

**Memorandum of Understanding
between
the Government of Australia
and
the Government of Sri Lanka
concerning
Legal Cooperation against the Smuggling of Migrants**

The Government of Australia and the Government of Sri Lanka, hereinafter referred to as "the Participants":

Acknowledging the existing close ties of friendship and cooperation between Australia and Sri Lanka;

Mindful of the determination of the international community to promote global action to prevent and suppress the smuggling of migrants;

Guided by the desire to contribute to international, regional and bilateral initiatives aimed at the prevention, disruption and prosecution of migrant smuggling activity;

Recognising the importance of promoting and extending legal cooperation between the two countries in this field, on the basis of equality and mutual respect;

Desiring to maintain and promote existing frameworks for legal cooperation;

Have reached the following understandings:

Objective

1. This Memorandum of Understanding provides a commitment to and opportunities for legal cooperation between the Participants in preventing and responding to migrant smuggling and related activity.
2. It is not intended to create legally binding obligations between the Participants.
3. This Memorandum of Understanding is not intended to replace or modify existing frameworks for legal cooperation between the Participants, including the *London Scheme for Extradition within the Commonwealth* and the *Scheme Relating to Mutual Assistance in Criminal Matters within the Commonwealth*.

Areas of co-operation

4. Areas of cooperation under this Memorandum of Understanding include consideration of options to:

- a. enhance greater understanding of Participants' respective legal systems, legal institutions, and legal frameworks concerning the smuggling of migrants and related activity;
- b. harmonise Australian and Sri Lankan laws relating to the smuggling of migrants and related activity, in compliance with relevant international benchmarks;
- c. maximise opportunities for the successful investigation and prosecution of migrant smuggling and related activity, and the confiscation of associated proceeds of crime; and
- d. enhance procedures relating to extradition and mutual legal assistance between the Participants concerning migrant smuggling and related activity.

Forms of co-operation

5. Forms of cooperation under this Memorandum of Understanding may include, upon mutual agreement:

- a. exchange of relevant laws or legal materials concerning criminal matters, immigration, proceeds of crime, identity fraud, extradition and mutual legal assistance;
- b. convening meetings and workshops to exchange experiences and discuss issues relating to drafting and administering laws concerning the smuggling of migrants and related activity;
- c. discussion of hypothetical case scenarios and procedures relating to extradition and mutual legal assistance in smuggling of migrants matters;
- d. capacity-building initiatives, including specialised training and technical assistance;
- e. sharing best practice on domestic and international legal frameworks and procedures to combat smuggling of migrants and related activity; and
- f. cooperation in regional and multilateral fora on legal issues relating to the smuggling of migrants and related activity, including the Bali Process on People Smuggling, Trafficking in Persons and related Transnational Crime.

Additional areas and forms of co-operation

6. The Participants may, at any time, mutually determine additional areas and forms of cooperation in accordance with paragraph 11 of this Memorandum of Understanding.

Implementing agencies

7. This Memorandum of Understanding will be implemented by the relevant agencies from each country, including legal, prosecutorial, law enforcement and immigration agencies that may be responsible for the areas of cooperation identified in paragraph 4 above.

8. Within one month of the commencement of this Memorandum of Understanding, each Participant will provide the name and contact details for the primary officer or officers who will function as the primary point of contact for matters arising under this Memorandum of Understanding.

Domestic and international law

9. This Memorandum of Understanding will be implemented in accordance with each country's domestic laws and regulations and in accordance with their international legal obligations.

Settlement of disputes

10. Any disputes arising from the interpretation or implementation of this Memorandum of Understanding will be settled amicably by consultation or negotiation between the Participants through diplomatic channels.

Amendment and review

11. This Memorandum of Understanding may be amended or reviewed at any time by mutual consent of the Participants. Amendments will be in writing and consist of an exchange of letters through diplomatic channels.

Commencement and termination

12. This Memorandum of Understanding will come into effect on the date of signature. It may be terminated by either Participant giving three months written notice to the other Participant.

Signed at Temple Trees, Colombo, Sri Lanka, on this ninth day of November 2009 in two original copies in the English language.

For the Government of Australia

s. 22(1)(a)(ii)

Mr John McCarthy AO
Prime Minister's Representative

For the Government of Sri Lanka

s. 22(1)(a)(ii)

Mr Suhada Gamalath
Secretary
Ministry of Justice and Law Reforms