

## MEMORANDUM OF UNDERSTANDING BETWEEN THE ANTI-TERRORISM COUNCIL OF THE REPUBLIC OF THE PHILIPPINES AND THE NATIONAL COUNTER-TERRORISM AGENCY OF THE REPUBLIC OF INDONESIA ON COMBA...

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The Anti-Terrorism Council of the Republic of the Philippines (ATC) and the National Counter Terrorism Agency of the Republic of Indonesia (NCTA) (hereinafter referred to as the "Parties");

REALIZING the need to establish a framework to facilitate cooperation between the two countries to address security incidents and transnational crimes occurring within the territory of either country;

REAFFIRMING the spirit and intent of existing agreements between the Government of the Republic of the Philippines and the Government of the Republic of the Indonesia such as the Revised Agreement on Border Crossing between the Republic of the Philippines and the Republic of Indonesia dated 11 March 1975, Agreement between the Government of the Republic of the Philippines and the Government of the Republic of Indonesia on Cooperative Activities in the Field of Defense and Security dated 27 August 1997, and the Memorandum of Understanding between the Philippine National Police (PNP) and the Indonesian National Police (INP) on Cooperation in Preventing and Combating Transnational Crime and Capacity Building renewed on 8 March 2011;

RECOGNIZING the need to strengthen international cooperation at all levels in combating terrorism in a comprehensive manner;

DESIRING to enhance counter-terrorism cooperation between the officials of security, defense, intelligence and law-enforcement agencies of the two countries;

PURSUANT to the prevailing laws and regulations in their respective countries;

HAVE AGREED on the following:

### Article 1

#### Objective

This Memorandum of Understanding (MoU) shall provide a framework for cooperation in preventing, suppressing and combating international terrorism, in all its forms, and other terror-related transnational organized criminal activities, and for capacity building on the basis of mutual respect for sovereignty, equality and mutual benefit.

### Article 2

#### Scope of Cooperation

Each Party undertakes to implement this MoU, in accordance with its respective domestic laws, in any or all of following activities:

- i. Intelligence information sharing;

- ii. Further enhancing cooperation between the two countries' law enforcement agencies;
- iii. Strengthening capacity building and capabilities through networking and programs of training and education; exchange of visits of high officials, analysts and field operators; seminars, conferences and joint exercises, as appropriate.

### Article 3

#### Areas of Cooperation

Both Parties shall implement this MoU particularly to prevent, suppress and combat international terrorism, in all its forms, and other terror-related transnational organized criminal activities particularly in the areas of:

- i. Border Control
- ii. Exchange of Information
- iii. Capacity Building
- iv. Deradicalization and Counter Radicalization
- v. Legal Regimes in Counter Terrorism
- vi. Internet / Cyber Terrorism
- vii. Law Enforcement Joint Exercises
- viii. Other fields of terrorism as both Parties may agree in the future.

### Article 4

#### Cooperation Mechanism

In accordance with the laws of their respective countries, both Parties may designate their respective communication cum Liaison Centers (CCLC).

For the Anti-Terrorism Council of the Republic of the Philippines, the CCLC will be the Anti-Terrorism Council-Program Management Center (ATC- PMC).

For the National Counter-Terrorism Agency of the Republic of Indonesia, the CCLC will be the Deputy for International Cooperation of the Indonesian National Counter Terrorism Agency.

The Parties shall maintain a Joint Working Group (JWG) consisting of Parties' representatives with the composition to be determined by both Parties. It shall be co-chaired by the Most Senior Member from either Party, and sub-Working Group/s may be organized by both parties.

The tasks of the JWG are:

- i. Formulate and determine policies and procedures in the endeavor to implement the MoU;
- ii. Implement mutually-agreed-upon policies and activity programs;
- iii. Coordinate and oversee the implementation of activities conducted within the framework of this MoU; and
- iv. Evaluate implemented activities, identify and prepare subsequent programs.

The JWG shall meet in plenary at least once a year, alternately, in the Philippines and Indonesia, on a date mutually agreed upon. The sub-Working Group/s may meet anytime in either country as necessary.

### Article 5

### Funding/Cost

In order for this MoU to be appropriately implemented, either Party may request assistance from the other Party using best efforts to fund mutually- arranged activities and cooperation.

The requesting Party shall bear all costs associated with the international travel, meals and accommodation of its representatives.

### Article 6

#### Settlement of Disputes

Any dispute arising out of the interpretation or implementation of this MoU shall be settled amicably through consultations or negotiations between the two Parties through diplomatic channels.

### Article 7

#### Confidentiality

Any confidential information provided by one Party pursuant to this MoU shall not be passed on or disclosed to a third party without the express consent of the other Party.

### Article 8

#### Refusal of Requests

Request for assistance may be refused completely or partially, if the requested Party considers the execution of the request to be prejudicial to its state sovereignty, national security or public interests;

The requesting Party will be notified promptly of the reason for the complete or partial refusal to execute its request, in any case, within thirty (30) days from the receipt of the abovementioned request.

### Article 9

#### Amendment

This MoU may be amended or revised, as deemed necessary, by mutual written consent of the two Parties. Such amendment or revision will come into effect on such a date as may be determined by the Parties.

### Article 10

#### Duration

This MoU shall come into force on the date of its signature and shall remain in effect for three (3) years. Subsequently, unless or otherwise indicated by either Party, the MoU shall be automatically renewed for further period of three (3) years at a time.

Either Party may at any time terminate this MoU by giving three (3) months advance written notice to the other Party.

IN WITNESS WHEREOF, the undersigned being duly authorized by their respective Governments have signed this MoU.

DONE in duplicate in Manila on this 23 rd day of May in the year 2014, in English and in Indonesian language, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE ANTI-TERRORISM  
COUNCIL OF THE REPUBLIC OF

THE PHILIPPINES

(Sgd.) CESAR P. GARCIA, JR.  
NATIONAL SECURITY ADVISER  
NATIONAL COUNTER TERRORISM  
AGENCY OF  
THE REPUBLIC OF INDONESIA

(Sgd.) ANSYAAD MBAI  
HEAD OF THE NCTA

Entry into Force: June 2, 2014

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