

170

**Memorandum of Understanding
Between
Indian Coast Guard of the Republic of India
and
Vietnam Coast Guard of the Socialist Republic of Vietnam
for the Establishment of Collaborative Relationship to Combat
Transnational Crime and Develop Mutual Cooperation**

Indian Coast Guard in the Republic of India and Vietnam Coast Guard in the Socialist Republic of Vietnam, hereinafter referred to singularly as the "Party" and collectively as the "Parties".

Recognizing that transnational crimes at sea pose a threat to the safety of marine transportation as well as the safety and security of both countries,

Recognizing the need for the safety of life at sea and the safety of marine transportation and to maintain clean seas,

Have reached the following understanding:

Article 1

1. The Parties shall implement the provisions of this Memorandum of Understanding (MoU), hereinafter referred to as 'MoU' within their area of competence according to the local laws and regulations within the scope of facilities available with the Parties.
2. The Parties shall establish instant means of communication between them, including telephone, fax and e-mail in order to facilitate quick exchange of information and active cooperation around the clock.
3. The Parties shall cooperate together for ensuring maritime safety and to prevent transnational crimes at sea, particularly on the following:-
 - (a) Preventing marine crime such as piracy, armed robbery, illegal trafficking with arms and harmful medical drugs, smuggling and illegal immigration, including the smuggling of people by sea.
 - (b) Exchange of information relating to ships including information relating to the accused/suspect persons who are involved in criminal activities within the scope of this MoU and travelling to or across the ports of both Parties.
 - (c) Carry out, if feasible, search and rescue operation at sea within the capacity of each Party, based on a request from the other Party.
 - (d) Exchange of information relating to pollution in the sea.
 - (e) Exchange of expertise within the scope of this MoU.
 - (f) Exchange of invitations between the Parties to attend training courses, workshops, seminars, conferences and programmes that are held by either Party.

169

- (g) Exchange of specialist visits at all levels from both Parties to promote the cooperation stated in this MoU.

Article 2

The Parties confirm that the entire information exchanged by instant means of communication between them, including telephone, fax and e-mail are limited by the scope of the Article 1 of this MoU. The Party receiving information is not allowed to redistribute the information to the third party without permission of the Party providing information. The parties shall resolve the issue of utilizing the information exchanged as evidence for investigation in criminal cases through diplomatic channels.

Article 3

1. Each Party shall take urgent action to assist the ships and crew members of the other Party upon the request of the other Party for assistance in search and rescue operations. The requested Party shall notify the requesting Party of the action taken.
2. The Parties shall cooperate with each other to ensure possible assistance for the maintenance of the ships and provide support in emergency cases on the cost of the requesting Party in accordance with the laws and the legislations in force in both countries.
3. Each Party shall cooperate within the fields of its authorities with respect to the activities included in this MoU.

Article 4

1. In order to achieve the objectives of this MoU, the Parties shall hold an annual meeting or as agreed upon between them, to discuss their mutual concerns and methods to counter transnational crimes at sea that affect both countries and the meeting shall be hosted alternately by each Party.
2. The host Party shall be responsible for arranging and preparing the meeting and the visiting Party shall bear the visiting expenses and any other costs as agreed by the Parties.

Article 5

The Parties shall facilitate exchange of ship visits, in order to encourage operational and administrative cooperation between them.

Article 6

This MoU does not prejudice the rights and the obligations of Parties arising from other bilateral or international treaties.

163

Article 7

Any amendments to this MoU shall be in writing and with the mutual consent of the Parties and the amendments shall be valid in accordance to the provisions of Article 8 of this MoU.

Article 8

Any disputes arising out of the application or interpretation of the provisions of this MoU shall be settled amicably through consultations between the Parties through diplomatic channels.

Article 9

This MoU enters into force from the date of its signing by both Parties and shall remain in force for a period of (5) five years and shall be automatically renewed for further periods of (5) years each unless either Party notifies the other, in writing, of its intention to terminate the Memorandum (6) six months prior the date of expiry.

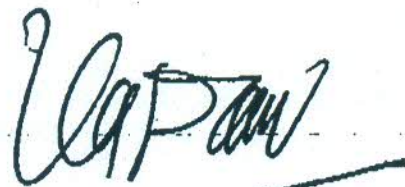
Done at New Delhi on 25th May 2015 in two originals in Hindi, Vietnamese and English, all texts being equally authentic, and in case of any discrepancy, the English text shall prevail.

Represented by the
Indian Coast Guard



**Vice Admiral HCS Bisht,
The Director General,
Indian Coast Guard**

Represented by the
Vietnam Coast Guard



**Major General Nguyen Quang Dam,
Commandant
Vietnam Coast Guard**