

No. 20233

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**FEDERAL REPUBLIC OF GERMANY  
and  
INDONESIA**

**Agreement on co-operation in the fields of scientific research  
and technological development (with exchange of let-  
ters). Signed at Jakarta on 20 March 1979**

*Authentic texts: German, Indonesian and English.*

*Registered by the Federal Republic of Germany on 31 July 1981.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
INDONÉSIE**

**Accord de coopération dans les domaines de la recherche  
scientifique et du développement technologique (avec  
échange de lettres). Signé à Jakarta le 20 mars 1979**

*Textes authentiques : allemand, indonésien et anglais.*

*Enregistré par la République fédérale d'Allemagne le 31 juillet 1981.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA ON CO-OPERATION IN THE FIELDS OF SCIENTIFIC RESEARCH AND TECHNOLOGICAL DEVELOPMENT

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The Government of the Federal Republic of Germany and the Government of the Republic of Indonesia,

Desiring to promote further the close and friendly relations existing between them,

Considering their common interest in promoting scientific research and technological development,

Recognizing the benefits to be derived by both States from close co-operation in these fields,

Have agreed as follows:

*Article 1.* (1) The Contracting Parties shall promote co-operation between the two States in the fields of scientific research and technological development. Such co-operation shall include the following areas:

- a) Marine research and technology;
- b) Energy research and technology;
- c) Aeronautics and space research and technology;
- d) Geosciences;
- e) Social sciences and humanities;
- f) Science and technology suitable to provide a basis for industrial development; and
- g) Scientific information and documentation.

(2) Co-operation may also be undertaken in such other areas of science and technology as may be agreed upon by the two Governments.

(3) The substance, scope and implementation of the co-operation shall in each individual case be the subject of special arrangements to be concluded between the Contracting Parties or such agencies as are designated by the Contracting Parties.

(4) Co-operation on research and technological development in the field of peaceful uses of nuclear energy shall continue to be promoted within the framework of the Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Indonesia on Co-operation Regarding the Peaceful Uses of Atomic Energy of 14 June 1976.

*Article 2.* (1) Co-operation may be promoted by means of

- a) Exchange of information;
- b) Exchange of scientists and other research and technical personnel;
- c) Expert meetings and other joint activities;

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<sup>1</sup> Came into force on 6 November 1979, the date on which the Contracting Parties notified each other that their respective constitutional requirements had been fulfilled, in accordance with article 14 (1).

- d) Provision of advisory and other services; and
- e) Execution of joint or co-ordinated research or development tasks.

(2) The Contracting Parties shall facilitate such co-operation to the best of their abilities in providing materials and equipment.

(3) The special arrangements to be concluded under paragraph 3 of Article 1 of this Agreement shall determine who shall be entitled to the results from joint research and development tasks.

*Article 3.* Payment of the costs arising from the implementation of co-operation under paragraph 1 of Article 2 of this Agreement shall be provided for in the special arrangements to be concluded under paragraph 3 of Article 1 of this Agreement.

*Article 4.* In order to promote the implementation of this Agreement and of the special arrangements to be concluded in accordance with paragraph 3 of Article 1 of this Agreement, representatives of the Contracting Parties shall meet as and where required to inform each other of the progress reached in activities of common interest, and to consult each other about measures that may be required. Groups of experts may be appointed to discuss individual questions.

*Article 5.* (1) The exchange of information may take place either between the Contracting Parties directly or between the agencies designated by them, especially institutes for research and technology, specialized documentation centres and libraries.

(2) The Contracting Parties or the agencies designated by them may transmit the information obtained to public institutions or to such non-profit institutions or corporations as are supported by public authorities. The Contracting Parties or the agencies designated by them in the special arrangements to be concluded in accordance with paragraph 3 of Article 1 of this Agreement may limit or preclude such transmittal. The transmittal of information to other agencies or persons shall be precluded or limited if the other Contracting Party or the agencies designated by it so decide before or at the time of the exchange. This provision shall not prejudice the right of each authorized agency or person to make free use of information the transmittal of which has not been limited or precluded.

(3) Each Contracting Party shall ensure that the recipients entitled to receive information under this Agreement or under the special arrangements to be concluded for its implementation do not transmit such information to agencies or persons not authorized under this Agreement or the special arrangements to be concluded in accordance with paragraph 3 of Article 1 of this Agreement to receive such information.

*Article 6.* (1) This Agreement shall not apply to

- a) Information of which the Contracting Parties or the agencies designated by them may not dispose because it originates from third parties and its transmittal has been precluded;
- b) Information and ownership or patent rights which, by virtue of arrangements concluded with a third party, may not be communicated or transferred; and
- c) Information which is classified by a Contracting Party, unless prior approval is granted by the competent authorities of that Contracting Party.

The handling of such information shall remain subject to a separate agreement in which provision shall be made for the conditions and procedure of any such transmittal.

(2) Information of a commercial value shall be communicated on the basis of special arrangements regulating at the same time the conditions of transmittal.

*Article 7.* (1) In respect of the transmittal of information and the supply of materials and equipment under this Agreement or the special arrangements to be concluded for its implementation, each Contracting Party or agency designated by them shall take appropriate measures to safeguard the accuracy of the information transmitted or the suitability of the materials and equipment supplied for a specific use. No liability will ensue from such transmittal or supply unless specifically stipulated.

(2) The special arrangements to be concluded in accordance with paragraph 3 of Article 1 of this Agreement shall, if necessary, include provision for liability in respect of damage caused by acts or omissions of a Contracting Party in connection with the co-operation under this Agreement.

*Article 8.* In regard to goods imported or re-exported in pursuance of this Agreement and in regard to the import of personal effects as well as to the exemption from income tax of scientists, research and technical personnel exchanged under this Agreement, the provisions of the Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Indonesia concerning Technical Co-operation of 8 April 1971 shall be applicable when agreed upon in the special arrangements to be concluded under paragraph 3 of Article 1 of this Agreement.

*Article 9.* The Contracting Parties shall provide assistance as appropriate through the competent governmental bodies to the scientists and other personnel exchanged in accordance with the special arrangements to be concluded under paragraph 3 of Article 1 of this Agreement.

*Article 10.* The provisions of this Agreement shall be applied in accordance with the laws and regulations existing in the territory of either Contracting Party. International obligations assumed by the Contracting Parties shall remain unaffected.

*Article 11.* Disputes concerning the interpretation, applicability or implementation of this Agreement shall be settled amicably by consultation or negotiation between the Contracting Parties.

*Article 12.* (1) For the purposes of this Agreement the term Federal Republic of Germany, when used in the geographical sense, means the territory in which the Basic Law for the Federal Republic of Germany is in force, and any area beyond the territorial waters of the Federal Republic of Germany, within which, under German law and in accordance with international law the rights of the Federal Republic of Germany with respect to the seabed and sub-soil and their natural resources may be exercised.

(2) This Agreement shall apply to the territory of the Republic of Indonesia as defined in its laws and parts of the continental shelf and adjacent seas, over which the

Republic of Indonesia has sovereignty, sovereign rights or other rights in accordance with international law.

*Article 13.* This Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the Republic of Indonesia within three months of the date of entry into force of this Agreement.

*Article 14.* (1) This Agreement shall enter into force on the date of the Contracting Parties' mutual notification that their respective constitutional requirements for the entry into force of this Agreement have been fulfilled.

(2) This Agreement shall remain in force for a period of five years and shall subsequently be extended for successive periods of two years. It may be denounced by either Contracting Party subject to twelve months' prior notice. If the Agreement ceases to have effect on account of denunciation thereof, its provisions shall continue to apply for the period and to the extent necessary to secure the implementation of the special arrangements to be concluded under paragraph 3 of Article 1 of this Agreement and still be applicable on the date the Agreement ceases to have effect. The period of validity of the special arrangements to be concluded under paragraph 3 of Article 1 of this Agreement shall not be affected by the denunciation of this Agreement.

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

DONE at Jakarta on March 20th, 1979 in duplicate in the German, Indonesian and English languages, all three texts being authentic. In case of divergent interpretation of the German and Indonesian texts, the English text shall prevail.

For the Government  
of the Federal Republic of Germany:

[Signed — Signé]<sup>1</sup>

For the Government  
of the Republic of Indonesia:

[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by Günther Schödel — Signé par Günther Schödel.

<sup>2</sup> Signed by Habibie — Signé par Habibie.

## EXCHANGE OF LETTERS — ÉCHANGE DE LETTRES

## I

[GERMAN TEXT — TEXTE ALLEMAND]

DER BOTSCHAFTER  
DER BUNDESREPUBLIK DEUTSCHLANDDUTA BESAR  
REPUBLIK FEDERASI JERMAN

Jakarta, den 20. März 1979

Exzellenz,

unter Bezugnahme auf Artikel 12 des Abkommens zwischen der Regierung der Bundesrepublik Deutschland und der Republik Indonesien über Zusammenarbeit in der wissenschaftlichen Forschung und technologischen Entwicklung, das heute unterzeichnet werden soll, beehre ich mich zu bestätigen, dass der Abschluss des genannten Abkommens die Haltung unserer beiden Staaten zu Seerechtsfragen, die auf der Dritten Seerechtskonferenz der Vereinten Nationen erörtert werden, nicht präjudiziert.

Genehmigen Sie, Exzellenz, die Versicherung meiner ausgezeichnetsten Hochachtung.

[Signed — Signé]<sup>1</sup>Seiner Exzellenz dem Minister  
für Forschung und Technologie  
der Republik Indonesien  
Prof. Dr. B. J. Habibie[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]THE FEDERAL REPUBLIC OF GERMANY  
THE AMBASSADOR

Jakarta, March 20th, 1979

Excellency,

With reference to Article 12 of the Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Indonesia on Co-operation in the Fields of Scientific Research and Technological Development, to be signed today, I have the honour to confirm that the conclusion of the said Agreement shall not prejudice the position of our two countries with regard to any questions of the Law of the Sea which are under discussion at the Third United Nations Conference on the Law of the Sea.

Accept, Excellency, the assurances of my highest consideration.

[Signed — Signé]<sup>3</sup>His Excellency the Minister  
for Research and Technology  
of the Republic of Indonesia  
Prof. Dr. B. J. Habibie

<sup>1</sup> Signed by Günther Schödel — Signé par Günther Schödel.

<sup>1</sup> Translation supplied by the Government of the Federal Republic of Germany.

<sup>2</sup> Traduction fournie par le Gouvernement de la République fédérale d'Allemagne.

<sup>3</sup> Signed by Günther Schödel — Signé par Günther Schödel.

## II

[INDONESIAN TEXT — TEXTE INDONÉSISIEN]

LUAR NEGERI  
INDONESIA

Jakarta, 20 Maret 1979

Yang Mulia,

Saya mendapat kehormatan untuk memberitahukan bahwa saya telah menerima Surat Yang Mulia tertanggal hari ini, yang menurut teks dalam bahasa Inggris yang telah disepakati berbunyi sebagai berikut:

[See letter I — Voir lettre I]

Sudilah Yang Mulia, menerima penghargaan saya yang setinggi-tingginya.

[Signed — Signé]<sup>1</sup>

Yang Mulia Duta Besar  
Republik Federasi Jerman  
Jakarta

LUAR NEGERI<sup>1</sup>  
INDONESIA

Jakarta, March 20, 1979

Excellency,

I have the honour to acknowledge receipt of your letter of today's date which reads according to the agreed English version as follows:

[See letter I]

Please accept, Excellency, the assurances of my highest consideration.

[Signed — Signé]<sup>2</sup>

His Excellency the Ambassador  
of the Federal Republic of Germany  
Jakarta

<sup>1</sup> Signed by Habibie — Signé par Habibie.<sup>1</sup> Foreign Affairs.<sup>2</sup> Signed by Habibie — Signé par Habibie.