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**United States of America
and
Indonesia**

Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Indonesia concerning the establishment of the American-Indonesian Exchange Foundation (AMINEF). Jakarta, 16 February 2009

Entry into force: *16 February 2009 by signature, in accordance with article XV*

Authentic text: *English*

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**États-Unis d'Amérique
et
Indonésie**

Mémorandum d'accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République d'Indonésie concernant l'établissement de la Fondation d'échange américano-indonésienne (AMINEF). Jakarta, 16 février 2009

Entrée en vigueur : *16 février 2009 par signature, conformément à l'article XV*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
CONCERNING
THE ESTABLISHMENT OF THE AMERICAN-INDONESIAN EXCHANGE FOUNDATION
(AMINEF)**

The Government of the Republic of Indonesia and the Government of the United States of America (hereinafter referred to as "the Parties"),

DESIRING to continue as well as expand the programs and activities stipulated in the "Educational and Cultural Agreement between the Government of the Republic of Indonesia and the Government of the United States of America" signed in Jakarta on 15 July 1992 (hereinafter referred to as "the 1992 Agreement"), in order to promote wider contacts and further mutual understanding between the peoples of the United States of America and the Republic of Indonesia through cooperation in the field of education,

CONSIDERING the mutual benefits derived from programs in these fields and the desire of the Parties to cooperate further in the financing and operating of such programs for the further strengthening of cooperative relations between the two countries, and

RECOGNIZING the importance of the principles of sovereignty, equality and mutual benefit,

PURSUANT to the prevailing laws and regulations of their respective countries,

Have agreed as follows:

ARTICLE I: OBJECTIVES

1. The Parties shall encourage and facilitate the further development of contacts and exchanges between the peoples of the two countries, with a view toward deepening knowledge and understanding of each other's history, civilization, institutions, literature and other cultural accomplishments.
2. The Parties shall, therefore, encourage and facilitate the academic exchange of persons, scholars, visual and performing artists and books and other materials in the fields of culture, science, education, literature, arts and music, film, tourism, museums, anthropology, archaeology and other programs of educational cooperation.

3. Each Party shall encourage and facilitate access on the part of scholars, artists and other professionals of the other country to its monuments, collections, archives, libraries, laboratories, cultural facilities and other institutions of learning in accordance with its relevant regulations. Similarly, each Party shall use its best efforts to extend to citizens and nationals of the other country engaged in activities pursuant to this Memorandum of Understanding (MoU) favorable treatment with respect to entry visas and stay permits consistent with its national laws and regulations.

ARTICLE II: ESTABLISHMENT OF AMINEF AS A NEW FOUNDATION

1. The American – Indonesian Exchange Foundation (hereinafter referred to as "the Foundation"), shall be recognized as a bi-national organization created and established by the Parties to administer such program as well as other related educational programs and activities. The new Foundation shall replace the "American-Indonesian Exchange Foundation" established by the Parties through the 1992 Agreement.
2. The Foundation and its programs and activities shall be financed with funds made available to the Foundation by or through the two Governments, and from funds received from other public and private sources which support the purposes of this MoU.
3. The provision related to tax exemptions and other facilities rendered to the Foundation shall be in accordance with the prevailing laws and regulations of the Republic of Indonesia.
4. The Foundation shall enjoy autonomy of management and administration in accordance with the terms of this MoU.

ARTICLE III: FUNDING

1. The American – Indonesian Exchange Foundation (AMINEF) created under the 1992 Agreement shall be dissolved and its funds and other property shall be turned over to the newly created Foundation.
2. The funds made available to the Foundation under this MoU shall be used, in accordance with the provisions of this MoU, by the Foundation for the purposes of:
 - a. financing studies, research, instruction and other educational activities of or for citizens and nationals of the Republic of Indonesia in the United States of America, and of or for citizens and nationals of the United States of America in the Republic of Indonesia;
 - b. financing other related educational programs and activities; and
 - c. financing the administration of the Foundation.

ARTICLE IV: ACTIVITIES

The Foundation may, subject to the provisions of this MoU, exercise all powers necessary to achieve the purposes set forth in Article III and for these purposes may, in particular:

- a. plan, adopt and carry out educational exchange programs and related educational programs;
- b. develop a comprehensive proposal detailing the scope of Foundation programs for the following fiscal years of the Parties, the academic areas of concentration, the types of grants and similar general guidelines for approval by the respective Parties;
- c. prepare each year an announcement of application instructions for a national public competition in the Republic of Indonesia setting forth the details of the programs for a particular year, including procedures for the distribution and submission of applications to the Foundation for the consideration by its Board;
- d. recommend to the J. William Fulbright Foreign Scholarship Board of the United States of America students, research scholars, teachers, instructors, professors, artists, and other professionals, who are citizens or nationals of the Republic of Indonesia, to participate in such programs;
- e. receive recommendations from the J. William Fulbright Foreign Scholarship Board of the United States of America concerning students, research scholars, teachers, instructors, professors, artists, and other professionals, who are citizens or nationals of the United States of America, to participate in the recommended programs;
- f. recommend to the J. William Fulbright Foreign Scholarship Board of the United States of America and the relevant organizations for the selection of participants in the program as the Foundation may deem necessary for achieving the purposes of Article III;
- g. authorize the making of grants and the disbursement and advancement of funds necessary for the carrying out of programs authorized under Article III, including payment for transportation, tuition, maintenance and other expenses incident thereto;
- h. engage an Executive Director, who shall be in charge of the administrative work of the Foundation and such other administrative and clerical staff as may be necessary; fix and pay the salaries and wages thereof; and incur such other expenses as may be necessary for the administration of the Foundation;
- i. acquire, hold and dispose of property in the name of the Foundation as it may consider necessary or desirable, provided, however, that the acquisition and disposal of real property shall be subject to the prior approval of the Parties;
- j. seek and receive donations from public and private sources for projects and activities for the purposes of the Foundation as established in this MoU. United States and Indonesian officials shall abide by the laws, regulations and procedures of their respective Governments with regard to their participation in the solicitation and/or acceptance of donations; and