BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN ROYAL THAI POLICE AND THE PHILIPPINE DRUG ENFORCEMENT AGENCY ON COOPERATION IN COMBATING ILLICIT TRAFFICKING IN NARCOTIC DRUGS, AND CONTROLLE...

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The Royal Thai Police (RTP) and the Philippine Drug Enforcement Agency (PDEA), hereinafter referred to as "the Participants"

Realising that illicit use and traffic of dangerous drugs and controlled precursors and essential chemicals, constitute a serious threat to the culture, religion, politics, family, security, health, and economy of both countries;

Recognising the need to cooperate in combating, preventing and suppressing illicit cultivation, production, distribution and abuse of dangerous drugs and controlled precursors and essential chemicals;

Mindful of the obligations provided in the Single Convention of Narcotic Drug.s 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");

Recalling the Participants' commitments in the Agreement on Cooperation on the Prevention and Fight Against Criminal Activities of December 18, 1998, particularly, the effective prevention and suppression of trafficking in narcotic drugs and controlled precursors and essential chemicals.

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 agreed on the following terms and conditions:

Paragraph 1
Objective and Scope

a.

The objective of this Memorandum is to provide a basic framework for cooperation between the Participants in combating transnational crime related to trafficking in narcotic drugs and controlled precursors and essential chemicals.

b.

This Memorandum of Understanding is not intended to create any legally binding obligation.

Paragraph 2
Forms of Cooperative Activity

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Cooperative activities will cover the following areas:

a.

Information sharing in combating trafficking in narcotic drugs, and controlled precursors and essential chemicals;

b.

Coordinated operations; and

c.

Capacity building.

The present Memorandum does not affect the existing procedures on extradition or legal assistance in criminal matters.

Paragraph 3
Exchange of Information

The Participants will establish and maintain channels of communication between them io facilitate the rapid and timely exchange of relevant information on various matters, including the following:

a.

Crimes committed related to trafficking of illicit drugs in the territory of the other Participant's State;

b.

Individuals suspected of cross border trafficking of illicit drugs;

c.

Particular facts and events related to the intent to transport or the actual transport of illicit drugs from the State territory of one Participant to the State territory of the other Participant;

d.

Structures, individuals, types of business, systems of management and contacts of criminal groups, involved in trafficking of illicit drugs and their precursors, whose activities are transnational in nature;

e.

Contacts, which have taken place or supposed to take place between particular individuals or criminal groups, linked with trafficking of illicit drugs and their precursors in the Participants' States;

f.

Forms and methods of criminal activities linked to trafficking of illicit drugs and their precursors;

g.

Activities aimed at legalizing or laundering of an income from trafficking of illicit drugs and their precursors;

h.

Forms and methods used to reveal sources of supply of drugs and their precursors coming into illicit trafficking,

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as well as measures aimed at suppressing such trafficking;

i.

Emerging types of drugs, technologies for their production and methods of illicit trafficking;

j.

Methods used to conceal and camouflage drugs and their precursors while in cultivation, production, transportation and sale, as well as methods for their detection; and

k. Other issues of mutual interest.

Paragraph 4
Conduct of Coordinated Operations

The Participants will coordinate in the following:

a.

Cooperation in organizing and fulfilling countermeasures to illicit drug use and trafficking; and

b.

Provide mutual assistance in actions carried out to combat trafficking of illicit drugs and precursors thereof, including controlled deliveries and monitoring of the licit circulation of drugs.

Paragraph 5
Cooperative Assistance

The Participants will strengthen cooperative assistance, as well as the exchange of best practices, for the purpose of capacity building and professional development, including but not limited to:

i.

Exchange of personnel for training and education;

ii.

Conduct of and participation in !raining programs, seminars, workshops and other activities; and

iii.

Material, technical and advisory assistance as well as expertise assistance.

Paragraph 6
Channels of Communication

The Participants will establish channels of communication to facilitate coordination and cooperation with the objective of ensuring rapid responses. The points of contact under this MOU are:

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For RTP, the Narcotics Suppression Bureau; and

*

For PDEA, International Cooperation and Foreign Affairs Services (ICFAS).

Paragraph 7
Confidentiality

Any information acquired or document obtained under this Memorandum will be protected by the same confidentiality as provided by the national legislation of the Participant providing the information or document. Notwithstanding the termination of this Memorandum, this provision will remain binding between the Participants.

Paragraph 8

Disclosure of Information

a.

The information received under this Memorandum will be used solely for the specific purposes for which the information or document was sought or provided.

b.

Any information arising out of or document obtained under this Memorandum will not be disclosed to any third party Without the prior written approval of the other Participant.

c.

The security of classified information and material exchanged or arising out of this Memorandum may be governed by specific agreements between the Participants, on a case-to-case basis.

Paragraph 9 Media Announcements

a.

Both individual and joint media releases in connection with this Memorandum will be coordinated by the Participants to ensure that the interests of both Participants are protected.

b.

Media releases should be intended to promote the capabilities of the Participants and to frustrate the activities of criminals related to trafficking in narcotic drugs, psychotropic substances and precursors..

Paragraph 10
Financial Arrangements

a.

Unless otherwise agreed upon, each Participant will be responsible for its own costs in the implementation of this Memorandum.

b.

Financial arrangements to cover expenses for cooperative activities under this Memorandum will be mutually decided upon on a case-to-case basis and subject to the availability of funds and other resources.

Paragraph 11
Consultations

Any differences on the interpretation or implementation of the provisions of this Memorandum and of activities or projects undertaken under it will be settled amicably by consultations between the Participants.

Paragraph 12
Amendment

This Memorandum may be amended on the basis of mutual written consent of the Participants. The amendments will come into effect in accordance with Paragraph 14 (a).

Paragraph 13

Supplementary Agreements

In order to further the purposes of this Memorandum, the Participants may supplement it with one or more technical agreements. Such agreements will be jointly decided between the Participants.

Paragraph 14
Effectivity, Validity and Termination

a.

This Memorandum will come into effect on the date of the last written notification by the Participants through diplomatic channels, indicating that their domestic requirements for its corning into effect have been completed.

b.

This Memorandum will remain in effect until either of the Participants notifies in writing the other Participant through diplomatic channels of its intention to terminate the same. The notice of termination will become effective six (6) months after the date thereof.

c.

The termination of this Memorandum will not adversely affect any valid or subsisting arrangement(s) concluded or entered into prior to its termination, unless the Participants decide otherwise.

SIGNED in duplicate, at National Headquarters, Philippine Drug Enforcement Agency on September 19, 2017, in the English and Thai languages, each version being equally authentic. In case of divergence in interpretation, the English text shall prevail the English text will be used.

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For Royal Thai Police For the Philippine Drug Enforcement

Agency

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