



Update on Marine Scientific Research (MSR) Diplomatic Consent



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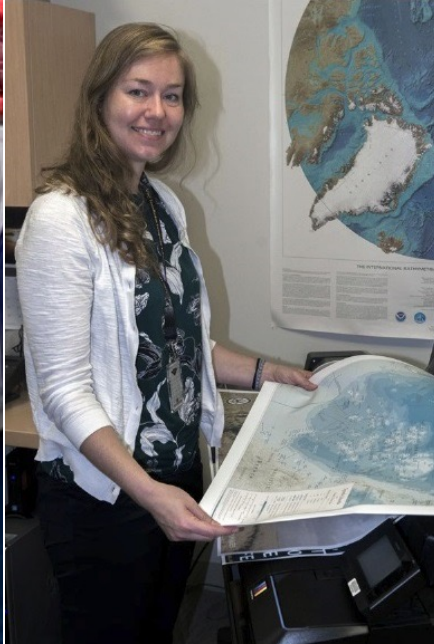
Your DoS MSR Team



Elizabeth Buendía



Suzanne Archuleta



Amanda Williams

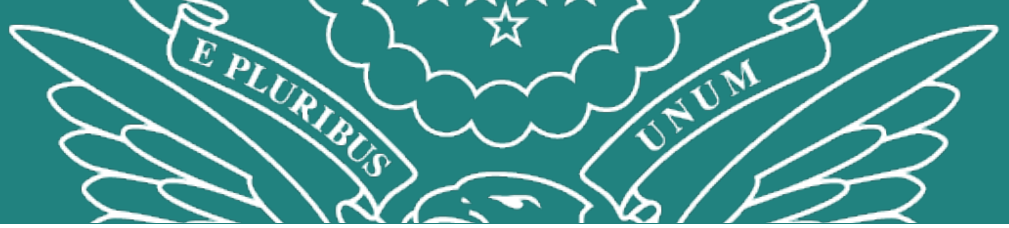


Gabriella David



Allison Reed

*** Quick Refresher: MSR and LOSC



1982 Law of the Sea Convention

- 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

★★★ Presidential Proclamation on MSR



- Policy updated via Presidential Proclamation No. 10071 signed September 9, 2020:
 - Applies only to foreign scientists wishing to conduct MSR in the U.S.
 - Advance consent in all instances consistent with international law
 - In the U.S. EEZ and on the continental shelf (was always required in the territorial sea)

★ ★ ★ MSR Consent: It's complicated...



- Optics
- Geopolitics (maritime boundaries)
- Cannot rely solely on past practice- relationships and situations evolve
- Diplomatic consent may be cumbersome, but it is necessary
- Diplomatic consent is never guaranteed
- **We are involved for all of these reasons**



Who Requests MSR Consent?

- Most Coastal States
 - Flag State of Vessel
- United States
 - Nationality of Chief Scientist





New RATS Portal



- Designed on a Microsoft O365 cloud-based platform.
- Several new features:
 - Online submission for new account requests,
 - Extra security (multi-factor authentication),
 - Automatic task reminders, and
 - Better search capabilities.
- Please let us know if you would like to schedule a training!
- RATS Portal: <https://ratsportal.state.gov/>

Home

Role: Platform Coordinator

Welcome to the RATS Portal

This site is a self-service portal where users can submit and track marine scientific research applications for review by the U.S. Department of State office of Ocean and Polar Affairs (OPA). OPA develops, coordinates, negotiates, and implements U.S. foreign policy with respect to marine science and research, including Marine Scientific Research Consent. OPA promotes science and diplomacy, improves maritime domain awareness, and safeguards the interests of the U.S. scientific community through the marine scientific research consent program.

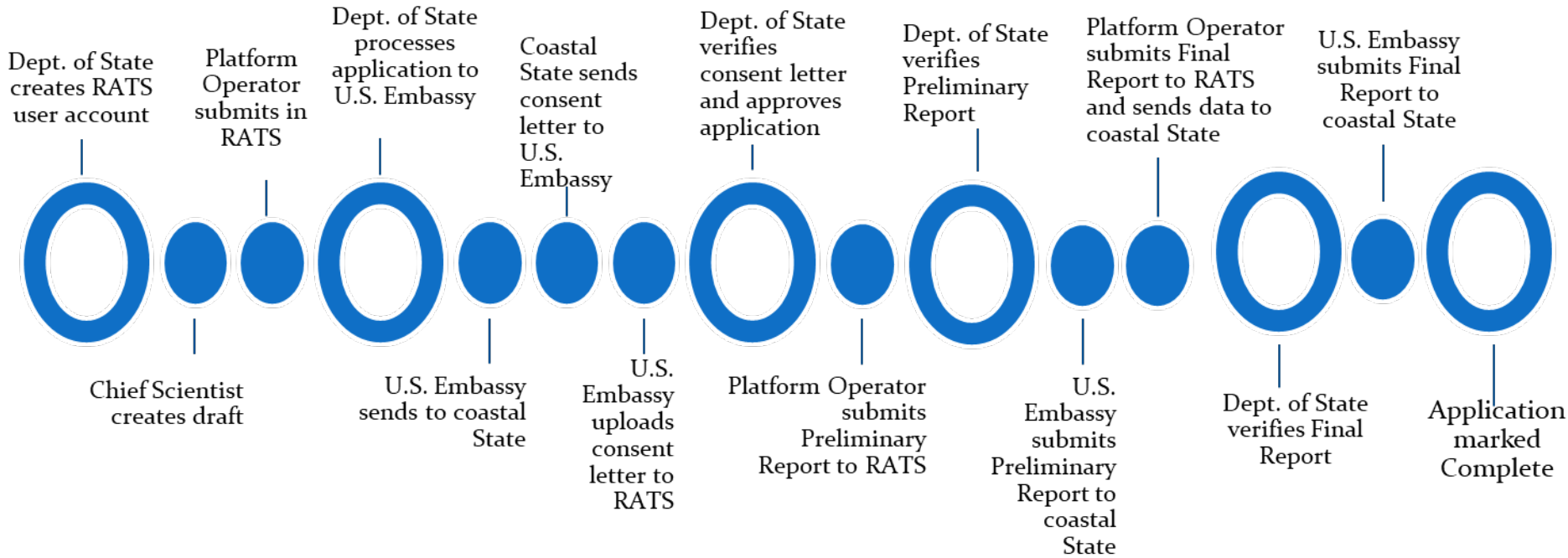
Please review the [Guidance page](#) for further details before submitting an application. Additional information can be found on the [Marine Scientific Research page](#).

Task	Regarding	Workflow Step	Created On	Application Status (Regarding)	Due Date ↑	Assigned
Submit Final Report to DoS	F2021-039 - *20588 Submit Preliminary Report to MFA & Submit Final Report to DoS	Reporting	12/6/2021 2:09 PM	Reporting	12/6/2021 8:00 AM	OPA Platform Coordinator
Re-Submit Preliminary Report to DoS	F2021-016 - *OPA F-Cruise G	Reporting	10/22/2021 1:50 PM	Inactive	12/23/2021 8:00 AM	OPA Platform Coordinator
Re-Submit Preliminary Report to DoS	F2021-031 - *23785 Re-Submit Preliminary Report	Reporting	12/6/2021 1:03 PM	Reporting	1/6/2022 8:00 AM	OPA Platform Coordinator



U.S. Scientists in Foreign Waters

★★★
Process to Request MSR Consent
for U.S. citizens in Foreign Waters





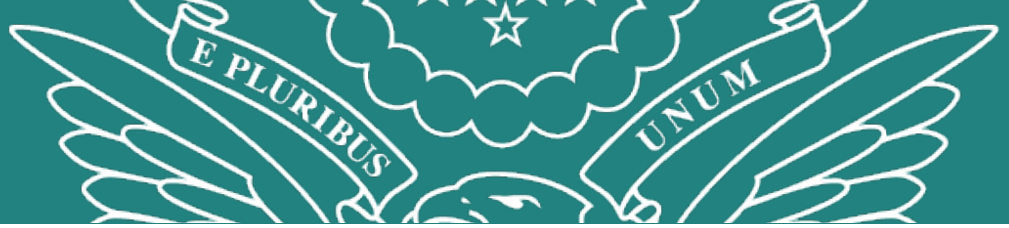
Trends/Challenges



- **Bureaucratic/Diplomatic Challenges**
 - Applications due at least 6- 6.5 months advance, many coastal States firm
 - Increased scrutiny, evolving requirements, no uniform system
- **Late Reports/Data**
 - Hundreds of late reports and data from U.S. scientists
 - Coastal States are asking – they can withhold consent from any U.S. scientist for another U.S. scientist’s late reports
 - NZ, Mexico, France, Costa Rica, United States, Canada, Bahamas, BVI, and Argentina may withhold/delay consent for outstanding reports.
- **Extreme Events**
 - Hurricanes, COVID, etc.

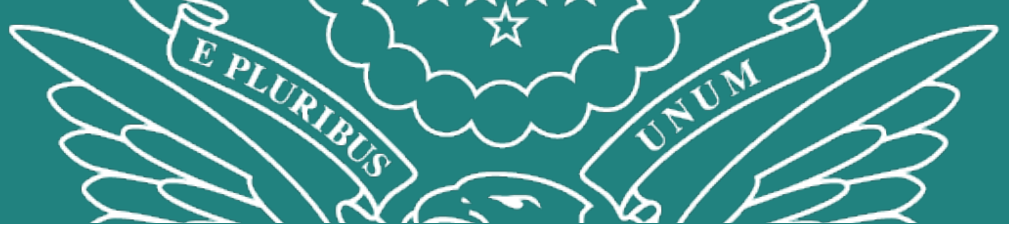


More Trends...



- The timing of requirement changes can be a challenge
- Timing of quarantine, forms and documents for additional observers
- Upward trend in requiring participants, which can present challenges
- Clarifications from coastal states with more challenges with port call visits
- Covid-19 safety protocols are still being requested along with additional insurance information.

☆☆☆ Coastal State Requirements



- Please check the [Marine Science Guidance Page](#) for all new Coastal State updates and Covid-19 safety protocols.
- **Bahamas** – has lifted the **moratorium on sampling**, but now has a **new portal and fee structure** for all marine science conducted in Bahamian waters. Contact marinescience@state.gov before applying.
- **Canada** – January 2020 firm **6-month time** requirement. Please see new guidance and requirements for any bathymetric data and overflight clearance.

☆☆☆ Coastal State Requirements



- **France**
 - Preliminary cruise report must be sent between 1-3 months or 3-6 months after the end of the cruise, based on the Diplomatic Note.
 - The Final report must be sent within a year after the cruise has been completed.
 - If non-U.S. Flag vessel, provide proof of liability insurance.
 - Very strict on 6.5-month processing deadline.
- **Mexico** – Over 30 additional forms and strict application and reporting deadlines.

☆☆☆ Coastal State Requirements



- **St. Kitts and Nevis** – Requires a separate application in addition to RATS application.
- **Kiribati** – Fees due at time of application, additional application form required.
- **Japan** – Increase in requirements. Now passports, crew lists, and detailed information and cruise tracks are required. Very strict 6-month processing deadline.
- **UK (all territories)** – Now requiring applications to be submitted 6.5 months in advance and have outstanding reports submitted.



Helpful Tips

- SUBMIT EARLY!!!!
- Talk to others for lessons learned
- Build in time buffer (~1 week either end)
- No maritime boundaries on cruise track
- SUBMIT EARLY (7 months)
- Sell your science-benefits (lay audience)
- Outreach/engagement/public diplomacy
- Engage local scientists
- Follow up regularly on status of request
- Timely submission of prelim report, final report, data
- Did we say submit early?



Outstanding Reports



- State has ramped up efforts to improve reporting of foreign scientists who have conducted MSR in U.S. waters, and U.S. scientists who have conducted MSR in foreign waters.
- In total, we estimate ~ 580+ prelim/final reports outstanding for all scientists in RATS.
- Instructions for reports/data submission can be found in scientists' consent letters/authorizations.
- Coastal States have the right to withhold consent from any scientist on the basis of late reports. Please do your part and submit reports on time.

MISSING

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MISSING

PRELIMINARY CRUISE REPORT

Cruise name/number:		
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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:

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MISSING



Resources



U.S. MSR Policy General:

<https://www.state.gov/marine-scientific-research/>

About the Research Application Tracking System (RATS):

<https://www.state.gov/research-application-tracking-system/>

****Documentation Required by Coastal State**:**

<https://www.state.gov/guidance-on-supporting-documentation/>



Oceans and International Environmental and Scientific Affairs
U.S. DEPARTMENT of STATE

Thank you!



MarineScience@state.gov

