

**MEMORANDUM OF UNDERSTANDING BETWEEN THE REPUBLIC
OF THE PHILIPPINES AND THE INTERNATIONAL MARITIME
ORGANIZATION ON THE ESTABLISHMENT OF THE POSITION OF
REGIONAL COORDINATOR FOR TECHNICAL COOPERATION IN
EAST ASIA**

PREAMBLE

The Government of the Republic of the Philippines (hereinafter referred to as "the Government") on the one part, and the International Maritime Organization, (hereinafter referred to as "IMO") a specialized agency of the United Nations, with responsibility for the safety of life at sea and protection of the marine environment on the other part,

Considering the desire and offer of the Government to host an IMO regional presence for Asia in Metro Manila, Philippines,

Recalling that the Government is a Party to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, (hereinafter referred to as "the Privileges and Immunities Convention"),

Recalling further that the Government is Party to the Basic Agreement with the United Nations Development Programme (UNDP) of 21 July 1977 under which the IMO Regional Coordinator shall operate,

Noting that relevant immunities and privileges may not be granted to Filipino nationals not eligible to receive the same who may be employed by representative offices of the UN and its specialized agencies.

Desiring to delineate the obligations and responsibilities of the Government and IMO, respectively,

Have agreed as follows in a spirit of friendly cooperation:

SECTION I

OBJECTIVES

1.1 The objectives of this Memorandum of Understanding are to promote, at local, national, subregional and regional levels, both the implementation of IMO's regulatory framework and IMO's technical cooperation and development assistance activities, with a view to bridging the gap between the identification of needs and the execution of activities in order to consolidate institutional self-reliance in the maritime field.

SECTION II

COMMITMENTS

2.1 Each Party will give effect to the provisions of the present Memorandum of Understanding and the annex hereto, which constitutes an integral part of this Memorandum of Understanding.

SECTION III

GENERAL

3.1 IMO may establish a regional presence with the position of Regional Coordinator for IMO Technical Cooperation (hereinafter referred to as "the IMO Regional Coordinator") which shall be located in Metro Manila, Philippines and which will operate under the auspices of UNDP's Basic Agreement with the Government. The responsibilities and specific activities of the IMO Regional Coordinator shall be defined by IMO. The responsibilities shall include dealing with countries in the Asian region, UNDP and other subsidiary bodies of the United Nations, regional offices of other specialized agencies, and intergovernmental and non-governmental organizations in the fields of maritime safety, marine environment, maritime transport and related disciplines. The IMO shall recruit and employ the Regional Coordinator through the UNDP, Philippines.

3.2 The Government shall host the IMO Regional Coordinator's office within the limits of budgetary resources, through the provision of, inter alia, suitable office furniture and equipment, materials, supplies and secretarial staff (as listed in the annex attached hereto). For the purpose of this Memorandum of Understanding, the implementing agency for the Republic of the Philippines shall be the Department of Transportation and Communications (DOTC).

3.3 The provisions of the present Memorandum of Understanding shall apply to the functioning of the IMO Regional Coordinator in the Philippines. Any other relations between IMO and the Government, including technical cooperation activities, shall be regulated by the established procedures between IMO and its Member States.

SECTION IV

TRAVEL

4.1 The Government shall take appropriate measures to facilitate the entry into, residence and freedom of movement in, and departure from the Philippine territory of the following persons, regardless of their nationality:

- a) representatives of IMO member-states;
- b) officials; and
- c) experts, consultants, and other persons performing functions on the official business of the IMO

4.2 No restriction shall be made on the entry or conditions of stay of persons referred to in this Section, except those concerning zones, where

entry of aliens is prohibited or regulated for reasons of health and security of the country.

4.3 The Government shall facilitate the issuance of appropriate visas to persons referred to in this Section, without any delay and payment of any charges.

SECTION V

SETTLEMENT OF DISPUTES

5.1 Any dispute, controversy or claim arising out of, or relating to this Memorandum of Understanding, or the breach, termination or invalidity thereof, shall be settled amicably.

SECTION VI

FINAL PROVISIONS

6.1 This Memorandum of Understanding shall be signed by both Parties and shall enter into force upon notice to the IMO of ratification from the Government.

6.2 This Memorandum of Understanding may be amended at the request of either IMO or the Government, who shall consult each other and mutually agree on any amendment or supplementary agreement to be made. Any such amendment shall enter into force in accordance with Section 6.1.

6.3 This Memorandum of Understanding may be terminated:

- (a) by mutual consent of IMO and the Government;
- (b) upon either Party giving the other Party at least six months written notice of their intention to so terminate it; or
- (c) if the position of the IMO Regional Coordinator is removed from the territory of the Philippines, except for such provisions as may be applicable in connection with the orderly termination of the operations of the Organization in the Philippines and the disposal of its property therein.

6.4 The termination of the present Memorandum of Understanding

- (a) shall release IMO and the Government from any obligation to continue to apply it; and
- (b) shall not affect any right, obligation or legal situation of the Parties created through the execution of the present Memorandum of Understanding prior to the termination.

Done in Manila , this 29th day of October, two thousand and three in two copies, in the English language.

For the Government of the Republic of the Philippines

(Sgd.) BLAS F. OPLE

LEANDRO R. MENDOZA