

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF AUSTRALIA RELATING TO THE REMOTE SENSING PROJECT

1. GENERAL

1.1 This Memorandum expresses the understandings of the Government of the Republic of the Philippines and the Government of Australia concerning the responsibilities and contributions respectively of the two Governments with regard to the implementation of the Remote Sensing Project.

1.2 The Project and its objectives and the responsibilities and contributions of the two Governments are described further in Annexes 1 to 4 of this Memorandum of Understanding.

1.3 The Project is concerned with the expanded use of remotely sensed data in providing information for the planning, development, management, regulation and monitoring of resources and national productivity improvement.

2. DEFINITIONS

In this Memorandum of Understanding:

(a) "Australian institutions, firms and organizations" means Australian institutions, firms and organizations engaged in the Project;

(b) "Australian personnel" means Australian nationals or permanent residents or other persons who are not nationals or permanent Residents of the Philippines who are working in the Philippines on the Project and whose salaries and other costs are funded from the contribution of the Government of Australia to the Project;

(c) "dependent/dependant" means the spouse or unmarried minor children of a member of the Australian personnel or any other person recognized by the two Governments as a dependent/dependant of a member of the Australian personnel;

(d) "professional and technical material" means equipment and other goods imported by members of the Australian personnel or Australian institutions, firms and organizations for their professional use in carrying out their assigned duties under the Project and paid for from funds provided by the Government of Australia;

(e) "project supplies" means equipment, material, and other goods supplied for the execution of the Project, the cost of which is funded from the contribution of the Government of Australia to the Project;

(f) "motor vehicles" means motor vehicles supplied for the execution of the Project, the cost of which is funded from the contribution of the Government of Australia to the Project;

(g) "services" means services performed by Individuals or by general professional partnerships registered in the Philippines as detailed in Annex 1;

(h) "personal and household effects" means equipment and other goods imported by Australian personnel or Australian institutions, firms and organizations for the personal use of Australian personnel and their dependents/dependants while engaged in the Project.

3. AUTHORITIES AND COORDINATION

3.1 The Executing Authorities for this Project will be:

For the Government of the Republic of the Philippines; the Department of Science and Technology (DOST); and for the Government of Australia: the Australian International Development Assistance Bureau (AIDAB) of the Department of Foreign Affairs and Trade. The Executing Authorities, however, may nominate suitably qualified agents to undertake any part of their functions on their behalf.

3.2 In addition to the functions of the Executing Authority, the following agencies have responsibilities in the Project: The National Mapping and Resource Information Authority (NAMRIA) of the Department of Environment and Natural Resources (DENR) the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) within DOST and the Training Center for Applied Geodesy and Photogrammetry of the University of the Philippines (UP).

3.3 Project coordination will be achieved through a Project Governing Board (PGB) that will meet at least twice a year. Additional meetings may be requested by the DOST, the Australian Embassy or upon the request of the majority of the members. The Board will be composed of senior representatives from each agency involved in the Project and one from the Australian Embassy. The Chairman of the Board will come from the Department of Science and Technology.

3.4 In general, the Board will provide policy direction and make periodic assessment of the progress of the Project, assisted by the Technical Advisory Committee.

4. CONTRIBUTIONS

4.1 The contributions of the Government of the Republic of the Philippines and the Government of Australia, as described in Annexes 1 to 4, are estimated to value 17.37 million Philippine pesos and 8.37 million Australian dollars respectively. The financial contribution of the Government of the Republic of the Philippines will be subject to its annual congressional appropriations. The financial contribution of the Government of Australia will be subject to the normal annual parliamentary approval of appropriations.

5. PERSONNEL

5.1 Personnel provided by the Government of Australia to the Project will be responsible for ensuring the effectiveness of the contribution of the Government of

Australia to the Project and will have an advisory and consultative role.

5.2 The Australian Team Leader will have administrative control with respect to duties, discipline, leave and other administrative issues concerning personnel funded by the Government of Australia (including Philippine nationals employed as consultants) to achieve Project objectives and subject to the laws, and regulations of the Republic of the Philippines.

6. IMPLEMENTATION, MONITORING AND REVIEW

6.1 During the first three months of the Project, the Australian and Philippine project staff will examine plans for management of the Project and will present an Implementation Document for the approval of the two Governments. The Implementation Document will be adopted in accordance with Article 16 of this Memorandum of Understanding and will supersede the Design Document as the primary reference for the Project thereafter.

6.2 A, major review of the progress of the Project may be made at times arranged between, and mutually convenient to, the two Governments to be communicated through diplomatic channels. Such a review would be undertaken by a joint Investigation team appointed by the two Governments and independent of staff involved in the Project.

7. PROJECT SUPPLIES, MOTOR VEHICLES AND PROFESSIONAL AND TECHNICAL MATERIAL AND SERVICES

7.1 In respect of project supplies, motor vehicles and professional and technical material and services whether to be imported into and/or procured within the Philippines, the Government of the Republic of the Philippines will:

- (a) be responsible for the payment of import duties, Value Added Tax (VAT) and other duties and taxes imposed in the Philippines; and be responsible for inspection fees, storage charges and all other levies, fees and charges;

- (b) facilitate the expeditious clearance and release of imported project: supplies and motor vehicles including the provision of appropriate customs and wharfage facilities in the port of entry closest to the site of the Project; and

- (c) unless provided otherwise, provide expeditious internal transport to the site of the Project.

7.2 Project supplies and motor vehicles provided by the Government of Australia for the Project will be available for the unrestricted use of the Project and will not be withdrawn from that use without the consent of the Government of Australia.

7.3 Motor vehicles provided by the Government of Australia will be under the administrative control of the Australian Team Leader for the duration of the Project. At the completion of the Project, all motor vehicles will be handed over to the Philippine Executing Authority in furtherance of the objectives of the project or other Australian-assisted projects in the natural resources sector.

8. IMPORTATION OF PERSONAL AND HOUSEHOLD EFFECTS