The Soviet Union adapts its Legislation on the Conduct of Marine Scientific Research in the USSR Economic Zone

The Soviet Union was not only the first major maritime power to enact economic zone legislation after the signature of the United Nations Convention on the Law of the Sea, it was also one of the first countries after 1982 to enact detailed requirements on conditions for engaging in marine scientific research by means of its 1985 Decree on the Confirmation of the Statute on the Manner of Conduct of Marine Scientific Research in the Economic Zone of the USSR. Only a few other countries had done so by 1985. This 1985 Decree was moreover characterized by the inclusion of a questionnaire which specified the information to be transmitted to the proper Soviet authorities in order to obtain consent for conducting marine scientific research in the economic zone of the USSR. Read together, these two enactments of 1984 and 1985 constitute the legal framework foreign research vessels will have to comply with when conducting scientific research in the Soviet economic zone.

A detailed analysis of the relevant parts of the 1984 Edict and the 1985 Decree, which appeared in Vol. 1, No. 4 of this journal, came to the general conclusion that the provisions of these Soviet enactments very much reflect the content of the 1982 Convention. A closer look at the questionnaire appended to the 1985 Decree, which drew upon Articles 248 (a)-(f) of the 1982 Convention, came to the conclusion at that time that “the lengthy questionnaire does not seem to extend the...
meaning of Article [248], with the exception perhaps of requiring a list of the personnel involved in the research activities.\textsuperscript{8}

On 25 October 1989 the Council of Ministers amended the Appendix to the 1985 Decree exactly on this point. In a Decree on the Shortening of the List of Information Communicated in Order to Obtain the Consent for Conducting Marine Scientific Research in the Economic Zone of the USSR, this body deleted from point 4 of the questionnaire “list of crew members (function on board)” and from point 7 the information on the “scientific and technical personnel taking part in the marine scientific research”.

The official reason why the State Committee of the USSR on Science and Technology and the Ministry of Foreign Affairs of the USSR formulated such a proposal may not be known, but one can assume that the problems encountered by this researching state in foreign waters when attempting to conduct research in areas under coastal jurisdiction might have inspired a more restrained position on the home front. In this respect reference can be made to the recently enacted marine scientific research legislation of the German Democratic Republic, where under Article 5 (Data on the Project) one simply reads sub (d): “The name of the master and the number of the crew members”.\textsuperscript{9}

As can be inferred from the latest Report of the Secretary-General on the Law of the Sea,\textsuperscript{10} much attention has been paid lately to marine scientific research by the UN Office for Ocean Affairs and the Law of the Sea. First, a compilation of national legislation on this topic was issued in 1989.\textsuperscript{11} During the same year, a handbook on the practical implementation of the regime of marine scientific research in areas under national jurisdiction was prepared by the Office in a series of studies on highly technical aspects of the 1982 Convention. This handbook which is planned to appear in early 1990, drew upon the advice of a group of experts, which was convened at United Nations Headquarters in September 1989. Although the timing of events might have suggested that this meeting had a direct influence on the Soviet amendment of its legislation on the subject, such a submission does not appear to be correct since no Soviet experts took part in this September 1989 meeting.\textsuperscript{12}

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\textsuperscript{8} Franckx, Marine Scientific Research, p. 337. Art. 249, as mentioned on that page, should read Art. 248.


\textsuperscript{12} A brief description of this meeting appeared in Law of the Sea Bulletin, No. 14 (Dec. 1989) pp. 106–107. According to this information the Soviet Union was represented in this group of Experts. Other members of this group, however, do not recall such Soviet participation.