

MEMORANDUM OF UNDERSTANDING BETWEEN THE PHILIPPINE COAST GUARD (PCG) AND THE INDIAN COAST GUARD (ICG) ON ENHANCED MARITIME COOPERATION

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INTRODUCTION

The Philippine Coast Guard (PCG) of the Republic of the Philippines and the Indian Coast Guard (ICG) of the Republic of India, hereinafter referred singularly as Philippine Coast Guard (PCG) and/ or the Indian Coast Guard (ICG) "Participant," and collectively, as the "Participants";

WHEREAS the PCG and ICG desire to build a common goal with regard to the enhancement of Maritime Search and Rescue with a view to providing assistance to the seafarers during distress at sea incidents aboard vessels plying the respective waters of both countries;

WHEREAS the PCG and ICG are conscious that Marine Pollution incidents such as large oil spills have a negative impact on the economy and that such incidents can be mitigated through cooperative efforts between neighboring countries;

WHEREAS, the PCG and ICG are conscious that enhancing Maritime Security in the sea that link between countries through international and regional cooperation, as well as information exchange, promotes national interests of the Participants and that expertise in collection and analysis of vessel traffic information and other data related to on-water activities, detection, identification and monitoring of marine traffic and implementation of the Long Range Identification and Tracking (LRIT) system promotes Maritime Safety;

NOW THEREFORE, for and in consideration of the foregoing, the PCG and ICG have reached the following understanding:

Paragraph I

OBSERVATION AND AREAS OF COOPERATION

The Participants, with their respective purview and in accordance with their respective applicable national laws, rules and regulations and applicable international law, will promote the following areas of cooperation:

1. **MARITIME SEARCH AND RESCUE:** The Participants will provide mutual assistance and support during distress at sea incidents to seafarers from both countries aboard vessels plying within their respective waters; The Participants will undertake cooperation in the exchange of expertise in the conduct of maritime search and rescue through exercises, seminars/ workshops and visits in accordance with relevant national regulations and international convention;
2. **MARINE ENVIRONMENTAL PROTECTION:** The Participants will undertake cooperation within the framework of applicable international laws on marine environmental protection particularly in the area of oil spill combating and the prevention of pollution from ships through joint MARPOL exercises and study of oil contingency plan of both Participants, training and mutual assistance during actual oil spill incidents;
3. **MARITIME SECURITY:** The Participants will undertake cooperation within the framework of applicable

international laws on maritime security operations particularly on sharing of information, training and security exercises;

4. MARITIME SAFETY: The Participants will cooperate in the exchange of technical expertise in the collection and analysis of vessels traffic information and other data related to on-water activities, detection, identification and monitoring of marine traffic;

5. MARITIME LAW ENFORCEMENT: The Participants will undertake to share their knowledge and experience on maritime law enforcement which may be adopted by both Participants through the conduct of training and exercises.

6. HUMAN RESOURCE DEVELOPMENT: The Participants will cooperate in personnel exchange, mutual visits, conduct of training exercises, conferences and seminars/ workshops and the grant of technical and administrative assistance;

7. INFORMATION EXCHANGE: The Participants will cooperate in the exchange of information and other mutually beneficial mission related issues through the establishment of focal person and through exchange visits or joint meetings at various levels in their respective authorities.

8. OTHER AREAS OF COOPERATION: The Participants will, with mutual consent, also cooperate in any other areas of the maritime sector.

Paragraph II

IMPLEMENTATION

1. The Philippine Coast Guard of the Republic of the Philippines and the Indian Coast Guard of the Republic of India will be designated as the "supervising authorities" responsible for the identification, implementation, coordination and monitoring of projects and activities to be undertaken under this Memorandum of Understanding.

2. Working groups or ad-hoc expert task force will be organized by the Participants to manage projects intended to be undertaken pursuant to the Memorandum of Understanding.

3. The working groups will determine the appropriate activities, projects and other undertakings in pursuance of this Memorandum of Understanding. They will recommend the assignment of contact persons, project coordinators and other personnel who will coordinate, plan and implement such activities, projects and other undertakings. The specific task, duties, obligations, responsibilities, costs and other concerns will be mutually determined by the Participants subject to the availability of funds and the respective laws of the Participants.

4. Each Participant will bear its own costs incurred in the implementation of this Understanding unless otherwise agreed by the Participants. Implementation of this Understanding will be subject to the availability of relevant resources.

5. The provision of this Memorandum of Understanding will not affect the rights or obligations of either Participants deriving from other agreements or Memorandum of Understanding to which it is a party.

Paragraph III

AMENDMENT

Any amendment to this Memorandum of Understanding shall be done by mutual written consent of the Participants. Such amendment shall enter into force in accordance with the provision under Paragraph V.

Paragraph IV

SETTLEMENT OF DISPUTES

Any dispute between the Participants arising out of the interpretation or implementation of this Memorandum of Understanding shall be settled amicably by consultations or negotiation, through diplomatic channels.

Paragraph V

ENTRY INTO FORCE, VALIDITY AND TERMINATION

This Memorandum of Understanding shall enter into force on the date of its signature.

This Memorandum of Understanding shall remain in full force and effect for five (5) years and shall be automatically renewed for further periods of five (5) years, unless either Participant notifies the other in writing, through diplomatic channels, of its intention to terminate the Memorandum of Understanding, at least six (6) months prior to the intended date of termination.

The termination of this Memorandum of Understanding shall be without prejudice to the existing and on-going activities or projects undertaken under this Memorandum of Understanding, unless otherwise agreed by the Participants in writing.

Paragraph VI

CONFIDENTIALITY OF EXCHANGED INFORMATION

The Participants will observe the confidentiality and secrecy of pertinent documents, information and other data obtained from the other Participant during the period of implementation of this Understanding unless such disclosure is required by the laws or regulations of the receiving party and will continue after the termination of this Understanding unless otherwise agreed upon.

Paragraph VII

SEVERABILITY

If any provision of this Memorandum of Understanding is held invalid for any reason, the remainder will be held valid and will continue to be in effect.

IN WITNESS WHEREOF, the undersigned, duly authorized by the respective Participants' Government have hereunto signed this Memorandum of Understanding.

Signed in New Delhi on the 22nd day of August in the year 2023 in two (2) originals, in the English language both texts being equally authentic.

FOR THE GOVERNMENT OF THE

FOR THE GOVERNMENT OF THE

REPUBLIC OF THE PHILIPPINES

REPUBLIC OF INDIA

(Sgd.)

(Sgd.)

Cg Adm Artemio M. Abu

DG Rakesh Pal, PTM, TM

Commandant, PCG

Director General

Entry into Force: August 22, 2023

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