



# Update on Marine Scientific Research (MSR) Diplomatic Consent

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RVOC 2018

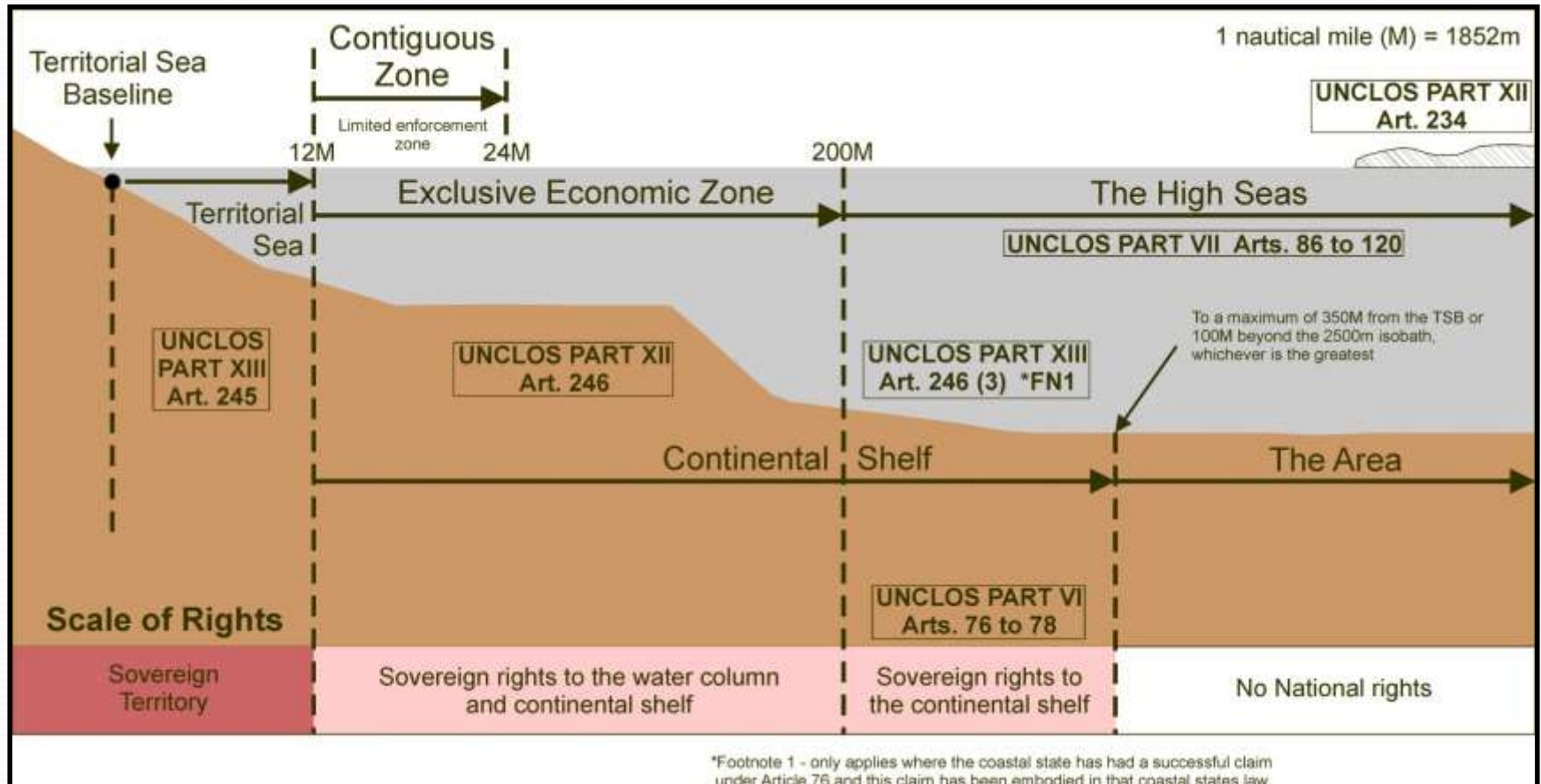
# Quick Refresher: MSR and UNCLOS

## 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





**Incoming: Foreign  
Scientists in Waters  
Under U.S. Jurisdiction**

# Incoming: MSR in waters subject to U.S. Jurisdiction

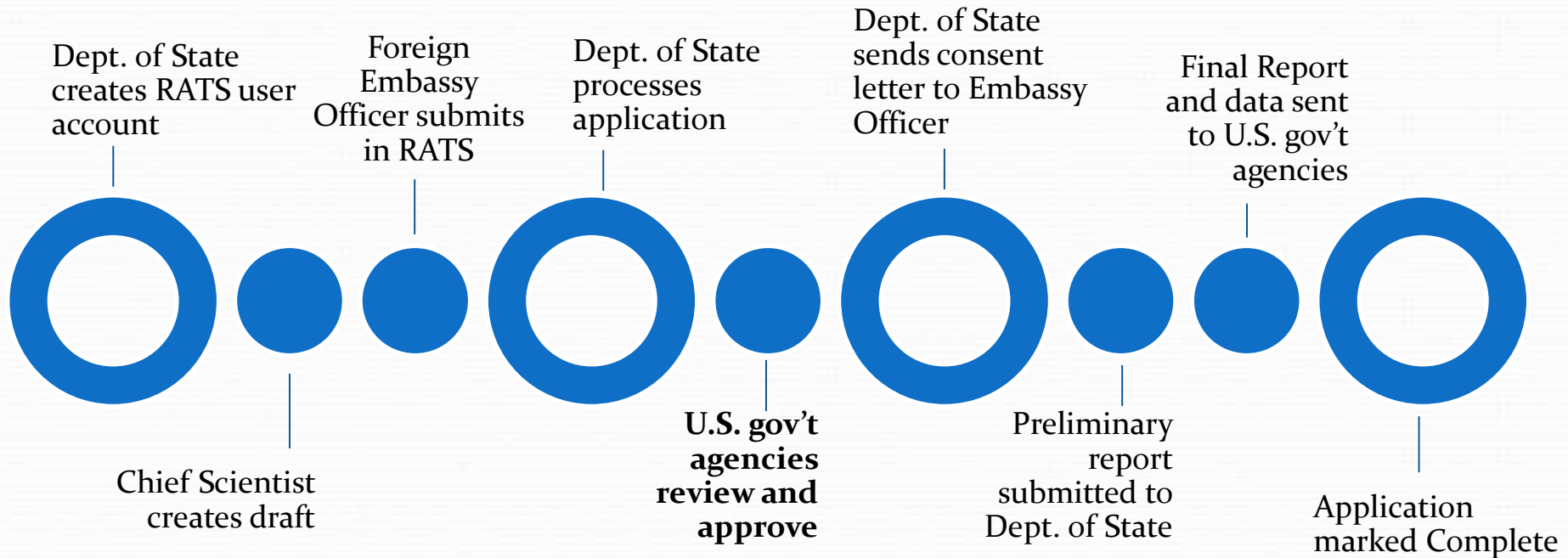
- Presidential Proclamations 5030 and 5928, and Presidential Statement on U.S. Oceans Policy (March 10, 1983).
- Advance consent of the United States is required for MSR conducted within the U.S. territorial sea, but **generally is not required for MSR conducted within the U.S. exclusive economic zone...**

# Incoming: When Advance Consent Required

(based on U.S. domestic law)

- MSR in the U.S. EEZ that:
  - is within a *national marine sanctuary*, a marine national monument, or other protected area
  - involves study of *marine mammals/endangered species*
  - involves *commercial quantities* of marine resources
  - involves *ocean dumping research*
  - MSR that involves contact with the U.S. *continental shelf*.
    - ECS?

# Incoming: U.S. Review of MSR Requests



# Incoming: U.S. Interagency Review Process

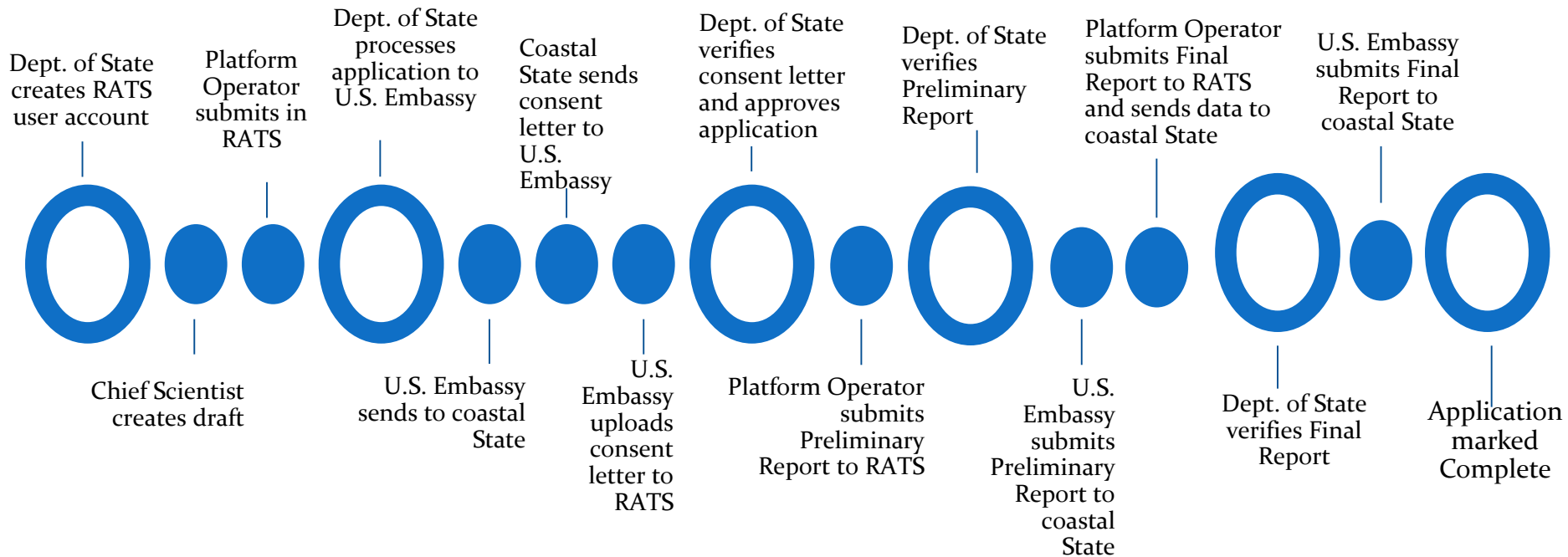






# **Outgoing: U.S. Scientists in Foreign Waters**

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

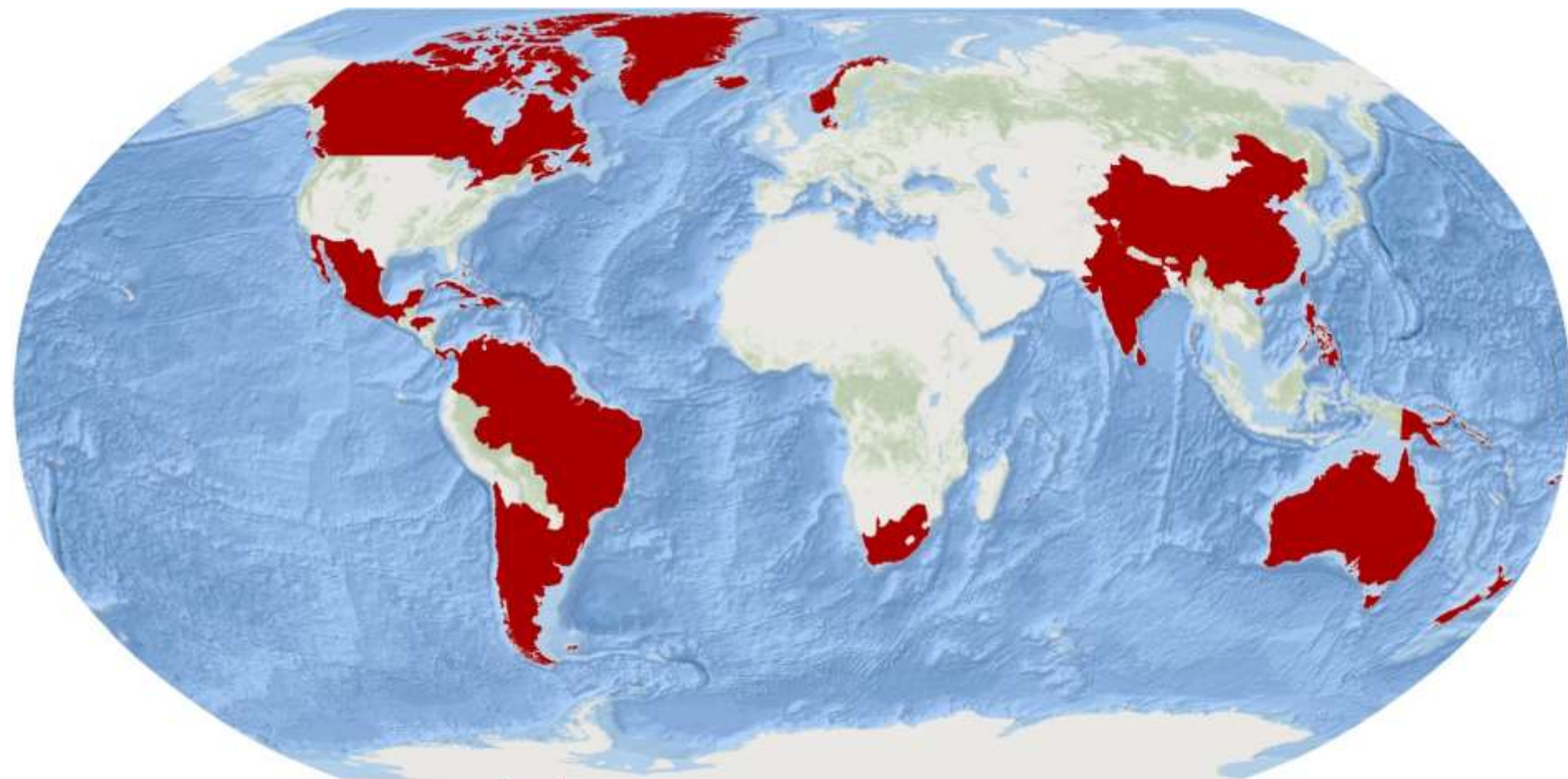


# U.S. Embassy Engagement

- Obtain MSR consent
- Help update OES public website of coastal state MSR requirements
- Opportunities for public diplomacy: sharing science through outreach
- Confirming sovereign immune status for USG research vessels (new process); HTSOS
- New Embassy Officers every 2 years
- Some locally employed staff
- Some process multiple (Suva, Hague, Paris, London, etc.)

# U.S. MSR Applications (CY2017)

Region	Count
Africa	9
East Asia and Pacific	51
Europe and Eurasia	61
South and Central Asia	3
Western Hemisphere	132



2017 U.S. Scientist MSR Applications, by Country



# **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, sail drones, etc.
- Changes to application
  - French territories: easiest, notify local authorities
  - Greece: new consideration, 1 month
  - Mexico: minimum 15 business days

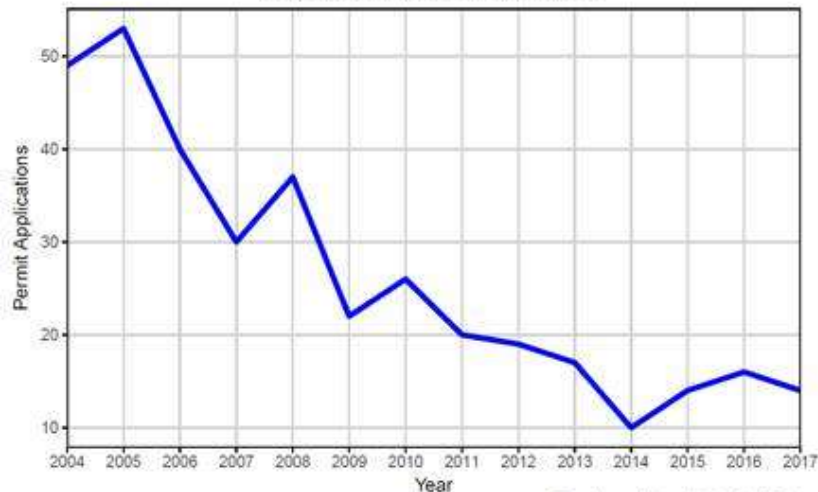
# Challenges and Trends, Cont.

- 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/>
  - Costa Rica
  - Cuba: MINREX form, 6 months, Spanish Form A
  - **Guidance on Coastal State Requirements-**  
<https://www.state.gov/e/oes/ocns/opa/rvc/country/index.htm>

# Changes in Policies Affect MSR Consent

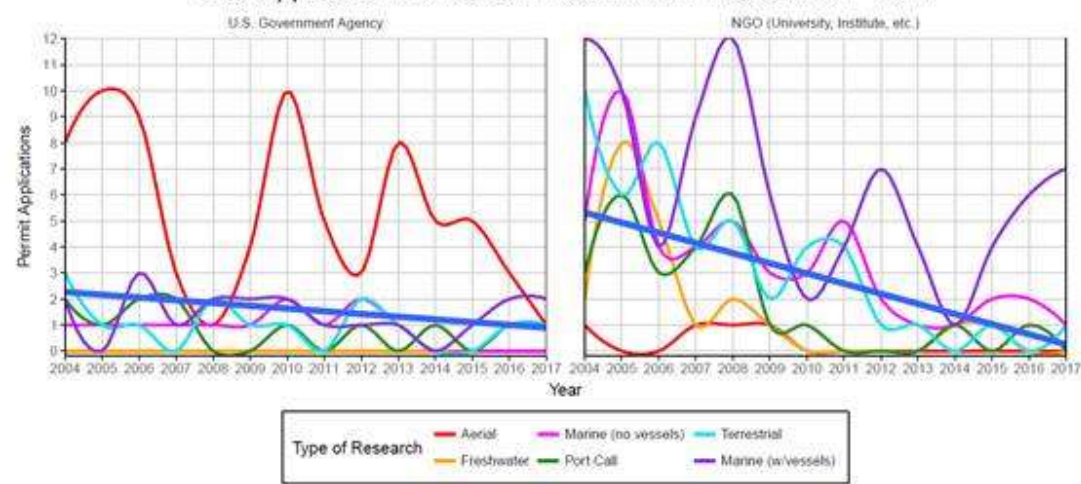
- Cuba
- New Zealand
- Pacific Islands
- Mexico

U.S. Applications to Perform  
Research in Mexico 2004–2017



Based on data collected at Post

U.S. Applications to Perform Research in Mexico 2004–2017



Type of Research  
Aerial Marine (no vessels) Terrestrial  
Freshwater Port-Call Marine (w/vessels)

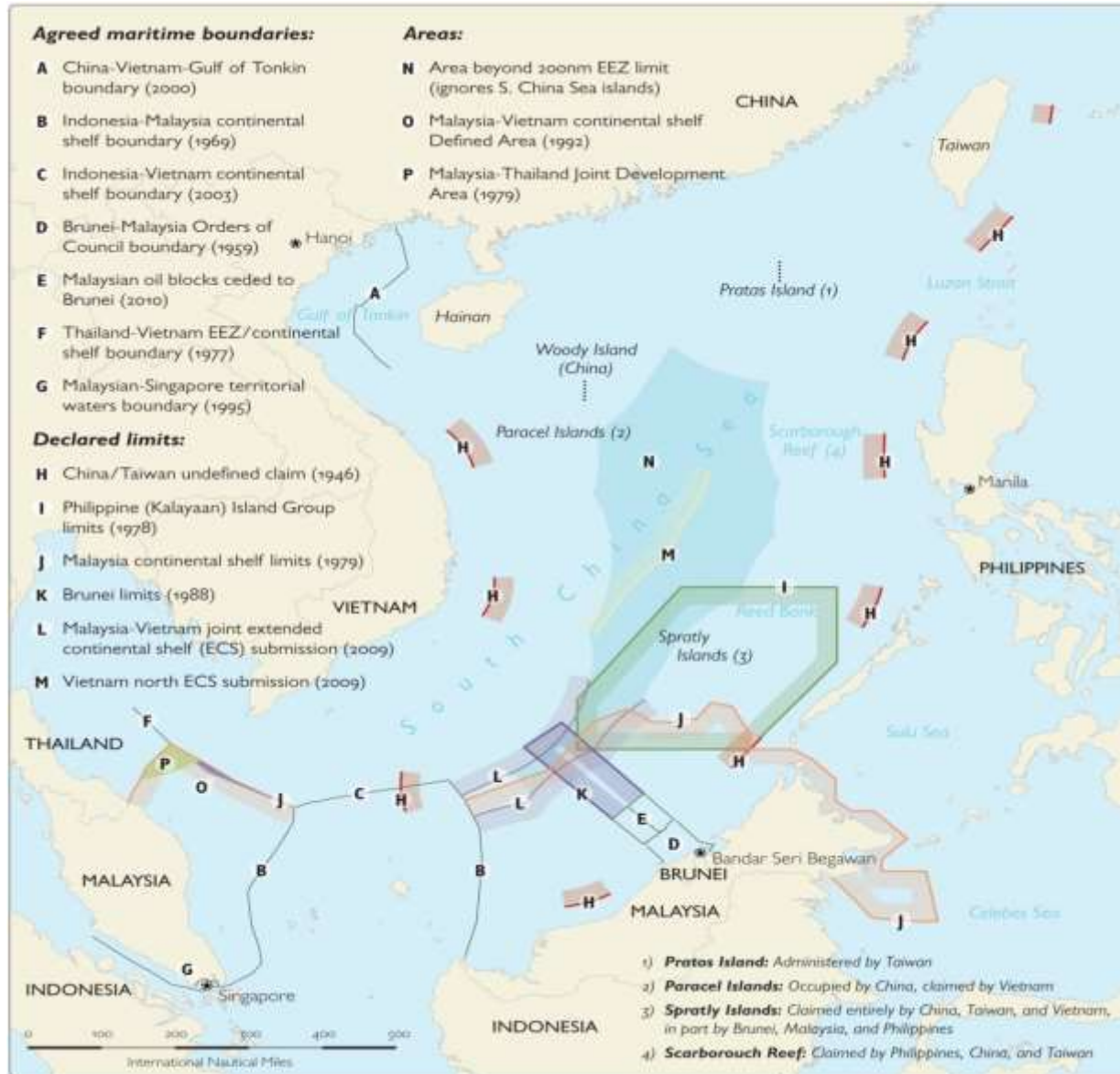
Based on data collected at Post



# Challenges and Trends, Cont.

- Extreme events: hurricanes
- Late Reports
  - Need preliminary AND final
  - Platform operator has to submit in RATS
  - Coastal States increasingly asking: Mexico, Costa Rica
- Maritime Claims/Disputes
  - South China Sea
  - China, Taiwan
- Not MSR?
  - Argo floats (still include in some cases and if deploying in EEZ), military survey, port calls, equipment testing

# Maritime Boundaries

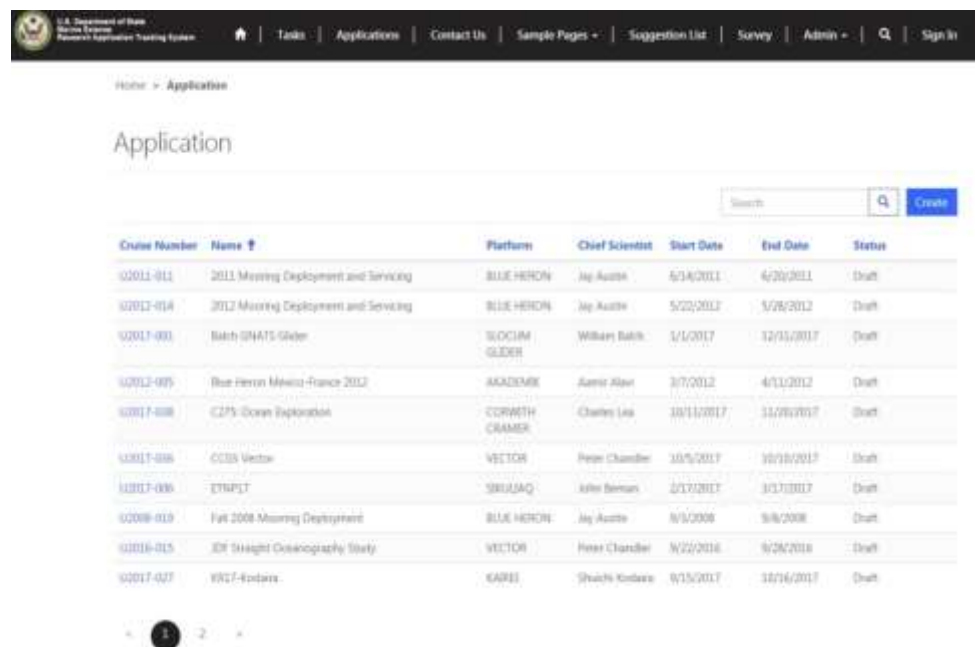




**RATS 3.0!**

# RATS 3.0 Development

- Designed in Microsoft Office O365 cloud platform
- More user-friendly
- Frequent alerts: emails and in-app notifications
- Better search capabilities
- Projected Launch:  
Late Summer/Fall 2018



The screenshot displays the RATS 3.0 web application interface. At the top, there is a navigation bar with the U.S. Department of State logo and the text "U.S. Department of State Research Application Training System". The navigation menu includes "Home", "Applications", "Contact Us", "Sample Pages", "Suggestion List", "Survey", "Admin", and "Sign In". Below the navigation bar, the page title is "Application". A search bar is located at the top right of the application list, with a "Search" button and a "Create" button. The main content area features a table with the following columns: "Cruise Number", "Name", "Platform", "Chief Scientist", "Start Date", "End Date", and "Status". The table contains 12 rows of data, each representing a different application.

Cruise Number	Name	Platform	Chief Scientist	Start Date	End Date	Status
02011-011	2011 Moring Deployment and Servicing	BLUE HERON	Jay Austin	6/14/2011	6/20/2011	Draft
02012-014	2012 Moring Deployment and Servicing	BLUE HERON	Jay Austin	5/22/2012	5/28/2012	Draft
02017-001	Bath SHATS-Glider	SOCIAM GLIDER	William Bath	1/1/2017	12/31/2017	Draft
02012-095	Blue Heron Mexico-France 2012	AKDENIZ	Amine Akbar	3/7/2012	4/11/2012	Draft
02017-008	CZ's Ocean Exploration	CORWATH CRAMER	Charles Lee	10/11/2017	11/09/2017	Draft
03017-006	CCS Vector	VECTOR	Peter Chandler	10/5/2017	10/10/2017	Draft
03017-006	CTNPJT	SIRIJAQ	Kyle Benson	2/17/2017	3/17/2017	Draft
02008-019	Fvt 2008 Moring Deployment	BLUE HERON	Jay Austin	8/3/2008	8/8/2008	Draft
02016-015	JF Thlight Oceanography Study	VECTOR	Peter Chandler	8/22/2016	9/28/2016	Draft
02017-027	W07-Endeav	GARRE	Shawn Enders	8/15/2017	10/16/2017	Draft

# Resources

## **U.S. MSR Policy General:**

- <https://www.state.gov/e/oes/ocns/opa/rvc/>

## **About the Research Application Tracking System (RATS):**

<https://www.state.gov/e/oes/ocns/opa/rvc/rats/index.htm>

## **\*\*Documentation Required by Coastal State\*\*:**

<https://www.state.gov/e/oes/ocns/opa/rvc/country/index.htm>



Thank you!

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