

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS
MANILA

No. 10-0852

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 latter's Note No. 1447 dated 02 October 2009 and letter dated 30 March 2010 concerning the marine scientific research project *PhilSea 10* to be conducted aboard R/V Roger Revelle in areas under the jurisdiction of the Republic of the Philippines from April 2010 through May 2011.

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 1982 UN Convention on the Law of the Sea (UNCLOS) and subject to 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, 30 March 2010

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

Cruise Name and Number: **PhilSea 10**

1. Consent is hereby granted to the marine scientific research (MSR) project **PhilSea 10** to be conducted by the Scripps Institution of Oceanography of the University of California aboard **R/V Roger Revelle** within maritime areas under the jurisdiction of the Republic of the Philippines from April 2010 through May 2011.
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. 1447 dated 02 October 2009 (**Annex**).
3. The MSR project shall be undertaken subject to strict adherence and compliance to the following conditions:
 - 3.1 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;
 - 3.2 The Scripps Institution of Oceanography 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 One (1) representative
Mines and Geosciences Bureau
Department of Environment and Natural Resources
 - 3.2.2 Four (4) representatives
Ocean and Littoral Affairs Group
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 Scripps Institution of Oceanography 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;

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

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_sawl@hotmail.com
Radio frequency: 7995.5 SSB

- 3.5 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;

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

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;

3.9 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 **each of the two (2) cruises, i.e. mooring deployment and mooring recovery, 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;

3.10 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;

3.11 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 Scripps Institution of Oceanography 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 Scripps Institution of Oceanography 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, 30 March 2010