

BIMSTEC Convention on Cooperation in Combating International Terrorism, Transnational Organised Crime And Illicit Drug Trafficking

The Governments of the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Union of Myanmar, the Federal Democratic Republic of Nepal, the Democratic Socialist Republic of Sri Lanka and the Kingdom of Thailand, Member States of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), hereinafter referred to collectively as the "State Parties" and individually as "State Party":

Guided by the traditional friendly relations between the State Parties and their endeavor to contribute to the further development of their relations;

Deeply concerned with the general expansion of international terrorism, transnational organized crime and illicit drug trafficking;

Convinced of the need to enhance cooperation in BIMSTEC region in combating international terrorism, transnational organized crime and illicit drug trafficking;

Recognizing the mutual advantages of such cooperation for the State Parties under the United Nations and relevant international conventions and in accordance with their domestic laws and regulations;

Desiring to improve the effectiveness of the State Parties in combating terrorism, transnational organized crime and illicit drug trafficking and towards that end to establish a framework for enhancing cooperation amongst them, including their law enforcement agencies;

Have agreed as follows:

Article 1 Scope of the Convention

1. The State Parties shall, within the framework of this Convention and subject to their domestic laws and regulations, cooperate in combating the following crimes:

- (i) international terrorism;
- (ii) transnational organized crime; and
- (iii) illicit trafficking in narcotic drugs and psychotropic substances including their precursor chemicals.

2. To achieve the above objectives, the State Parties shall provide each other the widest possible measure of mutual assistance in the prevention, investigation, prosecution and suppression of such crimes.

Article 2

Definitions

The terms used in this Convention shall have the meanings assigned to them under the relevant international Conventions to which the States Parties are parties.

Article 3

Cooperation in Combating Terrorism

The State Parties have agreed to cooperate in their joint fight against terrorism in all its forms and to this end, shall:

- (a) share and exchange information on the activities of individuals and criminal groups engaged in the planning, promotion or execution of acts of international terrorism, and on their associates including those providing front or cover to such individuals or groups as well as those which may operate from or use the territory of a State Party for this purpose. The State Parties shall also exchange information concerning, where available, the modus operandi of the persons involved as well as other relevant details, in so far as these are necessary for the prevention and suppression of such crimes;
- (b) share and exchange information on any sources of financing of terrorism which may be located in the territory of a State Party or owned and controlled by their nationals;
- (c) coordinate their approaches to combat international terrorism;
- (d) cooperate and share experiences in areas of hijack termination, hostage rescue and negotiations, protection of internationally protected persons, prevention of forgery, prevention and suppression of illicit trade and trafficking in arms, ammunitions, explosives, and other dangerous materials, prevention of counterfeiting of currencies, and forgery as well as fraudulent use of travel and immigration documents;
- (e) facilitate cooperation in preventing access to arms, explosives, and other prohibited substances by terrorists;
- (f) enhance cooperation between the law enforcement agencies of the State Parties including through exchange of professional expertise and training of security and law enforcement personnel involved in combating terrorism and in organizing seminars and conferences, etc. in this field;
- (g) cooperate in any other matter as mutually agreed upon between the State Parties.

Article 4

Cooperation in Combating Transnational Organized Crime

The State Parties have agreed to cooperate in their joint fight against transnational organized crime in all its forms and to this end, shall:

(a) share and exchange information on the activities of individuals and criminal groups engaged in the planning, promotion or execution of acts of transnational organized crime, and on their associates including those providing front or cover to such individuals or groups as well as those which may operate from or use the territory of a State Party for this purpose. The State Parties shall also exchange information concerning, where available, the modus operandi of the persons involved as well as other relevant details in so far as these are necessary for the prevention and suppression of such crimes;

(b) share and exchange information on any sources of financing of transnational organized crime which may be located in the territory of a State Party or owned and controlled by their nationals;

(c) coordinate their approaches to combat transnational organized crime;

(d) cooperate and share experiences regarding organized criminal groups involved in hijacking, trafficking in arms, ammunitions, explosives, and other dangerous materials, counterfeiting of currencies and forgery as well as fraudulent use of travel and immigration documents;

(e) facilitate cooperation in preventing access to arms, explosives, and other prohibited substances by organized criminal groups;

(f) enhance cooperation between the law enforcement agencies of the State Parties including through exchange of professional expertise and training of security and law enforcement personnel involved in combating transnational organized crime and in organizing seminars and conferences, etc. in this field;

(g) cooperate in any other matter as mutually agreed upon between the State Parties.

Article 5

Cooperation in Combating Trafficking in Drugs

The State Parties have agreed to cooperate in their joint fight against drug trafficking and to this end, shall:

(a) share and exchange information on the activities of individuals and criminal groups engaged in the planning, promotion or execution of acts of illicit drug trafficking, and on their associates including those providing front or cover to such individuals or groups as well as those which may operate from or use the territory of a State Party for this purpose. The State Parties shall also exchange information, where available, on the modus operandi of the persons involved as well as other relevant details, in so far as these are necessary for the prevention and suppression of this crime;

(b) share and exchange information on any sources of financing of illicit drug trafficking which may be located in the territory of a State Party or owned and controlled by their nationals;

(c) coordinate their approaches to combat illicit drug trafficking;

(d) enhance cooperation between the law enforcement agencies of the State Parties including

through exchange of professional expertise and training of security and law enforcement personnel engaged in combating drug trafficking and in organizing seminars and conferences, etc. in this field;

(e) exchange the results of their criminological research on narcotic drug trafficking and abuse of narcotic drugs;

(f) share and exchange samples of narcotic drugs and psychotropic substances of natural or synthetic origin usable for abuse;

(g) subject to their domestic laws and international obligations, shall facilitate the controlled delivery of illicit narcotic drugs and psychotropic substances and precursor chemicals in order to render possible arrest of the persons involved;

(h) cooperate in any other matter as mutually agreed upon between the State Parties.

Article 6

Cooperation between the Law Enforcement Agencies

The law enforcement agencies of the State Parties shall, subject to their domestic laws and regulations, cooperate to achieve the objectives enumerated in Articles 3-5, and towards that end, in particular:

(a) exchange data on individuals and their associates involved in transnational organized crime, terrorism and illicit drug trafficking, their linkages, the nature and structure of the criminal groups and their modus operandi;

(b) exchange information about movement of funds and financial resources, where necessary, through their Financial Intelligence Units (FIUs) or other competent agencies, concerning individuals and their associates involved in transnational organized crime, terrorism and illicit drug trafficking;

(c) consider ways and means to facilitate mutual legal assistance in criminal matters, arrest, extradition and prosecution of individuals and their associates engaged in crimes covered within the scope of this Convention;

(d) render any other assistance as may be mutually agreed between the State Parties.

Article 7

Notification of Nodal Authorities

1. The State Parties shall identify and notify to each other their nodal authorities responsible for cooperation and exchange of information in various areas covered within the scope of this Convention.

2. Any request under this Convention may be sent through diplomatic channels.

Article 8
Review of Implementation

The State Parties shall meet from time to time on mutually agreed dates with a view to reviewing the implementation of this Convention.

Article 9
Confidentiality of Information

1. Any information provided by a State Party pursuant to this Convention shall be used exclusively for the purpose for which it was provided.
2. Any confidential information received by a State Party pursuant to this Convention shall not be passed on or disclosed to another State Party or a third Party without the consent of the State Party providing such information.

Article 10
Refusal of Request

Any State Party may deny a request for cooperation, in whole or in part, if in its opinion, the request may affect its national sovereignty, endangers its security or violates its domestic laws and regulations. The requesting State Party shall be informed of the decision of the refusal of the request.

Article 11
Settlement of Disputes

Any dispute arising out of the application or interpretation of this Convention shall be settled through negotiations between the State Parties concerned through Diplomatic channels.

Article 12
Obligations under other Treaties

The provisions of this Convention shall not affect the obligations assumed by the State Parties pursuant to other international agreements to which they are a Party.

Article 13
Language

The English language shall be used for the purpose of communication and exchange of information under this Convention.

Article 14
Amendments

This Convention may be amended or revised, as deemed necessary, by consensus.

Article 15
Entry into Force

1. This Convention shall be subject to ratification and shall enter into force after it is ratified by all the BIMSTEC Member States.
2. A State Party may at any time withdraw from this Convention by giving 6 months advance written notice of its intention to withdraw from this Convention. The Convention shall cease to have effect with respect to that Party on expiry of the notice period.

The undersigned, being duly authorized thereto by their respective Governments, have signed this Convention.

Done at Nay Pyi Taw, Myanmar, on the Eleventh Day of December in the year Two Thousand and Nine, in eight originals in English language.

For the Government of the People's Republic of Bangladesh
For the Government of the Kingdom of Bhutan
For the Government of the Republic of India
For the Government of the Union of Myanmar
For the Government of the Federal Democratic Republic of Nepal
For the Government of the Democratic Socialist Republic of Sri Lanka.
For the Government of the Kingdom of Thailand

Nay Pyi Taw (Myanmar)
December 11, 2009
