

**PROTOCOL BETWEEN THE MINISTRY
OF PUBLIC SECURITY OF
THE PEOPLE'S REPUBLIC
OF CHINA AND THE MINISTRY OF
HOME AFFAIRS OF THE UNION OF
MYANMAR ON COOPERATION
IN BORDER AREAS**

The Ministry of Public Security of the People's Republic of China and the Ministry of Home Affairs of the Union of Myanmar (hereinafter referred to as the Contracting Parties), with the aim of implementing the Agreement between the Government of the People's Republic of China and the Government of the Union of Myanmar on Border Areas Management and Cooperation signed on March 25, 1997, to jointly strengthen the law enforcement and suppress cross-boundary criminal activities in the border areas and strengthen cooperation in maintaining the security and public order in the border areas, and motivated by the

desire to establish a peaceful and friendly border so as to facilitate the livelihood and exchange of visits of the peoples of the two countries living in the border areas, hereby agree as follows:

Article 1

In this Protocol:

(1)“National border area representatives” means persons in charge of the Border Control Department of the Ministry of Public Security of the People’s Republic of China and persons in charge of the General Administrative Department of the Ministry of Home Affairs of the Union of Myanmar.

(2)“Provincial and state border area representatives and deputy representatives” means persons in charge of the Provincial Border Control Bureau of Yunnan Province of the People’s Republic of China and persons in charge of the General Administrative Department of the Shan State and the Kachin State of the Union of Myanmar.

(3)“County(city) and township (district) border area representatives and deputy representatives” means persons in charge of the Public Security Border

Division of the county (city) in the border areas of Yunnan Province of the People's Republic of China and persons in charge of the township (district) of the border areas of the Union of Myanmar.

(4) "Liaison officers" means persons in charge of frontier inspection stations (frontier working stations).

(5) "Cross-boundary criminal activities" means criminal activities such as smuggling, trafficking of narcotics, firearms, explosives, abducting and trafficking of persons especially women and children, kidnapping, robbery, murder, rape and illegal immigration.

Article 2

1. To ensure effective cooperation, the competent authorities of the border area management of the Contracting Parties shall establish a three-level contact system of border area representatives and liaison officers as follows:

(1) National border area representatives: They shall be appointed respectively by the Ministry of Public Security of the People's Republic of China and the

Ministry of Home Affairs of the Union of Myanmar.

(2) The provincial and state border area representatives and deputy representatives: They shall be appointed respectively by the above-mentioned national border area representatives.

(3) The county(city) and township (district) border area representatives and deputy representatives: They shall be appointed respectively by the above-mentioned provincial and state border area representatives.

(4) Liaison officers: They shall be appointed by the above-mentioned provincial and state representatives.

2. Either Party shall inform the other Party in writing of a name-list of appointments and removals as well as any changes therein.

Article 3

The duties and responsibilities of the border area representatives at the three levels and the liaison officers are as follows:

(1) The national border area representatives of the Contracting Parties shall discuss and adopt appro-

priate measures on all matters concerning the strengthening of cooperation in law enforcement, the suppressing of the cross-boundary criminal activities in the border areas and the maintaining of peace and public order there.

(2) The provincial and state border area representatives shall discuss and execute decisions made by the national border area representatives. Deputy representatives shall assist the representatives in carrying on the work and act on their behalf when they are not available, for some reasons, to carry out their duties.

(3) The county (city) and township (district) border area representatives shall execute decisions made by the superior border area representatives and be responsible for dealing with routine matters. Deputy representatives shall assist the representatives to carry on the work and act on their behalf when they are not available, for some reasons, to carry out their duties.

(4) Liaison officers shall carry out the tasks assigned to them by the respective border area representatives and deputy representatives.

Article 4

The system of contacts, talks and meetings between the border area representatives, deputy representatives and liaison officers of the Contracting Parties shall be as follows:

(1) Contacts between border area representatives and deputy representatives at various levels and liaison officers may be made by letter, telephone or other means. Contacts may also be made through diplomatic channels if necessary.

(2) At the request of either Party, representatives and deputy representatives at various levels and liaison officers may hold irregular talks and meetings. Talks and meetings may be held inside the territory of the two countries by turns and shall be chaired by the host country. The host country shall inform the other Party in advance of the time, venue, topics for discussion and a name-list of participants.

(3) A record of each talk and meeting between representatives and deputy representatives at various levels and liaison officers shall be taken down. A summary about important matters agreed upon at the

meeting shall be done in duplicate, in both the Chinese and Myanmar languages, and signed by representatives of both Parties.

(4) Expenses for the talks and meetings (excluding international travel fares) shall be borne by the host country.

(5) On entering the territory of the other Party, border area representatives and deputy representatives of the Contracting Parties shall hold valid passports or passes mutually accepted by both Parties.

Article 5

1. The Contracting Parties shall cooperate in border security matters in accordance with the relevant boundary agreements and boundary settlement documents signed by the two Governments.

2. The Contracting Parties shall take measures to protect boundary markers and prevent the markers from being moved, damaged or destroyed. If either Party finds that any marker has been moved, damaged or destroyed, it shall inform the other Party as quickly as possible.

3. The Contracting Parties shall take measures to

keep the boundary line clear and protect the canals, ditches, field ridges and earth dykes serving as boundary line from being destroyed.

4. In order to protect the boundary line and make it easily distinguishable and prevent the appearance of any building within 10 metres astride the boundary line, the Contracting Parties shall, within the limits of their respective duties and responsibilities, hold consultations to tackle the problem of affecting the clearness of the boundary line.

Article 6

In order to prevent illegal entry and exit and maintain the normal order of passage in the border areas, the Contracting Parties shall adopt the following measures:

(1) The Contracting Parties shall set up frontier inspection offices at designated ports or provisional passageways in the border areas.

(2) Beyond the specified time for passage, all personnel and means of communications and transport shall be forbidden from entry and exit (except for the personnel and means of communications and transport

with permission in accordance with other agreements).

(3) Passages without holding legal certificates for entry and exit or without going through designated ports or provisional passageways, or passages beyond the specified open time of the ports, shall be regarded as illegal crossing of the border.

(4) The Contracting Parties shall cooperate in the repatriation of those who have made illegal entry. Prior to the repatriation, the repatriating Party shall provide the other Party to which the repatriates belong with names, photos and detailed addresses. After verifying the identities and reaching agreement, the Contracting Parties shall decide on the time and place for transfer. The place for repatriation shall be, in principle, at the open ports or passageways, and the relevant materials shall also be turned over to the other Party through appropriate procedures at the same time.

Article 7

1. The Contracting Parties shall strengthen cooperation in preventing and suppressing cross-boundary criminal activities in accordance with their national

laws and the international agreements to which both countries are parties.

2. When there is a danger of crossing to the territory of the other Party by suspected offenders or criminals, the other Party shall be notified immediately.

3. Either Party shall inform the other Party immediately upon discovering the suspected offenders or criminals of the other Party are carrying on activities in the border areas, and at the request of the other Party, may arrest them and deliver them to the other Party.

4. In handling criminal cases inside its own territory, either Party that needs the cooperation of the other Party in investigation may request the other Party to provide cooperation in the matters.

5. When suppressing cross-boundary criminal activities in the border areas, provincial and state representatives may handle all matters within the powers of the province and state in the border areas of the two countries. All matters beyond the powers of the province and state shall be handled by national border area representatives or persons delegated by national border area representatives.

6. Both Parties shall keep each other informed of

the obtained intelligence data and information about the danger to the security and public order in the border areas of the other Party.

Article 8

1. Both Parties shall notify each other in writing of the completion of domestic legal proceedings to make this Protocol become effective. This Protocol shall come into force from the date when the last Party issues the written notification.

2. The term of validity of this Protocol shall be five years, and the Protocol shall be renewed for another five years automatically unless either Party informs the other Party in writing of the termination of this Protocol six months prior to the date of expiration.

3. In case any provisions of this Protocol are inconsistent with those of the Agreement between the Government of People's Republic of China and the Government of the Union of Myanmar on Border Areas Management and Cooperation signed on March 25, 1997, the provisions of the Agreement shall prevail.

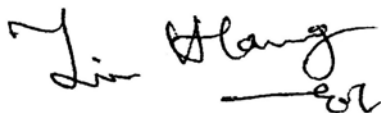
Done on 12 December 2001 in Yangon, in dupli-

cate in the Chinese, Myanmar and English languages, all three texts being equally authentic. In case of any divergence in the interpretation of the texts, the English text shall prevail.

Representative
Ministry of Public Security
People's Republic of China

Representative
Ministry of Home Affairs
Union of Myanmar

唐家璇

Handwritten signature in black ink, appearing to read "Lin Hlang" with a stylized flourish underneath.