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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

UNITED STATES OF AMERICA
DRAFT ARTICLES FOR A CHAPTER ON
MARINE SCIENTIFIC RESEARCH

ARTICLE 1

Scientific research in the sea being essential to an understanding of the 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.

ARTICLE 2

Scientific research shall be conducted with reasonable regard to other uses of the sea, and such other uses shall be conducted with reasonable regard to the conduct of scientific research. */

*/ A general treaty article on the subject of accommodation of uses dealing with all uses of the sea might be included in the general articles of the Law of the Sea Convention. This could obviate the need for a specific article for each use, such as that suggested above for scientific research, that prepared as Text 17 of the texts dealing with principles for the sea-bed areas beyond the limits of national jurisdiction (A/AC.138/SC.1/L.22, 4 April 1973) or that included in Article 2, paragraph 2, of the Convention on the High Seas.

ARTICLE 3

Scientific research shall be conducted with strict and adequate safeguards for the protection of the marine environment. */

ARTICLE 4

Scientific research activities shall not form the legal basis for any claim to any part of the sea or its resources. **/

ARTICLE 5

States shall promote international co-operation in scientific research exclusively for peaceful purposes.

- a. by participating in international programmes and by encouraging co-operation in scientific research by personnel of different countries;
- b. through effective publication of scientific research programmes and dissemination of the results of such research through international channels and promotion of the flow of scientific research to developing countries;
- c. through measures to strengthen scientific research capabilities of developing countries, including assistance in assessing the implications for their interests of scientific research data and results, the participation of their nationals in research programmes, and education and training of their personnel.

ARTICLE 6

Coastal States in the exercise of their sovereignty shall co-operate in facilitating the conduct of scientific research in their territorial sea and access to their ports by research vessels.

*/ The need for and wording of the article might be further considered in the light of the draft articles prepared by the Working Group on marine pollution.

**/ There may be merit in the inclusion of an article in the general articles of the Law of the Sea Convention to the effect that no claims to any part of the sea can be made except as specifically provided in the Convention. This could obviate the need for a specific article for each use of the sea (see e.g. Texts 4 and 11 of the draft sea-bed articles prepared by the Working Group of Sub-committee I; Article 2 of the United States draft sea-beds treaty).

ARTICLE 7

In areas beyond the territorial sea where the coastal State exercises jurisdiction pursuant to Articles ____ over sea-bed resources and coastal fisheries, States and appropriate international organizations shall ensure that their vessels conducting scientific research shall respect the rights and interests of the coastal State in its exercise of such jurisdiction, and for this purpose shall:

- a. provide the coastal State at least ____ days advance notification of intent to do such research, containing a description of the research project which shall be kept up to date;
- b. certify that the research will be conducted in accordance with this Convention by a qualified institution with a view to purely scientific research;
- c. ensure that the coastal State has all appropriate opportunities to participate or be represented in the research project directly or through an appropriate international institution of its choice; the coastal State shall give reasonable advance notification of its desire to participate or be represented in the research within ____ days after it has received notification;
- d. ensure that all data and samples are shared with the coastal State;
- e. ensure that significant research results are published as soon as possible in an open readily available scientific publication and supplied directly to the coastal State;
- f. assist the coastal State in assessing the implications for its interests of the data and results directly or through the procedures established pursuant to Article 5;
- g. ensure compliance with all applicable international environmental standards, including those established or to be established by [insert name or names of appropriate organizations].

ARTICLE 8

Any dispute with respect to the interpretation or application of the provisions of this Chapter shall, if requested by either party to the dispute, be resolved by the compulsory dispute settlement procedures contained in Article ____.