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INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION
(of Unesco)

COMPARATIVE STUDY

OF

COMPILED NATIONAL LEGISLATION IN FORCE

ON

MARINE SCIENTIFIC RESEARCH

This Document was prepared by Dr. Alberto Szekely, an IOC Consultant, as part of the work being undertaken by the Commission, in co-operation with the UN Law of the Sea Secretariat, to compile national legislation on marine scientific research in zones under national jurisdiction, as decided by the Executive Council, at its Fourteenth Session, and endorsed by the Assembly at its Twelfth Session.

A detailed and exhaustive review of the compiled national legislative instruments in force on law of the sea matters, from among a total of 130 States, allowed the detection of 78 States which, in a greater or lesser degree, have adopted some type of legal provisions or regulations referring, in general or specifically, to scientific research activities within their marine zones of national jurisdiction.

As a methodological tool, a Table was prepared in order to classify those countries which have some kind of legal provisions in the field, including the title of the legislative instrument in question and its date of publication. Those instruments were classified in accordance to the concrete marine zone of national jurisdiction where the respective provisions apply, and printing an asterik next to those who make reference to activities by foreigners and two asteriks next to those who do not.

Among the 78 States thus classified it was found that:

1. In the Territorial Sea, 12 States regulate specifically marine scientific research activities. Of those 12 States, 8 regulate activities undertaken by foreigners and 3 do not make any reference to them at all.

2. In the Exclusive Economic Zone, 47 States regulate or have claimed their jurisdiction over marine scientific research. Only 4 of them make a specific reference to activities undertaken by foreigners.

3. In the Continental Shelf, 33 States regulate or have claimed their jurisdiction over marine scientific research, of which only 6 make reference to activities undertaken by foreigners.

4. A general section in the Table includes those States which exercise their jurisdiction over marine scientific research activities indistinctly, in their different marine zones of national jurisdiction, that is to say, which have claimed such jurisdiction in general over marine scientific research, but without defining specifically the zone of application of that jurisdiction. Only 4 of the 6 States thus classified, referred to activities by foreigners.

5. It was possible to detect 23 States which have legislative instruments regulating fishing with scientific research purposes, only 9 of which refer to those undertaken by foreigners.

6. Among the 9 States which have an exclusive fishing zone, 5 of them regulate the scientific research undertaken by foreigners in that zone.

As it can be appreciated, the classification by itself yields a general panorama as to which is, at the moment, the pattern of practice by States in the matter. Above all, the classification facilitates a schematic appreciation of that State Practice, which shows that the amount of national legislation to regulate foreign marine scientific research, is quite pure indeed. Even the number of States who have legislated on marine scientific research in general is definitely modest.

The results of this preliminary analysis give a clear indication as to the enormous dimension of the legislative task still facing coastal States, if they are to derive from the Convention all the benefits they can obtain from their provisions. Those provisions, being too general in nature, are undoubtedly not enough for their full and adequate implementation and, therefore, the adoption of domestic legislation is clearly required.

CLASIFICACION OF NATIONAL LEGISLATION ON MARINE SCIENTIFIC RESEARCH
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C O U N T R Y	TERRITORIAL SEA	MARINE INTERNAL WATERS	EXCLUSIVE ECONOMIC ZONE	CONTINENTAL SHELF	IN GENERAL	FISHERIES RESEARCH	EXCLUSIVE FISHERIES ZONE
1. Antigua and Barbuda T.S. 12 C.Z. 24 E.E.Z. 200			** The territorial waters, Act. 1982 Act. No. 18 of 17 august 1982. Art. 10				
2. Argentina T.S. 200 millas	* Ley No. 204 del 14 de junio de 1973. Decreto 4915 del 14 de junio de 1973.			* Ley No. 2049 del 14 de junio de 1973. Decreto 4915 del 14 de junio de 1973.		* Decreto 190 del 7 de febrero de 1977. Anexo I-B	
3. Australia C. Sh. 200 m. Exp.				* Petroleum (submerged lands) Act. 1967-1974. Sec. 123 and 124. ** Continental Shelf (living natural resources) Act. 1968-1973 Sec. 21 and 23.	* Great Barrier Reef Marine Park Act. 1975.	** Fisheries Act 1952, del 1° de enero de 1975 Part IV Section 11 and 12 ** Whale protection Act. No. 92 of 1980 Art. 30 (B) ** Whaling Act. Act. 1960-1973.	
4. Bahamas Fish 200 m. C. Sh. 200 m. Exp.							* Fisheries resources Act 1977-Section 6(1) and (2) section 7 (c)

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5. Bangladesh T.S. 12 C.Z. 18				** Act. No. XXVI of 1974 Section 7 (3)	** Act. No. XXVI of 1974 Sec. 9(2) (d)		
6. Barbados T.S. 12 E.E.Z. 200			** Marine boundaries and jurisdiction Act. 1978 of 25 february 1978 Sec. 5,6 and 20				
7. Belgium	** Arrête' royal du mai 1977			** Continental Shelf Act. Of 13 june 1969 Art. 3 and 5 ** Arrête royal du mai 1977		** Arrête royal du 13 jannier 1970 Art. 11 ** Arrête royal du 22-IX-1977 Art. 5	
8. Brazil T.S. 200	* Decreto No. 63 - 164 del 26 de agos to de 1968 Art. 6, 7 and 8.			Decreto No. 63164 del 26 de agosto de 1968. Art. 6,7 and 8 Plataforma Continental.			
9. Burma	* Territorial Sea and Maritime Zones Law 1977 Art. 6(c)		** Territorial Sea and Maritime Zones Law 1977 Art. 18 and 20	** Territorial Sea and Maritime zones Law 1977 Art. 14 (c) Art. 16			

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10. Cape Verde			Decree Law No. 126/77 of 31 deienber 1977. Art. 12				
11. Colombia T.S. 12 E.E.Z. 200 C. Sh. 200 m. Exp.			** Act No. 10 of 1978 4 August, Art. 8	** Act. No. 10 of 1978 4 August Art. 10			
12. Cook Islands T.S. 12 E.E.Z. 200 C. Sh. 200			** Territorial Sea and Exclusive Economic Zone Act, No. 16 of 1977 Art. 23 (a).			* Territorial Sea and Exclusive Economic Zone Act. No. 16 of 1977 Art. 20	
13. Cuba T.S. 12 E.E.Z. 200			Decree Law No. 2 of 24 February 1977 Art. 2				
14. Democratic Kampuchea			** Statement of the spokesman of the Ministry of foreign affairs of 15 January 1978. Sect. 3				

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15. Democratic Republic of Algeria.						Ordonnance No. 76 ^{**} 84 del 23 october 1976. Art. 1 ^o and 30 ^{**} Décret No. 7-9-124 du 14 juillet 1979 Art. 8 ^{**} Décret No. 80-157 du 24 mai 1980.	
16. Democratic Yemen T.S. 12 C.Z. 24 E.E.Z. 200 C. Sh. 200	Act. No. 45 of 1977, Art. 6		Act. No. 45 of 1977 Art. 14 ^{**}	Act. No. 45 of 1977 of 1977 Art. 16 ^{**}	Act. No. 45 of 1977, Art. 20		
17. Dinamarca T.S. 3 C. Sh. 200 m. Exp.			Royal Decree concerning the exercise of Danish Sovereignty over the Continental Shelf of 7 June, 1963. Art. 1 Act. No. 259 of 9 June 1971 as amended in 1972. ^{**}				Act. No. 12 of 10 March 1964 concerning fishing in the Fisheries Zone, as amended in 1971. Art:3 ^{**}

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18. Dominica T.S. 12 C.Z. 24 E.E.Z. 200 m. Fish 200			** Declaration concerning the E.E.Z and its delimitation of 25 July 1980. Sec. 4				
19. Dominican Republic T.S. 6 C.Z. 24 E.E.Z. 200 C. Sh. 200			** Act. No. 186 of 13 Sep. 1967 on the Territorial Sea, contiguous Zone, E.E.Z. and Continental Shelf Art. 5	** Act. No. 186 of 13 Sep. 1967...Art. 7		Ley de Pesca No. 5914 del 7 de julio de 1962 Art. 2 (e) y Art. 26	
20. Ecuador T.S. 200 C. Sh. 200 m.						* Reglamento a la Ley de Pesca y Desarrollo Pesquero Decreto 759 del 9 de agosto de 1974 Art. 31	

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22. Federal Republic of Germany T.S. 3 Fish 200 C.Sh. 200m./exp.				Act. of 24 July 1964 on provisional determination	**		Provided for scientific research within the fishing zone of the FRG
23. Fiji T.S. 12 E.E.Z. 200 C. Sh. 200m. Exp.			** Marine Space Act. 1977 No. 18 of 15 december 1977 as amended by Act. 1978 No. 15 of 6 october 1978 Art. 9 B			Marine Spaces Act. 1977 No. 18 of 15 december 1977 Art. 12 (3) (j) y Art. 21.	
24. Finland E.E.Z. (4) C. Sh. 200 m. Exp				* Law No. 149 concerning the Continental Shelf 5 march 1965:			
25. France T.S. 12 E.E.Z. 200 C. Sh. 200 m./Exp.			** Loi No. 76-655 du 16 juillet 1976 relative a la Z.E. au large des cotes du territoire de la Republique	** Loe No. 68-1181 du 30 december 1968 relative a l'exploitation du plateau continental... Art. 6			
26. German Dem. Republic				** Law on the exploration of the C.Z.20 feb. 1967 as modified by the law of 11 June 1968 Art. 1 (2)		* Decreto sobre la pesca en la zona de la R.D.A. del 13 de oct. de 1978 párrafo 9.	

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27. Granada T.S. 12 E.E.Z. 200	Ad. No. 17 M. 1978 Art. 7 (f)		Act. No. 20 of 1978 Marine Boundaries Act. Art. 5, 6 and 20				
28. Guatemala T.S. 12 E.E.Z. 200 C. Sh. 200m/Exp.			** Decreto Congreso No. 29-76 del 9 de junio de 1976 Art. 3				
29. Guyana T.S. 12 E.E.Z. 200 C. Sh. 200			** Maritime Boundaries Act. No. IV of 30th June 1977. Sec. 16 Sec. 41(2) (f)	** Maritime Boundaries Act. No. 10 of 30 June 1977. Sec. 10 and 11 Sec. 41 (2) (f)			
30. Guinea T.S. 12 E.E.Z. 200 m.			** Decree No. 336 PRG 430 July 1980 Art. 3				
30 bis. Guinea Bissau. T.S. 12 E.E.Z. 200			** Law No. 3/78 of 19 May 1978, Art. 3				
31. Honduras T.S. 12 e.e.z. 200. C. Sh. 200 m.			** Decree No. 921 on the utilization of Marine Natural Resources of 13 June 1980.				

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32. India T.S. 12 Z.C. 24 E.E.Z. 200 C. Sh. 200			** Act. No. 80 of 25 August 1976 Sec. 7 (4) Sec. 15	** Act. No. 80 of 25 August 1976. Sec. 6 (3) Sec. 15			
33. Indonesia T.S. 12 E.E.Z. 200			** Declaration by the Government of the Rep. of Indonesia concerning the E.E.Z. of Indonesia 21 march 1980 Sec. 2 (2)	** Acuerdo entre Indonesia y Francia que sigue como modelo para los convenios para reglamentar la investigación científica por extranjeros en Indonesia			
34. Irlanda T.S. 3 Fish 200						** Whale fisheries Act. 1937 Sec. 19 Sea Fisheries Act. 1937, Sec. 7	
35. Italia T.S. 12 C. Sh. 200m. /Exp	* Reglamentazione delle ricerche scientifiche da ris- te dinami strani- ri in zone ricaden ti sotto la guri- dizione italiana.			** Act. No. 613 of July 21 1967 and amendments to Act No. 6 of 11 Janua- ry 1967. * Reglamentazione de- lle ricerche scien- tifiche....		** Ley No. 963 del 14 de julio de 1965 Art. 2 ** Reglamento de la Ley No. 963 Cap. III y Art. 94	

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36. Islandia T.S. 12 E.E.Z. 200 C. Sh. 200	Law No. 41 of 1 June 1979 *		Law No. 41 of 1 June 1979 Art. 4 and Art. 9 **	Law No. 44 of 5 April 1948, as amended up to 1974. **			
37. Ivory Coast T.S. 12 E.E.Z. 200 C. Sh. 200			Law No. 77 926 of 17 November 1977 Art. 6 **				
38. Japón T.S. 12 Fish 200							Law No. 11 of 2 May 1977 on provisional measures relating to the fishing zone as amended in 1977 Art. 9 *
39. Kenya T.S. 12 E.E.Z. 200 C.Sh.200 m. Exp.			Presidential Proclamation of 28 February 1979- (Schedule) Sec. 1 (c) (1) **			The fish industry Act. of 3 May, 1968 Sec. 3 (a) and (b) **	
40. Kingdom of Morocco T.S. 12 C.Z. 24 E.E.Z. 200			Decreto No. 1-81 179 del 8 de abril de 1981 Art. 4 y 5 *				

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41. Low Countries. T.S. (3) Fish 200 C. Sh. 200 m. Exp.				Loi du 23 sept. 1965 en materia de exploración en la Pla. Cont.			
42. Mauritania T.S. 70 E.E.Z. 200 C. Sh. 200			** Law No. 78.043 of 28 february 1978, Art. 184 y 185.	** Law No. 78,043 of 28 feb. 1978 Art. 189.			
43. Mauritius T.S. 12 E.E.Z. 200 C. Sh. 200			** Maritime Zones Act. No. 13 of 3 June 1977 Sec. 6 9 and 15.	** Maritime Zones Act. No. 13 of 3 june 1977 Sec. 7 (1) and (2) Sec. 9 and 15.			
44. Morocco T.S. 12 C.Sh. 24 E.E.Z. 200			** Act. No. 1-81 of 18 december 1980 8 april 1981. Art. 2				

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45. Mexico T.S. 12 E.E.Z. 200 C.Sh. 200m. Exp.	Proyecto de Ley Federal del Mar. *	Proyecto de Ley Federal del Mar. *	Ley Reglamentaria del párrafo 8º del Art. 27 Constitucional relativo a la Z.E.E. 13 de feb. 1976, Art. 4. * Proyecto de Ley Federal del Mar.		** Ley Orgánica de la Armada de México 12 de enero de 1972 Art. 2 (IX) Ley Orgánica de Administración Pública Federal D.O. 29 de diciembre de 1976. Art. 30. (XII) ** Acuerdo por el que se crea la Comisión Intersecretarial de Investigación Oceanográfica D.O. 22 de febrero de 1978. ** Reglamento Interior de la S.E.P. Art. 14. * Reglamento Interiores de la S.R.E. 26 de nov. de 1982 Art. 5(VI) 12 enero de 1984 Art. 14 (XI).	** Ley Federal para el Fomento de la Pesca 25 mayo de 1972 Art. 1, 9,15,21,30 y 78. ** Reformas y adiciones a la Ley Orgánica de la Administración Pública Federal D.O. 29 de dic. de 1982 Art. 43 (VI)	

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Cont. México					<p>Requisitos aplicables a los Proyectos de investigación científica marina.</p> <p>Decreto que crea el Organismo Descentralizado de Interés Público I.M.P., D.O. 26 agosto 1965.</p> <p>Ley que crea el CONACYT, D.O. 27 diciembre 1974 (fracc. X, XI, XII, XIV, XV, XVI y XIX).</p> <p>Decreto que establece las cuotas de los derechos por los servicios portuarios y marítimos que presta la Secretaría Marina, D.O. 13 agosto 1976. Art. 14</p> <p>Acuerdo por el que se modifica el Art. 1º del diverso</p> <p>Cont.</p>		

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C O U N T R Y	TERRITORIAL SEA	MARINE INTERNAL WATERS	EXCLUSIVE ECONOMIC ZONE	CONTINENTAL SHELF	IN GENERAL	FISHERIES RESEARCH	EXCLUSIVE FISHERIES ZONE
Cont. México					<p>que crea la Comisión Intersecretarial de Investigación Oceanográfica, D.O. 18 mayo 1979.</p> <p>Reglamento Interior del Depto. Pesca, D.O. 9 agosto 1979 (Art. 25, fracc. VII, IX, X, XIII y XIV).</p> <p>Convenio de Coordinación que celebran las Secretarías de Educación Pública, de trabajo y Prev. Social de Comunic. y Transp. y Depto. de Pesca D.O. 16-nov-1979.</p> <p>Acuerdo por el que se destina a la Sec. de Marina los Barcos Onjuku y Alejandro de Humboldt, dedicados a la Investigación Científica Pesquera, D.O. 18 de diciembre de 1979.</p>		

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46. Mozambique T.S. 12 E.E.Z. 200			Decree Law No. ^{**} 31/76 of 19 august 1976, Art. 2				
47. Nauru T.S. 12 Fish 200					^{**} Marine resources Act. 1978 of 15 Sep. 1978 Sec. 13		
48. Nigeria T.S. 30 E.E.Z. 200. C.Sh. 200 m. Exp.			Decreto No. 28 ^{**} del 2 de oct. de 1978 3(1)				
49. Niue T.S. 12 E.E.Z. 200			Territorial Sea and E.E.Z. Act. 1978 Act. No. 3 of 30 march 1978, Sec. 24				

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50. Norway T.S. 4 E.E.Z. 200 C.Sh. 200m. Exp.			Act. of 17 dec: 1976 relating to the E.Z. of nor: way aut 7 (6)	Royal Decree of 9 april 1965, Royal Decree of 31 of January 1969. Royal Decree of 12 June 1970, Royal Decree of 8th December 1972. Act. No. 12 of 21st june 1963 relating to exploration for and exploitation of Submarine Natural Resources.		Marine Fisheries Act. of 17 june 1955 Art. 2 Excepts of Act of 17 june 1955 rela- ting to sea-water fisheries Art. 2	
51. Nueva Zelandia T.S. 12 E.E.Z. 200 C. Sh. 200	Territorial Sea and E.E.Z. Act 1977 26 Sep. 1977 Art. 8(a)					Territorial Sea and E.E.Z. Act 1977 Art. 23	

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C O U N T R Y	TERRITORIAL SEA	MARINE INTERNAL WATERS	EXCLUSIVE ECONOMIC ZONE	CONTINENTAL SHELF	IN GENERAL	FISHERIES RESEARCH	EXCLUSIVE FISHERIES ZONE
52. Oman T.S. 12 E.E.Z. 200			** Royal Decree of 10 february 1981 Art. 6	** Royal Decree of 10 february 1981 Art. 4			
53. Pakistan T.S. 12 C.Z. 24 E.E.Z. 200 C. Sh. 200			* Territorial waters and maritime Zones Act 1976 22 dic. 1976 Sec. 6 (2) a y c y (3)	Territorial water and maritime zone Act 1976 22 dic. 1976 Sec. 5(2), (b) y (3).			
54. Peru C. Sh. 200 other 200					** Decreto Ley No. 18.209 del 7 de abril de 1970. Instituto del Mar de Peru.		
55. Philippines E.E.Z. 200 C. Sh. Exp.			** Presidential Decree No. 1599 Sec. 2 y 3			** Presidential Decree No. 704 16 may 1975 Sec. 9 y 17 Amended by Presidential Decree No. 1015	
56. Poland T.S. 12 C.Sh. 200 m. Exp.						** The Law of Sea fishing of 21 may 1963, Art. 6 (1) y Art. 32	

DECLARATION OF TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE
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57. Portugal T.S. 12 E.E.Z. 200 C. Sh. 200 m Exp.			** Act. No. 33/77 of 28 may 1977 Art. (b)				
58. Qatar T.S. 3	* Declaration by the Ministry of Foreign Affairs of the State of Qatar 2/VI/1970 Part III						
59. Republic of Korea T.S. 12	* Territorial Sea Law No. 3037 of 31 dec. 1977 Art. 5 Sec. 2 (11)						
60. Sao Tome and Principe T.S. 12 E.E.Z. 200			** Decree Law No. 19 1978 of june 13, 1978 Art. 4, Sec. 4 (b)				

CLASSIFICATION OF NATIONAL LEGISLATION RELATIVE TO MARINE JURISDICTION
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61. Senegal T.S. 150 Fish 200 C.Sh. 200 m Exp.							Loi No. 76 -89 du 2/VII /1976 portant (5 de la pêche maritime... Art. 15
62. Seychelles T.S. 12 E.Z. 200 C. Sh. 200			Maritime Zones Act. No. 15 of 23 May 1977 Art. 9 Art. 15	Maritime Zones Act. No. 15 of 23 may 1972 Art. 7 (c) y 15			
63. Spain T.S. 12 E.E.Z. 200 C.Sh. 200 m. Exp.	Real Decreto 799/ 1981, del 27 de fe- brero Art. 6, 7,8 y 9.		Act. No. 15/1978 of the Economic Zone, of 20 Feb. 1978 Art. 2 Real Decreto 799 1981, del 27 de febrero Arts. 10, 11, 12 y 13	Real Decreto 799/ 1981, del 27 de fe- brero Arts. 10, 11 12 y 13	Decreto 2829/1966 de 27 de octubre por el que se re- gula la... Circular 30 octubre 1970. Orden del 20 de junio de 1972 Art. 33		
64. Surinam T.S. 12 E.E.Z. 200			Law concerny the extension of the T.S. and the esta- blishment of a contiguous economic zone april 14, 1978 Art. 4 Sec. 2(c)				

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65. Sweden T.S. 12 C. Sh. 200 m. Exp.				** Act. No. 314 of 3 June 1966. ** Regulations No. 315 relating to Act. 314		** Ordinance of the National Board of fisheries Cap. XI Sec. 1	
66. Togo T.S. 30 E.E.Z. 200			** Ordinance No. 24 delimiting the territorial waters and creating a protected economic maritime zone of 16 august 1922. Art. 3				
67. Tuvalu							Fisheries ordinance 1978, may 1978, Psrt V, Sec. 19
68. Uruguay T.S. 200 Fish 200 C.Sh. 200m/Exp.						* Ley de Pesca de Uruguay No. 13.833 del 29 de diciembre de 1969. Act. 6	

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- x Regulates scientific research by foreigners.
xx Does not specifically refer to scientific research by foreigners.

C O U N T R Y	TERRITORIAL SEA	MARINE INTERNAL WATERS	EXCLUSIVE ECONOMIC ZONE	CONTINENTAL SHELF	IN GENERAL	FISHERIES RESEARCH	EXCLUSIVE FISHERIES ZONE
69. United Arab Emirates T.S. 3			** Declaration concerning the E.E.Z. and its delimitation of 25 July 1980 Sec. 4				
70. United Kingdom of Great Britain T.S. 3 Fish 200 C.Sh. 200 m. Exp.				** Continental Shelf Act of 15 April 1964.		** Sea Fish (conservation) Act. 1967 Sec. 9	
71. United States of America T.S. 3 C.Z. 12 E.E.Z. 200 Fish 200 C.Sh. 200 m. Exp.			Presidential Proclamation No. 5030. The E.E.Z			* Legislación pesquera aplicable a extranjeros 19 de dic. 1978 Parte 611.17 (a)	
72. Union of Soviet Socialist Republic T.S. 12 Fish 200 C.Sh. 200 m. Exp.				** Decree of the Presidium on the Continental Shelf of the URSS, Art. 3, 4 y 5. ** Resolution No. 56 of 18 July 1969.			* Reglamento Temporal No. 463 para la realización de investigaciones de recursos pesqueros en los litorales de la URSS por extranjeros