BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM RELATING TO THE JOINT OCEANOGRAPHIC...

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CONVINCED that the South China Sea (SCS) is an important area of marine biodiversity and that oceanographic and marine science research plays a critical role in ensuring sustainable development of marine resources in the SCS;

CONVINCED FURTHER that marine scientific research enhances the opportunities for cooperative endeavors as a confidence building measure for the peaceful resolution of the claims in the area;

DESIRING to cooperate in Joint Oceanographic and Marine Scientific Researches in the South China Sea (JOMSRE SCS) as a statement of goodwill and to further enhance the productive and beneficial relations of both countries;

CONCERNED with the sustainability of resources in the SCS;

COGNIZANT of the fact that they will mutually benefit from a collaborative arrangement in oceanographic and marine scientific research;

RECOGNIZING their respective capabilities in conducting oceanographic and marine scientific research in the SCS;

NOTING the Contracting Parties interest to conduct various joint oceanographic and marine researches and exchanges as an expression of their determination to cooperate in marine science;

NOTING FURTHER that the JOMSRE-SCS I successfully demonstrated the mutual benefits and positive developments for their cooperation in the region;

HAVE AGREED AS FOLLOWS:

ARTICLE I
GENERAL PROVISION

The Contracting, Parties, consistent with the existing laws, rules and regulations prevailing in their respective jurisdictions, shall undertake to implement the JOMSRE-SCS.II.

ARTICLE II
OBJECTIVES

1.To foster goodwill between the leaders of the two countries through enhanced cooperation in marine scientific research in the SCS;

2.To increase the knowledge about the natural processes of the marine environment and resources of the SCS, particularly the Spratlys area; and

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3.To consider the knowledge and learnings gained from the JOMSRE-SCS series for the better understanding and wise utilization of resources in the SCS.

ARTICLE III
IMPLEMENTING ARRANGEMENT

1. DURATION:

For the pre-cruise preparation: from the provisional entry into force of this MOU

until 23 May 2000

For the scientific cruise proper: 10 to 15 days from 24 May 2000

(On board the research vessel)

For the post-cruise activities: 10. months from the end of the scientific cruise proper

(including workshop)

2. CRUISE TRACK AND STATIONS:

The cruise track and stations will start in Nha Trang and will end in Manila, as specified on the attached map marked as Annex "A".

Data and samples will be obtained and observations made at 23 three-hour stations and 3 to 4 twenty-four hour stations.

3. TERMS AND CONDITIONS

A. Scientific components:

1.Physical Oceanography;

2.Chemical oceanography;

3.Biological oceanography;

4.Geological oceanography; and

5.Coral reef ecology.

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B. Contributions:

1.Scientific Personnel:

1.1. The Philippines and Vietnam will each have twelve to fifteen scientific personnel for the cruise. The scientific personnel shall have the expertise to undertake the required activities.

1.2. The Philippines and Vietnam shall designate their respective Chief Scientists for JOMSRE-SCS II and a Senior Scientist for each component.

1.3. The scientists from the Philippines are expected to arrive in Nha Trang, Vietnam not later than 23 May 2000. Upon arrival of the Filipino scientists and prior to the commencement of the cruise, all the participating scientists led by their respective Chief Scientists and the crew of the research vessel shall finalize the activities for JOMSRE-SCS II.

1.4. The Philippines shall assume the costs of the airline tickets to Nha Trang, allowances for food and lodging prior to the cruise, and per diems on board the research vessel of its participating scientists.

1.5. The Philippines shall facilitate the entry of the participating scientists from Vietnam including equipment and the research vessel and crew.

1.6. Vietnam shall likewise facilitate the entry and exit of the participating scientists from the Philippines.

1.7. Vietnam shall assume the costs of the per diems on board the research vessel and airline tickets (Vietnam to Manila) of its scientists.

2. Research Vessel

2.1. Vietnam shall provide the research vessel and crew, and the operating expenses for the vessel (e.g. diesel fuel, lubricating oil, water, etc.)

2.2. The Philippines shall assume the costs of harbor services when the research vessel enters the Philippines.

3. Equipment and Supplies

3.1 Vietnam shall provide the major equipment and supplies for the scientific cruise proper.

3.2. The Philippines shall provide additional equipment and supplies, as required.

3.3. Vietnam shall facilitate the entry into Vietnam of this additional equipment from the Philippines.

4.Insurance - The Contracting Parties shall provide insurance coverage for their respective personnel and equipment.

5.Data and sample analysis: The Contracting Parties shall assume their respective cost for the analysis of the data and samples gathered from the scientific cruise proper and related researches.

ARTICLE IV
EXPECTED OUTPUT

1.Report by the participating scientists submitted to their respective authorities; and

2.Final Technical Report including recommendations at the end of the 10-month period.

ARTICLE V
INFORMATION EXCHANGE

The Contracting Parties agree to equally share data, information and samples derived from JOMSRE-SCS. They shall ensure that the technical data, samples and information mutually provided, including the results of the research carried out under this Memorandum of Understanding, are not transferred or supplied to a Third-Party without prior written consent. Matters pertaining to intellectual property rights that may arise from an activity undertaken under this Memorandum shall be determined and agreed upon by the Contracting Parties, through diplomatic channels.

The publication of the results of the JOMSRE-SCS II shall only be undertaken with the consent of the Contracting States.

ARTICLE VI
DISPUTE SETTLEMENT

Any dispute arising out of the interpretation, application, or implementation of this Memorandum of Understanding shall be settled amicably by consultation or negotiation, through diplomatic channels, between the Contracting Parties.

ARTICLE VII
ENTRY INTO FORCE

This Memorandum of Understanding shall enter into force on the date of the latter written notification by the Contracting Parties, through diplomatic channels, indicating compliance with their respective internal requirements for its entry into force. The Contracting Parties agree to accord provisional effect to this Memorandum pending its formal entry into force.

The terms and conditions of the MOU are without prejudice to the eventual peaceful resolution of sovereignty in the SCS.

DONE in the city of Hanoi, Socialist Republic of Vietnam, on this 22th day of 2000 in two original texts, both in the English language.

FOR THE GOVERNMENT OF THE

FOR THE GOVERNMENT OF THE

REPUBLIC OF THE PHILIPPINES

SOCIALIST REPUBLIC OF VIETNAM

(Sgd.)

(Sgd.)

(SEE FIGURE IN ORIGINAL DOCUMENT)

ANNEX A
STATION COORDINATES

Station

Type

Depth

Coordinates

No.

[m]

E

ø N

1

H.S

196

109° 30,000

15°00.000

2

H.S

>200

110° 00.00

14°35.000

3

H.S

>200

110° 30.000

14°10.000

4

H.S

>200

111° 00.000

13°55.000

5

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H.S

>200

111°30.000

13°30.000

6

H.S

>200

112°00.000

13°09.000

7

H.S

>200

112°30.000

12°45.000

8

H.S

>200

113°00.000

12°25.000

9

H.S

>200

113°30.000

12°00.000

10

H.S

>200

114°00.000

11°35.000

11

H.S

>200

114°30.000

11°25.000

12

H.S & R.S

40

114°44,000

11°08.000

Menzies Reef

13

H.S & R.S

50

114°41,000

11°30,000

Trident Shoal

14

>200

115° 13.000

11° 29,000

15

>200

115° 42.000

11° 34,000

16

H.S & R.S

38

Nares Bank

116°18.000

11°38,000

17

H.S

>200

116°11.000

12°17.000

18

H.S

>200

116°08.000

12°58.000

19

H.S

>200

116°06.000

13°36.000

20

H.S

>200

116°02.000

14°17.000

21

H.S

>200

116°00.000

14°56.000

22

H.S

>200

116°58.000

15°02.000

23

H.S & R.S

42

117°50,000

15°10,000

Seaborough

Shoal

24

H.S

>200

118°11.000

1458.000

25

H.S

>200

119°08.000

1442.000

26

H.S

>200

120°00.000

1428.000

Note: H. S Hydrographic Sampling
R. S Reel: Survey

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