

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

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

**A/CONF.62/C.3/L.29**

## **Colombia, El Salvador, Mexico, Nigeria: 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)*

## DOCUMENT A/CONF.62/C.3/L.28

Netherlands: amendments<sup>76</sup> to document A/CONF.62/C.3/L.19<sup>77</sup>[Original: English]  
[24 April 1975]

*Note.* These amendments do not necessarily represent the final position of the members of the group of land-locked and other geographically disadvantaged States on the individual amendments and do not prejudice their position on previous or future draft proposals.

*Article 6*

1. *Replace* paragraph 2 by the following text:

“2 (a) States and appropriate international organizations conducting marine scientific research in the areas referred to in paragraph 1 above shall take into account the interests and rights of the land-locked and other geographically disadvantaged States of the region, neighbouring to the research area, 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 paragraphs 1 (b), (c) and (f) above.

“(b) Such neighbouring land-locked and other geographically disadvantaged States shall, at their request, be given the opportunity to participate, whenever feasible, in the proposed research project through qualified experts to be appointed by them.”

<sup>76</sup> The delegation of the Netherlands, being Chairman of the Working Group on Marine Scientific Research of the group of land-locked and other geographically disadvantaged States, has been requested by the group to submit this document on its behalf.

<sup>77</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. III (United Nations publication, Sales No. E.75.V.5).

2. *Replace* paragraph 5 by the following text:

“5 (a) If the coastal State has reasonable grounds to believe that the proposed research project is not in conformity with the provisions of this article or that the research State or organization has failed to fulfil prior obligations under this article with respect to the coastal State, it may inform the research State or organization accordingly. Such information shall be communicated to the research State or organization at the earliest possible time, but in any event within . . . days after receipt of the notification.

“(b) Unless the parties otherwise agree each party shall, within . . . days after the information has been communicated, choose an expert from the members of a fully representative list of qualified experts in all fields of marine scientific research, established, after consultations with the executive heads of other appropriate international organizations, by the Director-General of UNESCO who shall appoint a third expert from the members of that list.

“(c) The experts shall assist the parties to reach agreement. If no agreement is reached, the experts shall, within . . . days of their appointment, either collectively or individually, give their opinion to the parties concerned.”

3. *Add* the following as paragraph 6:

“6. If the parties have not reached agreement through the aforementioned procedure, the dispute shall, at the request of either party, be settled in accordance with the dispute settlement procedures set out in chapter . . . of this Convention.”

## DOCUMENT A/CONF.62/C.3/L.29

Colombia, El Salvador, Mexico, Nigeria: draft articles on marine scientific research

[Original: English and Spanish]  
[6 May 1975]*Article 1**Definition of marine scientific research*

For the purpose of this Convention “marine scientific research” means any study and related experimental work conducted in the marine environment designed to increase mankind’s knowledge thereof.

*Article 2**Right to conduct marine scientific research*

States, irrespective of their geographical location, and competent international organizations have the right to engage in marine scientific research in the marine environ-

ment subject to the rights and obligations of coastal States and in accordance with the provisions of this Convention.

*Article 3**General Principles*

1. States shall endeavour to promote, facilitate and co-operate in the development and conduct of marine scientific research.

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

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

(b) Such research shall not unduly interfere with other legitimate uses of the sea compatible with the provisions of this Convention;

(c) Such research shall be conducted in compliance with regulations established in conformity with the provisions of this Convention.

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

#### Article 4

##### *Land-locked and geographically disadvantaged developing States*

The interests and rights of neighbouring developing land-locked States and other geographically disadvantaged States as provided for in the Convention shall be taken into account.

#### Article 5

##### *Means to conduct marine scientific research*

In conducting marine scientific research in accordance with the provisions of this Convention, the researching State and competent international organizations shall use adequate scientific methods and may utilize research vessels, aircraft, devices, equipment or installations.

#### Article 6

##### *International and regional co-operation*

1. 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 by scientists in studying the essence of and the interrelations between phenomena and processes occurring in the marine environment.

2. States shall, both individually and in co-operation with other States and 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 indigenous marine research capabilities of developing countries through, *inter alia*, programmes to provide adequate education and training of their technical and scientific personnel.

3. Researching States shall disseminate the information and knowledge resulting from marine scientific research, through effective international communications and appropriate channels.

#### Article 7

##### *Conduct of marine scientific research in the economic zone and continental shelf*

1. States and competent international organizations shall endeavour to facilitate the right to conduct marine scientific research in the economic zone and the continental shelf through bilateral, regional and multilateral agreements.

2. In the absence of such agreements States, and competent international organizations which intend to undertake marine scientific research in accordance with this Convention, shall communicate with the coastal State providing a full description of:

(a) The nature and objectives of the research project;

(b) The means to be used, including name, tonnage, type and class of vessels;

(c) The precise geographical areas in which the activities are to be conducted;

(d) The expected date of first appearance and final departure of the research vessels or equipment, as the case may be; and

(e) The name of the sponsoring institute, its director and the scientist(s) in charge of the expedition.

Furthermore, the researching State shall inform the coastal State immediately of any major change in the research programme.

3. States and competent international organizations which intend to undertake the research project shall indicate in their communication to the coastal State whether they consider the research to be of a fundamental nature or related to the resources of the area.

4. Such communication shall be made through appropriate official channels and the coastal State shall immediately acknowledge receipt of the communication.

5. When the coastal State agrees that the research is of a fundamental nature it may:

(a) Within 120 days of acknowledging receipt of the communication from the researching State, indicate its intent to participate in the research project, in which case the researching State or the competent international organizations shall:

(i) ensure the right of the coastal State, if it so desires, to participate or to be represented in all phases of the research project;

(ii) provide an opportunity to participate directly in the research on board vessels at the expense of the State conducting the research but without payment of any remuneration to the scientist of the coastal State;

(iii) provide the coastal State with the final results and conclusions of the research project;

(iv) undertake to provide to the coastal State on an agreed basis raw and processed data and samples of material;

(v) if requested, assist the coastal State in assessing the said data and samples and the results thereof;

(vi) ensure that the research results are made internationally available through international data centres or through other appropriate international channels as soon as feasible; and

(vii) comply with all relevant provisions of this convention.

(b) If the coastal State makes no reply within 120 days of acknowledgement of receipt of the initial communication of the researching State, the researching State or competent international organization shall proceed with the research in accordance with conditions (iii)-(vii) above.

6. Any research project related to the resources of the area shall only be conducted with the explicit consent of the coastal State.

7. When it is agreed that the research relates to the resources of the area, the following conditions shall apply:

(a) The conditions specified in paragraph 5 (a) of this article with the exception of condition (vi);

(b) If requested, submit to the coastal State, as soon as practicable after the completion of the research, a report including a preliminary interpretation;

(c) Ensure that the research results are not published or made internationally available without the express consent of the coastal State; and

(d) Fulfil any other request for information relating directly to the research project.

8. If the coastal State is of the opinion that the research indicated as fundamental by the researching State or competent international organization is not of a fundamental nature or that the proposed research project is not in conformity with the general principles as established in article 3, or with the conditions enumerated in paragraphs 5 (a) and 7 of this article, it shall as soon as possible inform the interested party intending to undertake the research project.

9. Unless the parties otherwise agree, each party shall choose a person from a list of experts in the marine scientific field, established by the appropriate United Nations body.

The experts shall assist the parties to reach agreement. In the case of continued disagreement, a third expert shall be appointed by the appropriate United Nations body at the request of either party with the purpose of assisting the parties to reconcile their differences.

If negotiation and conciliation should fail to produce agreement, the coastal State shall have the right to withhold its consent.

10. If, during the course of the research project, the coastal State finds that the principles in article 3 or the conditions in article 7 have not been complied with by the researching State or competent international organization, the coastal State shall, within 6 months, submit all pertinent information concerning this matter to the appropriate United Nations body in order that it may render an opinion.

In the case that the opinion confirms the finding of the coastal State, this State shall have the right to immediately suspend or terminate the research project.

#### *Article 8*

##### *Conduct and promotion of marine scientific research in the international sea-bed area*

1. In the international sea-bed area (excluding the water column) all States, whether coastal or land-locked, and competent international organizations shall have the right, in conformity with the provisions of this Convention, to carry out marine scientific research.

2. Information concerning the research project in accordance with article 7, paragraph 2, shall be submitted not less than 120 days beforehand to the International Authority or other appropriate international body and also to the coastal States whose economic zone or continental shelf is immediately adjacent to the area where the research programme will be carried out.

3. When a resource-oriented marine scientific research programme is planned in an area immediately adjacent to the economic zone or continental shelf of a coastal State, and research incidental to the research programme involving incursions into the economic zone of the coastal State may be required, the coastal State may require that the provisions in paragraph 7 of article 7 be fulfilled.

4. The research results should be published in a readily available scientific publication, and in any event made internationally available through appropriate international channels, as soon as possible.

#### *Article 9*

##### *Access to ports and assistance to marine research vessels*

On the basis of the bilateral, regional and multilateral agreements concluded by States and competent international organizations, and in a spirit of international co-operation to promote marine scientific research activities, coastal States shall adopt measures, including domestic legislation, to facilitate the access to their ports and provide assistance to marine research vessels conducting scientific research in accordance with the provisions of this Convention.