



IMO
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MARITIME ZONES (MARINE SCIENTIFIC RESEARCH) REGULATIONS

Regulations to promote the development and conduct of marine scientific research for peaceful purposes by foreign States and international organizations in accordance with the United Nations Convention on the Law of the Sea (1982), in Guyana's territorial sea, exclusive economic zone and continental shelf

A Legislation Drafting Project submitted in partial fulfillment of the requirements for the award of the Degree of Master of Laws (LL.M.) in International Maritime Law at the IMO International Maritime Law Institute

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EXPLANATORY NOTE

Maritime Zones (Marine Scientific Research) Regulations 2018

1. INTRODUCTION

In the absence of an internationally agreed definition, Soons provides a working definition of marine scientific research (MSR), which he refers to as, ‘activities undertaken in the ocean and coastal waters to expand scientific knowledge of the marine environment and its processes.’¹ He posits that these activities can be subdivided into four categories: 1) physical oceanography, which deals with waves, tides, currents, magnetism, and heat exchange, etc.; 2) chemical oceanography, which involves the study of the complex chemistry of the ocean; 3) marine biology which consists of the study of plants and animal organisms in the sea; and 4) marine geology and geophysics, which deal with the study of sediments and topography of the ocean floor and its physical properties.²

These categories have been further reduced into disciplines such as,

...biology, biotechnology, geology, chemistry, physics, geophysics, hydrography, physical oceanography, and ocean drilling and coring which are dedicated to the study of oceans, marine flora, fauna, and physical boundaries with the solid earth and the atmosphere.³

It is therefore evident that enhanced knowledge of the marine environment will only redound to the benefit of humankind as a whole and the coastal State in particular. First, MSR could fill critical information gaps regarding the existence of marine resources and their potential for exploitation. Secondly, MSR is a precondition for the development of spatial data that is needed for the coastal State to make an informed decision about the sustainable development of its marine resources and adopting a precautionary approach to the protection of the environment and marine ecosystems.⁴ Finally, MSR, could assist

¹ A. Soons, *Marine scientific research and the Law of the Sea* (Kluwer Law and Taxation 1982) iii.

² *Ibid.*

³ N. Martinez Gutierrez and M. Pavliha, ‘Marine Scientific Research and the 1982 United Nations Convention on the Law of the Sea’ (2010) 16: 1 *Ocean and Coastal Law Journal* 115.

⁴ UNESCO, ‘Marine Scientific Research’ <<http://ioc-unesco.org/>>.

scientists in predicting and monitoring oceanic activities that have the potential to cause natural disasters.⁵ All these are critical to the economic development and sustenance of coastal States.

2. HISTORICAL DEVELOPMENT OF MSR

The origins of MSR can be dated back to the century of the voyage of the HMS Challenger (1872-1876) whose scientists sampled the ocean floor and water column to examine the physical and biological properties of the ocean.⁶ The age-old principle of *mare liberum* was the legal basis for the liberal scientific research regime in that era; the practice was essentially unregulated because MSR was considered a freedom of the high seas.⁷

With technological advancement the economic potential of the ocean was made more manifest.⁸ Consequently, many coastal States sought to expand their maritime jurisdiction to exert control over the resources in waters adjacent to their coasts in light of the volume of the fishery and oil and gas resources which were suspected to be in those areas.⁹ There was much concern about foreign vessels attempting to extract the resources from those areas and in response there was a quest to extend the sovereignty of the coastal state over natural resources.¹⁰

The time was opportune to revisit the concept of freedom of the high seas and develop an international legal regime for MSR, and according to Soons, there were several reasons that accounted for this.¹¹ These included the increased understanding of and the ability to exploit the economic resources of the ocean, and the awareness by developing states that the wealth of developed nations was due in part to the utilization of the benefits derived

⁵ Ibid.

⁶ United Nations, 'Law of the Sea: Marine Scientific Research' (UN New York 1991). UN publication sales no E.91.V.3 Vii.

⁷ United Nations. DOALOS, 'The Law of the Sea: Marine Scientific Research : Legislative History of Article 246 of the United Nations Convention on the Law of the Sea/ Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs' (New York 1994) iii.

⁸ United Nations (n 6).

⁹ Ibid.

¹⁰ Ibid VIII.

¹¹ Soons (n 1).

from MSR.¹² Further, the expansion of the scale of MSR was a corollary of the increased development of new technologies to conduct MSR. Unfortunately there was a risk of damage to the marine environment by some of these technologies, hence the need for regulation.¹³ Developing countries were also concerned about the use of MSR for military purposes.¹⁴

3. INITIAL ATTEMPTS AT REGULATION OF MSR

In 1958, with the convening of the First United Nations Conference on the Law of the Sea (UNCLOS I) in Geneva, the international community agreed that there should be a legal regime to recognize the authority of the coastal State over the exploitation of resources in its adjacent waters.¹⁵ UNCLOS I produced four conventions: the Convention on the Territorial Sea and the Contiguous Zone; the Convention on the High Seas; the Convention on the Continental Shelf; and the Convention on Fishing and Conservation of the Living Resources of the High Seas. The UNCLOS I regime is said to have preserved the status of MSR as a freedom of the high seas despite the fact that MSR is not mentioned as such in the Convention on the High Seas.¹⁶ Some restriction of this freedom was instituted, as specific mention and regulation of MSR is made in the Convention on the Continental Shelf, which is noted as one of those that established the core of the generally accepted rules of the law of the sea.¹⁷

The Convention on the Continental Shelf provides that it is the coastal State which exercises sovereign rights over the continental shelf for the purpose of exploring and exploiting its natural resources.¹⁸ It further states, that if the coastal State does not explore or exploit the natural resources on the shelf, no other person can engage in these activities

¹² Ibid.

¹³ Ibid.

¹⁴ R. Churchill and A. Lowe, *The Law of the Sea* (Melland Schill studies in international law, 3rd edn. Manchester University Press; Yonkers 1999) 401.

¹⁵ Ibid.

¹⁶ Ibid. The authors pointed out that in the commentary on the draft article which became Art 2 of the Convention on the High Seas, the International Law Commission specifically mentioned MSR as a freedom which was not mentioned in the article.

¹⁷ Ibid 15.

¹⁸ Geneva Convention on the Continental Shelf (signed on 2 April 1958, entered into force 10 June 1964) 488 UNTS 311, Art 2(1).

except with the consent of the coastal State.¹⁹ Also, it provides that ‘The consent of the coastal State shall be obtained in respect of any research concerning the continental shelf and undertaken there.’²⁰ The water column beyond the territorial sea remained subject to the principle of freedom of the high seas.

At the Third United Nations Conference on the Law of the Sea (UNCLOS III), developing countries saw a perfect opportunity to ensure that the next instrument will ‘contribute to the realization of a just and equitable international economic order which takes into account the interest and needs of mankind as a whole and, in particular, the special interests and needs of developing countries...’.²¹ The interest at this time was the extension of the jurisdiction of the coastal State over MSR in waters beyond the territorial sea.

It was this fundamental premise that became the basis for the development and elaboration of provisions of the new regime related to MSR in the United Nations Convention on the Law of the Sea of 1982 (UNCLOS or the Convention), which was adopted at UNCLOS III.

4. OVERVIEW OF THE UNCLOS PROVISIONS RELATING TO MSR

Part XIII of UNCLOS, Articles 238 to 265, is the principal part of the Convention that deals with MSR. There are, however, other provisions of the Convention that are relevant to the topic. For example, the provisions in Articles 21 and 40 allow the coastal State to regulate MSR and hydrographic surveys relating to innocent passage and provide for the authorization of such activities in straits used for transit passage. Also, Article 87 specifically mentions MSR as a freedom of the high seas.

The Convention does not define MSR specifically, but seeks to make a distinction between applied research, which is research that is of direct significance to exploration activities, and pure research, which is research carried out exclusively for peaceful purposes and in

¹⁹ Ibid, Art 2(2).

²⁰ Ibid, Art 5(8).

²¹ United Nations Convention on the Law of the Sea (signed on 10 December, 1982 entered into force 16 November 1994)1833 UNTS 3, Preamble.

order to increase scientific knowledge.²² It sets out that although every State has the right to conduct MSR that right is subject to the rights and duties of the coastal State in whose waters the research is being carried out.

In large measure, Part XIII is viewed as an attempt to balance the control and distribution of ocean resources so that developing countries would be able to derive some benefit.²³ It marks the development and conversion of MSR from a freedom to a right.²⁴ This right is however subjected to the territorial sovereignty and jurisdictional rights of the coastal State.²⁵ In addition, States have the obligation to promote and facilitate the conduct of MSR.²⁶

Article 240 lays down the principles by which MSR must be conducted. It can only be conducted ‘exclusively for peaceful purposes’; with the use of the appropriate methods and means that are in accordance with UNCLOS; in a manner that does not interfere with other legitimate uses of the sea; and in compliance with relevant regulations adopted in conformity with UNCLOS.²⁷ Another principle laid down in the Convention is that the conduct of MSR cannot establish a legal basis for any claim to the marine environment or its resources.²⁸

Articles 242 to 244 deal with the issue of international cooperation. States and international organizations have the duty to promote international cooperation in MSR²⁹ and to seek to create the necessary conditions for an integrated approach among scientists involved in MSR.³⁰ There is also an obligation to cooperate in publishing and disseminating information gathered from MSR.³¹ Further, Article 143(3) which provides for MSR in the Area, behoves States to promote international cooperation by disseminating the results and analyses of MSR.

²² Churchill and Lowe (n 14) 404.

²³ Soons (n 1).

²⁴ R. Lagoni, ‘Article 238: Marine Scientific Research’ in A. Proelss and others (eds), *United Nations Convention on the Law of the Sea: A commentary* (C.H. Beck; Hart; Nomos 2017) 9.

²⁵ Ibid.

²⁶ United Nations Convention on the Law of the Sea (n 21)

²⁷ Ibid, Art 240.

²⁸ Ibid, Art 241.

²⁹ Ibid, Art 242.

³⁰ Ibid, Art 243.

³¹ Ibid, Art 244.

Articles 246 to 255 contain critical aspects of MSR in the Convention. The coastal State has the right, in the exercise of its jurisdiction, to regulate, authorize and conduct MSR in the exclusive economic zone (EEZ) and on the continental shelf.³² While the Convention provides that in ‘normal circumstances’ the coastal State will grant its consent for MSR to be undertaken, Article 246(5) outlines a number of situations in which the State has complete discretion as to whether consent will be given. These situations include cases where the research is related to the exploration or exploitation of natural resources or where there is a likelihood that damage could be caused to the marine environment. The coastal State is also entitled to use its discretion when inaccurate information is given about the project or when the requesting entity has outstanding obligations to the coastal State from a prior research project.³³

Under Articles 248 and 249, a foreign State or international organization wishing to carry out research in a State’s EEZ, has a number of obligations. They are obliged to: provide specified information about the project at least six months in advance;³⁴ allow the coastal State to participate or be represented in the project;³⁵ provide the coastal State with the results of the project and assist in interpreting the results and data of the project;³⁶ ensure that the results are made available internationally;³⁷ ensure that research does not unjustifiably interfere with other legitimate activities of the coastal State;³⁸ and comply with other provisions laid down by the coastal State in accordance with any relevant law.

Of particular importance, is the regime of implied consent that is provided for in Article 252. The consent of a coastal State is implied when an international organization to which the coastal State is a member, is proposing the research project and the coastal State had initially approved the research or failed to object within four months of notification of the project,³⁹ or when the coastal State has failed to respond within a period of four months after receipt of a request for permission to conduct MSR provided by a foreign State or

³² Ibid, Art. 246 (1).

³³ Ibid, Art. 246(5) d.

³⁴ Ibid, Art. 248.

³⁵ Ibid, Art. 249(1) a.

³⁶ Ibid, Art. 249(1) b.

³⁷ Ibid, Art. 249(1) e.

³⁸ Ibid, Art. 246(8).

³⁹ Ibid, Art. 247.

international organization.⁴⁰ The foreign State or international organization may proceed with the project after six months of the dissemination of such information. This implied consent regime seems not to be applicable to MSR undertaken in the territorial sea, as Article 245 confirms that the coastal State has the exclusive right to regulate and its consent is a precondition for the conduct of MSR in the territorial sea.

Other provisions included in this section of the Convention relate to the conditions under which a State may require that MSR activities in progress be ceased or suspended.⁴¹ There is also established a right of geographically disadvantaged and landlocked States to be informed of any proposed MSR activity in a neighbouring States and to be given an opportunity to participate in the research activity.⁴² Further, States are encouraged to formulate rules and procedures to allow access to their ports and harbours and promote assistance to research vessels.⁴³ Articles 256 and 257 address the issue of MSR research beyond the maritime zones of the coastal State. All States have to right to conduct MSR in the Area and in the water column beyond the EEZ.

Articles 258 to 262 outline the issues relating to the use of scientific research installations or equipment. The deployment or use of any research installation or equipment is subject to the conditions the Convention has already laid down for MSR.⁴⁴ The objects do not have the status of islands and therefore do not affect maritime delimitation.⁴⁵ The establishment of safety zones of up to 500 meters around the objects are encouraged, and States are to ensure that their vessels respect these zones.⁴⁶ In order to foster the safety of navigation, the Convention mandates that the scientific research installations or equipment are not to interfere with international shipping routes and they are to bear identification marks of the State or organization to which they belong and have adequate warning signals.⁴⁷

Generally, the Convention advocates a free flow of scientific information between a researching entity and the coastal State, particularly developing coastal States, with a view

⁴⁰ Ibid, Art. 252.

⁴¹ Ibid, Art 253.

⁴² Ibid, Art 254.

⁴³ Ibid, Art 255.

⁴⁴ Ibid, Art 258.

⁴⁵ Ibid, Art 259.

⁴⁶ Ibid, Art 260

⁴⁷ Ibid, Arts 261 and 262.

to strengthening the research capacity of developing States through collaboration, training and the transfer of technology. There are provisions for liability for pollution of the marine environment caused by MSR activities⁴⁸ and the settlement of disputes arising from interpretation and application of the provisions of the Convention.⁴⁹ Also, Article 200 recognizes the correlation between MSR and the protection of the marine environment and encourages states to cooperate in this respect.

5. THE NEED TO LEGISLATE MSR IN GUYANA

5.1 *The Current Legal Regime of Guyana Relating to MSR*

On November 16, 1993, Guyana deposited the 60th instrument of ratification of UNCLOS to the Secretary General of the United Nations.⁵⁰ The ratification by Guyana facilitated the entry into force of the Convention twelve months later, on November 16, 1994, in accordance with Article 308. Consequently, Guyana enacted the Maritime Zones Act in 2010 (MZA),⁵¹ to properly safeguard its rights and meet its international obligations under UNCLOS and the wider aspect of the international Law of the Sea.

a) The Maritime Zones Act

The MZA which incorporates certain provisions of UNCLOS and the UNESCO Convention on Underwater Cultural Heritage 2001, provides for MSR, a maritime cultural area, eco-tourism marine parks and reserves and mariculture, the protection and preservation of the marine environment and related matters.⁵² The Act has fourteen principal parts and declares a 12nm limit of territorial sea,⁵³ a 200nm limit of exclusive economic zone⁵⁴ and at least a 200nm limit of continental shelf for Guyana.⁵⁵ Part X of the Act outlines the framework for the conduct of MSR in Guyana. By virtue of Section 41(1),

⁴⁸ Ibid, Art 263.

⁴⁹ Ibid, Arts 264 and 265.

⁵⁰ Churchill and Lowe (n 14) 19.

⁵¹ The Maritime Zones Act 2010, Cap 63:01.

⁵² Ibid.

⁵³ Ibid, Section 3(1).

⁵⁴ Ibid, Section 26 (1).

⁵⁵ Ibid, Section 20 (1).

Guyana has sovereign rights as provided by international law and in particular Article 245 of the Convention to regulate, authorise and conduct MSR in the territorial sea. Section 41(2) states that Guyana in exercise of its jurisdiction has the right under international law, especially Article 246 of UNCLOS, to regulate, authorise and conduct MSR in the exclusive economic zone and on the continental shelf, in accordance with the relevant provisions of the Convention.

Section 41(3) of the MZA gives the authority to the Minister of Foreign Affairs to regulate the conduct of MSR. It states that,

Without prejudicing the generality of subsections (1) and (2), the Minister, in consultation with Minister responsible for the environment may make regulations regulating the conduct of marine scientific research in conformity with Articles 245 to 253 of the Convention so far as they relate to any proposed marine scientific research.

The authority given to the Minister therefore encompasses any research conducted for purely scientific purposes.

Section 41(4) prescribes the duty of a person, entity or foreign government or international organization to make available to Guyana, preliminary reports as soon as practicable and full reports upon the completion of the research, including any results, all data, samples and specimen derived therefrom or any other requirement as may be prescribed. Subsection (5) imposes penalties for the breach of subsection (4) or any other prescribed condition. The person who breaches any of the stated provisions commits an offence and is liable on summary conviction to a fine of 5 million dollars. The court has the power to forfeit any vessel or equipment used in the commission of the offence.

Although, the MZA has been enacted since 2010, there continues to exist the absence of the specific regulations to support the implementation of the MSR regime established by the Act.

Apart from the MZA, there are three other pieces of legislation which govern access to the natural resources of Guyana. These are the Environmental Protection Act 1996 Cap 20:05 (EPA), the Fisheries Act 2002 Cap 71:08 and the Petroleum (Exploration and Production) Act 1986 Cap 65:04.

b) The Environmental Protection Act

The Environmental Protection Act provides for the management, conservation, protection and improvement of the environment; the prevention and control of pollution; the assessment of the impact of economic development on the environment; the sustainable use of natural resources; and for matters incidental to these aims.⁵⁶ Environment is defined in the legislation to include *inter alia* all water, surface water, ground water, sea, seabed, marine and coastal areas, and natural resources, or any combination or part thereof.⁵⁷ It requires the execution of environmental impact assessments for certain category of projects that have the potential to impact the environment and permits that such projects be undertaken, only with the express authorization of the Environmental Protection Agency, after specified conditions are met.⁵⁸ While the legislation gives specific details of the safeguards and penalties imposed by the law in relation to projects that may impact the environment, it does not address how such projects are to be conducted, or the conditions for granting approval for them to be undertaken.

c) The Fisheries Act

The Fisheries Act provides for the promotion, management and development of fisheries in Guyana and such incidental matters.⁵⁹ Sections 13, 14 and 18 stipulate that local, commercial and foreign fishing licenses, respectively, are not valid for the conduct of fisheries related research or survey operations. Section 24, makes allowance for fisheries related research or survey operations to be conducted with the permission of the Minister responsible for fisheries. An application to undertake fisheries related research or survey operations in the fisheries water must be made to the Minister responsible for Fisheries, in a prescribed form, even though there is no indication of what the ‘prescribed form’ is. Section 24(2) discharges the requirement of permission of the Minister for fisheries related research and survey operations undertaken by an international organization or agency to which Guyana is a member, and in accordance with a project approved by the Government

⁵⁶ The Environmental Protection Act 2012, Long Title.

⁵⁷ Ibid, Section 2.

⁵⁸ Ibid, Section 11.

⁵⁹ The Fisheries Act 2003, Long Title.

of Guyana. This piece of legislation also imposes conditions on the granting of such permission by the Minister. These are, that a scientist may be designated by the Minister to participate on board the vessel;⁶⁰ copies of the raw data gathered from the research operations should be submitted to the Chief Fisheries Officer as soon as practicable;⁶¹ the results and conclusion of the research or survey operations must also be submitted to the Chief Fisheries Officer;⁶² and the results are not to be published without the prior agreement of the Minister.⁶³ Also, the Act imposes penalties for the violation of the provisions of Section 24. These provisions, though general in nature, are similar to what is contained in Part XIII of UNCLOS in relation to MSR. The legislation does not give the Minister the power to make regulations that can flesh out details of research activities.

d) The Petroleum (Exploration and Exportation) Act

The Petroleum Act applies to the exploration, conservation and management of petroleum existing in its natural condition in Guyana in all the zones of jurisdiction created by UNCLOS.⁶⁴ It establishes a comprehensive legal regime for the application of prospecting licenses, the exploration and the exploitation of petroleum in Guyana. It therefore only governs applied marine scientific research relating to non-living resources.

5.2 Other considerations for regulating MSR in Guyana

The effective implementation of a MSR regime would be of tremendous benefit for Guyana in a multiplicity of areas. First, the MZA has already given the power to regulate MSR to the Minister of Foreign Affairs and that power is yet to be utilized. The implementation of this regime will therefore allow Guyana to meet her national and international obligations and to collaborate and cooperate with the international community in particular, in relation to the gathering and dissemination of scientific information about the oceans.

⁶⁰ Ibid, Section 24(5) (a).

⁶¹ Ibid, Section 24(5) (b).

⁶² Ibid, Section 24(5) (c).

⁶³ Ibid, Section 24(5) (d).

⁶⁴ The Petroleum (Exploration and Production) Act 1986, Long Title.

Secondly, the information garnered from MSR would assist in the economic and social development of Guyana. Research in the area of fisheries could assist Guyana in arriving at a strategy for the rational exploitation of its fisheries resources. Indeed Guyana has the obligation under UNCLOS to utilize the best scientific evidence available to ensure the proper conservation and management of the living resources in its EEZ.⁶⁵ A determination of harvestable species, along with dependent and associated species and their relationship to the marine environment can only be made by engaging in MSR. Further, the information from MSR would allow Guyana the opportunity to better manage her fledging oil and gas industry. What is the impact of mining on the marine environment and other uses of the ocean? What strategies need to be developed to mitigate these impacts? The answers to these critical questions will inform the sustainable utilization of the resources that currently exist and they could only be had through MSR. Generally, a better understanding of the ocean would assist in the reduction of harmful practices that could damage the marine environment.

The scope of the provisions of Section 41(3) of the MZA that caters for the formulation of regulations for the conduct of MSR in Guyana is quite comprehensive and when legislated and implemented, will provide an effective regime.

6. DETAILS OF THE MARITIME ZONES (MARINE SCIENTIFIC RESEARCH) REGULATIONS 2018

The following *Maritime Zones (Marine Scientific Research) Regulations 2018* are being proposed to support the implementation of the MZA, with the aim of providing clear and direct rules to govern the approval and conduct of MSR activities in Guyana's maritime zones. The Regulations introduce a system for the application, processing of applications and the conduct of MSR activities in the territorial sea, exclusive economic zone and continental shelf of Guyana, which hitherto did not exist. They are designed to reflect the policy of Guyana to both contribute towards and participate in MSR activities, while at the same time ensuring the protection and the preservation of the marine environment.

⁶⁵ UNCLOS (n 21), Art 61 (2).

In the absence of clear administrative or legal rules, the decision as to whether permission would be granted to a foreign State or international organization requesting permission to conduct MSR, was made by a single authority. This approach is substituted for a more inclusive approach. Clear conditions prior and subsequent to the granting of permission to conduct MSR activities are laid out to ensure that any consent to conduct MSR is properly given. The Regulations will also provide for the suspension or withdrawal of consent. The desire is to ensure that Guyana is spared from the implied consent regime established by UNCLOS, which could hinder the effective participation of the country in the research activity.

It is noted that the effective implementation of these Regulations will require a cross-sectorial approach. Therefore, it is proposed that the entire process involve certain critical government agencies in the form of a Marine Scientific Research Committee to consider applications to conduct research. The Regulations include adequate checks and balances to ensure that requesting entities receive prompt and adequate feedback from the Government of Guyana.

Other considerations include the minimising of the adverse environment impacts of MSR activities in Guyana's maritime zones, including its impact on the ecosystem and the living resources found in the sea.

The Regulations are divided into a preambular section, eight parts and twenty seven sections as explained below. The Regulations also have three annexes.

Part I - Preliminary

Regulation 1. Name of Regulations

Regulation 1 provides that the name of the Regulations is the *Maritime Zones (Marine Scientific Research) Regulations 2018*.

Regulation 2. Application of Regulations

Regulation 2 provides that the Regulations will apply to activities conducted in Guyana's territorial sea, exclusive economic zone and continental shelf.

Regulation 3. Definitions

Regulation 3 defines a number of terms for the purposes of the Regulations. If a term is not defined in the Regulations, then it will have the meaning ascribed to it in the Maritime Zones Act Cap 63:01, the principal Act.

Part II – Establishment of the Marine Scientific Research Committee

Regulation 4. Marine Scientific Research Committee

Regulation 4 establishes a Marine Scientific Research Committee comprising the critical governmental agencies involved in access to natural resources, management of maritime spaces, protection and preservation of the marine environment and related issues. These agencies are the:

- Ministry of Foreign Affairs;
- Ministry of Agriculture;
- Ministry of Natural Resources;
- Ministry of Public Infrastructure;
- Department of the Environment;
- Guyana Geology and Mines Commission;
- Guyana Defence Force Coast Guard; and
- University of Guyana.

This Regulation allows for the Ministry of Foreign Affairs to chair the Committee since the responsibility of communicating the decision of the Government falls to this agency. The aim of this section is to ensure an efficient process for receiving, considering and responding to an application to conduct MSR. In this regard, the Committee will meet within three weeks of the receipt of an application in order to consider the matter.

The Committee will have the power to examine any application for the conduct of research and determine whether consent should be granted. The Committee is free to request expert assistance during its deliberations on a particular issue. After the Committee has concluded its work, it will communicate its decision in relation to the granting of consent, and the proposed terms and conditions for the conduct of MSR, to the heads of the relevant agencies for possible feedback, before the decision is communicated to the applicant. The Committee will then request the Ministry of Foreign Affairs to communicate the decision to the applicant, as the decision of the Government of Guyana.

Part III – Application to Conduct Marine Scientific Research

Regulation 5. Consent necessary to conduct MSR

Regulation 5 stipulates that in order to conduct MSR in the territorial sea, exclusive economic zone or continental shelf of Guyana, it is necessary for a foreign State or international organization to first obtain the express consent of the Government of Guyana. This sovereign right of Guyana is established in the MZA.

Regulation 6. Procedure for application

Regulation 6 advises of the procedure for a foreign State or international organization to submit an application to the Government of Guyana to conduct MSR. The application form which is annexed to the Regulations needs to be submitted through diplomatic channels to the Ministry of Foreign Affairs, together with a formal request for consent, at least six (6) months in advance of the date that the research project is expected to commence. Within three weeks of the receipt of the application, the Ministry of Foreign Affairs will arrange a meeting of the Committee to consider the application and supporting documents. Following these processes, the Ministry will supply the appropriate response to the applicant on the instruction of the Committee.

Regulation 7. Information to be submitted to the Government of Guyana

Regulation 7 requires an application to conduct MSR to contain specific information including the following:

- the name and nationality of the institution responsible for the project, the director of the institution and the person in charge of the project;
- the nature and objectives of the project;
- the methods and means to be used to conduct the research activity, including the name, the tonnage, the type and class of the vessel;
- who the owner of the vessel is and the state where the vessel is registered;
- what type of liability insurance the vessel has;
- a description of scientific equipment to be used in the research project;
- the precise geographical areas in which the project is to be conducted;
- the expected date of first appearance and final departure of the research vessel and/or deployment of the scientific equipment and its removal; and
- the extent to which it is considered that Guyana will be able to participate or be represented in the project.

In sub-regulation (2) the Government of Guyana reserves the right to request additional information from the foreign State or international organization in order to make a more thorough assessment of the application.

Regulation 8. Response to Application

Regulation 8 gives the Ministry of Foreign Affairs the responsibility of ensuring that an applicant receives a response to an application within four months of submitting an application. This will be done after the Ministry has received such instructions from the Committee.

Part IV - Consent to Conduct Marine Scientific Research

Regulation 9. Consent to be from the Ministry of Foreign Affairs

Regulation 9 provides that the Ministry of Foreign Affairs will be the authority responsible for communicating the consent of the Government of Guyana to the applicant.

Regulation 10. Prescribed form of consent

Regulation 10 prescribes that consent will be in written form in a format similar to what is contained in Annex 2 to the Regulations. The foreign State or international organization will be provided with the written consent of the Government of Guyana through diplomatic channels.

Regulation 11. Conditions for the granting of consent

Regulation 11 sets out conditions that are required to be met in order for the Government of Guyana to grant consent for the conduct of MSR. These conditions are that:

- the Government of Guyana, if it so desires, has a right to participate or be represented in the research project on board the research vessel or other craft or scientific research installation when this is practicable and there will be no requirement for the scientist to be paid any remuneration and neither is there any obligation on the part of the Government to contribute towards the cost of the project;
- once the research project is completed the Government of Guyana must be provided with preliminary reports as soon as the results are available;
- if the Government of Guyana so requests it must be provided with access to all the data and samples derived from the research project which can be copied and samples which can be divided without detriment to their scientific value. The Government should also be provided with an assessment of the data, samples and research results and any assistance it requires in interpreting or assessing the information.

Regulation 12. Refusal of consent

Regulation 12 allows the Government of Guyana to refuse consent to conduct MSR when:

- the research project relates to the exploration and exploitation of natural resources;
- the research activities will involve drilling into Guyana's continental shelf; the use of explosives or harmful substances in the marine environment;
- there is a deliberate misrepresentation of the information that has been provided by the foreign State or international organization;
- further information which is required to complete an assessment of the research project is not made available in a timely manner to the Government;

- the foreign State or international organization in question has outstanding obligations to Guyana from a prior research conducted in the maritime zones to which the Regulations apply; or
- another activity which cannot be conducted at the same time as the proposed research activity, is currently being conducted in the proposed area.

Consent is deemed to have been granted if the Government of Guyana fails to provide a response by the end of the fourth month after an application to conduct MSR has been received. However, the implied consent regime does not apply to MSR to be conducted in Guyana's territorial sea.

Part V - Conditions Connected with Marine Scientific Research

Regulation 13. MSR to comply with the Laws of Guyana

Regulation 13 provides that all research activities must comply with the Laws of Guyana, particularly those relating to health, safety and the protection and preservation of the marine environment.

A foreign State or international organization may be liable if it breaches of any of these laws.

Regulation 14. Duty of non-interference with other activities

Regulation 14 requires a foreign State or international organization to ensure that its research activities do not interfere with other legitimate uses of Guyana's maritime spaces.

Regulation 15. Change in research programme

Regulation 15 caters for the situation where there is a major change in the vessel or the research programme that was approved by the Government of Guyana. In such a situation, the foreign State or international organization must inform the Government and receive further permission to institute these changes.

Regulation 16. Inspection

Regulation 16 provides that a foreign State or international organization may be requested to allow the Coast Guard or other authorized government official to inspect the research vessel. Such a request must be complied with.

Regulation 17. Compulsory inspection

Regulation 17 provides that in a case where a request for inspection is not complied with, the Coast Guard or other authorized government official may nevertheless board a research vessel or installation if they suspect that that vessel is being used for activities beside MSR, which fall within the scope of Guyana's sovereign rights under UNCLOS, relating to its EEZ and continental. A vessel conducting research in the territorial sea is liable to be inspected without prior approval.

Regulation 18. Monitoring of research vessel

Regulation 18 permits the Government to monitor the activities of research vessels by requiring that such vessels have satellite tracking equipment and give daily notification of their position. Notification is to be given to the Government when the vessels starts its research activities and when sampling has begun.

Part VI - Scientific Research Installations and Equipment

Regulation 19. Conditions of the use of scientific research installations or equipment

Regulation 19 provides that the Government of Guyana has the right to construct and to authorize and regulate the construction, operation and use of scientific research installations or equipment in Guyana's maritime zones. In this regard, a foreign State or international organization must receive the consent of the Government of Guyana in order to construct, operate and use any type of scientific research installation or equipment in the course of research activities. The Government of Guyana reserves the right to impose charges for the construction, operation and use of any scientific research installations, or equipment in the territorial sea, EEZ and continental shelf of Guyana.

Once the research activity has ended or if the scientific research installation or equipment has fallen into disuse, the owner or operator must immediately inform the Government and if directed to do so by the Government, remove the installation or equipment. The Government may set conditions for the removal of the scientific research installations or equipment.

A penalty is imposed for failure to comply with this Regulation.

Regulation 20. Identification marks

Regulation 20 requires that scientific research installations or equipment bear identification marks indicating the State of registry or the international organization to which they belong. They are also to have adequate internationally agreed warning signals to ensure safety at sea and the safety of air navigation in accordance with internationally accepted rules and standards.

Regulation 21. Safety zones

Regulation 21 stipulates that safety zones may be created around scientific research installations or equipment.

Regulation 22. Non-hindrances to international shipping routes

Regulation 22 stipulates that the placement or use of any type of scientific research installations or equipment must not hinder international shipping routes.

Part VII - Obligations upon Completion of MSR

Regulation 23. Publication of results of MSR

Regulation 23 specifies that publication of the results of MSR activities must be done as soon as possible after the completion of the research project, but with the express permission of the Government. The publication concerning the research project must not contain any illustration of any land or maritime boundary claim not recognized by the Government of Guyana.

Regulation 24. Liability for marine pollution

Regulation 24 makes a foreign State or international organization responsible and liable for any damage to the marine environment resulting from the research project.

Part VIII - Suspension or Cessation of MSR

Regulation 25. Suspension of MSR activities

Regulation 25 outlines the situations in which the Government may suspend MSR activities. These include the situation where the activities are not being conducted in accordance with information stated in the application under Section 6 of the Regulations, or where the activities contravene any other law of Guyana relating to MSR or when there is a failure to comply with the conditions set out for consent under Part III.

Regulation 26. Cessation of MSR activities

Regulation 26 outlines the situations when the Government may cease MSR activities. This may be done if a situation that warranted suspension of research activities has not been rectified within a reasonable time or when the research activities are being conducted in a manner that is so different from what was told to the Government, that it amounts to a major change in the project.

Regulation 27. Entry into Force

Regulation 27 states that the Regulations will enter into force on the day of publication in the *Official Gazette*.

**MARITIME ZONES (MARINE SCIENTIFIC RESEARCH)
REGULATIONS
2018**

ARRANGEMENT OF REGULATIONS

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Annexes

Maritime Zones (Marine Scientific Research) Regulations

Regulations to promote the development and conduct of marine scientific research for peaceful purposes by foreign States and international organizations in accordance with the United Nations Convention on the Law of the Sea (1982), in order to increase scientific knowledge of the marine environment and the processes occurring there, and to ensure that such research is carried out in accordance with the legislation in force at any time on activities in Guyana's territorial sea, exclusive economic zone and continental shelf. [June 28, 2018]

PART I
PRELIMINARY

- Citation **1.** These Regulations may be cited as the Maritime Zones (Marine Scientific Research) Regulations.
- Application of Regulations **2.** These Regulations apply to marine scientific research in the territorial sea, exclusive economic zone and continental shelf of Guyana.
- Interpretation **3.** (1) In these Regulations, unless otherwise indicated, the following terms will have the following meaning:
- a) ‘Committee’ means the Marine Scientific Research Committee;
 - b) ‘Convention’ means the United Nations Convention on the Law of the Sea, 1982;
 - c) ‘Government’ means the Government of Guyana;
 - d) ‘international organization’ means any interstate organisation, the purpose, or part of the purposes, of which is the conduct of marine scientific research.

(2) Terms which are not specifically defined in these Regulations have, the meaning assigned to them in the Maritime Zones Act 2010 Cap 63:01, unless the context requires otherwise.

PART II

ESTABLISHMENT OF THE MARINE SCIENTIFIC RESEARCH COMMITTEE

- Marine Scientific Research Committee **4.** (1) For the purposes of these Regulations, the Marine Scientific Research Committee is hereby established. The Committee shall comprise a representative of each of the following agencies:
- a) the Ministry of Foreign Affairs;

- b) the Ministry of Agriculture;
- c) the Ministry of Natural Resources;
- d) the Maritime Administration Department;
- e) the Department of the Environment;
- f) the Guyana Geology and Mines Commission;
- g) the Guyana Defence Force Coast Guard; and
- h) the University of Guyana.

2) The representative of the Ministry of Foreign Affairs shall be the chairperson of the Committee and shall be responsible for the following:

- a) convening the meetings and directing the proceedings of the Committee; and
- b) formulating the agenda for each meeting of the Committee.

(3) The Committee shall determine any issue regarding its operation and function.

(4) The Committee is conferred with the competence to perform the following roles:

- a) examine any application from a foreign State or international organization to conduct marine scientific research in the territorial sea, exclusive economic zone or continental shelf of Guyana;
- b) determine whether consent should be granted for conduct of marine scientific research based on the examination of any application;
- c) request the presence or written opinion of any representative of a public or private law organisation whose views or expertise on a particular issue is deemed useful or necessary to its work;

- d) inform the head of the agencies identified at Section 4(1) of the decision of the Committee in relation to the granting of consent, and the proposed terms and conditions for the conduct of marine scientific research; and
- e) request the Ministry of Foreign Affairs to communicate its decision to the foreign State or international organization.

PART III

PROCEDURE TO CONDUCT MARINE SCIENTIFIC RESEARCH

Consent necessary to conduct marine scientific research

5. Any foreign State or international organization desirous of conducting marine scientific research in the territorial sea, exclusive economic zone or continental shelf of Guyana shall first obtain the express consent of the Government of Guyana.

Procedure for application

6. (1) The foreign State or international organization shall submit through diplomatic channels to the Ministry of Foreign Affairs of Guyana, a formal request for consent, together with the application form provided in Annex 1 to these Regulations, at least six (6) months in advance of the expected date of commencement of the research project.

(2) The Chairperson shall convene a meeting of the Committee to consider the application of the foreign State or international organization, within three weeks of the receipt of the application.

(3) Once the decision of the Committee has been finalized, the Committee shall request the Ministry of Foreign Affairs

to communicate the decision to the foreign State or international organization.

Information to be submitted to the Government of Guyana

7. (1) An application to conduct marine scientific research shall contain the following information:

- a) the name and nationality of the institution responsible for the project, its director and the person in charge of the project;
- b) the nature and objectives of the project;
- c) the methods and means to be used, including the name, tonnage, type and class of the vessel, owner, State where registered, liability insurance, and a description of all scientific equipment;
- d) the precise geographical areas in which the project is to be conducted;
- e) the expected date of first appearance and final departure of the research vessel, or deployment of the equipment and its removal, as appropriate; and
- f) the extent to which it is considered that Guyana should be able to participate or to be represented in the project.

(2) Nothing in the preceding paragraph precludes the foreign State or international organization from being requested to provide additional information about the research project.

Response to Application

8. The Ministry of Foreign Affairs shall endeavour to respond to the application, generally, within four months of the date of receipt of the request, after a decision has been made by the Committee.

PART IV
CONSENT TO CONDUCT MARINE SCIENTIFIC RESEARCH

Consent must be from the
Ministry of Foreign
Affairs

9. Marine scientific research shall not be carried out in Guyana's territorial sea, exclusive economic zone and continental shelf, without the consent of the Ministry of Foreign Affairs.

Prescribed form of consent

10. Consent will be deemed to be granted when the foreign State or international organization has received the written consent of the Government as provided in Annex 2 to these Regulations, from the Ministry of Foreign Affairs through diplomatic channels.

Conditions for the granting
of consent

11. The following conditions shall apply to consent granted to conduct marine scientific research in the territorial sea, exclusive economic zone and continental shelf of Guyana:

- a) the Government may stipulate that at least one Guyanese scientist of any of the relevant national agencies shall be present and participate in the research project and shall be allowed on board the research vessel and other craft or scientific research installation, when practicable, without the payment of any remuneration to the scientist, and without any obligation of Guyana to contribute towards the cost of the project;
- b) that upon request, the Government of Guyana shall be provided with preliminary reports, in accordance with Annex 3 of these Regulations, as soon as

practicable and the final results and conclusion upon completion of the research;

- c) that upon request, the Government of Guyana shall be provided with access to all data and samples derived from the research project and will be furnished with data which may be copied and samples which may be divided without detriment to their scientific value; and
- d) if it so requests, the Government of Guyana shall be provided with an assessment of such data, samples and research results, and with assistance in their interpretation or assessment.

Refusal of consent

12. (1) The Government of Guyana may refuse to grant consent to conduct marine scientific research when:

- a) the research project is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;
- b) the research project involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
- c) the research project involves the construction, operation or use of artificial islands, installations and structures;
- d) the foreign State or international organization has intentionally provided inaccurate information in its application;
- e) further information which is required by the Government to complete an assessment of the research project has not been provided in a timely manner;

- f) the foreign State or international organization in question has outstanding obligations to Guyana from a prior research carried out in its waters; and
- g) an activity which cannot be conducted at the same time as the proposed research activity is currently being conducted in the proposed area.

(2) If the Government of Guyana does not provide a response at the end of the fourth month of the receipt of the application, consent is deemed to have been granted.

(3) The provisions of subparagraph (2), are not applicable to the conduct of marine scientific research in the territorial sea of Guyana.

(4) Where the Government of Guyana does not exercise its discretion to refuse consent under sub-paragraph (1) c, the provisions of Regulation 19 shall apply to the conduct of marine scientific research.

PART V

CONDITIONS CONNECTED WITH MARINE SCIENTIFIC RESEARCH

Marine scientific research to comply with the Laws of Guyana

13. (1) All activities related to marine scientific research shall be carried out in accordance with legislation in force relating to Guyana's territorial sea, exclusive economic zone and continental shelf, including those relating to safety, health and the protection and preservation of the marine environment.

(2) A failure to comply with any of the legislation above will result in the liability of a foreign State or international

organization in accordance with the provisions of Section 41(4) of Cap 63:01.

Duty of non-interference with other activities

14. A foreign State or international organization, has the duty to ensure that marine scientific research activities do not unjustifiably interfere with other legitimate uses of the territorial sea, exclusive economic zone and continental shelf of Guyana.

Change in research programme

15. Where it becomes necessary to institute a major change in the research programme or in the vessel to be used, the foreign State or international organization shall immediately inform the Government of Guyana of such proposed changes and request its further consent for the operationalization of such changes.

Inspection

16. A foreign State or international organization has a duty to comply with a request from the Coast Guard or other authorized government official to inspect any research vessel or installation.

Compulsory inspection

17. In the case of non-compliance with a request from the Coast Guard or other authorized government official, inspection may nevertheless be carried out if the vessel or installation is being used for:

- activities that fall within the scope of Guyana's sovereign rights according to Part V and VI of the Convention; or
- research within the territorial sea of Guyana.

Monitoring of research vessel

18. The Government of Guyana may require a research vessel to:

- have satellite tracking equipment installed;

-give notification of its positions daily; and
-give notification of other matters relating to its research activities, such as the start of research activities and the beginning of sampling.

PART VI

SCIENTIFIC RESEARCH INSTALLATIONS AND EQUIPMENT

Conditions of the use of scientific research installations or equipment

19. (1) The Government of Guyana shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of any type of scientific research installations and equipment in the territorial sea, exclusive economic zone or on the continental shelf of Guyana.

(2) A foreign State or international organization shall not construct, operate or use any scientific research installation or equipment in the territorial sea, exclusive economic zone or on the continental shelf without the consent of the Government of Guyana.

(3) The Government of Guyana may impose any charge it thinks fit for the construction, operation and use of scientific research installations or equipment in the territorial sea, exclusive economic zone and on the continental shelf.

(4) The owner or operator of any scientific research installation or equipment that is no longer being used or which has fallen into disuse or is beyond repair, shall forthwith inform the Government and shall, if so directed by the Government, remove such scientific research

installation or equipment within such period of time as the Government may order and in accordance with any conditions which the Government may so establish.

(5) Any person who contravenes any of the provisions of this Regulation shall be subject to the penalties imposed by Section 41(4) of Cap 63:01.

Identification marks

20. Scientific research installations or equipment referred to in this section, shall bear identification markings indicating the state of registry or the international organization to which they belong and shall have adequate internationally agreed warning signals to ensure safety at sea and the safety of air navigation, taking into account rules and standards established by competent international organizations.

Safety zones

21. Safety zones of a reasonable breadth not exceeding a distance of 500 meters may be created around scientific research installations or equipment.

Non-hindrance to international shipping routes

22. The deployment or use of any type of scientific research installations or equipment shall not constitute an obstacle to international shipping routes.

PART VII

OBLIGATIONS UPON COMPLETION OF MARINE SCIENTIFIC RESEARCH

Publication of results of marine scientific research

23. (1) The foreign State or international organization shall, with the express permission of the Government of Guyana, make the results of marine scientific research

internationally available as soon as practicable, through appropriate national and international channels.

(2) Provided that the rendering of the research area should not depict any maritime or land boundary or claims not previously approved by the Government of Guyana.

Liability for marine pollution **24.** A foreign State or international organization shall be responsible and liable pursuant to Section 41(4) of Cap 63:01 for any damage caused by pollution of the marine environment arising out of marine scientific research undertaken by them or on their behalf.

PART VIII

SUSPENSION OR CESSATION OF MARINE SCIENTIFIC RESEARCH

Suspension of marine scientific activities **25.** The Government of Guyana may order the suspension of marine scientific research activities, if the activities are not being conducted in accordance with information communicated as provided under Section 7 of these Regulations, or contravenes any other applicable national law or international convention relating to marine scientific research to which Guyana is a Party, or in the event of failure to comply with conditions set out for consent pursuant to Part IV of these Regulations.

Cessation of marine scientific activities **26.** The Government of Guyana may require the cessation of marine scientific research activities if any matter that has been given as a ground for suspension in

Section 25 has not been rectified within a reasonable time, or if the marine scientific research activity is being conducted in a manner which the Government deems to be so different from the information on the research activities which was submitted to the Guyanese authorities pursuant to Section 7 of these Regulations, that it amounts to a major change in the research activities.

Entry into force

27. These Regulations shall enter into force on the day of publication in the *Official Gazette*.

Signed by me this 28th day of June 2018.

Honourable Carl Barrington Greenidge
Vice President and Minister of Foreign Affairs

ANNEX 1



Application for consent to conduct Marine Scientific Research

Date: _____

1. General Information

1.1 Cruise name and/or number:	
1.2 Sponsoring Institution(s):	
Name	
Address	
Name of Director	
1.3 Scientist in charge of the project:	
Name:	
Country:	
Affiliation:	
Address:	
Telephone:	
Fax:	
Email:	
Website (for CV and Photo):	
1.4 Entity(ies)/Participant(s) from coastal State involved in the planning of the project:	
Name:	
Affiliation:	
Address:	

Telephone:	
Fax:	
Email:	
Website(for CV and photo):	

2. Description of Project

2.1 Nature and objectives of the project:

2.2 If designated as part of a larger scale project, then provide the name of the project and the organisation responsible for coordinating the project:

2.3 Relevant previous or future research projects:

2.4 Previous publications relating to the project:

3. Geographical Areas

3.1 Indicate geographical areas in which the project is to be conducted (with reference in latitude and longitude, including coordinates of cruise track/way points):

3.2 Attach chart(s) at an appropriate scale (1 page, high-resolution) showing the geographical areas of the intended work and, as far as practicable, the location and depth of sampling stations, the tracks of survey lines, and the locations of installations and equipment:

4. Methods and means to be used:

4.1 Particulars of Vessel:	
Name:	

Type/Class:	
Nationality(Flag State):	
Identification Number(IMO/Lloyds No.):	
Website for diagram & specifications:	
Owner:	
Operator:	
Overall length(meters):	
Displacement/Gross tonnage:	
Propulsion:	
Cruising & maximum speed:	
Call sign:	
INMARSAT number and method and capability of communication (including emergency frequencies):	
Name of master:	
Number of crew:	
Number of scientists on board:	
Relevant documents required by international conventions and regulations:	
Other relevant information:	

4.2 Particulars of aircraft:	
Name:	
Make/model:	
Nationality (Flag state):	
Website for diagram & specifications:	
Owner:	
Operator:	
Overall length (meters):	
Propulsion:	
Cruising and Maximum speed:	
Registration no.:	
Call sign:	
Method and capability of communication (including emergency frequencies):	
Name of pilot:	
Number of crew:	
Number of scientists on board:	
Details of sensor packages:	
Other relevant information:	

4.3 Particulars of Autonomous Underwater Vehicle (AUV):	
Name:	
Manufacturer and Make/model:	
Nationality (Flag state):	
Website for diagram & specifications:	
Owner:	
Operator:	
Overall length (meters):	
Displacement/Gross tonnage:	
Cruising and Maximum speed:	
Range/Endurance:	
Method and capability of communication (including emergency frequencies):	
Details of sensor packages:	
Other relevant information:	

4.4 Other craft in the project, including its use:

4.5 Indicate nature and quantity of substances to be released into the marine environment		
Types of samples and measurements	Methods to be used	Instruments to be used

4.6 Indicate nature and quantity of substances to be released into the marine environment

4.7 Indicate whether drilling will be carried out – if yes, please specify:

4.8 Indicate whether explosives will be used. If yes, please specify type and trade name, chemical content, depth of trade class and stowage, size, depth of detonation, frequency of detonation, and position in latitude and longitude:

--

5. Installations and Equipment

5.1 Details of installations and equipment(including dates of laying, servicing, method and anticipated timeframe for recovery, as far as possible exact locations and depth, and measurements):

--

6. Dates

6.1 Expected dates of first entry into and final departure from the research area by the research vessel and/or other platforms:

--

6.2 Indicate if multiple entries are expected:

--

7. Port Calls

7.1 Dates and names of intended ports of call:

--

7.2 Any special logistical requirements at ports of call:

--

7.3 Name/Address/telephone of shipping agent(if available):

--

8. Participation of the representative of the coastal state

8.1 Modalities of the participation of the representative of the coastal state in the research project:

--

8.2 Proposed dates and ports of embarkation/disembarkation:

--

9. Access to data, samples and research results

9.1 Expected dates of submission to coastal State of preliminary report, which should include the expected dates of submission of the data and research results:

--

9.2 Anticipated dates of submission to the coastal State of the final report:

--

9.3 Proposed means for access by coastal State to data (including format) and samples:

--

9.4 Proposed means to provide coastal State with assessment of data, samples and research results:

--

9.5 Proposed means to provide assistance in assessment or interpretation of data, samples and research results:

--

Proposed means of making results internationally available:

--

10. Other permits submitted

Indicate other types of coastal permits anticipated for this research(received or pending):

--

11. List of supporting documentation

List of attachments such as additional forms required by the coastal state, etc

--

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Signature:

Contact information of the focal point:

Name:

Country:

Affiliation:

Address:

Telephone:

Fax:

Email:

ANNEX 2
Draft standard form B
Consent to conduct marine scientific research



The Ministry of Foreign Affairs of the Cooperative Republic of Guyana presents its compliments to the Embassy/ High Commission of the _____ and has the honour to refer to Note No:___ from Embassy/ High Commission) dated _____ regarding the proposed marine scientific research of (chief scientist). The Ministry is pleased to advise that approval has been given for the marine scientific research project (reference number of project) proposed in the (Territorial Sea/ Exclusive Economic Zone/Continental Shelf) of Guyana from (dates) to (dates) inclusive, subject to the conditions being met as specified below:

- Participation of (name and details of Guyana's participant(s)).
- Notifications regarding entry into and departure from the (Territorial Sea/ Exclusive Economic Zone/Continental Shelf), port arrivals and departures, and daily position reports, should be transmitted to (the provide channels through which such notifications are to be transmitted).
- Provision of preliminary report(s) within the time frame provided on application _____
- Access to all data and samples derived from the marine scientific research project, including provision of data to participant(s).
- Provision of data which may be copied and samples which may be divided and copies of reports prepared, or alternatively details of where such data and reports can be obtained will be submitted to _____ in a form acceptable to (coastal State) as soon as possible but preferably no later than a 12-month period after the conclusion of the proposed research programme. The information will be treated as public information and may be made available via the internet unless another arrangement is reached with the (coastal State) government.
- Assessment of data, samples and research results /or provision of assistance in such assessment or interpretation.
- Compliance with the attached guidelines (safety, acoustics, map of protected areas, list of relevant endangered species under CITES, etc.). 57 A revised guide to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea
- Changes to the authorized research programme shall be directed to _____ (name, phone, email of Marine Scientific Research Office or focal point).
- Removal of the scientific research installations or equipment once the research is completed.
- Final report will be provided within a reasonable time-frame.

The Ministry of Foreign Affairs of the Cooperative Republic of Guyana avails itself of this opportunity to renew to the Embassy/ High Commission of _____ the assurances of its highest consideration.

Date

Diplomatic Seal

ANNEX 3
Draft standard form C
Preliminary cruise report

Cruise Name/Number:

Authorizations:		
Coastal State	Authorization Document Number	National Participant(s)

Scientist in charge of reporting:	
Name:	
Country/Nationality:	
Affiliation:	
Address:	
Telephone:	
Email:	
Website (for CV and photo):	

Brief description of scientific objective:

Update on anticipated dates for delivery of final results:
--

Metadata:	(Locations of stations, variables measured, types of samples
Raw Data:	
Processed Data:	
Data Analysis:	
WODC Registration applicable):	Data (if Accession number

Append image or URL illustrating the route of the platform, locations where measurements were taken and actual cruise track: