BILATERAL

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF INDIA CONCERNING DEFENSE COOPERATION

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The Government of the Republic of the Philippines and the Government of the Republic of India (hereinafter jointly referred to as the Parties and separately as a Party):

ACKNOWLEDGING the mutual benefits inherent in defense between the Parties;

RECOGNISING that the implementation of such cooperation shall be in accordance with the policies and priorities of the respective Parties, and in accordance with conditions as mutually determined from time to time between the Parties;

DESIRING to further strengthen the bilateral relations between the Government of the Republic of the Philippines and the Government of the Republic of India;

HAVE AGREED as follows:

ARTICLE 1

PURPOSE

The aim of this Agreement is to enhance defence cooperation through the exchange of experience and knowledge between the Parties.

ARTICLE 2

IMPLEMENTATION

The Parties entrust the implementation of this Agreement to their respective Department / Ministry of Defence.

ARTICLE 3

DEFENCE COOPERATION

In the field of defence cooperation, the Parties may:

a. exchange military training expertise and information;

b. exchange military instructors / observers;

c. exchange military personnel for purposes of attending military and educational courses or programmes;

d. exchange visits of military aircraft and military naval vessels, including Operational Turn Around facilities thereof;

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e. exchange information that is mutually beneficial; and

f. collaborate in other spheres of Defence Cooperation for purposes of mutual benefit.

ARTICLE 4

PROTECTION OF CLASSIFIED INFORMATION

Subject to their domestic laws, the Parties shall protect classified information exchanged between them pursuant to this Agreement by not disclosing any classified information other than to members of their own staff who have been cleared in the appropriate level by their respective Governments and to whom such disclosure is essential for the purposes of giving effect to this Agreement or to any other further agreements and only after having taken all reasonable precautions to ensure that such members of staff shall at all times maintain strict secrecy. The Parties shall not use any classified information obtained during any bilateral cooperation between them to the detriment or against the interests of the other Party.

ARTICLE 5

DEFENCE TECHNOLOGY COOPERATION

The Parties, in the field of defence technology cooperation, may:

a. facilitate contact between defense- related agencies in their respective countries;

b. encourage dialogue sessions between research institutes from their respective countries; and

c. work on such joint projects, as may be mutually agreed upon.

ARTICLE 6

OTHER ACTIVITIES

The Parties may cooperate in other defense-related activities not mentioned in Article 3 and 5, including:

a. reciprocal visits;

b. attendance in seminars, discussions and symposia; and

c. considering and undertaking any other activity which in their opinion would promote closer cooperation between the Ministry of Defence of India and the Department of National Defense of the Philippines.

ARTICLE 7

FINANCIAL ARRANGEMENT

The financial implications in respect of cooperation in terms of this Agreement shall be dealt on case-by-case basis, based on the principles of mutual reciprocation.

ARTICLE 8

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DISPUTES

Any disputes between the Parties arising from the interpretation or implementation of this Agreement shall be settled amicably through consultation and negotiation between the representatives of the respective Department / Ministry of Defence. It shall not be referred to any tribunal or third party.

ARTICLE 9

FUTURE AGREEMENTS

In regard to any particular matter covered by the provisions of this Agreement, the Parties may enter into such further agreements of general or a specific nature as would in their opinion promote the effective implementation of this Agreement.

ARTICLE 10

VALIDITY AND DURATION

This Agreement shall enter into force on the date of the later written notification by the Parties, through diplomatic channels, indicating that the domestic requirements for its entry into force have been complied with.

This Agreement shall remain in full force and effect unless one Party officially notifies the other Party, through diplomatic channels, of its desire to suspend or terminate this Agreement, In such a case, the Agreement shall remain valid until thirty (30) days after the date on which one Party receives an official notification from the other Party expressing the desire of the latter to suspend or terminate the Agreement.

Termination of this Agreement shall not be prejudicial to the implementation of the contracts and programmes already signed. Existing contracts and programmes shall be executed according to the principles previously established for each of them. Duties and obligations set forth in Article 4 shall be maintained in any case.

Any amendment or revision to the text of this Agreement shall be done by mutual consent of the Parties. This amendment or revision shall enter into force in accordance with the provision on entry into force of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed and sealed this Agreement in two originals in the English language.

DONE at Manila on the 4th day of February, in the year Two Thousand and Six.

FOR THE DEPARTMENT OF
NATIONAL DEFENSE OF THE
REPUBLIC OF PHILIPPINES

FOR THE MINISTRY OF
DEFENCE OF THE
REPUBLIC OF INDIA

(Sgd.) AVELINO J. CRUZ, JR.
Secretary of National Defense
(Sgd.) DR. RAGHUVANSH PRASAD SINGH
Minister for Rural Development

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