

2004 MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENTS OF THE MEMBER COUNTRIES OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON COOPERATION IN THE FIELD OF NON-TRADITIONAL SECURITY ISSUES

Signed in Bangkok, Thailand on 10 January 2004

The Governments of the Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Government of the People's Republic of China, (hereinafter referred to as "the Parties");

DESIRING to strengthen the friendly cooperation among the Parties;

PURSUANT to the Joint Declaration of ASEAN and China on Cooperation in the Field of Nontraditional Security Issues adopted on 4th November 2002;

DETERMINED to deepen cooperation in the field of non-traditional security issues among the Parties;

Have agreed as follows:

ARTICLE 1 OBJECTIVES

The Parties shall develop practical strategies in accordance with their national laws and regulations to enhance the capacity of each individual country and the region as a whole in dealing with such non-traditional security issues as trafficking in illegal drugs, people smuggling including trafficking in women and children, sea piracy, terrorism, arms smuggling, money laundering, international economic crime and cybercrime.

ARTICLE 2 AREAS OF COOPERATION

The Parties have identified the following fields of common interest for mid and long-term cooperation:

1. Information Exchange

- a. The Parties shall establish a compilation of their national laws and regulations pertaining to such fields as mentioned in Article 1;
- b. The Parties shall establish a collection of international conventions pertaining to such fields as mentioned in Article 1, to which they are parties, and a collection of bilateral agreements signed among them where appropriate;
- c. The Parties shall, subject to their respective national laws and policies, exchange intelligence on the non-traditional security issues referred to in Article 1; and
- d. The Parties shall, subject to their respective national laws and policies, exchange information on special equipment and techniques applied in the prevention and investigation of the nontraditional security issues referred to in Article 1.

2. Personnel Exchange And Training

- a. The Parties shall promote personnel contact and exchange among their law enforcement officers and experts;
- b. China shall organize workshops to promote exchange of law enforcement experiences among the Parties in combating terrorism, trafficking in illegal drugs, sea piracy and international economic crime;
- c. China shall hold training courses to upgrade the level of capacity of each Party and the region as a whole in drug control, forensic sciences, immigration administration, road traffic control and the investigation of cybercrime. To ensure the quality of the training courses, China shall invite regional and international experts to give lectures; and
- d. The Parties shall promote exchange and cooperation among institutions.

3. Law Enforcement Cooperation

- a. The Parties shall encourage and offer each other the fullest law enforcement cooperation possible in accordance with their respective national laws and on the basis of mutual respect for sovereignty, equality and mutual benefit; and
- b. The Parties shall promote cooperation in accordance with their national laws in such fields as evidence gathering, tracing of crime proceeds, apprehension and repatriation of criminal fugitives and return of crime proceeds; and encourage each other to enter into bilateral legal arrangements therein.

4. Joint Research

- a. The Parties shall support the joint research by their experts and scholars in the field of nontraditional security issues, and share the results of research between them; and
- b. The Parties shall organize experts in relevant fields to provide short-term technical services and to make study tours.

ARTICLE 3 IMPLEMENTATION

1. The Parties agree that the implementing agencies for this Memorandum of Understanding are:
 - a. The ASEAN Secretariat in coordination with the relevant national agencies of the ASEAN Member Countries; and
 - b. The Ministry of Public Security for the People's Republic of China.

The implementing agencies of the Parties shall determine through consultation the details, schedule and arrangements for the implementation of the cooperation provided in this Memorandum of Understanding, and shall serve as coordinators for such cooperation.

2. ASEAN welcomes China's participation in the existing ASEAN cooperation pertaining to the fight against transnational crime, including the ASEAN Action Plan on the Fight against Transnational Crime and its Work Program.

3. The Parties shall hold meetings at working level once every year to exchange information on implementation of this Memorandum of Understanding, to brief each other on the progress of cooperation under various mechanisms, and to discuss the plans for future cooperation.

ARTICLE 4 FINANCIAL ARRANGEMENTS

1. Expenses of workshops and training courses organized by China in accordance with this Memorandum of Understanding shall be covered by the Chinese side, including meals, accommodation and local transportation for the participants sent by ASEAN Member Countries during their stay in China and fees for inviting experts, while the expenses of international travel shall be covered by the sending Countries, except when it is agreed otherwise.
2. Expenses incurred in the implementation of other cooperative activities in accordance with this Memorandum of Understanding shall be covered by the Parties through consultation.
3. The activities mentioned in this Memorandum of Understanding shall be conducted subject to the availability of funds and personnel of the Parties.

ARTICLE 5 CONFIDENTIALITY

1. Information, document, data, equipment or technology received in accordance with this Memorandum of Understanding shall not be disclosed or distributed to any third party except to the extent as authorized in written form to do so by the country providing it.
2. In the event of termination of this Memorandum of Understanding, the Parties have agreed that the provisions of this Article shall continue to apply.

ARTICLE 6 SUSPENSION

Each Party reserves the right for reasons of security, public order or public health to suspend temporarily, either in whole or in part the implementation of this Memorandum of Understanding, which suspension shall take effect immediately after notification has been given to the other Party through diplomatic channels.

ARTICLE 7 REVISION AND AMENDMENT

The Parties may request in writing a revision, amendment or modification of all or any part of this Memorandum of Understanding. Any revision, amendment or modification shall be mutually agreed upon in written form by the Parties and shall form part of this Memorandum of Understanding. Such revision, amendment or modification shall come into force on such date as may be determined by the Parties.

ARTICLE 8 SETTLEMENT OF DISPUTE

Any dispute or differences arising out of the interpretation/ implementation/application of the provisions of this Memorandum of Understanding shall be settled amicably through consultation/ negotiation between the Parties without reference to any third party.

ARTICLE 9
ENTRY INTO FORCE, DURATION AND TERMINATION

1. This Memorandum of Understanding shall come into effect on the date of its signing and shall remain in force for a period of 5 years. Thereafter, it may be extended for additional periods subject to availability of funds and agreements of the Parties expressed by way of exchange of letters.
2. Each Party may give written notice to the other of its desire to terminate this Memorandum of Understanding, of which termination shall be effective thirty (30) days after written notification has been given to the other Party. The termination of this Memorandum of Understanding shall not affect the implementation of ongoing activities/programs.

IN WITNESS WHEREOF, the undersigned, duly authorized by the respective Governments of the ASEAN Member Countries and the People's Republic of China, have signed this Memorandum of Understanding.

This Memorandum of Understanding is signed in Bangkok, Thailand, on the 10th day of January of the year Two Thousand and Four in two original copies in the English language.

For ASEAN
ONG KENG YONG
Secretary-General of ASEAN

[Signatory name not available]
For the Government of People's Republic of China