

July 14, 2003

**MEMORANDUM OF UNDERSTANDING BETWEEN THE  
GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE  
GOVERNMENT OF AUSTRALIA ON COOPERATION IN COMBATING  
TRANSNATIONAL CRIME**

The GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES and THE GOVERNMENT OF AUSTRALIA (hereinafter referred to as the "Parties");

Recognizing that rapid globalization has paved the way for the increase in incidence and magnitude of transnational crime;

Cognizant of the growing sophistication of transnational crime and its serious threats to the national security and interests of both states;

Recalling the instruments concluded by both the Governments of the Republic of the Philippines and Australia on combating international terrorism, child sexual abuse and other serious crimes, extradition, and mutual legal assistance;

Conscious of the need to have a concerted, synchronized, and focused effort between the law enforcement agencies of both countries;

Desirous of strengthening law enforcement cooperation between the two countries, and to combat transnational crimes more effectively;

On the basis of mutual respect for sovereignty, equality and mutual benefit;

Have reached the following understanding:

**I. AREAS OF COOPERATION**

As provided for in this Memorandum of Understanding and in compliance with relevant international treaties, subject to their respective domestic laws, the parties will cooperate in the prevention and investigation of transnational crimes, including:

- a. terrorism in all its forms;
- b. illicit drug trafficking;
- c. money laundering, financial crimes and other economic crimes;
- d. trafficking in persons and human smuggling;
- e. identity fraud;
- f. counterfeiting of currency and negotiable securities/instruments;
- g. piracy in the high seas;
- h. illegal trafficking in weapons, ammunition, explosives, and toxic and environmentally destructive and radioactive materials;
- i. illegal acquisition, import or export of cultural and historical treasures;

- j. violation of intellectual property rights;
- k. cyber crimes; and
- l. any other forms of transnational crime as may be mutually determined by the Parties.

## **II. FORMS OF COOPERATION**

1. The cooperation between the Parties, referred to in Paragraph 1, may take the following forms:

- a. intelligence exchange of information and personnel;
- b. provision of information on cases under investigation and/or pending in court;
- c. search for and provision of assistance for persons who are reported missing, and timely repatriation of persons who are evading criminal investigation, prosecution, trial or execution of a sentence in accordance with their respective domestic laws and existing bilateral instruments and on the basis of mutual respect for sovereignty, equality and mutual benefit;
- d. exchange of public records and documents; and
- e. exchange of relevant knowledge and expertise.

2. Under this Memorandum of Understanding, the Parties will undertake relevant cooperation in law enforcement technology, equipment and personnel training and other capacity building measures, as may be mutually determined between them.

3. This Memorandum of Understanding will not change the arrangements between the Parties for formal mutual legal assistance under the Treaty Between Australia and the Republic of the Philippines on Mutual Assistance in Criminal Matters 1993 or the Treaty on Extradition Between Australia and the Republic of the Philippines of 1990, will not prevent the Parties from developing other mutually acceptable forms of cooperation and will not affect cooperation involving other law enforcement agencies.

## **III PROCEDURE**

The procedure governing the cooperation, referred to in Paragraph 1, will be as follows:

1. Requests for cooperation will be coursed through:
  - a. for the Republic of the Philippines, the Secretary of Interior and Local Government or his duly designated representative.
  - b. for Australia, the Minister for Justice and Customs or his duly designated representative.
2. Requests will be submitted formally in writing, including through mail, fax, or other electronic means of communications.
3. Requests will include the following information: