



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)



New RATS Portal



- Designed on a Microsoft O365 cloud-based platform.
- Several new features:
 - Online submission for new account requests,
 - Extra security (multi-factor authentication),
 - Automatic task reminders, and
 - Better search capabilities.
- Please let us know if you would like to schedule a training!
- RATS Portal: <https://ratsportal.state.gov/>

Home

Role: Platform Coordinator

Welcome to the RATS Portal

This site is a self-service portal where users can submit and track marine scientific research applications for review by the U.S. Department of State office of Ocean and Polar Affairs (OPA). OPA develops, coordinates, negotiates, and implements U.S. foreign policy with respect to marine science and research, including Marine Scientific Research Consent. OPA promotes science and diplomacy, improves maritime domain awareness, and safeguards the interests of the U.S. scientific community through the marine scientific research consent program.

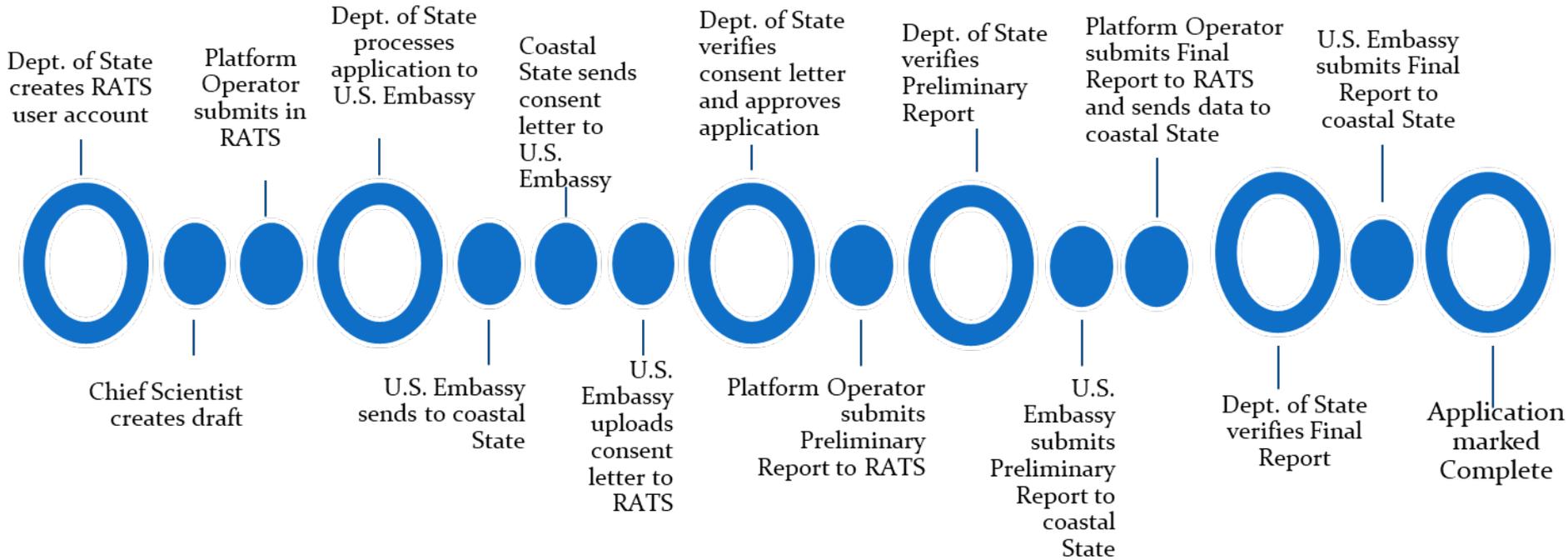
Please review the [Guidance page](#) for further details before submitting an application. Additional information can be found on the [Marine Scientific Research page](#).

| Task | Regarding | Workflow Step | Created On | Application Status (Regarding) | Due Date ↑ | Assigned |
|-------------------------------------|--|---------------|--------------------|--------------------------------|--------------------|--------------------------|
| Submit Final Report to DoS | F2021-039 - *20588 Submit Preliminary Report to MFA & Submit Final Report to DoS | Reporting | 12/6/2021 2:09 PM | Reporting | 12/6/2021 8:00 AM | OPA Platform Coordinator |
| Re-Submit Preliminary Report to DoS | F2021-016 - *OPA F-Cruise G | Reporting | 10/22/2021 1:50 PM | Inactive | 12/23/2021 8:00 AM | OPA Platform Coordinator |
| Re-Submit Preliminary Report to DoS | F2021-031 - *23785 Re-Submit Preliminary Report | Reporting | 12/6/2021 1:03 PM | Reporting | 1/6/2022 8:00 AM | OPA Platform Coordinator |

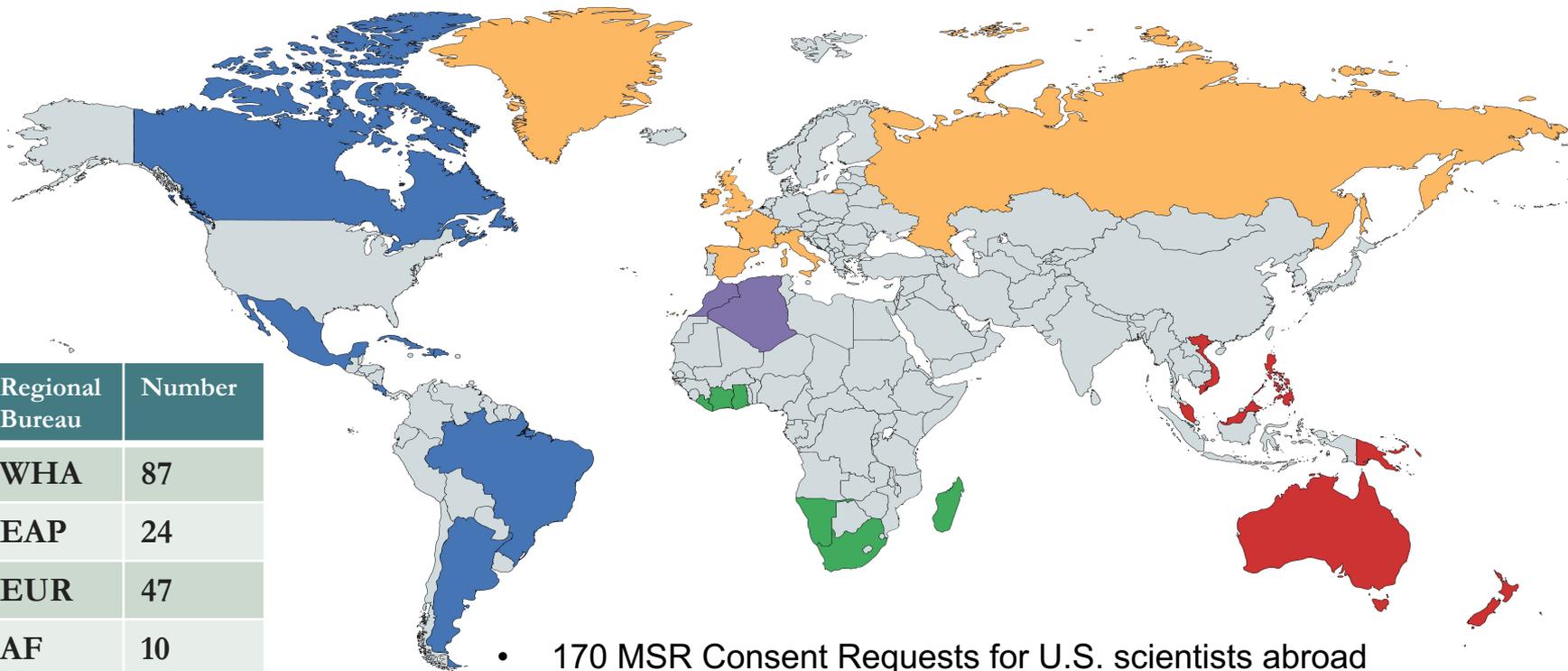


U.S. Scientists in Foreign Waters

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



☆☆☆ U.S. MSR Abroad CY 2021



| Color Code | Regional Bureau | Number |
|---|-----------------|--------|
|  | WHA | 87 |
|  | EAP | 24 |
|  | EUR | 47 |
|  | AF | 10 |
|  | NEA | 2 |

- 170 MSR Consent Requests for U.S. scientists abroad
- 10 rescheduled or 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. Contact marinescience@state.gov before applying.
- **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 cannot disembark.
- **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.
- **Philippines** – Now 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. Scientist.
- **St. Kitts and Nevis** – Requires a separate application in addition to RATS application.
- **Kiribati** – New fees and Covid-19 regulations
- **St. Kitts and Nevis** – Requires a separate application in addition to RATS app.
- **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 and have outstanding reports submitted.



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: | | Authorization Document Number | | National Participant(s) | |
| Authorizations: | | | | | |
| 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





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!



MarineScience@state.gov

