BILATERAL

MEMORANDUM OF UNDERSTANDING ON ENHANCED MARITIME COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF AUSTRALIA

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As Strategic Partners, the Philippines and Australia share a vision for an open, resilient and prosperous region where strategic agency is exercised freely, the rule of law is upheld, and sovereignty, sovereign rights and jurisdiction are respected.

In the present geopolitical arena, maritime security threats within the lndo-Pacific, and in particular the South China Sea, endanger the peace and stability of the region. International norms and rules are constantly being challenged. It is important that all States are able to exercise their rights and freedoms, consistent with international law, especially the 1982 United Nations Convention on the Law of the Sea (UNCLOS). We recognise that the 2016 South China Sea Arbitral Award is final and legally binding on the parties.

We support ASEAN centrality and its call for the peaceful resolution of disputes, including respect for diplomatic and legal processes without resorting to the threat or use of force, in accordance with international law.

This Memorandum of Understanding (hereinafter referred to as the "Memorandum") reflects the desire of the Philippines and Australia to work more closely together in the maritime domain. Our cooperation will enhance our capacity to deal effectively with maritime issues affecting our region and our countries. We will pursue our shared interest -in preserving peace and prosperity in the Inda-Pacific through cooperation in the areas outlined in this Memorandum. This Memorandum will guide identification of future opportunities for collaboration.

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"), have reached the following understanding:

Paragraph 1 - Civil Maritime Security Cooperation

a. We will continue to work together to strengthen civil maritime security cooperation between maritime agencies through information sharing, training and the conduct of bilateral activities to help address shared civil maritime security threats.

b. We will continue to pursue engagement and resolution of civil maritime security matters of mutual benefit through regional and multilateral bodies such as ASEAN, Heads of Asian Coast Guard Agencies Meeting (HACGAM), and the United Nations (UN).

c. We remain committed to combating transnational crime committed at sea, particularly illegal, unreported and unregulated (IUU) fishing, through enhanced domestic monitoring, control and surveillance capabilities, and improved regional cooperation.

d. We will continue supporting strengthened maritime governance arrangements and institutional capacity building, including providing legal and regulatory support.

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e. We will continue cooperating to support enhanced maritime domain awareness.

f. We will pursue opportunities to improve development and management of the integrity of undersea cables to enhance secure and reliable connectivity in the lndo-Pacific. This may include technical assistance, research and analysis, dialogues and knowledge sharing.

Paragraph 2 - International Law and the Rules-based International Order

a. We will advocate for upholding international law, particularly UNCLOS and the 2016 South China Sea Arbitral Award.

b. We will ratify and implement the Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ).

c. We will explore further opportunities to collaborate in addressing emerging international legal issues and promote the rules-based international order. Areas for collaboration may include hosting or supporting meetings on international law, as well as training and education on the law of the sea.

d. We will continue to support other mechanisms/arrangements advocating international law such as the Group of Friends of International Law (GOFIL), among others.

e. We will pursue opportunities for collaboration in the strengthening of geographic information management as outlined by the United Nations Integrated Geospatial Information Framework.

Paragraph 3 - Marine Environment Cooperation

a. We will strengthen marine science education, training and research as well as collaboration in maritime safety, security, protection, conservation and sustainable management of coastal and marine environments.

b. This may include providing new and/or continuing support to the Philippines on the following:

i. Strengthening management of coral reefs and associated habitats, within nationally-managed marine protected areas through ocean science governance research, science-based restoration and rehabilitation, climate resilience, disaster risk reduction and community education;

ii. Understanding and mapping blue carbon ecosystems, which are critical in supporting climate mitigation and adaptation outcomes;

iii. Measuring and monitoring marine litter to support efforts to reduce waste losses to the environment while improving circularity, sustainable consumption and production reduction initiatives; and

iv. Applying area-based management measures to regulate the use of marine resources.

Paragraph 4 - Maritime and Underwater Cultural Heritage Cooperation

a. We will consider opportunities on collaborative projects tor archaeological research and conservation of maritime and underwater cultural heritage.

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b. We will pursue skill sharing and professional development opportunities, capacity building programs, and educational opportunities for learning and participating in maritime and underwater cultural heritage activities, subject to available resources.

Paragraph 5 - Defence Cooperation

a. Under our Enhanced Defence Cooperation Program we will continue working to broaden the scope of cooperation and the complexity of our activities, including in the maritime domain.

b. We will continue to conduct bilateral and multilateral exercises and activities that support maritime cooperation, including as part of Australia's flagship regional engagement activity, lndo-Pacific Endeavour.

c. We will continue to work together to exercise freedom of navigation and overflight consistent with international law, particularly UNCLOS.

d. We will continue to plan and conduct bilateral maritime activities in the South China Sea/West Philippines Sea and will consider expanding these with other countries who are committed to sustaining peace and security in the region.

e. We will work together to improve our shared understanding of the maritime domain. Aside from visits by Australian ships and aircraft to the Philippines, this may also include expanded intelligence sharing to enhance our shared maritime domain awareness, in accordance with information sharing arrangements and agreements.

Paragraph 6 - Policy Dialogue

We will continue to support dialogue and discussion on maritime issues, including through various tracks of the Maritime Dialogues, seminars and fora for officials and academics from both countries, on maritime security, maritime cooperation, law of the sea and marine environment issues, among others.

Paragraph 7 - Regional Cooperation

We will seek opportunities for trilateral, minilateral and multilateral cooperation in the maritime domain.

Paragraph 8 - Implementation

The Participants may develop Annexes to this Memorandum with the aim of making arrangements for its continued and effective implementation. Each Annex will set out the principles or guidelines for the most effective working relationship required to manage an area of cooperation or assistance within the scope of this Memorandum. In case of inconsistency, the provisions of the Memorandum will prevail.

Paragraph 9 - Legal Status

This Memorandum represents the understanding reached between the Participants and does not create any legally binding rights or obligations.

Paragraph 10 - Amendments

This Memorandum may be amended at any time through the mutual written consent of the Participants, conveyed through diplomatic channels. Any amendment takes effect in accordance with Paragraph 11a.

Paragraph 11 - Entry into Effect

a. This Memorandum and any amendments take effect on the date that the Participants mutually determine and notify each other in writing through diplomatic channels.

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b. This Memorandum may be terminated by either Participant giving at least six months' written notice to the other Participant through diplomatic channels.

Paragraph 12 - Resolution of Differences

Any disputes about the interpretation or application of the Memorandum will be resolved through consultations between the Participants, and will not be referred to any national or international tribunal or third party for settlement.

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

FOR THE REPUBLIC OF

FOR THE COMMONWEALTH OF

THE PHILIPPINES

AUSTRALIA

(SGD.) (SGD.)

THE HON ENRIQUE A. MANALO

THE HON RICHARD MARLES MP

Secretary For Foreign Affairs Deputy Prime Minister

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