

**PROTOCOL FOR THE EXTENSION OF THE AGREEMENT ON
INFORMATION EXCHANGE AND ESTABLISHMENT
OF COMMUNICATION PROCEDURES
TO
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA**

The Governments of the Republic of Indonesia, Malaysia, and the Republic of the Philippines;

HAVING REGARD to the Agreement on Information Exchange on Information Exchange and Establishment of Communication Procedures which was signed at Putrajaya, Malaysia on 7 May 2002, hereinafter referred to as the "Agreement";

WHEREAS, the Kingdom of Cambodia has expressed its intention to accede to the Agreement;

HAVE DECIDED to extend the Agreement to the Kingdom of Cambodia and to this end have designated as their Plenipotentiaries:

The Government of the Republic of Indonesia;
The Government of Malaysia;
The Government of the Republic of the Philippines

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The Kingdom of Cambodia accedes to the Agreement by virtue of this Protocol.

ARTICLE 2

The provisions of the Agreement shall apply to the Kingdom of Cambodia.

ARTICLE 3

For the purpose of the Agreement, this Protocol shall be deposited with the Government of Republic of the Philippines, which shall be the depositary State.

ARTICLE 4

This protocol shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose.







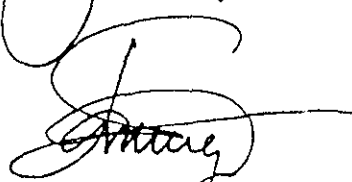
DONE at Brunei Darussalam, on 30 July in the year two thousand and two in three original copies, each text being equally authentic.



N. HASSAN WIRAJUDA
Minister of Foreign Affairs
Republic of Indonesia



DATUK SERI SYED HAMID ALBAR
Minister of Foreign Affairs
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Special Envoy
Republic of the Philippines

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ASEC

AGREEMENT ON INFORMATION EXCHANGE
AND ESTABLISHMENT OF COMMUNICATION PROCEDURES

The Governments of the Republic of Indonesia, Malaysia and the Republic of the Philippines, hereinafter referred to singularly as "the Party" and collectively as "the Parties";

RECOGNIZING the value of enhancing the existing bilateral defense, border and security cooperation arrangements between them;

DESIRING to promote further cooperation in and to introduce a system to facilitate the exchange of information and intelligence and establish communication procedures among them;

REALIZING the need to establish a framework to facilitate cooperation and interoperability among themselves to address border and security incidents, transnational crimes, and other illegal activities occurring within their territories;

Have agreed as follows:-

ARTICLE I
OBJECTIVE

This Agreement shall provide the framework for cooperation in the exchange of information and the establishment of communication procedures.

ARTICLE II
SCOPE AND FORMS AND COOPERATION

1. The scope of cooperation among the Parties in the exchange of information and the establishment of communication procedures shall be in relation to the areas enumerated in Article III of this Agreement.
2. Consistent with the laws, regulation and procedures in force in their respective territories, the Parties agree that the areas of cooperation enumerated in Article III of this Agreement may be carried out in the following forms:-

- (i) facilitating proper coordination and collaboration during border and / or security incidents, transnational crimes and other illegal activities where individual resources of a Party may be inadequate;
- (ii) establishing common understanding and approaches in managing the multiple and complex issues arising from transnational crimes;
- (iii) strengthening national and sub-regional capacities to manage border and / or security incidents and transnational crimes through information exchanges, agreed communication procedures and training;
- (iv) reviewing and enhancing internal rules and regulations, both legal and administrative, to ensure proper, effective, and timely collaboration and responses to border and / or security incidents and in times of operational constraints in the implementation of defense, border and security arrangements;
- (v) providing opportunities for the Parties' duly authorized representatives to establish linkages to facilitate cooperation;
- (vi) facilitating dialogue among the Parties on criminal and crime-related activities committed within their respective territories which may adversely affect the interests of any or all of the other Parties; and
- (vii) establishing mechanisms for immediate response and assistance among the Parties.

ARTICLE III AREAS OF COOPERATION

The Parties undertake to cooperate among themselves in preventing the utilization by anyone of their land-air-sea territories for the purpose of committing or furthering any or all of the following activities:-

- (i) Terrorism, which in this Agreement is understood to mean any act of violence or threat thereof perpetrated to carry out within the respective territories of the Parties or in the border area of any of the Parties an individual or collective criminal plan with the aim of

environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States;

(ii) Money Laundering, which in this Agreement is understood to mean any act of a person who:—

- (a) engages directly or indirectly in a transaction that involves the proceeds of any unlawful activity;
- (b) acquires, receives, possesses, disguises, transfers, converts, exchanges, carries, disposes, uses, removes from or brings into the territory of any of the Parties proceeds of any unlawful activity; or
- (c) conceals, disguises or impedes the establishment of the true nature, origin, location, movement, disposition, title of, rights with respect to, or ownership of, proceeds of any unlawful activity;

(iii) Smuggling, which in this Agreement is understood to mean:—

(a) in relation to goods, the act of bringing into or taking out of the border area of any of the Parties' goods, including arms and explosives, contrary to the laws of the respective Parties;

(b) in relation to persons, the act of:—

- smuggling of persons, that is, the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into the territory of a Party of which the person is not a national or a permanent resident;
- trafficking in persons, that is, the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person, having control over another person, for the

purpose of exploitation (which includes, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.)

- (iv) Piracy / Robbery at Sea, which in this Agreement is understood to mean any unlawful act of violence, detention, intimidation or depredation committed for private ends by crew or the passengers of a seaborne vessel and directed against another seaborne vessel or against persons or property on board such vessel or abetting any of the aforementioned acts including the seizing of or exercising of control over a seaborne vessel;
- (v) Hijacking, which in this Agreement is understood to mean any unlawful act of interference, seizing or exercising control of an aircraft, or attempting to perform any such act, by the use of force or by threats of any kind;
- (vi) Intrusion, which in this Agreement is understood to mean any unlawful clandestine attempt, activity and / or action to introduce unobtrusively any person or small groups of persons, including insurgent elements, into the territory of any of the Parties in order to undermine the security or subvert the interest of that Party;
- (vii) Illegal Entry, which in this Agreement is understood to mean the act of entering or facilitating the entry of any person or group of persons into the territory of any of the Parties contrary to the immigration laws of that Party;
- (viii) Drug Trafficking, which in this Agreement is understood to include manufacturing, importing, exporting, keeping, concealing, buying, selling, giving, receiving, storing, administering, transporting, carrying, sending, delivering, procuring, supplying or distributing any dangerous drugs without lawful authority;
- (ix) Theft of Marine Resources, which in this Agreement is understood to mean the unlawful extraction or removal, by whatever means, of marine resources, living or non-living on, under or above the seabed and subsoil of the continental shelf and exclusive economic zone of any of the Parties and the superjacent waters thereof;

- (x) Marine Pollution, which in this Agreement is understood to mean the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazard to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities; and
- (xi) Illicit Trafficking in Arms, which in this Agreement is understood to mean the import, export, acquisition, sale, delivery, movement or transfer of arms, their parts and components and ammunition from or across the territory of one Party to that of another Party if any one of the Parties concerned does not authorize it in accordance with the terms of its laws or if the arms are not marked in accordance with its laws.

ARTICLE IV PARTICIPATION AND ORGANIZATION

1. Each Party shall designate an organization to act as the communication cum liaison center within its respective territory for the purpose of the implementation of this Agreement.
2. The designated communication cum liaison center of each Party shall be staffed by representatives of the respective Parties' defense, security and / or police establishments, and may also include representatives from such other agencies of the Party as it considers fit.
3. The Parties shall designate a communications network to be used among the participating communication cum liaison centers and shall endeavor to maintain easy access to an open channel.
4. Communication procedures shall be established among the communication cum liaison centers of the Parties.

ARTICLE V
ADMINISTRATIVE AND OPERATIONAL REQUIREMENTS

1. The Parties shall designate a communications system to be used for the purposes of this Agreement, taking into consideration interoperability and security requirements.
2. Logistical arrangements for the exchange of information, the establishment of communication procedures and the maintenance of equipment used within the territory of each Party shall be the responsibility of the respective Parties.
3. The Parties undertake to use their best endeavors to expeditiously relay information about any activity that falls under the areas of cooperation enumerated in Article III to the relevant Party to enable appropriate action to be taken by that Party. The information shall be relayed by any convenient and expeditious means of communication available and shall be followed by a written report or summary.
4. A person arrested for an offense shall be dealt with in accordance with the laws of the arresting Party.
5. If a national of any of the Parties is arrested for an offense by an authorized law enforcement agency of another Party in the latter's territory, the designated communication cum liaison center, shall, subject to its national laws and security considerations, endeavor to inform its counterpart, as expeditiously as possible, of such arrest, giving the status and action taken thereon.

ARTICLE VI
ESTABLISHMENT OF A JOINT COMMITTEE

1. The Parties shall establish a Joint Committee, consisting of such members as the Parties may consider appropriate for the purpose of carrying out the obligations under this Agreement, in particular:-
 - (i) to determine and set out the administrative and operational requirements of exchanging information and establishing communication procedures; and

- (ii) to undertake implementable projects or activities as listed in Annex 1 of this Agreement.
- 2 The Joint Committee shall periodically submit reports to the Senior Officials, for their consideration and action.
- 3. The Joint Committee shall convene its inaugural meeting on a date and at a venue acceptable to all Parties, as may be determined through diplomatic channels

ARTICLE VII RESERVATIONS

Each Party reserves the right, for reasons of national security, public order or health: ~

- (i) to refuse to exchange any particular information or intelligence; and
- (ii) to suspend temporarily, either in whole or in part, the implementation of this Agreement which shall be effective thirty (30) days after written notification has been given to the other Parties through diplomatic channels.

ARTICLE VIII EXPENSES

The expenses incurred in the implementation of this Agreement shall be borne by the respective Parties.

ARTICLE IX DISCLOSURE OF INFORMATION

Each Party agrees to preserve the confidentiality and secrecy of documents, information, and other data received from the other Parties, including the source thereof, even after the termination of this Agreement.

ARTICLE X
SETTLEMENT OF DISPUTES

Any difference or dispute arising from the implementation of the *provisions* of this Agreement shall be settled amicably through consultation or negotiation between the Parties concerned, through diplomatic channels, without reference to any third Party or international tribunal.

ARTICLE XI
ENTRY INTO FORCE, AMENDMENT AND TERMINATION

1. This Agreement shall enter into force on the date of the last notification by the Parties, through diplomatic channels, indicating that they have accepted it.