



Update on Marine Scientific Research (MSR) Diplomatic Consent

Allison Reed, Matthew Kastrinsky, and Gabriella David

U.S. Department of State, Office of Ocean and Polar Affairs

November 2018

UNOLS 2018 Annual Meeting

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

R/V THOMAS G THOMPSON in Taiwan



Latest Politics Cross-Strait Economics Entertainment

Home > Politics

U.S. vessel docking in Kaohsiung unrelated to military cooperation

2018/10/17 11:44:32



Taipei, Oct. 17 (CNA) The docking of an American Navy research vessel in Kaohsiung is not related to military cooperation between Taiwan and the United States and should not further antagonize Beijing, Foreign Minister Joseph Wu (吳釗燮) said Wednesday.



MSR Consent: It's complicated...

- Optics matter
- Geopolitics matter
- Cannot rely solely on past practice- relationships and situations evolve
- **The State Dept. is involved for these reasons**
 - Diplomatic consent may be cumbersome, but it is necessary
 - Diplomatic consent is never guaranteed, even if an application is perfect



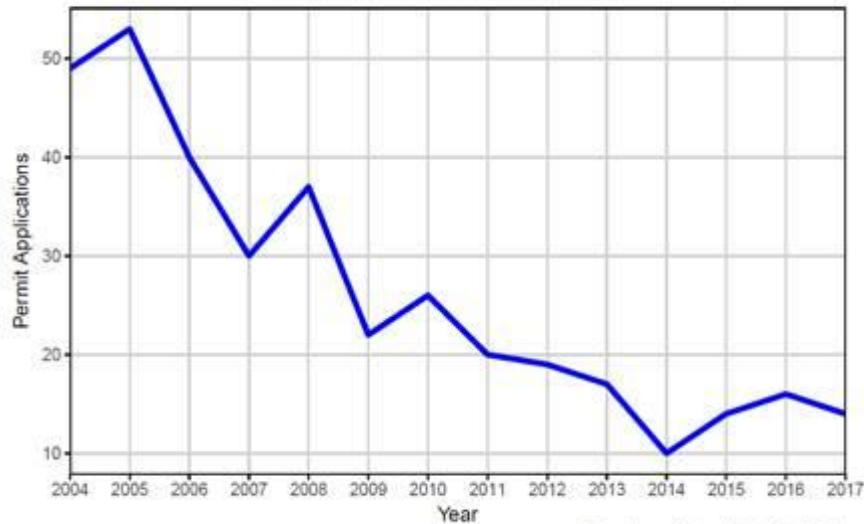
Trends in Coastal State Processes

Trends in Coastal State Processes

- Increasing bureaucracy, evolving requirements, closer scrutiny
 - Increase in questions, clarifications from coastal states
 - Changes in U.S. processing as well; lengthened review timeline
- Upward trend in requiring participants, which can present challenges
 - What is practicable?
 - SEA examples; Pacific transit and sensors
- Data and Reporting
 - Lack thereof = future denials?
 - NZ, Mexico, France, Costa Rica, Canada, United States

Highlight on Mexico

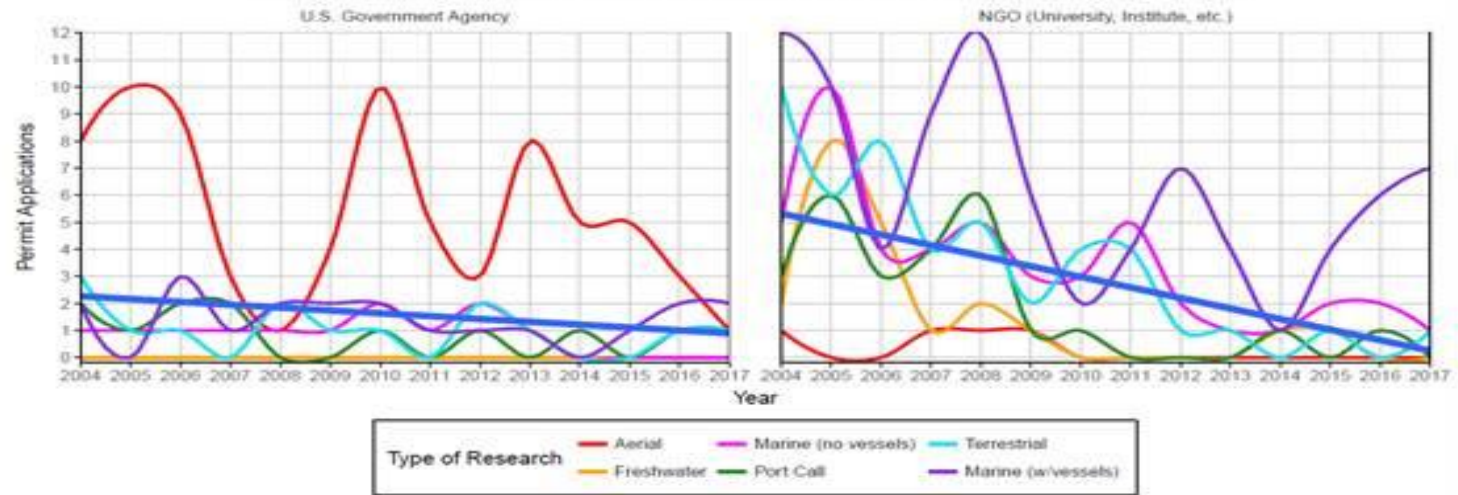
U.S. Applications to Perform Research in Mexico 2004-2017



Based on data collected at Post

- Complex system
- Details matter (even misspelling of a name)
- Use Embassy Mexico City website

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



Based on data collected at Post

CS Requirement Updates

- Chile: **observer required no exception**
- Costa Rica: new form; **original application signed** and mailed to US Embassy; no fees unless MPA
- New Zealand: **bio-fouling requirements**
 - Research vessels are potentially high risk
 - **Short-stay:** best practice; **Long-stay:** clean <30 days prior to arrival
 - Check biofouling website: www.mpi.govt.nz/biofouling
 - Get in touch **prior to arrival:** standards@mpi.govt.nz
- Taiwan: firm 6 months (RATS 7 months); new form; science party and crew; info re UCH legislation
- UK: spreadsheet **with lat/long**; specify England, Scotland, Wales, or combo

New CS Requirements Sections!

- Nigeria
 - Liaise with Nigerian Institute for Oceanography and Marine Research (NIOMR)
 - Navy personnel required as observers
 - If research involves fishing, local scientists required
- Qatar
 - Specific form in RATS; may be completed in English or Arabic
 - Must include cover letter with details of cruise
- Tonga
 - Must cover accommodations, travel expenses, and allowances for participant

New CS Requirements Sections!

- Samoa
 - Complete bioprospecting form
 - Official letter of intent to MNRE
 - Official supporting letter from institution
 - If taking species, fee schedule to follow, max of 5 samples
 - LoA/MoA will be signed by all, and drafted by MNRE
- Solomon Islands
 - MSR panel meets 3 times annually (Jan, June, Dec)
 - Contact local officials and include correspondence
 - \$200 application fee
 - Fees for bioprospecting/bioresearch

Best Practices

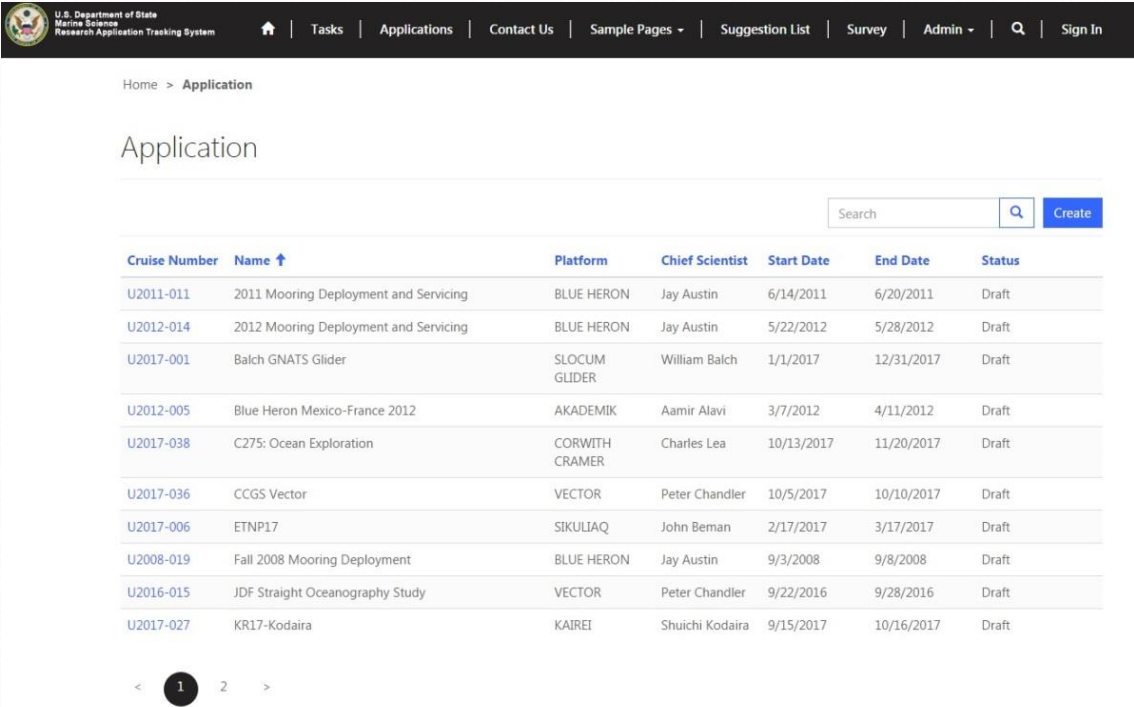
- Know the coastal requirements
- Talk to others for lessons learned
- Build in time buffer (~1 week either end)
- No maritime boundaries on cruise track
- Early submission (7 months)
- **Sell your science-benefits** (lay audience)
 - Outreach/engagement/public diplomacy?
- Engage local scientists
- Follow up regularly on status of request
- Timely submission of prelim report, final report, data



RATS 3.0

RATS 3.0 Development

- Designed in Microsoft Office 365 cloud platform
 - Current RATS custom built
- More user-friendly
- Frequent alerts: emails and in-app notifications
- Better search capabilities
- Training Modules
- Projected Launch: **Spring 2019**



The screenshot displays the RATS 3.0 web application interface. At the top is a dark navigation bar with the U.S. Department of State Marine Science Research Application Tracking System logo and links for Home, Tasks, Applications, Contact Us, Sample Pages, Suggestion List, Survey, Admin, Search, and Sign In. Below the navigation bar, the breadcrumb trail shows 'Home > Application'. The main heading is 'Application'. A search bar with a magnifying glass icon and a 'Create' button is located above a table. The table lists various research applications with columns for Cruise Number, Name, Platform, Chief Scientist, Start Date, End Date, and Status. The table contains 12 rows of data. At the bottom, there is a pagination control showing a circle with the number 1 and arrows for navigation.

Cruise Number	Name ↑	Platform	Chief Scientist	Start Date	End Date	Status
U2011-011	2011 Mooring Deployment and Servicing	BLUE HERON	Jay Austin	6/14/2011	6/20/2011	Draft
U2012-014	2012 Mooring Deployment and Servicing	BLUE HERON	Jay Austin	5/22/2012	5/28/2012	Draft
U2017-001	Balch GNATS Glider	SLOCUM GLIDER	William Balch	1/1/2017	12/31/2017	Draft
U2012-005	Blue Heron Mexico-France 2012	AKADEMIK	Aamir Alavi	3/7/2012	4/11/2012	Draft
U2017-038	C275: Ocean Exploration	CORWITH CRAMER	Charles Lea	10/13/2017	11/20/2017	Draft
U2017-036	CCGS Vector	VECTOR	Peter Chandler	10/5/2017	10/10/2017	Draft
U2017-006	ETNP17	SIKULIAQ	John Berman	2/17/2017	3/17/2017	Draft
U2008-019	Fall 2008 Mooring Deployment	BLUE HERON	Jay Austin	9/3/2008	9/8/2008	Draft
U2016-015	JDF Straight Oceanography Study	VECTOR	Peter Chandler	9/22/2016	9/28/2016	Draft
U2017-027	KR17-Kodaira	KAIREI	Shuichi Kodaira	9/15/2017	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!

MarineScience@state.gov



United Nations Intergovernmental Conference on BBNJ

BBNJ IGC

What is the IGC?

- United Nations General Assembly established IGC to meet in 2018/2019/2020
- Negotiating legally binding agreement relating to the **conservation and sustainable use of marine biological diversity** in areas **beyond** national jurisdiction

What is the IGC discussing?

- 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 and MSR related issues

- Use of marine genetic resources/sharing of benefits
- How to facilitate MSR and research & development
- Best practices of science community
- Marine scientific research vs. bio-prospecting
- Environmental impact assessments; which activities?
- Capacity building and transfer of marine technology; how to implement
- Differentiation between science relating to exploitation of marine resources, and marine scientific research undertaken in areas of marine resources using similar science capability