



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

Update on Marine Scientific Research (MSR) Diplomatic Consent



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

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*** 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

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

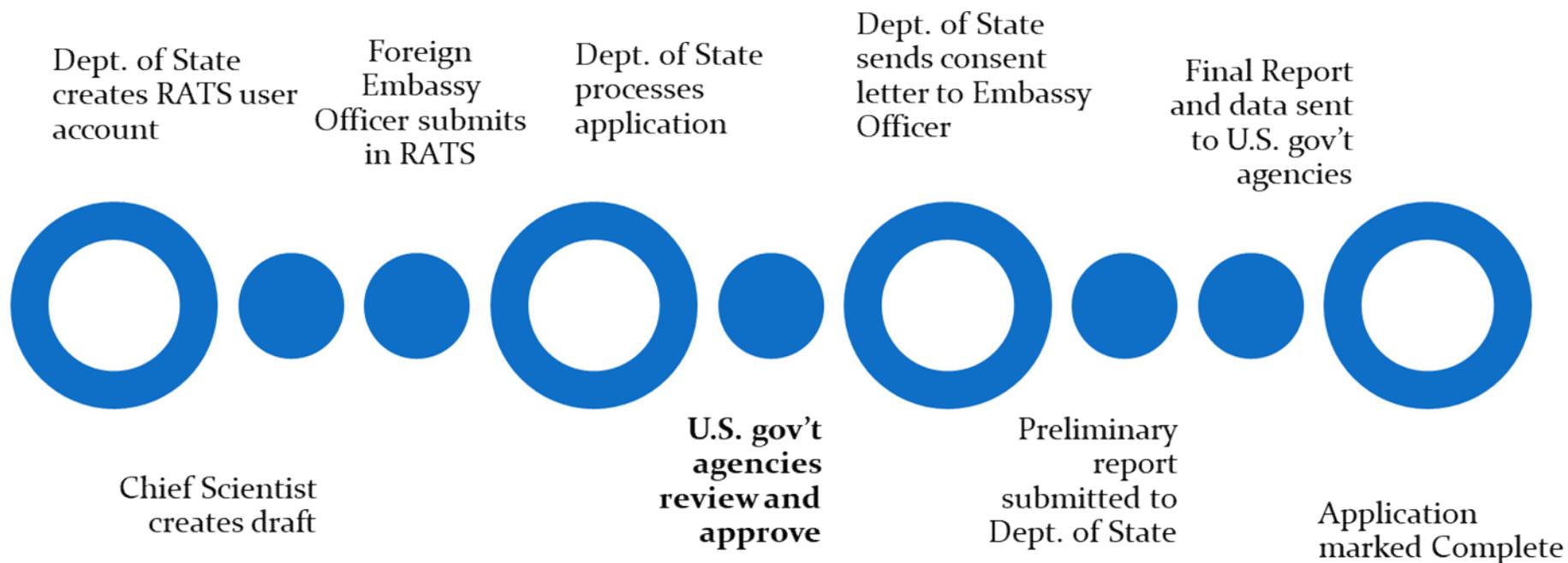
- Optics matter
- Geopolitics matter
- Cannot rely solely on past practice- relationships and situations evolve
- Diplomatic consent may be cumbersome, but it is necessary
- Diplomatic consent is never guaranteed
- **We are involved for all of these reasons**
 - Like a good neighbor, State Department is there



Foreign Scientists in Waters Under U.S. Jurisdiction



U.S. Review of MSR Requests





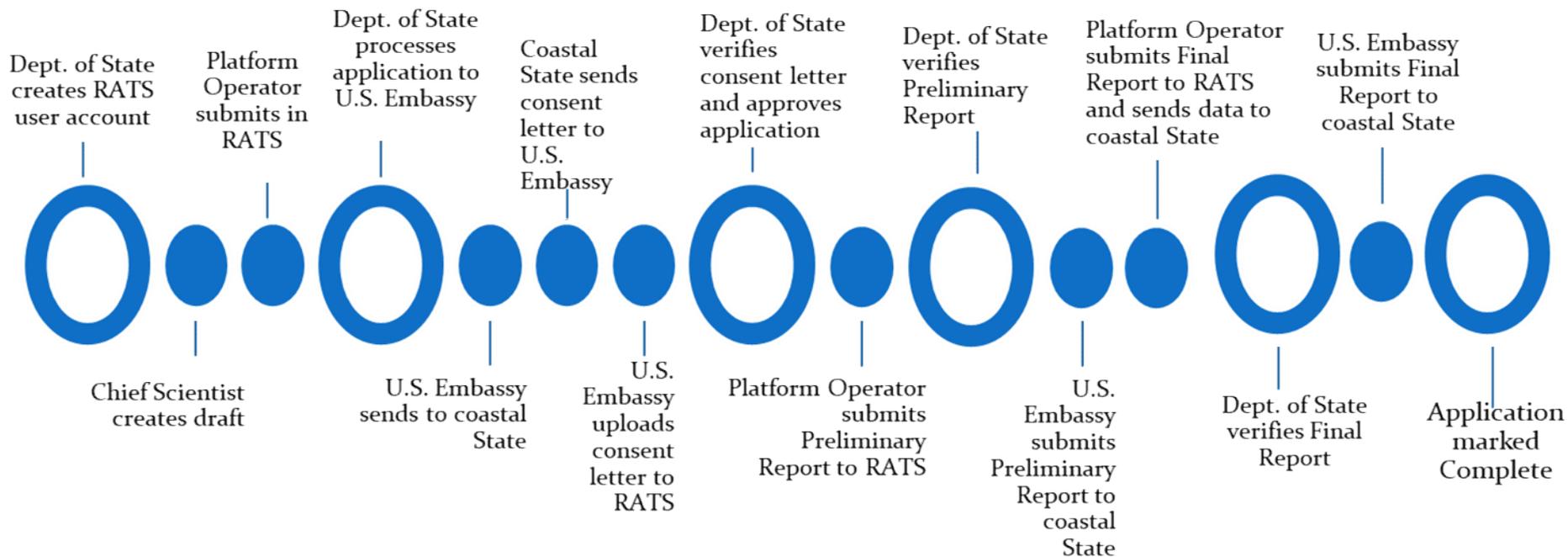
U.S. Interagency Review Process

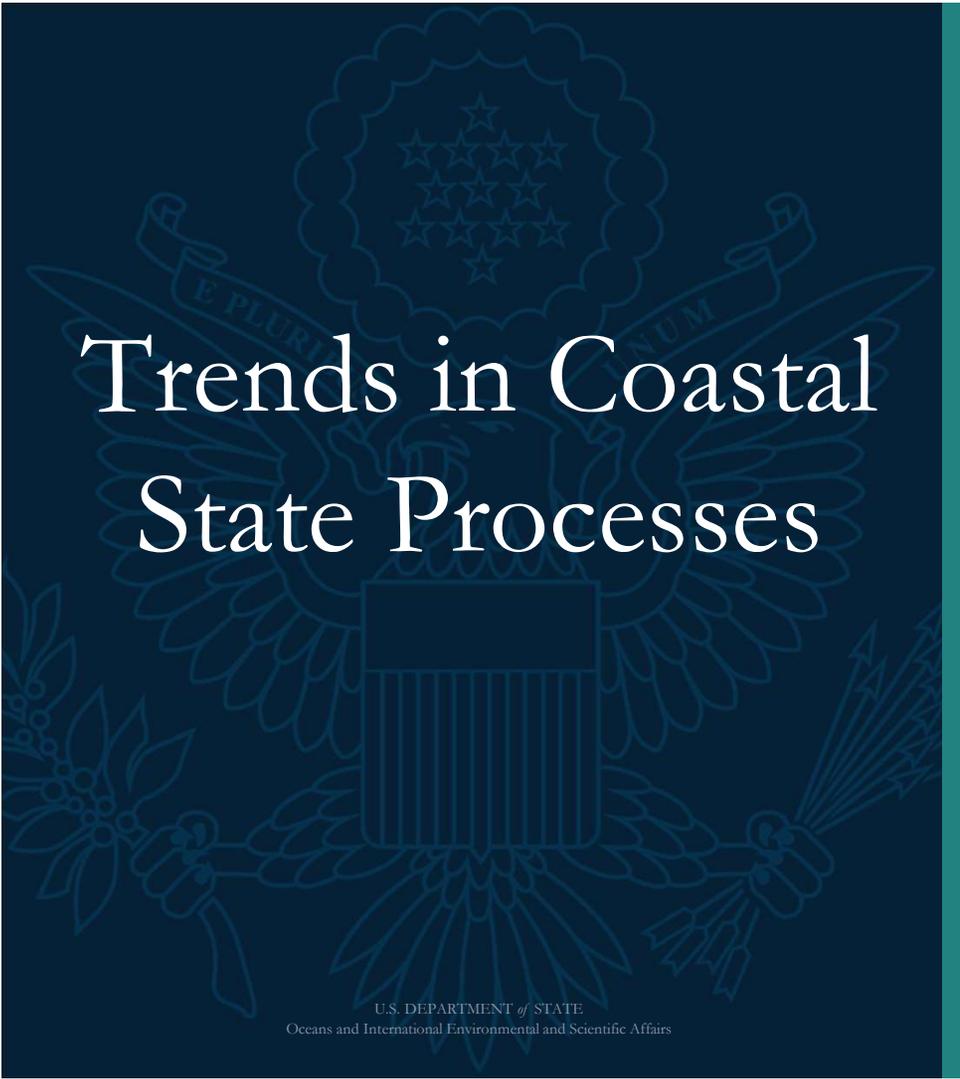




U.S. Scientists in Foreign Waters

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





Trends in Coastal State Processes

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- Still no uniform system
- Increasing bureaucracy, evolving requirements, closer scrutiny
 - Increase in questions, clarifications from coastal states
 - Happening in U.S. processing as well; change in timeline
- Upward trend in requiring participants, which can present challenges
 - What is practicable?



More Trends...



- Increase in request for environmental assessments.
- Data and Reporting
 - **Missing Reports can result in future denials**
 - Recent increase in number of coastal state getting firm on reporting requirements
 - NZ, Mexico, France, Costa Rica, United States, Canada, Bahamas
- The timing of requirement changes can be a challenge
- Timing of forms and documents for additional observers



MISSING! HAVE YOU SEEN ME?

MISSING

(Transfer the following onto letterhead, scan into a pdf, and upload to RATS. The format is not critical, but the content is!)

MISSING

FINAL REPORT

MISSING

Department of State application number and project name:

Authorizations:	Authorization Document Number	National Participant(s)
Coastal State		

Scientist in charge of reporting:

Name:	
Nationality:	
Affiliation:	
Address:	
Telephone:	

MISSING

MISSING

DRAFT STANDARD FORM C

PRELIMINARY CRUISE REPORT

MISSING

Cruise name/number:		
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:

MISSING SINCE 2010: 100+ UNOLS Reports

Help us bring them home!

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★★★ Coastal State Requirement Updates

- **Australia - 3 new forms.**
- **Bahamas** - currently has a **moratorium on sampling** and requires all CVs of scientists involved.
- **Canada** – January 2020 firm **6 month time** requirement.
- **Chile** – **EIA requirements**; still determining threshold/process.
- **Cuba** – **It's complicated.** Still processing applications but challenges exist.
- **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, please provide proof of **liability insurance**.

★ ★ ★ Coastal State Requirement Updates

- **Philippines** – News outlets report that MSR ban might be lifted; in correspondence with Embassy to confirm.
- **Saint Lucia** - Applicants must include the **Scientific Research Proposal Permit Application** in addition to the RATS application.
- **Solomon Islands** – Now requires **11** additional documents.

★ ★ ★ New Coastal State Requirement Sections

● **Brazil**

- UN Standard Application Form in Portuguese.
- Must include cover letter with details of cruise.
- National Telecommunication Agency (ANATEL) Brazil Radio Frequency Use Form.
- If calling at a Brazilian port, complete a Port Access Form (required no later than 90 days in advance).
- Copy of collaboration agreement with a Brazilian research institute/agency.

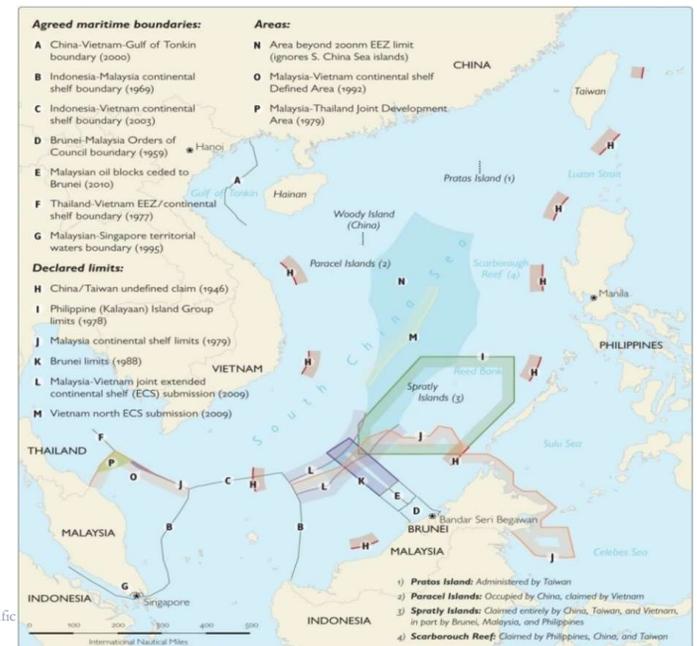
● **Namibia**

- Applications must be submitted in the RATS system 6 months in advance.
- Please review the Research Application Fees schedule.
- Please include the two additional forms that can be found on the guidance page.

★★★ Additional Considerations



- Optics (type of ship, nature of research)
 - AUVs/Drifters/Gliders/Saildrones
 - Non-MSR vessels collecting MSR (e.g. cruise ships)
- Not MSR?
 - Routine ocean observation
 - Military survey
 - Port calls (can use diplomatic process for awareness)
 - Equipment testing
- Maritime Boundary Disputes
- Extreme or Unforeseen Events
 - Hurricanes, Argentine Sub



Optics: MSR?





Who Requests MSR Consent?



- Most Coastal States
 - Flag State of Vessel
- United States
 - Nationality
- Canada
 - Owner of the Data
- Does it matter? **YES!**
 - Ex: Calypso Project



The background of the slide features a large, faint watermark of the U.S. Department of State seal. The seal includes an eagle with wings spread, holding an olive branch and arrows, with a shield on its chest. Above the eagle is a banner with the motto 'E PLURIBUS UNUM'. The entire seal is set against a dark blue background with a teal vertical bar on the right side.

Helpful Tips

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- 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?

★ ★ ★

Public Diplomacy: FALKOR in SUVA



Affairs



United Nations Intergovernmental Conference on BBNJ



BBNJ IGC



What is the IGC?

- United Nations General Assembly established IGC to meet in 2018-2020
- Fourth session March 2020
- Negotiating **legally** binding instrument 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 of sharing of benefits
- Measures such as area-based management tools
- 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



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/>

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Your DoS MSR Team





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Thank you!



MarineScience@state.gov

