



Update on Marine Scientific Research (MSR) Diplomatic Consent



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

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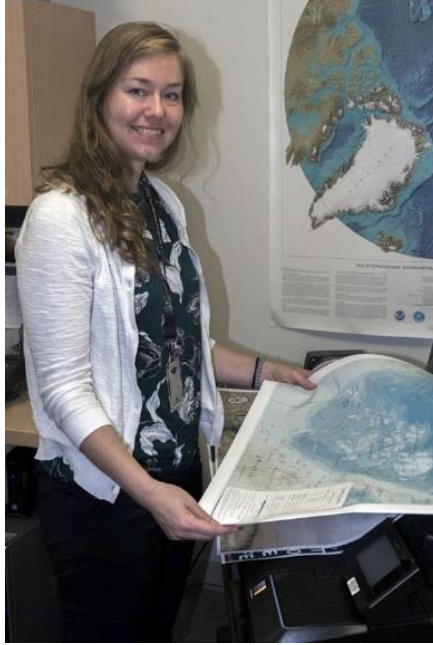




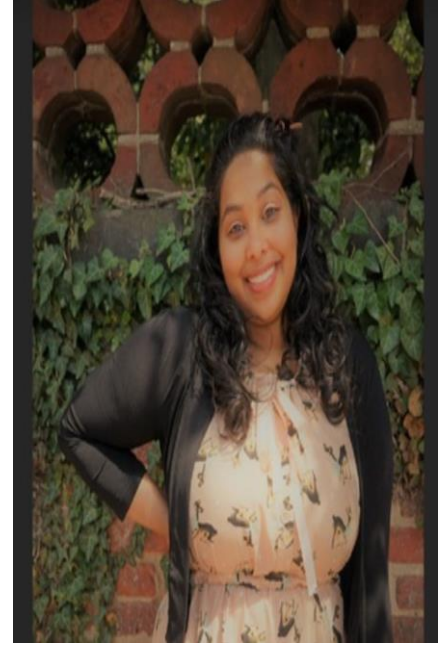
Your DoS MSR Team



Liz Buendia



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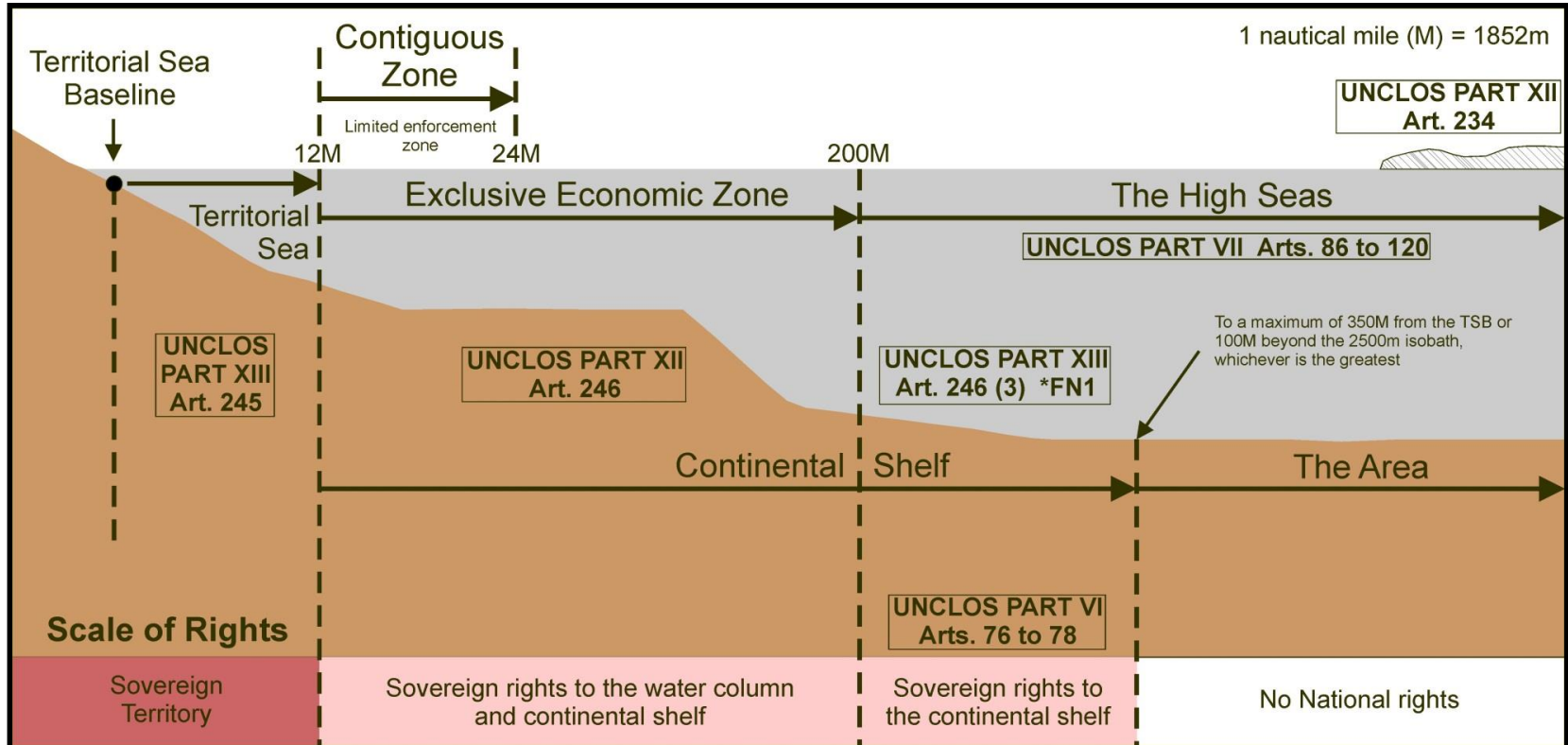
MSR and UNCLOS



1982 United Nations Convention on the Law of the Sea

- 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

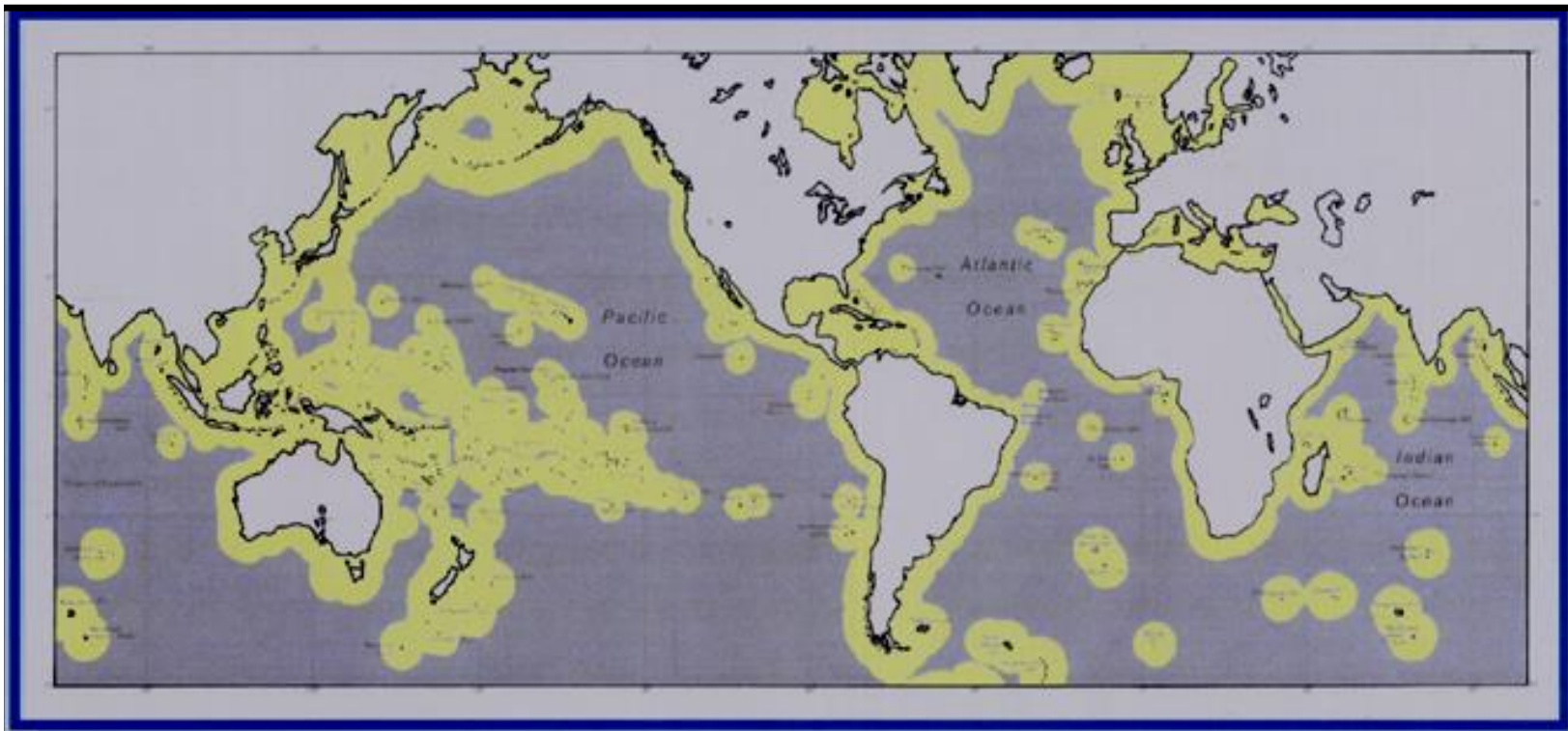
MSR and the LOSC: What Requires Consent?



*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.

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Lots of EEZs to consider
when conducting MSR



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Who Requests MSR Consent?

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





Foreign Scientists in Waters Under U.S. Jurisdiction

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

- 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.

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



Foreign Scientists in Waters Under U.S. Jurisdiction

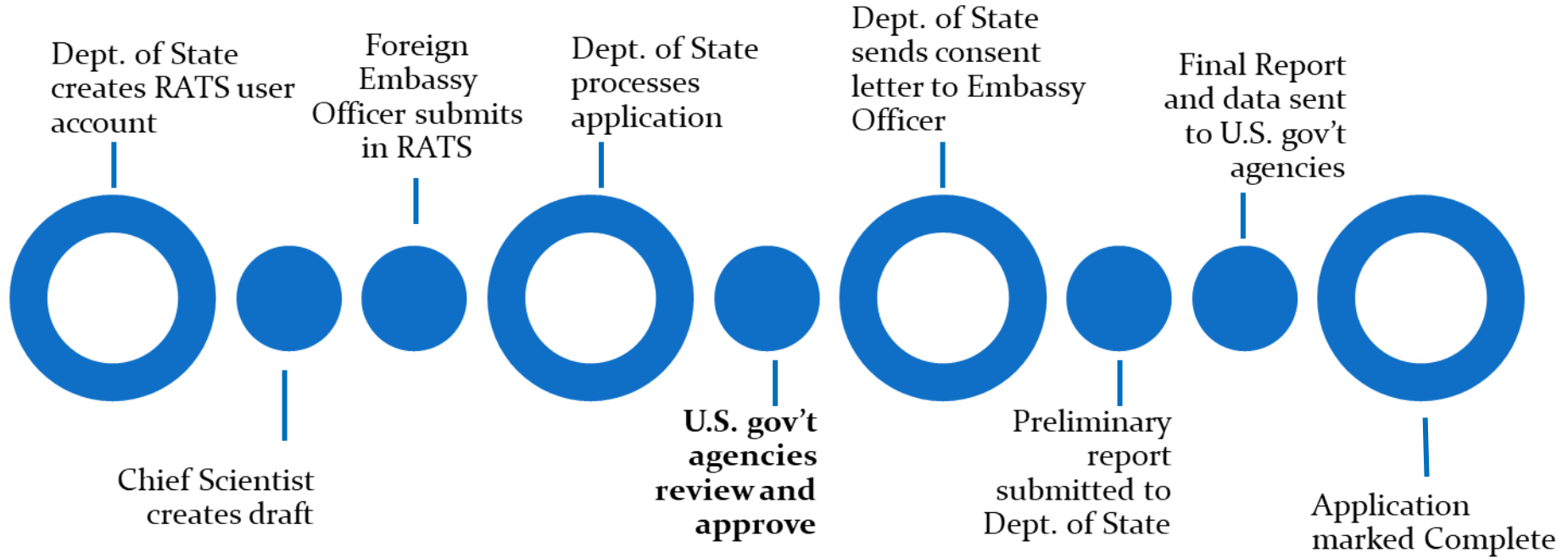
U.S. DEPARTMENT of STATE
Oceans and International Environmental and Scientific Affairs

- 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



U.S. DEPARTMENT OF STATE, OFFICE OF THE SECRETARY OF DEFENSE, OFFICE OF THE SECRETARY OF ENERGY, OFFICE OF THE SECRETARY OF THE ARMY, OFFICE OF THE SECRETARY OF THE NAVY, OFFICE OF THE SECRETARY OF THE AIR FORCE, OFFICE OF THE SECRETARY OF THE SPACE FORCE, OFFICE OF THE SECRETARY OF THE MARINE CORPS, OFFICE OF THE SECRETARY OF THE COAST GUARD, OFFICE OF THE SECRETARY OF THE NATIONAL GUARD, OFFICE OF THE SECRETARY OF THE NATIONAL RESERVE, OFFICE OF THE SECRETARY OF THE NATIONAL DEFENSE UNIVERSITY, OFFICE OF THE SECRETARY OF THE NATIONAL DEFENSE SCIENCE AND TECHNOLOGY, OFFICE OF THE SECRETARY OF THE NATIONAL DEFENSE INTELLIGENCE AGENCY, OFFICE OF THE SECRETARY OF THE NATIONAL DEFENSE UNIVERSITY, OFFICE OF THE SECRETARY OF THE NATIONAL DEFENSE SCIENCE AND TECHNOLOGY, OFFICE OF THE SECRETARY OF THE NATIONAL DEFENSE INTELLIGENCE AGENCY

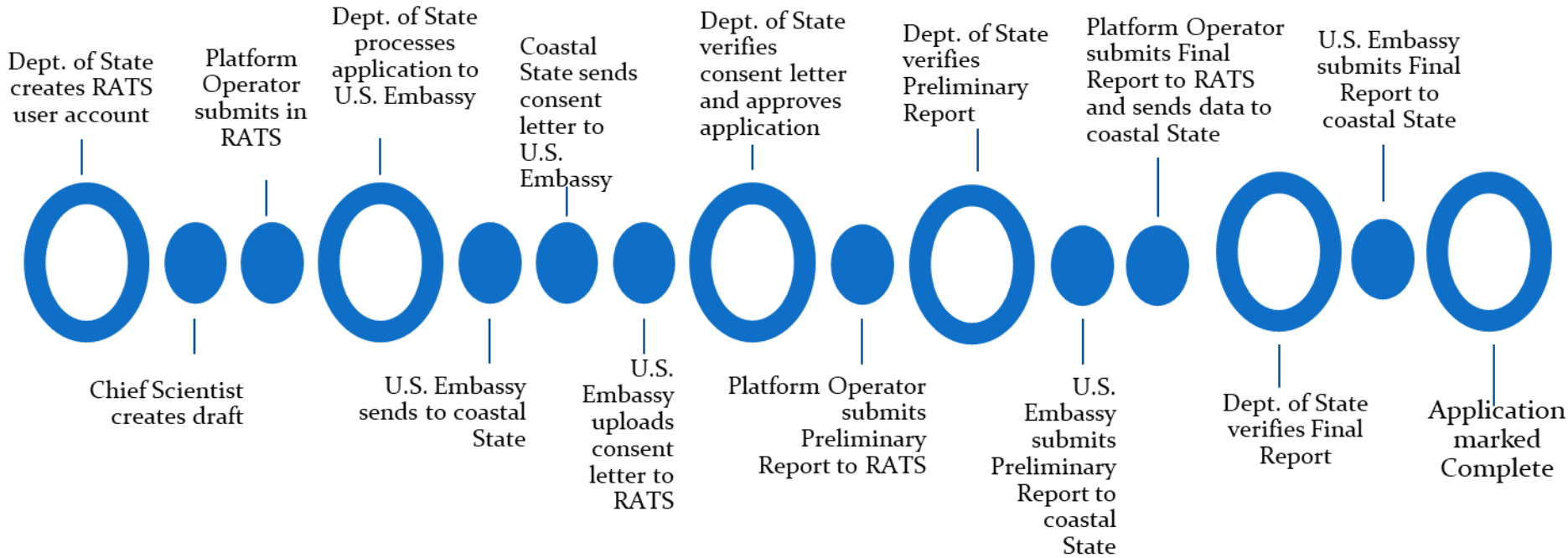
UNCLASSIFIED



U.S. Scientists in Waters Under Foreign Jurisdiction

- Submit to OPA **6.5 months** in advance whenever possible
- Include a **cruise track** without maritime boundaries
- 216 Applications were processed so far this year.
- 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



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

Research Application Tracking System (RATS) Portal:

<https://ratsportal.state.gov/>

- 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.



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, which can present challenges



More Trends...



- Increase in request for environmental assessments
- Challenges with observer/participant Covid quarantine requirements
- Timing of forms and documents for additional observers
- Data and Reporting
 - Missing Reports can result in future denials or delayed consent
 - Recent increase in number of coastal States getting firm on reporting requirements
 - NZ, Mexico, France, Costa Rica, UK, Chile, United States, Canada
- The timing of requirement changes can be a challenge



Outstanding Reports



- State has ramped up efforts to improve reporting of foreign scientists who have conducted MSR in U.S. waters and U.S. scientists who have conducted MSR in foreign waters.
- In total, we estimate over 143 prelim/final reports outstanding for all scientists 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

DRAFT STANDARD FORM C

MISSING

PRELIMINARY CRUISE REPORT

Cruise name/number:		
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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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MISSING



Additional Challenges



- Optics (type of ship, nature of research)
 - AUVs/drifters/gliders/Saildrones
 - Non-MSR vessels collecting MSR (*e.g.*, cruise ships)
- Not MSR?
 - U.S.: Routine ocean observation, military survey, port calls, equipment testing
- Maritime Boundary Disputes
- Extreme or Unforeseen Events
 - Hurricanes, COVID



★★★ Examples of Coastal State Requirements



Please check the State Department [Marine Science Guidance Page](#) for full list.

- **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 shipping agents in Ecuador.

★★★ Examples of Coastal State Requirements



- **France**
 - If non-U.S. Flag vessel, please provide proof of liability insurance.
 - Very strict on 6.5-month processing deadline.
- **Mauritius** – has a 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 Peruvian 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.

★ ★ ★ MSR Success Stories



- **Science RoCS** – WHOI received a year long 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

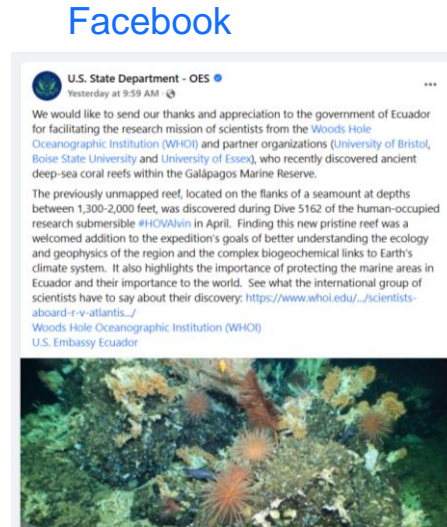




MSR Social Media Initiative



- OES would like to thank embassies and MFA's involved with the consent and permitting of MSR in partner coastal States.
- Please send your embassy and MFA social media handles for Facebook, Twitter and Instagram to MarineScience@state.gov.
- We will clear all posts with you and tag your embassy and MFA's to give proper recognition after the MSR cruises are complete.





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

Facebook: @ScienceDiplomacyUSA

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

Instagram: @ScienceDiplomacy_USA



X: @SciDiplomacyUSA