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A/CONF.62/C.3/L.30 and Add.1

Proposals or amendments informally introduced as conference room papers but not agreed upon by the informal sessions on item 12 during the third session of the Conference

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DOCUMENT A/CONF.62/C.3/L.30 AND ADD.1

Proposals or amendments informally introduced as conference room papers but not agreed upon by the informal sessions on item 12 during the third session of the Conference⁷⁸

[Original: English]
[6 May and 17 June 1975]

Standards for marine pollution from activities concerning exploration and exploitation of the sea-bed within areas of national jurisdiction

CRP/MP/19. Draft text prepared by the Chairman (see sect. II of CRP/MP/19 and Add.1, Corr.1 and 2, and Rev.1 in document A/CONF.62/C.3/L.14/Add.1⁷⁹)

1. Coastal States shall establish national laws and regulations to prevent, reduce and control pollution of the marine environment arising in connexion with sea-bed activities and installations under their jurisdiction, pursuant to chapter . . . of this Convention.

States shall also take any other measures as may be necessary to prevent, reduce and control such pollution.

Such laws, regulations and measures shall be no less stringent than generally accepted international rules, standards and recommended practices and procedures.

2. States shall endeavour to harmonize their national policies at the appropriate regional level.

3. States, acting in particular through the appropriate intergovernmental organizations or by diplomatic conference, shall establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment arising in connexion with sea-bed activities and installations mentioned in paragraph 1 above.

Brazil, India and Peru: proposed alternative⁸⁰ to the draft text prepared by the Chairman

1. Coastal States shall establish national laws and regulations to prevent, reduce and control pollution of the marine environment arising from the exploration and exploitation of the sea-bed under their jurisdiction as well as from any other activities taking place in that area.

States shall also take any other measures as may be necessary to prevent, reduce and control such pollution.

2. States shall endeavour to harmonize their national policies at the appropriate regional level.

3. In establishing such laws and regulations and in taking these other measures States shall take into account existing global and regional rules, standards and recommended practices and procedures.

⁷⁸ This document is issued for purposes of information and reference for the convenience of delegations. The reproduction of texts herein does not prejudice the status of the topics referred to in this document.

⁷⁹ 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).

⁸⁰ This alternative was informally introduced during the meeting of the Third Committee on 7 May 1975. For technical reasons it was not issued as a separate conference room paper.

4. Coastal States shall have the jurisdiction to enforce laws and regulations enacted pursuant to paragraph 1.

5. States acting in particular through the appropriate intergovernmental organizations or by diplomatic conferences shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from sea-bed activities, taking into account characteristic regional features, the economic capacities of the developing countries and their need for economic development.

Pollution from dumping of wastes at sea

CRP/MP/20/Add.1. Suggested additional paragraphs to draft article XI contained in A/CONF.62/C.3/L.15/Add.1

Belgium

4. Dumping of wastes and other matter outside the area⁸¹ referred to in paragraph 3⁸² shall require the express authorization of the State in whose territory wastes or other matter are loaded for dumping.

5. When a State referred to in paragraphs 3 or 4 grants authorization for dumping to vessels or aircraft registered in another State, the authorizing State shall give written notice of the authorization and the conditions thereto to the State of registry.

(Paragraph 4 of draft article XI should be renumbered paragraph 6)

CRP/MP/20. Draft text prepared by the Chairman as article XI, paragraph 4 of document A/CONF.62/C.3/L.15/Add.1

. . .

4. National laws, regulations and measures shall be no less effective in preventing, reducing and controlling pollution from dumping than global rules and standards.

CRP/MP/20/Add.2.⁸³ Proposed alternative to text of paragraph 4 and additional paragraph 5 to the Chairman's draft text contained in CRP/MP/20

Brazil, Ecuador, India

4. Laws and regulations of States referred to in paragraph 1⁸² shall:

- (i) take into account the global and regional rules, standards and recommended practices and procedures in so far as they relate to the areas referred to in paragraph 3.⁸²

⁸¹ Area to be determined at a later stage.

⁸² The paragraph referred to in this text appears in draft article XI in document A/CONF.62/C.3/L.15/Add.1.

⁸³ This paper was revised during discussions in the informal sessions on item 12 on 12 May 1975. The revised version was not issued as a separate conference room paper due to technical reasons.

- (ii) be no less effective than the global and regional rules and standards in so far as they relate to areas beyond those referred to in paragraph 3.

5. States shall undertake not to endanger the marine environment of areas within or beyond those referred to in paragraph 3 through dumping of wastes and other matter.

Proposed alternatives to text of paragraph 4 prepared by the Chairman (CRP/MP/20), submitted during discussions in the informal sessions on item 12 on 5 May 1975.⁸⁴

⁸⁴ For technical reasons these proposals were not issued as conference room papers

Egypt

4. National laws, regulations and measures shall take due account or accommodate or whenever deemed necessary impose more stringent procedures than global rules and standards to prevent, reduce and control pollution from the dumping of wastes at sea.

United States of America

4. National laws, regulations and measures shall be no less stringent in preventing, reducing and controlling pollution from dumping than global rules and standards.

DOCUMENT A/CONF.62/C.3/L.31

Texts on items 13 and 14

*[Original: English]
[5 May 1975]*

Proposals received by the Chair as possible consolidated texts

A. Legal status of installations for marine scientific research

Alternative 1

1. The deployment and use of any type of marine scientific research installations in the marine environment shall be subject to the same conditions as those for the conduct of marine scientific research.

2. The deploying State shall exercise such powers as are necessary for the use and maintenance of such installations without prejudice to the rights and obligations of the coastal State under this Convention in the area where a particular installation is deployed.

3. Nothing in the foregoing paragraphs affects the jurisdiction of the coastal State as provided in chapter ... of this Convention.

Alternative 2

1. The deployment and use of any type of scientific research installations or equipment in the marine environment shall be subject to the same conditions as those for the conduct of marine scientific research.

2. In areas under the sovereignty and/or jurisdiction of coastal States, the deployment and use of such installations and equipment shall be subject to the consent of the said States and:

(a) the ownership, operation and management of and the responsibility for scientific installations or equipment shall remain with the State which has deployed them;

(b) the over-all jurisdiction to ensure that the installations and equipment are used in conformity with the purposes and conditions prescribed for the scientific research project shall remain with the coastal State.

B. Responsibility and Liability

1. States and competent international organizations shall be responsible for ensuring that marine scientific research,

whether undertaken by them or on their behalf, is conducted in accordance with the provisions of this Convention.

They shall be liable in conformity with international law and the provisions of this Convention⁸⁵ for damage arising out of marine scientific research undertaken by them or on their behalf.

2. States shall also take the necessary legislative or regulatory measures to prohibit any conduct of marine scientific research by their nationals, natural or juridical, or by other persons under their jurisdiction, which is in contravention of the provisions of this Convention and to establish sanctions therefore.

3. States shall ensure that recourse is available in accordance with their legal systems for compensation or other relief in respect of damages arising out of marine scientific research.

4. States undertake to co-operate in the development of international law relating to procedures for the assessment of damage, the determination of liability, the payment of compensation and the settlement of related disputes.

5. The liability in respect of damage caused within the area under national jurisdiction and/or sovereignty of a coastal State arising from marine scientific research activities within the aforementioned area or outside the area, but having adverse effects within the aforementioned area, shall be governed by the law of the coastal State taking into account the relevant principles of international law.⁸⁶

[or]

Delete this paragraph.

⁸⁵ If no further provisions regarding liability for damage arising out of marine scientific research are included in the Convention, then the words "and the provisions of this Convention" would be deleted.

⁸⁶ Since this issue can be directly related to discussions to be made on the basic régime for scientific research, it should be discussed at a later time following such discussions.