Questionnaire on State Practice of Small Island Developing States in the field of Marine Scientific Research in support of a PhD research

Dear Participant,

I am writing to invite you to kindly **participate in a survey**, reflecting on your country’s practice, to support my PhD research entitled “An analysis of the State Practice of Small Island Developing States on the Consent Regimes for Marine Scientific Research (MSR) under the United Nations Convention on the Law of the Sea” (Articles 245-255c, LOSC). By identifying best practices and specific challenges faced by Small Island Developing States (SIDS) in the implementation of these provisions, the research examines options to strengthen the legal framework for MSR.

My doctoral studies are conducted at WMU-Sasakawa Global Ocean Institute, World Maritime University under the supervision of Professor Ronan Long and Dr. Zhen Sun. This survey is being conducted in line with the WMU Research Ethics Committee and high standard protection of data security and privacy. Your personal data will not be published. Additional information regarding the data security can be found on the 'Consent form'.

Given your knowledge and extensive experience with marine scientific research, I would be grateful if you could assist me in my PhD research. Moreover, should you grant the courtesy of an interview, I would be happy to investigate further some practices of your country and provide details on my project by means of a video call or by email (w1903592@wmu.se).

Yours sincerely,

Luciana Fernandes Coelho

Malmö, 2021

Consent Form

Dear Respondent,

Thank you for agreeing to participate in this survey carried out in connection with my Doctoral Thesis at the World Maritime University.

This is an online survey that shall be fully answered on this website, which follows the highest data security and privacy standards. The replies will be directly received by the researcher, who will be the sole recipient of the data, and archived on a secure virtual drive linked to a World Maritime University email address, a copy will be store in an external drive. Besides, the information provided will be used only for research purposes. The results will form part of my Doctoral thesis, which will be made available to the public through academic publications.

The responses are provided on behalf of your country, your personal data (e.g. identity and contact details) will not be published nor disclosed to a third party. Furthermore, according to the WMU Research Ethics Committee standards, all the data will be deleted 10 years after the completion of the studies.

Your voluntary participation in this survey is highly appreciated. YOU MAY, however, WITHDRAW FROM RESPONDING AT ANY TIME, AND YOUR PERSONAL DATA AND RESPONSES WILL BE IMMEDIATELY DELETED. Additionally, you will be provided options to inform whether any of the questions contains sensitive information.

Supervisors' names: Professor Ronan Long and Dr. Zhen Sun

Student’s name: Luciana Fernandes Coelho

Specialization: PhD in Maritime Affairs

Email address: w1903592@wmu.se

\* \* \*

I consent to my personal data, as outlined above, which will be used for this study only. I understand that all personal data relating to participants and information is held and processed in the strictest confidence, and will be deleted 10 years after the completion of the studies, according to the WMU Research Ethics Committee standards.

Yes

No

Instructions

The survey contains **36 questions** and will require **approximately 30 minutes to complete**. If needed, you have the option of **pause and resume responding** by using the save and return option. The survey is in three parts.

The first part aims to **examine the scientific and technological capacity** of your country.

The second part of the questionnaire, investigates the implementation of **coastal States’ rights and obligations to grant consent** for marine scientific research (MSR) projects undertaken by foreign-flagged research vessels in the maritime spaces under the sovereignty or jurisdiction of your country, i.e. territorial sea, exclusive economic zone, continental shelf, and extended continental shelf.

The third part seeks to assess the **duty of researching entities to comply with certain conditions during the scientific project,** i.e. share of data and samples. There is a blank space at the end of each question in which you can detail or explain the answer if needed.

Finally, there is an open box for general comments, which provides an opportunity for you to indicate whether you would like any of the answers to be considered confidential.

Some questions are based on Section One of the IOC-UNESCO Questionnaire n.º 3 "The Practice of States in the fields of Marine Scientific Research (MSR) and Transfer of Marine Technology", adopted by the IOC Executive Council Resolution EC-XXXV.7, and by the United Nations General Assembly Resolution A/RES/56/12 (thereinafter, Questionnaire n.º 3). These are identified by a questions mark indicating which question of the IOC-Questionnaire is referenced. Supplementary topics of inquiry are added to address emerging subjects. The survey does not cover rights and obligations related to the transfer of marine technology.

The survey uses the following acronyms:

Continental Shelf (CS)

Exclusive Economic Zone (EEZ)

International Organization (IO)

Marine Genetic Resources (MGR)

Marine Scientific Research (MSR)

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol)

Small Island Developing States (SIDS)

Third United Nations Conference on the Law of the Sea (UNCLOS III)

United Nations Convention on the Law of the Sea (LOSC)

United Nations Division for Ocean Affairs and the Law of the Sea (UNDOALOS)

Identification:[[1]](#footnote-1)

1) Name of the State:

2) Name of the contact person/organisation responsible for filling this form and the respective role in the MSR approval process:

3) Contact details of the person/organisation (address, e-mail address, telephone number, fax number):

**Part I: Research Capacity and Infrastructure**

This Part aims to collect information on your country's capacities to conduct MSR

4) How would you describe the capacity of your country to conduct marine scientific research?

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5) Indicate if your country has (or has access to) any of the below. Where possible, please specify the focus area of the research.

(i) Oceanographic Research Vessel ▢

(ii) Deep Oceanographic Research Vessel (i.e. Global Class RV) ▢

(iii) Seabed Observatories ▢

(iii) Human Occupied Vehicle (HOV) (e.g. WHOI Alvin) ▢   
(iv) Unmanned Aerial System (UAS) (e.g. drones) ▢

(v) Unmanned Underwater Vehicles (UUV):

Autonomous Underwater Vehicle (AUV) (e.g. submersibles, gliders) ▢

Remotely Operated Vehicle (ROV) ▢

Floats ▢   
(vi) Moorings

(vii) Research Facilities (e.g. National Research Centers on Marine Science, University, Oceanographic Data Center, etc.) ▢   
(vii) Permanent Funding Mechanisms ▢   
(viii) Other, please specify ▢

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6) Does your country have a national ocean policy in place?

Yes

No

In progress

Do not know

If yes, please indicate the link or the reference to it, if possible.

7) Does your country have a national needs assessment in marine science and infrastructure, technology and ocean services?

Yes

No

In Progress

Do not know

If yes, please indicate the link or the reference to it, if possible.

If not, please provide information on your country’s capacity needs in marine science and infrastructure, technology and ocean services, if possible.

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8) Has your country designated areas on the extended continental shelf, beyond 200 nautical miles from the baselines, in which exploitation or exploration activities might take place (article 246(6), LOSC)?

No

Yes

Do not know

If yes, please indicate the link or the reference to it, if possible.

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**Part II: Consent Regime**

This Part aims to collect data on the State's practice in authorizing MSR projects in waters under national jurisdiction

9) What does your country consider as Marine Scientific Research?

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10) Does your country classify ocean observation (e.g. atmospheric, echosounder, oceanic, and biogeochemical observations) as marine scientific research?

Yes

No

Do not know

11) Does your country have legislation in force to implement the LOSC provisions related to MSR, as well as other international instruments relevant to MSR?[[2]](#footnote-2)

No

Yes

In Progress

Do not know

If yes, please provide a copy of your existing national legislation or administrative procedure [or a link to the website where it can be retrieved].

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12) Has your country enacted legislation, rules, regulations and procedures to ensure that consent requested by foreign scientists will not be delayed or denied unreasonably (article 246(3), LOSC)?

Yes

No

In Progress

Do not know

If yes, please indicate the link or the reference to it, if possible.

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13) Has your country enacted internal laws or guidelines facilitating the access to its ports and promoting assistance to research vessels (article 255, LOSC)?

Yes

No

In Progress

Do not know

If yes, please indicate the link or the reference to it, if possible.

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14) What regulatory provisions, such as customs or tax requirements, apply to foreign research vessels while in your ports?[[3]](#footnote-3)

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15) Are there official channels established to handle requests for consent to MSR projects in waters under your country’s sovereignty or jurisdiction, in accordance with Article 250, LOSC?[[4]](#footnote-4)

Yes

No

In Progress

Do not know

If yes, please provide names, address and contact information.

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16) Taking into account Article 255, LOSC, has your country created an application form for requesting consent?[[5]](#footnote-5)

No

Yes

If yes, does your country use a specific model for application form(s) like those prepared by international organisations, e.g. model of International Council for the Exploration of Sea, model of the UNDOALOS, [model provided by the researching organization], etc.?

No

Yes

If yes, which model is used?

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17) Taking into account Article 255, LOSC, has your country created any other specialized application form(s) for requesting consent?[[6]](#footnote-6)

No

Yes

If yes, please provide a copy of this/these specific form(s)?

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18) Does your country have specific requirements to grant consent for research on marine genetic resources for non-commercial use (article 8 (a), Nagoya Protocol)?

Yes

No

In Progress

Do not know

If yes, please indicate the link or the reference to the national legislation establishing the procedures to request consent, if possible.

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19) Does your country have specific requirements to grant consent for bathymetric surveys?

Yes

No

Do not know

If yes, please specify the requirements or indicate the link to the national legislation establishing the procedures to request consent, if possible.

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20) Does your country receive requests for MSR approval coming directly from NGOs, foundations, private research, etc. (other than applications on behalf of states or under the auspices of IOs)?

Yes

No

Do not know

If yes, please indicate the link or the reference to the national legislation establishing the procedures to request consent, if possible.

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21) Please summarise the procedures in your country when a request of consent for MSR has been received. When possible, identify what other departments are involved in issuing consent.

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22) What is the average time taken by your country for responding to a request of consent for MSR?

Less than 4 months

Between 4 and 6 months

More than 6 months

Not sure

23) Have you utilised implied consent to allow research to be conducted in waters under your jurisdiction by another country (article 252, LOSC)?[[7]](#footnote-7)

No ▢ Yes ▢

If yes, why?

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If no, why not?

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24) What is the approximate number of requests for authorization your country has received annually, over the last eleven years (2009-2020)?[[8]](#footnote-8)

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25) Approximately how many of these requests were approved?[[9]](#footnote-9)

[Please, provide a percentage if you do not have an exact number]

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26) Approximately how many MSR requests submitted under the auspices of an IO have been approved in the past eleven years? (2009-2020) (article 247, LOSC)?

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27) During the last eleven years (2009-2020), how often did your country require supplementary information or clarification relevant for the assessment of the nature and objectives of the MSR project (articles 246(5)(d), 248, and 252(c), LOSC)?

Less than 20% of the requests

Between 20% and 50% of the requests

Between 50% and 80% of the requests

More than 80% of the requests

Not sure

28) What was the supplementary information or clarification requested about? Check all that apply.

The nature and object of the project

The methods, means, and description of the scientific equipment

The precise geographical scope of the project

The date of first appearance and final departure of the research vessels

The name of the sponsor institution and the person in charge of the process

The extent to which the coastal State can participate in the project

Other, please provide details

29) If the consent was withheld in any of the requests, which was the legal ground for the decision (art. 246 (5), LOSC)? Check all that apply:

Is of direct significance for the exploration or exploitation of natural resources

Involves drilling, the use of explosives or the introduction of harmful substances

Involves the construction, operation or use of artificial islands, installations or structures

Do not provide clear and sufficient information

The requesting entity has pending obligations regarding a previous project

The extent to which the coastal State can participate in the project

Other, please specify

30) What constitutes the expected starting date of the MSR project in your country (article 248, *caput*, LOSC)?[[10]](#footnote-10)   
The specified starting date of the research plan?   
The date the research plan is approved?   
The date the research vessel departs?   
The date the actual research operation begins in waters under your national jurisdiction?   
Other, please specify

**Part III: Post-cruise rights and obligations**

This Part seeks to clarify information related to the rights and duties during and after performing MSR activities

31) Has your country already sent scientists as observers on-board foreign research vessels in the framework of a MSR project conducted in the waters under your national jurisdiction (articles 248(f) and 249(a), LOSC)?[[11]](#footnote-11)

Yes

No

Do not Know

32) Do the observer(s) represent your government on board foreign research vessel?[[12]](#footnote-12)

No

Yes

33) What are the functions/assignments of the observers on board (articles 248(f) and 249(a), LOSC)?[[13]](#footnote-13) Check all that apply.

To report on research activities carried out?

To ensure that the type of research undertaken and the area where the research is conducted conforms to the official notification document?

To act as an official channel for possible communications between the vessel and your government?

To take the opportunity to be trained in the field of work defined in the MSR project? ▢

Others? Please specify.

34) Does your country require that researchers provide the relevant authorities with copies of data and samples (Article 249 (1(c)), LOSC)?[[14]](#footnote-14)

No

Yes

35) Does your country require that researchers provide and or assist the relevant authorities with an assessment of [data, samples, and] research results (Article 249 (1(d)), LOSC)?[[15]](#footnote-15)

No ▢ Yes ▢

36) Has your country ever required suspension/cessation of MSR projects conducted in waters under your national jurisdiction for non-compliance with Articles 248 and 249, LOSC?[[16]](#footnote-16)

No

Yes

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| Comments: |

Thank you!

Annex I

United Nations Convention on the Law of the Sea[[17]](#footnote-17)

SECTION 3. CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH

Article 245 Marine scientific research in the territorial sea Coastal States, in the exercise of their sovereignty, have the exclusive right to regulate, authorize and conduct marine scientific research in their territorial sea. Marine scientific research therein shall be conducted only with the express consent of and under the conditions set forth by the coastal State.

Article 246 Marine scientific research in the exclusive economic zone and on the continental shelf

1. Coastal States, in the exercise of their jurisdiction, have the right to regulate, authorize and conduct marine scientific research in their exclusive economic zone and on their continental shelf in accordance with the relevant provisions of this Convention.

2. Marine scientific research in the exclusive economic zone and on the continental shelf shall be conducted with the consent of the coastal State.

3. Coastal States shall, in normal circumstances, grant their consent for marine scientific research projects by other States or competent international organizations in their exclusive economic zone or on their continental shelf to be carried out in accordance with this Convention exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind. To this end, coastal States shall establish rules and procedures ensuring that such consent will not be delayed or denied unreasonably.

4. For the purposes of applying paragraph 3, normal circumstances may exist in spite of the absence of diplomatic relations between the coastal State and the researching State.

5. Coastal States may however in their discretion withhold their consent to the conduct of a marine scientific research project of another State or competent international organization in the exclusive economic zone or on the continental shelf of the coastal State if that project:

(a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;

(b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;

(c) involves the construction, operation or use of artificial islands, installations and structures referred to in articles 60 and 80;

(d) contains information communicated pursuant to article 248 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to the coastal State from a prior research project.

6. Notwithstanding the provisions of paragraph 5, coastal States may not exercise their discretion to withhold consent under subparagraph (a) of that paragraph in respect of marine scientific research projects to be undertaken in accordance with the provisions of this Part on the continental shelf, beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, outside those specific areas which coastal States may at any time publicly designate as areas in which exploitation or detailed exploratory operations focused on those areas are occurring or will occur within a reasonable period of time. Coastal States shall give reasonable notice of the designation of such areas, as well as any modifications thereto, but shall not be obliged to give details of the operations therein.

7. The provisions of paragraph 6 are without prejudice to the rights of coastal States over the continental shelf as established in article 77.

8. Marine scientific research activities referred to in this article shall not unjustifiably interfere with activities undertaken by coastal States in the exercise of their sovereign rights and jurisdiction provided for in this Convention.

Article 247 Marine scientific research projects undertaken by or under the auspices of international organizations

A coastal State which is a member of or has a bilateral agreement with an international organization, and in whose exclusive economic zone or on whose continental shelf that organization wants to carry out a marine scientific research project, directly or under its auspices, shall be deemed to have authorized the project to be carried out in conformity with the agreed specifications if that State approved the detailed project when the decision was made by the organization for the undertaking of the project, or is willing to participate in it, and has not expressed any objection within four months of notification of the project by the organization to the coastal State.

Article 248 Duty to provide information to the coastal State States and competent international organizations which intend to undertake marine scientific research in the exclusive economic zone or on the continental shelf of a coastal State shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide that State with a full description of:

(a) the nature and objectives of the project;

(b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;

(c) the precise geographical areas in which the project is to be conducted;

(d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;

(e) the name of the sponsoring institution, its director, and the person in charge of the project; and

(f) the extent to which it is considered that the coastal State should be able to participate or to be represented in the project.

Article 249 Duty to comply with certain conditions

1. States and competent international organizations when undertaking marine scientific research in the exclusive economic zone or on the continental shelf of a coastal State shall comply with the following conditions:

(a) ensure the right of the coastal State, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the coastal State and without obligation to contribute towards the costs of the project;

(b) provide the coastal State, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;

(c) undertake to provide access for the coastal State, at its request, to all data and samples derived from the marine scientific research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;

(d) if requested, provide the coastal State with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;

(e) ensure, subject to paragraph 2, that the research results are made internationally available through appropriate national or international channels, as soon as practicable;

(f) inform the coastal State immediately of any major change in the research programme;

(g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

2. This article is without prejudice to the conditions established by the laws and regulations of the coastal State for the exercise of its discretion to grant or withhold consent pursuant to article 246, paragraph 5, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.

Article 250 Communications concerning marine scientific research projects Communications concerning the marine scientific research projects shall be made through appropriate official channels, unless otherwise agreed.

Article 251 General criteria and guidelines States shall seek to promote through competent international organizations the establishment of general criteria and guidelines to assist States in ascertaining the nature and implications of marine scientific research.

Article 252 Implied consent States or competent international organizations may proceed with a marine scientific research project six months after the date upon which the information required pursuant to article 248 was provided to the coastal State unless within four months of the receipt of the communication containing such information the coastal State has informed the State or organization conducting the research that:

(a) it has withheld its consent under the provisions of article 246; or

(b) the information given by that State or competent international organization regarding the nature or objectives of the project does not conform to the manifestly evident facts; or

(c) it requires supplementary information relevant to conditions and the information provided for under articles 248 and 249; or

(d) outstanding obligations exist with respect to a previous marine scientific research project carried out by that State or organization, with regard to conditions established in article 249.

Article 253 Suspension or cessation of marine scientific research activities

1. A coastal State shall have the right to require the suspension of any marine scientific research activities in progress within its exclusive economic zone or on its continental shelf if:

(a) the research activities are not being conducted in accordance with the information communicated as provided under article 248 upon which the consent of the coastal State was based; or

(b) the State or competent international organization conducting the research activities fails to comply with the provisions of article 249 concerning the rights of the coastal State with respect to the marine scientific research project.

2. A coastal State shall have the right to require the cessation of any marine scientific research activities in case of any non-compliance with the provisions of article 248 which amounts to a major change in the research project or the research activities.

3. A coastal State may also require cessation of marine scientific research activities if any of the situations contemplated in paragraph 1 are not rectified within a reasonable period of time.

4. Following notification by the coastal State of its decision to order suspension or cessation, States or competent international organizations authorized to conduct marine scientific research activities shall terminate the research activities that are the subject of such a notification.

5. An order of suspension under paragraph 1 shall be lifted by the coastal State and the marine scientific research activities allowed to continue once the researching State or competent international organization has complied with the conditions required under articles 248 and 249.

Article 254 Rights of neighbouring land-locked and geographically disadvantaged States

1. States and competent international organizations which have submitted to a coastal State a project to undertake marine scientific research referred to in article 246, paragraph 3, shall give notice to the neighbouring land-locked and geographically disadvantaged States of the proposed research project, and shall notify the coastal State thereof.

2. After the consent has been given for the proposed marine scientific research project by the coastal State concerned, in accordance with article 246 and other relevant provisions of this Convention, States and competent international organizations undertaking such a project shall provide to the neighbouring land-locked and geographically disadvantaged States, at their request and when appropriate, relevant information as specified in article 248 and article 249, paragraph 1(f).

3. The neighbouring land-locked and geographically disadvantaged States referred to above shall, at their request, be given the opportunity to participate, whenever feasible, in the proposed marine scientific research project through qualified experts appointed by them and not objected to by the coastal State, in accordance with the conditions agreed for the project, in conformity with the provisions of this Convention, between the coastal State concerned and the State or competent international organizations conducting the marine scientific research.

4. States and competent international organizations referred to in paragraph 1 shall provide to the above-mentioned land-locked and geographically disadvantaged States, at their request, the information and assistance specified in article 249, paragraph 1(d), subject to the provisions of article 249, paragraph 2.

Article 255 Measures to facilitate marine scientific research and assist research vessels States shall endeavour to adopt reasonable rules, regulations and procedures to promote and facilitate marine scientific research conducted in accordance with this Convention beyond their territorial sea and, as appropriate, to facilitate, subject to the provisions of their laws and regulations, access to their harbours and promote assistance for marine scientific research vessels which comply with the relevant provisions of this Part.

Annex II

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity

Article 8 Special Considerations

In the development and implementation of its access and benefit-sharing legislation or regulatory requirements, each Party shall:

(a) Create conditions to promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research;

(b) Pay due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health, as determined nationally or internationally. Parties may take into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits arising out of the use of such genetic resources, including access to affordable treatments by those in need, especially in developing countries;

(c) Consider the importance of genetic resources for food and agriculture and their special role for food security.

Annex III

IOC QUESTIONNAIRE N°3

THE PRACTICES OF STATES IN THE FIELD OF

MARINE SCIENTIFIC RESEARCH (MSR) AND

TRANSFER OF MARINE TECHNOLOGY (TMT)

Section One: Conduct of marine scientific research in waters under sovereignty or jurisdiction of a coastal State.

This questionnaire responds to IOC Resolution EC-XXXV.7 adopted by the 35th session of the IOC Executive Council (Paris, 4-14 June 2002) and of Resolution A/RES/56/12 of the UN General Assembly.

The purpose of the survey and compilation is (i) to assess the problems encountered in the implementation of the marine scientific research (MSR) regime as established by Part XIII of UNCLOS (Section One), (ii) to assist States in establishing generally accepted guidelines, criteria and standards for the transfer of marine technology (TMT) in accordance with Article 271 of UNCLOS (Section Two) and to inform the international community as to the status of MSR and TMT and practical issues raised in their implementation.

Both Sections One and Two of the questionnaire are attached below, or it can be downloaded from the following IOC Website: <http://www.ioc.unesco.org/unclos/>. It would be most helpful if the entire questionnaire could be returned, completed, to Mrs Aurora MATEOS ([a.mateos@unesco.org](mailto:a.mateos@unesco.org)), at your earliest convenience. Thank you in advance for your co-operation.

**GENERAL**

1. Name of State
2. Name of contact person responsible for completing this form
3. Organization
4. Address
5. Telephone number
6. Fax number
7. E-mail address

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**QUESTIONNAIRE N°3 – SECTION ONE**

**CONDUCT OF MARINE SCIENTIFIC RESEARCH (MSR) IN WATERS UNDER SOVEREIGNTY OR JURISDICTION OF A COASTAL STATE**

**I** **NATIONAL LEGISLATION ON MARINE SCIENTIFIC RESEARCH**

1. Does your country have legislation in force to implement the UNCLOS provisions related to MSR, as well as other international instruments relevant to MSR?

|  |  |
| --- | --- |
| *YES* | *NO* |

* + If yes, please provide the IOC Secretariat with a copy of your existing national legislation or administrative procedure.
  + If no, would your country be interested in requesting technical assistance to draft/update/revise its specific national legislation on MSR?".

1. **CONSENT**
2. Are there official channels established to handle requests for MSR projects in

waters under your country’s sovereignty or jurisdiction, in accordance with Article 250 of

UNCLOS?

|  |  |
| --- | --- |
| *YES* | *NO* |

If yes, please provide names, address and contact information.

1. What is the approximate number of requests for authorisation your country has received annually, over the last five years (1998-2002)?
2. Approximately how many of these requests were approved?
3. Taking into account Article 255 of UNCLOS, has your country created an application form for requesting consent?

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| --- | --- |
| *YES* | *NO* |

If yes, does your country use a *specific* model for application form(s) like those prepared by international organisations, e.g. model of the International Council for the Exploration of Sea, model of the UN/OLA/DOALOS standard, etc.?

|  |  |
| --- | --- |
| *YES* | *NO* |

If yes, which model did you or are you use/using?

1. Taking into account Article 255 of UNCLOS, has your country created any other specialised application form(s) for requesting consent?

|  |  |
| --- | --- |
| *YES* | *NO* |

If yes, please provide a copy of this/these specific form(s) to the IOC Secretariat.

1. **APPLICATION REQUIREMENTS FOR FOREIGN COUNTRIES INTENDING TO CONDUCT MSR PROJECTS IN THE WATERS UNDER SOVEREIGNTY OR JURISDICTION OF YOUR COUNTRY**
2. Does your country conduct MSR in areas that are not under your sovereignty or jurisdiction?

If yes, as a researching State, has your country benefited from the procedure of

implied consent as stated in Article 252 of UNCLOS to conduct research in the waters of another coastal State?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. Is your country a coastal State?

If so, do you or have you utilised implied consent to allow research to be conducted in waters under your jurisdiction by another country?

|  |  |
| --- | --- |
| *YES* | *NO* |

If yes, why?

If no, why not?

**IV.** **PROCEDURES AFTER CONSENT FOR MSR PROJECT IS GRANTED BY THE COASTAL STATE**

1. What constitutes the expected starting date of the MSR project in your country?

(i) The specified starting date of the research plan?....................... 

(ii) The date the research plan is approved? .................................... 

(iii) The date the research vessel departs? ........................................ 

1. The date the actual research operation begins in

|  |  |  |
| --- | --- | --- |
|  | waters under your national jurisdiction? ................................... | |
| (v) | Others | If others, please specify. |

3

1. Status of observers (Article 249 1a)
   1. Has your country already sent scientists as observers on-board foreign research vessels in the framework of a MSR project conducted in the waters under your national jurisdiction?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. Has/have the research vessel(s) of your country hosted foreign observers?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. Do the observer(s) represent your government on board foreign research vessel?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. What are the functions/assignments of the observers on board:
   1. To report on research activities carried out?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. To ensure that the type of research undertaken and the area where the research is conducted conforms to the official notification document?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. To act as an official channel for possible communications between the vessel and your government?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. To take the opportunity to be trained in the field of work defined in the MSR project?

|  |  |
| --- | --- |
| *YES* | *NO* |

* 1. Others? Please specify.

1. If your country decides to undertake a MSR project in waters under the national jurisdiction of another coastal State, do you generally plan to provide equipment (on-board the research vessel) for use by a potential observer(s) from that coastal State?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. Does your country require that researchers provide the relevant authorities with copies of data and samples (Article 249 (1c)?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. Does your country require that researchers provide and or assist the relevant authorities with an assessment of research results (Article 249 (1d)?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. If your country performs research, does it publish and disseminate at the national, subregional/regional and international levels the research results and / or conclusions of the research project (Articles 249 (le)?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. During the last five years, how many foreign vessels have undertaken MSR in the waters under your national jurisdiction for the following types of research?

(i) Fishery

(ii) Pollution

(iii) Geology

(iv) Oceanography

(v) Hydrology

(vi) Other

Total

1. Has your country ever required suspension/cessation of MSR project conducted in waters under your national jurisdiction for non-compliance with Article 248 and 249 of UNCLOS?

|  |  |
| --- | --- |
| *YES* | *NO* |

1. What regulatory provisions, such as customs or tax requirements, apply to foreign research vessels while in your ports?

1. Questions 1-3 are consolidated from questions 1-7 of the Questionnaire n.º 3. [↑](#footnote-ref-1)
2. Modified from question I-A of the Questionnaire n.º 3. [↑](#footnote-ref-2)
3. Question IV-H of the Questionnaire n.º 3. [↑](#footnote-ref-3)
4. Question II-A of the Questionnaire n.º 3. [↑](#footnote-ref-4)
5. Modified from questions II-D of the Questionnaire n.º 3. [↑](#footnote-ref-5)
6. Question II-E of the Questionnaire n.º 3. [↑](#footnote-ref-6)
7. Question III-B of the Questionnaire n.º 3. [↑](#footnote-ref-7)
8. Modified from question II-B of the Questionnaire n.º 3. [↑](#footnote-ref-8)
9. Question II-C of the Questionnaire n.º 3. [↑](#footnote-ref-9)
10. Question IV-A of the Questionnaire n.º 3. [↑](#footnote-ref-10)
11. Question IV-B(i) of the Questionnaire n.º 3. [↑](#footnote-ref-11)
12. Question IV-B(iii) of the Questionnaire n.º 3. [↑](#footnote-ref-12)
13. Question IV-B(iv) of the Questionnaire n.º 3. [↑](#footnote-ref-13)
14. Question IV-C of the Questionnaire n.º 3. [↑](#footnote-ref-14)
15. Question IV-D of the Questionnaire n.º 3. [↑](#footnote-ref-15)
16. Question IV-G of the Questionnaire n.º 3. [↑](#footnote-ref-16)
17. United Nations Convention on the Law of the Sea, Montego Bay, Adopted on 10 December 1982, In force on 16 November 1994, 1833 UNTS 396. Available at: <<https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf>>. [↑](#footnote-ref-17)