

KEPUTUSAN PRESIDEN REPUBLIK INDONESIA
NOMOR 3 TAHUN 1992
TENTANG
PENGESAHAN AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC
OF INDONESIA AND THE ASEAN INTER PARLIAMENTARY ORGANIZATION
(AIPO) RELATING TO THE PRIVILEGES AND IMMUNITIES OF THE AIPO
PERMANENT SECRETARIAT IN JAKARTA

PRESIDEN REPUBLIK INDONESIA,

Menimbang:

- a. bahwa di Jakarta, pada tanggal 26 Oktober 1991 Pemerintah Republik Indonesia telah menandatangani Agreement between the Government of the Republic of Indonesia and the ASEAN Inter Parliamentary Organization (AIPO) Relating to the Privileges and Immunities of the AIPO Permanent Secretariat in Jakarta;
- b. bahwa sehubungan dengan itu, dan sesuai dengan Amanat Presiden Republik Indonesia kepada Ketua Dewan Perwakilan Rakyat Gotong Royong Nomor 2826/HK/1960 tanggal 22 Agustus 1960 tentang Pembuatan Perjanjian dengan Negara-negara Lain, dipandang perlu untuk mengesahkan Agreement tersebut dengan Keputusan Presiden;

Mengingat:

Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar 1945;

MEMUTUSKAN:

Menetapkan:

KEPUTUSAN PRESIDEN REPUBLIK INDONESIA TENTANG PENGESAHAN AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE ASEAN INTER PARLIAMENTARY ORGANIZATION (AIPO) RELATING TO THE PRIVILEGES AND IMMUNITIES OF THE AIPO PERMANENT SECRETARIAT IN JAKARTA.

Pasal 1

Mengesahkan Agreement between the Government of the Republic of Indonesia and the ASEAN Inter Parliamentary Organization (AIPO) Relating to the Privileges and Immunities of the AIPO Permanent Secretariat in Jakarta, yang telah ditandatangani di Jakarta, pada tanggal 26 Oktober 1991 yang salinan naskah aslinya dalam Bahasa Inggris sebagaimana terlampir pada Keputusan Presiden ini.

Pasal 2

Keputusan Presiden ini mulai berlaku pada tanggal ditetapkan.

Agar setiap orang mengetahuinya, memerintahkan pengundangan Keputusan Presiden ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Ditetapkan di Jakarta
pada tanggal 4 Januari 1992
PRESIDEN REPUBLIK INDONESIA

ttd.

SOEHARTO

Diundangkan di Jakarta
pada tanggal 4 Januari 1992
MENTERI/SEKRETARIS NEGARA
REPUBLIK INDONESIA

ttd.

MOERDIONO

CATATAN

Di dalam dokumen ini terdapat lampiran dalam format gambar. Lampiran-lampiran ini terdiri dari beberapa halaman yang ditampilkan sebagai satu berkas. Dari daftar berikut ini, pilihlah salah satu butir untuk menampilkan lampiran dengan menekan TAB dan kemudian tekanlah ENTER.

Halaman 1-25

LAMPIRAN :

AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND
THE ASEAN INTER PARLIAMENTARY ORGANIZATION (AIPO) RELATING
TO THE PRIVILEGES AND IMMUNITIES OF THE AIPO PERMANENT
SECRETARIAT IN JAKARTA,

WHEREAS the AIPO has recognized the increaseing of its activities in which has emphasized the need within AIPO for a central administrative office to provide for greater efficiency and for more effective implementation of the aims and purposes of AIPO.

WHEREAS to fulfill the above mentioned need, the AIPO Permanent Secretariat has been established, having its seat in Jakarta, Indonesia.

NOW therefore, the Government of the Republic of Indonesia and the AIPO, agree as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement the following expressions shall have the meaning hereunder assigned to them:

- (1)"Government" means the Government of the Republic of Indonesia;
- (2)"Secretariat" means the AIPO Permanent Secretariat;
- (3)"Secretary-General" means the Secretary-General of the AIPO Secretariat or his authorized representative;
- (4)"appropriate Indonesian authorities" means the officials of the Department of Foreign Affairs of the Republic of Indonesia or such other authorities which the Department of Foreign Affairs deems appropriate;
- (5)"laws of Indonesia" includes legislative acts and decrees, regulations or orders, issued by or under authority of the Government or appropriate Indonesian authorities;
- (6)"premises of the Secretariat" means the building or parts of the buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the Secretariat;
- (7)"archives of the Secretariat" means the records and correspondence, documents, manuscripts, films, and recordings, belonging to or held by the Secretariat;
- (8)"staff of the Secretariat" means all staff members of the Secretariat bearers of diplomatic passports who, in accordance with Article VII of the Agreement on the Establishment of a Full Time Permanent AIPO Secretariat are determined by the AIPO General Assembly, and whose names are communicated from time to time to the Indonesian authorities;
- (9)"property" means all property, including funds, assets and income belonging to the Secretariat.

ARTICLE 2

Juridical Capacity of the Secretariat

The Secretariat shall have the capacity :

- (a) to conclude contracts;
- (b) to acquire and dispose of immovable and movable properties; and
- (c) to institute legal proceedings.

ARTICLE 3

Inviolability of the Premises and the Archives of the Secretariat

- (1) The premises of the Secretariat shall be inviolable, and shall be under the control and authority of the Secretary-General as provided in this Agreement.
- (2) The archives of the Secretariat belonging to or held by the Secretariat shall be inviolable.
- (3) The Secretariat shall not allow its premises to be used as a refuge by any person or persons who may wanted for the execution of any legal process or may be pursued for a criminal offence or against whom a warrant of arrest or any expulsion order has been issued by the competent local authorities.

ARTICLE 4

Protection of the Premises of the Secretariat

- (1) The appropriate Indonesian authorities shall exercise due diligence to ensure that the tranquility of the premises of the Secretariat is not disturbed by unauthorized entry of persons or group of persons from outside or by disturbance in its vicinity and shall cause to be provided outside the boundaries of the premises of the Secretariat such police protection as is required for these purposes.
- (2) If so requested by the Secretary-General, the appropriate Indonesian authorities shall provide a sufficient number of police for the preservation of law and order on the premises of the Secretariat, and for the removal therefrom of persons or group of persons as requested under the authority of the Secretary-General.

ARTICLE 5

Immunity and Exemption from Taxation of the Property

- (1) The property wherever located of by whosoever held shall enjoy immunity from search, requisition, confiscation, expropriation and any other forms of interference, whether

by executive administrative, judicial or legislative action except in so far in any particular case the Secretary-General shall have expressly waived its immunity.

(2)The property shall be exempt:

(i)from any form of direct taxation, It is understood, however, that the Secretariat will not claim exemption from taxes which are, in fact, no more than charges for public service;

(ii)from customs and other levies and from prohibitions and restrictions on imports and exports in respects of articles imported or exported by the Secretariat for its official use, on the understanding that articles imported under such exemptions shall not be transferred by the Secretariat within Indonesia except under conditions agreed upon with the Government and in accordance with the laws of Indonesia;

(iii)from customs duties and other levies and from prohibitions and restrictions in respect of importation and exportation of its publications.

(3)While the Secretariat will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which forms part of the price to be paid, nevertheless when the Secretariat is making important purchases for official use of the property on which such duties and taxes have been charged or chargeable, the Government will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

(4)Without being subject to any financial controls regulations or moratoria of any kind.

(i)The Secretariat may hold funds or currency of any kind and operate accounts in any currency;

(ii)The Secretariat shall be free to transfer its funds, securities or currency from one country to another or within Indonesia and to convert any currency held be it into any other currency.

(5)The Secretariat shall, in exercising its privileges under paragraph 4 of this Article pay due regard to any representation made by the Government.

ARTICLE 6

Communications

(1)The Secretariat shall enjoy for its official communications, treatment not less favourable than that accorded by the Government to foreign diplomatic missions and representative offices of international organizations in Indonesia.

- (2) No censorship shall be applied to official correspondence and other official communications of the Secretariat.
- (3) The Secretariat shall have the right to despatch and receive official correspondence, either by couriers or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE 7

Access and Residence

- (1) The appropriate Indonesian authorities shall facilitate transit to and from the premises of the Secretariat of the following persons :
- (i) representatives of Governments;
 - (ii) Secretary-General and staff of the Secretariat, their families and other members of their household;
 - (iii) other persons invited by the Secretariat on official business;

ARTICLE 8

Privileges and Immunities of the Secretary-General and Staff of the Secretariat

1. The Secretary-General and the Staff of the Secretariat whatever their nationality, shall enjoy within and with respect to the territory of Indonesia:
- (i) immunity from legal process in respect of acts including words spoken or written, performed by them in their official capacity and in the discharge of their duties;
 - (ii) immunity from seizure of their official baggage.
2. The Secretary-General and the Staff of the Secretariat holder of diplomatic passport who do not have Indonesian nationality shall enjoy within and with respect to the territory of Indonesia the following privileges and immunities:
- (i) exemption from taxation on the salary and emoluments paid to them by Secretariat;
 - (ii) the same privileges in respect of exchange facilities as are accorded to the

officials of comparable rank of diplomatic missions;

(iii)immunity from personal arrest or detention;

(iv)immunity from seizure of their personal baggage;

(v)freedom to maintain within Indonesia, or elsewhere, foreign securities, and other movable and immovable property, and while employed by the Secretariat in Indonesia, and at the time of termination of such employment, the right to take out of Indonesia fund in any foreign currency without restrictions or limitations, provided that the said officials can show good cause for their lawful possession of such fund;

(vi)the right to import free of duty and other levies, prohibition and restriction on imports, their furniture and effects within six months after first taking up their post in Indonesia, the same regulations shall apply in the case of importation, transfer and replacement of automobiles as are in force for the /resident members of diplomatic missions of comparable rank.

3. (i)the Secretariay-General shall be entitled to the appropriate diplomatic category and shall enjoy such other privileges and immunities as are accorded to diplomatic chiefs of mission not covered by paragraph 2 of this Article.

(ii)the residence of the Secretary-General and the staff of the Secretariat holder of diplomatic pasport who do not have Indonesian nationality shall enjoy the same inviolability and protection as the premises of the Secretariat.

4.Without prejudice to their privileges and immunities, it is the duty of the Secretary-General and the staff of the Secretariat to respect the laws of Member Countries and to avoid any interference in the internal affairs of the ASEAN countries.

5. (i)the privileges and immunities accorded by this Article are granted in the interest of the Secretariat and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any staff of the Secretariat in any case where, in his opinion, such immunity would impede the course of justice and can be waived without prejudice to the interest of the Secretariat;

(ii)the Secretariat and its staff shall cooperate at all times with the appropriate Indonesian authorities to facilitate the proper administration of justice, and prevent the occurence of any abuse in connection with the privileges and immunities conferred by this Agreement. Should the Government consider that an abuse has occured, the Secretary-General shall upon request, consult with the appropriate Indonesian authorities.

6.The appropriate Indonesian authorities shall provide the Secretary-General and the

staff of the Secretariat with identity card.

ARTICLE 9

Final Provisions

1. This Agreement shall be signed and shall enter into force on the date of notification to the Secretary-General of its ratification by the Government.
2. Consultations with respect to amendments to this Agreement shall be entered into upon request of either party and any such amendment shall be adopted by mutual consent.
3. This Agreement shall be interpreted in the light of each primary purpose to enable the Secretariat fully and efficiently to discharge its responsibilities and fulfil its objectives.
4. Wherever this Agreement imposes obligations on appropriate Indonesian authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.
5. This Agreement shall cease to be in force six months after either Party has given notice in writing to the other of its decision to terminate the Agreement.

In Witness Whereof:

The respective Representatives have signed this Agreement in duplicate in the English language.

Done in Jakarta, Indonesia this twenty sixth day of October one thousand nine hundred and ninety one.

For the Government of the
Republic of Indonesia

ttd.

ALI ALATAS.
Minister for Foreign Affairs.
of the Republic of Indonesia.

For the Permanent Secretariat

ttd.

J.B.P. MARAMIS
The Secretary-General of the
AIPO Permanent Secretariat.

Kutipan: LEMBARAN LEPAS SEKRETARIAT NEGARA TAHUN 1992
Sumber: LN 1992/3