BILATERAL

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA ON COOPERATIVE ACTIVITIES IN THE FIELD OF DEFENSE AND SECURITY

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The Government of the Republic of the Philippines, and the Government of the Republic of Indonesia, hereinafter referred to as the Party or Parties:

Considering the friendly and cooperative relation existing between the two (2) countries and among countries in Southeast Asia, particularly ASEAN Member States;

Desiring to enhance or strengthen the existing bilateral relationship through defense and security cooperation between both countries;

Recognizing that the strengthening of cooperation will be beneficial to both national defense and security, particularly to both Armed Forces;

Willing to promote defense and security technical cooperation between the two (2) countries based on the principles of equality, mutual benefit, and full respect of sovereignty and territorial integrity;

Pursuant to the prevailing laws and regulation of the respective countries;

Hereby agree as follows:

ARTICLE I
PURPOSE

The purpose of this Agreement is to provide a framework in order to develop the bilateral relations between the defense agencies of the Parties and to promote cooperative activities in the field of defense and security.

ARTICLE II
SCOPE OF COOPERATION

Cooperation between both defense agencies may include the following forms:

1. Joint and combined training and exercises between the two (2) Armed Forces.

2. Activities for the purpose of the attainment of tranquility in the border areas between the two (2) countries.

3. Development of the human resources of the defense ministries and armed forces of the two (2) countries, including: education and training and other related activities, exchange of visits, attachments, and information sharing.

4. Development of the interoperability of the Parties' Armed Forces in operations and logistics.

5. Communication, electronic measures and countermeasures, and information technology.

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6. Defense technology, including research and development, production and modernization, transfer of technology, as well as the training of personnel to operate and maintain such equipment and technology.

7. Logistics support system, including maintenance and repair.

8. Other mutually agreed areas consistent with the purpose and intent of this Agreement.

ARTICLE Ill
IMPLEMENTING ARRANGEMENTS

1.

The Parties shall endeavor to take all necessary measures to encourage and to develop defense and security technical cooperation between the two (2) countries within the framework of this Agreement and in conformity with the respective national laws and regulation of the Parties.

2.

If required, the Parties shall conclude particular implementing arrangements pertaining to specific aspects of cooperation.

ARTICLE IV
JOINT COMMITTEE

1.

A Joint Defense and Security Cooperation Committee hereinafter referred to as the Joint Committee is hereby formed for the purpose of undertaking the tasks stated in Section 8 of this Article.

2.

The Joint Committee will be composed of at least five (5) official representatives from each Party. On the meeting, if required, each Party could invite not more than five (5) officials from other relevant department or agencies other than the permanent members of the Committee.

3.

The Joint Committee will be Co-Chaired by a designated Undersecretary of National Defense for the Republic of the Philippines and Director General of Defence Strategy of the Ministry of Defence of the Republic of Indonesia.

4. The Joint Committee may establish sub-committees to effectively address specific projects of mutual interest.

5. The Joint Committee will meet, in principle, once a year, alternately in the two (2) countries.

6. The date, site, and agenda will be agreed upon between the Co-Chairmen.

7. The Joint Committee will organize the ministerial meeting biannually, or as necessary.

8. The tasks of the Joint Committee are as follows:

a. To explore and identify potential areas of cooperation.

b. To identify items of common interest.

c. To initiate and recommend the cooperative activities.

d. To coordinate, monitor, and control the approved activities.

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e. To recommend implementing arrangements, if required.

f. To resolve problems arising out of the implementation of the Agreement.

g. To submit at the conclusion of each meeting a joint report to their respective Defense Ministers.

h. To share related development in regard to defense bilateral cooperation to the relevant highest bilateral forum of the two (2) countries.

ARTICLE V
INTELLECTUAL PROPERTY RIGHTS

1.

The rights and obligations of each Party in the field of intellectual property rights, copyright in its state territory, transfer of manufacturing licenses, sales to third parties, and protection of patent related to innovation or development shall be defined in the implementing arrangements.

2. The receiving Party shall be responsible to protect the intellectual property rights from unauthorized usage and unauthorized personnel.

3. The protection and distribution of intellectual property rights including protection of a third party's legitimate right, as well as the consideration of equitable portion of ownership based on the contribution of the respective Parties, shall be arranged through separate written agreements by the Parties on the specific areas of cooperation.

ARTICLE VI
CONFIDENTIALITY

1.

The Parties commit themselves to protect the classified information to which they may have access within the framework of this Agreement in accordance with both national laws and regulations.

2.

Classified information and equipment shall only be provided through official channels or other channels agreed upon by Co-Chairmen of the Joint Committee. These information and equipment are to be labeled with the indication of their classification level and State of Origin as follows:

ENGLISH INDONESIAN

TOP SECRET SANGAT RAHASIA

SECRET RAHASIA

CONFIDENTIAL TERBATAS/KONFIDENSIAL

UNCLASSIFIED BIASA

3.

All information and equipment received in the framework of this Agreement shall not be transferred, disclosed, or

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released, either directly or indirectly, on temporary or permanent basis, to third parties, whether persons and entities, without the prior written consent of the originating Party.

ARTICLE VII
FUNDING

1.

This Agreement shall be implemented in accordance with the budgetary allocation of each Party.

2.

The budgetary allocation of each Party shall be defined in the implementing arrangement.

ARTICLE VIII
SETTLEMENT OF DISPUTES

1.

Settlement of any dispute should be based on mutual consultation or negotiation.

2. Any matter between the Parties arising out of the interpretation, application, or implementation of this Agreement, shall, in the first instance, be settled amicably through mutual consultations or negotiations through the Joint Committee.

3.

In the event that the dispute is not settled at this level, both Co-Chairs of the Joint Committee shall refer the matter to the Parties for settlement through mutual consultations or negotiations through diplomatic channels.

ARTICLE IX
ENTRY INTO FORCE, AMENDMENT AND TERMINATION

1.

This Agreement shall enter into force on the date of the later notification by either Party through diplomatic channels that its respective domestic requirements for entry into force have been fulfilled.

2. This Agreement shall remain valid for period of five (5) years and shall automatically be extended for subsequent periods of five (5) years.

3. This Agreement can be reviewed or amended at any time by mutual written agreement between both Parties.

4. Either party may terminate the Agreement at any time by giving written notification through diplomatic channels at least six (6) months prior to the date of its intended termination.

5.

The termination of this Agreement shall not affect the validity of Article V and Article VI or duration of any on-going contracts concluded within its framework.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Jakarta on this 5th day of September in the year of 2022 in two (2) originals, in English and Indonesian languages, all texts being equally authentic. In case of any divergence in the interpretation of this Agreement, the

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English text shall prevail.

FOR THE GOVERNMENT OF THE

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REPUBLIC OF THE PHILIPPINES

REPUBLIC OF INDONESIA

(SGD.) JOSE C. FAUSTINO JR.

(SGD.) PRABOWO SUBIANTO

SENIOR UNDERSECRETARY/

MINISTER OF DFENSE

OFFICER-IN-CHARGE

DEPARTMENT OF NATIONAL DEFENSE

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