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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 CULTURAL COOPERATION

The Governments of the Member Countries of the Association of Southeast Asian Nations and the Government of the People's Republic of China (hereinafter referred to respectively, as "ASEAN Member Countries" and "China", and collectively as "The Participants");

Acknowledging the rich cultures and traditions of the ASEAN Member Countries and China and their close historical ties;

Desiring to further promote the close and friendly relations between ASEAN Member Countries and China in the cultural sector;

Realizing culture as a basis for mutual understanding and cooperation in political, economic, and social spheres between ASEAN and China;

Recognizing the contribution and benefit of cultural exchanges and cooperation in enhancing their mutual understanding and friendship;

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Have reached the following understanding:

Paragraph 1
SCOPE OF COOPERATION

The Participants will promote exchanges and cooperation in the fields of culture both tangible and intangible in accordance with their respective domestic laws, regulations, policies, administrative guidelines and procedures.

Paragraph 2
ACTIVITIES

1. The Participants will actively promote greater awareness, understanding and appreciation of each other's arts and culture through artistic collaboration and exchange, joint research and study, exchange of information, and people-to-people exchange and interaction.

2. The Participants will encourage and support the conservation, protection and promotion of tangible and intangible cultural heritage through programmes in cultural heritage management, protection of intellectual property rights and networking and exchange among cultural heritage agencies and organizations.

3. The Participants will encourage and support human resource development in the fields of archaeology and cultural heritage, traditional and contemporary arts, cultural enterprise and creative industries, and arts and cultural management.

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4. The Participants will step up cooperation in the areas of cultural enterprise and creative industries through product development, promotion of the culture market, exchange of information and networking among experts.

5. The Participants will endeavor to identify and address common concerns regarding ASEAN-China cultural cooperation relative to multilateral and international conventions.

Paragraph 3
IMPLEMENTATION

1. The Participants decided that the implementing agencies of this Memorandum of Understanding are:

   a. the ASEAN Committee on Culture and Information (ASEAN-COCI); and
   b. Ministry of Culture for the People's Republic of China

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

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

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3. To ensure the implementation of the Memorandum of Understanding, the financial obligations and arrangements for the projects will be discussed and agreed to by both Participants.

Paragraph 4
COPYRIGHT

The protection of copyright within the jurisdiction of each Participant 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 China and the individual ASEAN Member Country concerned are Participants.

Paragraph 5
SETTLEMENT OF DISPUTES

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

Paragraph 6
AMENDMENT

This Memorandum of Understanding may be amended by mutual consent between the Participants and it will come effect from the date of its signing.

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Paragraph 7
ENTRY INTO FORCE, DURATION, AND TERMINATION

1. This Memorandum of Understanding will come into effect on the date of its signature.

2. This Memorandum of Understanding will continue into operation for the period of five years and will be extended/renewed automatically for subsequent period of three years period unless either of the two participants notifies the other in writing of its intention to terminate it not later than six months before its expiry date.

3. The termination of this Memorandum will not affect the validity or fulfillment of any on-going programs and projects which have been agreed by the participants before the termination.

4. In the event of an outbreak of an epidemic disease, public disorder, etc., each Participant reserves the right for reasons of security, public order or public health to suspend temporarily either in whole or part of the implementation of this MoU which will take effect thirty (30) days after notification has been given to the other Participant through diplomatic channels.

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Done at Bangkok, Thailand, this Third Day of August in the Year Two Thousand and Five in two original copies in the English and Chinese Languages, both texts being equally authentic.

In the case of divergence between the two texts, the English text shall prevail.

For the Governments of
ASEAN Member Countries

ONG KENG YONG
Secretary-General of ASEAN

For the Government of
the People's Republic of China

SUN JIAZHENG
Minister of Culture
People's Republic of China

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