BILATERAL

AGREEMENT ON COOPERATION IN THE FIELD OF MINING BETWEEN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OF THE REPUBLIC OF THE PHILIPPINES AND THE MINISTRY OF MINING OF THE ...

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The Department of Environment and Natural Resources of the Republic of the Philippines and the Ministry of Mining of the Republic of Chile hereinafter referred to as the "Parties".

Aware of the importance that the mining sector bears in the economic development of the Republic of the Philippines and the Republic of Chile;

Considering that the institutional, technical and scientific cooperation development as regards management of natural resources shall contribute to the strengthening of the relations between the Republic of the Philippines and the Republic of Chile;

Bearing in mind the strengthening of the mining sector that is sought in the Philippines and the search for partners of either Party, especially between private agencies;

Taking into account the professional skills achieved by the Philippines and Chile in the fields of geoscientific information, mining-metallurgical technologies, mining laws, environmental protection vis-a-vis mining activities;

Bearing in mind the participation of both Parties in mining related regional forum like APEC-GEMEED;

Have agreed as follows:

ARTICLE 1

Both Parties shall develop their bilateral scientific, technical, technological and administrative cooperation regarding development and management of mining resources.

On the other hand, under the terms of the present Agreement, they agree to favor a consultation among their public, semi-public and private agencies within the framework of their respective competencies and laws.

ARTICLE 2

The scope of application of this Agreement involves bilateral cooperation and particularly the transfer of technology and knowledge between the Parties in the following areas:

- Efficient and effective management of mining tenement or property and mining laws;

- Upgrading of the promotional tools and improvement of an environment for investment with a view to attracting investors to the mining sectors of both countries;

- Improvement of the health and safety conditions at the mines in its host and neighboring communities;

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- Implementation, within the legal framework of each country, of measures protecting the environment and rehabilitating the areas affected by mining operations; and

- Establishment of mechanisms to address development of host and/or neighboring communities affected by mining.

ARTICLE 3

Specialists of the Public Service as well as of the Private Sector may participate in the implementation of the activity plans with a view to ensuring the attainment of the jointly agreed goals.

Cooperation between the Parties can take either of the following forms:

- Exchange of specialists for the execution of field projects or activities of technical or related-administrative nature;

- Transfer of technology and technical knowledge;

- Conduct of training courses based on the need of each Party and geared towards capability building and sharing of experience;

- Organization of events such as fairs, seminars, conferences and other activities related to the strengthening of cooperation between the two Parties;

- Holding of meetings between Philippine and Chilean specialists when events are carried out in the Philippines, in Chile or elsewhere.

ARTICLE 4

Both Parties agree to create a Joint Committee for the follow-up of mining cooperation, in such manner as will be subsequently determined by mutual agreement.

The follow up Joint Committee shall be responsible in particular for programming and evaluating the activities to be conducted as well as their resources and means of funding;

The follow up Joint Committee shall be responsible for submitting an annual report of all the activities conducted within the framework of this Agreement;

When sectors, which are not under their competence, are involved, the Parties shall undertake to facilitate communication with the other ministries, departments, agencies or related organizations.

ARTICLE 5

The Parties shall implement this Agreement to the extent of their availability and budgetary priorities.

Each Party shall assume part of the costs corresponding to its participation in the cooperation and in the exchanges foreseen in the present Agreement.

The Sending Party shall bear the cost of round trip tickets and board and lodging of its officials visiting the other Party.

Upon mutual agreement, the Parties may also resort to other sources of financing for the conduct of activities.

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ARTICLE 6

Any dispute arising out of the interpretation, application, or implementation of this Agreement shall be settled amicably by consultation or negotiation, through diplomatic channels, between the Parties.

This Agreement shall not affect the rights and obligations of either Party in the scope of the Agreements subscribed with other Parties.

ARTICLE 7

Except for information which shall compromise the national security, public health, public morals, business or industrial viability, and provided that such information is not protected by the relevant laws governing intellectual property rights, the scientific world of either Party shall have access to the information obtained within the framework of this Agreement.

Each Party shall ensure that the scientific and technical data and information & mutually provided, including the results of joint research carried out under this Agreement, are not transferred or supplied to a Third Party without the prior written consent of the other Party. Other matters pertaining to intellectual property rights that may arise from an activity undertaken under this Agreement shall be determined and agreed upon by the Parties prior to the activity's implementation.

ARTICLE 8

The amendments and supplements to this Agreement agreed upon by the Parties shall be subject to the relevant agreements or exchanges of notes.

ARTICLE 9

This Agreement shall enter into force on the date of the later notification by the Parties, through diplomatic channels, indicating compliance with their respective internal requirements for its entry into force.

It shall be valid for a period of three years, automatically renewable for equal periods, unless either Party gives notice in writing to the other, six months prior to the expiration of the relevant period, of its intention to terminate it.

In such event, and unless otherwise agreed by the Parties, the projects or programs in the process of execution in the scope of this Agreement shall not be affected by such termination.

Signed in Santiago, Chile, on this sixteenth day of September 1999 in two originals each in the Spanish and English languages both texts being equally authentic.

FOR THE GOVERNMENT OF
THE REPUBLIC OF THE PHILIPPINES

FOR THE GOVERNMENT OF
THE REPUBLIC OF CHILE

(Sgd.) DOMINGO L. SIAZON, JR.

(Sgd.) SERGIO JIMENEZ MORAGA

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Republic of the Philippines

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