



Update on Marine Scientific Research (MSR) Diplomatic Consent



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Your DoS MSR Team



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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

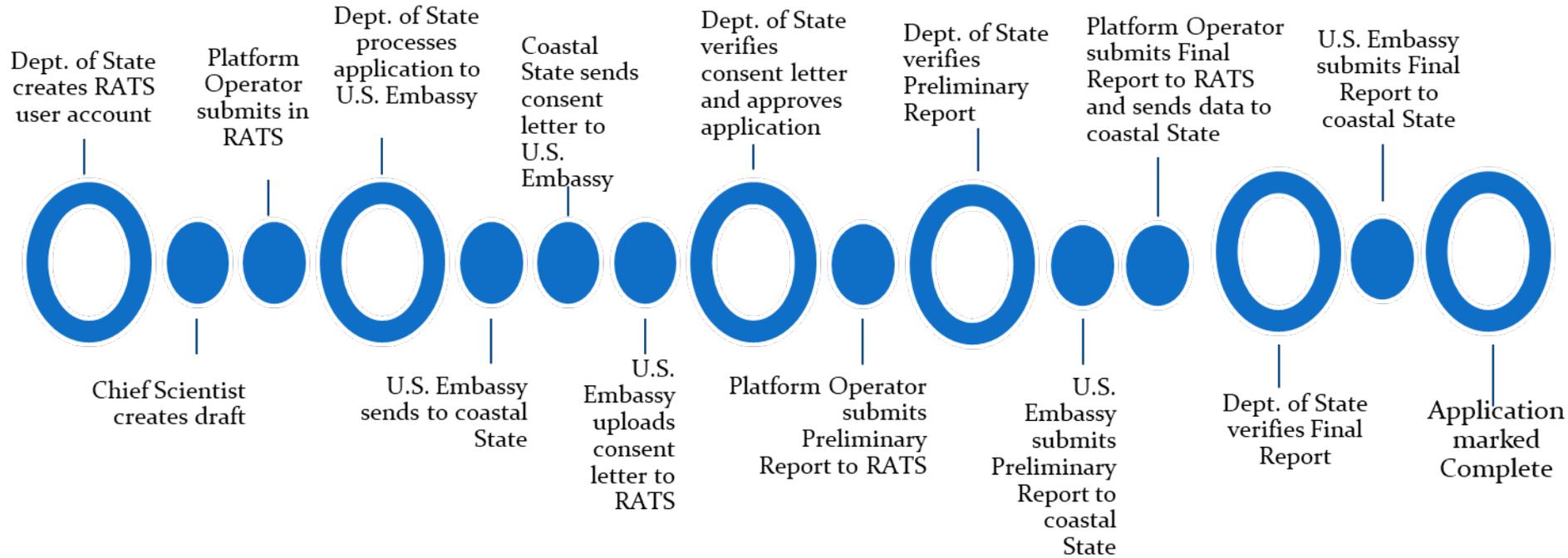


- Policy updated via Presidential Proclamation No. 10071 signed September 9, 2020:
 - Applies only to foreign scientists wishing to conduct MSR in the U.S.
 - Advance consent in all instances consistent with international law
 - In the U.S. EEZ and on the continental shelf (was always required in the territorial sea)

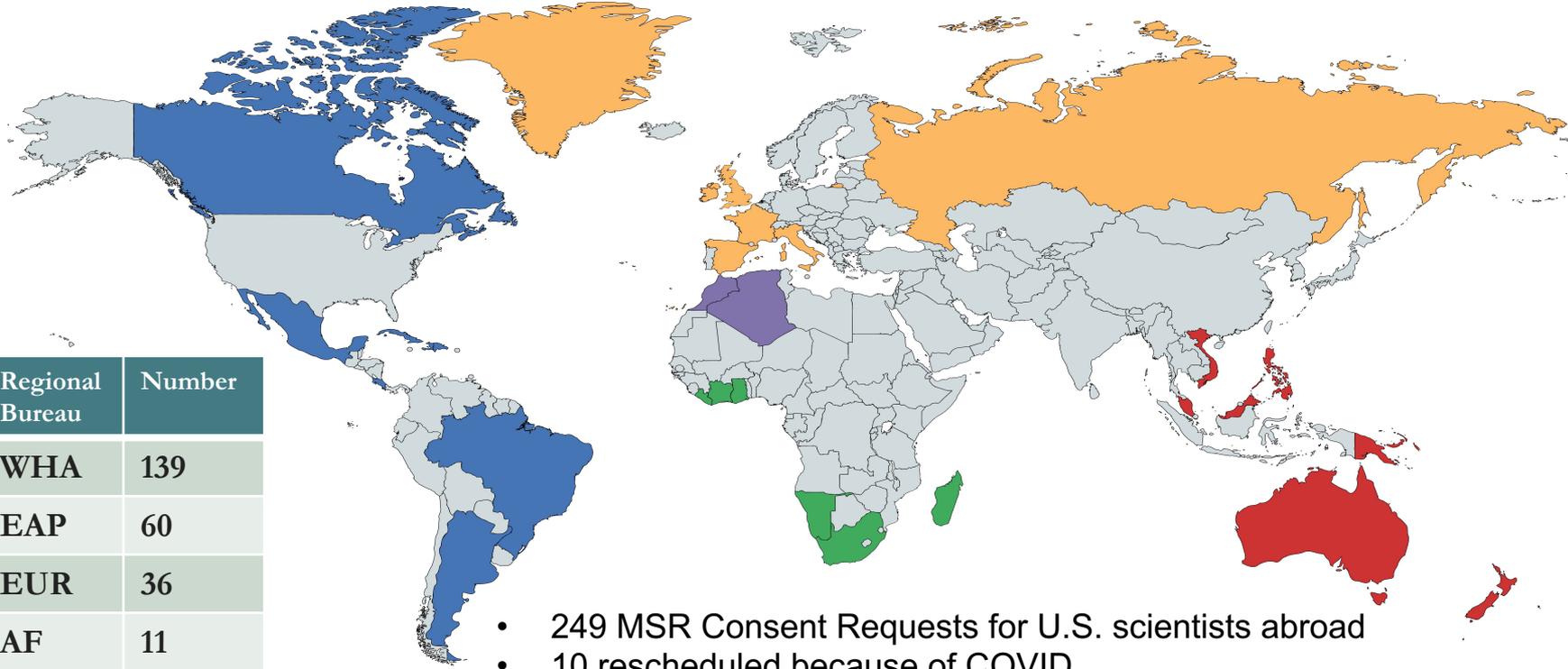


U.S. Scientists in Foreign Waters

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



★★★ U.S. MSR Abroad CY 2020



Color Code	Regional Bureau	Number
	WHA	139
	EAP	60
	EUR	36
	AF	11
	NEA	3

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



Trends/Challenges



- **Bureaucratic/Diplomatic Challenges**
 - Applications due at least 6- 6.5 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
 - NZ, Mexico, France, Costa Rica, United States, Canada, Bahamas, BVI, and Argentina may withhold/delay consent for outstanding reports.
- **Extreme Events**
 - Hurricanes, COVID, etc.



More Trends...



- The timing of requirement changes can be a challenge
- Timing of quarantine, forms and documents for additional observers
- Upward trend in requiring participants, which can present challenges
- Clarifications from coastal states with more challenges with port call visits
- Covid-19 safety protocols are now being requested along with additional insurance information.

★★★ Coastal State Requirement Updates



- Please check the [Marine Science Guidance Page](#) for all new Coastal State updates and Covid-19 safety protocols.
- **Bahamas** – has lifted the **moratorium on sampling**, but now has a **new portal and fee structure** for all marine science conducted in Bahamian waters.
- **Barbados** – more extensive review process, with Prime Minister review.
- **Canada** – January 2020 firm **6 month time** requirement. Please see new guidance and requirements for any bathymetric data and overflight clearance.
 - Port calls allowed, but please see updated Covid-19 guidance.
- **Cuba** – **It's complicated.** Still processing applications but challenges exist.
- **Guatemala** – Has several new requirements, including **NDA and research fees.**

★★★ 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, 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 major delays. Now requiring outstanding reports/data.
- **Philippines** – Welcoming MSR applications, but very strict on 6-month processing deadline. Will not accept late applications.
- **Solomon Islands** – Now requires **11** additional documents.

☆☆☆ Coastal State Requirement Updates



- **Argentina** – Is very interested in opportunities for collaboration with U.S. scientists.
- **St. Kitts and Nevis** – Requires a new separate application in addition to RATS application.
- **Kiribati** – New fees (\$3500) and Covid-19 regulations.
- **Japan** – Increase in requirements. Now passports, crew lists, and detailed information and cruise tracks are required. Very strict 6-month processing deadline.
- **UK (all territories)** – Now requiring applications to be submitted 6.5 months in advance; **BVI** now requiring all outstanding reports submitted before consent.



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:	Authorization Document Number	National Participant(s)
Coastal State		
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!
 - Ex: Calypso Project





Helpful Tips

- 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?



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/>



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

Thank you!



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