

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE GOVERNMENTS OF THE MEMBER COUNTRIES OF
THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
ON INFORMATION AND MEDIA COOPERATION**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam as member countries of the Association of Southeast Asian Nations (hereinafter referred to collectively as "ASEAN" or "ASEAN Member Countries", or individually as "ASEAN Member Country") as one Party, and Government of the People's Republic of China (China) as the other Party (hereinafter referred to as "the Parties" or individually as "a Party");

MINDFUL of the Plan of Action to Implement the Joint Declaration on ASEAN-China Strategic Partnership for Peace and Prosperity signed by ASEAN and Chinese Heads of State/Government in Indonesia, on 8 October 2003;

COGNIZANT of the Work Plan on Enhancing ASEAN-China Cooperation Through Information and Media 2006 – 2010 adopted in the Workshop on Enhancing ASEAN-China Cooperation Through Information and Media in Indonesia, on 19 May 2006.

DESIRING to further promote the close and friendly relations between the Parties in the information and media sector;

REALIZING information and media are tools for promoting mutual understanding and cooperation in the political, economic, and social spheres between the Parties;

RECOGNIZING the contribution and benefit of information and media exchanges and cooperation in enhancing the mutual understanding and friendship of the Parties;

RECALLING China's initiative to enhance Information and Communications Technology (ICT) cooperation and the vast potential for cooperation between the Parties in the ICT sector;

IN THE SPIRIT of enhancing solid foundations for cooperation and partnership in the information and media sectors;

Have agreed on the following:

Article 1
OBJECTIVE

The Parties will enhance and promote cooperation and exchanges in the fields of information and media in accordance with their respective domestic laws, regulations, policies, administrative guidelines and procedures.

Article 2
AREAS OF COOPERATION

The Parties have identified the following fields of common interest for mid-term and long-term cooperation:

1 Human Resource Development

The Parties will facilitate visits and personnel exchanges between their respective media industries, media organisations and governmental organisations in charge of media between ASEAN and China.

The Parties will implement and encourage training programmes in the film, broadcasting, interactive and digital media sectors (including animation, game development and special effects) for policy makers and the media industry representatives from ASEAN and China.

2 Media Exchanges and Co-Productions

The Parties will encourage film and television (including news) programme exchanges as often as required.

The Parties will promote mutual visits and exchanges of journalists and strengthen cooperation in news reporting, press interviews and production of television programmes.

The Parties will encourage participation in media-related festivals, conferences and markets held in each other's countries and create opportunities to showcase each other's talents in the media industry.

The Parties will encourage and facilitate media co-productions between their respective media industries, as well as marketing, exhibition and distribution of such content.

The Parties will facilitate market access of audio-visual products through dialogue and consultations.

3 China-ASEAN Information and Media Network.

The Parties will hold annual consultations and dialogue sessions on broadcasting issues,

media policies and technology developments in the broadcasting and media industry, with the aim of exchanging views and best practices on issues of common concern.

The Parties will facilitate collaborations and partnerships between their respective media industries, including networking events, co-productions, information and technology sharing, training, internships, R&D collaborations and participation in international media conferences.

The Parties will advance and reinforce a positive international image of ASEAN and China relations which is supportive of the interests, policies, programmes and goals of both ASEAN and China.

The Parties will promote information and cultural exchanges between ASEAN and China.

Article 3 IMPLEMENTATION

1. The Parties agreed that the implementing agencies of this Memorandum of Understanding are the ASEAN Committee on Culture and Information (ASEAN-COCI) and the State Council Information Office of the People's Republic of China. These agencies will also be the respective contact agencies that are responsible for co-ordinating the identification, implementation and supervision of cooperation projects.

The implementing agencies of the Parties shall determine through consultations the details, schedule and arrangements for the implementation of the cooperation provided in this Memorandum of Understanding, and shall serve as coordinators for such cooperation.

2. The Parties agree that project formulation, monitoring and evaluation will be carried out through the cooperation mechanisms established under the ASEAN-China dialogue relations.

Article 4 FINANCIAL ARRANGEMENTS

The financial arrangements to cover expenses under this Memorandum of Understanding shall be mutually agreed upon by the respective Parties on a case-by-case basis subject to the availability of funds.

Article 5 COMPATIBILITY WITH OTHER INTERNATIONAL TREATIES

The provisions of this Memorandum of Understanding shall not affect the implementation of the Parties' international obligations arising out of other international treaties to which the Parties are also parties.

Article 6
CONFIDENTIALITY

1. The Parties shall undertake that neither Party shall disclose or distribute any confidential information document/data received or supplied to the other Party in the course of the implementation of this Memorandum of Understanding and any other agreements made pursuant to this Memorandum of Understanding, to any third party except if they have been authorised in writing to do so by the other Party.
2. The Parties agree that the provisions of this Article shall continue to be binding between the Parties notwithstanding the termination of this Memorandum of Understanding.

Article 7
COPYRIGHT

The protection of copyright within the jurisdiction of each Party as well as each individual ASEAN Member Country will be enforced in conformity with its domestic laws, regulations, administrative policies, guidelines and procedures and also with the international agreements to which the individual ASEAN Member Country concerned and China are parties.

Article 8
SETTLEMENT OF DISPUTES

Any dispute between the Parties on the interpretation and implementation of this Memorandum of Understanding shall be settled amicably through consultations and negotiations between both Parties.

Article 9
AMENDMENT

1. This Memorandum of Understanding may be amended by mutual consent between the Parties. Such amendments shall be in writing. Such amendments, if mutually agreed upon, will come into force on such date as determined by the Parties and shall form an integral part of this Memorandum of Understanding.
2. Any amendments made in accordance with paragraph 1 shall not affect any ongoing cooperation arising out of this Memorandum of Understanding before or up to the date of such amendments.

Article 10
ENTRY INTO FORCE, DURATION, AND TERMINATION

1. This Memorandum of Understanding shall come into force on the date of its signature.

2. This Memorandum of Understanding shall remain in force for a period of five years and be automatically extended for subsequent periods of three years unless terminated by either Party, giving at least six months' written notification to the other Party prior to the expiration of the relevant period.
3. The termination of this Memorandum of Understanding shall not affect the implementation of ongoing programmes/activities which have been agreed upon prior to the date of the termination of this Memorandum of Understanding.
4. In the event of an event of *force majeure* which includes acts of God, outbreak of any epidemic disease, war or warlike hostilities, acts of terrorism, new statutory enactments or modifications, civil commotion, riots, blockades, embargoes, sabotage, strikes, lockouts, shortage of material or labour, or any other event that is unforeseen and beyond the reasonable control of any of the Parties, each Party reserves the right for reasons of security, public order, public interest or public health to suspend temporarily either in whole or part, of the implementation of this Memorandum of Understanding, which shall take effect thirty (30) days after notification has been given to the other Party through diplomatic channels.

IN WITNESS WHEREOF the undersigned being duly authorised by the respective Governments of the ASEAN Member Countries and the People's Republic of China, have signed this Memorandum of Understanding.

DONE AT Nanning, China, this 16th day of October in the Year of 2008, in two original copies, one in the English language and one in the Chinese language. In case of any divergence of interpretation, between the English language text and the Chinese language text, the English language text shall prevail.

东南亚国家联盟各成员国政府与中华人民共和国政府

关于在信息和传媒领域开展合作的谅解备忘录

东南亚国家联盟（ASEAN）成员文莱、柬埔寨、印度尼西亚、老挝、马来西亚、缅甸、菲律宾、新加坡、泰国和越南十国政府（以下称“东盟各国”）与中华人民共和国政府（以下称“双方”）

基于东盟各国与中国领导人 2003 年 10 月 8 日在印度尼西亚签署的《东盟—中国落实面向和平与繁荣战略伙伴的联合声明的行动计划》，以及 2006 年 5 月 19 日在印度尼西亚“通过信息和媒体加强东盟—中国合作”会议上通过的《通过信息和媒体加强东盟—中国合作工作计划（2006—2010）》；

希望进一步促进双方在信息和传媒领域内的亲密友好关系；

认识到信息和媒体是双方在政治、经济和社会发展等领域内开展合作的重要工具；

认识到信息和媒体交流与合作有助于并且有利于增进双方间的相互理解与合作；

回顾了中国为加强双方在信息和通信技术领域合作所采取的行动，并意识到双方在这一领域开展合作的巨大潜力；

本着为进一步加强双边信息和媒体领域合作与伙伴关系打下坚实基础的目的，达成如下协议：

第 1 条 目的

双方在遵循各自国家的法律、法规、政策、行政准则和办事程序的基础上，加强和促进在信息和传媒领域的交流与合作。

第 2 条 合作内容

双方将就以下共同感兴趣的内容开展中期及长期合作：

1、发展人力资源

双方将推动东盟各国和中国传媒行业、媒体和政府媒体主管

机构进行人员互访和交流。双方将鼓励并实施为东盟各国和中国政策制定者及传媒行业代表举办的有关电影、广播、电视、互动数字媒体（包括动画、游戏开发、特殊效果）等方面的培训。

2、媒体交流和联合制作节目

双方将根据需要鼓励开展电影和电视（包括新闻）节目的交流。

双方将促进各自记者进行互访和交流，加强在新闻报道、媒体采访和电视节目制作等方面的合作。

双方将鼓励各自传媒积极参加在东盟各国和中国举办的各类与传媒相关的庆典活动、会议和市场活动，为展示各自的传媒成就创造机会。

双方将鼓励和促进各自媒体行业联合制作、推广、展出和发行传媒产品。

双方将通过对话和协商推动音像制品进入对方市场。

3、东盟—中国信息和媒体网络

双方将就广播中视

担合作项目的规划、监督和评价工作。

第4条 财务安排

在现有资金允许、且双方同意的前提下，应根据每个合作项目的实际需要做出相应财务安排。

第5条 与其他国际条约的关系

本备忘录所列条款不应影响双方履行各自在其他国际条约中承担的义务。

第6条 保密

1、在本备忘录实施过程中，未经对方书面允许，双方均不得向第三方泄露或发布收自于对方或提供给对方的保密性文件/资料、以及依据本备忘录而签订的其他协议。

2、双方同意在本备忘录终止后，双方仍然受本条款规定之约束。

第7条 版权

双方将按照各自的法律、法规、政策、行政规定、准则和办事程序、以及东盟各国和中国签订的其他国际协议实施双方以及东盟各国和中国各自权限范围内的版权保护。

第8条 解决分歧

双方应通过友好协商和谈判解决在解释和实施本备忘录过程中产生的任何分歧。

第9条 条款修订

1、在双方同意的前提下，可以通过书面形式对本备忘录进行

修订。修订条款自双方共同确定之日起生效，并将作为正式内容纳入本备忘录。

2、在根据前款所定的修订条款生效之前，修订条款应不影响依据本备忘录而正在实施的合作项目。

第 10 条 生效、期限和终止

1、本备忘录自签字之日起生效。

2、本备忘录有效期为五年；此后可按三年期自动顺延，除非一方要求终止。这一要求须在相应有效期期满至少六个月以前以书面形式通知对方。

3、本备忘录的终止不影响在终止之日前双方已经同意的、正在开展的合作项目/活动。

4、若遭遇自然灾害、流行病蔓延、战争或战争威胁、恐怖行动、新法令颁布或修订、民间骚乱、暴乱、封锁、禁运、蓄意破坏、罢工、停工、物资或劳动力缺乏、或其他无法预见的不可抗力，为了维护国家安全、维持公共秩序、保护公众利益或健康，在通过外交渠道通知对方 30 天之后，双方均有权暂停实施本备忘录部分或全部内容。

本备忘录由东盟各国政府和中国政府授权的以下人员共同签署。

本备忘录于 2008 年 10 月 16 日在中国南宁签订，一式两份，英文和中文文本各一份。若两个文本在解释过程中出现歧义，以英文文本为准。