

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MINISTRY OF HOME AFFAIRS  
OF THE REPUBLIC OF INDIA

AND

THE FEDERAL MINISTRY OF THE INTERIOR  
OF THE FEDERAL REPUBLIC OF GERMANY

ON SECURITY COOPERATION

The Ministry of Home Affairs of the Republic of India and the Federal Ministry of the Interior of the Federal Republic of Germany (hereinafter referred to as the "sides"),

- desiring to develop friendly relations and cooperation in particular in the field of law enforcement;
- being aware that only international cooperation can help in effectively preventing and countering terrorism and preventing and combating cross-border crime;
- realizing the significance of developing this cooperation, especially in countering terrorism and drug-related crimes;
- realising that aviation security depends in particular on regular contacts at operational level;

- recalling the talks between the Prime Minister of India and the Chancellor of the Federal Republic of Germany in Berlin on 14 April 2015 during which they declared their intention to upgrade and further strengthen the strategic partnership between the two countries, including expanding the dialogue on security issues;
- recognizing the principles of sovereignty, independence, territorial integrity, non-intervention and mutual benefit, in accordance with the laws, regulations, procedures and policy guidelines of both sides, with full respect of human rights and the rule of law,

Have reached the following understanding:

### **Section 1 – Scope**

1.1 Both sides will intensify their cooperation especially in the following areas:

- a. countering violent extremism and terrorism in its various forms, including recruitment, financing, terrorist propaganda, training and terrorist movements;
- b. preventing and combating unlawful production, extraction, processing, storage, import, export or transit of or illicit trafficking in narcotic and psychotropic substances and substances frequently used to illicitly produce narcotic and psychotropic substances (parent or precursor substances);
- c. protection of borders through sharing legal, technical and operational matters;
- d. organised crime;

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- e. aviation security;
  - f. cybercrime;
  - g. illegal migration and the smuggling and trafficking of humans;
  - h. production and distribution of forged, counterfeit and falsified currency, official documents and certificates;
  - i. any other area, as jointly decided by both sides.

### Section 2 - Measures for cooperation

2.1 In the context of cooperation pursuant to section 1, both sides intend to take the following measures:

- a. sharing of experience and best practices, including the exchange of experts;
- b. cooperating on basic and advanced training of security, and police officers, in particular special forces;
- c. participating as needed on a case-related basis in relevant expert seminars and conferences organised jointly by both sides or by one side;
- d. providing training; and cooperating in other jointly decided capacity-building measures;
- e. exchanging information as fast as possible.

### **Section 3 - Cooperation in the field of countering violent extremism and terrorism**

3.1. Both sides, for the purpose of countering violent extremism and terrorism, and in accordance with their respective domestic laws of the sides, intend to, as appropriate:

- a. exchange information as fast as possible on violent extremism and terrorism in its various forms including recruitment, financing, terrorist propaganda, training and terrorist movements;
- b. provide assistance in the investigation of terrorism cases, if requested by the affected side;
- c. take measures to prevent the transit of terrorist organisations or terrorists into the territory of either side in accordance with United Nations Security Council Resolution No. 2178 (2014), paragraph 6 (a).

3.2. The cooperation in the field of countering violent extremism and terrorism will include agency to agency cooperation, as appropriate.

### **Section 4 - Cooperation in the field of narcotic and psychotropic substances**

4.1 Both sides, in accordance with their domestic laws, as required in specific cases for the purpose of preventing and combating unlawful production, extraction, processing, storage, import, export or transit of or illicit trafficking in narcotic and psychotropic substances and precursor substances, will

- a. exchange information on the unlawful production of narcotic and psychotropic substances and precursor substances and the illicit trade in these substances, caches and means of transport, modus operandi, origins and destinations of these substances and the specific details of the case;

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- b. provide each other with information on common methods of illegal cross border trade in narcotic and psychotropic substances and precursor substances and on suspicious purchases of related equipment;
  - c. share forensic and criminological research results related to drug trafficking and drug abuse;
  - d. provide each other with information about new addictive and other natural or synthetic substances subject to abuse;
  - e. share experience on precursor substances which may have been unlawfully diverted from trade;
  - f. carry out coordinated measures necessary to prevent the unlawful diversion of substances from lawful trade;
  - g. carry out joint measures to combat the unlawful production of synthetic drugs;
  - h. exchange information and assessment on potential links between drug trafficking and global terrorist activities.

#### **Section 5 - Cooperation in the area of border protection**

5.1. Both sides will closely cooperate in accordance with their domestic laws in technical and operational matters on border protection, which will include sharing of experience

- a. with regard to standard law enforcement measures in border protection;
- b. on the methods of command and decision-making processes; and

- c. with regard to the provision and use of technologies in the area of border protection.

5.2. Both sides may facilitate reciprocal visit of experts to exchange experiences concerning the practical use of technologies, described in subsection 1.

### **Section 6 - Liaison officers**

6.1. Both sides acknowledge that liaison officers seconded to their diplomatic missions play an important role in improving cooperation within the purview of this Memorandum of Understanding.

6.2. Both sides share the view that liaison officers seconded to their diplomatic missions are authorised to liaise and assist with the appropriate border protection and aviation security authorities in the respective jurisdiction of the other side. This includes access to airports in accordance with national law and regulations of the host country to the extent necessary to carry out their tasks.

6.3. Both sides will assist each other's liaison officers in their work.

### **Section 7 - Confidentiality of information**

7.1 Both sides will ensure confidentiality of information shared in the framework of this Memorandum of Understanding. This information will not be disclosed to third parties without the prior written consent of the side which provided the information. All requests for information in the context of implementing this Memorandum of Understanding will specifically state the purpose for which this information will be used.

## Section 8 - Compliance with domestic law

8.1 Any law enforcement action or measure relating to any of these areas covered within the scope of this Memorandum of Understanding will be dealt with in accordance with the respective domestic law of each side.

## Section 9 – Consultations

9.1. The designated Contact Point for the implementation of this Memorandum of Understanding will be:

- on behalf of the Ministry of Home Affairs of the Republic of India: Joint Secretary, Internal Security - I Division;
- on behalf of the Federal Ministry of the Interior of the Federal Republic of Germany: Deputy Director General - Directorate ÖS I.

9.2. Both sides may evaluate the implementation of this Memorandum of Understanding when necessary.

9.3. Any divergences between both sides concerning the interpretation or implementation of this Memorandum of Understanding will be resolved amicably through mutual consultations.

## Section 10 - Legal effect

10.1 This Memorandum of Understanding does not create rights or obligations under public international law.

## Section 11 - Final provisions

11.1. This Memorandum of Understanding will be applied from the date of its signature by both sides.

11.2. Either side may terminate this Memorandum of Understanding by giving notice in writing to the other side, at least three months in advance.

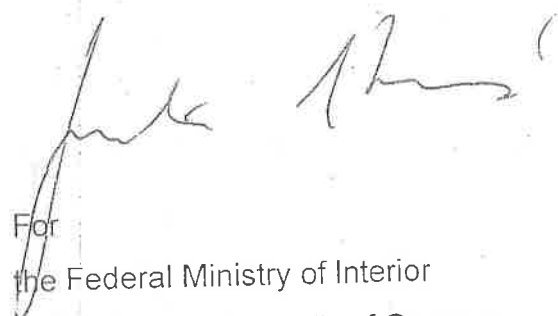
11.3. This Memorandum of Understanding may be amended as may be required by mutual written consent of the sides.

11.4. The termination of this Memorandum of Understanding will not affect the cooperative activities already in progress, unless both sides mutually determine otherwise in writing.

Signed at New Delhi on 5<sup>th</sup> October 2015, in two originals, each in the Hindi, German and English languages, all texts being equally valid. In case of any divergence in interpretation, the English text should be used.



For  
the Ministry of Home Affairs  
of the Republic of India



For  
the Federal Ministry of Interior  
of the Federal Republic of Germany