

Agreement between the Department of Defense of the United States of America and the Ministry of National Defense of the People's Republic of China on Establishing a Consultation Mechanism to Strengthen Military Maritime Safety

19 January 1998

The Department of Defense of the United States of America and the Ministry of National Defense of the People's Republic of China, hereinafter referred to as the Parties,

Recognizing the principles contained in the three U S.-Sino Joint Communiqués, the spirit of mutual respect, and the experience shared by professional mariners and airmen due to the common challenges they face in the maritime environment,

Recognizing the need to promote common understanding regarding activities undertaken by their respective maritime and air forces when operating in accordance with international law, including the principles and regimes reflected in the United Nations Convention on the Law of the Sea,

Desiring to establish a stable channel for consultations between their respective maritime and air forces,

Recognizing that such consultations will strengthen the bonds of friendship between the people of their two countries,

Have agreed as follows:

Article I

The Parties shall encourage and facilitate, as appropriate, consultations between delegations authorized by the Department of Defense and the Ministry of National Defense respectively for the purpose of promoting common understandings regarding activities undertaken by their respective maritime and air forces when operating in accordance with international law, including the principles and regimes reflected in the United Nations Convention on the Law of the Sea.

Article II

The mechanisms for consultation shall be:

1. Annual meetings, normally scheduled for two to three days, and consisting of briefings and discussion on agenda items to be agreed upon by consensus between the Parties. Such agreement shall be communicated through defense attaché, defense ministry, or other diplomatic channels. Each Party shall host the meeting in alternating years. A delegation representing each Party shall be headed by an admiral or general officer, and comprised of military officers and civilian employees in the defense ministry, foreign

ministry, and military headquarters, as well as professional officers engaged in activities at sea. Suggested agenda items regarding the activities at sea of the Parties' maritime and air forces may include, among other items, such measures to promote safe maritime practices and establish mutual trust as search and rescue, communications procedures when ships encounter each other, interpretation of the Rules of the Nautical Road and avoidance of accidents-at-sea.

2. Working groups, consisting of subject matter experts, to study and discuss agenda items agreed by consensus between the delegations at the annual meetings. Agenda items to be studied and discussed shall be selected using the same criteria as agenda items for annual meetings. A report of their work shall be made at the annual meetings.

3. Special meetings, as mutually agreed upon through defense attaché, defense ministry or other diplomatic channels, for the purpose of consulting on specific matters of concern relating to the activities at sea of their respective maritime and air forces.

Article III

Upon completion of the annual meeting, a summary of the proceedings shall be signed by the heads of the delegations in duplicate, in the English and Chinese languages.

Article IV

In order to foster a free exchange of views, details of consultations held pursuant to Article II shall remain between the Parties. The mutually agreed upon summary of the proceedings shall be available for release to third parties.

Article V

The obligation of each Party to engage in consultations pursuant to Article II is subject to its internal processes regarding the availability of funds. Each Party shall bear the cost of its participation in activities carried out under this Agreement. If, after this agreement enters into force, one Party cannot participate in activities listed in Article II, it shall provide written notification to the other Party.

Article VI

Each Party shall provide, subject to the laws and regulations of its respective government, customs, passport and visa, quarantine and other assistance to delegation members from the other Party who are engaged in activities pursuant to Article II in order to facilitate their entry and exit from its country.

Article VII

This Agreement may be amended by written agreement of the Parties.

Article VIII

Any disagreement concerning the interpretation or implementation of the Agreement shall be resolved by consultation between the Parties.

Article IX

This Agreement shall enter into force upon signature of both Parties. Either Party may terminate this Agreement by written notification to the other Party, such termination to take effect three months following the date of notification.

IN WITNESS WHEREOF, the respective representatives have signed this Agreement.

DONE AT Beijing, in duplicate, this 19th day of January 1998, in the English and Chinese languages, each text being equally authentic.

FOR THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA:

William S. Cohen

FOR THE MINISTRY OF NATIONAL DEFENSE OF THE PEOPLE'S REPUBLIC OF CHINA:

Chi Haotian