

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS
MANILA

No. 10-1736

JUL 02 2010

The Department of Foreign Affairs of the Republic of the Philippines presents its compliments to the Embassy of the United States of America, and has the honor to refer to the Embassy's Note No. 0190 dated 29 January 2010, requesting reconsideration of the decision regarding the conduct of the marine scientific research (MSR) project *PhilSea10 (Deployment of J-15-2 Sources)* within the maritime jurisdictions of the Philippines from 01 through 19 July 2010.

The Government of the Republic of the Philippines grants consent to the MSR project in accordance with Article 246 of the 1982 UN Convention on the Law of the Sea (UNCLOS) and subject to strict adherence to the terms and conditions set forth in the attached *Grant of Consent*.

The Department of Foreign Affairs of the Republic of the Philippines avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Pasay City, 29 June 2010



**CONSENT TO CONDUCT MARINE SCIENTIFIC RESEARCH IN AREAS
UNDER THE NATIONAL JURISDICTION OF THE
REPUBLIC OF THE PHILIPPINES**

Cruise Name and Number: **PhilSea10**
(Deployment of J-15-2 Sources)

1. Consent is hereby granted to the marine scientific research (MSR) project **PhilSea10 (Deployment of J-15-2 Sources)** to be conducted by the **Office of Naval Research** aboard **R/V ROGER REVELLE** within the maritime jurisdictions of the Republic of the Philippines from 01 to 19 July 2010.
2. **R/V ROGER REVELLE** does not enjoy sovereign immunity status. All personnel involved in the MSR project are not covered by, or otherwise enjoy, the privileges and immunities provided for under the 1998 Republic of the Philippines – United States of America Visiting Forces Agreement.
3. The MSR project shall be conducted strictly in accordance with the information submitted by the Embassy of the United States of America through Note No. 0039 dated 07 January 2010 (**ANNEX A**) and as clarified through Note No. 0190 dated 29 January 2010 (**ANNEX B**).
4. The MSR project shall be undertaken subject to strict adherence and compliance to the following conditions:
 - 4.1 The MSR project shall be subject to applicable laws, rules, regulations, and requirements of concerned agencies and instrumentalities of the Government of the Republic of the Philippines, including but not limited to: Provisions of the Philippine Merchant Marine Rules and Regulations (PMMRR), PD 984-Pollution Control Law, PD 1152-Philippine Environmental Code, Philippine Coast Guard Memorandum Circular 02-77: Rules and Regulations for Prevention, Containment, Abatement and Control of Marine Pollution of the Sea by Oil; Provisions of PD 1866 pertaining to illegal/unlawful transportation, possession and disposition of firearms, ammunition and explosives; RA 6969 regarding the control of toxic substances and wastes;
 - 4.2 The Office of Naval Research shall guarantee the right of designated scientists and official representatives from the Philippines to participate in all aspects of the MSR project:

The said personnel shall be allowed to actively participate in the conduct of the MSR project and shall be given unrestricted access to all areas in the vessel as well as the use of available equipment, as necessary.

The Office of Naval Research shall designate the most convenient embarkation and disembarkation points for the above personnel. Their participation shall not oblige the Government of the Republic of the Philippines to contribute to the costs of the subject MSR project;

- 4.3 The research vessel, vehicles, platforms, devices and installations used in the conduct of the MSR project shall be subject to the close monitoring by the Philippine Navy (PN) and/or Philippine Coast Guard (PCG) upon entry into the Exclusive Economic Zone (EEZ) of the Republic of the Philippines.

The master of the vessel shall notify the PN and PCG of the vessel's location prior to entering the EEZ and is required to regularly provide Periodic Position Reports (POSREP) and Situation Reports (SITREP) as the MSR project progresses until the vessel's actual departure from the EEZ of the Philippines. Contact details are as follows:

- Naval Operations Center
Philippine Navy
Telefax: +632 525-4987
- Philippine Coast Guard Action Center
Telefax: +632 527-3877
cgac@coastguard.gov.ph

- 4.4 The master of the vessel shall provide the Philippine Atmospheric, Geophysical and Astronomical Services Administration of the Department of Science and Technology (PAGASA-DOST) real-time observations of mean sea level pressure, wind direction and speed, rainfall, air temperature, humidity, significant wave height, sea, and swell at standard hours 0000, 0600, 1200 and 1800 UTC upon entry and stay within the EEZ of the Philippines. Data and information shall be transmitted to the Weather Forecasting Manila Office of PAGASA-DOST at any of the following:

- +632 9264258; +632 9272877
- +632 9271541; +632 9204070
- +632 9271335; +632 9263167
- +632 9282031; +632 9263151

- +632 4342618
 - fredolina_baldonado@yahoo.com
 - r_sawi@hotmail.com
 - Radio frequency: 7995.5 SSB
- 4.5 Appropriate navigation warning devices that comply with international navigational safety standards shall be installed on all deployed scientific instruments to warn transiting vessels in the area;
- 4.6 No hydrographic survey or mapping activities shall be undertaken within Philippine maritime jurisdictions.
- 4.7 Drilling, the use of explosives or the introduction of harmful substances into the marine environment is prohibited;
- 4.8 Exploitation, production, culture or gathering of fish, fingerling or any species of fish or fishery/aquatic products or processing of the same or engaging in any fishery activity within Philippine maritime jurisdictions is prohibited;
- 4.9 The Chief scientist of the MSR project shall submit through diplomatic channels to the Ocean Concerns Office of the Department of Foreign Affairs (DFA-OCO) within thirty (30) days after the conclusion of the cruise the following:
- 4.9.1 Two (2) copies of the **report on the preliminary results** of the MSR project;
 - 4.9.2 The vessel's cruise track, survey tracks and samples sites chart;
 - 4.9.3 A list of all scientific personnel and vessel crew involved in the particular cruise, with their respective positions and affiliations; and
 - 4.9.4 All data gathered in appropriate format;
- 4.10 Two (2) copies of a **report on the final results** of the MSR project and two (2) copies of all other publications arising out of the MSR project shall be submitted through diplomatic channels to DFA-OCO within twelve (12) months after the conclusion of the MSR project;
- 4.11 The Republic of the Philippines shall be furnished with, and provided unrestricted access to all original data derived from the MSR project as well as copies of data and/or samples which may be divided without detriment to their scientific value.

All data derived from the MSR project shall be provided in appropriate format to the designated representatives upon request.

Assistance in the assessment and/or interpretation of such data, samples and research results shall be provided by the Office of Naval Research upon request;

- 4.12 Unless otherwise agreed, all installations, equipment and devices used in the course of the MSR project shall be removed once the MSR project is completed; and,
- 4.13 The Office of Naval Research shall make the MSR results internationally available through appropriate channels as soon as practicable.
5. DFA-OCO shall be notified of any changes in the MSR project prior to the entry into the EEZ of the Philippines. Failure to notify DFA-OCO of such changes shall be cause for the immediate suspension of the MSR project, except in case of *force majeure* occurring while the MSR project is in progress.
6. The Republic of the Philippines reserves the right to order the suspension or cessation of the MSR project. Upon notification of the decision to order suspension or cessation, all research activities subject of such notification shall be terminated.
7. Evidence of this consent shall be kept on-board the research vessel.

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2330 Roxas Boulevard, Pasay City 1300
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Telefax: +632 831-4767


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Pasay City, 29 June 2010