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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS
MANILA

No. 09-2727

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 request for consent regarding the marine scientific research (MSR) project *Impacts of Typhoons on the Western Pacific Ocean (ITWP)* mooring operation to be conducted aboard R/V Roger Revelle within the maritime jurisdiction of the Republic of the Philippines from 19 September 2009 through November 2010

The Government of the Republic of the Philippines grants its consent to the conduct of the said MSR project in accordance with Article 246 of the UN Convention on the Law of the Sea (UNCLOS) and subject to the strict adherence and compliance 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, 16 September 2009



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

Cruise Name and Number: **Impacts of Typhoons on the Western Pacific Ocean (ITWP) mooring operation**

1. Consent is hereby granted to the marine scientific research (MSR) project **Impacts of Typhoons on the Western Pacific Ocean (ITWP) mooring operation** to be conducted by the U.S. Office of Naval Research aboard R/V ROGER REVELLE within the maritime jurisdiction of the Republic of the Philippines from 19 September 2009 through November 2010.
2. The MSR project shall be conducted strictly in accordance with the information submitted by the Embassy of the United States of America through Diplomatic Note No. 0354 dated 04 March 2009 (**Annex A**) as amended in the letter dated 26 August 2009 (**Annex B**).
3. The MSR project shall be undertaken subject to strict adherence and compliance to the following conditions:

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;

The U.S. Office of Naval Research shall guarantee the right of the following designated Philippines scientists and official representatives to participate in all aspects of the MSR project:

- 3.2.1 Representative(s)
Marine Science Institute
University of the Philippines
- 3.2.2 Representative
Mines and Geosciences Bureau
Department of Environment and Natural Resources
- 3.2.3 Representative/Oceanographer
Ocean Littoral Affairs Group
Naval Intelligence Service Force (OLAG-NISF)
Philippine Navy

The above 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 United States 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;

- 3.3 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:

The Office of the Assistant Chief of Naval Staff for Plans, N5
 Philippine Navy
 Tel: +632 525-4987
 Fax: +632 524-2061 loc. 6357

Philippine Coast Guard Action Center
 Tel: +632 527-2724
 Fax: +632 527-3878; 527-3873; 527-3877
 Mobile: +63 (917) 724-3682

- 3.4 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 JTC 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 9263 67
 - +632 9282031; +632 9263151
 - +632 4342618
- fredolina_baldonado@yahoo.com
r_sawi@hotmail.com
Radio frequency: 7995.5 SSB

Appropriate navigation warning devices that comply with International navigational safety standards shall be installed on the gliders/vehicles deployed to warn transiting vessels in the area;

No mapping survey activities shall be undertaken within Philippine maritime jurisdictions.

- 3.7 Drilling, the use of explosives or the introduction of harmful substances into the marine environment is prohibited;

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;

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 **each of the three (3) cruises of the MSR project** the following:

- 3.9.1 Two (2) copies of the report on the preliminary results of the MSR project;
- 3.9.2 The vessel's cruise track and samples sites chart;
- 3.9.3 A list of all scientific personnel and vessel crew involved in the particular cruise, with their respective positions and affiliations; and,
- 3.9.4 All data gathered in appropriate format;

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.

The Republic of the Philippines shall be 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 U.S. Office of Naval Research upon request;

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,

The U.S. Office of Naval Research shall make the MSR results internationally available through appropriate channels as soon as practicable.

4. 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.
5. 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.
6. Evidence of this consent shall be kept on-board the research vessel.

Ocean Concerns Office
Office of the Undersecretary for Special and Ocean Concerns
Department of Foreign Affairs
2330 Roxas Boulevard, Pasay City 1300
Republic of the Philippines
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Pasay City, 16 September 2009