

## **AGREEMENT ON INFORMATION EXCHANGE AND ESTABLISHING OF COMMUNICATION PROCEDURES**

The Governments of the Republic of the Philippines, the Republic of Indonesia, and Malaysia, 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 OF 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, regulations 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 terrorizing people or threatening to harm them or imperiling their lives, honour, freedoms, security or rights or exposing the 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, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, or 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 the 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