

## **MEMORANDUM OF UNDERSTANDING BETWEEN THE PHILIPPINE NATIONAL POLICE AND THE AUSTRALIAN FEDERAL POLICE ON COMBATING TRANSNATIONAL CRIME AND DEVELOPING POLICE COOPERATION**

The Philippine National Police and the Australian Federal Police, hereinafter referred to singularly as “the participant” and collectively as “the participants”;

*Recalling* the Memorandum of Understanding between the Government of Philippines and the Government of Australia on Cooperation in Combating Transnational Crime signed on July 14, 2003 in Philippines;

*Realising* those cross-border criminal activities between Philippines and Australia may pose a very real danger to the stability and security of the peoples of the two countries;

*Recognising* the need to strengthen international law enforcement cooperation at all levels in combating transnational crime, including terrorism, in a comprehensive manner;

*Acknowledging* the importance of respecting the sovereignty and territorial integrity of both countries;

*Acting* in the spirit of partnership and cooperation;

Have reached the following understandings:

### **PARAGRAPH I**

#### **OBJECTIVES**

This Memorandum of Understanding (MOU) builds upon existing cooperative arrangements between the participants to encourage further cooperation between the Philippine National Police and the Australian Federal Police for the purpose of addressing priority criminal areas.

The participants mutually determine that although this MOU is not intended to have legal effect it is nonetheless morally binding upon them.

### **PARAGRAPH II**

#### **GENERAL PROVISIONS AND SCOPE**

The participants will strengthen and consolidate cooperation in the following areas:

1. Information sharing in the areas of law enforcement;
2. Conduct of coordinated operations across all transnational crime types;
3. Strengthening and consolidating existing cooperative networks between the participants;  
and
4. Cooperative assistance in the field of capacity-building and professional development.

Any assistance and cooperation rendered under this MOU:

1. Will be subject to the provisions of this MOU and the respective domestic laws and regulations and national policies of the respective participants, as well as any existing

agreements or cooperative arrangements between the participants (including between the Philippine National Police and the Australian Federal Police) concerning such assistance and cooperation;

2. Will be confined to matters that are solely within the purview and control of the respective designated authorities as set out in paragraph IV;
3. Will be with the prior mutual consent of both participants; and
4. Will be consistent with existing International Agreements, Bilateral Agreements and Treaties and International Conventions entered into by the Philippines and Australia.

### **PARAGRAPH III AREAS OF COOPERATION**

The areas of cooperation for cooperative activities under this MOU are as follows:

1. Terrorism
2. Illicit drug trafficking;
3. Piracy and sea robbery;
4. Money laundering;
5. Cybercrime;
6. Transnational economic crime and fraud;
7. Trafficking of persons;
8. Child protection operations;
9. Illegal trafficking of weapons and ammunition;
10. Illegal acquisition of and import and export of cultural or historic treasures;
11. Identity fraud; and
12. Other areas as may be mutually determined by the participants.

### **PARAGRAPH IV COOPERATION MECHANISM**

The office or unit with primary responsibility in coordinating, collaborating, and facilitating the implementation of this MOU will be:

- The Directorate for Intelligence  
Philippine National Police  
National Headquarters Building  
Camp Crame, Quezon City, Philippines
- Manager International Network  
Australian Federal Police  
National Headquarters – Edmund Barton Building  
Barton, ACT, Australia  
Australian Federal Police

### **PARAGRAPH V INFORMATION SHARING**

The participants will jointly develop sound law enforcement criminal intelligence capabilities to provide opportunities for the sharing of information concerning the areas of cooperation set out in paragraph III of this MOU.

The participants will jointly develop strategies to build on existing networks and liaison arrangements in order to develop mechanisms to promote the sharing and management of information concerning the priority criminal areas.

The participants will ensure that the exchange of information pursuant to this MOU is in accordance with the domestic laws and regulations and national policies relating to privacy and secrecy.

The participants understand that the exchange of information not under the purview or control of the respective competent authorities is subject to the written consent of the authorized agencies in control of such information.

Each participant will protect any information provided by the other participant from unauthorised access or disclosure and will comply with any provisions and conditions imposed by the other participant in respect of such information.

Information exchanged under the provisions of this MOU will not be used for any other purpose or be provided or used by third parties without the prior written agreement of the provider of the information.

## **PARAGRAPH VI FORMS OF COOPERATION**

The participants will cooperate and coordinate in law enforcement operations of mutual concern to enhance the ability of their respective law enforcement agencies to disrupt and dismantle transnational crime threats common to both countries.

Coordinated operations means coordinated activity and assistance between the participants in the following areas, as may be mutually determined from time to time:

1. Training of police officers;
2. Consultation and advice;
3. Enhancing technical and forensic capabilities;
4. Providing operational support and assistance including intelligence, investigative and other specialist support, where such support and assistance does not require the assisting participant to exercise police powers in the host country's jurisdiction; and
5. Any other area of coordinated activity and assistance as may be mutually determined by the participants.

The participants will develop strategies and procedures for conducting coordinated operations through existing networks and liaison arrangements consistent with police to police cooperation against crime types set out in paragraph III of this MOU.

The participants will ensure to obtain guidance from the Office with Primary Responsibility (OPR) during coordinated operations as set out in Paragraph 10 and the OPR will evaluate the result or implications of such operations.

The participants will jointly develop and approve procedures in relation to coordinated operations, which will include procedures relating to the following matters:

1. The determination and preparation of coordinated operations;
2. The preparation of coordinated investigation plans (or Case Operation Plans-COPLANs);
3. Contribution of resources to support COPLANs or other activities as necessary; and
4. Management of the flow of information and security.

The determination and conduct of each coordinated operation will be mutually determined by the participants. Each OPR will be the lead agency for the portion of the coordinated operation that is carried out in its territory. The other participant will support the OPR by providing consultative and advisory assistance only.