



Oceans and International Environmental and Scientific Affairs

U.S. DEPARTMENT of STATE

Marine Scientific Research (MSR) Diplomatic Consent Process



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State Department MSR Team



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★ ★ ★ Why MSR is Important for Americans



MSR Makes America Safer, Stronger, and More Prosperous

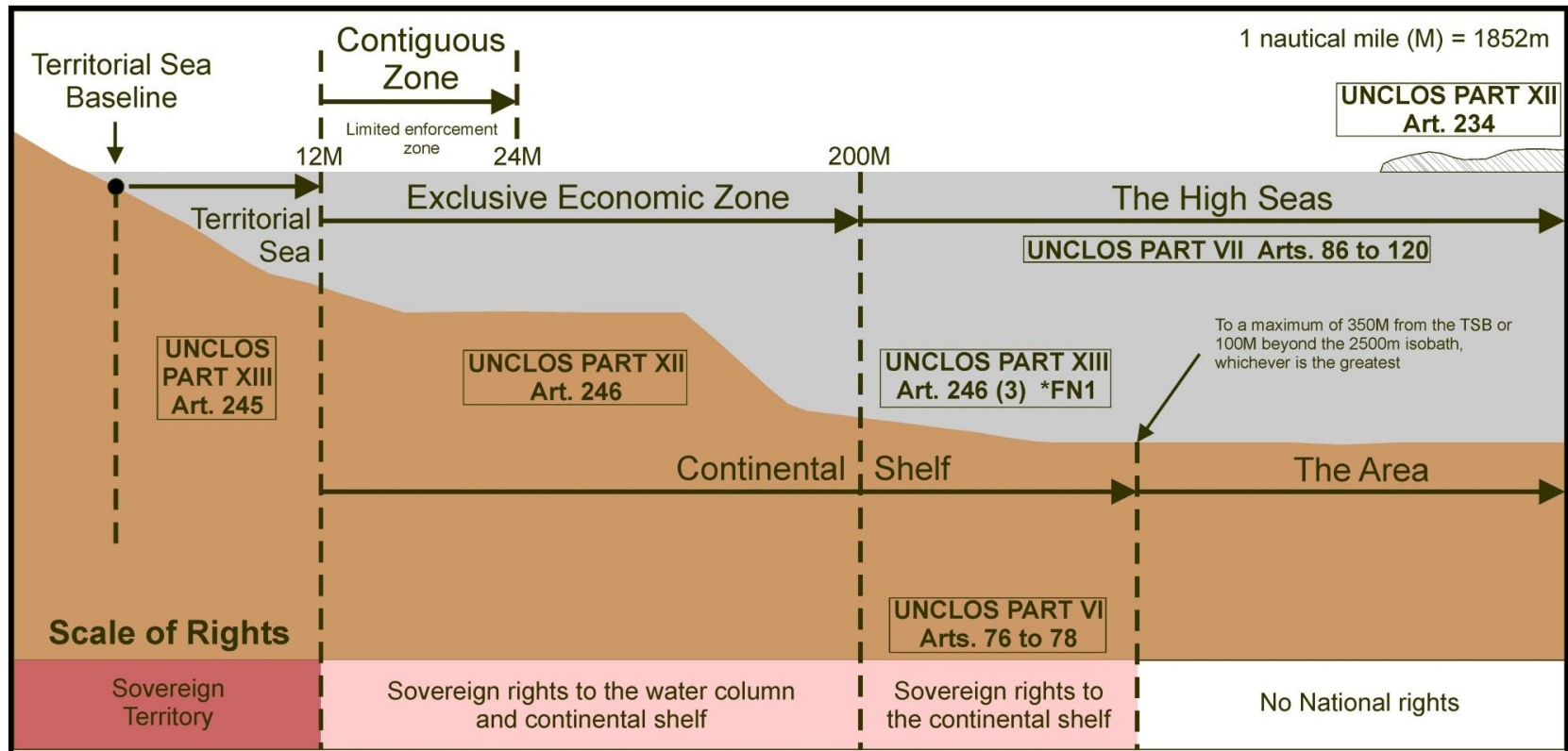
- Monitoring the ocean and coastal environment strengthens U.S. economic prosperity and national security interests by ensuring the United States has the best understanding of fisheries and seabed resources.
- The United States uses the best available ocean-related science and knowledge, in partnership with the science and technology communities.
- MSR is important for U.S. national security and enhances entrepreneurial economic opportunity for U.S. businesses.
- The Department of State has lead responsibility for implementing and coordinating interagency review of requests by foreign scientists to conduct MSR in U.S. maritime zones, consistent with international law.
- Proclamation 10071, September 2020



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 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 “Definition”



MSR is not defined:

- U.S. Definition: 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.



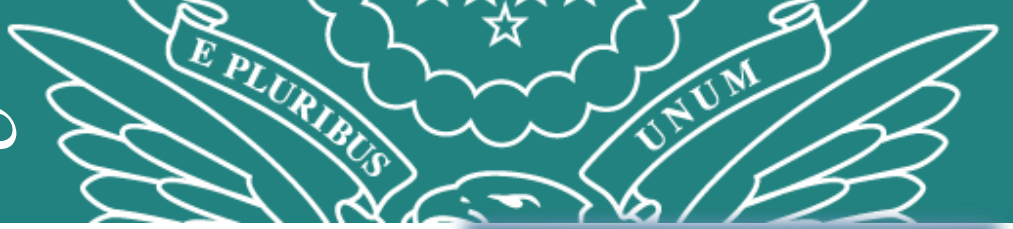
MSR Consent



- Coastal States have right to withhold consent (deny) MSR within the territorial sea for any reason.
- Only four distinct reasons MSR consent in the EEZ can be withheld under Law of the Sea Convention Article 246(5):
 - (a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;
 - (b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
 - (c) involves the construction, operation or use of artificial islands, installations and structures referred to in articles 60 and 80;
 - (d) contains information communicated pursuant to article 248 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to the coastal State from a prior research project.

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Optics: Is it MSR?





Who Requests MSR Consent?

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





U.S. RATS Portal



Home

Role: Platform Coordinator

- For U.S. researchers in foreign waters and foreign researchers in U.S. waters.
- Research Application Tracking System (RATS) Portal:
<https://ratsportal.state.gov/>

- Let us know if you would like training!

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

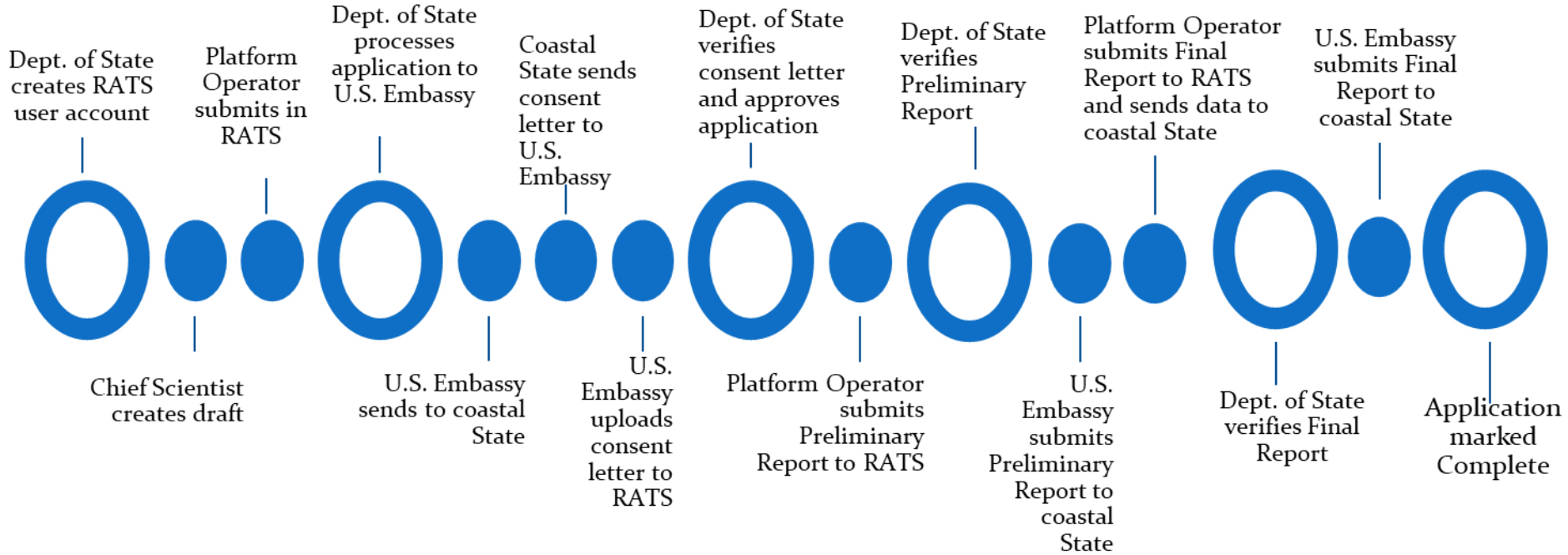
U.S. Scientists in Waters Under Foreign Jurisdiction

- ~250 U.S. cruises submitted annually for consent
- Submit to DoS **6.5 months** in advance
- 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/>)





MSR Consent for U.S. Citizens in Foreign Waters



☆☆☆ Examples of Coastal State Requirements



- **Argentina** – Interested in science collaboration; likely to require a local participant onboard.
- **Bahamas** – Apply in both RATS and 'The Bahamas' Portal.
- **British Virgin Islands (UK)** – Strict on 6-month application timeframe; submit in RATS 6.5 months in advance.
- **Cuba** – Include Spanish translation of application and supporting documents.
- **Greenland (Denmark)** – Must include Genetic Resources Application, if collecting any samples.
- **Mexico** – Submit in RATS 8 months in advance.
- **Samoa** – Must have an MOU with MNRE and letters of support from home institution.
- **United Kingdom** – Will only accept applications from the vessel flag State.

Always check our **Guidance Page**: <https://www.state.gov/guidance-on-supporting-documentation/>

★★★
Public Diplomacy:
Ship FALKOR in SUVA



MSR Consent Challenges

- No uniform system globally
- Late applications; firm 6-month review period
- Consent is never guaranteed
- Increasing bureaucracy, evolving requirements, closer scrutiny
- Late requests for participants, new documents, policy changes
- Natural disasters, pandemics
- Optics (type of ship, nature of research)
- Sovereign immunity for port calls
- Overdue reports & data
- Maritime boundary disputes





Outstanding Reports



- Instructions for report/data submission can be found in scientists' consent letters/authorizations.
- Coastal States have the right to withhold consent from **any** scientist from a country that has overdue reports or data.

MISSING

DRAFT STANDARD FORM C

MISSING

PRELIMINARY CRUISE REPORT

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



Foreign Scientists in Waters Under U.S. Jurisdiction

- Applicants must submit their application through their Embassy to the United States.
- Submit to OPA six months in advance; applications received less than (16) weeks before the intended start date might not be accepted.
- Include a cruise track without maritime boundaries.
- List of research site coordinates.
- If research within a refuge, sanctuary or monument, or includes drilling, include the appropriate permit application.
- For Arctic research, State also sends cruise information to IARPC.

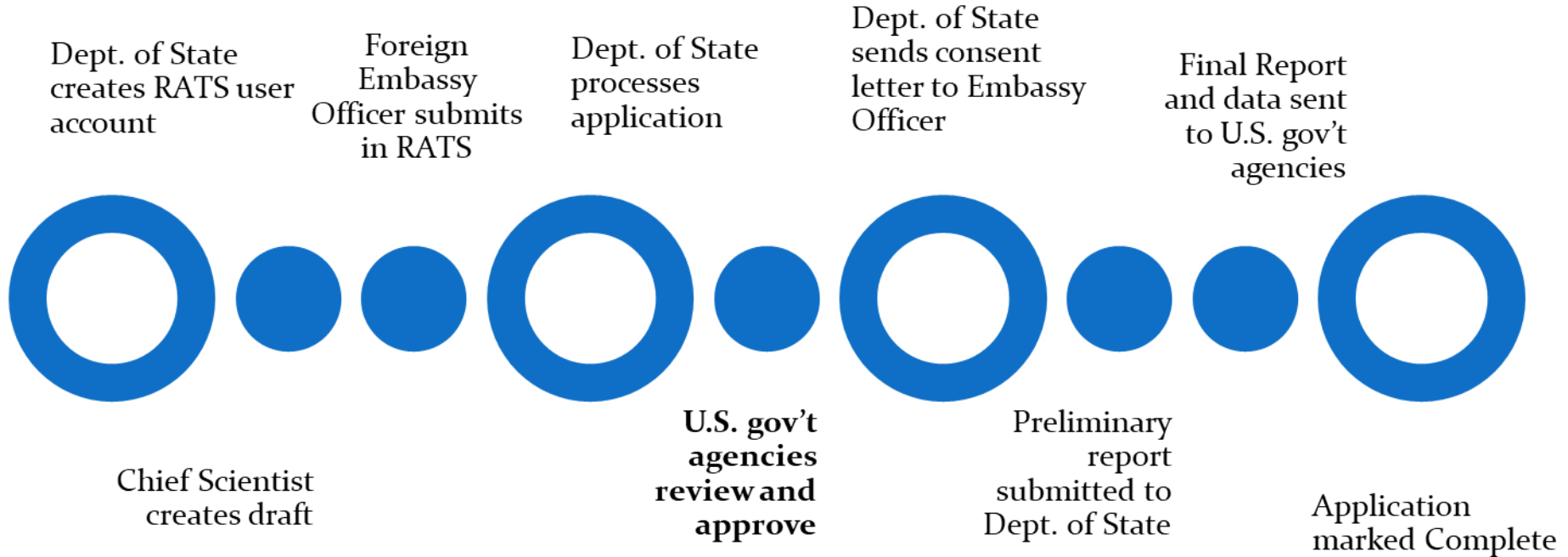


Foreign Scientists in Waters Under U.S. Jurisdiction

- 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.
- Engage with local Native and tribal communities.
- Include science and crew particulars: Name, DOB, CVs (science party), contact information, passport / crew seaman's book.



U.S. Review of MSR Requests





U.S. Interagency Review Process





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/>

RATS Portal Training Slides



Oceans and International Environmental and Scientific Affairs

U.S. DEPARTMENT of STATE

Thank you!



MarineScience@state.gov

