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30th meeting of the Third Committee

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30th meeting

Tuesday, 14 September 1976, at 10.55 a.m.

Chairman: Mr. A. YANKOV (Bulgaria).

Report by the Chairman on the Committee's work (continued)

Marine scientific research (continued)

1. Mr. BOHTE (Yugoslavia) said that the report made by the Chairman at the 29th meeting on the progress of the Committee's work had been extremely useful. With regard to one of the key issues of the Conference, namely the question of the régime for the conduct of scientific research in the exclusive economic zone and on the continental shelf, his delegation was prepared to continue negotiations on the basis of the text presented by the Chairman although it would prefer to see the latter amended in the manner suggested by Brazil. His delegation felt it necessary to repeat, however, that scientific research in the exclusive economic zone and on the continental shelf fell within the exclusive jurisdiction of the coastal State and that the latter's consent could not be presumed or tacit; the State in question must give express authorization for scientific activities of any kind in those areas. His delegation would therefore prefer that article 64 of part III of the revised single negotiating text (see A/CONF.62/WP.8/Rev.1)¹ be deleted, that consideration of paragraph 3 of the article 60 proposed by the Chairman be postponed and that paragraph 4 of that article be included in paragraph 5 as a subparagraph. Furthermore, his delegation did not accept the distinction between pure and applied scientific research that was implicit in that text. It would also prefer to see a subparagraph on the question of security and the peaceful aspects of marine scientific research included in paragraph 5 of the Chairman's text.
2. As to the Australian proposal, which had been read out unofficially at the 29th meeting, his delegation could not regard it as a positive contribution to a reconciliation of positions.
3. His delegation regarded as unjustified the fears of some delegations that marine scientific research might be restricted on the basis of the Chairman's proposal, for it was convinced that neither the International Sea-bed Authority nor coastal States would unduly hamper such research, which was really in the interest of mankind as a whole.
4. Finally, he noted that there were still a number of unresolved questions, such as the conduct of marine scientific research in the international sea-bed area, which could not be regarded as part of the freedom of the seas and must instead form part of the international régime and fall within the competence of the International Sea-bed Authority.
5. Mr. TIKHONOV (Union of Soviet Socialist Republics) said that, while he agreed with the head of the Australian delegation that consideration of the proposals presented unofficially by that country at the 29th meeting should not begin at the present session, he found it necessary to set forth his delegation's position on the question before the Committee.
6. As members were aware, his delegation had done its utmost at every session of the Conference to bring about a compromise solution of the complex problems posed by the question of marine scientific research in the economic zone and on the continental shelf. It had been concluded that those problems could not be solved without taking into account the position of the coastal countries, particularly the developing countries, which insisted on the establishment of a régime based on the principle

of consent for marine scientific research of any kind in those areas. The developing countries sought in that way to obtain the assurance that research carried out off their coasts would not have purposes that were incompatible with the interests of science. At the meeting of the group set up by the Chairman, his delegation had stated that if a majority of the participants in the Conference thought it necessary to establish a régime of that nature applicable to every type of marine scientific research on the continental shelf and in the economic zone, his delegation would not raise any objection so that a comprehensive agreement could be reached on the basis of a consensus on the key issues of the law of the sea. In that connexion, he did not share the view that the establishment of such a régime would ultimately have the effect of ending such research. He was certain that the developing coastal States would not be opposed to scientific research in their economic zone and on their continental shelf since under the convention they would have an opportunity to take part in the research projects and obtain assistance in evaluating their results. He was certain that under those circumstances the coastal States not only would not oppose such activities but would encourage them. His delegation was therefore prepared to support the proposal of the developing coastal countries that marine scientific activities of any kind should be carried out only with the consent of the coastal country in question. His delegation also hoped that those countries would act in a spirit of friendly reciprocity when other key issues of the law of the sea were taken up. The consideration of basic issues now under way in other committees should not prevent the Third Committee from taking a decision that reflected the position of the majority of delegations which had called for the establishment of a régime based on the principle of consent of the coastal State for marine scientific research in the economic zone or on the continental shelf.

7. Mr. SADEGHI (Iran) said that his delegation believed that the results achieved at the present session could provide a good basis for future negotiations. Nevertheless, his delegation could not but feel disappointed at some of the most basic elements in the compromise solution proposed by the Chairman. With regard to article 60, which was of crucial importance, his delegation could accept the first two paragraphs with some minor amendments, but it could not agree to the remainder of the paragraph unless major changes were made. He recalled that at previous sessions of the Conference his delegation had consistently rejected the proposed distinction between pure and applied scientific research. It felt, nevertheless, that at the present stage it was essential to set aside national interests and try to arrive at a compromise solution, and it had therefore agreed to negotiate on the basis of the formula proposed by the Chairman, feeling that the acceptance of that formula by the coastal States would be a step forward in the negotiations. It would also mean moving from a position of calling for the absolute consent of the coastal State for scientific activities in the economic zone or on the continental shelf to acceptance of a qualified consent régime. His delegation was prepared to support any concrete initiative that would make it possible to arrive at a solution acceptable to all.

8. Mr. AL-HAMID (Iraq) said that his delegation supported the text proposed by the Chairman as a basis for negotiation because it was extremely interested in arriving at a compromise formula. The revised version of article 60 was a good basis on which to continue negotiations. Iraq had made its position known on the question of marine scientific research in the economic zone and on the continental shelf from the first session of the Conference onwards. It supported the principle of express prior consent by the coastal State for all

¹ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8).

scientific research in those areas, and was prepared to continue negotiations on the basis of respect for the rights of the coastal State and the "research" State and of a guarantee that those rights would not be violated.

9. Mr. RAO (India) said that he too was in favour of a régime based on the express consent of the coastal State for marine scientific activities in the exclusive economic zone and on the continental shelf. Implied or tacit consent for such research would not be sufficient. For that reason, he had difficulty in agreeing to the text proposed by the Chairman. Moreover, the distinction between research related to the exploration and exploitation of the living and non-living resources of the sea and other research was not clear and was bound to raise difficulties in practice. It should therefore be deleted from the proposed text. The coastal State should have exclusive jurisdiction to authorize, regulate and control scientific research in the exclusive economic zone and on the continental shelf.

10. The promotion of marine scientific research was of great importance, and developing countries were extremely interested in it. Thus, there was no reason to believe that a prior consent régime would be an obstacle to scientific progress, since coastal States would not withhold their consent to such research unless there were compelling reasons to do so.

11. Some delegations had expressed the view that the exclusive economic zone could not be considered a zone of security and that the interests of researching States could not be ignored; India believed that the security implications of research activities for the coastal State could also not be ignored. "Research" States should recognize that coastal States had the right to safeguard the resources of their exclusive economic zone and continental shelf.

12. India agreed with the United Republic of Tanzania that issues of substance in article 60 were to be agreed upon independently of the dispute settlement procedures in part IV of the single negotiating text (A/CONF.62/WP.9/Rev.1).¹

13. Mr. MANANSALA (Philippines) said that he appreciated the need to strike a proper balance between the rights of the coastal States and the importance of promoting marine scientific research. He believed that the compromise formula proposed by the Chairman for article 60, while not fully satisfactory, could be a useful starting point for negotiations, and he was prepared to continue them on that basis.

14. Mr. LO Yu-ju (China) associated himself with the views expressed on the issue of marine scientific research by the representatives of the United Republic of Tanzania, Brazil, Kenya and many other developing countries. His delegation was greatly encouraged by the positive efforts which many countries, especially those of the third world, had made during the current session to find a reasonable solution to the issue. Nevertheless, he could not but note that the super-Powers were still clinging to their position of maritime hegemonism and opposing the exclusive jurisdiction of the coastal States over marine scientific research. Although they boasted about making concessions, in practice they wanted other countries to make concessions and had even gone so far as to blame the developing countries for the slow progress of the current session. He delegation considered that position absolutely unacceptable.

15. Both the economic zone and the continental shelf were within national jurisdiction; accordingly, it was natural and proper that the coastal States should exercise their jurisdiction over scientific activities carried out in those areas. In proposing that express consent should be obtained from the coastal States for marine scientific research in the economic zone, the developing countries had acted in accordance with the basic principle of safeguarding their security and their legitimate rights and interests. The super-Powers did not accept that position and wilfully alleged that the economic zone was a part of the high seas. Under the guise of "freedom of scientific research", they were attempting to clear the way for gathering as much information as they chose, thereby threatening the security of the coastal States.

16. Article 60 was a key article, since it involved the question of how the coastal States were to safeguard their sovereignty, their exclusive jurisdiction and their security. His delegation shared the view of many developing countries that it was essential to provide in that article that the coastal States should have "exclusive jurisdiction" in regard to marine scientific activities in their economic zones and that express consent should be obtained for such activities. Only then could that article serve as a basis for future negotiations.

17. Mr. MITROPOULOS (Greece) said it was his estimation that the revised single negotiating text, in articles 57 and 60, provided adequate safeguards for the protection of the interests of the coastal State vis-à-vis any other State's wish to conduct scientific research in the exclusive economic zone or on the continental shelf of the coastal State. Nevertheless, he was impressed by the clarity and value of the text submitted at the beginning of the session by the Brazilian delegation, whose main substance, as he saw it, was the express prior consent of the coastal State.

18. Accordingly, and in view of the fact that during the last few weeks the extreme positions in the committee had seemed to be approaching each other, his delegation was inclined to endorse any modified text drafted in line with its basic philosophy, namely, the recognition of the coastal State's right to authorize marine scientific research activities in the exclusive economic zone or on its continental shelf.

19. The text submitted by the Chairman seemed to cover those issues, and his delegation could therefore endorse it in principle, although it would obviously have to study it carefully and to introduce any necessary amendments. His delegation therefore reserved the right to study that text together with the one previously distributed by the Australian delegation before expressing its final position on the issue.

20. Mr. VALLARTA (Mexico) said it seemed to him that neither the developing countries nor the States possessing the technical capacity to conduct marine scientific research were any longer maintaining their original extreme positions. His delegation could accept the Chairman's proposal not only as a basis for negotiations but as a compromise text which merited inclusion in the future convention.

21. Mexico wanted to exercise control over scientific research in its exclusive economic zone through a consent régime, so as to safeguard its sovereign right over its resources. It regarded such a régime as a corollary of that sovereign right and of its exclusive rights and jurisdiction with respect to the establishment and use of artificial islands and other structures, and he pointed out that that approach was in keeping with the thesis that the exclusive economic zone was an area possessing a *sui generis* legal status, being a part neither of the territorial sea nor of the high seas. Accordingly, his delegation was receptive to the Australian text, which his Government would study with all due attention.

22. As a developing country, Mexico was concerned by the lack of progress at the Conference, the failure of which would obviously create a legal vacuum which could be to the advantage of the highly developed countries in the field of scientific research and other areas of the law of the sea. Should those States succumb to the temptation to abuse that circumstance, it might in the long run cause them serious damage.

23. That being so, he wondered whether some delegations which had not accepted the single text had failed to consider the many advantages that would accrue from an agreement on the obligations of the researcher as expressed in the single text and an agreement on safeguards for the coastal State in the event of non-compliance with those obligations. He hoped that in the future those aspects would be studied in conjunction with the text of article 60, or even earlier, as his delegation had suggested previously.

24. Lastly, he observed that it would have been helpful if the text of the informal proposal made by the Australian delegation had been included in the record of the last meeting.

25. The CHAIRMAN said that the observation of the representative of Mexico would be duly taken into account.

26. Mr. WALKATE (Netherlands) said that he disagreed with the perspective in which the Chairman had placed the negotiations in the account he had given at the preceding meeting.

27. His delegation had never advocated complete freedom of scientific research and had consistently emphasized that a satisfactory régime for fundamental research should provide for full information to, participation by and sharing of results with the coastal State. Moreover, his delegation had in the course of the negotiations accepted the necessity of giving the coastal State the right to give or refuse its consent in respect of any research which might bear upon the exploration and exploitation of the living and non-living resources in the economic zone.

28. The proposal submitted by the Chairman was not acceptable to his delegation in so far as it was based on the principle that all types of marine research fell under the jurisdiction of the coastal State. In his view, there was no justification for the conferring upon the coastal State of jurisdiction in the economic zone over matters which were not of an economic nature.

29. Another issue about which his delegation was concerned was compulsory dispute settlement. It wondered what use there was in adjudicating rights and obligations to States if it was not at the same time recognized that such adjudication might give rise, and undoubtedly would give rise in the future, to disputes which called for impartial and binding settlement.

30. Mr. AL-MAHMEED (Bahrain) said that he had made the position of his delegation clear previously and only wished now to reiterate its willingness to consider the text of article 60 proposed by the Chairman as a basis for future negotiations, subject to the following comments.

31. Paragraphs 1 and 4 were unexceptionable and could be retained as they stood.

32. In paragraph 2, the word "express" should be inserted before the word "consent". That was of very special importance to his delegation.

33. The last sentence of paragraph 3 should be deleted, and in paragraph 5 a new subparagraph should be added giving coastal States the right to prevent research if it might affect their security.

34. Mr. VALDEZ (Ecuador) said that his delegation upheld and supported marine scientific research as an essential activity for the advancement of scientific knowledge which undoubtedly benefited all mankind, on the understanding that any research activities should respect the sovereignty and interests of the coastal State, both in its territorial sea and in the so-called exclusive economic zone or on the continental shelf. It had therefore proposed the following text for article 60:

"Marine scientific research activities in the exclusive economic zone or on the continental shelf shall be conducted with the prior and express consent of the coastal State in accordance with the provisions of this convention.

"The coastal State shall establish rules ensuring that such consent is not delayed or refused unreasonably."

35. His delegation believed that that would afford adequate protection for the interests of the two parties concerned in the research and, since the discussion had not succeeded in demonstrating that there were two categories of scientific research, pure and applied, it did not agree with the tacit consent régime and had accordingly asked that article 64 of the revised single text should be deleted.

36. However, in a spirit of conciliation, his delegation had agreed to co-sponsor, with Brazil, Kenya and Tunisia, a new drafting proposal for article 60, as a demonstration of its willingness to assist in the effort to arrive at a text that would

be satisfactory to everyone. Since there had been no response to that effort, it had subsequently agreed to the formula proposed by the Chairman for article 60, with the suggestion that the word "exclusive" should be inserted before "economic zone" in paragraph 1, and that paragraph 2 should provide for the prior and express consent of the coastal State. Moreover, his delegation would prefer paragraph 4 of the text proposed by the Chairman to become a subparagraph of paragraph 5 and that the latter paragraph should also include a provision to the effect that the coastal State could withhold consent for a scientific research project in the economic zone if it interfered with any activities of the coastal State, and not only if the project involved activities for the exploration and exploitation of living and non-living resources. Lastly it would like the coastal State to be given the power to authorize or not to authorize a project when it affected its interests.

37. With regard to the proposal by the delegation of Australia, his delegation did not consider that it could serve as a basis for discussion since it failed to cover some points of crucial importance.

38. Mr. SHERMAN (Liberia) supported the proposal made by the Chairman and appealed to the delegations of research States to emulate the delegation of Australia and assist in the search for a compromise solution based on the text proposed by the Chairman. If that proved impossible, his delegation, which continued to favour a system based on the consent of the coastal State, would be obliged to revert to its original position and insist upon a full consent régime and also insist that marine scientific research in the exclusive economic zone should be conducted for exclusively peaceful purposes.

39. Mr. SAQAT (United Arab Emirates) supported the text proposed by the Chairman for article 60 as he considered that it took account of the interests of all parties. However, he could not agree to the wording suggested by the Australian delegation since it was quite contrary to the interests of all coastal States.

40. Mr. HAQ (Pakistan) considered that the text proposed by the Chairman provided a good basis for future negotiation. Marine scientific research, which should be designed to benefit mankind as a whole, was extremely important to the developing countries. Pakistan, for example, was ready to engage in activities of that kind in co-operation with international organizations and developed States, and consequently his delegation did not consider that there was any justification for the fear that coastal States might deny others the right to carry out scientific research. A consent régime would not impair scientific research in the exclusive economic zone.

41. Since the traditional freedom of scientific research could be and had been abused, the best results in that area could be achieved if the interests of coastal States were taken into account. Moreover, since marine scientific research was interdisciplinary, no distinction could be made between pure and applied research.

42. Since coastal States would have exclusive jurisdiction over living and non-living resources and would be responsible for the conservation of resources and the preservation of the marine environment in the exclusive economic zone, it was necessary to ensure the application of a system that required the consent of the coastal States.

43. In view of those considerations, he considered that the text proposed by the Chairman should specify that the jurisdiction of coastal States should be exclusive and that the consent of those States should be express.

44. Mr. BEN ABDESSELEM (Tunisia) thought that the wording proposed by the Chairman for article 60 served as an adequate compromise solution. His delegation was ready to take it as a basis for negotiation provided that certain amendments were introduced.

45. First of all, since there were no grounds for making a distinction between pure and applied research, paragraph 1 should state that the jurisdiction of the coastal State should be exclusive.

Paragraph 2 should indicate that the consent of the coastal State should be express, and in paragraph 5 (a) the words "the exploration and exploitation of" should be deleted. Lastly, a new subparagraph of paragraph 5 should contain a provision that would only permit the conduct of scientific research projects for peaceful purposes.

46. Mr. PFIRTER (Argentina) said that the convention should serve not only to protect interests based on the coastal State's exclusive jurisdiction over the economic zone and the continental shelf but also to protect and promote marine scientific research. It should therefore be the general rule that the coastal State's consent was required for the conduct of research, but it was also important to provide that such consent could be refused only in cases which were specified in the convention and on the basis of objective criteria.

47. Since that was Argentina's position on the matter, his delegation had originally been able to accept for negotiating purposes the version of article 60 that appeared in the revised single text and also, subsequently, the formula proposed by the Chairman for that article. The Chairman's formula had been accepted as a basis for negotiation by the delegations of the developing countries in the desire to facilitate the search for a compromise solution. However, some of the "research" countries had taken a different stand and had rejected outright paragraphs 1 and 2 of the proposal.

48. The difficulties relating to the question of marine scientific research should not prevent the approval of provisions on other matters of fundamental importance which were also being considered by the Conference. His delegation, for its part, would continue to take an open-minded view of the Chairman's proposal and of any others that were in keeping with its basic position and served to facilitate agreement. In that connexion, special attention should be given to the proposal made at the previous meeting by the delegation of Australia.

49. Mr. MARZIOTA DELGADO (Cuba) said that he supported the text proposed by the Chairman for article 60 as a basis for negotiation. It represented a compromise solution since, on the one hand, it embodied the general principle of requiring the coastal State's consent for marine scientific research in its exclusive economic zone and on its continental shelf and, on the other hand, it provided guarantees for the "research" States that they would not be denied an opportunity to conduct specific research. His delegation would merely have a drafting change to suggest in paragraph 1 of the text of article 60 proposed by the Chairman.

50. Mr. RIVAS (Colombia) said that the formula proposed by the Chairman for article 60 was an acceptable compromise solution. His delegation did not believe that progress could be made by continuing a fruitless debate on who had made the most concessions. Up to now, the two parties concerned had yielded to a greater or lesser extent, and the important thing was not to fix responsibility but to show a clear awareness that, in order to move forward in the process of reconciling interests, both parties must make concessions on points which until then had appeared to be sacrosanct; there must be a true spirit of negotiation which would make it possible to draw up a convention that was acceptable to all.

51. His delegation was therefore concerned at the attitude of certain delegations which opposed both the wording of the revised single text and the formula suggested by the Chairman—delegations which had confined themselves to rejecting the many proposals made by different developing countries without offering anything in return as a basis for negotiation.

52. His delegation would continue to co-operate with those who refused to accept the notion that there was no possibility of arriving at a satisfactory agreement. While respecting the interests of the great majority of countries in the world, it would give the closest attention to all proposals made with a view to resolving the present impasse, including the proposal made by the Australian delegation.

53. Mr. EL-HENDAWY (Egypt) said that the text proposed by the Chairman for article 60 should be the only basis for negotiations, and he was therefore greatly concerned at the fact that it had been flatly rejected by certain delegations. While it was true that there was not necessarily any reason why the rules applicable to territorial waters should also be applicable to the economic zone and the continental shelf, it was also impossible to take no account whatever of the interests of the coastal States in connexion with marine scientific research. The express consent of those States must be required for such research, and it was not going too far to ask that provision to that effect be made in the convention since the latter would also provide suitable safeguards in the event that the coastal State refused such consent without any valid reason.

54. His delegation felt that article 60 should in the future be considered jointly with articles 64 and 65 since those three articles were closely interrelated.

55. Mr. MUJAHID (Libyan Arab Republic) said that no distinction should be made between various types of marine scientific research. Article 60 of the revised single negotiating text could serve as a basis for negotiation if certain conditions were met. Paragraph 1 of that article should state that marine research activities in the economic zone and on the continental shelf would be conducted with the express prior consent of the coastal State. Paragraph 2 should be deleted. As to the new version proposed by the Chairman, it would come closer to offering a negotiated solution if certain amendments were made. In paragraph 1, the word "exclusive" should be inserted before the word "jurisdiction"; in paragraph 2, the word "express" should be inserted before the word "consent"; paragraph 3, or at least the second sentence in that paragraph, should be deleted, and a new subparagraph (a) should be inserted in paragraph 5 so that the latter would now read:

"... if that project:

"(a) Bears upon the security of the coastal State;

"(b) Bears upon the exploration and exploitation of the living and non-living resources;

"(c) ...".

In addition, article 64 should be deleted or amended so as to be in keeping with the spirit of article 60.

56. His delegation was interested in the conduct of marine scientific research for peaceful purposes and was prepared to co-operate in creating guarantees for both parties.

57. Mr. AL-ASFOOR (Oman) expressed the hope that the Secretariat would circulate in all the working languages the report on the Committee's work made by the Chairman at the 29th meeting. Inasmuch as the delegations of the United Republic of Tanzania, Brazil, Kenya, Peru, Somalia, Pakistan, Tunisia and Egypt had accurately set forth the position of his delegation, he saw no need to restate it.

58. Mr. KOLCHAKOV (Bulgaria) said that the discussion on the question of the régime to govern the conduct of marine scientific research in the economic zone and on the continental shelf had reached a deadlock which might jeopardize the results of the Conference and the signing of the convention. One could not ignore the fact that the great majority of developing countries favoured the establishment of a régime based on the consent of the coastal State for the conduct of such research. Many delegations had well-founded fears that some States might abuse the freedom of scientific research and engage in research contrary to the purposes of the convention. His delegation, which had favoured the version of article 60 contained in the revised single negotiating text, now supported the Chairman's last proposal, since it believed that the guarantees for both sides had been strengthened, in particular the guarantees against any unjustified denial by the coastal State of its consent to the conduct of marine scientific research. For the coastal State, the guarantees lay in its right to regulate the scientific research and authorize research

activities and in the condition that the coastal State's consent would be required for undertaking such research. For the "research" State, the guarantees lay in the fact that the coastal State voluntarily assumed the obligation of normally giving its consent and would establish norms and procedures to guarantee that such consent was not unduly delayed or denied. Although that text was not equally satisfactory to all delegations, it seemed acceptable from the international point of view.

59. His delegation was optimistic about the results of future deliberations and was confident that although certain elements of internal politics were, for the moment, preventing some delegations from taking an explicit position, they would have a more limited effect in the future. Bulgaria was convinced that there must be a convention on the law of the sea; the alternative was chaos, and no one could tell who would win and who would lose if such an extreme situation came to pass.

60. He regretted the fact that some delegations that had initially accepted the text of article 60 had now decided to introduce into that text elements which would prevent a consensus. He hoped that it would be possible to overcome the existing differences in order that a compromise solution acceptable to all might be reached.

61. Mr. TROTZ (German Democratic Republic) said that his country faced the question of marine scientific research in the economic zone and on the continental shelf as a coastal State, as a "research" State and as a geographically disadvantaged country. In its opinion, the text of article 60 proposed by the Chairman was an adequate basis for negotiation. To facilitate the attainment of a mutually acceptable solution, the German Democratic Republic was prepared to consider the position of the majority with regard to the régime governing the conduct of marine scientific research, with the understanding that when other key questions of the Conference were dealt with, an attempt would be made to find solutions that would take account of the interests of all States, including those which were geographically disadvantaged.

62. Mr. KIYA (Japan) said that in his view the freedom of marine scientific research was precisely what made it possible today to deal with the question of the sea-bed and the ocean floor. Freedom of research had made and undoubtedly would make an invaluable contribution to world progress and development. For that reason the international community had the responsibility of establishing a régime governing marine scientific research in the economic zone that would be reasonable and satisfactory to all. As to the text of article 60 proposed by the Chairman, which, as the Chairman himself had said, did not replace the original version contained in the revised single negotiating text, his delegation recognized that the text differed considerably from its Government's position and had therefore found it somewhat difficult to accept that text. Nevertheless, since the question of marine scientific research was one of those which would determine the success of the Conference, his delegation would continue its efforts with a view to finding a compromise solution. Since article 60 was closely related to some others, particularly articles 59, 64 and 65 and with the provisions relating to the settlement of disputes, Japan hoped that article 60 would be examined in that context at the next session.

63. Mr. BUHL (Denmark) agreed with the Chairman's assessment that there existed a general agreement within the Conference to promote marine scientific research and that such research should be conducted for the benefit of mankind.

64. His delegation had studied with great interest the text proposal presented by the Chairman in an attempt to reach a common ground for future negotiations and had taken note of the Chairman's appeal to delegations to consider that matter more thoroughly and suggest new ideas to bridge the gap between the opposing positions. In his delegation's view, in order to maintain the present momentum, it was important not to interrupt the negotiating process but to try to find common ground between the three main trends represented in the negotiating group. It there-

fore regretted that in many statements during the recent debates delegations had confined themselves to restating prior positions which could not lead to any compromise solution.

65. His delegation sympathized with the principles embodied in the draft proposal circulated by the Australian delegation concerning the régime governing the conduct of marine scientific research in the economic zone and on the continental shelf, provided that the text of article 64 of the revised single negotiating text on the procedure for initiating research projects was maintained, with certain modifications.

66. In order to maintain adequate safeguards for the promotion of marine scientific research, his delegation considered it necessary to have adequate provisions for mandatory settlement of disputes related to the conduct of research in the economic zone and on the continental shelf.

67. Mr. KWON (Korea) said it was regrettable that despite all the Chairman's efforts no progress had been made on the consent régime since the Committee had begun to study it. According to the Chairman's report, there were three trends concerning that régime, two of which seemed to be extreme while one was moderate. Without blaming in any way those who held extreme positions, based no doubt on their right to defend their own national interests, he felt it necessary to point out that the session was drawing to a close and a decision must be taken on whether the Conference wanted a law of the sea which would regulate all the activities of future generations in the ocean.

68. His delegation, for its part, reaffirmed that it accepted the revised single negotiating text and the text of article 60 presented by the Chairman as a basis for new negotiations, and it urged all delegations to co-operate in the search for an acceptable solution.

69. Miss MARIANI (France) said that France was thought of as a "research" country, and it had in fact been able to devote some effort and some of its budget to research, thereby contributing to the progress of mankind. However, it also had a long coastline and could therefore appreciate the concerns of coastal States. Accordingly, it wanted a satisfactory balance to be established between the interests of research conducted for the good of the international community and the safeguarding of the rights of coastal States. Such a balance was an essential element of the régime which was to be established.

70. However, it must be noted that the issues of consent on the one hand and guarantees for research on the other were closely interrelated and could not be treated separately. It was therefore extremely difficult to discuss article 60 in isolation and to reach a separate decision on it, without at the same time considering the other provisions which constituted elements of the régime, such as articles 64 and 65 and the articles on dispute settlement.

71. As for the text of article 60 proposed by the Chairman, her delegation wished to reiterate that, provided the other related provisions were discussed, it would be willing to consider that text at the next session.

72. Mr. MANSFIELD (New Zealand) said his delegation had understood that the differences separating the two sides in the Committee were not as great as they once had been and that, although final agreement had not been reached, the negotiations had seemed promising. Accordingly, he had been disturbed by the debate which had followed the introduction of the Chairman's report; the tone of that debate had seemed less than conciliatory, although he recognized that a number of statements had been notable for their constructive approach.

73. His delegation was able to adopt a reasonably flexible attitude to the question at issue. There were, of course, definite limits to what it could accept and, as it had indicated in the past, it would not find a straight notification régime acceptable, nor would it consider the interests of its country, a coastal State, sufficiently protected by a régime under which the consent of the coastal State was required only for a very narrow range of cases. But beyond that there was a considerable range of possibilities all of which would meet his delegation's essential concerns. For instance, in the past New Zealand had supported the so-called

qualified consent approach, one of the great advantages of which was that it avoided the difficulties surrounding any attempt to distinguish pure and applied research. Later, however, when it had seemed that there was some chance of reaching an agreement based on such a distinction, it had been quite prepared to support a text drafted along those lines. It would also consider its interests to be well protected under article 60 of the revised single negotiating text or the text proposed by the Chairman, or under the new formulation introduced by the representative of Australia. His delegation frankly had difficulty in appreciating the difficulties which some delegations seemed to have with one or all of those texts, and it would have even greater difficulty in understanding a situation in which that issue became a stumbling-block for the whole Conference.

74. Although he could speak only for his own delegation, he had the impression that many others found themselves in a similar position and he therefore hoped that those delegations which had taken very firm positions on both sides of the issue would do their best to ensure that their instructions for the next session of the Conference were sufficiently flexible to permit successful negotiations and an early resolution of the remaining difficulties.

75. Mr. RUIVO (Portugal) said he believed that the difficulties which had arisen were connected with the trends in marine scientific research that had become apparent during the last decade, as a result of such trends, some countries, including his own, recognized the need for effective protection for coastal States. At the same time, it must be borne in mind that such progress as had been achieved on issues related to the sea was due largely to the great efforts exerted in that area by many countries, which had contributed to a fund of knowledge about the sea that now constituted a common heritage of all mankind.

76. Some of the problems facing the Committee were also due to the fact that the issues under discussion were closely related to others still under consideration in other forums of the Conference, including matters relating to the definition of the régime for the economic zone and those covered by article 18.

77. The draft submitted by the Chairman was certainly balanced and realistic, but much remained to be done in order to achieve a generally acceptable solution, and his delegation was prepared to co-operate constructively to that end. Although the new proposal submitted by Australia resolved some problems, it also raised others which in turn would have to be resolved. His delegation was prepared to consider that proposal and any other in the hope of eventually arriving at a solution acceptable to all. Lastly it must be borne in mind that marine science, which at one time had been limited to a single discipline and sector, had become an increasingly multidisciplinary and multisectoral affair; it could be said that the great majority of large-scale research expeditions were now joint undertakings. It was therefore necessary to establish machinery which would facilitate co-operation and the conduct of marine scientific research, thus promoting such research to the greatest possible extent. That had been the aim of the text proposed by his delegation for article 60, which he hoped would be taken into account at the appropriate time.

Other matters

78. The CHAIRMAN announced that the delegation of the Sudan had again nominated Mr. Charles Manyang D'Awol for the office of Rapporteur.

The meeting rose at 1.10 p.m.

31st meeting

Tuesday, 14 September 1976, at 3.30 p.m.

Chairman: Mr. A. YANKOV (Bulgaria).

Report by the Chairman on the Committee's work (continued)

Marine scientific research (concluded)

1. Mr. FIGUEIREDO BUSTANI (Brazil) said that he wished to make clear his delegation's position concerning certain observations and proposals made after his statement at the 29th meeting. At the 30th meeting the Netherlands delegation had stated that some coastal States had accepted the principle of a distinction between different types of research projects. He assumed that it had been referring to the statements of some delegations, including his own, to the effect that part III of the revised single negotiating text (see A/CONF.62/WP.8/Rev.1)¹ and the Chairman's text proposal submitted at the 29th meeting implied a certain distinction in that respect. Although his delegation had never accepted such a distinction, it was prepared, by way of compromise, to accept a formula, such as the one presented by the Chairman, which would give States carrying on research the opportunity to ascertain whether or not such a distinction was realizable in practice.

2. He welcomed the fact that the delegation of the USSR, a major "research" State, had declared its willingness to accept a régime of absolute consent, all the more so because the USSR delegation had been among those that had submitted the first official proposal establishing a distinction between the different types of research projects. It was his understanding that that change of attitude was due precisely to the fact that no such distinction was possible.

3. Moreover, it was a good thing that the Australian proposal had been circulated informally to delegations for examination. In that connexion, he welcomed the Australian representative's statement to that effect, and was also glad that that representative, whose intelligence, experience of parliamentary diplomacy and sense of timeliness were well known, had not requested the inclusion of his draft in the summary record. He regretted, however, that another delegation had made the inappropriate proposal that it should be included. It was imperative that if the proposal was ever to appear in the meeting records, it should be included on the same basis as the Chairman's text proposal; 10 proposals presented in connexion with article 60 should also be included. He was confident, however, that the Chairman, with his characteristic fairness and impartiality, would be able to find a solution acceptable to his delegation.

4. Mr. LEITZELL (United States of America) recalled that his delegation had originally opposed the principle of consent

¹ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8).