BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF AUSTRALIA ON CYBER AND CRITICAL TECHNOLOGY COOPERATION

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The GOVERNMENT OF THE PHILIPPINES as represented by the Department of Foreign Affairs and THE GOVERNMENT OF AUSTRALIA as represented by the Department of Foreign Affairs and Trade (hereinafter referred to collectively as the "Participants" and singularly as a "Participant"):

We recognise the existing close relations between the two countries and reaffirm the strong state of bilateral relations under the Strategic Partnership between the Republic of the Philippines and the Government of Australia.

We have a mutual vision to enhance our bilateral partnership on cyber affairs and critical technology cooperation, in view of the evolving strategic challenges and opportunities faced in the region. Our partnership is based on the principles of equality and reciprocity, thereby contributing to friendly relations between the two countries.

We will seek to work together to promote open, secure, stable, accessible, interoperable and peaceful use of cyberspace, which drives sustainable economic growth, protects national security and promotes international stability.

We note that information systems and networks are now exposed to a growing number of threats and vulnerabilities which can have an impact on prosperity, national security and social cohesion. We reaffirm our commitment to promoting peace and stability in cyberspace based on existing international law; voluntary and non-binding norms of responsible state behaviour; practical confidence building measures; and co-operative capacity building.

We recognise the benefits of close collaboration, including on information sharing, developing technical standards, implementing law and norms, protecting existing commitments in multilateral and regional forums, developing and supporting enduring cyber resilience and technology security in the region, and regional awareness and capacity building.

The Government of the Philippines and the Government of Australia have reached the following understandings:

Paragraph 1

Purpose
The Participants, subject to the provisions of this Memorandum of Understanding and the laws, regulations and national policies from time to time in force in their respective countries and within the limits of the Participants' competence and available resources, will endeavour to strengthen, promote and develop cooperation on cyber and critical technology issues.

Paragraph 2

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Scope

1)

The Participants will, subject to the laws, rules, regulations and national policies from time to time in force, governing the subject matter in their respective countries, endeavour to take necessary steps to encourage and promote technical co-operation in the following areas:

a)

Information Sharing and Best Practice on Cyber and Critical Technology Issues

b)

Cyber Skills Development and Strengthening Connections

c)

Digital Economy

d)

Multilateral Coordination.

Paragraph 3

Forms of Cooperation

1)

The Participants will seek to use the following mechanisms to implement the provisions of this Memorandum:

A) Information Sharing and Best Practice on Cyber and Critical technology Issues

- Participants will share information on laws and regulations, national cyber and critical technology strategies, policies, standards, awareness, capacity and capability building programs, as well as best practice for government-industry collaboration on incident response management procedures;

- Participants will consult and coordinate on cyber threat assessments, used by both countries, especially when cyber incidents have a direct impact on the Participants;

- Participants will share experiences, lessons learned and best practices on cyber issues as well as risks and opportunities posed by emerging critical technology issues which have the capacity to significantly enhance or pose risk to national security.

B) Cyber Skills Development and Strengthening Connections

- Participants will seek to support skills and knowledge development for personnel working across the breadth of cyber security, digital transformation and critical technology issues, including through training, workshops, courses and seminars;

- Participants will seek to share information about their respective awareness-raising and capacity-building initiatives in the region and identify practical ways to avoid duplication and coordinate efforts to build regional capability and strengthen collective cyber resilience;

- Participants will seek to facilitate links between government, private sector, academic and research institutions working on cyber and emerging cyber technology issues, with the aim of strengthening learning, development and

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research outcomes;

C) Digital Economy

- Participants will seek to work together to foster innovation, and promote growth of the secure digital economy, including through sharing of information and expertise;

- Participants will seek to support sharing of national policies, best practice and strategies to promote the secure digital economy;

- Participants will seek to support Government-to-Government activities to facilitate digital economy.

D) Multilateral Coordination

- Participants.will seek to work together to deepen understanding of the application of international law and norms in cyberspace, support implementation of agreed norms of responsible state behaviour, and as well as supporting the development and operationalisation of practical confidence building measures in the region to promote the development of an open, free, secure and interoperable cyberspace;

- Participants will seek to coordinate efforts on cyber and critical technology standards in multilateral and multi-stakeholder forums, including identifying opportunities to encourage and assist other countries in the region to participate and engage in these discussions;

- Participants will seek to work together to enhance international cooperation to combat the evolving challenges of cybercrime, including cementing international commitments and positively influencing negotiation of a UN cybercrime convention.

Paragraph 4

Focal Points

1)

The focal points responsible for the implementation of this Memorandum of Understanding and coordination across relevant government agencies are:

a)

for Philippines: the Department of Foreign Affairs (DFA).

b)

for Australia: the Department of Foreign Affairs and Trade (DFAT).

Paragraph 5

Implementing Arrangements

1)

The Participants will jointly determine and establish their own implementing arrangements for cooperation under this Memorandum of Understanding.

2)

The establishment, finalisation, and implementation of the arrangements under this Memorandum will be coordinated by the respective focal points as stipulated in Paragraph 4 of this Memorandum.

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Paragraph 6

Financial Arrangements

1)

The financial arrangements to cover expenses for any cooperation activities undertaken within the framework of this Memorandum of Understanding will be mutually decided upon by the respective Participants on a case-by-case basis subject to the availability of funds.

2)

Each Participant will bear its own costs associated with the activities and participation under this Memorandum, unless otherwise agreed by the Participants.

Paragraph 7

Resolution of Differences

1)

Any difference arising out of the interpretation or implementation of this Memorandum will be resolved amicably through mutual consultation and negotiation between the Participants through diplomatic channels.

2)

Differences will not be referred to any third party, court or international tribunal.

Paragraph 8

Confidentiality

1)

Each Participant will protect the confidentiality of information exchanged under this Memorandum against unauthorised disclosure and in accordance with the Participant's national laws, regulations, policies, or directives. However, this will not apply to cases where the information is publicly available.

2)

Where classified or operationally sensitive information, or information pertinent to national security, is to be disclosed under this Memorandum, the Participant providing the information is responsible for ensuring that guidance is provided to the receiving Participant on handling and protection requirements. Each Participant will endeavour to follow such guidance, and respect requests made on handling and protection requirements regarding the security or sensitivity of the material.

3)

The Participants have mutually decided that this paragraph will continue to apply notwithstanding the expiration or termination of this Memorandum.

Paragraph 9

Amendment

1)

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Either Participant may propose an amendment to this Memorandum by submitting it in writing to the other Participant. An amendment will be effected only upon the mutual written consent of the Participants.

Paragraph 10

Legal Status of the Memorandum

1)

This Memorandum does not create any legally binding obligations and does not alter or effect any existing agreements between the Participants.

2)

The Participants acknowledge that this Memorandum is not an international agreement and will not create legal obligations governed by their respective domestic law or international law.

3)

The provisions of this Memorandum operate subject to, and do not supersede, the respective international obligations and domestic laws, policies, and procedures of the two countries.

Paragraph 11

Entry Into Effect, Duration, and Termination

1)

This Memorandum will come into effect on the date of signature by both Participants and will remain in effect for a period of five (5) years, unless terminated by either Participant giving at least one (1) month's prior written notice of the intended date of termination to the other Participant.

2)

The termination of this Memorandum will not affect the implementation of any ongoing activities or activities that were decided upon prior to the date of termination, unless otherwise jointly decided by the Participants.

3)

This Memorandum may be extended at any time within the period it remains in effect by mutual written consent of the Participants.

4)

Any intent to terminate or extend this Memorandum will be communicated through diplomatic channels.

Signed in duplicate at Canberra on 28 February 2024 in English.

FOR THE REPUBLIC OF THE
PHILPPINES FOR THE COMMONWEALTH OF
AUSTRALIA

(Sgd.)
MA. HELLEN B. DE LA VEGA

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Ambassador to Australia (Sgd.)
BRENDAN DOWLING
Ambassador for Cyber Affairs and Critical Technology

Entry into Force: February 28, 2024

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