

MARITIME MATTERS

Military Safety

**Agreement Between the
UNITED STATES OF AMERICA
and the PEOPLE'S REPUBLIC OF CHINA**

Signed at Beijing January 19, 1998



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

PEOPLE'S REPUBLIC OF CHINA

Maritime Matters: Military Safety

*Agreement signed at Beijing January 19, 1998;
Entered into force January 19, 1998.*

**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**

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 L. ...

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

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**美利坚合众国国防部与中华人民共和国国防部
关于建立加强海上军事安全磋商机制的协定**

美利坚合众国国防部与中华人民共和国国防部（以下简称双方）

承认中美三个联合公报的各项原则，相互尊重的精神和职业水手及飞行人员在对付海洋环境的共同挑战方面所共有的经历，

承认需要促进双方海空力量根据国际法，包括《联合国海洋法公约》中反映的各项原则和制度，而从事行动时对各自采取的活动达成共识，

期望在双方海空力量之间建立一个稳定的磋商渠道，
承认这种磋商将会加强两国人民之间友谊的联结，
达成协议如下：

第一条

双方应适当地鼓励和促进各自国防部授权的代表团进行磋商，以促进双方海空力量根据国际法，包括《联合国海洋法公约》中反映的各项原则和制度，从事行动时对各自采取的活动达成共识。

第二条

磋商机制如下:

1、年度会晤。会期通常定为2至3天，会上简要介绍和讨论双方通过国防武官、国防部或其他外交渠道一致商定的议事日程项目。会晤由双方逐年轮流承办，各方代表团应由一名将级军官率领，成员应包括国防部、外交部、各军事司令部的官员和从事海上活动的职业军官。有关海空力量海上活动的建议议事日程项目可包括，促进海上各种实际活动安全和建立相互信任的措施，如搜救、舰艇相遇时的通信程序，对海上航路规则的解释，避免海上意外事故等。

2、工作小组。由内行专家组成，研究和讨论双方代表团在年度会晤中达成一致的议事日程项目。这些议事日程项目应使用为年度会晤选定议事日程项目的同样标准来选定。工作小组应向年度会晤汇报工作情况。

3、专门会议。经国防武官、国防部或其他外交渠道相互商定，以磋商与各自海空力量海上活动有关的特殊关注事项。

第三条

年度会晤结束时应由双方代表团团长签署会议纪要，

纪要一式两份，以中、英文写成。

第四条

为促进自由交换意见，双方对与第二条有关的磋商细节不予外传，双方一致同意的会议纪要可向第三方公布。

第五条

各方参加第二条所列之磋商活动，要受其参加上述活动的经费来源的内部程序的制约；各方应承担己方参加本协议定各项活动的费用。本协议生效后，如一方不能如约参加上述活动，须以书面方式通知对方。

第六条

各方应根据本国法律、法规的规定为对方代表团参加第二条所列各项活动的成员提供海关、边防、卫生检疫及其他的进出境帮助。

第七条

双方有权通过书面协议方式对本协定进行修正。

第八条

本协定的解释和实施中所产生的任何争议应由双方协商解决。

第九条

本协定自签字之日起生效。任何一方有权以书面形式通知对方终止本协定，该终止于通知发出之日起三个月后生效。

本协定由双方代表签署。

本协定于一九九八年一月十九日在北京签订，一式两份，每份都用中文和英文写成，两种文本同等作准。

美利坚合众国
国防部代表



中华人民共和国
国防部代表

