BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE MINISTRY OF TOURISM, WILDLIFE A...

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PREAMBLE

This Memorandum of Understanding (hereinafter referred to as the "MOU") has been made and entered into between the National Commission for Culture and the Arts of Government of the Republic of the Philippines and the Ministry of Tourism, Wildlife and Heritage of the Government of the Republic of Kenya, hereinafter referred to as "the parties", and in singular as "the party".

DESIROUS of strengthening the spirit of cooperation and friendship between the two countries,

INSPIRED by the need and common desire to promote and develop cultural relations between their citizens,

ACKNOWLEDGING the role of culture and the arts as vital components of development, and that cooperation in these fields enhances institutional networking and people-to-people exchanges, and

DETERMINED to translate these bonds into specific cooperation instruments in order to further enhance their relations,

Have reached the following understanding:

ARTICLE 1 – OBJECTIVE

The objective of Memorandum of Understanding (hereinafter referred to as "MOU") is to create a framework between the parties to develop and to promote cooperation in the field of culture and arts on the basis of reciprocity and mutual benefit and in accordance with their domestic laws, rules and regulations.

ARTICLE 2 – AREAS OF COOPERATION

The parties will facilitate the implementation of sustainable development initiatives and encourage the establishment of institutional program linkages between their cultural agencies and institutions, in accordance with the following identified areas of cooperation:

a)

Conduct online and offline training, workshops, and seminars in the field of museums, linguistics, films, records and archives management, safeguarding and promotion of tangible and intangible cultural heritage;

b)

Establish cooperative relations between archeological institutions and museums of the two countries;

c)

Participate in arts, exhibitions, archival exhibitions, film festival, book fairs and literary festivals in each other's country;

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d)

Translate and publish literary works in each other's language;

e)

Facilitate exchanges in the performing arts, visual arts, culinary arts, and the creative industry markets;

f)

Encourage the development of links and joint programmes between cultural education institutions in the Philippines and Kenya;

g)

Conduct exchanges in the distribution of resources such as audio-visual content (film and television) and other related media;

h)

Support the development of cooperation on the protection, retrieval and repatriation of cultural properties, including archival records and cinematic heritage;

i)

Conduct exchange visits of experts in records and archives management; and

j)

Any other area of cooperation that may be deemed necessary by the parties.

ARTICLE 3 – PARTICIPATION IN SIMILAR ACTIVITIES
This MOU in no way restricts the parties from participating in similar activities with other public or private agencies.

ARTICLE 4 – IMPLEMENTATION
The respective Ministries and/or Divisions, as the case may be, responsible for arts and culture of the parties, will be responsible for the implementation of the MOU.

The projects and activities implemented under this MOU will be reviewed periodically by the parties to ensure its continued relevance and effectiveness in relation to the aims and objectives of this MOU.

Both parties may establish working groups, or an ad-hoc task force as may be necessary to jumpstart the projects and activities to be undertaken under this MOU.

Both parties may hold meetings as may be necessary, at any venue mutually agreed upon by them.

ARTICLE 5 – INTELLECTUAL PROPERTY

- Parties will observe and respect the intellectual property rights of each party in the implementation of this MOU.

- All rights created by the patents as a result of joint activity will be shared by both parties.

- All intellectual properties brought by each party to the relationship under this MOU remains the ownership of that party.

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- For the exchange of digital materials, both parties will ensure that the said materials are not used, copied, or edited without the consent and approval of their creators or copyright owners, and do not violate any existing intellectual property rules and regulations under domestic and international laws.

ARTICLE 6 – FUNDING AND RESOURCES
This MOU does not give rise to any binding financial obligations on both countries, save for those that would ordinarily be required in the execution of the MOU.

Financial and administrative commitments of each country will be discussed and agreed upon by the parties before the implementation of each project/ exchange.

For any online activity, each country will shoulder the expenses in situ necessary for the successful implementation of each undertaking.

ARTICLE 7 – CONFIDENTIALITY
No party shall disclose any information to any third party concerning the matters under the MOU. Any proprietary information (properly identified as such by the disclosing party) to be contained in documents, reports or disclosed by one party to the other party, shall be kept strictly confidential by the receiving party, and shall not be disclosed to any third party without prior written consent of the original disclosing party. The obligations under this Article shall subsist notwithstanding the termination of this MOU.

ARTICLE 8 – LEGAL STATUS
This MOU merely constitutes a statement of the mutual intentions of the parties with respect to its contents and does not constitute any legal obligation binding on the parties.

ARTICLE 9 – SETTLEMENT OF DIFFERENCES
Any differences between the parties arising out of the interpretation, implementation or application of this MOU or any question affecting the relationship between the parties will be settled amicably by consultations or negotiations, through diplomatic channels.

ARTICLE 10 – CHANNELS OF COMMUNICATION

- All notices, approvals, consents or other communications made pursuant to this MOU will be in writing.

- The channels of communications will be as follows:

  - For the Government of the Republic of Kenya
  The Principal Secretary
  Ministry of Tourism, Wildlife and Heritage
  P.O. Box 49849-00100
  Nairobi, Kenya

  - For the Government of the Republic of the Philippines
  The Chairperson
  National Commission for Culture and the Arts
  633 General Luna St., Intramuros
  Manila, Philippines

ARTICLE 11 – AMENDMENT
1. This MOU may be amended as may be required from time to time by mutual written consent of both parties. Such amendment will be signed and dated prior to any changes being made and will take effect on a date mutually agreed upon by both parties and will form part of the MOU.

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2. Any amendment will be done without prejudice to the rights and obligations arising from or based on this MOU prior to the date of such amendment.

ARTICLE 12 – COMING INTO EFFECT, DURATION, AND TERMINATION

- This MOU will take effect upon signature of the parties.

- The MOU will remain valid for a period of five (5) years. It will automatically be extended for a subsequent period of five (5) years at a time unless either of the parties gives to the other a written notice, six (6) months in advance, of its intention to terminate the MOU.

- Any ongoing activities at the time of termination arising out of the MOU will be carried out to their conclusion as if the MOU was in force.

- In any case of termination, each party will be solely responsible for the payment of any expenses it has incurred pursuant to the termination.

IN WITNESS WHEREOF, the undersigned being duly authorized by their respective Governments, have signed this Memorandum of Understanding in duplicate in English language.

DONE in Nairobi, Republic of Kenya this 22nd day of February 2023.

FOR THE GOVERNMENT

FOR THE GOVERNMENT

OF THE

OF THE

REPUBLIC OF THE PHILIPPINES

REPUBLIC OF KENYA

(Sgd.)

(Sgd.)

HON. MA. THERESA P. LAZARO

HON. PENINAH MALONZA, OGW

UNDERSECRETARY FOR BILATERAL

CABINET SECRETARY FOR TOURISM,

RELATIONS AND ASEAN AFFAIRS

WILDLIFE AND HERITAGE

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