



SALINAN

PRESIDEN
REPUBLIK INDONESIA

PERATURAN PRESIDEN REPUBLIK INDONESIA
NOMOR 100 TAHUN 2017

TENTANG

PENGESAHAN *AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN
CENTRE FOR BIODIVERSITY* (PERSETUJUAN MENGENAI PENDIRIAN
PUSAT ASEAN UNTUK KEANEKARAGAMAN HAYATI)

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

- Menimbang : a. bahwa di Jakarta, Indonesia, pada tanggal 31 Agustus 2005, Pemerintah Indonesia telah menandatangani *Agreement on the Establishment of the ASEAN Centre for Biodiversity* (Persetujuan mengenai Pendirian Pusat ASEAN untuk Keanekaragaman Hayati) yang bertujuan untuk memfasilitasi kerja sama dan koordinasi antarnegara anggota ASEAN, pemerintah lainnya, organisasi regional dan internasional terkait, mengenai konservasi dan pemanfaatan keanekaragaman hayati yang berkelanjutan dan pembagian keuntungan yang adil dan seimbang yang timbul dari pemanfaatannya di regional ASEAN;
- b. bahwa pengesahan Persetujuan dimaksudkan sebagai dasar hukum dalam memperkuat posisi dan peran Indonesia di ASEAN, khususnya dalam menentukan kebijakan dan upaya konservasi keanekaragaman hayati serta pembangunan berkelanjutan;
- c. bahwa ...



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- c. bahwa berdasarkan pertimbangan sebagaimana dimaksud dalam huruf a dan huruf b, perlu menetapkan Peraturan Presiden tentang Pengesahan *Agreement on the Establishment of the ASEAN Centre for Biodiversity* (Persetujuan mengenai Pendirian Pusat ASEAN untuk Keanekaragaman Hayati);

Mengingat : 1. Pasal 4 ayat (1) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;

2. Undang-Undang Nomor 24 Tahun 2000 tentang Perjanjian Internasional (Lembaran Negara Republik Indonesia Tahun 2000 Nomor 185, Tambahan Lembaran Negara Republik Indonesia Nomor 4012);

MEMUTUSKAN:

Menetapkan : PERATURAN PRESIDEN TENTANG PENGESAHAN *AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN CENTRE FOR BIODIVERSITY* (PERSETUJUAN MENGENAI PENDIRIAN PUSAT ASEAN UNTUK KEANEKARAGAMAN HAYATI).

Pasal 1 . . .



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Pasal 1

- (1) Mengesahkan *Agreement on the Establishment of the ASEAN Centre for Biodiversity* (Persetujuan mengenai Pendirian Pusat ASEAN untuk Keanekaragaman Hayati) yang telah ditandatangani pada tanggal 31 Agustus 2005 di Jakarta, Indonesia.
- (2) Salinan naskah aslinya dalam bahasa Inggris serta terjemahannya dalam bahasa Indonesia sebagaimana terlampir dan merupakan bagian yang tidak terpisahkan dari Peraturan Presiden ini.
- (3) Dalam hal terjadi perbedaan penafsiran antara naskah terjemahan Persetujuan dalam bahasa Indonesia dengan salinan naskah aslinya dalam bahasa Inggris, sebagaimana dimaksud pada ayat (2), yang berlaku adalah salinan naskah aslinya dalam bahasa Inggris.

Pasal 2

Peraturan Presiden ini mulai berlaku pada tanggal diundangkan.

Agar . . .



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

Ditetapkan di Jakarta
pada tanggal 6 November 2017
PRESIDEN REPUBLIK INDONESIA,
ttd.

JOKO WIDODO

Diundangkan di Jakarta
pada tanggal 8 November 2017
MENTERI HUKUM DAN HAK ASASI MANUSIA
REPUBLIK INDONESIA,
ttd.

YASONNA H. LAOLY

LEMBARAN NEGARA REPUBLIK INDONESIA TAHUN 2017 NOMOR 227

Salinan sesuai dengan aslinya
KEMENTERIAN SEKRETARIAT NEGARA
REPUBLIK INDONESIA

Asisten Deputy Bidang Hukum,
Bidang Hukum dan
Pengundangan,



Nanik Purwanti



AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN CENTRE FOR BIODIVERSITY

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam;

Being members of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN"):

AWARE of the immense importance of the rich diversity of biological resources in the ASEAN region and its contribution to social development, economic growth, environmental protection and ecosystem services, at the national, regional and global levels;

REITERATING their commitment to conserve and sustainably use these biological resources, in accordance with national priorities, and regional and international imperatives;

RECOGNISING the valuable achievements of the ASEAN Regional Centre for Biodiversity Conservation Project (1999-2004) in promoting biodiversity conservation and sustainable use, especially in terms of networking, training, research and database management;

RECALLING the support of the ASEAN ministers responsible for the environment for the continued sustainability of the ASEAN Regional Centre for Biodiversity Conservation as embodied in the **Yangon Resolution on Sustainable Development** signed on 18 December 2003 in Yangon, Myanmar;

THANKING the Government of the Republic of the Philippines for hosting the ASEAN Regional Centre for Biodiversity Conservation;

WELCOMING with appreciation the offer of the Government of the Republic of the Philippines to host the ASEAN Centre for Biodiversity to further strengthen regional cooperation on biological diversity;



DO HEREBY AGREE AS FOLLOWS:

Article 1
Establishment of the ASEAN Centre for Biodiversity

There shall be established an ASEAN Centre for Biodiversity (ACB), hereinafter referred to as the "Centre". The Centre shall have its seat in the Republic of the Philippines.

Article 2
Purpose of the Centre

The purpose of the Centre shall be to facilitate cooperation and coordination among the members of ASEAN, and with relevant national governments, regional and international organisations, on the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from the use of such biodiversity in the ASEAN region.

Article 3
Structure of the Centre

The Centre shall be composed of:

- (a) a Governing Board;
- (b) an Executive Director and such staff as shall be necessary to perform the functions of the Centre; and
- (c) such committees or subsidiary bodies as may be deemed necessary by the Governing Board.

Article 4
Governing Board

1. There shall be established a Governing Board, hereinafter referred to as the Board, assuming overall responsibility, and accountable for the operations the Centre.
2. The Board shall comprise of the members of the ASEAN Senior Officials on the Environment or their representatives and the Secretary General of ASEAN or his representative.
3. The Board may invite observers as it deems appropriate to attend the Board Meetings.



4. The Board shall be chaired by the Chairman of the ASEAN Senior Officials on the Environment. The Executive Director shall act as Secretary to the Board.
5. The Board shall meet at least once a year. Extra-ordinary meetings may be called by the Chairman at the request of any member of the Board, provided that such request is supported by at least one other member.
6. The Board shall report to the ASEAN ministers responsible for the environment.

Article 5 Functions of the Board

The functions of the Board shall be to:

- (a) provide policy guidance and directions, and undertake overall supervision of the operations of the Centre;
- (b) approve the organisational structure and staff requirements for the Centre;
- (c) approve the rules and procedures for the conduct of the meetings or proceedings of the Board, its committees or subsidiary bodies;
- (d) approve the rules, procedures and regulations for the operations of the Centre, including the staff and financial rules;
- (e) approve the business plan, including the annual work programmes and budget of the Centre and monitor their implementation;
- (f) appoint an Executive Director for the Centre and determine the terms and conditions for the position, and confirm the appointments of key professional staff;
- (g) administer the funds entrusted to the Centre, and to approve the rules and procedures for the management of such funds;
- (h) perform any other function as and when considered necessary to achieve the purpose under Article 2 of this Agreement.

Article 6 Executive Director

1. The Executive Director shall be responsible and accountable for the day-to-day operations of the Centre and any other function that may be directed by the Board.

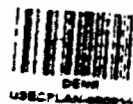


2. The Executive Director shall be a citizen of an ASEAN member country, and have a term of office of three (3) years, which may be extended at the discretion of the Board. The Executive Director shall be selected by open recruitment. However, Member Countries that opt for nomination will conduct their own selection process and nominate suitable candidate[s] for the consideration of the Governing Board.
3. The Executive Director shall be assisted by professional and supporting staff to carry out the assigned functions and responsibilities as approved by the Board.
4. The Board shall designate an officer to serve as the Acting Executive Director if the office of the Executive Director should become vacant, or if he/she is deemed by the Board as unable to discharge his/her duties. The Acting Executive Director shall have the capacity to exercise all the powers of the Executive Director pursuant to this present Agreement.
5. The Executive Director shall:
 - (a) administer the Centre and its programmes with a view to ensuring that the Centre fulfils its purpose;
 - (b) prepare annual work programmes, plans, budgets, financial statements or any other documents for the consideration of the Board;
 - (c) report on the implementation of the activities of the Centre to the Board;
 - (d) appoint, subject to the confirmation of the Board, manage and supervise key professional staff of the Centre;
 - (e) appoint, manage and supervise supporting staff, consultants and experts to the Centre;
 - (f) develop and implement strategies to ensure appropriate funding for programmes and institutional activities relevant to the purpose and functions of the Centre; and
 - (g) perform such other duties as may be required by the Board.

Article 7

Host Government Obligations

1. As a commitment to the Centre, the Government of the Republic of the Philippines, hereinafter referred to as the Host Government, shall provide at its own cost, adequate premises, operational facilities and such other facilities needed for the operations of the Centre.



2. The Host Government shall also grant to the Centre and its staff privileges and immunities as may be necessary for the performance of their duties and functions similar to those accorded to the ASEAN Secretariat and its staff and in accordance with the laws and regulations prevailing in the country of the Host Government.

Article 8 Financial Arrangements

1. There shall be established an ASEAN Biodiversity Fund, hereinafter referred to as the Fund.
2. The Fund shall be utilised to meet the expenses necessary to implement the activities required to fulfil the purpose of the Centre, as approved by the Board.
3. The ASEAN member countries may make voluntary contributions to the Fund.
4. The Fund shall be open to contributions from other governments and organisations, as approved by the Board.

Article 9 Juridical Personality

The Centre shall possess juridical personality and have the capacity to:

- (a) contract;
- (b) acquire and dispose of movable and immovable property; and
- (c) institute legal proceedings.

Article 10 Amendments

Any member country may propose amendments to this Agreement. Such amendments, when approved by all Member Countries, shall come into force on such date as may be agreed upon.

Article 11 Review and Termination

1. This Agreement shall be reviewed at least every five years by the Member Countries to this Agreement.



2. This Agreement shall be terminated by agreement of all the ASEAN member countries and shall be conducted in a manner as not to prejudice their respective interests in this matter. Upon termination of this Agreement, the Centre shall stand dissolved.
3. Upon the dissolution of the Centre, the disposal of the assets and liabilities of the Centre shall be determined jointly by all ASEAN Member Countries.

Article 12 Settlement of Disputes

Any dispute concerning the interpretation or implementation of the Agreement shall be settled amicably through consultation or negotiation.

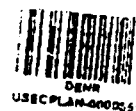
Article 13 Status of Annexes to the Agreement

The Annexes attached to this Agreement shall constitute an integral part of the Agreement.

Article 14 Final Provisions

1. This Agreement shall be subject to ratification by the ASEAN member countries and shall enter into force on the deposit of the sixth instrument of ratification with the Secretary General of ASEAN.
2. The Agreement shall be deposited with the Secretary General of ASEAN who shall promptly furnish a certified copy thereof to each ASEAN member country.

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



Done at the respective capitals of ASEAN member countries on the dates indicated.

For the Government of Brunei Darussalam,



H.E. PEHIN DATO SERI SETIA DR. AWANG HAJI AHMAD BIN HAJI JUMAT
Minister of Development

Date: 19.04.2005

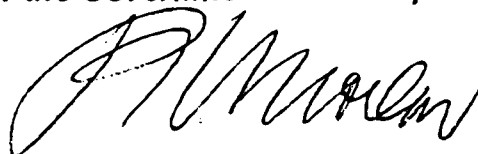
For the Government of the Kingdom of Cambodia,



H.E. DR. MOK MARETH
Senior Minister, Minister for the Environment

Date: 22-04-2005

For the Government of the Republic of Indonesia,



H.E. MR. RACHMAT WITOELAR
Minister for the Environment

Date: 31-08-2005

For the Government of the Lao People's Democratic Republic,



H.E. PROF. DR. BOUNTIEM PHISSAMAY
Minister to Prime Minister's Office
Chairman of Science, Technology and Environment Agency

Date: 04 AVR 2005



For the Government of Malaysia,


H.E. DATO SRI HAJI ADENAN BIN HAJI SATEM
Minister of Natural Resources and Environment


Date: 26.7.05

For the Government of the Union of Myanmar,


H.E. U NYAN WIN
Chairman of the National Commission for Environmental Affairs and
Minister for Foreign Affairs

Date: 17.3.2005

For the Government of the Republic of the Philippines,


H.E. MR. MICHAEL T. DEFENSOR
Secretary of Environment and Natural Resources



Date: 18.05.05

For the Government of the Republic of Singapore


H.E. DR. YAACOB IBRAHIM
Minister for the Environment and Water Resources

Date:

For the Government of the Kingdom of Thailand



H.E. MR. YONGYUT TIYAPAIRAT
Minister of Natural Resources and Environment

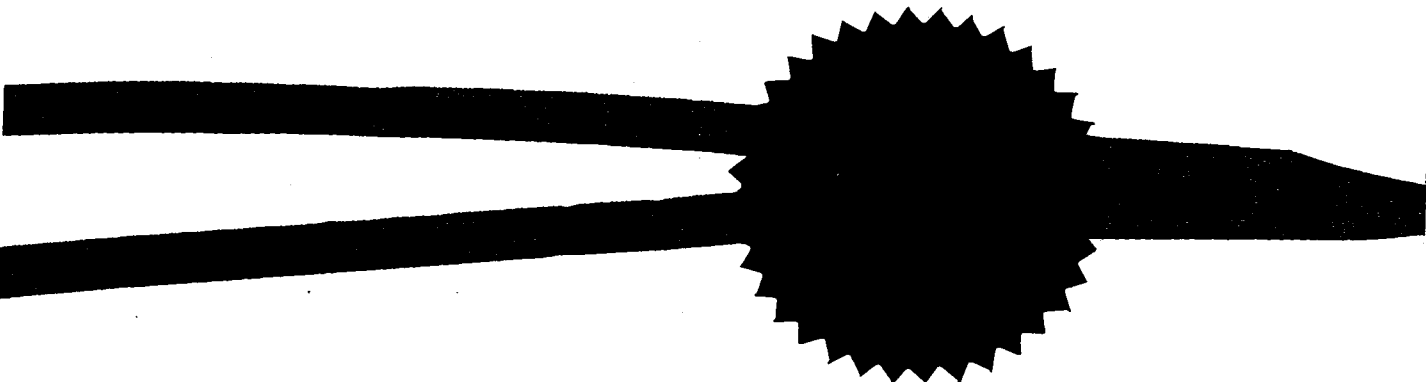
Date: 12 SEP 2005

For the Government of the Socialist Republic of Viet Nam



H.E. MR. MAI AI TRUC
Minister of Natural Resources and Environment

Date: 27 SEP 2005



Salinan naskah resmi
Certified true copy

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Number



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NIP. 19630804 198803 1 001

Sekretaris Direktorat Jenderal Hukum dan Perjanjian Internasional
Kementerian Luar Negeri, Republik Indonesia
Secretary of Directorate General for Legal Affairs and International Treaties
Ministry of Foreign Affairs, Republic of Indonesia

Tanggal : 15 Juni 2017
Date