

No. 26553

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**FRANCE  
and  
INDONESIA**

**Arrangement concerning cooperation in the fields of oceanographic research and technology and maritime industry.  
Signed at Jakarta on 13 July 1988**

*Authentic texts: French and Indonesian.*

*Registered by France on 1 May 1989.*

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**FRANCE  
et  
INDONÉSIE**

**Arrangement relatif à la coopération dans les domaines de la recherche et de la technologie océanologiques et de l'industrie maritime. Signé à Jakarta le 13 juillet 1988**

*Textes authentiques : français et indonésien.*

*Enregistré par la France le 1<sup>er</sup> mai 1989.*

## [TRANSLATION — TRADUCTION]

ARRANGEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE INDONESIAN REPUBLIC CONCERNING COOPERATION IN THE FIELDS OF OCEANOGRAPHIC RESEARCH AND TECHNOLOGY AND MARITIME INDUSTRY

The Government of the French Republic and the Government of the Republic of Indonesia (hereinafter referred to as “both Parties”),

In view of the Agreement on Technical and Cultural Cooperation between the Government of the French Republic and the Government of the Republic of Indonesia signed at Jakarta on 20 September 1969,<sup>2</sup>

Referring to article 2 of the Agreement between the Government of the French Republic and the Government of the Republic of Indonesia on cooperation in the fields of scientific research and technological development signed at Jakarta on 8 May 1979,<sup>3</sup>

Recalling further the need to replace the Arrangement between the Government of the French Republic and the Government of the Republic of Indonesia in the field of oceanography, which was signed on 13 October 1980 and extended on 13 October 1985 until 13 October 1986,

Taking into account the United Nations Convention on the Law of the Sea signed at Montego Bay, Jamaica, on 10 December 1982,<sup>4</sup>

Desiring to promote cooperation between the two Governments in the fields of oceanographic research and technology and of maritime industry,

Have agreed as follows:

*Article I*

The Government of the French Republic and the Government of the Republic of Indonesia shall foster cooperation in the fields of oceanographic research and technology and maritime industry through their national institutions, that is, respectively: in France, under the coordination of the Minister in charge of Research and the Minister in charge of Industry; and in Indonesia, under the coordination of the Minister in charge of Research and Technology, Chairman of the Agency for the Evaluation and Application of Technology.

*Article II*

1. There shall be established a Joint Committee composed, in the case of France, of representatives of the Minister in charge of Research and the Minister in charge of Industry and, in the case of Indonesia, of representatives of the Minister

<sup>1</sup> Came into force on 13 July 1988 by signature, in accordance with article XI (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 748, p. 103.

<sup>3</sup> *Ibid.*, vol. 1358, p. 71.

<sup>4</sup> Not entered into force at the date of registration of the Agreement published therein. For the text of the Convention as adopted by the Conference, see Documents of the United Nations Conference on the Law of the Sea, A/CONF.62/122 and Corr.1 to 11 or United Nations Publication E-83.V.5.

in charge of Research and Technology, Chairman of the Agency for the Evaluation and Application of Technology and of the appropriate government institutions of both Parties.

2. The Joint Committee shall review the status of cooperation, develop the annual programmes of work to be submitted for the approval of both Parties, and discuss any other question relating to the development of cooperation in the context of this Arrangement.

3. The Joint Committee shall meet once a year, alternately in France and in Indonesia. It shall be responsible for the implementation of the programmes envisaged in paragraph 2.

4. Each Party shall designate, in writing, a person or institution at the national level responsible for the implementation of each individual programme. The Joint Committee may, if necessary, form specialized working groups for the implementation of specific programmes.

5. The Joint Committee shall report to the Mixed Commission established pursuant to the Agreement on technical and cultural cooperation of 20 September 1969 and shall facilitate economic cooperation by considering or proposing appropriate action.

### *Article III*

1. Both Parties have agreed to institute and strengthen cooperation between them in order to increase their research and technology capability in the following areas:

- (a) Fishing;
- (b) Geology and geophysics;
- (c) Marine energy;
- (d) Coastal ecology (biology, physics, chemistry);
- (e) Marine engineering.

2. In the context of cooperation in the fields listed in paragraph 1, both Parties have agreed to encourage cooperation between their respective public or private enterprises, in the following fields in order of priority:

- (a) Mariculture;
- (b) Fishing and fish processing;
- (c) Undersea industry;
- (d) Services to maritime industry;
- (e) Shipbuilding technology;
- (f) Wreck salvaging, except archaeological.

### *Article IV*

Under article II of this Arrangement, both Parties agree:

- (a) To exchange information;
- (b) To arrange meetings and exchanges between scientists and technicians;

- (c) To select experts and technicians from either Party to work in the facilities of the other Party in order to implement this Arrangement;
- (d) To undertake such other forms of cooperation as shall be agreed between them.

#### *Article V*

1. Scientific marine research in the territorial sea or the archipelagic waters of a Party shall be carried out with the express consent of that Party.

2. Samples and data collected in the course of the scientific research referred to in paragraph 1 of this article shall be the property of the Party in whose territorial sea or archipelagic waters they have been collected. The data and samples shall be made available to the other Party.

3. Communication to a third party of data collected in the course of the scientific research referred to in paragraph 1 of this article shall be subject to the express consent of the Party in whose territorial sea or archipelagic waters they have been collected.

4. Scientific marine research in the exclusive economic zone or on the continental shelf of a Party shall be conducted with the express consent of that Party. Where a scientific research project would, in the opinion of the Party having jurisdiction over the exclusive economic zone or the continental shelf, have a direct impact on the exploration or development of natural resources, that Party may withhold its consent to the execution of such a scientific marine research project.

5. Samples and data collected in the course of the scientific research referred to in paragraph 4 of this article shall be the property of both Parties. The Party conducting the research undertakes to give the Party in whose territorial sea or archipelagic waters the scientific research has been conducted access to the samples and data collected and to provide it with data that can be replicated and samples that can be divided up without harm to their scientific value.

6. Samples and data collected in the exclusive economic zone or on the continental shelf and which are unique specimens shall be entrusted to the Party consenting to the scientific research. The Party carrying out the scientific research shall have guaranteed access to the said samples and data.

7. Communication by a Party to a third party of data collected in the course of the scientific research referred to in paragraph 4 of this article shall be subject to the prior agreement of the other Party.

#### *Article VI*

1. Any scientific discovery or invention arrived at jointly on the basis of data collected cooperatively under this Arrangement shall be the property of both Parties.

2. The results of any scientific discovery based on data collected under this Arrangement by the French Party in waters under Indonesian jurisdiction may be utilized only with the consent of the appropriate authorities as defined in article II, paragraph 4.

3. The results of any scientific discovery based on data collected under this Arrangement by the Indonesian Party in waters under French jurisdiction may be utilized only with the consent of the appropriate authorities as defined in article II, paragraph 4.

4. By mutual consent, both Parties may take out a joint patent on any invention devised jointly.

*Article VII*

1. Any activity carried out under this Arrangement by either Party is subject to the laws and regulations of the Party in whose waters the activity takes place.

2. Each Party undertakes to facilitate obtention by the other Party of any authorizations it requires and applies for, in accordance with its applicable laws and regulations.

*Article VIII*

1. Each Party shall, in accordance with its domestic laws and regulations, authorize the importation free of duties and taxes of the materials and equipment necessary for the implementation of the programmes.

2. Once a programme is completed, all or part of the equipment and materials of French origin used in Indonesia shall be re-exported unless they are donated to the Indonesian Government.

*Article IX*

Any dispute over the interpretation or implementation of this Arrangement shall be settled amicably through consultations or negotiations between the Parties.

*Article X*

This Arrangement may be amended by mutual agreement.

*Article XI*

1. This Arrangement shall enter into force on the date of its signature and shall remain in effect for a period of three (3) years. By mutual consent, this Arrangement may be renewed for a term to be mutually agreed upon.

2. This Arrangement may be denounced by either Party on six (6) months' written notice. Such denunciation cannot affect the execution of ongoing projects until they are completed.

3. This Arrangement supersedes the Arrangement between the Government of the French Republic and the Government of the Republic of Indonesia in the field of oceanography signed at Jakarta on 13 October 1980 and extended on 13 October 1985 until 13 October 1986.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Arrangement.

DONE at Jakarta on 13 July 1988 in two originals, in French and Indonesian, both texts being equally authentic.

For the Government  
of the French Republic:

[Signed]

LOÏC HENNEKINE

For the Government  
of the Republic of Indonesia:

[Signed]

MUDHAHAM TAUFICK ZEN