

Marine Research Infrastructures Workshop

Cruise Planning Part 2 – Diplomatic Clearance, permits

Bernadette Ní Chonghaile
Marine Institute



This project has received funding from the EU H2020 research and innovation programme under Grant Agreement No 824077





TOPICS

- Why is Diplomatic Clearance Required?
- UNCLOS
- The Maritime Zones
- Diplomatic Clearance Application Process
- Other Permits
- Observers
- Application Forms
- Questions?



DIPLOMATIC CLEARANCE / PERMITS

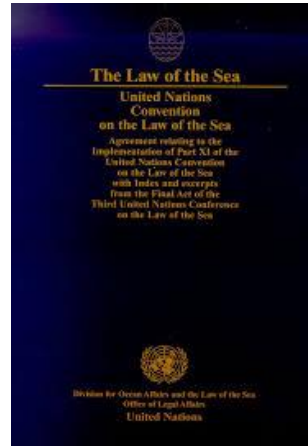
DO YOU
HAVE
PERMISSION?



- Prior consent of the coastal State is required for any research activity in their EEZ (Exclusive Economic Zone) or Continental Shelf.
- The consent is known as Diplomatic or MSR (Marine Scientific Research) Clearance
- The consent is applied for and granted via diplomatic channels (Department of Foreign Affairs/Foreign Embassies).
- Other marine areas in the jurisdiction may require additional permits (Special Areas of Conservation)
- The Research Vessel Operator and Principle Investigator are responsible for applying for consent



UNCLOS – UNITED NATIONS CONVENTION ON THE LAW OF THE SEA



- An international agreement that establishes a legal framework for all marine and maritime activities including Scientific Research
- Signed on 10 December in 1982
- Entered into force on 16th November 1994
- 167 parties & EU have currently signed
- Contains 320 articles and nine annexes





WHY?

- Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole
- Deep sea seen as future of scientific discoveries and resources
- Advances in science & technology, shipping, scientific instrumentations (Factory Ships, oil tankers)
- Developments in exploitation of natural resources – Oil, Gas, Wave & Wind energy
- Need to protect all coastal states' resources



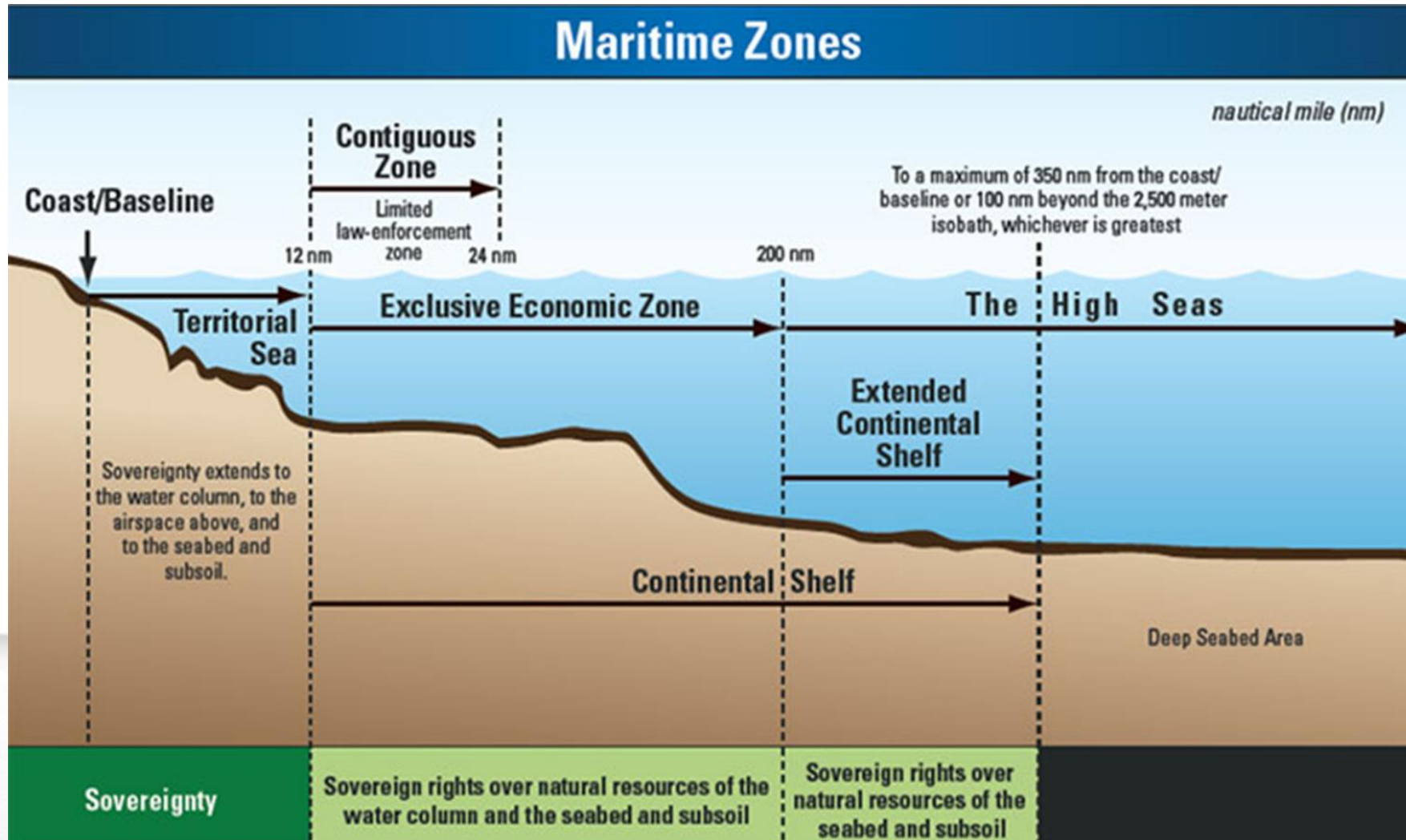


MAIN PROVISIONS OF UNCLOS

1. Limits of MARITIME Zones and a coastal state's jurisdiction over each zone
2. Rights of Passage and Navigation
3. Peace and Security of oceans and seas
4. Conservation and management of marine living resources
5. Protection and preservation of the marine environment
6. Marine Scientific Research
7. Dispute settlement procedures



MARITIME ZONES



High Seas Art. 87 UNCLOS	Exclusive Economic Zone Arts. 56 and 58 UNCLOS
Navigation	Navigation
Overflight	Overflight
Lay submarine cables and pipelines	Lay submarine cables and pipelines
Construct artificial islands	/
Fishing	/
Scientific research	/

<https://oceanexplorer.noaa.gov/oceanos/explorations/ex1810/ecs/welcome.html>



MARITIME ZONES

Territorial Sea (12 nms): Coastal state has full sovereignty/authority over the area including its resources and MSR. Others have right of innocent passage

Contiguous Zone (24 nms) Coastal State has control over customs, immigration, sanitary laws, trafficking of archaeological/historical objects

Exclusive Economic Zone: (200 nms) Coastal State has sovereign rights of exploring, exploiting, conserving and managing natural living or non-living resources, including production of energy from the water - wind/wave energy. State also has jurisdiction over marine scientific research and protection and preservation of the marine environment. Consent must be applied for

Continental Shelf: under the Convention a coastal State exercises sovereign rights over its continental shelf for the purpose of exploring and exploiting its mineral and other non-living resources, in regards to drilling, cables, pipelines, marine scientific research, reduction and control of pollution of the marine environment.

High Seas: All parts of the sea that are not included in the exclusive economic zone, the territorial sea or the internal waters of a State, are known as the high seas. All states have freedom of navigation, overflight, MSR but must be exercised with due regard to the protection & preservation of the marine environment.



WWW.MARINEREGIONS.ORG



Marineregions.org

towards a standard for georeferenced marine names

[About](#) [Gazetteer](#) [Maritime Boundaries](#) [Sources](#) [Statistics](#) [Downloads](#)

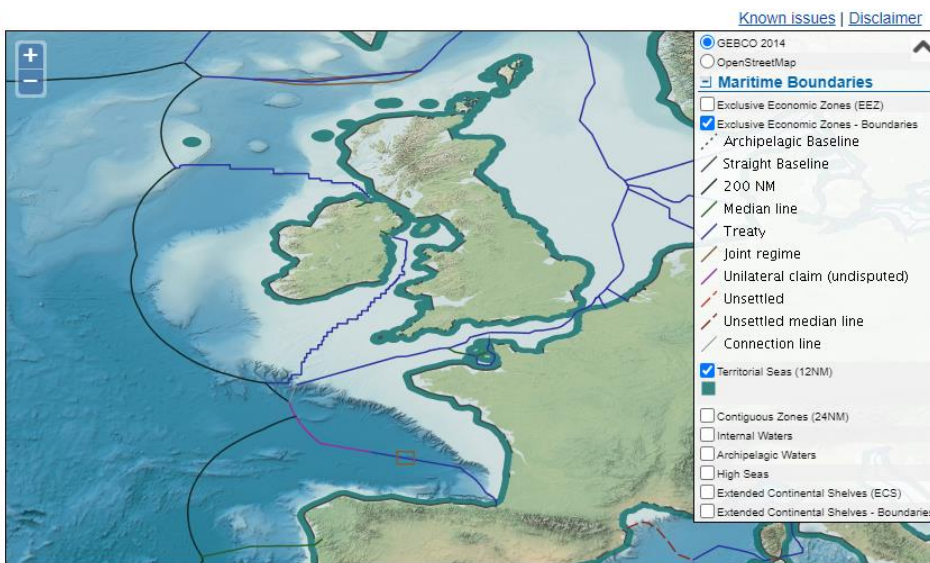
Search

Map interface

Methodology

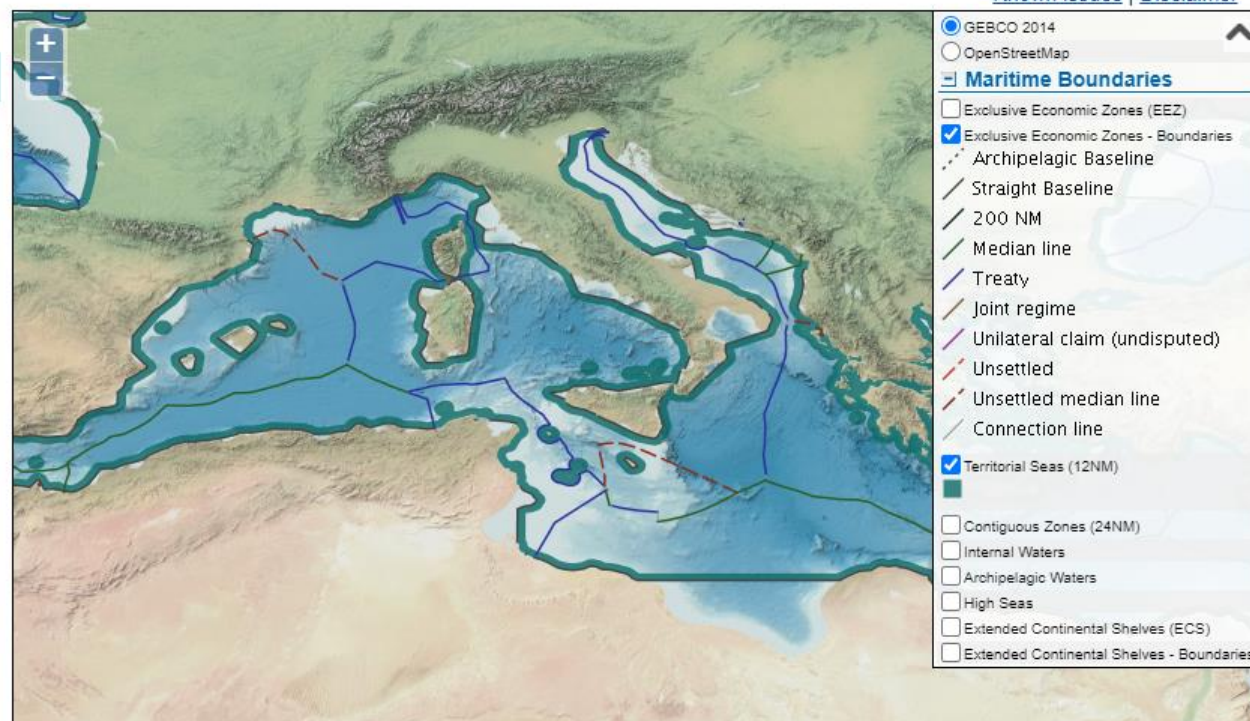
Attribute table

About



Lat: 52.91 Lon: -18.02

[Known issues](#) | [Disclaimer](#)



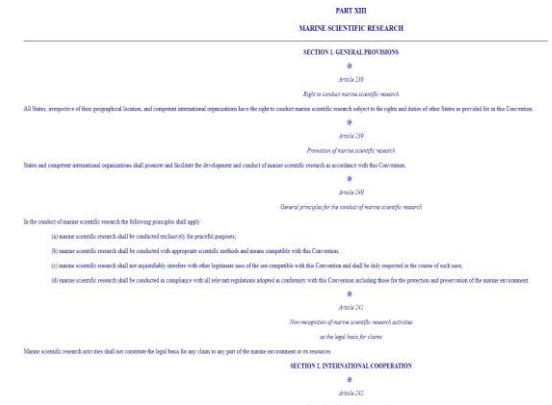
Lat: 31.22 Lon: 15.38

[Known issues](#) | [Disclaimer](#)



UNCLOS RECOMMENDATIONS REGARDING MSR

Section xiii



- All States, irrespective of their geographical location, and competent international organizations have **the right** to conduct **marine scientific research**
- States and competent international organizations shall **promote** and **facilitate** the development and conduct of marine scientific research in accordance with this Convention
- Marine scientific research activities shall not constitute the legal basis for any claim to any part of the marine environment or its resources.

*Article 246**Marine scientific research in the exclusive economic zone**and on the continental shelf*

**Abstract from
UNCLOS Section
xiii**

1. Coastal States, in the exercise of their jurisdiction, have the right to regulate, authorize and conduct marine scientific research in their exclusive economic zone and on their continental shelf in accordance with the relevant provisions of this Convention.
2. Marine scientific research in the exclusive economic zone and on the continental shelf shall be conducted with the consent of the coastal State.
3. Coastal States shall, in normal circumstances, grant their consent for marine scientific research projects by other States or competent international organizations in their exclusive economic zone or on their continental shelf to be carried out in accordance with this Convention exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind. To this end, coastal States shall establish rules and procedures ensuring that such consent will not be delayed or denied unreasonably.
4. For the purposes of applying paragraph 3, normal circumstances may exist in spite of the absence of diplomatic relations between the coastal State and the researching State.
5. Coastal States may however in their discretion withhold their consent to the conduct of a marine scientific research project of another State or competent international organization in the exclusive economic zone or on the continental shelf of the coastal State if that project:
 - (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.
6. Notwithstanding the provisions of paragraph 5, coastal States may not exercise their discretion to withhold consent under subparagraph (a) of that paragraph in respect of marine scientific research projects to be undertaken in accordance with the provisions of this Part on the continental shelf, beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, outside those specific areas which coastal States may at any time publicly designate as areas in which exploitation or detailed exploratory operations focused on those areas are occurring or will occur within a reasonable period of time. Coastal States shall give reasonable notice of the designation of such areas, as well as any modifications thereto, but shall not be obliged to give details of the operations therein.
7. The provisions of paragraph 6 are without prejudice to the rights of coastal States over the continental shelf as established in article 77.
8. Marine scientific research activities referred to in this article shall not unjustifiably interfere with activities undertaken by coastal States in the exercise of their sovereign rights and jurisdiction provided for in this Convention.

**Reasons for
Withholding Consent**



APPLYING FOR DIPLOMATIC/MSR - UNCLOS RECOMMENDATIONS

- Standard 6 months' notice is required
- Applicants must provide detailed information to the coastal State regarding their research project
- Coastal state has a right to be represented in the marine scientific research project i.e. place an observer on board the research vessel.
- Provide the coastal State, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- Provide access to all data and samples
- Provide, if requested the coastal State with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
- Ensure, research results are made internationally available
- Inform the coastal State immediately of any major change in the research programme;
- Unless otherwise agreed, remove the scientific research installations or equipment once the research is completed
- The Convention states that, under normal circumstances, consent for research should be granted, and not unreasonably delayed or denied.



IMPLIED CONSENT

- If, after six months from the date which the information (application form) was provided, unless within 4 months of the receipt of the communication the Coastal state has not responded either to confirm consent is not granted or seeking further information or cruise reports from previous projects are outstanding then Consent is implied.



THE APPLICATION PROCESS

[View Map Of Irish Waters And Borders](#)

Is Diplomatic Clearance Required? ☒ Yes ☐ No

[Download Diplomatic Clearance Application Form](#)

Diplomatic Clearance Forms

No file chosen

[Observe the 16MB limit. Hover over blue icon above for more info.]

[IBWSS_2022_Danish Waters_\(Faroe Islands_.\).doc](#)

[Dip_Clear UK waters _Blue Whiting_.docx](#)

Diplomatic Clearance Applied For?

☒ Yes ☐ No

Application Date

Diplomatic Clearance Received?

☒ Yes ☐ No

Received Date

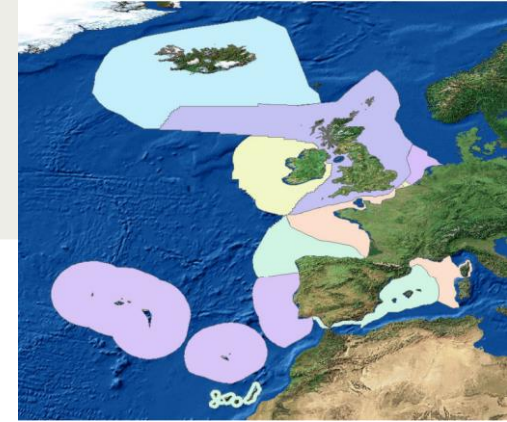
Diplomatic Clearance Documents

No file chosen

[Observe the 16MB limit. Hover over blue icon above for more info.]

[CE22006- IBWSS,Faroese 23rd March_ 12th April 2022.pdf](#)

[CE22006 NV 11-2022 Celtic Explorer IBWSS.UK.pdf](#)



A cruise is identified as requiring Diplomatic Clearance at proposal stage

Diplomatic Clearance Application Form is completed by the RV Operator and the PI

RV Operator sends application form to the Foreign Affairs Department/ Ministry and they then send to the relevant embassy

A response should be received within 4 months either requesting additional information, clarification or to either grant or deny permission

Clearance is issued through diplomatic channels and usually stipulate a number of conditions.





INCOMING DIPLOMATIC CLEARANCE APPLICATION FORMS

Information for Foreign Research Vessels in Irish Waters

The Irish Authorities require foreign states to apply for consent to conduct marine scientific research activities in waters under Irish jurisdiction. These waters include the Territorial Sea, the 200-mile Exclusive Fishery Zone and the Continental Shelf.

Applications should be received in Ireland, having passed through appropriate diplomatic channels, at least 6 months in advance of the commencement of the proposed research activity in Irish waters. The application form at the following link should be used when applying: [Application Form to Conduct Marine Scientific Research](#).



- Application forms are received by the Dept./Ministry of Foreign Affairs (DFA) from the relevant embassy (6 months before start date)
- Applications are circulated to other relevant government departments; Marine, Communications, Environment, Energy
- Relevant departments review and convey any concerns/issues/queries to the DFA who relay them to applicant
- Clearance is generally issued with some conditions



OBSERVERS PARTICIPATION - ADVANTAGES

Strengthens co-
operation and
coordination of MSR

Transfer of
technology, Training
and upskilling

Strengthens
diplomatic relations

Promotes
multidisciplinary
research

Establishes better
links between
marine scientists &
policymakers

Opportunity for
developing states to
learn from states
with established
MSR programmes

Application to Undertake Research in Foreign Waters



If it is intended to conduct all or part of a survey in foreign waters, then an 'Application to Conduct Scientific Research in Foreign Waters' for the country in question must be completed and sent to Research Vessel Operations for processing.

The application form must be submitted through diplomatic channels via the Irish Department of Foreign Affairs. **Seven months notice** is required. Blank application forms for the UK and France are available to download below and application forms for other countries are available from Research Vessel Operations.

Celtic Explorer Application form to conduct research in UK Waters (Word, 177kb)

Tom Crean Application form to conduct research in UK Waters (Word, 177kb)

Celtic Explorer Application form to conduct research in French waters (Word, 53kb)

Tom Crean Application Form to Conduct Research in French Waters (Word 46kb)



FOREIGN VESSEL OBSERVER SCHEME – MARINE INSTITUTE



Marine Scientists or Graduates can apply

Travel and Subsistence costs & financial support provided

Observers actively participate in the cruise & submit a summary cruise report afterwards

Benefits of Participation:

- Seagoing experience beneficial for the prospective marine scientist/graduate
- Researchers can access areas and obtain samples in areas that they may not have the opportunity to otherwise
- Can lead to co-operative projects
- Transfer of new technologies & skills

Observer Requirements:

- Prior Seagoing Experience
- Irish Citizens
- Hold Valid ENG 11 and Sea Survival Certs
- Background and/or active involvement in Marine Research



OTHER PERMITS

- Wildlife licences or mitigation measures may be required for activities, which could harm or disturb a protected species and other marine licenses may apply (e.g. Special Areas of Conservation (SACs))
- Guidelines must be adhered to and particular activities are not permitted at all (e.g. seismic activity near marine mammals, benthic sampling/trawling at coral reefs)
- Any activity that impacts the seabed or is within the territorial zone may require special licensing
- It is the applicant's responsibility to adhere to all applicable marine environment protection laws and obtain any necessary permits.



ANY QUESTIONS?