

CITY PARTNERSHIP (SISTER CITY) BETWEEN BANDA ACEH (THE REPUBLIC OF INDONESIA) AND SAMARQAND (THE REPUBLIC OF UZBEKISTAN) ON TRADE AND INDUSTRY IN BANDA ACEH

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Abstract - The Memorandum of Understanding on City Partnership and Cooperation between Banda Aceh (The Republic of Indonesia) and Samarqand (The Republic of Uzbekistan) was established on 2011. Both local government of Banda Aceh and Samarqand agreed on several point including in the Trade and Industry aspect which could support the economic development in Banda Aceh. However, from the preliminary research it is found that there is no implementation on the point on trade and industry of the MOU itself. The focus of this research is to analyze the mechanism of establishing an international cooperation by local government of Aceh and also to analyze the obstacle on the implementation of the mentioned MOU. This research is conducted under juridical empiric method. The data in this study were obtained through both library and field research. The library research is to acquire secondary data by way of studying the legislation, books, the internet and other scholarly works related to the problems of the research and fieldwork conducted for obtaining primary data by interviewing respondents or informants. The mechanism of establishment of the MOU on city partnership between Banda Aceh and Samarqand has fulfilled the Law No. 24 of 2000 on Treaty and the Ministry of Foreign Affair Regulation No: 09/A/KP/XII/2006/01. Meanwhile, the implementation of the point of the MOU itself could not be accomplished because of the absence of the Joint Working group, the lack of financial availability, and also the lack of communication and coordination between both local governments. Further, lack of coordination between the local government of Banda Aceh and Indonesia Ministry of Foreign Affair affects the implementation as well. In order to have successful MOU in the future, local government should be more well prepared such as establish the Join working group, preparing the certain budget for conducting the international cooperation, increasing the human resources especially in the field of foreign language to facilitate the communication. As the coordinator and supervisor of the international cooperation, the Ministry of Foreign Affair should do evaluation of the implementation of the international cooperation annually so that the local government might get the solution of the problem which is faced when the implementation.

Keywords: MOU sister city Banda Aceh-Samarqand, Trade and Industry, Aceh, Law of Treaty.

INTRODUCTION

The Memorandum of Understanding on City Partnership and Cooperation was signed on 31st May 2011 by the mayor of Banda Aceh, Mr. Mawardy Nurdin and the city government of Samarqand, Mr. Akbar Shukurov Savarovich.¹ The signing of the Memorandum of Understanding on city partnership was also witnessed by the Ambassador of Uzbekistan to Indonesia, Mr. Shavkat Jamolov, and South and Central Asia Director of the Indonesia Ministry of Foreign Affairs of Mr. Rizali Indrakesuma.² The signing of cooperation agreement is expected to strengthen the relation between Indonesia and Uzbekistan.

¹ Badan Pemberdayaan Masyarakat Kota Banda Aceh, Banda Aceh dan Samarkand Diharapkan Menjadi Kota Kembar, <http://bpm.bandaacehkota.go.id/banda-aceh-dan-samarkand-diharapkan-jadi-kota-kembar/>, Accessed on March 4 of 2017.

² Badan Pemberdayaan Masyarakat, Banda Aceh dan Samarkand Diharapkan Menjadi Kota Kembar, Accessed from <http://bpm.bandaacehkota.go.id/banda-aceh-dan-samarkand-diharapkan-jadi-kota-kembar/>. On March 4 of 2017.

The existence of common historical background and a strong socio-cultural similarities of the city of Banda Aceh and the city of Samarqand encourage the two local governments to establish a sister city partnerships.³Regarding to the MOU, Banda Aceh and Samarqand agree on several point:⁴

- 1) Trade, investment, tourism, and small and medium industries
- 2) Urban management and development
- 3) Education, culture, youth and sports

One of the aspect that mentioned in the MOU is trade and industry. Trade and industry are the necessary aspect which could support the economic development of one region. In regards to the arrangement on the implementation of the MOU of sister city between Banda Aceh and Samarqand, there are points that stated the partnership on trade and industry which said that:

- Trade and Industry⁵
 - 1) Exchange of information concerning the potencies of exported and imported main commodities as well as market opportunities of both cities;
 - 2) Cooperation in the fields of promoting trade and industry capacity building and production capacity;
 - 3) Cooperation on the fields of standardization and quality assessment of exported and imported products;
 - 4) Organizing business forum for the government and business cycles of both cities;
 - 5) Cooperation in the field of small and medium enterprises to strengthen cluster networking by organizing training and internship, and recruiting experts;
 - 6) Organizing and participating in the exhibitions to promote main products of both cities.
 - 7) Opening show case permanently in the bus station/ domestic airport/ information centers to promote small industries products, according to the conditions of the respective cities.

³ Embassy of Republic Indonesia in Tashkent, [Sister City Partnership between Samarqand and Banda Aceh to Strengthen Indonesia-Uzbekistan Relations](http://archive.li/iuSc4#selection-557.0-557.215), Accessed from <http://archive.li/iuSc4#selection-557.0-557.215>. On March 4 of 2017.

⁴ Article 1 of MOU on City Partnership and Cooperation between Banda Aceh and Samarqand of the Republic of Uzbekistan.

⁵ MOU of City Partnership and Cooperation between Banda Aceh and Samarqand, Arrangement on the Implementation of the MOU.

To implement such fields of activities which is mentioned in first article of the MOU, Banda Aceh and Samarqand agreed to establish a Joint Working Group. This Joint Working Group will hold an annual meeting in Banda Aceh or Samarqand. However, there is no implementation of the point on trade and industry of the MOU of sister city between Banda Aceh and Samarqand.⁶ The statement above is confirmed by the head on human resources and privileges of *Badan Perencanaan Pembangunan Daerah* (BAPPEDA) and the head on economic administration section of Legal Department Banda Aceh Municipality.⁷ The government added that there is no implementation of the point on trade and industry of the MOU of sister city between Banda Aceh and Samarqand except in the field of tourism.⁸

The local government of Banda Aceh had once cooperated with the local government of Samarqand to hold the activity in regards to the point in tourism fields which is mentioned in the MOU of sister city. The activity was held on 2014. However, the event was held once without continuation.⁹ There have been no activities which is conducted to implement such point of the MOU of sister city between Banda Aceh and Samarqand.¹⁰ Based on description of the background above, the researcher raise a number of issues to be discussed:

1. How is the mechanism of establishing an international cooperation by the local government of Aceh?
2. What is the obstacle of the implementation of the Memorandum of Understanding (MOU) of sister city between Banda Aceh (Indonesia) and Samarkand (Uzbekistan)?

RESEARCH METHODOLOGY

To obtain information and explanation of everything needed a guideline research or research method, this is because using proper research method will obtain a valid data as well as to facilitate the conduct of this research on the issue. The research method used in this study are as follows:

⁶ The Interview result with Muhammad Ridha as the Head on economic administration section of Legal Department Banda Aceh Municipality in City Hall on June 6, 2017, at 10.00 PM.

⁷ *Ibid*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

a. Operational Variable

- a. Memorandum of Understanding is an instrument concluded between states which they do not intend to be governed by international law or any other law and, consequently, is not legally binding.¹¹
- b. Sister city or City Partnership is a long-term, cooperative relationship between two cities in different countries through which cultural, educational, business, and technical exchanges take place.¹² There are two mayors of those cities from different countries who are appointed officially to sign the Memorandum of Understanding for establishing the sister city.
- c. Trade, based on Black's Law Dictionary, is the business of buying and selling or bartering goods or services.¹³
- d. Industry is the manufacturing or technically productive enterprises in a particular field, country, region, or economy viewed collectively, or one of these individually. A single industry is often named after its principal product; for example, the auto industry. For statistical purposes, industries are categorized generally according a uniform classification code such as Standard Industrial Classification (SIC).¹⁴

b. Type and Research Approach

The method that conducted in this research is juridical empiric. The data in this study were obtained through the fieldwork conducted for obtaining primary data by interviewing respondents and informants and libraries research to acquire secondary data by way of studying the legislation, books, the internet and other scholarly works related to the problems of the research.

DISCUSSION

a. The Mechanism of Establishing an International Cooperation by Local Government of Aceh

Basically, the enforcement of international politics is the authority of the central government. Along with the formation system of the autonomous region, the local

¹¹ Anthony Aust. *Modern Treaty Law and Practice* 2nd Edition, Cambridge: Cambridge University Press, 2007, P. 32

¹² Sister City International, what is a sister city relationship, Accessed from <http://sistercities.org/faq>. On March 1, 2017.

¹³ Bryan A. Garner. *Black Law Dictionary*. Vol. 8th Edition. St.Paul. Minnessota: West Group, 2004. Pp. 1529

¹⁴ Business dictionary, Definition of Industry Accessed from <http://www.business-dictionary.com/-definition/industry.html>. On March 2, 2017.

Government's role becomes very important as one of the actors in the implementation of international relations.¹⁵ The authority of autonomous region in establishing the international relations is aimed to empower and promote the regional potency.¹⁶ As one of the cities of Indonesia, Banda Aceh has established many international cooperation. Sister city or city partnership is one of international cooperation which is established by local government of Banda Aceh. One of the sister city that has established is sister city between Banda Aceh and Samarqand (the Republic of Uzbekistan).

In order to conduct the international cooperation, the procedure on establishing the international relation and cooperation by the local government based on Ministry of Foreign Affair Regulation No: 09/A/KP/XII/2006/01 will be applied. There are several steps that the local government take on establishing the city partnership between Banda Aceh and Samarqand. The first step is the consultation and coordination. In this step, the local government of Banda Aceh notified the Ministry of Foreign Affair and Governor of Aceh to get the consideration.¹⁷

The second step is the exploration (*Tahap Penjajakan*). After getting the acceptance and consideration on the planning of city partnership of Ministry of Foreign Affair and Governor of Aceh.¹⁸ Therefore the local government of Banda Aceh with Ministry of Foreign Affair did the exploration. The exploration was done by the exchange of the potency of each city. It was held through the representative of Indonesia in Tashkent. Before doing the exchange of potency, the local government of Banda Aceh should search for the potency that belong to Samarqand.¹⁹

The third step is the signing of Letter of Intent. The local government of Samarqand has accepted the planning on establishing the cooperation between the cities.²⁰ Afterwards, the local government of Banda Aceh propose to hold the inter meeting to the Ministry of Foreign Affair for formation of the LOI. The meeting was held by the section of development administration of the local government of Banda Aceh with the Directorate of economic and socio-cultural agreements of Ministry of Foreign Affair. The contents of the LOI is created by the sub section of *Tata ruang dan pengembangan wilayah pemerintah kota Banda Aceh*

¹⁵ Damos Dumoli Agusman, *Loc. Cit.*

¹⁶ Lampiran Peraturan Menteri Luar Negeri Nomor : 09/A/KP/XII/2006 tentang Panduan Umum dan Tata Cara Hubungan dan Kerjasama Luar Negeri oleh Pemerintah Daerah, KEMENLU RI, P.5.

¹⁷ The Interview result with Muhammad Ridha as the Head on economic administration section of Legal Department Banda Aceh Municipality in City Hall on september July 20, 2017, at 11.00 PM

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

with the consultation with the Directorate of economic and socio-cultural agreements of Ministry of Foreign Affair. Then, through the Directorate of economic and socio-cultural agreements of Ministry of Foreign Affair, the LOI was brought to the representative of Indonesia in Tashkent for getting the feedback of the Samarqand local government. Thus, the LOI was signed by both local government.

The fourth step is the approval from the House of Representative of Banda Aceh (DPRK) and House of Representative of Aceh (DPRA).²¹ The local government of Banda Aceh brought the LOI to House of Representative of Banda Aceh and House of Representative of Aceh to get the Approval. Therefore, the next step is the formation of the draft of MOU on city partnership and cooperation. After getting the approval, the local government of Banda Aceh created the draft of the MOU.²² The draft of MOU brought to governor, Ministry of Foreign affair, Ministry of Home Affair and *Kementerian Sekretariat Negara* (Kemensesneg), *Badan Inteligen Negara* (BIN) and related department to get the suggestion.

Then, the local government of Banda Aceh fix the draft of the MOU as the suggestion. Afterwards, the draft of MOU was brought to the discussion of forum inter. This forum inter is consists of Ministry of Foreign Affair, Ministry of Home Affair, *Kementerian Sekretariat Negara* (Kemensesneg), *Badan Inteligen Negara* (BIN), and other related department.²³ This forum signed the draft of the MOU to give the approval. After that, the result of draft of MOU was given to the Ministry of Foreign Affair and the ministry was brought to the representative of Indonesia in Tashkent. Then, the representative of Indonesia in Tashkent communicated with the local government of Samarqand.²⁴

Thus, the final step is the signing of the MOU. The draft of the MOU was accepted by the local government of Samarqand.²⁵ Then, the Ministry of Foreign Affair return the draft of the MOU to the local government of Banda Aceh. The local government proposed to possess the full power to the Ministry of Foreign Affair. Afterwards, the local government of Banda Aceh tell the Ministry of Home Affair, *Kementerian Sekretariat Negara* (Kemensesneg), governor of Aceh, House of Representative of Banda Aceh and House of Representative of Aceh about the approval of the draft of MOU from the local government of Samarqand.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

After the local government got the full power, on 31st may 2011 the document of the MOU on city partnership and cooperation was signed by Mr. Mawardy Nurdin and local government of Samarqand at city hall in Banda Aceh. After the signing of the MOU the local government of Banda Aceh notify that the MOU on city partnership and cooperation has been signed to the Ministry of Home Affair, governor, and other related department.²⁶

Regarding to the process of establishing the MOU on city partnership between Banda Aceh and Samarqand, it is clear that the mechanism is based on the Ministry of Foreign Affair Regulation No: 09/A/KP/XII/2006/01. The process of the establishment of the MOU on city partnership and cooperation between Banda Aceh and Samarqand is also in accordance with the process of establishing the international agreement which mention in the Law No.24 of 2000 on Treaty. According to the Law No. 24 of 2000 on Treaty the state department, governmental department, non-governmental department and the regional government are include as the department that could establish the international agreement.²⁷ Related with the process of the establishment of MOU on city partnership and cooperation between Banda Aceh and Samarqand, the department which establish this international agreement is the local government of Banda Aceh. Therefore based on the process which mention in the Law No.24 of 2000 on Treaty, the department which has the intention to establish the international agreement should do the consultation and coordination with the Ministry of Foreign Affair.²⁸ It is also done in the establishment of the city partnership between Banda Aceh and Samarqand.

b. The Obstacle of The Implementation of The Memorandum of Understanding (MOU) of Sister City between Banda Aceh and Samarqand

In regards to some information from the respondent, there are several obstacle of the implementation of the MOU of sister city between Banda Aceh and Samarqand, it is consists of:²⁹

1. The absence Joint Working Group

In regards to article 4 paragraph (1) of the MOU on City Partnership and Cooperation between Banda Aceh and Samarkand (the Republic of Uzbekistan) mentioned that “to implement such fields of activities stipulated in article 1 of the Memorandum, the parties

²⁶ *Ibid.*

²⁷ Lampiran Peraturan Menteri Luar Negeri Nomor : 09/A/KP/XII/2006 tentang Panduan Umum dan Tata Cara Hubungan dan Kerjasama Luar Negeri oleh Pemerintah Daerah, KEMENLU RI, P. 49

²⁸ *Ibid.*

²⁹ The Interview result with Muhammad Ridha as the Head on economic administration section of Legal Department Banda Aceh Municipality in City Hall on september July 20, 2017, at 11.00 PM

agreed to establish a Joint Working Group. The Joint Working Group shall prepare, recommend, monitor, and evaluate activities”.³⁰ Based on the local government, the existence of Joint Working Group is one of the aspect that could influence the implementation of the point of MOU.³¹ Meanwhile, The Joint Working Group was not established by both parties.³² The government add that it is difficult to establish the Joint Working Group because of the lack of budget, human resources, and the different language.³³

2. The Budget Allocation by Local Government

The local government claim that there is no certain budget which is provided due to implement such point in the MOU.³⁴ Additionally, the finance for implementing the point of the MOU is covered by *Anggaran Pendapatan dan Belanja Daerah* (APBD).³⁵ Based on the government, from the beginning in the process of the establishment of the MOU, the financing is covered by APBD.³⁶ Thus, the government assess that the minimum of budget could not cover all of the activities which mentioned in the MOU.³⁷

3. The Lack of Coordination and Communication

Based on paragraph 2 of article 368 of the Law No. 23 of 2014 on the Local Governance explain that the Ministry also do the monitoring and evaluating towards the cooperation which is done in the province and city. The Ministry of Foreign Affair also participate in the monitoring and evaluating the implementation of the MOU on city partnership and cooperation.³⁸ Based on the regulation, Ministry of Foreign Affair has the role in monitoring and evaluating the MOU of international cooperation. However, the government assess that the minimum of coordination by the Ministry is also considered as the obstacle.³⁹ The ministry of foreign affair only facilitate the local government in the process of

³⁰ Article 4 Paragraph (1) of MOU on City Partnership and Cooperation between Banda Aceh and Samarqand of the Republic of Uzbekistan.

³¹ The Interview result with Muhammad Ridha as the Head on economic administration section of Legal Department Banda Aceh Municipality in City Hall on June 6, 2017, at 10.00 PM

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ The Interview result with Muhammad Ridha as the Head on economic administration section of Legal Department Banda Aceh Municipality in City Hall on June 6, 2017, at 10.00 PM.

³⁷ *Ibid.*

³⁸ Lampiran Peraturan Menteri Luar Negeri Nomor : 09/A/KP/XII/2006 tentang Panduan Umum dan Tata Cara Hubungan dan Kerjasama Luar Negeri oleh Pemerintah Daerah, KEMENLU RI, P. 50.

³⁹ The Interview result with Muhammad Ridha as the Head on economic administration section of Legal Department Banda Aceh Municipality in City Hall on June 6, 2017, at 10.00 PM.

establishing the MOU of city partnership. However, when the MOU of city partnership was entry into force and had to be implemented, the ministry did not do such evaluation upon it.⁴⁰

CONCLUSIONS

Based on the mechanism of the establishment of MOU on city Partnership and cooperation between Banda Aceh and Samarqand (the Republic of Uzbekistan) which is explained in this research, it shows that the mechanism of establishment of the MOU on city partnership and cooperation between Banda Aceh and Samarqand has fulfilled the mechanism which stated in the Ministry of Foreign Affair Regulation No: 09/A/KP/XII/2006/01 on Guidance of establishing the international relation and cooperation by the local government and the establishment of international agreement is also based on the Law No. 24 of 2000 on Treaty.

Based on the research, after the establishment of the MOU on city partnership and cooperation between Banda Aceh and Samarqand (the Republic of Uzbekistan), there is no implementation of the point which mentioned in the MOU including the point on trade and industry. The obstacles of the implementation of the MOU are the absence of the Joint Working group, the lack of budget available, and the lack of communication and coordination between both local government and lack of coordination between the Ministry of Foreign Affair and local government of Banda Aceh as well.

⁴⁰ *Ibid.*

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