BILATERAL

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM ON COOPERATION IN OIL SPILL PREPAREDNES...

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The Government of the Republic of the Philippines and the Government of the Socialist Republic of Vietnam hereinafter referred to collectively as “Contracting Parties” or individually as “Contracting Party”;

BEING members of the Association of South East Asian Nations (hereinafter referred to as ASEAN and of the International Maritime Organization (IMO);

NOTING the importance of coordination to enhance national capacity to prevent, control, mitigate and protect against marine pollution as well as in the conservation of marine resources.

TAKING INTO ACCOUNT the International Convention on the Prevention of Pollution from Ships of 1973 as modified by the Protocol of 1978 (MARPOL 73/8) the International Convention on Oil Pollution Preparedness, Response and Cooperation of 1990, OPRC Convention 1990), the International Convention on Civil Liability for Oil Pollution Damage of 1992/ CLC 1992), the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage of 1992 (Fund Convention 1992) and the ASEAN Agreement on Disaster Management and Emergency Response of 2005.

STRENGTHENING the relationship, mutual understanding and cooperation between and among the Agencies of the Contracting Parties responsible for oil spill preparedness and response;

HAVE AGREED to conclude this Memorandum of Agreement (MOA) and the Framework Program for Joint Oil Spill Preparedness and Response thereinafter referred to as Framework Program which constitutes an integral part of the MOA as follows:

ARTICLE I
OBJECTIVE OF COOPERATION

On the basis of equally mutual benefit and to enhance efficiency in the protection of marine resources, environment and coastline areas form the dangers of oil spill coming from ships, offshore facilities, ports and oil transportation facilities, the Contracting Parties shall undertake cooperation in oil spill preparedness and response within their respective purview and in accordance with their respective applicable national laws and regulations and international treaties and conventions to which the Contracting Parties are signatories.

ARTICLE II
FIELDS OF COOPERATION

The Contracting Parties shall promote cooperation in the following fields:

- HUMAN RESOURCES DEVELOPMENT – The Contracting Parties shall cooperate in personnel exchange, visits, conduct of joint training exercises, conferences, and annual seminar workshops and the grant of technical

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and administrative assistance on oil spill and marine environmental protection.

- MUTUAL ASSISTANCE – The Contracting Parties shall undertake cooperation within the framework of applicable international laws and multilateral agreements on marine environmental protection particularly in the fields of combating oil and noxious substances spill, and the prevention of pollution form ships, offshore facilities, ports and other oil transportation facilities.

- INFORMATION EXCHANGE – The Contracting Parties shall cooperate in the exchange of information for oil spill preparedness and response and other related issues through the establishment of focal points, and through exchange of visits or joint meetings at various levels of their respective concerned government agencies.

- RESEARCH AND DEVELOPMENT – The Contracting Parties shall cooperate in research activities, and facilitate the exchange of expertise, new techniques and experiences relating to marine environmental protection activities particularly in oil spill combating and the preservation of marine resources.

- OTHER FIELDS OF COOPERATION – The Contracting Parties shall cooperate in other relevant fields which are related to recent developments in the MARPOL Convention and other national laws, rules and regulations implemented by the Contracting Parties.

ARTICLE III
IMPLEMENTATION OF THE AGREEMENT

- The Department of Transportation and Communications through the Philippine Coast Guard of the Republic of the Philippines and the National Committee on Search and Rescue of the Socialist Republic of Vietnam shall be the agencies responsible for the identification, coordination and monitoring of projects and activities to be conducted pursuant to this MOA.

- The Contracting Parties may establish working groups to expedite the implementation of specific areas of cooperation under this MOA.

- The Contracting Parties shall set up a plan and timetable for the implementation and regular evaluation of the implementation of this MOA, taking into account the technical capacity and available resources of the Contracting Parties and the experience that may be gained by either side.

- The specific tasks, obligations and conditions relating to the cooperative activities under the MOA including the obligations that may arise from the response assistance rendered by one Contracting Party to the other or any preparatory action taken for the purpose of assistance shall be discussed and agreed to by duly designated representatives of the Contracting Parties on the basis of cooperation mutual support and consensus.

ARTICLE IV
SUPPLEMENT AND AMENDMENT

A contracting Party may request in writing any amendment of all or any part of this MOA. Any amendment that may be mutually agreed upon in writing by the Contracting Parties shall become an integral part of this MOA and shall enter into force in accordance with Article VII hereof.

ARTICLE V
NON-PREJUDICE

Noting in this MOA shall prejudice the territorial claims of the Contracting Parties.

ARTICLE VI
INTERPRETATION AND SETTLEMENT OF DISPUTES

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Interpretation and settlement of disputes regarding the provisions of this MOA shall be settled on the basis of amity and common agreement. Differences that may arise regarding the interpretation or implementation of any of the provisions hereof shall be settled amicably by the Contracting Parties through diplomatic channels.

ARTICLE VII
ENTRY INTO FORCE AND TERMINATION

This MOA or any amendment hereto shall enter into force on the date of later written notification by the Parties through diplomatic channels, indicating that the domestic requirements for its entry into force have been fulfilled. This MOA shall remain in force unless either Contracting Party provides thirty (30) days advance written notice to the other Contracting Party of its intention to terminate the MOA.

For the purpose of terminating this MOA, an official notice should be sent through diplomatic channels and actually received by the other Contracting Party.

The termination of this MOA shall not affect any ongoing project or action already commenced in pursuance hereof unless the Contracting Parties agree otherwise in writing.

IN WITNESS WHEREOF the undersigned plenipotentiaries duly authorized thereto by their respective Governments, have signed this Memorandum of Agreement.

Done in duplicate at Hanoi on this 26th day of October in 2010 the English language.

(Sgd.)
FOR THE GOVERNMENT OF

THE REPUBLIC OF THE

PHILIPPINES

(Sgd.)
FOR THE GOVERNMENT OF

THE SOCIALIST REPUBLIC OF

VIETNAM

Entry into Force: December 11, 2012

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