Update on Marine Scientific Research (MSR) Diplomatic Authorizations

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Quick Refresher: MSR and UNCLOS


- 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

<table>
<thead>
<tr>
<th>Scale of Rights</th>
<th>Territorial Sea Baseline</th>
<th>Contiguous Zone</th>
<th>Exclusive Economic Zone</th>
<th>The High Seas</th>
<th>The Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sovereign Territory</td>
<td>Sovereign rights to the water column and continental shelf</td>
<td>Sovereign rights to the continental shelf</td>
<td>No National rights</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**UNCLOS PART VII** Arts. 86 to 120
**UNCLOS PART XII** Art. 246
**UNCLOS PART XIII** Art. 245

1 nautical mile (M) = 1852m

To a maximum of 350M from the TSB or 100M beyond the 2500m isobath, whichever is the greatest.

*Footnote 1 - only applies where the coastal state has had a successful claim under Article 76 and this claim has been embodied in that coastal states law.*
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

Agreed maritime boundaries:

B Indonesia-Malaysia continental shelf boundary (1969)
C Indonesia-Vietnam continental shelf boundary (2003)
D Brunei-Malaysia Orders of Council boundary (1959)
E Malaysian oil blocks ceded to Brunei (2010)
F Thailand-Vietnam EEZ/continental shelf boundary (1977)

Declared limits:

H China/Taiwan undefined claim (1946)
I Philippine (Kalayaan) Island Group limits (1978)
J Malaysia continental shelf limits (1979)
K Brunei limits (1988)
L Malaysia-Vietnam joint extended continental shelf (ECS) submission (2009)
M Vietnam north ECS submission (2009)

Areas:

N Area beyond 200nm EEZ limit (ignores S. China Sea islands)
O Malaysia-Vietnam continental shelf Defined Area (1992)
P Malaysia-Thailand Joint Development Area (1979)

1) Pratas Island: Administered by Taiwan
2) Paracel Islands: Occupied by China, claimed by Vietnam
3) Spratly Islands: Claimed entirely by China, Taiwan, and Vietnam, in part by Brunei, Malaysia, and Philippines
4) Scarborough Reef: Claimed by Philippines, China, and Taiwan
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!

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