

# **Third United Nations Conference on the Law of the Sea**

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**A/CONF.62/C.3/L.14**

**Note by the Chairman of the informal meetings of the Third Committee on item 12  
(Preservation of the marine environment) addressed to the Chairman of the Third  
Committee**

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)*

## DOCUMENT A/CONF.62/C.3/L.13\*

Colombia: draft articles on marine scientific research<sup>3</sup>[Original: English]  
[22 August 1974]*Item 2 (a)—Right to undertake marine scientific research*

1. Coastal States have the exclusive right to conduct and regulate marine scientific research in their (. . .)<sup>4</sup> and to authorize and regulate such research as provided for in article . . .

2. Marine scientific research in the international area<sup>5</sup> 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. Marine scientific research in the (. . .)<sup>4</sup> 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 marine 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 satellites and Oceanic Data Acquisition Systems (ODAS);
- (iii) Indicate the precise geographical area in which the activities concerning such research are to be conducted;
- (iv) State the proposed date for commencement of the activities and the period for completing the project;

\*Incorporating document A/CONF.62/C.3/L.13/Corr.1 of 24 August 1974.

<sup>3</sup>The delegate of Colombia, as the Chairman of the Group of 77, while presenting this document, would like to point out that it represents the consensus of the Group of 77 of the Third Committee, without committing the final position of members of the Group.

<sup>4</sup>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.

<sup>5</sup>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.

(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, such as ODAS and remote sensing devices operating in the atmosphere or beyond;

(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 marine 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. [Participation of developing land-locked States and developing geographically disadvantaged States: on this question, proposals were submitted by the delegations of Singapore, India, Peru and Lesotho and an amendment was submitted by the delegation of Iran to the proposal of Singapore. These proposals, which due to lack of time could not be considered at this session, have been given to the Chairman of the Group of 77 for circulation within the Group, with a decision by the Group that they will be considered at the next session of the Conference or, in case of an intersessional meeting of the Group, at such meeting.]

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 marine scientific research.

## DOCUMENT A/CONF.62/C.3/L.14

**Note by the Chairman of the informal meetings of the Third Committee on item 12 (Preservation of the marine environment) addressed to the Chairman of the Third Committee**

[Original: Spanish]  
[22 August 1974]

In my capacity as Chairman of the informal meetings of the Third Committee, organized to consider item 12 entitled "Preservation of the marine environment", I have the honour to inform you as follows:

There were 11 plenary meetings of the informal meetings on item 12 held between 22 July and 22 August. In addition, there

were 11 meetings of an informal drafting and negotiating group open to participation by all delegations, which was established for the purpose of working out draft articles acceptable to all delegations or to reduce the number of alternatives in those cases where it was impossible to arrive at a single text. I was also Chairman of that group.

The work of the informal meetings was based on all the formal proposals and informal working papers submitted to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (see A/9021 and Corr.1 and 3, vol. I, pp. 86-102 and 106 and 107 and see also CRP/MP/1 and Corr.1). The informal meetings also considered formal proposals submitted by various delegations to the Third Committee of the Conference (A/CONF.62/C.3/L.2, 4, 5, 6, 7 and 10).

The draft articles prepared by the sea-bed Committee were reviewed, in accordance with the programme agreed upon during the organization of the work of the informal meetings. In the course of that review, various delegations submitted amendments, additions or new texts. Those amendments, additions or new texts were also taken as a basis for the work and were issued, so that they could be considered, in a series of informal working papers (CRP/MP/2-8, 9/Rev.1 and CRP/MP/11, and 12/Rev.1).

In the light of the documentation mentioned above, the drafting and negotiating group prepared and transmitted to the informal plenary meetings for consideration an informal working paper (CRP/MP/14/Rev.1) containing new draft articles. At its meeting on 22 August 1974, the informal meetings decided to transmit to the Third Committee the new draft articles, which were the result of the deliberations of the informal meetings on item 12 and of the work of the drafting and negotiating group. Those drafts are contained in document A/CONF.62/C.3/L.15. Those texts to which no reservations have been made may be regarded as texts approved at the level of the informal meetings, without prejudice to the decisions on them which may be adopted by the Third Committee.

In connexion with the crucial item identified by the informal sessions as "Standards, jurisdiction and enforcement", the informal meetings did not have time to work out single texts or at least to reduce the alternatives reproduced in document A/9021 and Corr.1 and 3 and document CRP/MP/9 and Add.1 and Corr.1. The informal meetings agreed on the following method of work, based on the various sources of pollution, which will be very useful for future work (see CRP/MP/10 and Corr.1 and CRP/MP/13).

*Method of work for consideration of questions relating to standards, jurisdiction and enforcement*

1. Pollution from land-based sources.
2. Marine pollution from activities concerning exploration and exploitation of the sea-bed within the areas of national jurisdiction.
3. Marine pollution from activities concerning exploration and exploitation of the sea-bed beyond the areas of national jurisdiction.
4. Pollution from vessels (flag State, coastal State, port State).
5. Marine pollution from the atmosphere.
6. Pollution from dumping of wastes at sea (flag State, coastal State, port State).
7. Other sources of marine pollution.

The informal meetings could not undertake consideration of all the items contained in the proposals formally submitted to the sea-bed Committee and the Conference and they will be considered at a later stage.

(Signed) José L. VALLARTA

DOCUMENT A/CONF.62/C.3/L.14/Add.1

Conference room papers containing proposals or amendments informally introduced but not considered by the drafting and negotiating group of the informal meetings on item 12 (Preservation of the marine environment)

[Original: English]  
[27 August 1974]

EXPLANATORY NOTE

These conference room papers were introduced in the course of consideration by the informal meetings on item 12 of texts prepared by Working Group 2 of Sub-Committee III of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

*CRP/MP/3/Add.1/Rev.1*

*WG.2/Paper No. 8/Add.2* (for text see A/9021 and Corr.1 and 3, vol. I, pp. 86-88)

(Result of discussion on particular obligations.)

*Suggested new paragraphs*

*Italy*

The text of a new paragraph 5 suggested by Italy (CRP/MP/3/Add.1, p. 3) should be replaced by the following text:

"5. (a) States shall pledge themselves to respect the special provisions which are applied in special areas;

"(b) Special area means an area where, for recognized technical reasons in relation to its oceanographical and ecological condition as well as to its utilization, the adoption of special compulsory methods for the prevention of marine pollution is required;

"(c) The creation of special areas and the special provisions to be applied therein shall be decided on the request of the coastal States concerned, within the competent interna-

tional organizations by the States parties to international conventions for the prevention of marine pollution from different sources."

*CRP/MP/3/Add.2*

*Tunisia*

"5. States using the 'special maritime zones' and bordering thereon shall undertake to adopt strict measures to reduce the existing pollution in those zones and to prevent any new pollution, whatever form it may assume, including that attributable to new substances.

"6. The description 'special maritime zone' shall apply to any enclosed or semi-enclosed sea, as defined by the present Convention, which, by reason of reduced water exchanges with the ocean, of intense maritime traffic and/or of the proliferation of industries and urban centres on its shores, calls for the adoption of strict obligatory measures designed to avoid the degradation of its ecosystem and damage to its resources."

*CRP/MP/3/Add.3*

*Israel*

"5. States adjoining a 'special area', shall, as much as practicable, employ agreed methods of co-operation for the prevention of marine pollution in their common area.

"6. 'Special area' means a sea area where for recognized technical reasons in relation to the particular character