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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE III

Note by the Chairman of Working Group 3 addressed to the Chairman
of Sub-Committee III

I have the honour to inform you that the Working Group of Marine Scientific Research and Transfer of Technology (Working Group 3 of Sub-Committee III), established on 5 April 1973, in New York, held 10 meetings during the current session.

In accordance with its terms of reference, the Working Group discussed the proposals formally submitted to Sub-Committee III in documents A/AC.138/SC.III/L.18, 23, 31, 34^{1/}, 42, 44 and 45. Its discussions covered the definition and objectives of marine scientific research, the conduct and promotion of marine scientific research, and the prerequisites for the conduct of such research. It was not possible for the Working Group to initiate consideration of the question of the transfer of technology.

At its first meeting during the current session, the Working Group decided to establish informal consultations which were open to participation by all delegations. These informal consultations produced a number of texts which are attached to this note. These texts were drafted on the basis of the above-mentioned proposals and of comments and suggestions by delegations in the Working Group.

Due to lack of time, it was not possible for the Working Group and its informal consultations to consider all the draft articles contained in the proposals submitted to Sub-Committee III^{2/}. Also, there was no opportunity for the Working Group to review the texts attached to this note.

The Working Group, having taken note of the attached texts, authorized me to inform you and Sub-Committee III of the work it has achieved in carrying out its mandate.

^{1/} and ^{2/} The Working Group also referred to relevant texts in A/AC.138/SC.II/L.28

ANNEX

WG.3/Paper No.4

"Definition and Objectives of Marine Scientific Research

Marine scientific research is any study and related experimental work, excluding industrial exploration and other activities aimed at the direct exploitation of marine resources, designed to increase mankind's scientific knowledge of the marine environment and conducted for peaceful purposes."^{3/} ^{4/} ^{5/}
(The informal drafting group had decided to postpone the drafting of any further text dealing with objectives.)

The following alternative texts were agreed without prejudice to their place in the order of the draft articles:

"Marine scientific research as such shall not form the legal basis for any claims of exploitation rights or any other rights in areas beyond the limits of national jurisdiction."

OR

"Marine scientific research as such shall not form the legal basis for any claim to any part of the marine environment^{6/} or its resources."

WG.3/Paper No.5

Conduct and promotion of marine scientific research

- A. "1. Subject to the rights of coastal States [and of the International Authority] [OR] [and subject to the régime of the international seabed area] as provided for in this Convention, all States, irrespective of their geographical location, as well as appropriate international organizations, have the right [OR the right of freedom]^{7/} to conduct marine scientific research and other research activities in the marine environment.

^{3/} The view was expressed by some delegations that this definition was acceptable provided that another article in the Convention recognizes the fact that scientific research may provide a basis for industrial and commercial advantage.

^{4/} Some delegations were of the opinion that an article on definitions was not necessary and that the articles to be drafted on the obligations of States would indirectly, but clearly, establish the meaning intended.

^{5/} Some delegations considered that it would be desirable to include a definition of the term "marine environment".

^{6/} The view was expressed that the reference to "any part of the marine environment" should not prejudice the rights of the coastal State within its area of national jurisdiction.

^{7/} Some delegations were opposed to the use of the words "or the right of freedom" in this text and considered them superfluous.

2. States shall promote co-operative marine scientific programmes taking into particular consideration the interests and needs of developing countries."8/ 9/ 10/ 11/

OR

B. "Subject to the rights of coastal States, States whether coastal or land-locked shall co-operate in the promotion of scientific research and investigation in the marine environment, as provided for in this Convention, in an orderly and rational manner, taking into account the interests of the international community, particularly the interests and needs of developing countries."12/ 13/ 14/

OR

C. "Scientific research in the sea being essential to an understanding of global environment, the preservation and enhancement of the sea and its rational and effective use, States shall promote and facilitate the development and conduct of all scientific research in the sea for the benefit of the international community. All States, irrespective of geographic location, as well as appropriate international organizations may engage in scientific research in the sea, recognizing the rights and interests of the international community and coastal States, particularly the interests and needs of developing countries, as provided for in this Convention."

8/ A view was expressed that this draft article should have included a reference to physical and juridical persons as also having the right to conduct scientific research in the marine environment.

9/ Some delegations took the view that texts A and B are not alternatives but complementary.

10/ Some delegations expressed the view that texts A and B are not complementary but real alternatives.

11/ Some delegations expressed the view that it was premature to include the words "subject to the rights of coastal States" in the above texts since it may be prejudicial to the inherent rights of States.

12/ See footnote 9/.

13/ See footnote 10/.

14/ See footnote 11/.

OR

- D. "Subject to the rights of coastal States, States, as well as the competent international organizations, may promote and conduct scientific research in the marine environment, taking into account all relevant factors, including the interests of the international community and particularly those of the developing countries, as provided for in this Convention."^{15/}

OR

- E. "All States, irrespective of their geographical location, as well as international organizations, shall enjoy on a basis of equality and without any discrimination the right of freedom to conduct scientific research in the world ocean.

"The term 'world ocean' as used in this Convention covers all ocean space, the sea-bed and the subsoil thereof, with the exception of internal and territorial waters and the bed and subsoil of the continental shelf."^{16/}

^{15/} See footnote ^{11/}

^{16/} See footnote ^{1/}

