

LAMPIRAN
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TENTANG
PENGESAHAN PLANT PROTECTION AGREEMENT FOR (SOUTH EAST) ASIA AND PACIFIC
REGION, AMENDMENTS RELATING TO MANDATORY CONTRIBUTIONS BY CONTRACTING
GOVERNMENTS

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ARTICLE II

Regional Commission

1. The Contracting Governments hereby establish a regional Commission, to be known as the Asia and Pacific Plant Protection Commission, whose function shall include:
 - a. the determination of procedures and arrangements necessary for the implementation of this Agreement and the making of recommendations to the Contracting Governments accordingly;
 - b. the review of reports submitted by the Contracting Governments of progress in the implementation of this Agreement;
 - c. the consideration of problems requiring cooperation on a regional basis and of measures for mutual assistance;
 - d. the adoption of the programme of activities and the budget for the ensuing financial period and their transmission to the Director General for submission to the Council of the Organization prior to implementation.
2. Each Contracting Government shall be represented on the Commission and shall have one vote. However a Contracting Government which is in arrears in the payment of its financial contributions to the Commission, shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding financial years. A majority of the Contracting Governments shall constitute a quorum. Decisions of the commission shall be taken by a majority of the votes cast except as otherwise provided in this Agreements.
3. The Commission shall meet whenever convened by the Director-General of the Organization after consultation with the chairman of the Commission. The Director-General of Organization shall convene the Commission at least once every two years or when so requested by at least one third of the Contracting Governments.
4. The Commission shall elect from amongst the delegates a Chairman who shall serve for a period of two years or until the first session of the Commission held after the expiration of the period of two years. The Chairman shall be eligible for re-election.
5. Expenses incurred by delegates of Contracting Governments in attending sessions of the Commission shall be determined and paid by their respective Governments. The Director-General of the Organization shall appoint and provide the secretariat from the staff of the Organization who shall serve only during the sessions of the Commission. The expenses of the secretariat of the Commission shall be determined and paid by the Organization.]
6. The Commission shall establish its own rules of procedures.

ARTICLE III

Finance

1. Each Member of the Commission undertakes to contribute its share of the biennial budget, as approved by the Commission by a two-thirds majority of its Members at the session to be convened by the Director-General of the Organization at least once every two years in

accordance with paragraph 3 of Article II. The contribution of each Member shall be divided into two equal installments, one of which shall be payable at the beginning of the first year of the biennium, and the other at the beginning of second year.

2. Where a Contracting Government becomes a Member of the Commission in the course of a biennium, its contribution for that biennium shall be determined in accordance with principles established by the Commission.
3. Contributions shall be made in cash and shall be payable in currencies to be determined by the Commission after consultation with each Member and with the concurrence of the Director-General of the Organization.
4. Contributions from Members, as well as any supplementary contributions from Members or donations from other sources made to the Commission in order to support specific activities, shall be placed in one or more trust funds administered by the Director-General in conformity with the Financial Regulations of the Organization.
5. At the end of each financial period, any uncommitted balance in the Commission's budget shall be available to finance activities carried out in the following financial period.
6. In addition to making their contributions provided for in paragraph 1 or supplementary contributions in accordance with paragraph 4 of this Article. Members of the Commission may establish a national fund into which they may pay moneys in their national currency or in other currencies to be used for implementing the Commission's programmes and projects. Any such national fund shall be administered by Member concerned.

ARTICLE IV

Expenses

1. The Director-General of the Organization shall appoint and provide the secretariat of the Organization. The expenses of the Commission shall be paid out of its budget, with the exception of those relating to such staff and facilities as may be borne by the Organization within the limits of the biennial budget prepared by the Director-General of the Organization and approved by the Conference of the Organization.
2. Expenses incurred by representatives of Contracting Governments in attending sessions of the Commission shall be determined and paid by their respective governments.

ARTICLE [III] V

Measures Regarding the Importation of Plants from Outside the Region

For the purpose of preventing the introduction into its territory or territories of destructive diseases and pests, and in particular those listed in Appendix A to this Agreement, each Contracting Government shall use its best endeavors to apply, with respect to the importation of any plants, including their packings and containers, and any packings and containers of plant origin, from anywhere outside the Region, such measures of prohibition, certification, inspection, disinfection, disinfestations, quarantine, destruction or other measures as may be recommended by the Commission, taking into consideration of the provisions of Article V and VI of the International Plant Protection Convention.

Appendix A to this Agreement may be modified by a decision of the Commission.

ARTICLE [IV] VI

Measures to Exclude South American Leaf Blight of Heave from the Region

In view of the importance of the Heave rubber industry in the Region, and of the danger of introducing the destructive South American leaf blight (*Dothidella ulei*) of the Heave rubber tree, the Contracting Governments shall take the measures specified in Appendix B to this Agreement. Appendix B to this Agreement may be modified by a decision of the Commission taken unanimously.

ARTICLE [V] VII

Measures Regarding Movement of Plants within the Region

For the purpose of preventing the spread within the Region of destructive diseases and pests, each Contracting Government shall use its best endeavors to apply, with respect, to the importation into its territory of any plants, including packings and containers, and any packings and containers of plant origin, from another territory within the Region, such measures of prohibition, certification, inspection, disinfection, disinfestations, quarantine, destruction or other measures as may be recommended by the Commission, in addition to measures already adopted by each Contracting Government.

ARTICLE [VI] VIII

General Exemption

This Agreement shall not apply to the following plants and plant products except insofar as any such plants or plant products are explicitly made subject to specific measures of control provided in this Agreement or recommended by the Commission:

- (a) any plants imported for food or for analytical, medicinal or manufacturing purposes:
- (b) allseeds of annual or biennial field crops or vegetables, and all seeds or cut flowers of annual, biennial or perennial ornamental plants which are essentially herbaceous in character; and
- (c) any processed plant products.

ARTICLE [VII] IX

Settlement of Disputes

If there be any dispute regarding the interpretation or implementation of this Agreement, or regarding action made by any Contracting Government under this Agreement, and such dispute cannot be resolved by the Commission, the Government or Governments concerned may request the Director-General of the Organization to appoint a committee of experts to consider such dispute.

ARTICLE [VIII] X

Rights and Obligations of Contracting Governments not Parties to the International Plant Protection Convention

Nothing in the International Plant Protection Convention shall affect the rights and obligations of Contracting Governments which are not parties to the Convention.

ARTICLE [IX] XI

Amendment

1. Any proposal by Contracting Government for the amendment of this Agreement, except Appendices A and B, shall be communicated, through the Commission, to the Director-General of the Organization.
2. Any proposed amendment of this Agreement received by the Director-General of the Organization shall be presented to a session of the Council of the Organization for approval.
3. Notice of any proposed amendment of this Agreement shall be transmitted to the Contracting Governments by the Director-General of Organization not later than the time when the agenda of the Council at which the matter is to be considered is dispatched.
4. Any such amendment of this agreement, approved by the Council of the Organization, shall come into force with respect to all Contracting Governments as from the thirtieth day after acceptance by two-thirds of the Contracting Governments. Amendments involving new obligations for Contracting Governments, however, shall come into force in respect of each Contracting Government only on acceptance by it and from the thirtieth day after such acceptance.
5. The instruments of acceptance of amendments shall be deposited with the Director-General of the Organization. The effective date of acceptance shall be the date of such deposit. The

Director-General of the Organization shall inform Contracting Governments of the receipt of the acceptances and the entry into force of amendments.

ARTICLE [X] XII

Signature and Adherence

1. The Government of any State situated in the Region, or any Government which is responsible for the international relations of territory or territories in the Region, may become a party to this Agreement, by either
 - (a) signature; or
 - (b) signature subject to ratification followed by such ratification; or
 - (c) adherence.
2. This Agreement, the text of which was approved by the Council of the Organization on 26 November 1955, shall be open for signature until 30 June 1956 or until the date of its entry into force in conformity with the provisions of Article [X]XIII paragraph 1, whichever date is the later. The Director-General of the Organization shall immediately inform all signatory Governments of the signature of this Agreement by any other Government. Ratification shall be effected by the deposit of an instrument of ratification with the Director-General of the Organization and shall become effective as from the date of deposit.
3. This Agreement shall be open for adherence as from 1 July 1956 or the from date of its entry into force in conformity with the provisions of Article [XI] XIII paragraph 1, whichever date is the later. Adherence shall be affected by the deposit of an instrument of adherence with the Director-General of the Organization and shall become effective as from the date of deposit.
4. The Director-General of the Organization shall immediately inform all signatory and adhering Governments of the deposit of an instrument of ratification or of adherence.

ARTICLE [XI] XII

Entry into Force

1. This Agreement shall come into force as soon as three Governments have become parties to it, either by signature, or by signature subject to ratification followed such ratification.
2. The Director-General of the Organization shall notify all signatory Governments of the date of entry into force of this Agreement.

ARTICLE [XII] XIV

Denunciation and Termination

1. Any Contracting Governments may, at any time after the expiration of one year from the date on which it became a party to the Agreement, or from the date on which the Agreement entered into force, whichever is the later, denounce this Agreement by notification addressed to the Director-General of the Organization, who shall at once inform all signatory and adhering Governments of the denunciation.
2. The denunciation shall take effect one year from the date of receipt of the notification by the Director-General of the Organization.
3. This Agreement shall automatically be terminated should the patties to it become fewer than three as the result of denunciations.
4. On termination of the Agreement all assets of the Commission shall be liquidated by the Director-General of the Organization. After settlement of the liabilities, the balance of contributions from Members shall be distributed amongst those Contracting Governments that were Members of the Commission on the date on which termination of the Agreement took effect, on the basis of the biennial budget that was current at that date. A Member whose contributions were in arrears or overdue on such date shall not be entitled to a share of the assets.

IN WITNESS WHEREOF the undersigned, duly authorized to that effect, have signed this Agreement on behalf of the irrespctive Governments on the dates appearing opposite their signatures.

Done at Rome on the twenty-seventh day of February one thousand nine hundred and fifty six in two copies in the English, French and Spanish languages, which languages shall be equally authoritative. The text of this Agreement shall be authenticated by the Chairman of the Council of the Organization and the Director-General of the Organization. After Expiry of the period during which the Agreement is open for signature, in accordance with Article X*, paragraph 2, one copy of the Agreement shall be deposited with the Secretary- General of the United Nations and the other in the archives of the Organization. Additional copies of this text shall be certified by the Director-General of the Organization and furnished to all Governments parties to the Agreement, with the indication of the date on which it has come into force.

* Now renumbered Article XII