

2008 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 INFORMATION AND MEDIA COOPERATION

Signed in Nanning, China on 16 October 2008

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam as member countries of the Association of Southeast Asian Nations (hereinafter referred to collectively as "ASEAN" or "ASEAN Member Countries", or individually as "ASEAN Member Country") as one Party, and Government of the People's Republic of China (China) as the other Party (hereinafter referred to as "the Parties" or individually as "a Party");

MINDFUL of the Plan of Action to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity signed by ASEAN and Chinese Heads of State/Government in Indonesia, on 8 October 2003;

COGNIZANT of the Work Plan on Enhancing ASEAN-China Cooperation Through Information and Media 2006-2010 adopted in the Workshop on Enhancing ASEAN-China Cooperation Through Information and Media in Indonesia, on 19 May 2006.

DESIRING to further promote the close and friendly relations between the Parties in the information and media sector;

REALIZING information and media are tools for promoting mutual understanding and cooperation in the political, economic, and social spheres between the Parties;

RECOGNIZING the contribution and benefit of information and media exchanges and cooperation in enhancing the mutual understanding and friendship of the Parties;

RECALLING China's initiative to enhance Information and Communications Technology (ICT) cooperation and the vast potential for cooperation between the Parties in the ICT sector;

IN THE SPIRIT of enhancing solid foundations for cooperation and partnership in the information and media sectors;

Have agreed on the following:

ARTICLE 1 OBJECTIVE

The Parties will enhance and promote cooperation and exchanges in the fields of information and media in accordance with their respective domestic laws, regulations, policies, administrative guidelines and procedures.

ARTICLE 2 AREAS OF COOPERATION

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

1. HUMAN RESOURCE DEVELOPMENT

The Parties will facilitate visits and personnel exchanges between their respective media industries, media organisations and governmental organisations in charge of media between ASEAN and China.

The Parties will implement and encourage training programmes in the film, broadcasting, interactive and digital media sectors (including animation, game development and special effects) for policy makers and the media industry representatives from ASEAN and China.

2. MEDIA EXCHANGES AND CO-PRODUCTIONS

The Parties will encourage film and television (including news) programme exchanges as often as required.

The Parties will promote mutual visits and exchanges of journalists and strengthen cooperation in news reporting, press interviews and production of television programmes.

The Parties will encourage participation in media-related festivals, conferences and markets held in each other's countries and create opportunities to showcase each other's talents in the media industry.

The Parties will encourage and facilitate media co-productions between their respective media industries, as well as marketing, exhibition and distribution of such content.

The Parties will facilitate market access of audio-visual products through dialogue and consultations.

3. CHINA-ASEAN INFORMATION AND MEDIA NETWORK

The Parties will hold annual consultations and dialogue sessions on broadcasting issues, media policies and technology developments in the broadcasting and media industry, with the aim of exchanging views and best practices on issues of common concern.

The Parties will facilitate collaborations and partnerships between their respective media industries, including networking events, co-productions, information and technology sharing, training, internships, R&D collaborations and participation in international media conferences.

The Parties will advance and reinforce a positive international image of ASEAN and China relations which is supportive of the interests, policies, programmes and goals of both ASEAN and China.

The Parties will promote information and cultural exchanges between ASEAN and China.

ARTICLE 3 IMPLEMENTATION

1. The Parties agreed that the implementing agencies of this Memorandum of Understanding are the ASEAN Committee on Culture and Information (ASEAN-COCI) and the State Council Information Office of the People's Republic of China. These agencies will also be the respective contact agencies that are responsible for co-ordinating the identification, implementation and supervision of cooperation projects.

The implementing agencies of the Parties shall determine through consultations 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. The Parties agree that project formulation, monitoring and evaluation will be carried out through the cooperation mechanisms established under the ASEAN -China dialogue relations.

ARTICLE 4 FINANCIAL ARRANGEMENTS

The financial arrangements to cover expenses under this Memorandum of Understanding shall be mutually agreed upon by the respective Parties on a case-by-case basis subject to the availability of funds.

ARTICLE 5 COMPATIBILITY WITH OTHER INTERNATIONAL TREATIES

The provisions of this Memorandum of Understanding shall not affect the implementation of the Parties' international obligations arising out of other international treaties to which the Parties are also parties.

ARTICLE 6 CONFIDENTIALITY

1. The Parties shall undertake that neither Party shall disclose or distribute any confidential information document/data received or supplied to the other Party in the course of the implementation of this Memorandum of Understanding and any other agreements made pursuant to this Memorandum of Understanding, to any third party except if they have been authorised in writing to do so by the other Party.
2. The Parties agree that the provisions of this Article shall continue to be binding between the Parties notwithstanding the termination of this Memorandum of Understanding.

ARTICLE 7 COPYRIGHT

The protection of copyright within the jurisdiction of each Party as well as each individual ASEAN Member Country will be enforced in conformity with its domestic laws, regulations, administrative policies, guidelines and procedures and also with the international agreements to which the individual ASEAN Member Country concerned and China are parties.

ARTICLE 8 SETTLEMENT OF DISPUTES

Any dispute between the Parties on the interpretation and implementation of this Memorandum of Understanding shall be settled amicably through consultations and negotiations between both Parties.

ARTICLE 9 AMENDMENT

1. This Memorandum of Understanding may be amended by mutual consent between the Parties. Such amendments shall be in writing. Such amendments, if mutually agreed upon, will come into force on such date as determined by the Parties and shall form an integral part of this Memorandum of Understanding.
2. Any amendments made in accordance with paragraph 1 shall not affect any ongoing cooperation arising out of this Memorandum of Understanding before or up to the date of such amendments.

ARTICLE 10 ENTRY INTO FORCE, DURATION, AND TERMINATION

1. This Memorandum of Understanding shall come into force on the date of its signature.
2. This Memorandum of Understanding shall remain in force for a period of five years and be automatically extended for subsequent periods of three years unless terminated by either party, giving at least six months' written notification to the other party prior to the expiration of the relevant period.
3. The termination of this Memorandum of Understanding shall not affect the implementation of ongoing programmes/activities which have been agreed upon prior to the date of the termination of this Memorandum of Understanding.
4. In the event of an event of force majeure which includes acts of God, outbreak of any epidemic disease, war or warlike hostilities, acts of terrorism, new statutory enactments or modifications, civil commotion, riots, blockades, embargoes, sabotage, strikes, lockouts, shortage of material or labour, or any other event that is unforeseen and beyond the reasonable control of any of the Parties, each Party reserves the right for reasons of security, public order, public interest or public health to suspend temporarily either in whole or part, of the implementation of this Memorandum of Understanding, which shall take effect thirty (30) days after notification has been given to the other Party through diplomatic channels.

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

DONE AT Nanning, China, this 16th day of October in the Year of 2008, in two original copies, one in the English language and one in the Chinese language. In case of any divergence of interpretation, between the English language text and the Chinese language text, the English language text shall prevail.

For the Government of Brunei Darussalam:
Honourable Pehin Dato Haji Mohammad
Minister of Energy

For the Government of the People's Republic of
China:
H.E. Mr. Wang Chen
Minister of the State Council Information Office

For the Government of Cambodia
H.E. Mr. Khieu Kanharith
Minister of Information

For the Government of the Republic of
Indonesia
H.E. Prof. Dr. Mohammad Nub
Minister of Communication and Information
Technology

For the Government of the Lao People's
Democratic Republic
H.E. Mr. Mounkeo Olaboune
Minister of Information and Culture

For the Government of Malaysia
H.E. Ahmad Shabery Cheek
Minister of Information

For the Government of the Union of Myanmar
H.E. Brig-Gen Kyaw Hsan
Minister of Information

For the Government of the Republic of the
Philippines
H.E. Bon. Conrado A. Limcaocp, Jr.
Secretary, Philippine Information Agency

For the Government of the Republic of
Singapore
H.E. Dr. Lee Boon Yang
Minister for Information, Communications and
the Arts

For the Government of the Kingdom of Thailand
Satit Wongnongtaey

Minister Attached to the Prime Minister's Office,
Minister to the Prime Minister's Office
For the Government of the Socialist Republic of
Viet Nam

H.E. Mr. Le Doan Hop

Minister of Information and Communication