

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

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**A/CONF.62/C.3/L.25**

## **Union of Soviet Socialist Republics: additional draft articles on prevention of pollution of the marine environment**

*Extract from the Official Records of the Third United Nations Conference on the Law of the Sea, Volume IV (Summary Records, Plenary, General Committee, First, Second and Third Committees, as well as Documents of the Conference, Third Session)*

may establish and enforce laws and regulations in respect of dumping, with due regard to the need to avoid unjustified interference with legitimate uses of the marine environment, including navigation.

#### *Article 5*

##### *Responsibility and liability*

1. Every State shall take the necessary legislative measures to provide that if persons subject to its jurisdiction, through pollution of the marine environment, cause damage to persons or property there shall be recourse in its courts in accordance with its legal system against such persons for compensation or other relief in respect of such damage.

2. States undertake to develop international law on liability and compensation for damage caused by marine pollution.

#### *Article 6*

##### *General provisions*

1. The powers of a State under this chapter may only be exercised in respect of a foreign ship or aircraft by officials or by warships or military aircraft, or other ships or aircraft on government service, authorized to that effect.

2. Where measures are taken by a State pursuant to this chapter in respect of a foreign ship, that State shall

immediately inform the consul or diplomatic representative of the flag State or State of registry of the measures taken.

3. A State shall be required to pay compensation for damage or loss resulting from inspection or enforcement measures taken under this chapter exceeding those reasonably necessary in the light of available information and shall provide for recourse in its courts for actions in respect of such damage or loss.

4. In the exercise of its rights and duties under this chapter, a State shall not discriminate in form or in fact against foreign ships or aircraft.

5. The provisions of this chapter shall not apply to any warship, naval auxiliary or other ship or aircraft owned or operated by any State and used, for the time being, only on government non-commercial service. However, each State shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships or aircraft owned or operated by it, that such ships or aircraft act in a manner consistent, so far as is reasonable and practicable, with the said provisions.

#### *Article 7*

##### *Settlement of disputes*

Any dispute concerning the interpretation or application of this chapter shall be settled in accordance with the provisions of chapter . . . of this Convention.

### **DOCUMENT A/CONF.62/C.3/L.25\***

#### **Union of Soviet Socialist Republics: additional draft articles on prevention of pollution of the marine environment**

*[Original: Russian]  
[25 March 1975]*

*Note.* The present draft articles do not deal with the points agreed upon during informal meetings of the Third Committee or those set out in document A/CONF.62/C.3/L.24.

#### *Article 1*

##### *Obligation to prevent the spread of pollution outside the territorial sea*

States shall take all necessary measures to ensure that pollution of the marine environment arising from activities under their jurisdiction or control does not spread to the marine environment outside their territorial sea and does not cause damage to other States and their environment.

#### *Article 2*

##### *Prevention of pollution of the marine environment from ships within the territorial sea*

1. Coastal States may, within the limits of their territorial sea, establish regulations on prevention of pollution

of the marine environment from ships, in addition to the international regulations. Such regulations shall be established taking into account the international regulations and may not deal with the design, construction, equipment, operation or manning of a foreign ship nor with the transit of foreign ships through straits referred to in articles . . . of this Convention.

2. Without prejudice to the provisions of article 3, the coastal State shall, within the limits of its territorial sea, ensure compliance by all ships with regulations for the prevention of pollution of the marine environment, applicable in accordance with this Convention, and in particular with regulations provided for in paragraph 1 of this article.

#### *Article 3*

##### *Prohibition to discharge harmful substances from ships in straits*

The flag State shall ensure that no ship registered in its territory or flying its flag discharges in straits referred to in articles . . . of this Convention, any harmful or toxic substances or mixtures containing such substances which such a ship has on board or is transporting, save when it is necessary to do so for the purpose of saving human life at sea.

\* Incorporating document A/CONF.62/C.3/L.25/Corr.1 of 4 April 1975.

*Article 4**Measures to be taken in cases of serious danger of pollution*

1. Coastal States may, beyond the limits of their territorial sea, take such measures as may be necessary to prevent, mitigate or eliminate serious imminent pollution of their coastline or related interests, including fisheries, caused as the result of an accident with a ship or of any other incident, including incidents arising from exploration or exploitation of the sea-bed resources, if such accident or incident may reasonably be expected to have major harmful consequences.

The coastal State, before taking any measures, shall consult other States whose interests have been affected by

the accident or incident save in exceptional cases requiring immediate action.

2. Measures taken by the coastal State in accordance with paragraph 1 of this article shall be proportionate to the actual or threatened damage.

The coastal State shall be obliged to pay compensation for the damage caused by measures exceeding those reasonably necessary to achieve the purpose mentioned in paragraph 1.

3. States, acting in particular through competent international organizations, shall establish, as soon as possible and where they do not already exist, international regulations with respect to the enforcement of measures provided for in this article.

## DOCUMENT A/CONF.62/C.3/L.26

Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics: draft articles on marine scientific research

[Original: Russian]  
[3 April 1975]

*Article 1**Definition of marine scientific research*

"Marine scientific research" means any study of, or related experimental work in, the marine environment that is designed to increase man's knowledge and is conducted for peaceful purposes.

*Article 2**General conditions and principles of conduct of marine scientific research*

1. States shall endeavour to promote and facilitate the development and conduct of marine scientific research not only for their own benefit but also for the benefit of the international community in accordance with the provisions of this Convention.

2. In the conduct of marine scientific research the following general principles shall apply:

(a) Marine scientific research shall be conducted exclusively for peaceful purposes;

(b) Marine scientific research activities shall not unduly interfere with other legitimate uses of the sea compatible with the provisions of this Convention and shall be duly respected in the course of such uses;

(c) Such activities shall comply with regulations established in conformity with the provisions of this Convention, for the preservation of the marine environment.

3. Marine scientific research shall not form the legal basis for any claim whatsoever to any part of the marine environment or its resources.

4. Marine scientific research shall be conducted subject to the rights of coastal States as provided for by this Convention.

5. In the conduct of marine scientific research, account shall be taken of the interests and rights of land-locked and

other geographically disadvantaged States as provided for in this Convention.

6. Marine scientific research may be conducted, in conformity with this Convention, with the use of appropriate scientific methods and equipment, ships of all categories, mobile and fixed installations, flying craft, and other means both specially designed and converted for the purpose.

*Article 3**International and regional co-operation*

The co-operation envisaged in this article shall be based on the relevant provisions of this Convention.

1. States shall, in accordance with the principle of respect for sovereignty and on a basis of mutual benefit, promote international co-operation in marine scientific research for peaceful purposes, in particular, co-operation within competent international organizations.

2. States shall co-operate with one another, through the conclusion of bilateral and multilateral agreements, to create favourable conditions for the conduct of scientific research in the marine environment and to integrate the efforts of scientists in studying the essence of, and the interrelations between, phenomena and processes occurring in the marine environment.

3. States shall, both individually and in co-operation with other States and with competent international organizations, actively promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, in particular to developing countries, as well as the strengthening of the autonomous marine research capabilities of developing countries through, *inter alia*, programmes to provide adequate education and training of their technical and scientific personnel.

4. The availability to every State of information and knowledge resulting from marine scientific research shall be