

ARRANGEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF NEW ZEALAND ON LAW ENFORCEMENT COOPERATION TO COMBAT TRANSNATIONAL CRIME

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The Government of the Republic of the Philippines and the Government of New Zealand (hereinafter referred to as the Participants);

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

Cognisant of the growing sophistication of transnational crime and the serious threat it poses to the national security and interests of both states;

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

Aware of the multifaceted 'nature of transnational crime that requires a multi-sectoral and inter-agency response at local, regional and international levels;

Desirous of strengthening law enforcement cooperation between the two countries in order to combat transnational crime more effectively;

On the basis of mutual respect for sovereignty, equality, and mutual benefit but acknowledging that nothing in this Arrangement will make one Participant to this Arrangement liable for the actions of the other Participant, nor create any legal relationship between the Participants;

Have reached the following understanding:

I AREAS OF COOPERATION

As provided for in this Arrangement, in compliance with relevant international treaties and subject to their respective domestic laws, the Participants will cooperate in the prevention and investigation of transnational crime, including:

a terrorism;

b illicit drug trafficking;

c money laundering and financial crimes;

d trafficking in persons and human smuggling;

e any other forms of transnational crimes as may be mutually determined by the Participants.

II FORMS OF COOPERATION

1. The cooperation between the Participants referred to in Paragraph I may take the following forms:
 - a exchange of information, intelligence, evidence, public records and/or documents subject to respective domestic laws and existing bilateral instruments;
 - b assistance and coordination of activities with respect to investigations, including in the search for persons who are reported missing;
 - c capacity-building and exchange of relevant knowledge and expertise.
2. This Arrangement will not change the arrangements between the Participants under any existing arrangements already entered into, will not prevent the Participants from developing other mutually acceptable forms of cooperation, and will not affect cooperation involving other law enforcement agencies.

III REQUESTS FOR COOPERATION OR ASSISTANCE

1. Requests for cooperation or assistance will be directed through:
 - a for the Republic of the Philippines, the Chairman of the National Law Enforcement Coordinating Committee by virtue of Executive Order No. 41., or his duly designated representative,
 - b for New Zealand, the Police Commissioner, Police National Headquarters, or his duly designated representative.
2. Requests will be submitted in writing through the contact points designated in this Arrangement, including through mail, fax, or other electronic means of communication; in such format as may be mutually determined between the Participants.
3. The requested Participant will inform in writing the requesting Participant of the outcome of the request.

IV CONTACT POINTS

1. The Philippine Center on Transnational Crime (PCTC) and the New Zealand Police National Headquarters will be the designated national points of contact for the implementation of this Arrangement. They will coordinate and facilitate the exchange of information or cooperative activities between the Participants, and their respective national law enforcement institutions.
2. The national points of contact may delegate responsibility for coordination of specific activities to the Director for Operations of the Philippine National Police (PNP) as Head Secretariat of the National Law Enforcement Coordinating Committee and the New Zealand Police Liaison Officer accredited to the Philippines.

V CONFIDENTIALITY

All information to be exchanged pursuant to this Arrangement will be kept confidential by the Participants and will be used subject to such terms as each Participant may specify in accordance with the domestic laws and policies of the Participants. The Participants will not use the information for purposes other than that specified without the prior written consent of the other Participant. The information will be kept confidential after the Arrangement has ceased to have effect.

VI DENIAL OR DEFERMENT OF REQUEST

1. Participants will make best endeavours to satisfy requests for assistance or cooperation made under this Arrangement. The requested Participant may, however, deny or defer a request where resource, capability, domestic law(s), judicial or other factors constrain fulfilment of that request.
2. In case of refusal or deferment of cooperation, the requested Participant will promptly inform the requesting Participant of the reason for refusal or deferment, it will also consult with the requesting Participant to determine whether cooperation is possible on other mutually accepted terms.

VII COOPERATION MECHANISM

1. In accordance with the laws of their respective countries, the competent authorities of the Participants to formulate and develop mechanisms and arrangements for the implementation of this Arrangement, will be;
 - a for the Republic of the Philippines, the Executive Director of the Philippine Center on Transnational Crime (PCTC),
 - b for New Zealand, the Assistant Police Commissioner (International Service Group), Police National Headquarters.
2. The Participants will meet in the place and on the date mutually determined by the Participants and communicated through the contact points designated in this Arrangement.

VIII FUNDING

Funding of cooperative activities under this Arrangement will be facilitated by mutual consent including in terms of any assistance provided by third parties jointly involved in a particular activity or cooperation.

IX RESOLUTION OF DIFFERENCES

Differences concerning the implementation or interpretation of this Arrangement will be subject to resolution through consultation.

X ENTRY INTO EFFECT, AMENDMENT, TERMINATION

1. This Arrangement will enter into effect on the date of the later notification by the Participants, through diplomatic channels, indicating compliance with their respective internal requirements for entry into effect.
2. Either Participant may request in writing, through diplomatic channels, the amendment of this Arrangement. Any amendment accepted by both Participants will become effective in accordance with the preceding paragraph.
3. This Arrangement will remain in effect until either of the Participants notifies the other Participant in writing, through diplomatic channels, of its intention to terminate the same. It will not adversely affect any valid or subsisting arrangement concluded or entered into pursuant to the same. Moreover, its termination is without prejudice to the completion of ongoing programs and projects.

Signed at Wellington this 28 of May 2007, in the English language.

FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES FOR THE GOVERNMENT OF NEW
ZEALAND

(Sgd.) OSCAR C.CALDERON (Sgd.) HOWARD BROAD

Police Director-General
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Committee Commissioner
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