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Austria, Belgium, Bolivia, Botswana, Denmark, Germany (Federal Republic of), Laos, Lesotho, Liberia, Luxembourg, Nepal, Netherlands, Paraguay, Singapore, Uganda, Upper Volta and Zambia: draft articles on marine 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)*

articles . . . of this Convention, the consent of the coastal State is required for the conduct of the research.

The installations referred to in this article shall not have the status of islands or possess their own territorial waters, and their existence shall not affect the delimitation of the territorial sea, continental shelf or economic zone of the coastal State.

FRANCE

The emplacement of scientific research installations (ODAS) within the limits of national jurisdiction of a State shall require the consent of that State in the same conditions as for the conduct of scientific research.

Such installations shall be subject to the jurisdiction of the State which has emplaced them, unless otherwise agreed between the State conducting the research and the coastal State.

C. RESPONSIBILITY AND LIABILITY

BULGARIA, POLAND, UKRAINIAN SOVIET SOCIALIST REPUBLIC,
UNION OF SOVIET SOCIALIST REPUBLICS

Article 13

States shall be held internationally liable for national activity in the world ocean, irrespective of whether it is carried out by government organs or by juridical or physical persons, and for ensuring that national activities are conducted in accordance with the provisions of this Convention.

VENEZUELA

Amendment to first paragraph of Article 13, document A/AC.138/SC.III/L.31

Replace the words "the world ocean, irrespective of whether it is carried out by government organs or by juridical or phy-

sical persons" by the words "areas under the jurisdiction of other States or in the international zone".

SPAIN

Amendments to first paragraph of Article 13, document A/AC.138/SC.III/L.31

(a) Insert the words "international organizations" after the word "States";

(b) Insert the words "scientific research" after the words "for national activity";

(c) Replace the words "in the world ocean" by the words "in the marine environment".

CANADA²⁶

States shall be responsible for marine scientific research conducted in the marine environment by them or by their nationals, natural or juridical.

States shall be liable for damage, caused to the marine environment, including damage to other States and their environment, arising out of marine scientific research, when such damage is attributable to them. When such damage is attributable to their nationals, States undertake to provide recourse with a view to ensuring equitable compensation for the victims thereof.

²⁶Any text on marine scientific research—responsibility and liability—should be developed together with any similar provision regarding marine pollution damage and therefore this text may have to be amended or expanded upon at a later date.

DOCUMENT A/CONF.62/C.3/L.18

Norway: working paper on preservation of the marine environment

[Original: English]
[23 August 1974]

The following is suggested as a tentative draft provision on the maintenance of the natural state of the marine environment:

1. States shall not undertake or permit activities which may cause significant and extensive harmful changes in the natural state of the marine environment by the deliberate introduction thereinto or the transfer from one area to another thereof of species alien or new thereto. If the effects of any proposed activity could give rise to uncertainty in this respect, the State concerned shall in any event consult with interested States and appropriate international organizations prior to undertaking or permitting any such activity.

States shall take appropriate measures to guard against the accidental introduction or transfer of alien or new species, and to restore the previously existing state of the marine environment in cases where a disturbance has occurred due to any introduction or transfer of alien or new species.

2. This article shall be without prejudice to the application of the provisions of this Convention relating to the prevention of the pollution of the marine environment.

DOCUMENT A/CONF.62/C.3/L.19

Austria, Belgium, Bolivia, Botswana, Denmark, Germany (Federal Republic of), Laos, Lesotho, Liberia, Luxembourg, Nepal, Netherlands, Paraguay, Singapore, Uganda, Upper Volta and Zambia: draft articles on marine scientific research

[Original: English]
[23 August 1974]

Note. These draft articles do not necessarily represent the final position of the sponsors on individual articles or on the

draft as a whole. Sponsorship does not prejudice their position on previous or future draft proposals.

Article 1

“Marine scientific research” means any study of and related experimental work in the marine environment, excluding industrial exploration and other activities aimed directly at the exploitation of marine resources, designed to increase man’s knowledge and conducted for peaceful purposes.

Article 2

All States, whether coastal or land-locked, as well as appropriate international organizations, have the right to conduct marine scientific research subject to the provisions of this Convention.

Article 3

Marine scientific research shall be conducted with due regard to other legitimate uses of the sea and it shall not be subject to undue interference caused by such other uses.

Article 4

Marine scientific research shall be conducted in conformity with those provisions of this Convention and other rules of international law concerning the preservation of the marine environment.

Article 5

Marine scientific research within the territorial sea established in accordance with this Convention may be conducted only with the consent of the coastal State. Requests for such consent shall be submitted to the coastal State well in advance and answered without undue delay.

Article 6

1. Marine scientific research beyond the territorial sea, in areas where a coastal State enjoys certain rights over resources in accordance with this Convention, shall be conducted by States as well as by appropriate international organizations in such a manner that these rights of coastal States are respected, for which purpose the coastal State shall:

(a) Be given at least . . . months’ advance notification of the proposed research project;

(b) Be given as soon as possible a detailed description of the research project, including objectives, methods and instrumentation, locations and time schedule, and information on the research institution concerned and on the scientific staff to be employed;

(c) Be promptly informed of any major changes with regard to the description of the proposed research project;

(d) Have the right to participate directly or indirectly in the research project;

(e) Have access to all data and samples obtained in the course of the research project and be provided, at its request, with duplicable data and divisible samples;

(f) Be given assistance, at its request, in the interpretation of the results of the research project.

2. States and appropriate international organizations conducting marine scientific research in the areas referred to in paragraph 1 above shall take due account of the legitimate

interests and rights of the neighbouring land-locked and other geographically disadvantaged States of the region, as provided for in this Convention, and shall notify these States of the proposed research project, as well as provide, at their request, relevant information and assistance as specified in paragraph 1 (b), (c) and (f) above. Such neighbouring land-locked and other geographically disadvantaged States shall be offered, at their request, where research facilities permit, the opportunity to participate in the proposed research project.

3. States and appropriate international organizations engaged in the conduct of marine scientific research shall ensure that the research results are published as soon as possible in readily available scientific publications and that copies of such publications are supplied directly to the coastal State and to neighbouring land-locked and other geographically disadvantaged States.

4. Deep drilling or the use of explosives for the purpose of marine scientific research likely to affect the sea-bed or its subsoil may be conducted only with the consent of the coastal State. Requests for such consent shall be submitted to the coastal State well in advance and answered without undue delay.

5. Disputes concerning the interpretation or application of this article shall, at the request of any party to such dispute, be settled in accordance with the procedures set out in the relevant articles of this Convention.

Article 7

Marine scientific research beyond the areas specified in articles 5 and 6 above may be carried out by all States, whether coastal or land-locked, and by appropriate international organizations.

Article 8

1. States shall, on the basis of mutual respect for sovereignty and mutual benefit, promote international co-operation in marine scientific research.

2. States shall co-operate with one another through the conclusion of bilateral and multilateral agreements to ensure favourable conditions for the conduct of marine scientific research for peaceful purposes, the removal of obstacles to such research and the co-ordination of efforts by scientists in studying the phenomena and processes occurring in the marine environment.

3. States shall individually and in co-operation with other States and with appropriate international organizations actively promote the flow of scientific data and information, the transfer of experience gained from marine scientific research to developing and land-locked countries and the strengthening of the independent marine scientific research capabilities of developing countries, particularly land-locked among them, by such means as programmes to provide adequate training of their technical and scientific personnel.

4. States shall facilitate the availability of information and knowledge resulting from marine scientific research by effective international communication of proposed major programmes and their objectives, and by publication and dissemination through international channels of their results.