights of other States endeavour, as much as is practicable⁵² individually or collectively through the competent international organizations to observe, measure, evaluate and analyse, by recognized methods the risks or effects of pollution of the marine environment.

In particular, States shall keep under surveillance the effect of any activities which they permit or in which they engage to determine whether these activities are likely to pollute the marine environment.⁵³

2. States shall provide at appropriate intervals reports of the results obtained relating to risks or effects of pollution of the marine environment to the United Nations Environment Programme⁵⁴ or any other competent inter-

national or regional organizations, which should make them available to all States.

IX. *Draft article on environmental assessment* (See CRP/MP/18, originally proposed in connexion with monitoring)

1. When States have reasonable grounds for expecting that planned activities under their jurisdiction or control may cause substantial pollution of the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in paragraph 2 of article VIII (monitoring).

2. States shall directly or through competent international or regional organizations, on request, provide appropriate assistance, in particular to developing countries, concerning the preparation of such environmental assessments.

X. *Draft article on standards for land-based sources of marine pollution* (See A/9021, vol. I, p. 93, WG.2/Paper No. 15; and CRP/MP/17/Add.2)

1. States shall establish national laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.

⁵⁰ This *addendum* incorporates draft articles agreed upon at the level of the informal meetings on item 12 during the third session of the Conference which were originally reproduced as CRP/MP/16 and Add.1-3.

⁵¹ *Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 21* and corrigenda 1 and 3.

⁵² The question of the deletion or retention of the words "as much as is practicable" was deferred for consideration at a later stage.

⁵³ One delegation proposed to add after the words "marine environment" the following sentence "and they shall in any case, keep under surveillance the areas in which they exercise jurisdiction in accordance with this convention".

⁵⁴ Some delegations considered that United Nations agencies or other bodies should not be named in this article.