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First North America No. 2023

May 28, 2009

#### NOTE VERBALE

The Ministry of Foreign Affairs (MOFA) presents its compliments to the Embassy of the United States of America in Japan and has the honor to inform the Embassy that the Ministry has given consent to conduct marine scientific research within the Exclusive Economic Zone (EEZ) of Japan by the marine research vessel of the United States of America, R/V MELVILLE, as requested in the Embassy's Diplomatic Note No. 99 dated February 12, 2009. Please note these conditions attached to the clearance.

- 1) In regard to the marine scientific research (research period from August 1 to September 16, 2009) by the vessel noted above, the application was submitted on February 12, 2009, which did not observe the six-month notice rule that Japan requires of other countries in accordance with the United Nations Convention on the Law of the Sea (UNCLOS). For this reason, in future cases when marine scientific research is conducted within Japan's EEZ, please provide a diplomatic note requesting consent as well as a research plan at least six months prior to the scheduled starting date of the research.
- 2) Before starting the research, notify MOFA of the research buoys' deployment positions and depths from the water surface.
- 3) If fishing is being conducted in the vicinity of R/V Melville, do not disturb fishing operations including damaging fishing equipment.
- 4) Notify MOFA immediately if an observation device is missing.
- 5) Because the observation devices could drift, reach the coast and be recovered, notify MOFA in advance as to who will recover them. If you are asked to recover a missing device, please ensure it is recovered.
- 6) In order to ensure communications in the event of an emergency during the research activities, make sure to provide the Operation Direction Center, Administration

Division, Guard and Rescue Department of the Japan Coast Guard with the following information via fax (+81-3-3581-2853):

- a) The starting and ending dates and time, and subsequent plans of research by the vessel.
- b) The position of the vessel once each day (for example, 1200JST).
- 7) Submit reports on the research to MOFA after the research.
- 8) It is highly likely that seabed cables are deployed in the research area and its vicinity. Therefore, if your devices touch the sea bottom, ensure the devices remain more than triple the cable's depth away from the cable's position in order to avoid damaging the cables, following the International Cable Protection Committee's (ICPC) recommendation.
- 9) In the future, if MOFA makes additional requests with regard to cable route and other information and individual research conditions, please comply with the requests.
- 10) In conducting research near the coasts in Okinawa Prefecture, please ensure the safety of residents, and do not to disturb fishing boats' operations, fishing equipment and floating fishing reefs (latitude  $24^{\circ} 25.0'$  north and longitude  $122^{\circ} 51.8'$  east).

End Text.