

October 30, 2001

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON
COOPERATION AGAINST ILLICIT TRAFFIC AND ABUSE OF
NARCOTICS DRUGS, PSYCHOTROPIC SUBSTANCES AND
PRECURSOR CHEMICALS**

THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA (hereinafter referred to as the "Parties");

RECOGNIZING that the illicit use and traffic of narcotic drugs and psychotropic substances constitute a serious threat to the economy and endanger the physical health of the people of both states;

DESIRING to cooperate to combat and prevent illicit cultivation, production, distribution, and abuse of narcotic drugs and psychotropic substances;

MINDFUL of the obligations provided in the Single Convention of Narcotics Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (hereinafter referred to as the "1988 Convention");

COGNIZANT of the provisions of the Political Declaration, Guiding Principles of Drug Demand Reduction and Measures to Enhance International Cooperation to Counter the World Drug Problem, adopted by the Special Session of the General Assembly on June 10, 1998;

BEARING in mind the basic principles of international law, the obligations arising from international treaties and the laws of their respective countries, and on the basis of mutual respect for sovereignty;

Have reached the following understanding:

**ARTICLE I
OBJECTIVE AND SCOPE OF COOPERATION**

The Parties, subject to the laws and regulations in force in their respective states, shall promote and encourage various modes of cooperation in order to effectively prevent and control the various aspects of illicit production, distribution, trafficking and abuse of narcotic drugs and psychotropic substances and the diversion of precursors and essential chemicals that may be used in the illicit manufacture of narcotic drugs and/or psychotropic substances.

**ARTICLE II
EXCHANGE OF INFORMATION**

The Parties shall establish and maintain channels of communication between their competent agencies to facilitate the rapid and timely exchange of relevant information on various matters, including the following;

1. Laws and other issuances of competent bodies of the Parties that may help in efforts to reduce drug supply and demand;
2. Matters relative to the investigation of drug offenses to include:
 - a. Information on any suspicion of illicit traffic of narcotic drugs, psychotropic substances or illegal diversion of chemical precursors and essential chemicals towards either of the Parties;
 - b. Methods used in manufacture, smuggling and sale of narcotic drugs, psychotropic substances, and precursor chemicals;
 - c. Drug trafficking routes and modus operandi used by persons and organizations suspected of trafficking in narcotic drugs and psychotropic substances;
 - d. Methods used for the transfer, concealment, or disguise of proceeds, property, and instrumentalities involved in drug trafficking;
3. Studies, researches and information on treatment and rehabilitation and reintegration programs on drug abuse carried out by the Parties;
4. Programs on drug prevention;
5. Information on new and emerging forms of illicit drugs;
6. Information on clandestine manufacturing methods of illicit drugs;
7. Information on relevant fields of experience and expertise including scientific analysis in combating the abuse of illicit narcotic drugs and psychotropic substances;
8. Information on measures for the purpose of confiscation or forfeiture of property or proceeds derived from illegal activities in relation to illicit trafficking of narcotic drugs and psychotropic substances; and
9. Information concerning nationals of either Party already detained or arrested on charges of illicit trafficking of narcotic drugs and psychotropic substances.

ARTICLE III
PARTICIPATION IN INVESTIGATIONS AND SPECIAL INVESTIGATIVE
TECHNIQUES

1. A Party, upon request to and approval of the other Party, may participate in investigations being carried out in that state subject to a "Terms of Reference" which will be agreed upon by both Parties on a case-to-case basis;
2. The Parties shall consider the joint applicability of the methods of controlled delivery, under the 1988 Convention.

ARTICLE IV
PREVENTION OF DIVERSION AND ILLICIT TRAFFICKING OF PRECURSORS
AND ESSENTIAL CHEMICALS

The Parties shall cooperate in adopting measures to implement and reinforce provisions of the 1988 Convention regarding precursors and essential chemicals