



MEMORANDUM OF UNDERSTANDING

Effective this 16th day of February, 2015 (the "**Effective Date**")

BETWEEN:

KOMISI NASIONAL HAK ASASI MANUSIA REPUBLIK INDONESIA
/THE INDONESIAN NATIONAL COMMISSION ON HUMAN RIGHTS,
the Indonesian National Human Rights Commission, having its offices
at Jl. Latuharhary No. 4B, Menteng, Jakarta Pusat, Indonesia 10310,

(hereinafter "**Komnas HAM**")

AND

PACTA FINLAND, an international non-governmental organization
having its head offices located at Itamerenkatu 1 A, 00180 Helsinki,
Finland and regional office PACTA Asia Ltd in Singapore,

(hereinafter "**PACTA**")

WHEREAS:

- A. Komnas HAM is a commission established by the Government of Indonesia pursuant to *Law 39/1999 Concerning Human Rights* tasked with the objectives to:
- a. Develop conditions conducive to the promotion, recognition, protection, and enforcement of human rights in accordance with Pancasila, the 1945 Constitution, the United Nations Charter, and the Universal Declaration of Human Rights; and
 - b. Improve the protection and upholding of human rights in the interest of personal development of Indonesian people as a whole and their ability to participate in several aspects of life.
- B. Komnas HAM carries out the foregoing objectives through study, research, information dissemination, monitoring and mediating human rights issues in Indonesia, and specifically has the authority to conduct cooperative research with organizations, institutions, or other parties, at the regional, national and international levels in order to carry out its mandate.

- C. PACTA is an international non-governmental organization committed to advancing international and national conflict resolution and reconciliation initiatives, with a view to alleviating suffering, poverty, and distress and building social cohesion within and between governments, militaries, and communities.
- D. PACTA's key personnel has a longstanding commitment to the Aceh peace process, from preliminary discussions beginning in 2002, to the initiation of the 2005 Helsinki talks and participation on the mediation process, to the subsequent appointment as advisers to the Aceh Monitoring Mission, and the coordination of peace building programs that continue to this day. PACTA is uniquely positioned to translate and interpret the complex and competing interests of the many parties involved in Aceh peace process into meaningful information and dialogue to guide future reconciliation initiatives.
- E. August 15, 2015 will mark the tenth anniversary of the signing of the *Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement* (the "**Helsinki MoU**") in which the signatories confirmed their commitment to a peaceful, comprehensive, and sustainable solution to the conflict in the province of Aceh with dignity for all and, specifically, to the establishment of a Commission for Truth and Reconciliation with the task of formulating and determining reconciliation measures.
- F. Komnas HAM and PACTA (together the "**Parties**" and each a "**Party**") desire to enter this memorandum of understanding to formalize their commitment to collaborate in the establishment of a strong and lasting framework by which the Aceh reconciliation process may be brought about.

NOW THEREFORE THE PARTIES HEREBY AGREE AS FOLLOWS:

- 1. **General Objective.** In order to facilitate the Aceh reconciliation process as envisioned by the signatories to the Helsinki MoU, and seeking to build a regionally meaningful process that encourages the adoption and implementation of best practices, the Parties desire to establish for the Term (defined below) a framework for cooperation that maximizes opportunities for consultation from internal and external parties (including with and between Komnas HAM and PACTA).
- 2. **Specific Objective.** In line with the foregoing, the Parties agree to work together in the following manner:
 - a. Develop a recommended mandate for the Aceh Truth and Reconciliation Commission (the "**Commission**")— MoU 2.3 - based on known best practices and in doing so, collaborate to set out and advocate for the adoption of, *inter alia*, the goals, structure, scope of responsibilities, duties, powers, procedures, and timeframes with which the Commission will operate;

b. In support of (a) above:

- i. Source input from regional, national, and international experts through the creation of opportunities for dialogue, including the holding of an international peace conferences in Jakarta and Aceh, as well as the establishment of further collaborative relationships;
 - ii. Conduct periodic joint travel to Aceh province to solicit input from community leaders, grassroots civil society organizations, and other members of the Aceh community committed to shaping the Aceh reconciliation process;
 - iii. Meet with appointed representatives of the National Indonesian Government, the provincial government of Aceh, other State Institutions, National Police and Military;
 - iv. Conduct joint research, independent study, and examinations consistent with the objectives of this memorandum of understanding and engage in dialogue with relevant stakeholders in respect of the same;
 - v. Gather the results obtained from (i) – (iv) above into a concise and comprehensible set of reports that will inform the Parties in developing the Commission's recommended mandate;
 - vi. Such other initiatives as the Parties may agree.
3. **Term.** The term of this memorandum of understanding (the "**Term**") shall be for an initial period of three (3) years, beginning on the Effective Date written above. If at the expiry of the five years the mandate of the Commission contemplated in Section 2 has not yet been established, the Parties agree to meet and discuss whether the Term should be extended. This memorandum of understanding may be terminated at any time if mutually agreed upon by all of the Parties in writing.
4. **Results and Reporting.** The Parties agree to meet quarterly during the Term to exchange and report on their progress in achieving the objectives of this memorandum of understanding. It is the intent of the Parties that the results generated from the activities outlined in Section 2 above shall be compiled into a set of formal recommendations regarding the Commission's recommended mandate made by Komnas HAM and presented to the signatories of the Helsinki MoU.
5. **Independent Contractors.** Each of the Parties will act as, and will be, independent contractors in all aspects of this memorandum of understanding. This memorandum of understanding does not, in and of itself, create a joint venture, partnership, or employment relationship between the Parties. Except as otherwise provided herein, no Party shall use the name of the other Party, and no Party has or will have any authority to bind the other Party in any manner without the express written permission of the other.

6. **Funding.** The parties will separately and jointly seek funding from domestic and international donors for the initiatives and programmes linked and related to this memorandum of understanding.
7. **Amendment.** The terms of this memorandum of understanding may be amended and or replaced only by written agreement of each of the Parties.
8. **Non-binding.** This memorandum of understanding is not legally binding.
9. **Coming into Force.** This memorandum of understanding comes into force on the Effective Date, regardless of the date of its execution by the Parties. Except where expressly provided, the Parties shall commence performing their respective obligations and responsibilities forthwith after the Effective Date.
10. **Counterparts.** This memorandum of understanding may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument and any of the Parties may execute this memorandum of understanding by signing any such counterpart. Delivery of an executed signature page of this memorandum of understanding by a party hereto by electronic means is as effective as delivery of an original executed copy of the memorandum of understanding by such party.

IN WITNESS WHEREOF the Parties hereto have executed this MEMORANDUM OF UNDERSTANDING on the date first written above.

**KOMISI NASIONAL HAK ASASI
MANUSIA REPUBLI K INDONESIA /
THE INDONESIAN NATIONAL
COMMISSION ON HUMAN RIGHTS**

PACTA FINLAND

Name: Prof. Dr. Hafid Abbas

Title: Chairperson

Name: Juha Christensen

Title: General Manager