



Update on Marine Scientific Research (MSR) Diplomatic Consent



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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
- Geopolitics (maritime boundaries)
- 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

★★★ Presidential Proclamation on MSR



Policy updated via Presidential Proclamation No. 10071 signed September 9, 2020:

Applies only to foreign scientists wishing to conduct MSR in the U.S.

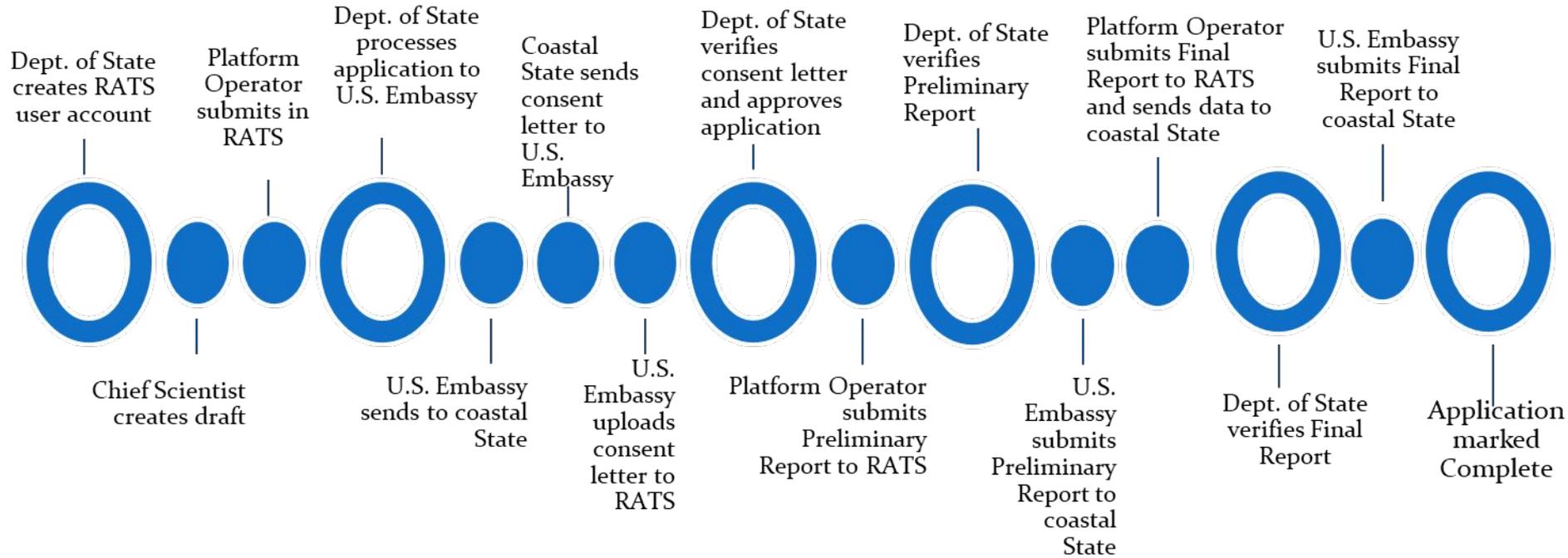
Advance consent in all instances consistent with international law

In the U.S. EEZ and on the continental shelf (was always required in the territorial sea)

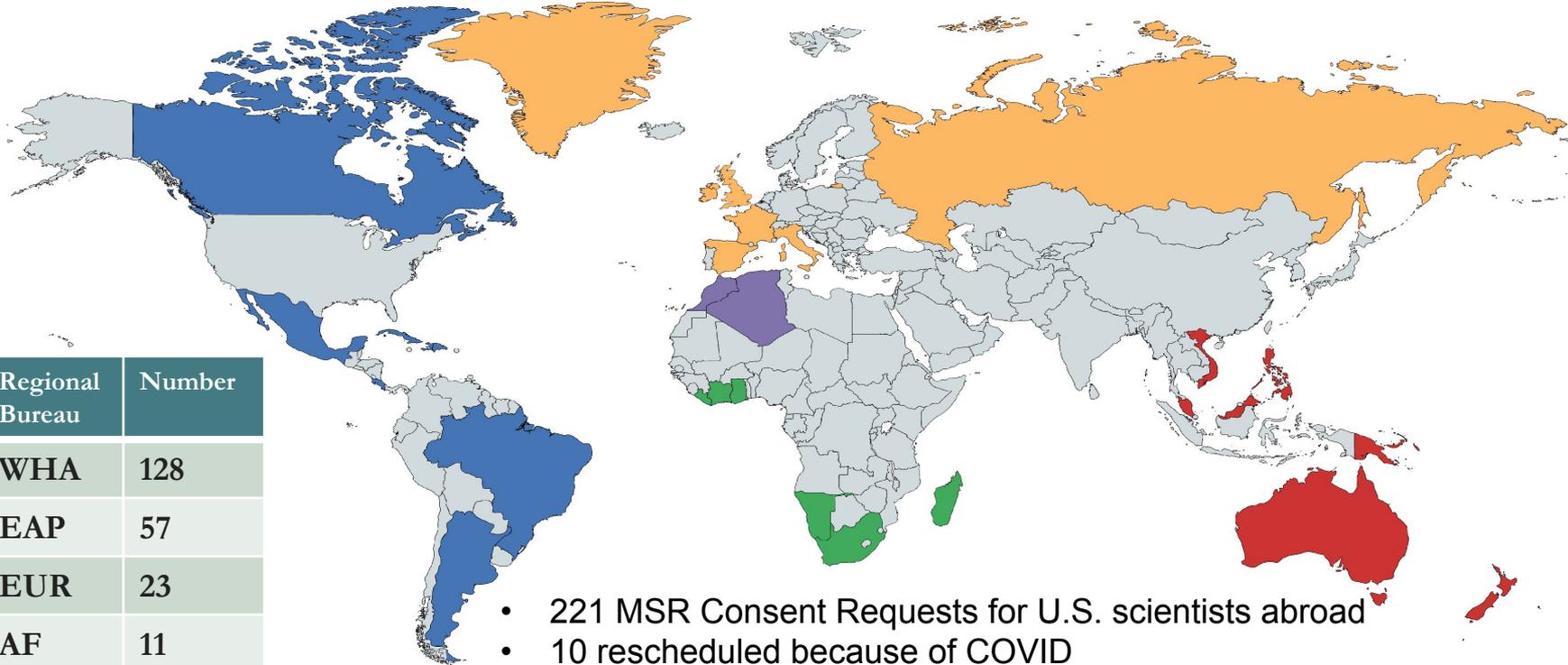


U.S. Scientists in Foreign Waters

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



☆☆☆ U.S. MSR Abroad CY 2020



Color Code	Regional Bureau	Number
Blue	WHA	128
Red	EAP	57
Orange	EUR	23
Green	AF	11
Purple	NEA	3

- 221 MSR Consent Requests for U.S. scientists abroad
- 10 rescheduled because of COVID
- 53 cancelled because of COVID



Trends/Challenges



- **Bureaucratic/Diplomatic Challenges**
 - 6 months advance, many coastal States firm
 - Increased scrutiny, evolving requirements, no uniform system
- **Late Reports/Data**
 - Hundreds of late reports and data from U.S. scientists
 - Coastal States are asking – they can withhold consent from any U.S. scientist for another U.S. scientist's late reports
- **Extreme Events**
 - Hurricanes, COVID, etc.



More Trends...



- The timing of requirement changes can be a challenge
- Timing of forms and documents for additional observers
- Upward trend in requiring participants, which can present challenges
- Challenges with port call visits

☆☆☆ Coastal State Requirement Updates



- Please check the [Marine Science Guidance Page](#) for all new Coastal State updates.
- **Bahamas** - currently has a **moratorium on sampling** and requires all CVs of scientists involved.
- **Barbados** – more extensive review process, with Prime Minister review.
- **Canada** – January 2020 firm **6 month time** requirement.
 - Port calls allowed but cannot disembark.
- **Cuba** – **It's complicated.** Still processing applications but challenges exist.

☆☆☆ Coastal State Requirement Updates



● 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.
- Very strict on 6.5 month processing deadline.
- **Mexico** – Processing has been significantly delayed due to COVID-19. Still receiving consent with delays.
- **Philippines** – Now welcoming MSR applications.
- **Solomon Islands** – Now requires **11** additional documents.



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!



Who Requests MSR Consent?

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





Helpful Tips

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

- . SUBMIT EARLY!!!! With Covid the earlier the better
- . 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?



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/>



Your DoS MSR Team



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Thank you!



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