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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

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)

*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.

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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

facilitated by effective international communication of proposed major programmes and their objectives, and by publication and dissemination of the results through international channels. States shall promote participation of their country's scientists in the implementation of marine scientific research programmes conducted under the auspices of the Intergovernmental Oceanographic Commission of UNESCO and other competent international organizations.

Article 4

Marine scientific research in territorial waters and on the continental shelf

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

2. Scientific research relating to the continental shelf and its resources shall be conducted *mutatis mutandis* in accordance with the procedure laid down in article 6.

Article 5

Freedom of marine scientific research

Without prejudice to the provisions of article 6 below, all States, both coastal and land-locked on an equal footing and without any discrimination, as well as competent international organizations, shall enjoy freedom to conduct marine scientific research on the high seas including the sea-bed beyond the limits of the economic zone and of the continental shelf as defined in this Convention.

Article 6

Scientific research in the economic zone

1. In the economic zone established in accordance with this Convention, marine scientific research related to the exploration and exploitation of the living and non-living resources of the zone shall be conducted with the consent of the coastal State. Requests for such consent shall be submitted well in advance and shall be answered without undue delay. The coastal State shall be entitled to determine the conditions for conducting such research, and to participate or be represented in it.

2. In the economic zone established in accordance with this Convention marine scientific research unrelated to the exploration and exploitation of the living and non-living resources of the zone shall be conducted after advance notification of the planned research to the coastal State.

3. The notification of the planned research mentioned in paragraph 2 above shall be transmitted to the coastal State at least two months in advance. The coastal State shall be given:

(a) A detailed description of the research programme, including objectives, methods and instrumentation, locations and time schedule, and information on the institution conducting the research;

(b) Information on any major changes in the research programme;

(c) An opportunity to participate directly or indirectly in the research on board vessels at the expense of the State conducting the research but without payment of any remuneration to the scientists of the coastal State;

(d) Access to all data and samples obtained in the course of the research, and in that connexion the coastal State shall, at its request, be provided with such data and samples as can be copied or shared without harm to their scientific value;

(e) Assistance, at its request, in the interpretation of the results of the research.

Article 7

Interests of land-locked and other geographically disadvantaged States

States and competent international organizations conducting marine scientific research in the areas referred to in paragraph 2 of article 4 and in article 6 shall take due account of the legitimate interests and rights of land-locked and other geographically disadvantaged States neighbouring the research area, as they are defined in this Convention, notifying them of the proposed research and providing them, at their request, with the assistance and information specified in paragraphs 3 (a), 3 (b) and 3 (e) of article 6.

Where research facilities permit, such States shall be offered the opportunity to participate in the research under the conditions set forth in paragraph 3 (c) of article 6.

Article 8

Assistance to research vessels

In the interests of international co-operation and in order to facilitate the conduct of marine scientific research, coastal States shall adopt measures, including legislative measures, to simplify procedures for access to their ports and inland waters of vessels conducting scientific research in accordance with this Convention.

Article 9

Scientific research installations

1. Scientific research installations, whether fixed or mobile, established in the marine environment or on the sea-bed in accordance with the provisions of these articles and other rules of international law shall be subject to the jurisdiction of the State which installed them, unless other provision is made in agreements which may be concluded between the State conducting the research and the coastal State in those cases where, under articles 4 and 6, the consent of the coastal State is required for the conduct of research.

2. 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.

3. Safety zones of a width not exceeding 500 metres measured from the outermost points of the installations referred to in this article may be created around the installations. All States shall ensure that such safety zones are respected by their ships.

4. Such installations must not serve as an obstacle on customary international shipping routes.

5. Fixed and mobile installations and floating stations shall have identification markings indicating the State or competent international organization to which they belong and the necessary permanent warning signals to ensure the safety of sea and air navigation.

To the extent that the identification markings and warning signals referred to in this article are regulated by international agreements, they shall comply with the requirements of such agreements.

6. Appropriate notification shall be given of the emplacement and removal of such installations.

Article 10

Responsibility for scientific research

States shall be responsible for ensuring that marine scientific research, whether conducted by themselves or by their nationals, physical or juridical, is conducted in accordance with the provisions of this Convention and other rules of international law.

States shall be liable for damage, arising out of marine scientific research, caused to other States or to the nationals, juridical or physical, of other States, when such damage is attributable to them. When such damage is attributable to persons under their jurisdiction or control, States undertake to provide recourse to their appropriate organs with a view to ensuring equitable compensation for the victims thereof.

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Greece: draft article on the prevention of pollution from dumping at sea

*[Original: English]
[15 April 1975]*

1. For the purpose of this article, "dumping" means any deliberate disposal of wastes or other matter at sea from vessels, aircraft, platforms or other man-made structures at sea and any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea. Dumping does not include the disposal of wastes or other matter at sea incidental to, or derived from the normal operation of vessels, aircraft, platforms or other man-made structures at sea and their equipment other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures; or the placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

2. States shall ensure that dumping is prevented and controlled in accordance with the relevant international rules.

3. For this purpose required regulations shall be adopted and necessary measures shall be taken:

(a) By all States within their territory;

(b) By the coastal States within an area of . . . miles measured from the baselines of their territorial sea;

(c) By the port States with respect to vessels and aircraft loading in their ports or offshore terminals matter which is to be dumped beyond the limits of the area referred to in sub-paragraph (b) above,

(d) By the flag States with respect to vessels or aircraft registered in their territory or flying their flag when these vessels or aircraft load in ports or offshore terminals of a

State not a party to this Convention matter which is to be dumped beyond the limits of the area referred to in sub-paragraph (b) above; and with respect to platforms or other man-made structures which are under their authority and carry out dumping beyond such limits.

4. The regulations and measures referred to in paragraph 3 above shall not be less stringent than the international rules. Such regulations and measures shall not be discriminatory and shall not unduly interfere with navigation and other legitimate uses of the sea. Dumping, where permitted, shall be authorized in accordance with paragraph 3 (b), (c) and (d).

5. Rules and regulations adopted in accordance with the provisions of this Convention for the protection and preservation of the marine environment from dumping at sea shall be enforced:

(a) By any State within its territory;

(b) By the coastal State on vessels, aircraft, platforms, or other man-made structures at sea, engaged in dumping within an area of . . . miles measured from the baselines of its territorial sea;

(c) By the port State on vessels and aircraft loading in its ports or offshore terminals matter which is to be dumped;

(d) By the flag State on vessels and aircraft registered in its territory or flying its flag.

6. Where proceedings have been initiated by a contracting State against a vessel, aircraft, platform or other man-made structure at sea in accordance with this article, no other State shall start proceedings against the same vessel, aircraft, platform or other man-made structure for the same violation.