

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

1973-1982

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Document:-

**A/CONF.62/WP.8/Rev.1/PartIII**

## **Revised single negotiating text (part III)**

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

a United Nations Trust Territory, or a territory administered by the United Nations, shall be vested in the inhabitants of that territory, to be exercised by them for their own benefit and in accordance with their own needs and requirements.

2. Where a dispute over the sovereignty of a territory under foreign occupation or colonial domination exists, in respect of which the United Nations has recommended specific means of solution, rights referred to in paragraph 1 shall not be exercised except with the prior consent of the parties to the dispute until such dispute is settled in accordance with the purposes and principles of the Charter of the United Nations.

3. A metropolitan or foreign power administering, occupying or purporting to administer or occupy a territory may not in any case exercise, profit, or benefit from or in any way infringe the rights referred to in paragraph 1.

4. References in this article to a territory include continental territories and islands.

#### ANNEX

##### Highly migratory species

1. Albacore tuna: *Thunnus alalunga*
2. Bluefin tuna: *Thunnus thynnus*

3. Bigeye tuna: *Thunnus obesus*
4. Skipjack tuna: *Katsuwonus pelamis*
5. Yellowfin tuna: *Thunnus albacares*
6. Blackfin tuna: *Thunnus atlanticus*
7. Little tuna: *Euthynnus alletteratus*; *Euthynnus affinis*
8. Frigate mackerel: *Auxis thazard*; *Auxis rochei*
9. Pomfrets: Family Bramidae
10. Marlins: *Tetrapturus angustirostris*; *Tetrapturus belone*; *Tetrapturus pfluegeri*; *Tetrapturus albidus*; *Tetrapturus audax*; *Tetrapturus georgei*; *Makaira mazara*; *Makaira indica*; *Makaira nigricans*
11. Sail-fishes: *Istiophorus platypterus*; *Istiophorus albicans*
12. Swordfish: *Xiphias gladius*
13. Sauries: *Scomberesox saurus*; *Cololabis saira*; *Cololabis adocetus*; *Scomberesox saurus scombroides*
14. Dolphin: *Coryphaena hippurus*; *Coryphaena equiselis*
15. Oceanic sharks: *Hexanchus griseus*; *Cetorhinus maximus*; Family Alopiidae; *Rhincodon typus*; Family Carcharinidae; Family Sphyrnidae; Family Isurida
16. Cetaceans: Family Physeteridae; Family Balaenopteridae; Family Balenidae; Family Eschrichtiidae; Family Monodontidae; Family Ziphiidae; Family Delphinidae

## DOCUMENT A/CONF./62/WP.8/REV.1/PART III

(Text presented by the Chairman of the Third Committee)

CONTENTS	Page	SECTION 13. SETTLEMENT OF DISPUTES	Page
Introductory note	173	Article 47	180
CHAPTER I: PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT	174	CHAPTER II: MARINE SCIENTIFIC RESEARCH	180
SECTION 1. GENERAL PROVISIONS	174	SECTION 1. GENERAL PROVISIONS	180
Articles 1-6	174	Articles 48-52	180
SECTION 2. GLOBAL AND REGIONAL CO-OPERATION	175	SECTION 2. INTERNATIONAL AND REGIONAL CO-OPERATION	181
Articles 7-11	175	Articles 53-56	181
SECTION 3. TECHNICAL ASSISTANCE	175	SECTION 3. CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH	181
Articles 12-13	175	Articles 57-69	181
SECTION 4. MONITORING	175	SECTION 4. LEGAL STATUS OF SCIENTIFIC RESEARCH INSTALLATIONS AND EQUIPMENT IN THE MARINE ENVIRONMENT	182
Articles 14-15	175	Articles 70-74	182
SECTION 5. ENVIRONMENTAL ASSESSMENT	175	SECTION 5. RESPONSIBILITY AND LIABILITY	183
Article 16	175	Article 75	183
SECTION 6. INTERNATIONAL RULES AND NATIONAL LEGISLATION	175	SECTION 6. SETTLEMENT OF DISPUTES	183
Articles 17-22	175	Articles 76-77	183
SECTION 7. ENFORCEMENT	177	CHAPTER III: DEVELOPMENT AND TRANSFER OF MARINE TECHNOLOGY	183
Articles 23-32	177	SECTION 1. GENERAL PROVISIONS	183
SECTION 8. SAFEGUARDS	179	Articles 78-81	183
Articles 33-42	179	SECTION 2. INTERNATIONAL CO-OPERATION	184
SECTION 9. ICE-COVERED AREAS	180	Articles 82-86	184
Article 43	180	SECTION 3. REGIONAL MARINE SCIENTIFIC AND TECHNOLOGICAL CENTRES	184
SECTION 10. RESPONSIBILITY AND LIABILITY	180	Articles 87-88	184
Article 44	180	SECTION 4. CO-OPERATION AMONG INTERNATIONAL ORGANIZATIONS	185
SECTION 11. SOVEREIGN IMMUNITY	180	Article 89	185
Article 45	180		
SECTION 12. OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PRESERVATION OF THE MARINE ENVIRONMENT	180		
Article 46	180		

#### INTRODUCTORY NOTE

At its 57th meeting on 15 March 1976, the Conference adopted a proposal by the President that the Chairmen of the three Committees should revise the single negotiating text prepared by them during the 1975 session of the Conference.

The President also proposed that the Chairmen should follow the same procedure as they did when preparing the original single negotiating text and that the revised text should remain only a basis for further negotiations rather than be treated as a negotiated or accepted compromise and should not prejudice the position of any delegation.

In the preparation of the present text, covering the subjects allocated to the Third Committee, account was taken of all proposals, amendments and suggestions made during the informal meetings of the Committee during the current session, the results of informal inter-sessional negotiations as well as other documents before the Conference.

The Third Committee met informally under the Chairmanship of Mr. Jose Luis Vallarta (Mexico) when discussing the item "Protection and Preservation of the Marine Environment" and under the Chairmanship of Mr. Cornel Metternich (Germany, Federal Republic of) when discussing the items "Marine Scientific Research" and "Development and Transfer of Technology". At the conclusion of the discussion of the original single negotiating text by the informal sessions of the Committee they reported to the Committee, describing the developments which took place in the meetings they chaired and furnished me with pertinent information on the deliberations of the fourth session of the Conference held from 15 March to 7 May 1976 in New York.

I have endeavoured to the best of my ability to revise Part III of the single negotiating text in the light of all the negotiations conducted, taking into account all the proposals and amendments submitted and results reached during this session of the Conference and it is my hope that it will fulfil the purposes for which it was requested by the Conference.

Finally, I wish to reiterate that I retain full and sole responsibility for Part III of the revised single negotiating text, which I have submitted to the Conference.

(Signed) ALEXANDER YANKOV  
Chairman, Third Committee

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## Chapter I: Protection and preservation of the marine environment

### SECTION 1. GENERAL PROVISIONS

#### Article 1

"Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) which results or is likely to result in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.\*

#### Article 2

States have the obligation to protect and preserve the marine environment.

#### Article 3

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

\* A provision containing a definition of pollution of the marine environment together with all other definitions could be embodied in a special introductory chapter of this Convention.

#### Article 4

1. States shall take all necessary measures consistent with this Convention to prevent, reduce and control pollution of the marine environment from any source using for this purpose the best practicable means at their disposal and in accordance with their capabilities, individually or jointly, as appropriate, and they shall endeavour to harmonize their policies in this connexion.

2. States shall take all necessary measures to ensure that activities under their jurisdiction or control are so conducted that they do not cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.

3. The measures taken pursuant to this Chapter of the Convention shall deal with all sources whatsoever of pollution of the marine environment. These measures shall include, *inter alia*, those designed to minimize to the fullest possible extent:

(a) Release of toxic, harmful and noxious substances, especially those which are persistent:

- (i) From land-based sources;
- (ii) From or through the atmosphere;
- (iii) By dumping.

(b) Pollution from vessels, in particular for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels;

(c) Pollution from installations and devices used in the exploration or exploitation of the natural resources of the sea-bed and subsoil, in particular for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices;

(d) Pollution from all other installations and devices operating in the marine environment, in particular for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

4. In taking measures to prevent, reduce or control pollution of the marine environment States shall refrain from unjustifiable interference with activities in pursuance of the rights and duties of other States exercised in conformity with this Convention.

#### Article 5

In taking measures to prevent, reduce or control pollution of the marine environment, States shall so act as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

#### Article 6

1. States shall take all necessary measures to prevent, reduce and control the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new to a particular part of the marine environment, which may cause significant and harmful changes thereto.

2. This Article shall not affect the application of the provisions of the present Convention regarding the prevention, reduction and control of pollution of the marine environment.

## SECTION 2. GLOBAL AND REGIONAL CO-OPERATION

### *Article 7*

States shall co-operate on a global basis and as appropriate on a regional basis, directly or through competent international organizations, global or regional, to formulate and elaborate international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features.

### *Article 8*

A State, which becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations.

### *Article 9*

In the cases referred to in Article 8 of this Part of the Convention, States in the area affected, in accordance with their capabilities, and the competent international organizations, shall co-operate, to the extent possible, in eliminating the effects of pollution and preventing or minimizing the damage. Towards that end, States shall jointly promote and develop contingency plans for responding to pollution incidents in the marine environment.

### *Article 10*

States shall co-operate directly or through competent international organizations for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment. They shall endeavour to participate actively in regional and international programmes to acquire knowledge for the assessment of the nature and extent of pollution and the pathways and risks of, exposures to and the remedies for pollution.

### *Article 11*

In the light of the information and data acquired pursuant to Article 10 of this Part of the Convention, States shall co-operate directly or through competent international organizations in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention of pollution of the marine environment.

## SECTION 3. TECHNICAL ASSISTANCE

### *Article 12*

States shall directly or through competent international or regional organizations:

(a) Promote programmes of scientific, educational, technical and other assistance to developing countries for the preservation of the marine environment and the prevention of marine pollution. Such assistance shall include, *inter alia*:

- (i) Training of scientific and technical personnel;
- (ii) Facilitation of their participation in relevant international programmes;
- (iii) Supply of necessary equipment and facilities;
- (iv) Enhancing the capacity of developing countries to manufacture such equipment;
- (v) Development of facilities for and advice on research, monitoring, educational and other programmes;
- (b) Provide appropriate assistance, in particular to developing countries, for the minimization of the effects of major incidents which may cause serious pollution in the marine environment;
- (c) Provide appropriate assistance, in particular to developing countries, concerning the preparation of environmental assessments.

### *Article 13*

Developing States shall, for purposes of the prevention of pollution of the marine environment or the minimization of its effects, be granted preference in:

- (a) The allocation of appropriate funds and technical assistance facilities of international organizations, and
- (b) The utilization of their specialized services.

## SECTION 4. MONITORING

### *Article 14*

1. States shall, consistent with the rights of other States, endeavour, as far as practicable, individually or collectively through the competent international organizations to observe, measure, evaluate and analyse, by recognized methods, the risks or effects of pollution of the marine environment.

2. In particular, States shall keep under surveillance the effect of any activities which they permit or in which they engage to determine whether these activities are likely to pollute the marine environment.

### *Article 15*

States shall publish reports of the results obtained relating to risks or effects of pollution of the marine environment, or provide at appropriate intervals such reports to the competent international or regional organizations, which should make them available to all States.

## SECTION 5. ENVIRONMENTAL ASSESSMENT

### *Article 16*

When States have reasonable grounds for expecting that planned activities under their jurisdiction or control may cause substantial pollution of, or significant and harmful changes to, the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in Article 15 of this Part of the Convention.

SECTION 6. INTERNATIONAL RULES AND NATIONAL  
LEGISLATION

*Article 20*

*Article 17*

1. States shall establish national laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.

2. States shall also take other measures as may be necessary to prevent, reduce and control pollution of the marine environment from land-based sources.

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

4. States, acting in particular through competent international organizations or diplomatic conference, 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 land-based sources, taking into account characteristic regional features, the economic capacity of developing countries and their need for economic development. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

5. Laws, regulations, measures, rules, standards and recommended practices and procedures referred to in paragraphs 1, 2 and 4 respectively shall include those designed to minimize to the fullest possible extent the release of toxic, harmful and noxious substances, especially persistent substances, into the marine environment.

*Article 18*

1. Coastal States shall establish national laws and regulations to prevent, reduce and control pollution of the marine environment arising from sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to Articles . . . of Part II of this Convention.

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

3. Such laws, regulations and measures shall be no less effective than international rules, standards and recommended practices and procedures.

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

5. States, acting in particular through competent international organizations or 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 subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction referred to in paragraph 1. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

*Article 19*

States, acting in accordance with the provisions of Part I of this Convention, shall establish rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from activities concerning exploration and exploitation of the international sea-bed area. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

1. States shall establish national laws and regulations to prevent, reduce and control pollution of the marine environment from dumping of wastes and other matter.\*

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

3. Such laws, regulations and measures shall ensure that dumping is not carried out without the permission of the competent authorities of States.

4. States, acting in particular through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment by dumping of wastes and other matter. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

5. Dumping of wastes and other matter, within the territorial sea and the economic zone or on to the continental shelf shall not be carried out without the express prior approval of the coastal State, which has the right to permit, regulate and control such dumping after due consultation with other States which by reason of their geographical situation may be adversely affected thereby.

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

*Article 21*

1. States, acting through the competent international organization or general diplomatic conference, shall establish international rules and standards for the prevention, reduction and control of pollution of the marine environment from vessels. Such rules and standards shall, in the same manner, be re-examined from time to time as necessary.

2. States shall establish laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry. The requirements of such laws and regulations shall be no less effective than the international rules and standards established through the competent international organization or general diplomatic conference.

3. Coastal States may, in the exercise of their sovereignty within their territorial sea, establish national laws and regulations for the prevention, reduction and control of marine pollution from vessels. In establishing such laws and regulations, coastal States shall, in accordance with Article 23 of Part II of the Convention, not interrupt or hamper the innocent passage of foreign vessels.

4. Coastal States, for the purpose of enforcement as provided for in Section 7 of this Chapter of the Convention, may in respect of their economic zones establish laws and regulations for the prevention, reduction and control of pollution from vessels conforming to and giving effect to international rules and standards established through the competent international organization or general diplomatic conference.

\* The following article will be included at the appropriate place to be decided on by the Drafting Committee:

“For the purposes of this Convention, the term ‘dumping’ is construed in the context of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, done at London on 29 December 1972.”

5. Where international rules and standards are inadequate to meet special circumstances and where coastal States have reasonable grounds for believing that a particular, clearly defined area of its economic zone is an area where, for recognized technical reasons in relation to its oceanographical and ecological conditions, as well as its utilization or the protection of its resources, and the particular character of its traffic, the adoption of special mandatory methods for the prevention of pollution from vessels is required, coastal States may for that special area, after appropriate consultations with any other countries concerned, establish laws and regulations for the prevention, reduction and control of pollution from vessels, implementing such rules and standards or navigational practices as have been made applicable by the competent international organization for special areas. Coastal States shall publish the limits of any such particular, clearly defined area, and shall notify the competent international organization of its laws and regulations, submitting scientific and technical evidence in support, and information on such necessary land-based reception facilities which have been established. Such laws and regulations shall not become applicable in relation to foreign vessels until 12 months after notification to the competent international organization, and provided the organization does not within that period determine that the conditions in that area do not correspond to the requirements set out above.

#### *Article 22*

1. States shall, within air space under their sovereignty or with regard to vessels or aircraft flying their flag or of their registry, establish national laws and regulations to prevent, reduce and control pollution of the marine environment from or through the atmosphere, taking into account internationally agreed rules, standards and recommended practices and procedures.

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

3. States, acting in particular through competent international organizations or diplomatic conference 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 or through the atmosphere.

### SECTION 7. ENFORCEMENT

#### *Article 23*

States shall enforce their laws and regulations established in accordance with the provisions of this Convention and shall adopt the necessary legislative, administrative and other measures to implement applicable international rules and standards established through competent international organizations or diplomatic conference for the protection and preservation of the marine environment from land-based sources of marine pollution.

#### *Article 24*

States shall enforce their laws and regulations established in accordance with the provisions of this Convention and shall adopt the necessary legislative, administrative and other measures to implement applicable international rules and standards established through competent international organizations or diplomatic conference for the protection and preservation of the marine environment from pollution arising from sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to Articles . . . of Part II of this Convention.

#### *Article 25*

Enforcement of international rules, standards and recommended practices and procedures established to prevent, reduce and control pollution of the marine environment from activities concerning exploration and exploitation of the international sea-bed area pursuant to Articles . . . of Part I of this Convention shall be governed by the provisions of that Part.

#### *Article 26*

1. Laws and regulations adopted in accordance with the provisions of this Convention and applicable international rules and standards established through competent international organizations or diplomatic conference for the protection and preservation of the marine environment from dumping at sea shall be enforced:

(a) By the coastal State with regard to dumping within its territorial sea or its economic zone or on to its continental shelf;

(b) By the flag State with regard to vessels and aircraft registered in its territory or flying its flag;

(c) By any State with regard to acts of loading of wastes or other matter occurring within its territory or at its off-shore terminals.

2. This Article shall not impose on any State an obligation to institute proceedings when such proceedings have already been commenced by another State in accordance with the provisions of this Article.

#### *Article 27*

1. States shall ensure compliance with applicable international rules and standards established through the competent international organization or general diplomatic conference and with their laws and regulations established in accordance with the provisions of this Convention, by vessels flying their flag or of their registry and shall adopt the necessary legislative, administrative and other measures for their implementation. Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where the violation occurred.

2. Flag States shall, in particular, ensure that vessels flying their flag or of their registry are not allowed to leave their ports if these vessels do not comply with the requirements of international rules and standards referred to in paragraph 1 for the prevention, reduction and control of pollution from vessels, including the requirements in respect of design, construction, equipment and manning of vessels.

3. States shall ensure that vessels flying their flag or of their registry carry on board certificates required under international rules and standards. Flag States shall inspect their vessels periodically and verify the conformity of such certificates with the actual condition of the vessel. These certificates shall be accepted by other States as evidence of the condition of the vessel and regarded as having the same force as certificates issued by them, unless there are clear grounds for believing that the condition of the vessel does not correspond substantially with the particulars of the certificates.

4. If a vessel commits a violation of rules and standards established through the competent international organization or general diplomatic conference, the flag State, without prejudice to the provisions of Articles 28, 30 and 38 of this Part of the Convention, shall provide for immediate investiga-

tion and where appropriate cause proceedings to be taken in respect of the alleged violation irrespective of where the violation occurred or where the pollution caused by such violation has occurred or has been observed.

5. Flag States may seek in conducting the investigation of the violation the assistance of any other State whose co-operation could be useful in clarifying the circumstances of the case. States shall endeavour to meet the appropriate requests of flag States.

6. Flag States shall, at the request of any State, investigate any violation alleged to have been committed by their vessels. If satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, flag States shall without delay cause such proceedings to be taken in accordance with their laws.

7. Flag States shall promptly inform the requesting State and the competent international organization of the action taken and its outcome. Such information shall be available to all States.

8. Penalties specified under flag States' legislation for their own vessels shall be adequate in severity to discourage violations and equally severe regardless of where the violations occurred.

#### *Article 28*

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may undertake investigations and, where warranted by the evidence of the case, cause proceedings to be taken in respect of any discharge from that vessel in violation of international rules and standards established through the competent international organization or general diplomatic conference, irrespective of where the violation occurred, subject to the provisions of Section 8 of this Chapter of the Convention.

2. No proceedings pursuant to paragraph 1 shall be taken in respect of a discharge violation in the internal waters, the territorial sea or economic zone of another State unless requested by that State, the flag State, or the State damaged or threatened by a discharge violation, or unless the violation has caused or is likely to cause pollution in the internal waters, territorial sea or economic zone of the State instituting the proceedings.

3. A State shall, whenever a vessel is voluntarily within one of its ports or off-shore terminals, endeavour to comply with requests from any State for investigation of violations of international rules and standards referred to in paragraph 1, believed to have occurred in the internal waters, territorial sea or economic zone of the requesting State, and likewise shall endeavour to comply with requests from the flag State for investigation of such violations, irrespective of where the violation occurred.

4. Any proceedings initiated by a port State under this Article may be transferred to a coastal State at the request of that State, when the violation has occurred within the internal waters, territorial sea or economic zone of that State. For that purpose, the evidence and records of the case and any bond posted with the authorities of the port State shall be transferred to the coastal State. Such transfer shall preclude the continuation of proceedings in the port State.

#### *Article 29*

Subject to the provisions of Section 8 of this Chapter of the Convention, States may within their ports or off-shore terminals take administrative measures, upon request or upon their own initiative, to prevent a vessel from sailing when it is

in violation of applicable international rules and standards relating to seaworthiness of ships or threatens damage to the marine environment. States shall permit the vessel to proceed only to the nearest appropriate repair yard or continue immediately upon rectification of the violation.

#### *Article 30*

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may, subject to the provisions of Section 8 of this Chapter of the Convention, cause proceedings to be taken in respect of any violation of national laws and regulations established in accordance with this Convention or applicable international or national rules and standards for the prevention, reduction and control of pollution from vessels, when the violation has occurred within the territorial sea or the economic zone of that State.

2. When there are clear grounds for believing that a vessel navigating in the territorial sea of a State has, during its passage therein, violated national laws and regulations established in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels, that State, without prejudice to the right of innocent passage, may undertake physical inspection of the vessel relating to the violation and may, when warranted by the evidence of the case, cause proceedings, including arrest of the vessel, to be taken in accordance with its laws, subject to the provisions of Section 8 of this Chapter of the Convention.

3. Where there are clear grounds for believing that a vessel navigating in the economic zone or the territorial sea of a State has, in the economic zone, violated national laws and regulations established in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels, that State may require the vessel to give information regarding the identification of the vessel and its port of registry, its last and next port of call and other relevant information required to establish whether a violation has occurred.

4. Flag States shall take measures to ensure that their vessels comply with requests for information as set forth in paragraph 3.

5. Where there are clear grounds for believing that a vessel navigating in the economic zone or the territorial sea of a State has, in the economic zone, violated national laws and regulations established in accordance with this Convention or applicable international rules and standards and the violation has resulted in substantial discharge and significant pollution of the marine environment, that State may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation or if the circumstances of the case justify such inspection.

6. When a vessel navigating in the economic zone or the territorial sea of a State has, in the economic zone, committed a flagrant or gross violation of national laws and regulations established in accordance with this Convention or applicable international rules and standards resulting in discharge causing major damage or threat of major damage to the coastline or related interests of the coastal State, or to any resources of its territorial sea or economic zone, that State may, subject to the provisions of Section 8 of this Chapter of the Convention, when warranted by the evidence of the case, cause proceedings to be taken in accordance with its laws.

7. Whenever a flag State, through appropriate procedures, has made a specific undertaking to ensure compliance

with applicable international rules and standards by vessels flying its flag or of its registry, and assumed liability, or provided for a compulsory insurance scheme, in respect of damage by pollution through discharge in contravention of those rules and standards by its vessels and, without prejudice to the jurisdiction of the coastal State referred to in this Article, ensures in advance its compliance with such jurisdiction, the vessel shall be allowed to proceed notwithstanding the provisions of paragraph 6.

8. The provisions of paragraphs 3, 4, 5 and 6 shall apply correspondingly in respect of national laws and regulations established pursuant to Article 21, paragraph 5 of this Part of the Convention.

#### *Article 31*

1. Nothing in this Chapter shall affect the right of States to take measures, in accordance with international law, beyond the limits of the territorial sea for the protection of coastlines or related interests, including fishing, from grave and imminent danger from pollution or threat of pollution following upon a maritime casualty or acts related to such a casualty.

2. Measures taken in accordance with this Article shall be proportionate to the actual or threatened damage.

#### *Article 32*

States shall, within air space under their sovereignty or with regard to vessels or aircraft flying their flag or of their registry, enforce their laws and regulations established in accordance with the provisions of this Convention and shall adopt the necessary legislative, administrative and other measures to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from and through the atmosphere, in conformity with all relevant international rules and standards concerning the safety of air navigation.

### SECTION 8. SAFEGUARDS

#### *Article 33*

States shall take measures to facilitate, in proceedings in pursuance of this Chapter, the hearing of witnesses and the admission of evidence submitted by authorities of another State, or by the competent international organization, and shall facilitate the attendance in such proceedings, with such rights and duties as may be granted under national legislation or applicable international law, of official representatives of the competent international organization, or of the flag State, or of any State affected by pollution arising out of any violation.

#### *Article 34*

The powers of enforcement against foreign vessels under this Convention may only be exercised by officials, or by naval vessels or military aircraft, or other clearly identifiable ships or aircraft on Government service authorized to that effect.

#### *Article 35*

States shall not in the exercise of their powers of enforcement against foreign vessels under this Convention endanger the safety of navigation or otherwise cause any hazard to a vessel, or bring it to an unsafe port or anchorage, or cause an unreasonable risk to the marine environment.

#### *Article 36*

1. States shall not delay a foreign vessel longer than is essential for purposes of investigation provided for in Articles 28 and 30 of this Part of the Convention. If the investigation indicates a violation of applicable laws and regulations or international rules and standards for the preservation of the marine environment, release shall be made subject to reasonable procedures such as bonding or other appropriate financial security. Without prejudice to applicable international rules and standards relating to the seaworthiness of ships, the release of a vessel may, whenever it would present an unreasonable threat of damage to the marine environment, be refused or made conditional upon proceeding to the nearest appropriate repair yard.

2. States shall co-operate to develop procedures for the avoidance of unnecessary physical inspection of vessels at sea.

#### *Article 37*

In exercising their rights and carrying out their duties under this Convention, States shall not discriminate in form or in fact against vessels of any other State.

#### *Article 38*

1. Criminal proceedings in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings shall be suspended upon the taking of criminal proceedings under corresponding charges by the flag State within six months of the first institution of proceedings, unless those proceedings relate to a case of major damage to the coastal State or the flag State in question has repeatedly disregarded its obligations to enforce effectively the applicable international rules and standards in respect of violations committed by its vessels. The flag State shall in due course make available to the first State instituting proceedings a full dossier of the case and the records of the proceedings, whenever it has requested the suspension of proceedings in accordance with the provisions of this Article. When proceedings by the flag State have been brought to a conclusion, the suspended proceedings shall be finally terminated. Upon payment of costs incurred in respect of such proceedings, any bond posted with the coastal State in connexion with the suspended proceedings shall be released.

2. Criminal proceedings against foreign vessels shall not be instituted after the expiry of a period of three years from the date on which the violation was committed, and shall not be taken by any State in the event of proceedings having been instituted by another State subject to the provisions set out in paragraph 1.

3. The provisions of this Article shall be without prejudice to the right of the flag State to adopt any measures, including the taking of criminal proceedings, according to its laws irrespective of prior proceedings by another State, nor shall they affect the institution of civil proceedings in respect of any claim for loss or damage connected with any incident involving any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels.

#### *Article 39*

1. Only monetary penalties may be imposed with respect to violations committed by foreign vessels beyond the internal waters.



2. In the conduct of criminal proceedings in respect of violations committed by a foreign vessel, recognized rights of the accused shall be observed.

#### *Article 40*

States shall promptly notify the flag State and any other State concerned of any measures taken pursuant to Section 7 of this Chapter of the Convention against foreign vessels, and shall submit to the flag State all official reports concerning such measures. The consular or diplomatic representatives, and where possible the maritime authority of the flag State, shall be immediately informed of any such measures.

#### *Article 41*

States shall be liable for damage or loss attributable to them arising from measures taken pursuant to Section 7 of this Chapter of the Convention, when such measures were unlawful or exceeded those reasonably required in the light of available information. States shall provide for recourse in their courts for actions in respect of such damage or loss.

#### *Article 42*

Nothing in Sections 6, 7 and 8 of this Chapter of the Convention shall affect the legal régime of straits used for international navigation.

### SECTION 9. ICE-COVERED AREAS

#### *Article 43*

Coastal States have the right to establish and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection of the marine environment based on the best available scientific evidence.

### SECTION 10. RESPONSIBILITY AND LIABILITY

#### *Article 44*

1. States are responsible for the fulfilment of their international obligations concerning the protection and preservation of the marine environment. They shall be liable in accordance with international law for damage attributable to them resulting from violations of these obligations.

2. States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction.

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

### SECTION 11. SOVEREIGN IMMUNITY

#### *Article 45*

The provisions of this Convention regarding pollution of the marine environment shall not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a 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 vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

### SECTION 12. OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

#### *Article 46*

1. The provisions of this Convention shall be without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the protection and preservation of the marine environment and to agreements which may be concluded in furtherance of the general principles set forth in this Convention.

2. Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be applied in a manner consistent with the general principles and objectives of this Convention.

### SECTION 13. SETTLEMENT OF DISPUTES

#### *Article 47*

Any dispute with respect to the interpretation or application of the provisions of this Convention with respect to the preservation of the marine environment shall be resolved by the procedures for the settlement of disputes contained in Part IV of this Convention.

## Chapter II. Marine scientific research

### SECTION 1. GENERAL PROVISIONS

#### *Article 48*

For the purpose of this Convention, "marine scientific research" means any study or related experimental work designed to increase mankind's knowledge of the marine environment.

#### *Article 49*

States, irrespective of their geographical location, and competent international organizations have the right to conduct marine scientific research subject to the rights and duties of other States as provided for in this Convention.

#### *Article 50*

States and competent international organizations shall promote and facilitate the development and conduct of marine scientific research in accordance with the provisions of this Convention.

*Article 51*

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

- (a) Marine scientific research activities shall be conducted exclusively for peaceful purposes;
- (b) Such activities shall be conducted with appropriate scientific methods and means compatible with the provisions of this Convention;
- (c) Such activities shall not unjustifiably 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;
- (d) Such activities shall comply with all relevant regulations established in conformity with the provisions of this Convention including those for the preservation of the marine environment.

*Article 52*

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

## SECTION 2. INTERNATIONAL AND REGIONAL CO-OPERATION

*Article 53*

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

*Article 54*

States and competent international organizations shall co-operate with one another, through the conclusion of bilateral, regional 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.

*Article 55*

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.

*Article 56*

States and competent international organizations shall, in accordance with the provisions of this Convention, make available information on proposed major programmes and their objectives as well as knowledge resulting from marine scientific research by publication and dissemination through appropriate channels.

## SECTION 3. CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH

*Article 57*

Coastal States have the sovereign right to conduct and regulate marine scientific research in their territorial sea established in accordance with this Convention. Scientific research activities therein shall be conducted only under the conditions set forth by the coastal State.

*Article 58*

States and competent international organizations which intend to undertake scientific research in the economic zone or on the continental shelf of a coastal State shall, not less than four months in advance of the expected starting date of the research project, provide that State with a full description of:

- (a) The nature and objectives of the research project;
- (b) The method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (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 deployment of the equipment and its removal, as appropriate;
- (e) The name of the sponsoring institution, its director, and the person in charge of the research project;
- (f) The extent to which it is considered that the coastal State should be able to participate or to be represented in the research project.

*Article 59*

States and competent international organizations when undertaking scientific research in the economic zone or on the continental shelf of a coastal State shall comply with the following conditions:

- (a) Ensure the rights of the coastal State, if it so desires, to participate or be represented in the research project, especially on board research vessels and other craft or installations, when practicable, without payment of any remuneration to the scientists of the coastal State and without obligation to contribute towards the cost of the research project;
- (b) Provide the coastal State, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- (c) Undertake to provide access for the coastal State, at its request, to all data and samples derived from the research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;
- (d) If requested, assist the coastal State in assessing such data and samples and the results thereof;
- (e) Ensure that the research results are made internationally available through appropriate national or international channels, as soon as feasible;
- (f) Inform the coastal State immediately of any major change in the research programme;
- (g) Unless otherwise agreed remove the scientific installations or equipment once the research is completed.

*Article 60*

1. Marine scientific research activities in the economic zone or on the continental shelf shall be conducted with the consent of the coastal State in accordance with the provisions of this Convention.

2. The coastal State shall not withhold its consent to the conduct of a marine scientific research project unless that project:

(a) Bears substantially upon the exploration and exploitation of the living or non-living resources;

(b) Involves drilling or the use of explosives;

(c) Unduly interferes with economic activities performed by the coastal State in accordance with its jurisdiction as provided for in this Convention;

(d) Involves the construction, operation or use of such artificial islands, installations and structures as are referred to in Articles . . . of Part II of this Convention.

*Article 61*

The results of a research project bearing substantially upon the exploration and exploitation of the living or non-living resources of the economic zone and on the continental shelf of a coastal State shall not be published or made internationally available against the express wish of that State.

*Article 62*

States shall seek to promote through competent international organizations the establishment of general criteria and guidelines to assist States in ascertaining the nature and implications of marine scientific research.

*Article 63*

Communications concerning the research project shall be made through appropriate official channels unless otherwise agreed.

*Article 64*

States or competent international organizations may proceed with a research project upon the expiry of four months from the date upon which the information required pursuant to Article 52 of this Part of the Convention was provided to the coastal State unless within two months of the receipt of the communication containing such information the coastal State has communicated to the State or organization conducting the research:

(a) The withholding of its consent pursuant to Article 60, subparagraph 2 (a) of this Part of the Convention;

(b) A statement that the information provided regarding the nature or objectives of the research project is inaccurate and does not conform to the manifestly evident facts;

(c) A request for supplementary information relevant to determining more precisely the nature and objectives of the research project.

*Article 65*

1. The coastal State shall have the right to require the cessation of any research activities in progress within its economic zone or on its continental shelf if:

(a) The State or competent international organization conducting marine scientific research fails to comply substan-

tially with the provisions of Article 58 of this Part of the Convention and compliance is not secured within a reasonable time;

(b) Information communicated to the coastal State under Article 58 of this Part of the Convention regarding the nature and objectives of the research project is shown to be inaccurate.

2. The coastal State may likewise require the fulfilment of any outstanding obligations as referred to in Article 59 of this Part of the Convention before the commencement of any subsequent research project by the defaulting party within the economic zone or on the continental shelf of the coastal State.

*Article 66*

1. States and competent international organizations conducting marine scientific research in the economic zone or on the continental shelf of a coastal State shall take into account the interests and rights of neighbouring land-locked and other geographically disadvantaged States, 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 Article 58 and Article 59, subparagraphs (d) and (f) of this Part of the Convention.

2. 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 appointed by them.

*Article 67*

Coastal States shall, on the basis of bilateral or regional and other multilateral agreements and in a spirit of international co-operation with a view to promoting marine scientific research activities conducted in accordance with this Convention, adopt measures to facilitate access to their harbours and to provide assistance for marine scientific research vessels carrying on such activities.

*Article 68*

States, irrespective of their geographical location, as well as competent international organizations, shall have the right, in conformity with the provisions of Part I of this Convention, to conduct marine scientific research in the international sea-bed area.

*Article 69*

States, irrespective of their geographical location, as well as competent international organizations, shall have the right, in conformity with the provisions of this Convention, to conduct marine scientific research in the water column beyond the limits of the economic zone.

#### SECTION 4: LEGAL STATUS OF SCIENTIFIC RESEARCH INSTALLATIONS AND EQUIPMENT IN THE MARINE ENVIRONMENT

*Article 70*

The deployment and use of any type of scientific research installations or equipment in any area of the marine environment shall be subject to the same conditions as those for the conduct of marine scientific research in such area, as provided for in this Convention.

*Article 71*

The installations or equipment referred to in this Section shall not have the status of islands or possess their own territorial waters, and their presence shall not affect the delimitation of the territorial sea, continental shelf or economic zone of the coastal State.

*Article 72*

Safety zones of a reasonable width not exceeding a distance of 500 metres may be created around scientific research installations in accordance with the relevant provisions of this Convention. All States shall ensure that such safety zones are respected by their vessels.

*Article 73*

The deployment and use of any type of scientific research installations or equipment must not constitute an obstacle to the established international shipping routes.

*Article 74*

Installations or equipment referred to in this Section shall bear identification markings indicating the State or international organization where they are registered and shall have adequate internationally agreed warning signals to ensure the safety of sea and air navigation, taking into account the principles established by competent international organizations.

## SECTION 5. RESPONSIBILITY AND LIABILITY

*Article 75*

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.

2. States and competent international organizations shall be responsible and liable for the measures they undertake in contravention of this Convention in respect of marine scientific research activities conducted by other States, their natural or juridical persons or by competent international organizations, and shall provide compensation for damage resulting from such measures.

3. States and competent international organizations shall be responsible and liable pursuant to the principles set forth in Article 44 of this Part of the Convention for damage arising out of marine scientific research undertaken by them or on their behalf.

## SECTION 6. SETTLEMENT OF DISPUTES

*Article 76*

1. Any dispute relating to marine scientific research shall be settled by negotiation, conciliation or other procedures for settlement agreed upon by the parties to the dispute, notwithstanding anything to the contrary contained in this Convention.

2. If a dispute regarding the nature or objectives of a research project is not settled by negotiation or a procedure under paragraph 1, agreed to between the parties concerned, it shall, at the request of any of the parties to the dispute, be submitted for settlement in accordance with the conciliation procedure set out below:

(a) Each party to the dispute, unless otherwise agreed, shall nominate one expert from a list of experts established by the appropriate United Nations organ in the field of marine scientific research;

(b) The experts shall assist the parties to reach an agreement. If, after a period of two months from the date the dispute is first submitted for conciliation, the disagreement continues, a third expert shall be nominated by the appropriate United Nations organ at the request of any of the interested parties in order to assist in the conciliation of the differences. The maximum period for the procedure outlined in this paragraph shall not exceed four months from the date the dispute is first submitted for conciliation. If no agreement is reached by this process, the dispute shall be resolved by the procedures for settlement of disputes set forth in the relevant articles of this Convention.

3. Any other dispute which is not resolved by procedures set forth in this Article shall be settled pursuant to Part IV of this Convention.

*Article 77*

Pending conciliation or settlement of a dispute in accordance with Article 76 of this Part of the Convention, the State or competent international organization shall not allow research activities to commence or continue without the express approval of the coastal State.

## Chapter III. Development and transfer of marine technology

## SECTION 1. GENERAL PROVISIONS

*Article 78*

1. States, directly or through appropriate international organizations, shall co-operate within their capabilities to promote actively the development and transfer of marine science and marine technology at fair and reasonable terms, equitable conditions and prices.

2. States shall promote the development of the marine scientific and technological capacity of States which may need and request technical assistance in this field, particularly developing States, including land-locked and geographically disadvantaged States, with regard to the exploration, exploitation, conservation and management of marine resources, the preservation of the marine environment, scientific research and other uses of the marine environment compatible with this Convention, with a view to accelerating the social and economic development of the developing States.

3. States shall endeavour to foster favourable economic and legal conditions for the transfer of marine technology for the benefit of all parties concerned on an equitable basis.

*Article 79*

States, in promoting such co-operation, shall have proper regard for all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of marine technology.

*Article 80*

States, directly or through competent international organizations, shall promote:

(a) The acquisition, evaluation and dissemination of marine and technological knowledge and facilitate access to such information and data;

(b) The development of appropriate marine technology;

(c) The development of the necessary technological infrastructure to facilitate the transfer of marine scientific technology;

(d) The development of human resources through training and education and especially the training of nationals of a lesser developed State; and

(e) International co-operation at all levels, particularly at the regional, subregional and bilateral levels.

#### Article 81

In order to achieve the above-mentioned objectives, States, directly or through competent international organizations, shall, *inter alia*, endeavour to:

(a) Establish programmes of technical co-operation for the effective transfer of all kinds of marine technology to the States, which may need and request technical assistance in this field, particularly the developing land-locked and other geographically disadvantaged States, as well as other developing States which have not been able to either establish or develop their own technological capacity in marine science and in the exploration and exploitation of the marine resources, and to develop the infrastructure of such technology;

(b) Promote favourable conditions for the conclusion of agreements, contracts and other similar arrangements, under equitable and reasonable conditions;

(c) Hold conferences, seminars and symposia on scientific and technological subjects, in particular, on policies and methods for the transfer of marine technology;

(d) Promote the exchange of scientists, technologists and other experts;

(e) Undertake projects and promote joint ventures and other forms of bilateral and multilateral co-operation.

### SECTION 2. INTERNATIONAL CO-OPERATION

#### Article 82

International co-operation for the development and transfer of marine technology shall, where feasible and appropriate, be carried out through existing bilateral, regional or multilateral programmes, and also through expanded and new programmes in order to facilitate marine scientific research and the transfer of marine technology particularly in new fields and appropriate international funding for ocean research and development.

#### Article 83

States, directly or through competent international organizations, shall promote the establishment of generally accepted guidelines, criteria and standards for the transfer of marine scientific technology on a bilateral basis or within the framework of international organizations and other forums taking into account, in particular, the interests and needs of the developing countries.

#### Article 84

States shall endeavour to ensure that competent international organizations in the field of the transfer of marine technology co-ordinate their activities in this field, including any regional or international programmes, taking into account the interests and needs of the developing States, particularly land-locked and geographically disadvantaged States.

#### Article 85

States shall co-operate actively with the International Sea-Bed Authority, established in accordance with this Convention, to encourage and facilitate the transfer to developing States and their nationals of skills and technology with regard to exploration of the international sea-bed area, the exploitation of its resources and other related activities.

#### Article 86

The International Sea-Bed Authority, as provided for in this Convention, shall ensure, subject to all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of technology:

(a) That nationals of developing States whether coastal, land-locked or geographically disadvantaged, on an equitable geographical distribution, be taken on under training as members of the managerial, research and technical staff constituted for its undertakings;

(b) That the technical documentation on the relevant equipment, machinery, devices and processes be made available to all developing States upon request;

(c) That adequate provisions are made by the International Sea-Bed Authority to facilitate the acquisition by any developing State, or its nationals, of the necessary skills and know-how including professional training;

(d) That the developing States are assisted in the acquisition of necessary equipment, processes, plant and other technical know-how through any financial arrangements provided for in this Convention.

### SECTION 3. REGIONAL MARINE SCIENTIFIC AND TECHNOLOGICAL CENTRES

#### Article 87

1. States shall promote in co-ordination with the International Sea-Bed Authority, when appropriate, as well as with competent international organizations and national marine scientific and technological institutions, the establishment, especially in developing States, of regional marine scientific and technological research centres in order to stimulate and advance the conduct of marine scientific research by developing States and promote the transfer of technology.

2. All States of the region shall duly co-operate with the regional centres in order to ensure the more effective achievement of their objectives.

#### Article 88

The functions of such regional centres shall include, *inter alia*:

(a) Training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, sea-bed geological exploration, mining and desalination technologies;

(b) Management studies;

(c) Study programmes related to the protection and preservation of the marine environment and the control of pollution;

(d) Organization of regional conferences, seminars and symposia;