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Trinidad and Tobago: draft articles on marine scientific research

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DOCUMENT A/CONF.62/C.3/L.9

Trinidad and Tobago: draft articles on marine scientific research

[Original: English]
[5 August 1974]

DEFINITION AND OBJECTIVES

NATURE AND CHARACTERISTICS

Article 1

(a) Marine scientific research is any study or investigation of the marine environment and experiments related thereto;

(b) Marine scientific research is of such a nature as to preclude any clear or precise distinction between pure scientific research and industrial or other research conducted with a view to commercial exploitation or military use;

(c) Such research shall be conducted for the benefit of mankind by means not harmful to the marine environment.

REGIME FOR SCIENTIFIC RESEARCH IN THE TERRITORIAL SEA

Article 2

Marine scientific research in the territorial sea shall only be conducted with the prior approval of the coastal State and in accordance with its laws and regulations.

Article 3

The exercise of innocent passage in the territorial sea of a coastal State does not confer on States in the course of such passage the right to undertake marine scientific research.

REGIME FOR SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE/PATRIMONIAL SEA AND CONTINENTAL SHELF

Article 4

Marine scientific research in the exclusive economic zone/patrimonial sea and on the continental shelf shall be conducted only with the prior authorization of the coastal State

and subject to the following minimum requirements. The coastal State shall have the right:

(a) To conduct and regulate scientific research or investigation and to participate or be represented in any programme of research which it authorizes;

(b) To receive information regarding the nature and objectives, geographical areas and proposed dates of such research, as well as the name of the sponsoring organization or institution;

(c) To obtain the results of such research, including copies of raw data, and to share with the researching State any specimens or records obtained. Where such specimens cannot be duplicated the originals shall remain the property of the coastal State;

(d) To require that the results of all scientific research shall be published only with the consent of the coastal State, such consent or refusal being given within a reasonable time, and not being unreasonably withheld.

MARINE SCIENTIFIC RESEARCH IN THE INTERNATIONAL ZONE²*Article 5*

Marine scientific research in the international area 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 which may be determined by the International Authority and which shall ensure its direct and effective control at all times over such research.

²This article has been sponsored by 19 States: Bangladesh, Brazil, China, Guyana, Indonesia, Iran, Kenya, Kuwait, Madagascar, Pakistan, Peru, Philippines, Senegal, Sierra Leone, Somalia, Trinidad and Tobago, Tunisia, Yugoslavia, Zaire (see CRP/Sc.Res./8/Rev.1).

DOCUMENT A/CONF.62/C.3/L.10

Liberia: amendments to document A/CONF.62/C.3/L.4

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[6 August 1974]

1. The heading of section F should be changed to read
"F. *Uniform judicial enforcement*"

2. The following new paragraph should be added under article 8:

"Each port State shall undertake to ensure, by national legislation if necessary, that its courts of competent jurisdiction may entertain actions brought by another Contracting State for the purpose of enforcing such judgements obtained in accordance with the terms of this Convention."