



Oceans and International Environmental and Scientific Affairs

U.S. DEPARTMENT of STATE

Update on Marine Scientific Research (MSR) Diplomatic Consent



Amanda Williams

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

November 2023

UNOLS Annual Meeting

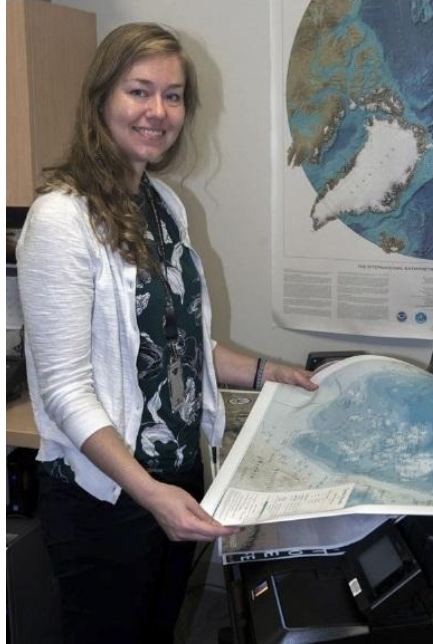




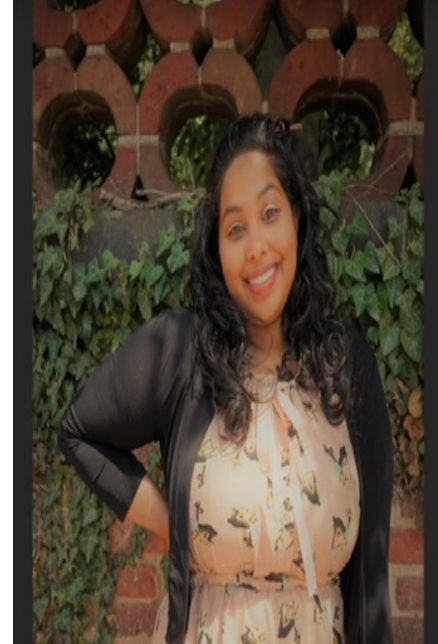
Your DoS MSR Team



Liz Buendia



Amanda Williams



Gabriella David



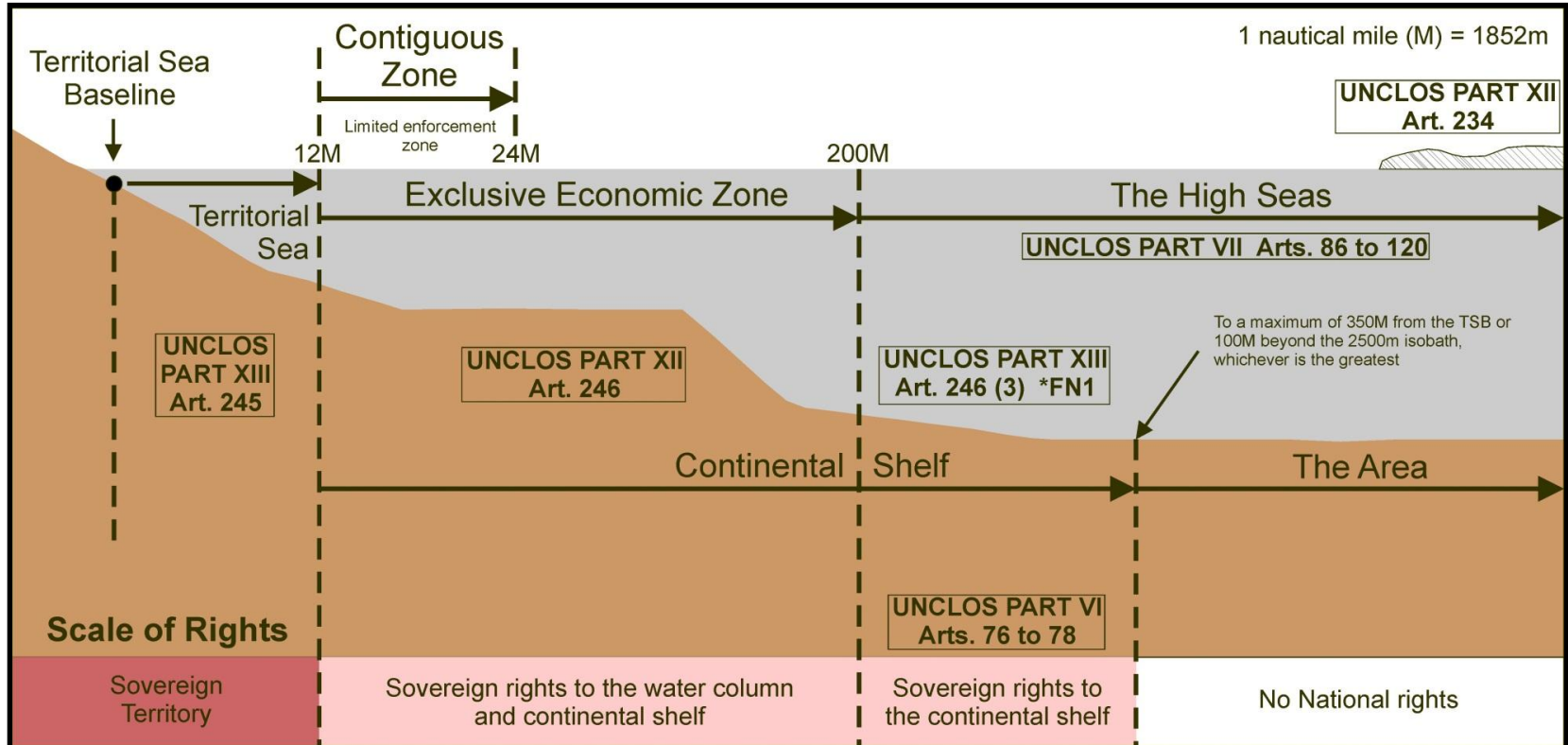
MSR and UNCLOS



1982 United Nations Convention on the Law of the Sea Part XIII: Marine Scientific Research

- Article 238: Right to conduct MSR
- Article 245: Coastal State jurisdiction over MSR conducted within territorial sea
- Article 246: Coastal State jurisdiction over MSR conducted within EEZ
- Article 250: Communications concerning MSR projects shall be made through appropriate official channels

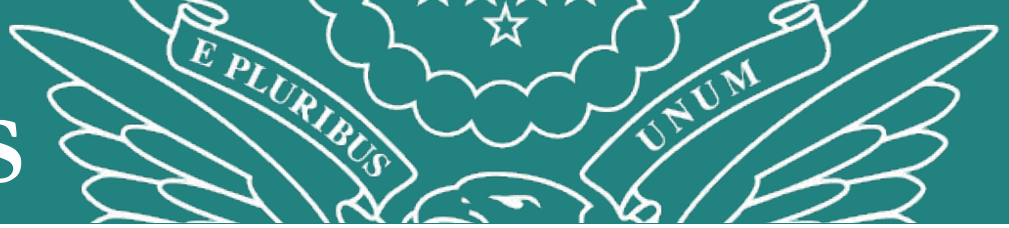
★★★ MSR and the LOSC: What Requires Consent?



*Footnote 1 - only applies where the coastal state has had a successful claim under Article 76 and this claim has been embodied in that coastal states law.



MSR and UNCLOS



MSR is not defined in UNCLOS:

- Activities undertaken in the ocean to expand knowledge of the marine environment and its processes.
- Marine data collection activities that are *not* MSR:
 - Prospecting for and exploration of natural resources;
 - Hydrographic surveys (for enhancing the safety of navigation);
 - Military activities including military surveys;
 - Activities related to the laying and operation of submarine cables;
 - Environmental monitoring and assessment of marine pollution pursuant to section 4 of Part XII of the Convention;
 - Collection of marine meteorological data and other routine ocean observations – such as those used for monitoring and forecasting of ocean state, natural hazard warnings and weather forecasts, and climate prediction; and
 - Activities directed at objects of an archeological and historical nature found at sea.



Who Requests MSR Consent?

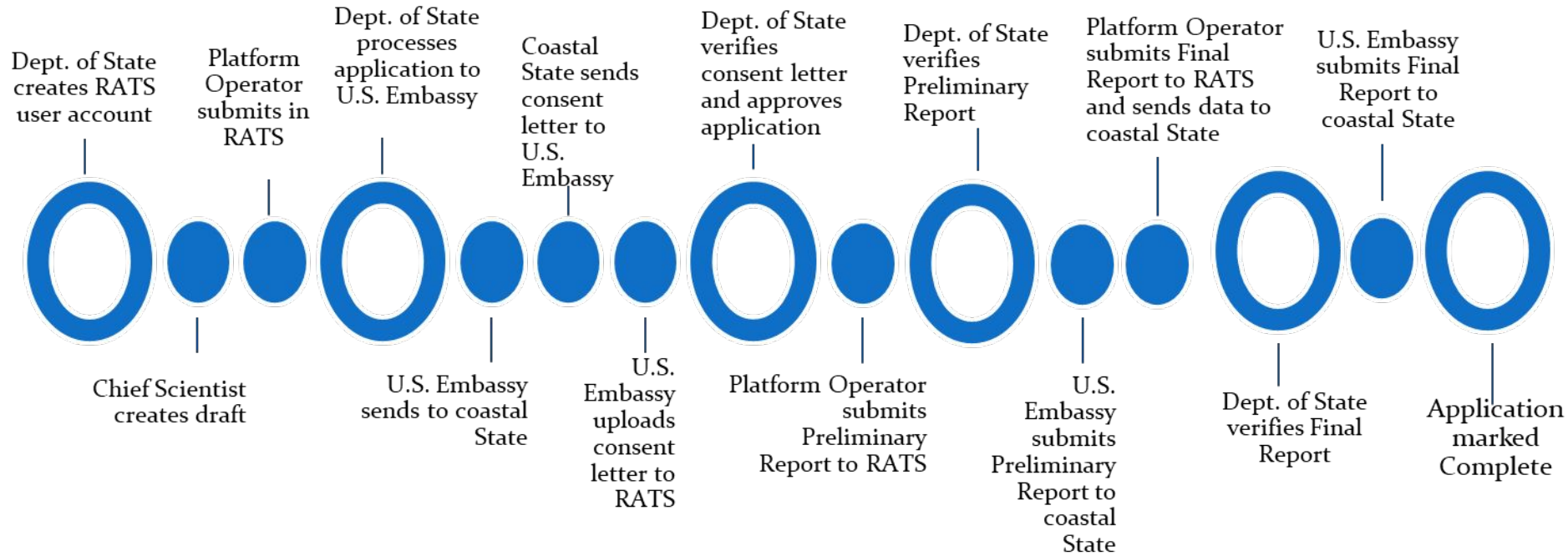
- Most Coastal States
 - Flag State of Vessel
- United States
 - Nationality of the Chief Scientist (responsible for science, data, and reports)



U.S. Scientists in Waters Under Foreign Jurisdiction

- ~300 U.S. cruises submitted annually for consent
- Submit to OPA **6.5 months** in advance whenever possible
- Include a **cruise track** without maritime boundaries
- Check **coastal State requirements website** to ensure all necessary paperwork for each coastal State is included in the application
(<https://www.state.gov/guidance-on-supporting-documentation/>)

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





U.S. RATS Portal



- For U.S. researchers in foreign waters and foreign researchers in U.S. waters.
- Designed on a Microsoft O365 cloud-based platform.
- Please let us know if you would like to schedule a training.
- Research Application Tracking System (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

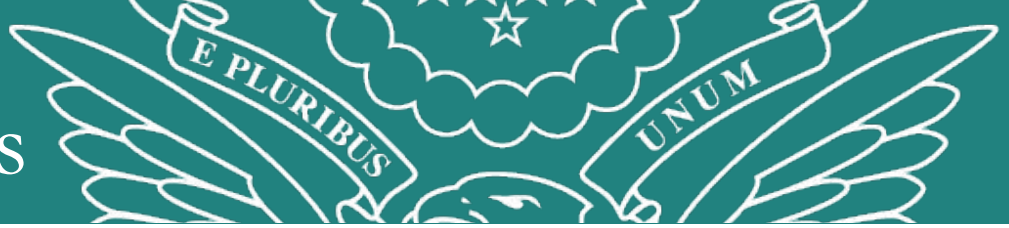


Trends in Coastal State Processes

- No uniform system globally
- Increasing bureaucracy, evolving requirements, closer scrutiny
 - Increase in questions, clarifications from coastal States
 - Happening in U.S. processing, as well
- Upward trend in requiring participants



Additional Challenges



- Increase in requests for environmental assessments
- Timing of additional forms, requirement changes, and for additional participants/observers
- Denials for reasons not within LOSC:
 - Art 246(5): Coastal States may withhold consent if:
 1. of significance to exploration/exploitation or natural resources (living or not),
 2. drilling or use of explosives or harmful substances,
 3. construction/operation/use of artificial islands or structures, and
 4. inaccurate information or outstanding obligations to coastal State (*e.g.*, reports).



Outstanding Reports



- In total, we estimate over 143 preliminary and final reports are outstanding for all scientists (U.S. and foreign) in RATS.
- Instructions for reports/data submission can be found in scientists' consent letters/authorizations.
- Coastal States have the right to withhold consent from any scientist on the basis of late reports.
- Please do your part and submit reports on time.

MISSING

MISSING

DRAFT STANDARD FORM C

PRELIMINARY CRUISE REPORT

Cruise name/number:		<input type="checkbox"/>
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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:

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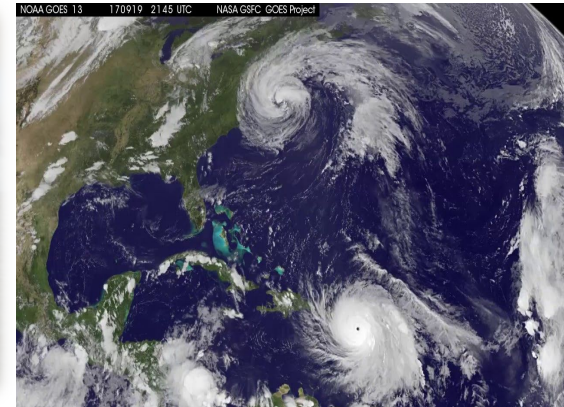
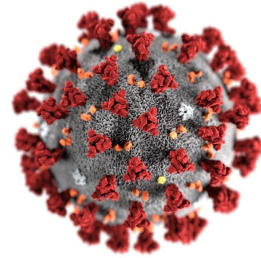
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Additional Challenges



- Optics (type of ship, nature of research)
 - AUVs/Drifters/Gliders/SailDrones
 - Non-MSR vessels collecting MSR (*e.g.*, cruise ships)
- Maritime Boundary Disputes
- Extreme or Unforeseen Events
 - Natural disasters, COVID



☆☆☆ Examples of Coastal State Requirements



Please check the State Department **Marine Science Guidance Page** for full list.

Highlighted are new requirements since UNOLS 2022 Meeting

- **Argentina** – Interested in science collaboration. Likely to request a participant.
- **Australia** – 4 Additional documents that need to be submitted with application.
- **Bahamas** – New legislation, application portal, fees, and data requirements.
- **Brazil** – Will most likely request to have a participant/observer onboard; please ensure an extra berth is available.
- **Costa Rica** – Will most likely request to have a participant/observer onboard; please ensure an extra berth is available.
- **Ecuador** – A Diplomatic Note will not be issued to enter waters under Ecuador's jurisdiction. Applicants must obtain permits from the Ecuador Navy and the Galapagos National Park, facilitated by private shipping agents in Ecuador.

☆☆☆ Examples of Coastal State Requirements



- **France**
 - If non-U.S. Flag vessel, provide proof of liability insurance.
 - Very strict on 6.5-month processing deadline.
- **Mauritius** – New application that needs to be completed and will require submission of vessel insurance.
- **Mexico** – Firm **6-month** review period for applications and forms.
- **Kiribati** – If consent is denied or cancelled, the \$300 processing fee will *not* be reimbursed.
- **Peru** – Applicants are responsible for hiring a maritime agency that must also submit MSR request to DICAPI and the Peru Navy.
- **Panama** – Once MSR consent is granted by Panama, U.S. Embassy Panama will receive a vessel authorization number from the Panama Ministry of Security. An official Diplomatic Note will not actually be sent from Panama. When the vessel approaches Panama's territorial waters, the Ministry of Security will request, by radio or other means, the issued authorization number.



Success Stories



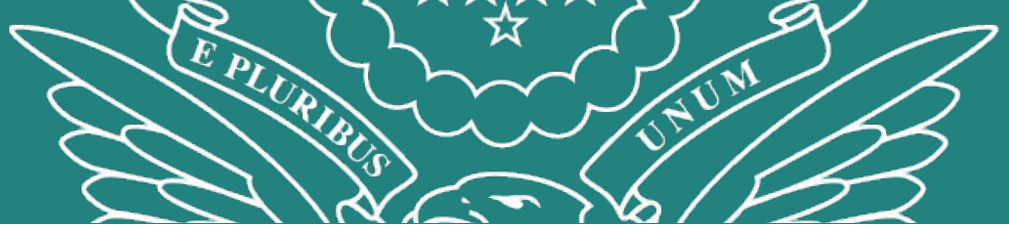
- **Science Research on Commercial Ships (RoCS)** – WHOI received a 1-year consent from Cuba, Cayman Islands, and Jamaica to conduct marine scientific research on a commercial vessel.
- **Schmidt Ocean Institute** – Completed a successful Galapagos and Panama cruise.
- Increase in social media presence – Send us your success stories!
- We also thank U.S. embassies and foreign countries involved with MSR consent.



Image source:
[Science RoCS Initiative increases ocean monitoring capacity \(who.edu\)](https://www.who.edu)



Social Media



U.S. State Department - OES

September 1 at 3:51 PM

Thank you to the government of Mexico for facilitating the research mission of scientists from [NOAA Fisheries West Coast](#) and Mexico's National Institute of Fisheries and Aquaculture ([INAPESCA](#)) to better understand the unique California Current Ecosystem. The scientists teamed up on board the NOAA fishery survey vessel Reuben Lasker to collect, sort and measure the fish collected during nighttime trawling operations.

[Embajada Estados Unidos en México](#)
[INAPESCA](#)



U.S. State Department - OES

2d

Thank you to the Cayman Islands, Cuba, and Jamaica for facilitating ocean and hurricane research from commercial ships! See the article below on this new initiative called Science Research on Commercial Ships (Science RoCS). <https://globalocean.noaa.gov/scientists-team-with-/>

[Foreign, Commonwealth & Development Office](#)
[National Oceanic and Atmospheric Administration \(NOAA\)](#)
[U.S. Embassy London](#) ... See more



Helpful Tips for all Scientists Requesting MSR Consent

- SUBMIT EARLY – 7 months ahead!
- Talk to others for lessons learned
- Build in cruise time buffer (~1 week at the beginning and/or the end)
- No maritime boundaries on cruise track
- Explain why your science benefits the coastal State
- Plan for outreach/engagement/public diplomacy
- Engage local scientists
- Follow-up regularly on status of request
- Timely submission of preliminary report, final report, data



Foreign Scientists in Waters Under U.S. Jurisdiction

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

- ~30 applications received/year
- Submit to OPA **six months** in advance; applications received less than (16) weeks before the intended start date will not be accepted.
- Include a **cruise track** without maritime boundaries.
- List of research site coordinates.
- Applicants must submit their application through their Embassy to the United States.
- If research within a **sanctuary or monument** include the appropriate permit application.



Foreign Scientists in Waters Under U.S. Jurisdiction

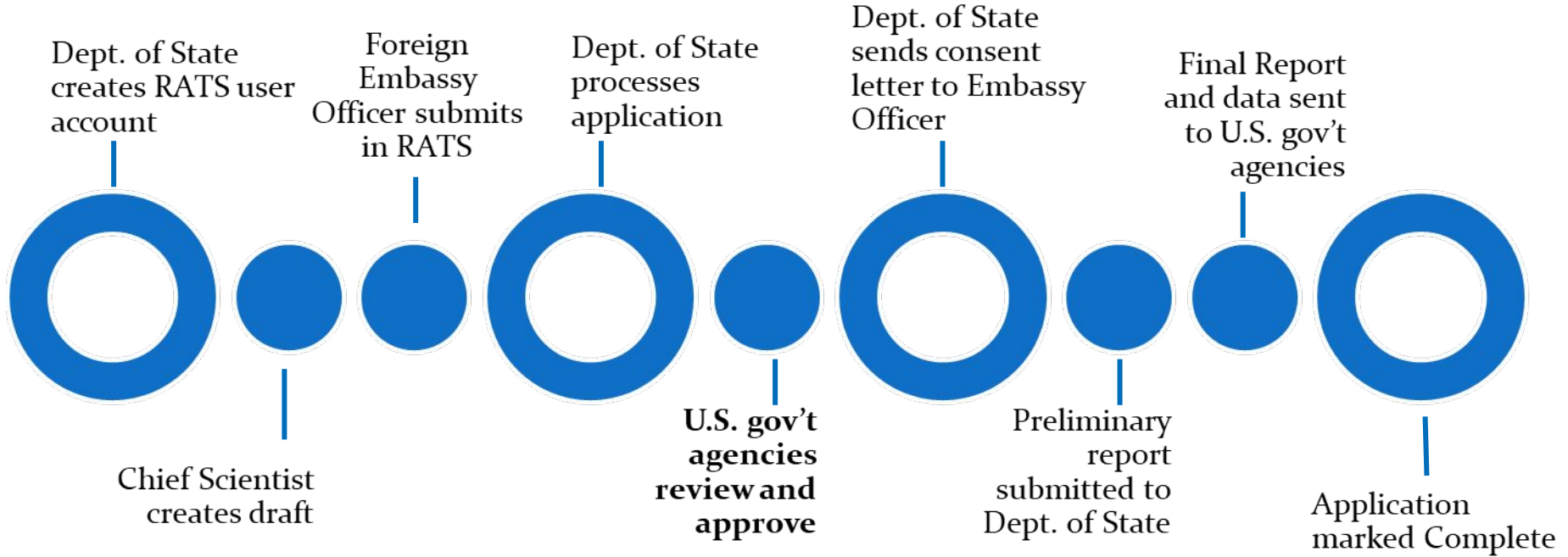
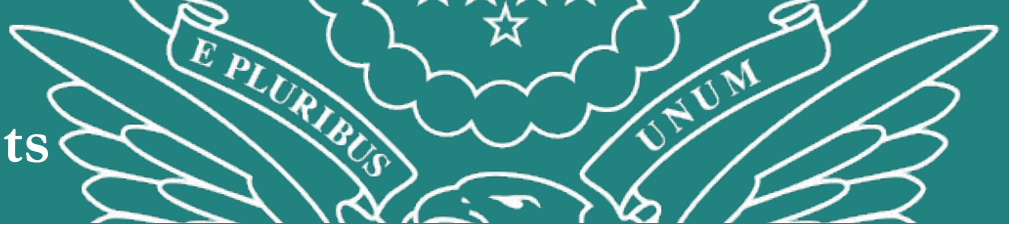
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- If the research involves the study or **incidental take of marine mammals** or species listed under the Endangered Species Act, include the appropriate NOAA authorization.
- Check state and local permit requirements.
- New requirement for science and crew particulars: name, DOB, CVs (science party), contact information, passport/seaman's book.

<https://www.state.gov/research-application-tracking-system/>



U.S. Review of MSR Requests





U.S. Interagency Review Process



(Info Only)



U.S. Immigration and Customs Enforcement

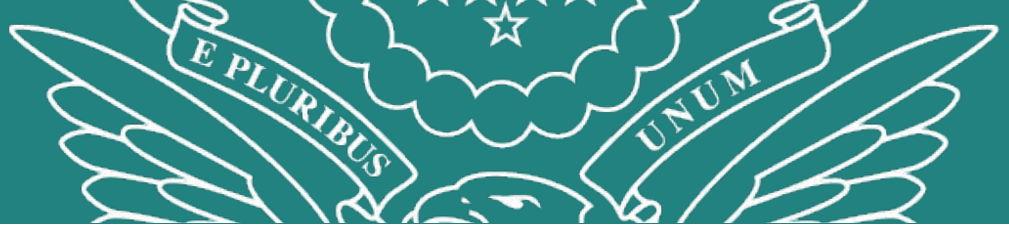


U.S. Customs and Border Protection





Resources



U.S. MSR Policy General:

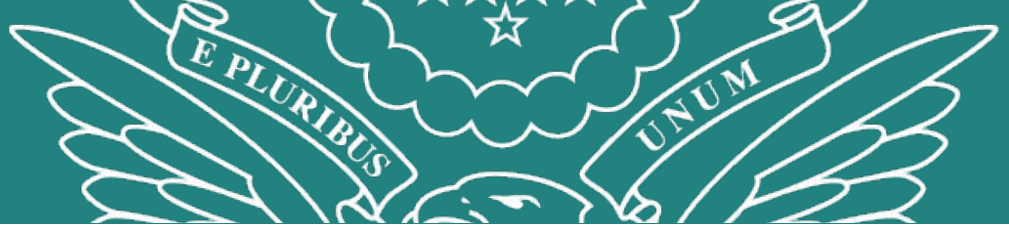
<https://www.state.gov/marine-scientific-research/>

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/>



Agreement under the UN Convention on Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

**Marine Genetic Resources, Including
the Fair and Equitable Sharing
of Benefits (MGR)**

**Area-Based Management Tools,
Including Marine Protected Areas
(ABMT)**

**Environmental Impact Assessments
(EIA)**

**Capacity Building and Transfer of
Marine Technology (CBTMT)**

**General Provisions,
Institutional Arrangements, Funding,
Dispute Settlement, Final Provisions**



BBNJ



Key Provisions:

Marine Genetic Resources (MGR)

BBNJ creates a system for the fair and equitable sharing of benefits arising from activities related to MGR of ABNJ and Digital Sequence Information (DSI) of such MGR, such as collection, access to MGR stored in repositories, and utilization of MGR and DSI

Monetary benefit

				NO language stating that MGR are the common heritage of mankind	in three separate articles
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BBNJ



Next Steps

- **September 2023:** Agreement opened for signature
- Entry into force after 60 ratifications
- September 2023 until Entry Into Force: Preparatory process at the United Nations

For more information:

Allison Reed ReedAD@state.gov



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Thank you!



MarineScience@state.gov

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LinkedIn: <https://www.linkedin.com/company/stateoes/>

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X: @SciDiplomacyUSA