BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING STRATEGIC CIVIL NUCLEAR COOPE...

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The Government of the Republic of the Philippines and the Government of the United States of America (hereinafter the "Participants"),

ACKNOWLEDGING the enduring relationship the Participants have enjoyed since the establishment of diplomatic relations by the Treaty of General Relations between the Republic of the Philippines and the United States of America, done at Manila on July 4, 1946, and their vital security alliance established by the Mutual Defense Treaty between the Republic of the Philippines and the United States of America, done at Washington on August 30, 1951;

RECOGNIZING the strategic regional and international security implications of the Participants' vibrant diplomatic relationship, including in energy security;

DESIRING to build on the people-to-people ties and long-standing cooperation between the Participants in the fields of security, energy, and commerce;

RECALLING that the Participants are parties to the Treaty on the Non-Proliferation of Nuclear Weapons, done at London, Moscow, and Washington on July 1, 1968 (NPT), and that each of the Participants has in force with the International Atomic Energy Agency (IAEA) a safeguards agreement and an Additional Protocol;

RECOGNIZING the Participants' multilateral engagements and collaborations through the IAEA and other international organizations;

REFLECTING on the Participants' previous bilateral cooperation under the Agreement for Cooperation between the Government of the Republic of the Philippines and the Government of the United States of America Concerning Civil Uses of Atomic Energy, done at Washington on June 13, 1968;

OBSERVING the Participants' jointly held view that all civil nuclear cooperation must occur in accordance with the highest standards of nuclear safety, security, safeguards, and non-proliferation;

RECOGNIZING the role that nuclear energy can play in meeting the Participants' growing clean energy needs and further developing their strategic relationship;

WELCOMING shared interest among companies and industries of the Republic of the Philippines and the United States of America regarding the further development of their civil nuclear sectors; and

NOTING the Participants' desire to enhance existing relationships among government and private sector officials, where appropriate, of the two countries for the purpose of increasing nuclear cooperation,

Have reached the following understandings:

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Paragraph I
The Participants hereby express their --

(1)

desire for a deeper bilateral strategic relationship that would enhance their respective security and prosperity and joint political and economic ties;

(2)

shared view that civil nuclear cooperation is an important component of their overall bilateral strategic relationship and can serve as a catalyst for additional cooperation on other matters of national importance including national security and energy security issues;

(3)

shared recognition that Philippine-U.S. civil nuclear cooperation can play a vital role in promoting the security of the Republic of the Philippines' energy supply and meeting the Participants' energy needs and clean energy goals, while also providing substantial benefits to the energy security of the United States of America;

(4)

commitment to work together to develop solutions to their nuclear energy needs consistent with their shared security interests;

(5)

ambition to enhance cooperation under this Memorandum of Understanding (MOU) and other collaborative arrangements and associated efforts between departments, ministries, regulators, and agencies of the Participants, for the purpose of deepening bilateral strategic ties and civil nuclear relationships;

(6)

intention to open negotiations for a new agreement for peaceful nuclear cooperation concerning civil uses of nuclear energy;

(7)

aim to enhance relationships among their government experts, regulators, nuclear industries, national laboratories, and scientific, academic, and research and development communities in order to identify how to best tailor future cooperation;

(8)

interest in pursuing civil nuclear cooperation in both power and non-power applications of nuclear energy, including nuclear waste management, nuclear medicine, nutrition, and agriculture, and associated research and development (such as generation IV reactor technologies when permitted to exchange such technology);

(9)

desire to collaborate and to facilitate cooperation between their respective nuclear industries to:

a.

further develop and maintain infrastructure for the responsible use of nuclear energy and technology;

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b.

maintain the highest standards and practices in nuclear safety, security, safeguards, and non-proliferation, including independent regulatory oversight; and

c.

improve communications, outreach, and community support for the peaceful uses of nuclear energy;

(10)

mutual intention to work to increase civil nuclear cooperative activities in order to strengthen their strategic and political relationships, and enable, as the Participants' legal and regulatory regimes permit, further development of commercial relationships;

(11)

willingness to explore cooperation across the breadth of existing and future Filipino and U.S. civil nuclear reactor technologies, fuel, equipment, and services;

(12)

desires to support future developments of the civil nuclear program in the Republic of the Philippines, including new technologies such as small modular reactors, and to address commercial challenges such as financing, localization, timely provision of non-proliferation assurances, and nuclear liability;

(13)

intention to support deeper relationships among their respective nuclear industries for the purpose of advancing civil nuclear cooperation focusing on human capital and workforce development, education, training, public acceptance, and assistance programs;

(14)

shared view that countries engaging in peaceful uses of nuclear energy are expected to have in force a safeguards agreement and Additional Protocol with the IAEA, which, as the de facto safeguards standard, enables the IAEA to provide assurances of the absence of undeclared nuclear activities;

(15)

commitment to ensure that both nuclear suppliers and recipients adopt the highest export control standards, including the adoption of an Additional Protocol as a standard for nuclear supply, in order to strengthen the nuclear non-proliferation regime and improve international security; and

(16)

desire to engage in other forms of civil nuclear cooperation that may be mutually determined by the Participants.

Paragraph II
This MOU does not create rights or obligations under domestic or international law. The Participants' activities under this MOU are subject to their respective national laws and regulations, including export control authorizations, and the availability of appropriated funds.

Paragraph III
This MOU may be modified by mutual decision of the Participants expressed in writing.

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Paragraph IV
This MOU becomes effective upon signature. Either Participant may discontinue this MOU at any time by giving written notice to the other Participant and is expected to do so at least six months in advance of the effective date of discontinuation.

Signed in Washington D.C., the 10th day of March, 2022, in duplicate, in the English language.

FOR THE GOVERNMENT OF
THE REPUBLIC OF THE PHILIPPINES:

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:

(Sgd.)
Gerardo D. Erguiza, Jr.
Undersecretary
Department of Energy

(Sgd.)
Bonnie Denise Jenkins
Under Secretary for Arms Control and
International Security
Department of State

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