MEMORANDUM OF AGREEMENT
BETWEEN
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM
AND
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
ON COOPERATION IN SEARCH AND RESCUE AT SEA

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

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

NOTING the importance of cooperation in maritime safety of search and rescue (SAR) operations for ships, aircraft and persons in distress at sea;

AWARE of their common interests to have effective, prompt, and enhanced coordination activities in SAR for ships, aircraft and persons in distress at sea;

NOTING the principles related to SAR operations enshrined in pertinent multilateral instruments, including the 1982 United Nations Convention on the Law of the Sea and the relevant IMO Conventions;

TAKING COGNIZANCE of the need to reinforce cooperation between the two countries through mutual help in providing assistance to persons and vessels in distress at sea;

RECOGNIZING the need to strengthen the relationship and mutual understanding and cooperation between the respective national responsible authority for maritime SAR of the Contracting Parties;

HAVE AGREED as follows:

ARTICLE I
OBJECTIVE

On the basis of equality and mutual benefit and to enhance the efficiency of SAR operations for ships, aircraft and persons in distress at sea, the Contracting Parties shall undertake cooperation in SAR operations within their respective jurisdiction and in accordance with their respective national laws and regulations, as well as international treaties and conventions to which the Contracting Parties are signatories.

ARTICLE II
FIELDS OF COOPERATION IN SEARCH AND RESCUE AT SEA

The Contracting Parties shall promote cooperation in the following fields:

1. Exchange of personnel and visits to further strengthen mutual understanding.

   Holding workshops, trainings, annual meetings, exercises, and seminars on SAR matters including, but not limited to, international legal frameworks and national laws and regulations relating to SAR at sea, including domestic legal requirements and procedures in the rendering of SAR assistance and operations in seas under the national jurisdiction of the Contracting Parties;

2. Defining the boundary and specific area of operation for purposes of SAR operations and clearly identifying the Contracting Party's responsibilities in the control, surveillance, and coordination of SAR efforts;

3. Establishment of direct linkages between the SAR agencies of the Contracting Parties -- Philippine Coast Guard and the Center of Marine Coordination for Search and Rescue of Vietnam -- for the following purposes:

3.1 Exchange of information on past, existing, and potential SAR incidents and operations of mutual interest.

3.2 Mutual assistance in the conduct of SAR operations within the jurisdiction of either Contracting Party as agreed upon by the Contracting Parties.

3.3 Defining the SAR responsibility of the relevant SAR agency -- Philippine Coast Guard or the Center of Marine Coordination for Search and Rescue of Vietnam -- whichever first receives information concerning vessels, aircraft and persons in distress in the jurisdiction of either Contracting Party.

3.4 Jointly developing common standard operating procedures and defining the specific responsibilities of the respective SAR agencies whenever engaged in a joint SAR operation within the jurisdiction of either Contracting Party.

3.5 Coordination in the facilitation of entry and exit of personnel and equipment for purposes of SAR in the incident area within the jurisdiction of the Contracting Party.

3.6 Harmonization of procedures and report formats to ensure the efficient flow of information between the Philippine Coast Guard and the Center of Marine Coordination for Search and Rescue of Vietnam.

3.7 Exchange of information regarding available resources and SAR capability of the Philippine Coast Guard and the Center of Marine Coordination for Search and Rescue of Vietnam.

4. Cooperation and collaboration in the research and application of management systems including software and operating systems and technologies relating to surveillance, among others, to facilitate SAR operations.

5. Exchange of information on SAR operations, maritime safety, and national SAR procedures, among others.

6. Other fields of cooperation: The Contracting Parties shall, subject to mutual consent, also cooperate in any relevant fields to enhance effectiveness of SAR operation at sea.

ARTICLE III
IMPLEMENTATION

1. The Philippine Coast Guard and Vietnam's National Committee on Search and Rescue shall be the Agencies responsible for the identification, coordination, monitoring of the projects and activities to be conducted pursuant to this MOA.

2. Expert working groups or ad-hoc task forces may be established as necessary to expedite the implementation of specific fields of cooperation under this MOA.

3. The specific tasks, obligations and conditions relating to the cooperative activities under this MOA, including the responsibility for costs incurred, shall be discussed and mutually agreed upon by the Contracting Parties; and in any event, lack of agreement on the matter of costs should not be a reason to delay the SAR of vessels, aircraft and persons in distress at sea.

ARTICLE IV
NON-PREJUDICE

Nothing in this MOA shall prejudice the territorial claims of the Contracting Parties.

ARTICLE V
SUPPLEMENT AND AMENDMENT

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

ARTICLE VI
INTERPRETATION AND SETTLEMENT OF DISPUTES

Interpretation and settlement of disputes regarding the provisions of this MOA shall be on the basis of mutual agreement. Any differences arising out of the interpretation and implementation of this MOA shall be settled amicably through diplomatic channels between the Contracting Parties.

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 30 days advance written notice to the other Contracting Party of its intention to terminate this 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 activity already commenced pursuant to this MOA unless the Contracting Parties agree otherwise in writing.

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

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

For the Government of the Socialist Republic of Vietnam

Tran Quang Khue
Permanent Deputy Chairman of the National Committee on Search and Rescue (VINASARCOM)

For the Government of the Republic of the Philippines

Wilfredo D. Tamayo
Chief of Philippine Coast Guard