

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF AGRICULTURE OF THE REPUBLIC OF THE PHILIPPINES AND THE MINISTRY OF MARINE AFFAIRS AND FISHERIES OF THE REPUBLIC OF INDONESIA...

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The Department of Agriculture of the Republic of the Philippines and The Ministry of Marine Affairs and Fisheries of The Republic of Indonesia, hereinafter referred to as the “Parties”;

BEARING IN MIND the Agreement on Fisheries between the Government of the Republic of Indonesia and the Government of the Republic of the Philippines, signed at Jakarta, on August 8, 1974;

CONSIDERING the existing common desire for friendly cooperation and enhanced relations between the two countries;

REALIZING that fisheries cooperation would lead to common benefits on fisheries and economic development of the Parties;

RECOGNIZING the need to delineate the maritime boundaries between the two countries on the overlapping claim areas, based on the prevailing international law upon which an agreement on fisheries cooperation would facilitate further deliberation on the issue;

CONSIDERING the spirit of the United Nations Convention on the Law of the Sea (UNCLOS 1982) and the common concern of the Parties on the conservation, management and sustainable utilization of marine living resources;

AIMING to promote cooperation of the Parties in various fields of fisheries on the basis of equality and mutual respect;

HAVE AGREED as follows:

ARTICLE I

GENERAL PROVISION

1. Both Parties shall promote cooperation in the development of fisheries industries pursuant to their respective laws and regulations;
2. Both Parties shall promote mutual consultation, exchange of technical assistance and joint research on specific areas of fisheries.

ARTICLE II

AREAS OF COOPERATION

1. Both Parties shall develop and pursue the following areas of cooperation, inter alia:
 - a. Marine capture fisheries;
 - b. Prevention, combating and elimination of Illegal, Unregulated and Unreported (IUU) fishing;
 - c. Aquaculture;
 - d. Post-harvest development;
 - e. Coastal fisheries management;
 - f. Marine fisheries conservation;
 - g. Research activities; and
 - h. Education and training.
2. Both Parties shall endeavor to consult on matters of mutual interest prior to regional and international fisheries fora.

ARTICLE III

IMPLEMENTING ARRANGEMENT

1. Both Parties hereby establish a Joint Committee, composed of an equal number of representatives from both Parties, to ensure the implementation of this Memorandum of Understanding and to meet within six months after signing of the Memorandum of Understanding. The delegations of the Joint Committee shall be headed by Senior Officials.
2. Both Parties through the Joint Committee shall determine in detail the cooperation schemes and ways in the implementation of the mentioned areas of cooperation under Article II which shall be embodied in separate subsidiary agreements in accordance with the provisions of this Memorandum of Understanding.

ARTICLE IV

CONFIDENTIALITY AND PROTECTION OF

INTELLECTUAL PROPERTY RIGHTS

1. Both Parties shall ensure that the technical data and information mutually provided, including the results of joint research carried out under this Memorandum of Understanding, are not transferred or supplied to a Third Party without prior written consent of both Parties.
2. Matters pertaining to intellectual property rights that may arise from an activity undertaken under this Memorandum of Understanding shall be determined and agreed upon by the Parties prior to the implementation of the activities.

ARTICLE V

SETTLEMENT OF DISPUTES

Any differences arising out of the interpretation and implementation of this Memorandum of Understanding shall be settled amicably by consultations or negotiations, through diplomatic channels.

ARTICLE VI

ENTRY INTO FORCE

1. This Memorandum of Understanding shall enter into force on the date of the later written notification by both Parties, indicating compliance with their respective internal requirements. It shall remain effective for five years unless sooner terminated by either Party by giving six months prior written notice.
2. Amendment to and extension of this Memorandum of Understanding can only be made after mutual consent achieved by consultation and confirmation in writing by both Parties. Any such amendments shall enter into force in accordance with Article VI. Paragraph 1.
3. The termination of this Memorandum of Understanding shall not affect the validity and duration of any activity made under this Memorandum of Understanding until such time as the implementation of the agreed projects under the areas of cooperation has been carried out to its completion.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective institution concerned, have signed this Memorandum of Understanding.

DONE in Jakarta, Indonesia on this 12th day of November in the year 2001, in two original copies in the English language, both texts being equally authentic.

FOR THE DEPARTMENT OF

FOR THE MINISTRY OF MARINE

AGRICULTURE OF THE

AFFAIRS AND FISHERIES OF

REPUBLIC OF THE PHILIPPINES

THE REPUBLIC OF INDONESIA

(Sgd.) LEONIDES T. CADAY

(Sgd.) DR. MADE L. NURDJANA

Ambassador of the

Director General for

Republic of Philippines to the

Capture _Fisheries Management

Republic of the Indonesia

Entry into Force: October 29, 2002

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