



REPUBLIK INDONESIA

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
AND
THE ASEAN INTER-PARLIAMENTARY ASSEMBLY (AIPA)
ON
THE PRIVILEGES AND IMMUNITIES OF THE AIPA SECRETARIAT
IN JAKARTA**

The Government of the Republic of Indonesia and the ASEAN Inter-Parliamentary Assembly (hereinafter referred to as the "Parties");

NOTING the 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 Secretariat in Jakarta, signed in Jakarta, on October 26th, 1991;

RECOGNISING the transformation of AIPO into the ASEAN Inter-Parliamentary Assembly (AIPA) through the signing of the Statutes of the AIPA replacing the status of the AIPO during Extraordinary Meeting of the Executive Committee of AIPA in Kuala Lumpur on April 17th, 2007, which was further adopted in the 28th AIPA General Assembly in Kuala Lumpur, Malaysia, on August 20th, 2007;

WHEREAS the ASEAN Inter-Parliamentary Assembly (AIPA) having recognized the increase of its activities in which it has emphasized the need within AIPA for a central administrative office to provide for greater efficiency and for more effective implementation of the aims and purposes of AIPA;

NOTING also the Resolution No. 28GA/2007/Org/04 on Agreement on Establishment of AIPA Secretariat adopted in the 28th AIPA General Assembly in Kuala Lumpur, Malaysia, which established the AIPA Secretariat, to fulfill the above mentioned need, having its seat in Jakarta, Indonesia;

PURSUANT to the prevailing laws and regulations in the Republic of Indonesia;

HAVE AGREED 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 AIPA Secretariat;
- (3) "Secretary General" means the Secretary General of the AIPA Secretariat or his/her authorized representative;
- (4) "Appropriate Indonesian authorities" means the officials of the Ministry of Foreign Affairs of the Republic of Indonesia or such other authorities which the Ministry of Foreign Affairs deems appropriate;
- (5) "Laws and regulations of Indonesia" means legislative acts and decrees, regulations orders, and other instruments 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, belongings 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 IV of the Agreement on Establishment of an AIPA Secretariat adopted through Resolution No. 28GA/2007/Org/04, are determined by the 28th AIPA General Assembly, and in accordance with the organizational structure of AIPA Secretariat, whose names are communicated from time to time to the appropriate Indonesian authorities;
- (9) "Property" refers to all property, including funds, and assets belonging to the Secretariat;
- (10) "Members of the family" means husband, wife, and dependent child or children under 21 years old who are notified from time to time to the appropriate Indonesian authorities.

Article 2 Juridical Capacity of the Secretariat

The Secretariat shall have the capacity:

- (1) to conclude contracts;
- (2) to acquire and dispose of immovable and movable properties; and
- (3) to institute legal proceedings.

- (2) 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 on 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 by it into any other currency;
 - (iii) Notwithstanding the above, the Secretariat shall comply with the laws and regulations of Indonesia relating to the reporting of funds and foreign exchange movement.
- (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 form 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) 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.
- (5) The Secretary General including his/her family member and the Secretariat Staff 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, as are necessary for the exercise of their functions:
 - (i) exemption from taxation on the salary and emoluments paid to them by the Secretariat;
 - (ii) immunity from personal arrest or detention;
 - (iii) immunity from seizure of their personal baggage;
 - (iv) 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;

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 be 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 property/Secretariat wherever located or by whomsoever 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 appropriate Indonesian authorities shall exercise due diligence to ensure that the tranquillity 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.
- (3) 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.
- (4) The appropriate Indonesian authorities shall provide the Secretary General and the staff of the Secretariat with identity cards.
- (5) The Secretary General shall take measures to ensure that the use of the premises complies with the laws of Indonesia.

Article 5
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) All forms of official communication of the Secretariat shall be inviolable.
- (3) The Secretariat shall have the right to dispatch 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 6
Transit and Residence

- (1) The Government shall facilitate travel and entry into and the transit to or from its territory, from the premises of the following persons:
 - (i) Representative of governments and international and regional organizations;
 - (ii) Secretary General and the staff of the Secretariat and members of their family residing with and dependent on them;
 - (iii) Other persons invited by AIPA on official duties;
 - (iv) Representative of press, radio, film or other information agencies, who have been accredited to the Secretariat.
- (2) The Secretary General shall notify the Government of the names of persons referred to in Paragraph 1 of this Article.
- (3) Visas and residence permit are granted in a timely manner subject to the prevailing laws and regulations of Indonesia.

Article 7
Privileges and Immunities

- (1) The Secretariat 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 services;
 - (ii) from customs duties and other levies and from prohibitions and restrictions on imports and exports in respect 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.

- (v) 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;
 - (vi) the right to purchase preferably the local made vehicle/completely knock down (CKD) with facility of free of duty and other taxes.
- (6) Privileges and immunities granted under this Article shall be in accordance with the prevailing laws and regulations of Indonesia.

Article 8
Abuse of Privileges and Immunities

- (1) 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.
- (2) The privileges and immunities accorded by this Agreement 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.
- (3) 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 occurrence of any abuse in connection with the privileges and immunities conferred by this Agreement. Should the Government consider that an abuse has occurred, the Secretary General shall upon request, consult with the appropriate Indonesian authorities.

Article 9
Settlement of Disputes

Any disputes arising out of the interpretation or implementation of this agreement shall be settled amicably through consultation or negotiation between the Government and the Secretariat.

Article 10
Entry into Force, Amendment and Termination

- (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 written consent.
- (3) 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.

Article 11
Final Provisions

- (1) The Agreement between the ASEAN Inter-Parliamentary Organization (AIPO) and the Government of Indonesia relating to the Privileges and Immunities of the AIPO Secretariat in Jakarta, signed in Jakarta on October 26th, 1991 shall be terminated and substituted by this Agreement with immediate effect upon the entry into force of this Agreement.
- (2) 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.
- (3) Wherever this Agreement imposes obligations on appropriate Indonesian authorities, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.

IN WITNESS WHEREOF, the undersigned, have signed this Agreement.

DONE in Jakarta, in duplicate, on the 15 day of September in the year of two thousand and ten, in the Indonesian and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF
THE REPUBLIC OF INDONESIA**



DR. R. M. MARTY M. NATALEGAWA
Minister of Foreign Affairs
of the Republic of Indonesia

**FOR THE ASEAN INTER-
PARLIAMENTARY ASSEMBLY
(AIPA)**



ANTONIO V. CUENCO
Secretary General of AIPA