BILATERAL · NOVEMBER 18, 2005

MEMORANDUM OF UNDERSTANDING BETWEEN THE PHILIPPINE NATIONAL POLICE (PNP) AND THE INDONESIAN NATIONAL POLICE (INP) ON COOPERATION IN PREVENTING AND COMBATING TRANSNATIONAL CRIMES...

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The Philippine National Police (PNP) and the Indonesian National Police (INP), hereinafter referred to as the “Parties”;

DESIRING to renew the Memorandum of Understanding between the Philippine National Police and Indonesian National Police dated November 18, 2005 and further enhance cooperation between the Parties in the spirit of partnership and the framework of ASEANAPOL;

CONCERNED by the increasing threat of transnational crimes;

REALIZING the need for effective cooperation between the Parties for the law enforcement in preventing and combating crimes and capacity building;

CONSIDERING the Joint Communiqué of 30[th] ASEAN Chief of Police Conference (ASEANAPOL) held in Phnom Penh, Cambodia on May 24-28, 2010;

BASED ON the prevailing laws and regulations in their respective countries;

Have agreed on the following matters:

Article 1
DEFINITIONS

For the purpose of this Memorandum of Understanding, the following terms shall be defined as follows:

- Transnational Crimes refer to crimes stated in the Joint Communiqué of 30[th] ASEANAPOL, which include: illicit drug trafficking, terrorism, arms smuggling, human trafficking, illegal fishing, maritime fraud, armed robbery at sea, sea piracy, illegal cargo and other crimes at sea, cyber crimes, money laundering, international economic crimes, banking offenses, fraudulent travel documents and other crimes as mutually agreed upon by the Parties;

- Capacity building shall be activities in the context of enhancing the capacity and skills of the personnel of the respective Parties;

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- Intelligence information shall be information needed in the process of investigation for law enforcement;

- Joint activities shall be activities conducted by the Parties in the context of preventing and combating transnational crimes and capacity building; and

- Joint Committee shall be a committee formed by the Parties for the purpose of formulating policy and directives for preventing combating transnational crimes and for capacity building within the scope of this Memorandum of Understanding.

Article 2
GENERAL PROVISIONS

- The implementation of this Memorandum of Understanding must respect the principles of sovereignty, territorial integrity, non-interference in internal affairs, equality and common interest.

- Neither Party shall exercise in the other Party’s jurisdiction any competence or functions that constitute the authority of the latter Party’s competent official, based on national sovereignty and international law.

Article 3
OBJECTIVE

The objective of this Memorandum of Understanding is to enhance the existing cooperation between the Parties, particularly in preventing and combating transnational crimes and capacity building.

Article 4
AREAS OF COOPERATION

The Parties shall cooperate in following:

- Preventing and combating transnational crimes, particularly criminal acts related to the following:

- Illicit Drug Trafficking;

- Terrorism;

- Arms Smuggling;

- Human Trafficking;

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- Illegal fishing, maritime fraud, armed robbery at sea, sea piracy, illegal cargo and other crimes at sea;

- Cyber-crimes;

- Money laundering;

- International economic crimes and banking offenses;

- Fraudulent travel documents; and

- Other crimes as mutually agreed by the Parties.

- Capacity building, namely;

- Education and training; and

- Comparative studies.

Article 5
FORMS OF COOPERATION

For the implementation of this Memorandum of Understanding, the Parties shall:

- Exchange intelligence information and documents, in compliance with national legislation and within the limits of their respective authorities.

- Undertake coordinated joint police activities, in accordance with the national provisions and within the limits of their respective authorities, to prevent and combat transnational crimes;

- Cooperate in enhancing human resources, including exchange of personnel, education and training as well as comparative studies;

- Establish a Joint Committee as a body responsible for the implementation of this Memorandum of Understanding; and

- Cooperate in other activities as agreed upon by the Parties.

Article 6
EXCHANGE OF INTELLIGENCE INFORMATION

- The use of every intelligence information and document, either written or verbal, obtained in the implementation of this Memorandum of Understanding, must be kept confidential by both Parties.

- Each Party shall take every necessary measure to ensure the confidentiality of all intelligence information in accordance with the objective of this Memorandum of Understanding.

- Any intelligence information or document related to this Memorandum of Understanding may not be transferred to a third Party without the written approval of both Parties.

Article 7
JOINT COMMITTEE

- The Parties shall maintain the Joint Committee consisting of the Parties' representatives with the composition of the representatives to be determined by the Parties.

- The Joint Committee shall be co-chaired by the Head of the Philippine Committee and the Head of the Indonesian Committee who may determine the composition of the Sub-Committees.

- The tasks of the Joint Committee shall be as follows:

- Formulate and determine policies and procedures in the endeavors for preventing and combating transnational crimes and capacity building;

- Implement mutually agreed policies and activity programs.

- Coordinate and oversee the implementation of activities conducted within the framework of this Memorandum of Understanding; and

- Evaluate implemented activities, identify and prepare subsequent programs.

- The Joint Committee shall continue to meet in plenary at least once every year alternately in the Philippines or Indonesia on a date agreed upon by the Parties, while members of the Sub-Committees may meet anytime in either country as necessary.

Article 8

PUBLICATION TO THE MEDIA

- Publication to the media, either unilaterally or jointly, must be coordinated in order to safeguard the interests of

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the respective Parties.

- Publication to the media shall be aimed at enhancing public awareness of the Parties endeavors to suppress and foil criminal acts.

Article 9
FUNDING

Each Party shall defray its own expenses that may be incurred in the implementation of this Memorandum of Understanding, unless determined otherwise as agreed by the Parties.

Article 10
AMENDMENTS

This Memorandum of Understanding can be revised or amended at any time upon the written agreement of the Parties. Such revisions or amendments shall come into force as from the date mutually determined by the Parties.

Article 11
SETTLEMENT OF DISAGREEMENTS

Any matter arising from the interpretation, application or implementation of this Memorandum of Understanding shall be resolved by the Joint Committee. In the event that the Joint Committee could not resolve an issue, same shall be elevated to the Chiefs of PNP and INP for resolution.

Article 12
ENTRY INTO FORCE, DURATION, AND TERMINATION

- This Memorandum of Understanding shall enter into force as of the date of its signing.

- This Memorandum of Understanding shall remain in force for a period of five (5) years and it can be extended by mutual consent in writing by the Parties.

- Either Party can terminate this Memorandum of Understanding at any time by giving written notice by no later than three (3) months prior to such termination.

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IN WITNESS WHEREOF , the undersigned, being duly authorized by their respective governments, do hereby sign this present Memorandum of Understanding.

DONE in duplicate at Jakarta on the 8 th day of March in the year two thousand and eleven, in the Indonesian and in the English Languages, both texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE PHILIPPINE NATIONAL POLICE

FOR THE INDONESIAN NATIONAL POLICE

Chief of Philippine National Police

Chief of Indonesian National Police

(Sgd.) ATTY. RAUL M. BACALZO, Ph.D.

(Sgd.) Drs. TIMUR PRADOPO

Police General

Police General

Entry into Force: March 8, 2011

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