



Update on Marine Scientific Research (MSR) Diplomatic Consent

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RVOC 2019 Meeting

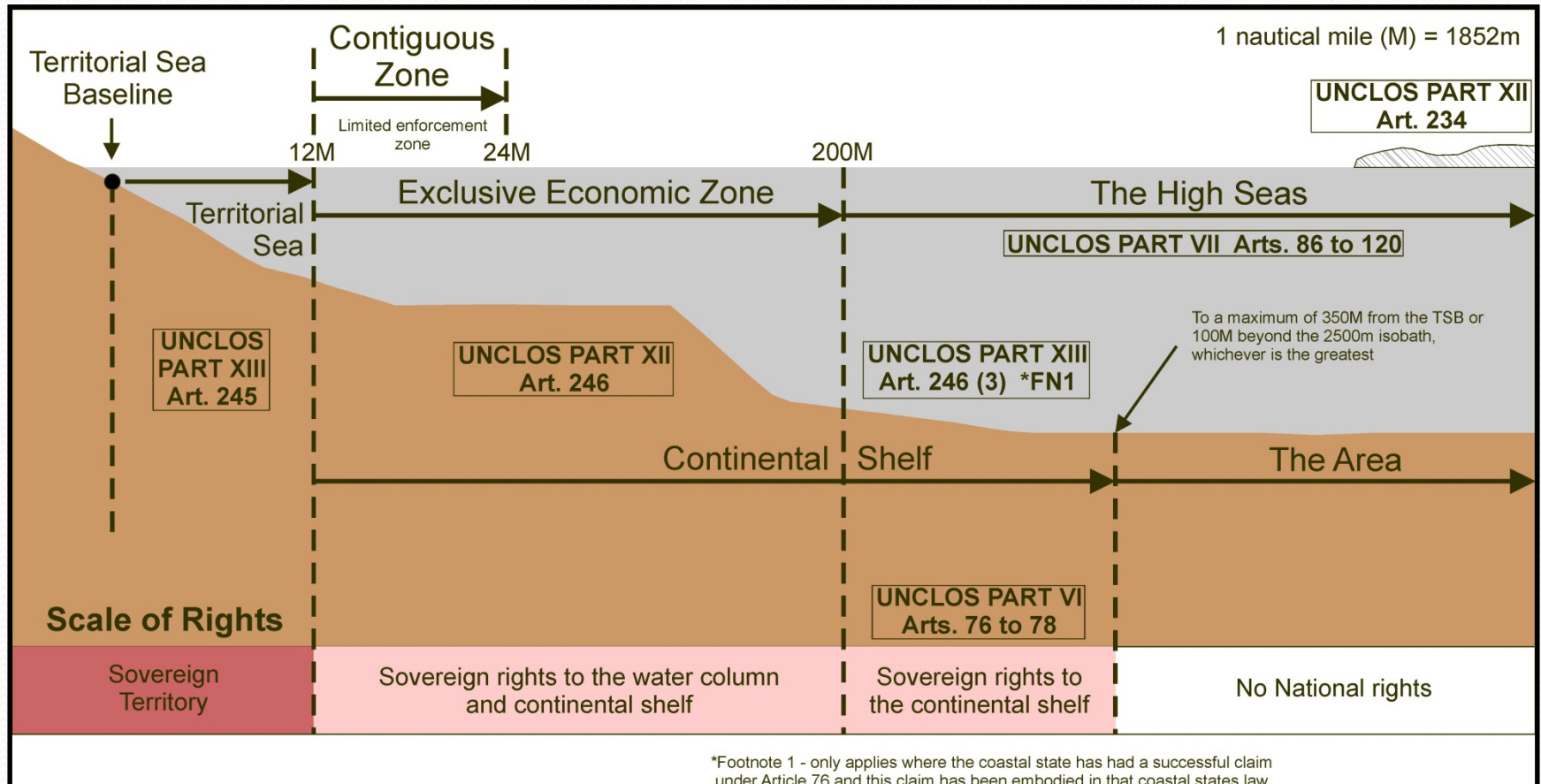
Quick Refresher: MSR and LOSC

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

Quick Refresher: MSR and UNCLOS

What types of MSR will require diplomatic clearance



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

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



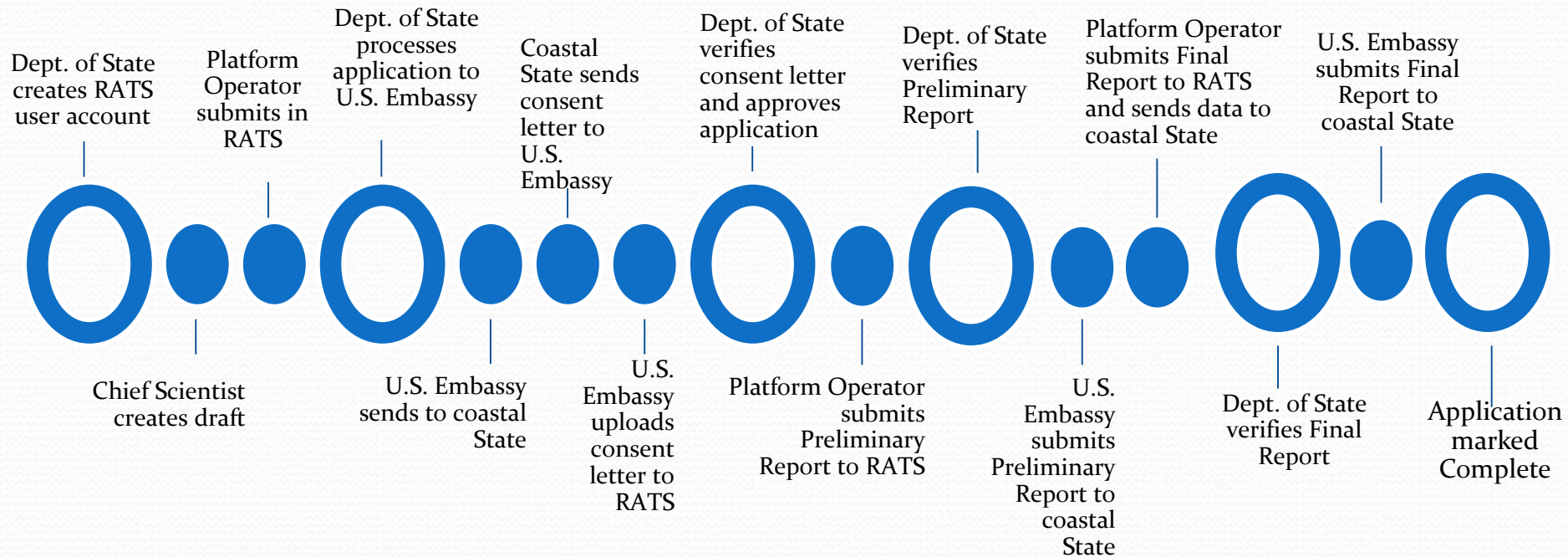
Taipei, Oct. 17 (CNA) The docking of an American Navy research vessel in Kaohsiung is not related to military cooperation between Taiwan and the United States and should not further antagonize Beijing, Foreign Minister Joseph Wu (吳釗燮) said Wednesday.





**Outgoing Applications
for
U.S. Scientists in
Foreign Waters**

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

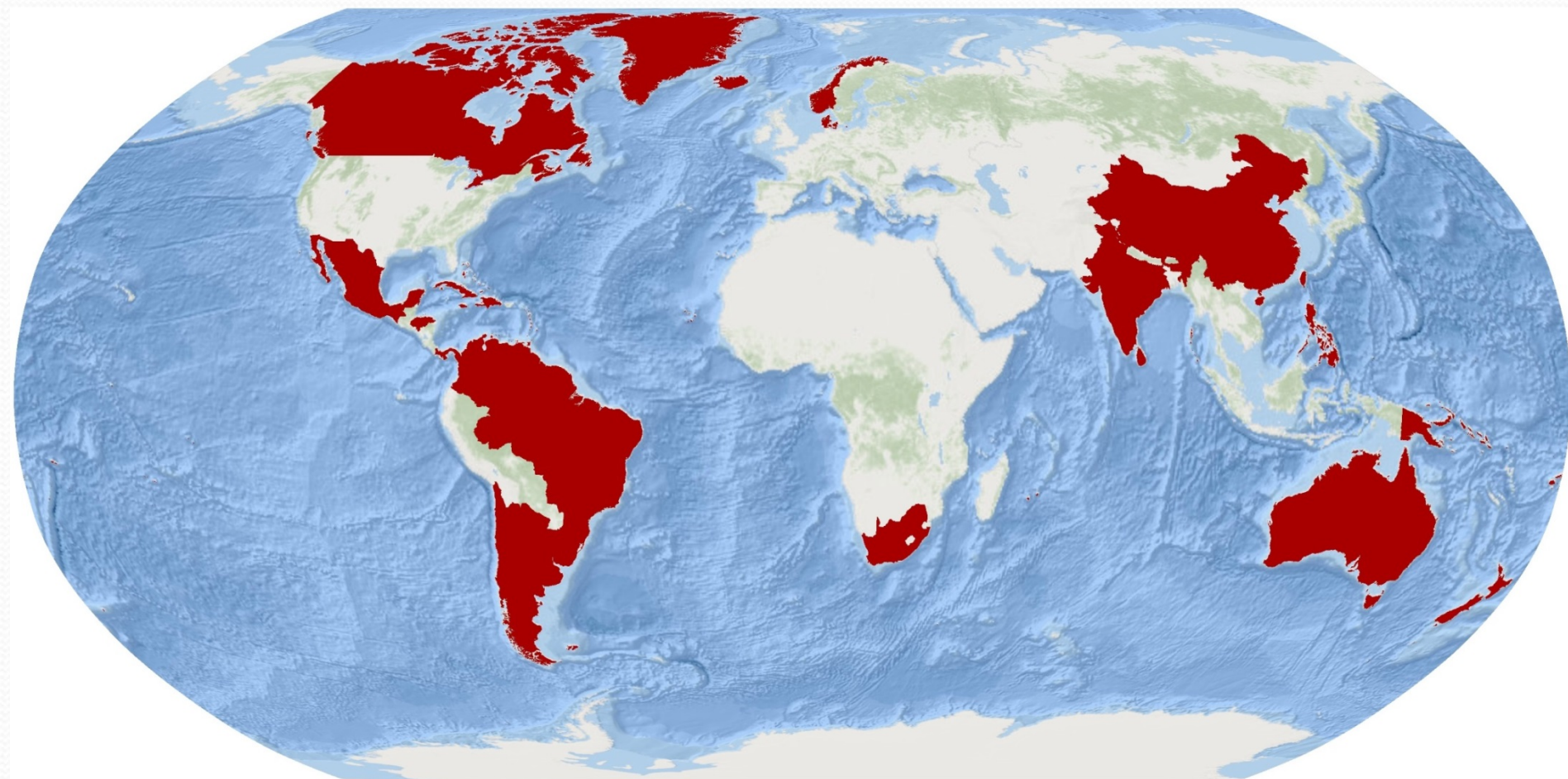


U.S. Embassy Engagement Abroad

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

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



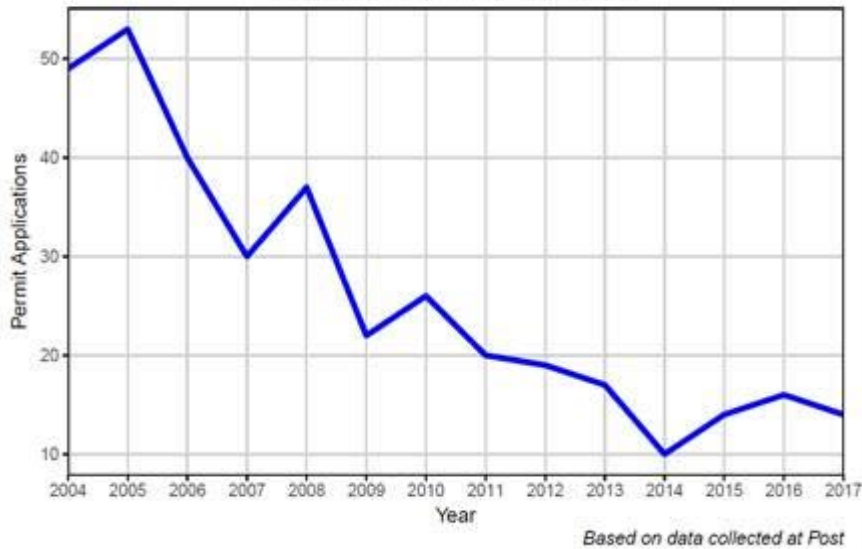
Trends in Coastal State Processes

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
- More are 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

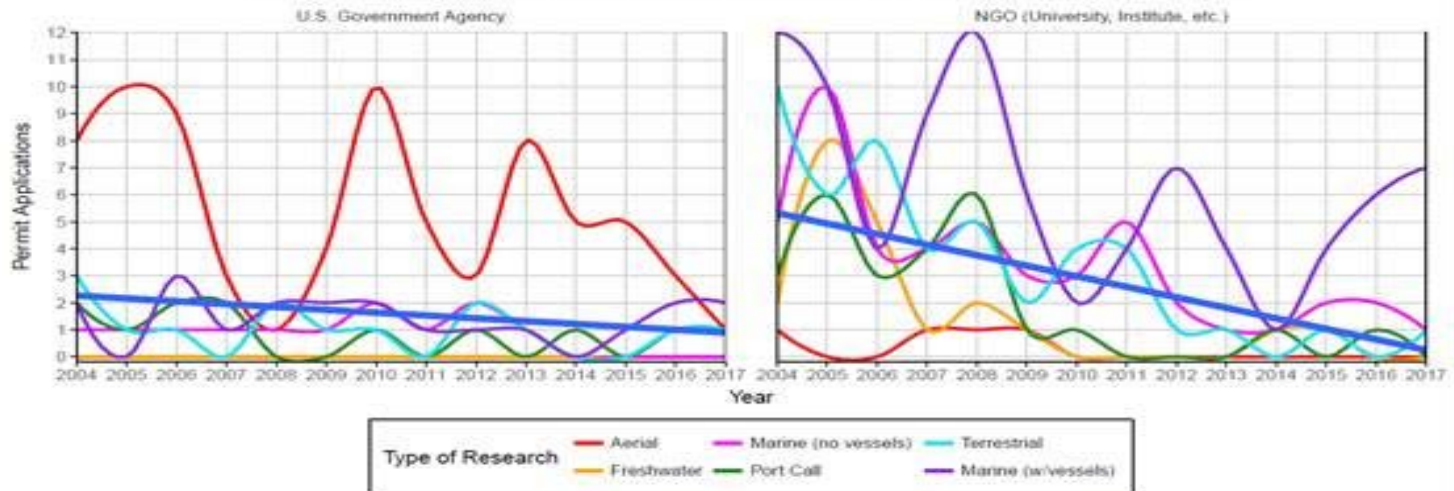
Highlight on Mexico

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



- 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

- **France:** Recently updated the vessel and reporting requirements
 - The Preliminary cruise report must be sent between **1-3 months or 3-6 months** after the end of the cruise, **based on Diplomatic Note**.
 - The Final report must be sent within **one year** after the cruise has been completed.
 - If the research vessel is not a U.S. Flag vessel, please provide proof of liability insurance.
- **Belize:** New Form Requirements
 - Applicants should complete the “Belize Fisheries Department Application for a Marine Scientific Research Permit” and include this as an attachment to a RATS application.
 - Applicants must also complete, sign, and attach a Letter of Commitment to the RATS application.

CS Requirement Updates

- **Romania: New Permit Updates**
 - Research permits must be granted from the Maritime Hydrological Department in the Ministry of Defense.
 - For permits for fishing or scientific sampling, contact the National Agency for Fishing and Aquaculture (ANPA) under the Ministry of Agriculture and Rural Development.
- **Greece:**
 - Application should include an acceptance that Greek scientific personnel are invited to follow the research, and the results will be published in a public forum.
 - All data and results must be submitted within 6 months of the completion of cruise.
 - Any clearances granted in this context do not affect any other obligations of the licensee in accordance with the Greek legislation, including any necessary permits.

CS Requirement Updates

- **Chile:** Observer required, no exception
- **Costa Rica:** New form; original application signed and mailed to U.S. Embassy; no fees due unless in MPA
- **New Zealand:** New 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:** Site coordinates; specify England, Scotland, Wales, N. Ireland 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:**
 - Applicant 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 for Applicants

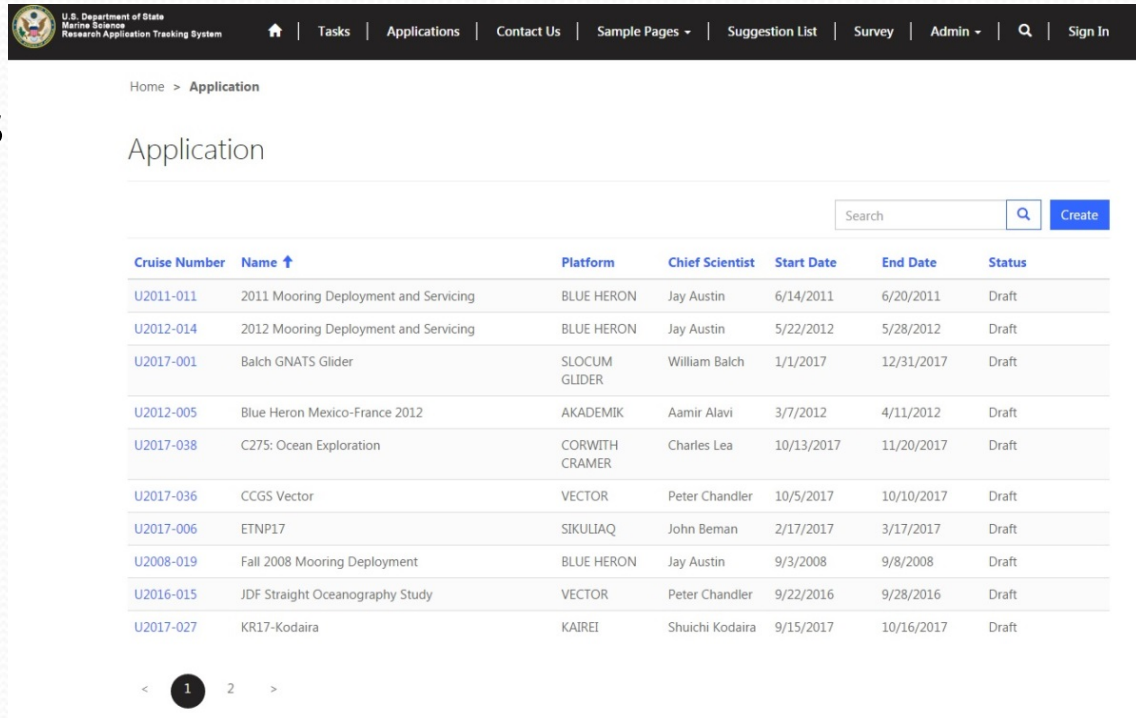
- Know the coastal requirements
- Talk to others for lessons learned
- Include buffer in application (~1 week either end)
- No maritime boundaries on cruise track
- Early submission (7 months)
- **Sell your science-benefits** (lay audience)
 - Outreach/social media/engagement/public diplomacy
- Engage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

RATSc



RATSc Development

- Designed in Microsoft Office O365 cloud-based platform
 - Currently, RATS is custom built
- New data fields: ADCP specs, MOU/Int'l Agreements, linking to previous cruises, type (USG, academic, private)
- More user-friendly
- Frequent emails alerts
- Better search capabilities
- Training modules
- Projected launch:
Fall 2019
- Need BETA testers!



The screenshot displays the RATSc web application interface. At the top, there is a navigation bar with the U.S. Department of State Marine Science Research Application Tracking System logo and menu items: Home, Tasks, Applications, Contact Us, Sample Pages, Suggestion List, Survey, Admin, and Sign In. Below the navigation bar, the breadcrumb trail shows 'Home > Application'. The main content area is titled 'Application' and features a search bar with a 'Create' button. A table lists various cruise applications with columns for Cruise Number, Name, Platform, Chief Scientist, Start Date, End Date, and Status. The table contains 12 rows of data, all with a 'Draft' status. At the bottom of the table, there is a pagination control showing '1' and '2'.

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 Beman	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 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>



**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 (MGRs), including accessing them on the high seas
 - Some proposals on the table **to restrict access, including the conduct of MSR if it involves MGRs** (through permits, prior notification, etc.)
- Sharing of benefits from accessing MGRs
- 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



Thank you!

MarineScience@state.gov