

PRESIDENT OF
THE REPUBLIC OF INDONESIA

DECREE OF PRESIDENT OF THE REPUBLIC OF INDONESIA

NUMBER 69 OF 2005

CONCERNING

PARTICIPATION OF FOREIGN ORGANIZATIONS/INDIVIDUALS IN
PROVIDING GRANTS FOR THE REHABILITATION AND RECONSTRUCTION
OF THE REGION AND LIFE IN NANGGROE ACEH DARUSSALAM
PROVINCE AND NIAS ISLANDS IN NORTH SUMATRA PROVINCE

WITH THE BLESSING OF THE ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA

- Considering :
- a. that in the bid to implement Rehabilitation and Reconstruction of the Regions and Life in Nanggroe Aceh Darussalam Province and Nias Islands in North Sumatra Province, it is deemed necessary that all parties including Foreign Organizations/Individuals be given opportunities to participate therein;
 - b. that the involvement of Foreign Organizations/Individuals in the Rehabilitation and Reconstruction of the Region and Life in Nanggroe Aceh Darussalam Province and Nias Islands in North Sumatra Province shall be properly managed to in order that all these be in line with the Master Plan of Rehabilitation and Reconstruction of the Region and Life in Nanggroe Aceh Darussalam Province and Nias Island in North Sumatra Province;
 - c. that based on considerations described in items a and b above, it is deemed necessary that a Decree of President of the Republic of Indonesia concerning Rehabilitation and Reconstruction of the Region and Life in Nanggroe Aceh Darussalam Province and Nias Islands in North Sumatra Province be declared.

4. Government Regulation in lieu of Law Number 2 of 2005 concerning the Board in Charge of Rehabilitation and Reconstruction of the Region and Life in Nanggroe Aceh Darussalam Province and Nias Islands in North Sumatra Province (State Gazette of the Republic of Indonesia of 2005 Number 35, Supplement Number 4492);
3. Presidential Regulation Number 30 of 2005 concerning Master Plan of the Rehabilitation and Reconstruction of the Region and Life in Nanggroe Aceh Darussalam Province and Nias Islands in North Sumatra Province;
4. Presidential Regulation Number 34 of 2005 concerning Organizational Structure and Working Procedure and Financial Authority of the Board in Charge of Rehabilitation and Reconstruction of the Region and Life in Nanggroe Aceh Darussalam Province and Nias Islands in North Sumatra Province.

DECIDES

To declare : PRESIDENTIAL DECREE CONCERNING PARTICIPATION OF FOREIGN ORGANIZATIONS/INDIVIDUALS IN PROVIDING GRANTS FOR THE REHABILITATION AND RECONSTRUCTION OF THE REGION AND LIFE IN NANGGROE ACEH DARUSSALAM PROVINCE AND NIAS ISLANDS IN NORTH SUMATRA PROVINCE

Article 1

For the purposes of this Decree:

1. Rehabilitation and Reconstruction shall mean as described in Government Regulation in lieu of Law Number 2 of 2005 concerning the Board in Charge of Rehabilitation and Reconstruction of the Region and Life in Nanggroe Aceh Darussalam Province and Nias Islands in North Sumatra Province.

2. Executive Body shall mean shall mean as described in Government Regulation in lieu of Law Number 2 of 2005 concerning the Board in charge of Rehabilitation and Reconstruction of The Region and Life in Nanggroe Aceh Darussalam Province and Nias Islands in North Sumatra Province.
3. Foreign Organizations/Individuals shall mean Foreign Non-Government Organizations, Foreign Companies, Foreign Universities and Foreign Individuals providing grants for Rehabilitation and Reconstruction purposes.
4. Grant shall mean assistance/aids from Foreign Organizations/Individuals in the form of services, goods or money for the Rehabilitation and Reconstruction of the Region and Life in Nanggroe Aceh Darussalam Province and Nias Islands in North Sumatra Province in non-binding schemes and not funded from the State Budget.

Article 2

- (1) To participate in the Rehabilitation and Reconstruction, Foreign Organizations/Individuals shall first submit their program proposals to the Executive Body.
- (2) The program proposals as described in paragraph (1) shall at least contain the following:
 - a. the Foreign Organizations/Individuals as the proponent;
 - b. the Programs to be implemented;
 - c. the Local partners involved in the said programs;
 - d. the Sectors, locations and terms of program implementation;
 - e. the Expected results from the program;
 - f. the financing requirements and source of the fund;
 - g. involvements of local community in the program implementation.

- (2) The Executive Body shall review the program proposals as described paragraph (1) by taking into their consideration the following aspects:
 - a. relationship between the programs and the master plan;
 - b. suitability of the programs to other programs;
 - c. involvement of the community in the program implementation;
 - d. capacity, capability, and track record of Foreign Organizations/Individuals.
- (3) The Executive Body may in reviewing the program proposals as described in paragraph (1) form an Integrated Team consisting of ministerial elements in charge of international relations, laws, manpower, finance, trade and the regional/local governments, as well as related agencies as deemed necessary.
- (4) The results of the review on the program proposals described in paragraph (3) shall be submitted to the Chief of Executive Body.
- (5) If the Chief of Executive Body, on the basis of the result of the review and recommendation as described in paragraph (4), approve the proposals as described in paragraph (1), the Chief of Executive Body shall issue a Program Approval Letter and Registration of the Foreign Organizations/Individuals.
- (6) The Chief of the Executive Body shall first draw up a Memorandum of Understanding with concerned Foreign Organizations/Individuals before the issuance of the Program Approval Letter and Registration of Foreign Organizations/Individuals as described in paragraph (5).
- (7) The Memorandum of Understanding as described in paragraph (6) shall include the following aspects:
 - a. rights and obligations;

- b. activities to be carried out;
 - c. location of the activities;
 - d. budget of the activities to be carried out;
 - e. number of foreign personnel deployed in the projects;
 - f. deadline of activities;
 - g. involvement of local partners or local people;
 - h. expected target;
 - i. facilities and privileges provided for donors/sponsors;
 - j. dispute settlement.
- (8) Further arrangement regarding the format of the program proposals, selection procedure and Registration of Foreign Organizations/Individuals shall be determined the Chief of the Executive Body.

Article 3

The period of involvement of the Foreign Organizations/Individuals shall be as sufficient with the program implementation.

Article 4

The Foreign Organizations/Individuals shall be responsible for the performance and/or administration of their programs including the relationships thereof with the third party.

Article 5

In carrying out their programs, the Foreign Organizations/Individuals shall:

- a. observe the code of ethics stipulated by the Chief of Executive Body;
- b. comply with the guidelines and policies adopted by Executive Body;
- c. submit progress report of the program;
- d. submit final report on program implementation.

undertake activities beyond their approved programs or assignments as described in Article 2 paragraph (5).

Article 7

- (1) In carrying out their programs, the Foreign Organizations/Individuals may obtain facilities including:
 - a. clearance of the procedure of immigration and manpower requirements;
 - b. clearance of technical requirements with respect to equipment, goods and services;
 - c. facilities regarding customs clearance, excise and taxes.
- (2) The grant of such facilities as described in paragraph (1) shall be done in accordance with the prevailing laws and regulations.

Article 8

- (1) The Executive Body shall conduct monitoring and evaluation of the programs implemented by Foreign Organizations/Individuals.
- (2) The procedure of monitoring and evaluation of the programs as described in paragraph (1) shall be determined by the Chief of Executive Body.

Article 9

The Chief of Executive Body may revoke the Program Approval Letter and/or of Foreign Organizations/Individuals under any of the following circumstances:

- a. The concerned Foreign Organizations/Individuals fail to perform their obligations as described in Article 5; and/or

- b. The concerned Foreign Organizations/Individuals violate any provisions described in Article 6; and/or
- c. The Foreign Organizations/Individuals fail to carry out the activities in accordance with the approved programs.

Article 10

Any cooperation programs with Foreign Organizations/Individuals that have been established prior to the issuance of this Decree shall remain effective and shall later be adjusted to the provisions of this Presidential Decree.

Article 11

Further provisions regarding the implementation of this Presidential Decree shall be determined by the Chief of Executive Body and/or Ministers/Chief of Non-Ministerial Government Agencies singly or jointly in accordance with the respective tasks and authorities.

Article 12

This decree shall become effective as from the date it is declared.

Declared in Jakarta
On November 14, 2005

PRESIDENT OF THE REPUBLIC
OF INDONESIA
(Sgd.)
DR. H SUSILO BAMBANG YUDHOYONO

Certified true and correct copy of the original
by the Deputy to Cabinet Secretary
in charge of Laws and Legislation Affairs
Lambock V. Nahattands

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