

Update on Marine Scientific Research (MSR) Diplomatic Authorizations

Allison Reed (US Department of State)

19 April 2017

RVOC 2017

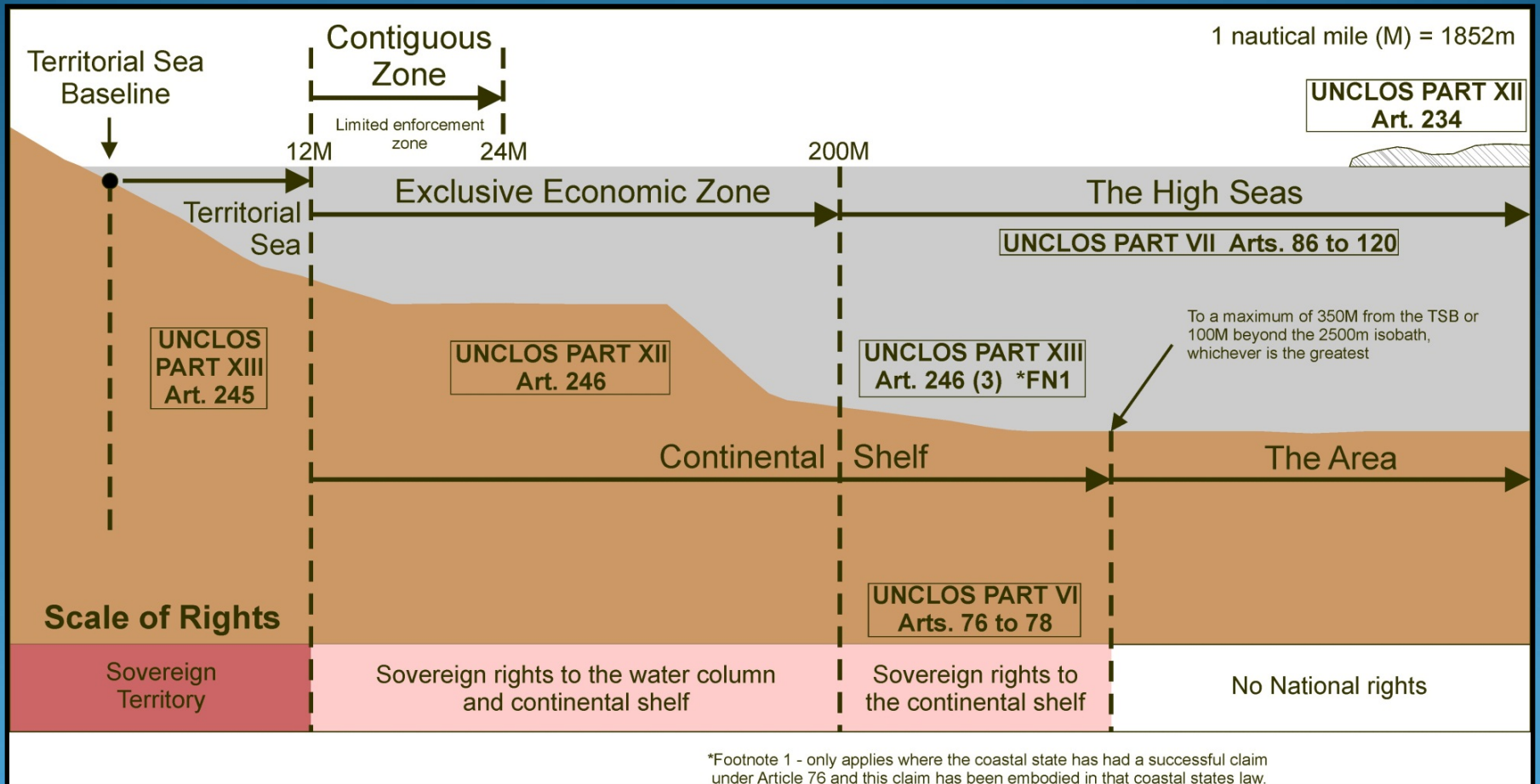
Quick Refresher: MSR and UNCLOS

1982 United Nations Convention on the Law of the Sea

- Article 238: right to conduct MSR
- Article 245: coastal state jurisdiction over MSR conducted within territorial seas
- Article 246: coastal state jurisdiction over MSR conducted within EEZ
- Article 250: **communications concerning MSR projects shall be made through appropriate official channels**

Quick Refresher: MSR and UNCLOS

What types of MSR will require diplomatic clearance



MSR Challenges and Recent Trends

Challenges and Trends

- No system/Unfamiliarity, Complicated systems
 - Recent trend: increasing bureaucracy, evolving requirements, firm 6 month timeline **from when coastal state receives**
- Timeliness
 - Mexico: Firm 6 months, into RATS 7 months advance
- Optics
 - Ex: IODP and Mozambique
- Changes once consent is granted
 - French territories: easiest, notify local authorities
 - Greece: new consideration, 1 month
 - Mexico: minimum 15 business days

Challenges and Trends, Cont.

- Changing processes
 - Bermuda: new form
 - France: French translation, 6 months
 - Canada: 3 months, data, sea ice from aircraft MSR
 - Denmark/Greenland: new forms, buffer 1 week
 - Mexico: go to Embassy website for now
 - <https://mx.usembassy.gov/education-culture/scientific-research/>
 - Taiwan: new form
 - Vietnam: new form
 - Cuba: MINREX form, 6 months, Spanish Form A

Challenges and Trends, Cont.

- Late Reports
 - Need preliminary AND final
 - Platform operator has to submit in RATS
 - Coastal States increasingly asking: Mexico, Costa Rica
- Maritime Boundaries
 - South China Sea
 - China, Taiwan
 - Greece, Turkey and continental shelf
- Not MSR?
 - Routine ocean observation, military survey, port calls, equipment testing
 - We do not deal with port calls in RATS

Coastal State Processes, US Embassies

- New Embassy Officers every 2 years
 - Some locally employed staff but not all
 - Some process multiple (Suva, Hague, Paris, London, etc.)
- Differing processes: example UK, Canada, US trigger
 - UK: Flag State of Vessel
 - US: Nationality of Chief Scientist
 - Canada: Owner of the data
 - Does it matter?

Maritime Boundaries



Emerging Issue:
Biodiversity in Areas
Beyond National
Jurisdiction (BBNJ)

United Nations Preparatory Committee on BBNJ

What is the Preparatory Committee?

- United Nations General Assembly established a preparatory committee to meet in 2016/2017
- Tasked with developing substantive recommendations relating to the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction

What is the Committee addressing?

- Marine genetic resources, including questions on sharing of benefits
- Measures such as area-based management tools, including marine protected areas
- Environmental impact assessments
- Capacity building and transfer of marine technology

BBNJ PrepCom and MSR

- Capacity Building/Technology Transfer
 - Existing efforts: IOC, OBIS, GenBank, others
- Use of marine resources/bio-prospecting vs. MSR
 - Access issues
 - Should be differentiation between exploration science as relating to exploitation of marine resources and marine scientific research that is undertaken in areas of marine resources using similar science capability

RATS 2.0: Coming Soon!

RATS 2.0

- Working with contractors now
- Will likely go platform vs custom build
 - ServiceNow
- Approximately 6 months
- More user friendly
- Coastal state-specific requirements
- Obvious when draft vs submitted
- Frequent alerts
- Training, trouble shooting built in
- VOLUNTEERS???

Thank you!

ReedAD@state.gov

202-647-0238