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3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.

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

Part IX: Enclosed and semi-enclosed seas

Article 133

For the purposes of this part, the term "enclosed or semi-enclosed sea" means a gulf, basin, or sea surrounded by two or more States and connected to the open seas by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States.

Article 134

States bordering enclosed or semi-enclosed seas shall co-operate with each other in the exercise of their rights and duties under the present Convention. To this end they shall, directly or through an appropriate regional organization:

(a) Co-ordinate the management, conservation, exploration and exploitation of the living resources of the sea;

(b) Co-ordinate the implementation of their rights and duties with respect to the preservation of the marine environment;

(c) Co-ordinate their scientific research policies and undertake where appropriate joint programmes of scientific research in the area;

(d) Invite, as appropriate, other interested States or international organizations to co-operate with them in furtherance of the provisions of this article.

Article 135

The provisions of this part shall not affect the rights and duties of coastal or other States under other provisions of the present Convention, and shall be applied in a manner consistent with those provisions.

Part X: Territories under foreign occupation or colonial domination

Article 136

1. The rights recognized or established by the present Convention to the resources of a territory whose people have not attained either full independence or some other self-governing status recognized by the United Nations, or a territory under foreign occupation or colonial domination, or 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, the rights referred to in paragraph 1 shall not be exercised until such dispute is settled in accordance with the purposes and principles of the Charter of the United Nations.

3. In no case may the rights referred to in paragraph 1 be exercised, profited or benefited from or in any way infringed by a metropolitan or foreign power administering or occupying such territory or purporting to administer or occupy such territory.

Part XI: Settlement of disputes

Article 137

Disputes arising out of the interpretation or application of articles . . . shall be resolved in accordance with the provisions of part . . . of the present Convention.

ANNEX

Highly migratory species

- | | |
|----------------------|--------------------------------------|
| 1. Albacore Tuna | 9. Pomfrets |
| 2. Bluefin Tunas | 10. Marlin |
| 3. Bigeye Tuna | 11. Sailfishes |
| 4. Skipjack Tunas | 12. Swordfish |
| 5. Yellowfin Tuna | 13. Sauries |
| 6. Blackfin Tuna | 14. Dolphin (fish) |
| 7. Little Tuna | 15. Oceanic Sharks |
| 8. Frigate Mackerels | 16. Cetaceans (whales and porpoises) |

DOCUMENT A/CONF.62/WP.8/PART III (Text presented by the Chairman of the Third Committee.)

Part I: Protection and preservation of the marine environment

CHAPTER I. GENERAL PROVISIONS

Article 1

"Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy in the marine environment (including estuaries) resulting 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 all the marine environment.

Article 3

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and they shall, in accordance with their duty to protect and preserve the marine environment, take into account their economic needs and their programmes for economic development.

Article 4

1. States shall take all necessary measures consistent with this Convention to prevent, reduce and control

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

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 marine pollution does not spread outside their national jurisdiction and that activities under their jurisdiction or control are so conducted that they do not cause damage by pollution to other States and their environment, nor cause pollution beyond the areas where States exercise sovereign rights in accordance with this Convention.

3. The measures taken pursuant to these articles 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 pollution of the marine environment States shall have due regard to the legitimate uses of the marine environment, which are not incompatible with the provisions of this Convention and shall refrain from unjustifiable interference with such uses.

Article 5

In taking measures to prevent or control marine pollution, States shall guard against the effect of merely transferring, directly or indirectly, damage or hazards from one area to another or from one type of pollution to another.

CHAPTER II. GLOBAL AND REGIONAL CO-OPERATION

Article 6

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 prevention of marine pollution, taking into account characteristic regional features.

Article 7

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 8

In the cases referred to in article 7, 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 9

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 10

In the light of the information and data acquired pursuant to article 9, States shall co-operate directly or through competent international organizations in working out appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention of marine pollution.

CHAPTER III. TECHNICAL ASSISTANCE

Article 11

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) Providing 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) Providing appropriate assistance in particular to developing countries concerning the preparation of environmental assessments.

Article 12

Developing States shall, for purposes of the prevention of marine pollution 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.

CHAPTER IV. MONITORING

Article 13

1. States shall, consistent with the rights of other States, endeavour, as much as is 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 14

States shall provide at appropriate intervals reports of the results obtained relating to risks or effects of pollution of the marine environment to the United Nations Environment Programme or any other competent international or regional organizations, which should make them available to all States.

CHAPTER V. ENVIRONMENTAL ASSESSMENT

Article 15

When States have reasonable grounds for expecting that planned activities under their jurisdiction or control may cause substantial pollution of 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 14.

CHAPTER VI. STANDARDS

Article 16

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.

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

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

3. States, acting in particular through the appropriate intergovernmental organizations or by diplomatic conference, shall 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.

4. Laws, regulations measures, rules, standards and recommended practices and procedures referred to in paragraphs 1 and 3 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 17

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

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

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

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

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

Article 18

The provisions referring to measures to prevent, reduce and control pollution of the marine environment from activities concerning exploration and exploitation of the international sea-bed area are contained in chapter . . . of this Convention.

Article 19

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.*

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

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

2. States, acting in particular through the competent intergovernmental organizations or by diplomatic conference, shall endeavour to establish as soon as possible and to the extent that they are not already in existence, 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.

* The definition of dumping of wastes and other matter together with all other definitions could be embodied in a special introductory chapter of this Convention.

3. Dumping of wastes and other matter, within . . . , shall not be carried out without the express approval of the coastal State, which has the exclusive right to permit, regulate and control such dumping.

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

Article 20

1. States, acting through the competent international organization or by general diplomatic conference, shall establish as soon as possible and to the extent that they are not already in existence, international rules and standards for the prevention, reduction and control of pollution of the marine environment from vessels.

2. States shall establish effective laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag. The requirements of such laws and regulations shall be no less effective than the generally accepted international rules and standards referred to in paragraph 1.

3. The coastal State may establish, in respect of the territorial sea, more effective laws and regulations for the prevention, reduction and control of marine pollution from vessels. In establishing such laws and regulations the coastal State shall, consistent with the aim of achieving maximum possible uniformity of rules and standards governing international navigation, conform to the international rules and standards referred to in paragraph 1 of this article. Such laws and regulations must not have the practical effect of hampering innocent passage through the territorial sea.

4. Where internationally agreed rules and standards are not in existence or are inadequate to meet special circumstances and where the coastal State has reasonable grounds for believing that a particular area of the economic zone is an area where, for recognized technical reasons in relation to its oceanographical and ecological conditions its utilization, and the particular character of its traffic, the adoption of special mandatory measures for the prevention of pollution from vessels is required, the coastal State may apply to the competent international organization for the area to be recognized as a “special area”. Any such application shall be supported by scientific and technical evidence and shall, where appropriate, include plans for establishing sufficient and suitable land-based reception facilities.

5. Nothing in this article shall be deemed to affect the establishment by the coastal State of appropriate non-discriminatory laws and regulations for the protection of the marine environment in areas within the economic zone, where particularly severe climatic conditions create obstructions or exceptional hazards to navigation, and where pollution of the marine environment, according to accepted scientific criteria, could cause major harm to or irreversible disturbance of the ecological balance.

6. Laws and regulations established pursuant to the internationally agreed rules and standards referred to in paragraph 4 of this article shall not become applicable in relation to foreign vessels until six months after they have been notified to the competent international organization.

Article 21

1. States shall establish national laws and regulations and shall take measures to prevent, reduce and control pollution

of the marine environment from the atmosphere, taking into account internationally agreed rules, standards and recommended practices and procedures.

2. States shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control marine pollution from atmospheric sources.

CHAPTER VII. ENFORCEMENT

Article 22

States shall have the right to enforce laws and regulations adopted in accordance with the provisions of this Convention for the protection and preservation of the marine environment from land-based sources of marine pollution.

Article 23

States shall have the right to enforce laws and regulations adopted in accordance with the provisions of this Convention for the protection and preservation of the marine environment from pollution arising from activities concerning exploration and exploitation of the continental shelf as provided for in this Convention.

Article 24

The International Authority as referred to in chapter . . . of this Convention shall enforce, in co-operation with the flag States, the rules and standards adopted in accordance with the provisions of this Convention for the protection and preservation of the marine environment from pollution arising from activities concerning exploration and exploitation of the international sea-bed area.

Article 25

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

- (a) By any State within its territory;
- (b) By the flag State with regard to vessels and aircraft registered in its territory or flying its flag;
- (c) By the coastal State on vessels and aircraft engaged in dumping within its economic zone and continental shelf;
- (d) By the port State on vessels and aircraft loading at its facilities or offshore terminals.

Article 26

1. States shall ensure compliance with international rules and standards referred to in article 20 for the preservation of the marine environment by vessels flying their flag or of their registry, and shall provide for the effective enforcement of such rules and standards irrespective of where the violations may have occurred.

2. A flag State shall, at the documented request of any State, investigate any violation alleged to have been committed by its vessels. If satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, the flag State shall cause such proceedings to be taken as soon as possible, in accordance with its laws. The flag State shall promptly inform the requesting State of the action taken and of its outcome.

3. The penalties specified under the flag State's legislation for its own vessels shall be adequate in severity to discourage violations and equally severe regardless of where the violations occurred.

Article 27

1. When a State has reasonable grounds for believing that a vessel irrespective of its flag or State of registration, which is voluntarily within one of its ports or at one of the offshore terminals, has violated the international rules and standards regardless of where the violation occurred, it must:

(a) Undertake an immediate and thorough investigation of the violation;

(b) Provide immediate notification of the results of the investigation to the flag State concerned and any States affected by the alleged violation.

2. The coastal State may prevent this vessel from sailing if it presents an excessive danger to the marine environment: it may however authorize it to leave the port or terminal to go to the nearest appropriate shipyard for repairs.

3. When a coastal State has reasonable grounds for believing that a vessel, irrespective of its registration, which is voluntarily within one of its ports or at one of its offshore terminals, has released a discharge in the area extending to . . . miles from the baseline from which the territorial sea is measured which constitutes a violation of the international rules and standards, it may, subject to the provisions of article 28, institute proceedings according to its laws and, if necessary, arrest the vessel.

Article 28

1. A coastal State may apply the measures contained in article 27 when a vessel, passing through the territorial sea, irrespective of its flag or State of registration, has violated the international rules and standards referred to in article 20, paragraphs 1 and 2.

2. A coastal State may apply the measures contained in article 27 at the request of another State when a vessel, irrespective of its flag or State of registration has violated the international rules and standards referred to in article 20, paragraphs 1 and 2, by releasing a discharge in the area extending to . . . miles from the baseline from where the territorial sea of the requesting State is measured if such State is party to the Convention containing these international rules and standards alleged to be violated.

3. When a coastal State arrests a ship, or when it receives a request from another State in accordance with paragraph 2, it must immediately notify the flag State of these facts, furnishing a report and all other relevant information.

4. The report drawn up by the competent authorities of the coastal State concerned shall be forwarded to the flag State.

5. Proceedings in respect of any violation other than arresting a vessel shall not be instituted by the coastal State until the expiry of six months from the date of notification to the flag State in accordance with paragraph 2 of this article, or at any time after the expiry of that period if the flag State has previously commenced proceedings and has not discontinued those proceedings.

6. Proceedings in respect of the violation shall not be instituted by the coastal State after the expiry of three years from the date of the violation.

7. Proceedings taken by the coastal State shall not prevent the flag State from exercising its own competence.

8. Proceedings in respect of the violation may not be instituted by another State if such proceedings in respect of the same violation have already been initiated by the flag State pursuant to the provisions of this article.

9. Only monetary penalties may be imposed by a coastal State in respect of any such violation.

Article 29

When a coastal State arrests a vessel or institutes proceedings pursuant to paragraph 3 of article 27, it shall immediately release the vessel if the owner or his representative deposits a bond or other reasonable security which may not exceed the maximum penalty stipulated for the violation. The vessel shall not be released if it cannot proceed to sea without presenting an excessive danger to the marine environment. However, the coastal State may permit the vessel to leave the port or offshore terminal in order to proceed to the nearest repair yard available.

Article 30

1. When a coastal State has reasonable grounds for believing that a vessel, regardless of its flag or State of registration, has violated the international rules and standards by releasing discharges in the area extending to . . . miles from the baseline from which the territorial sea is measured, that State may require the vessel to give information by radio or other means of communication.

This information shall concern:

- (i) Identification of the vessel and its port of registration,
- (ii) Its last and next ports of call,
- (iii) Any other information required to be given by the relevant international regulation, being information which will make it possible to establish whether the suspected violation has been committed.

2. The information referred to in the preceding paragraph may only be required if the vessel is in the area extending to . . . miles from the baseline from which the territorial sea is measured.

Article 31

When there are reasonable grounds for believing that the vessel navigating through an area extending to . . . miles from the baseline from which the territorial sea of the coastal State is measured has discharged in violation of international rules and standards, the vessel may be required to stop and may be boarded for inspection, provided that:

(a) The violation has been of flagrant character causing severe damage or threat of severe damage to the marine environment, or the vessel is proceeding to or from the internal waters of the coastal State;

(b) Any such inspection shall be limited to an examination of such certificates and records as the vessel is required to carry by the relevant international regulation or of any similar documents which it is carrying;

(c) A physical inspection of the vessel may thereafter be carried out only if that is necessary to confirm the suspected violation.

Article 32

When a coastal State exercises the rights referred to in articles 30 and 31 it shall promptly notify the flag State of the suspected violation and of the respective measures which have been taken.

Article 33

The rights conferred on the coastal State by articles 27 to 32 may be exercised only by officials or agents having the authority to establish that a violation has been committed.

Article 34

When taking measures against a foreign vessel pursuant to articles 27 to 32, the State in question will immediately inform the consular officer or diplomatic representative of the flag State of the vessel against which the measures were taken.

Article 35

A vessel may be detained only by virtue of a court order of the State having jurisdiction. The vessel must be immediately released if the person responsible pays the fine imposed.

If as a result of an arrest the coastal State decides that it is necessary to detain the vessel, it must be taken to a safe and convenient place of anchorage.

Article 36

The coastal State may exercise the powers provided for in article 35 only to the extent that there is no excessive danger to the vessel in question and that no unreasonable risks are created for navigation or the marine environment.

Article 37

The coastal State must provide for recourse in its courts in respect of loss or damage resulting from the inspection, the enquiry or application of measures taken pursuant to articles 27 to 36 where they exceed those which were reasonably necessary in view of existing information.

Article 38

In the exercise of its rights and duties under this chapter, a State shall not discriminate in form or in fact against foreign vessels.

Article 39

Nothing in chapters VI and VIII shall affect the legal régime of straits used for international navigation.

Article 40

States shall have the right to enforce laws and regulations adopted in accordance with the provisions of this Convention for the protection and preservation of the marine environment from atmospheric sources of marine pollution.

CHAPTER VIII. RESPONSIBILITY AND LIABILITY

Article 41

1. States have the responsibility to ensure that activities under their jurisdiction or control do not cause damage to

areas under the jurisdiction of other States or to the marine environment of other States and shall, in accordance with principles of international law, be liable to other States for such damage.

2. States have the responsibility to ensure that activities under their jurisdiction or control do not cause damage to the marine environment beyond areas where States exercise sovereign rights in accordance with this Convention.

3. When necessary, States shall co-operate in the development of international law relating to the protection and preservation of the marine environment in establishing *inter alia* criteria and procedures for the determination of liability, the assessment of damage, the payment of compensation and the settlement of related disputes.*

CHAPTER IX. SOVEREIGN IMMUNITY

Article 42

The provisions of chapters VI and VII shall not apply to any warship, naval auxiliary or other vessel owned or operated by a State and used, for the time being, only on government noncommercial service. However, each State shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such vessels or other craft owned or operated by it, that such vessels or other craft act in a manner consistent, so far as is reasonable and practicable, with chapters VI and VII.

CHAPTER X. OTHER CONVENTIONS ON PRESERVATION OF THE MARINE ENVIRONMENT

Article 43

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 prevention of pollution 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.

CHAPTER XI. SETTLEMENT OF DISPUTES

Article 44

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 dispute settlement procedures contained in chapter . . . of this Convention.

* The question of settlement of disputes is referred to in chapter . . . of this Convention.

Part II: Marine scientific research

CHAPTER I. GENERAL PROVISIONS

Article 1

Marine scientific research means any study or related experimental work designed to increase man's knowledge of the marine environment.*

Article 2

All States, whether coastal or land-locked, as well as appropriate international organizations, have the right to conduct marine scientific research subject to the provisions of this Convention.

Article 3

States shall endeavour to promote and facilitate in accordance with the provisions of this Convention the development and conduct of marine scientific research not only for their own benefit but also for the benefit of the international community.

Article 4

States and international organizations shall apply in the conduct of marine scientific research the following principles:

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

(b) Such activities shall not unduly interfere with other legitimate uses of the sea compatible with the provisions of this Convention and shall be duly respected in the course of such uses;

(c) Such activities shall comply with regulations established in conformity with the provisions of this Convention, for the preservation of the marine environment.

Article 5

Marine scientific research shall be conducted subject to the rights of coastal States as provided for in this Convention.

Article 6

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

Article 7

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

CHAPTER II. INTERNATIONAL AND REGIONAL CO-OPERATION

Article 8

States shall, in accordance with the principle of respect for sovereignty and on the basis of mutual benefit, promote

* A provision containing a definition of marine scientific research, together with all other definitions, could be embodied in a special introductory chapter of this Convention.

international co-operation in marine scientific research for peaceful purposes.

Article 9

States shall co-operate with one another, through the conclusion of bilateral and multilateral agreements, to create favourable conditions for the conduct of scientific research in the marine environment and to integrate the efforts by scientists in studying the essence of and the interrelations between phenomena and processes occurring in the marine environment.

Article 10

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 11

The availability to every State of information and knowledge resulting from marine scientific research shall be facilitated by effective international communication of proposed major programmes and their objectives, and by publication and dissemination of the results through international channels.

Article 12

States and international organizations shall endeavour to facilitate marine scientific research through bilateral or regional and other multilateral agreements.

CHAPTER III. CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH

Article 13

Coastal States have the exclusive right to conduct and regulate marine scientific research in their territorial sea. Scientific research activities therein shall be conducted only with the explicit consent of, and under the conditions set forth by, the coastal State. Requests for such consent shall be submitted to the coastal State well in advance and shall be answered without undue delay.

Article 14

Marine scientific research beyond the territorial sea, in the economic zone and on the continental shelf, shall be conducted by States as well as by appropriate international organizations in such a manner that the rights of the coastal State, as provided for in this Convention, are respected.

Article 15

States and international organizations which intend to undertake scientific research in the economic zone or on the continental shelf of a coastal State shall provide that State with a full description of:

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

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

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

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

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

Article 16

States and international organizations when undertaking scientific research shall comply with the following conditions:

(a) Ensure the rights of the coastal State, if it so desired, to participate or to be represented in the research project;

(b) Provide the coastal State an opportunity to participate directly or be represented, if it so desires, in the research on board vessels at the expense of the State conducting the research but without payment of any remuneration to the scientist of the coastal State;

(c) Provide the coastal State with the final results and conclusions of the research project;

(d) Undertake to provide to the coastal State, on an agreed basis, raw and processed data and samples of materials;

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

(f) Ensure that the research results are made internationally available through International Data Centres or through other appropriate international channels as soon as feasible;

(g) Inform the coastal State immediately of any major change in the research programme; and

(h) Comply with all relevant provisions of this Convention.

Article 17

The communication concerning the research project shall be made through appropriate official channels and the coastal State shall acknowledge its receipt immediately.

Article 18

1. States and international organizations which intend to undertake scientific research shall indicate in their communication to the coastal State whether they consider the research project to be of a fundamental nature or related to the resources of the economic zone or continental shelf.

2. States shall seek to promote through competent international organizations the establishment of criteria and guidelines concerning the differentiation between research directly related to the exploration and exploitation of the living and non-living resources and fundamental research which is not directly related to exploration and exploitation of such resources.

Article 19

If the coastal State considers that the research project defined by the researching State as fundamental is not of such nature, it may object only on the ground that the said project would infringe on its rights as defined in this Convention over the natural resources of the economic zone, or continental shelf.

Article 20

Any dispute with respect to the determination of the nature of the research project, if not settled by negotiation between the parties concerned shall, at the request of any of the parties of the dispute, be submitted for settlement in accordance with the procedures set out in the relevant articles of this Convention.

Article 21

Any research project related to the living and non-living resources of the economic zone and the continental shelf shall be conducted only with the explicit consent of the coastal State. In this case the following conditions shall apply:

(a) The conditions specified in articles 15 and 16 with the exception of the condition contained in subparagraph (f) of article 16;

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

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

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

Article 22

When the research is of a fundamental nature the coastal State may indicate within . . . days of the communication concerning the research projects its intent to participate in the different phases of the research on mutually agreed terms. In case the coastal State does not reply, the researching State or the international organization shall proceed with the realization of the research project in accordance with the conditions referred to in article 16.

Article 23

1. States and international organizations conducting marine scientific research in the economic zone of a coastal State shall take into account the interest and rights of the land-locked and other geographically disadvantaged States of the region, neighbouring to the research area, as provided for in this Convention, and shall notify these States of the proposed research project as well as provide, at their request, relevant information and assistance as specified in article 15 and in article 16, subparagraphs (e) and (g).

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 to be appointed by them.

Article 24

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, including domestic legislation, to facilitate access to their harbours and to provide assistance for marine scientific research vessels carrying on such activities.

Article 25

1. All States, whether coastal or land-locked, as well as appropriate international organizations shall have the right in conformity with the provisions of this Convention to conduct marine scientific research in the international sea-bed area.

2. Information concerning the research project in accordance with article 15 shall be submitted not less than . . . days beforehand to the International Sea-Bed Authority, established in accordance with the provisions of this Convention.

3. When a resource-oriented marine scientific research programme is planned in an area immediately adjacent to the economic zone or continental shelf of a coastal State, and research incidental to the research programme, involving entries into the economic zone of the coastal State, may be required, the coastal State may request that the provisions of article 21 be fulfilled.

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

Article 26

All States whether coastal or land-locked as well as appropriate international organizations shall have the right in conformity with the provisions of this Convention to conduct marine scientific research in the waters of the high seas beyond the limits of the economic zone.

CHAPTER IV. STATUS OF SCIENTIFIC EQUIPMENT IN THE MARINE ENVIRONMENT

Article 27

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

Article 28

All the rights necessary to operate and manage and the responsibility for such installations or equipment shall remain with the States or the international organizations which have deployed them or on whose behalf they have been deployed, in accordance with the provisions of this Convention, unless otherwise agreed between the parties concerned.

Article 29

In areas where the consent of the coastal State is needed for the conduct of marine scientific research in accordance with this Convention the coastal State has the power to inspect and ensure that the installations or equipment are used in conformity with the purposes and conditions set out for the conduct of the research project, including the right, in the case of contravention by the deploying States or international organizations, to take all appropriate judicial and administrative measures.

Article 30

The installations or equipment referred to in this chapter shall not have the status of islands or possess their own

territorial waters, and their existence shall not affect the delimitation of the territorial sea, continental shelf or economic zone of the coastal State.

Article 31

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

Article 32

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 33

Installations or equipment referred to in this chapter shall bear identification markings, indicating the State or international organization to which they belong and will have adequate warning signals to ensure the safety of sea and air navigation.

CHAPTER V. RESPONSIBILITY AND LIABILITY

Article 34

States and competent international organizations shall be responsible for ensuring that marine scientific research, whether undertaken by them or on their behalf, is conducted in accordance with the provisions of this Convention.

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

Article 35

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

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

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

Article 36

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

CHAPTER VI. SETTLEMENT OF DISPUTES

Article 37

Any dispute with respect to the interpretation or application of the provisions of this Convention with respect to marine scientific research shall be resolved by the dispute settlement procedures contained in chapter . . . of this Convention.

Part III: Development and transfer of technology

CHAPTER I. GENERAL PROVISIONS

Article 1

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

2. States in particular shall promote the development of the marine scientific and technological capacity of developing States including land-locked and geographically disadvantaged States* in consonance with their economies and needs, with regard to the exploration, exploitation, conservation and management of marine resources, the preservation of the marine environment and the equitable and legitimate uses of the marine environment compatible with this Convention, with a view to accelerating the social and economic development of the developing States.

Article 2

All 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 technology.

Article 3

All States, either directly or through appropriate international organizations, shall *inter alia*:

(a) Promote the acquisition, evaluation and dissemination of marine scientific and technological knowledge;

(b) Promote the development of appropriate marine technology;

(c) Promote the development of the necessary technological infrastructure to facilitate the transfer of marine scientific technology in consonance with the economy and the needs of the recipient country;

(d) Promote the development of human resources through training and education and especially the training of national personnel of a lesser developed State;

(e) Facilitate access to scientific and technological information and data; and

(f) Promote international co-operation at all levels, particularly at the regional, subregional and bilateral levels.

* The definition of the words "geographically disadvantaged States", together with all other definitions, could be considered in a special introductory chapter of this Convention.

Article 4

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

(a) Establish programmes of technical co-operation for the effective transfer of all kinds of marine technology to the developing States, particularly the developing land-locked States which, due to their geographically disadvantaged situation, have not been able either to 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, meetings and seminars on appropriate scientific and technological subjects;

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

(e) Undertake projects, promote joint ventures, mixed enterprises (including State enterprises) and other forms of bilateral and multilateral co-operation.

CHAPTER II. INTERNATIONAL CO-OPERATION

Article 5

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

Article 6

States, either directly or through appropriate international organizations, shall promote the establishment of universally accepted guidelines, taking into account in particular the interests and needs of the developing States, for the transfer of marine technology and other work in the field of transfer of technology on a bilateral basis or within the framework of international organizations and other fora.

Article 7

States shall endeavour to ensure that international organizations competent in the field of the transfer of 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, including land-locked and geographically disadvantaged States.

Article 8

All 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 related activities.

Article 9

The International Sea-Bed Authority shall, within its competence concerning the exploration of the international sea-bed area, the exploitation of its resources and related activities, as provided for in article . . . , ensure:

(a) That nationals of developing States whether coastal, land-locked or otherwise 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 it 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 a special fund or any other financial arrangement designed for this purpose.

CHAPTER III. REGIONAL MARINE SCIENTIFIC AND TECHNOLOGICAL CENTRES

Article 10

States shall promote within their capabilities the establishment, especially in developing States, of regional marine scientific and technological research centres, in co-ordi-

nation with the International Sea-Bed Authority when appropriate as well as with international organizations and national marine scientific and technological institutions, in order to stimulate and advance the conduct of marine scientific research by developing States.

Article 11

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, geology, sea-bed mining and desalination technologies;

(b) Management studies;

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

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

(e) Acquisition and processing of marine scientific and technological data and information;

(f) Prompt dissemination of results of marine scientific and technological research in readily available publications;

(g) Serving as a repository of marine technologies for the States of the region covering both patented and non-patented technologies and know-how; and

(h) Technical co-operation to the countries of the region.