

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE INDONESIAN NATIONAL POLICE

AND

THE MINISTRY OF THE INTERIOR AND KINGDOM RELATIONS

OF THE NETHERLANDS

REGARDING

EDUCATION AND TRAINING COOPERATION

The Indonesian National Police and the Ministry of the Interior and Kingdom Relations of the Netherlands, hereinafter referred to as “the signatories”,

HAVING THE DESIRE to develop cooperation and to improve friendly relations,

CONSIDERING the increased threat of terrorism and trans-national crime and the effort to improve public order, security and safety in all aspects,

REALIZING the importance of effective cooperation between the signatories in encountering terrorism and trans-national crime and the effort to improve public order, security and safety in all aspects through the organisation of education and training, exchange of experts of the signatories and exchange of educational and training information,

ACKNOWLEDGING the principles of equality, mutuality and joint benefit,

RESPECTING the principles sovereignty, territorial integrity, equality and mutual interest,

PURSUANT to the prevailing laws and regulation in their respective countries and relevant international law instruments that the signatories are party to,

Come to the following understanding:

Article I
General Terms

- (1) This Memorandum of Understanding will be implemented by respecting the principles of sovereignty, territorial integrity, not interfering with the signatories domestic affairs, equality and mutual interest.
- (2) Either of the signatories may not conduct their functions and competencies within the territory of the other signatory in which it shall be the authority of the official of the said other party, based on national sovereignty and international law.

Article II
Objectives

- (1) This Memorandum of Understanding will have the objective to maintain cooperation between the Indonesian National Police and the Ministry of the Interior and Kingdom Relations of the Netherlands in order to improve professionalism through education, training and exchange of expertise, based on the principles of equality, mutuality and joint benefit.
- (2) This Memorandum of Understanding will also have the objective to facilitate the improvement of cooperation between signatories in developing Human Resource Capacity building in preventing and suppressing trans-national crime and improving public order, security and safety in all aspects.

Article III
Scope of cooperation

The scope of cooperation will include:

- (1) The exchange of knowledge and expertise in order to improve the functioning of the signatories' police and the related departments.
- (2) The exchange of education, knowledge and expertise in the field of:
 - a) Combating terrorism
 - b) Combating trans-national crime
 - c) Security and public order
 - d) Transportation
 - e) Management and leadership
- (3) The exchange of information will not include information related to individual persons.

Article IV
Content of activities

To implement this Memorandum of Understanding, the signatories will:

- (1) Organize education, training and exchange of expertise on law enforcement.
- (2) Organize the exchange of non-person related police information.
- (3) Organize the exchange of knowledge and expertise through expert meetings, symposiums, seminars, workshops, conferences and short trainings.
- (4) Agree on education and training arrangements and selected candidates.

Article V
Execution of the activities

- (1) To execute this Memorandum of Understanding, the signatories will organize annual consultation between the working groups of the Ministry of the Interior and Kingdom Relations of the Netherlands and the Indonesian National Police.
- (2) The working groups will set up an annual programme within the limits of this Memorandum of understanding.
- (3) The annual programme will contain:
 - a. The outlines of the activities.
 - b. The types of training and/or other activities.
 - c. The goals of the activities and target groups.
 - d. The number of participants.
 - e. Possible pre-assessments regarding the activities.
 - f. The duration of the activity.
 - g. The approximate time schedule of the activity.
 - h. The financial aspects of these activities.
 - i. Other provisions regarding the activities.

Article VI
Financing

- (1) Each signatory will be responsible for their own expense related to their organization of education, training and exchange of information, unless otherwise agreed.
- (2) The signatories will make arrangements about the financial procedure in the annual programme.

Article VII
Program rejection and suspension

- (1) Each of the signatories may reject a programme in the event that:
 - a. The programme submitted is not in accordance with the provision of this Memorandum of Understanding.
 - b. Fulfilling the programme will breach the signatory's applicable laws and regulations, violate the sovereignty or threatens the security of the signatories' state.
- (2) Each of the signatories may suspend a programme if the implementation of the programme interferes with a judicial procedure or one of the reasons as stated under (1).
- (3) In case a programme is rejected or suspended, the signatory will:
 - a. Immediately inform the other signatory with the reason for rejection or suspension.
 - b. Consult the other signatory to determine a programme development that can be accepted by each of the signatories.
- (4) A programme rejection or suspension will be in writing and will include the reasons.

Article VIII
International obligations

The provisions in this Memorandum of Understanding may not be in conflict with any International Agreement in which the Signatories are involved.

Article IX
Dispute settlement

Should a dispute between the signatories arise concerning the interpretation and implementation of this Memorandum of Understanding, it will be negotiated and settled through negotiations.

Article X
Announcements to the media

- (1) Announcements to the media, either by one of the signatories or jointly, will be coordinated to secure the interests of the signatories.
- (2) Announcements to the media are intended either to improve the image of the institutions of the signatories, or to prevent terrorist actions and trans-national crime.

Article XI
Supervision

Supervision over the implementation of this Memorandum of Understanding will be conducted by the signatories no later than 3 (three) months after the signing of this Memorandum of Understanding, by assigning personnel whose names are notified to the signatories with the duty to conduct supervision of the implementation of the Memorandum of Understanding.

Article XII
Commencement of effect, term and termination

- (1) This Memorandum of Understanding will take effect on the date of its signing.
- (2) This Memorandum of Understanding will be effective for 5 (five) years and may be extended based on a mutual written agreement by the signatories.
- (3) Before the extension of the Memorandum of Understanding the cooperation will be evaluated.
- (4) This Memorandum of Understanding may be altered or amended if deemed necessary based on a written mutual agreement by the signatories.
- (5) The Memorandum of Understanding may be terminated by either of the signatories upon written notification no later than 6 (six) months prior to its expiration.

IN WITNESS whereof, the undersigned being duly authorised by their respective Governments, have signed this memorandum of Understanding.

DONE in duplicate in Jakarta on 16th of April two thousand and ten in Indonesia and English languages.. In case of any divergence of interpretation, the English text shall prevail.

For the Indonesian National Police

For the Ministry of the Interior and Kingdom
Relations of the Netherlands

Police General Drs. H. Bambang Hendarso Danuri
Chief of the Indonesian National Police

Drs. H.W.M. Schoof
Director General for Public Safety and Security