

KEPUTUSAN PRESIDEN REPUBLIK INDONESIA
NOMOR 91 TAHUN 1993
TENTANG
PENGESAHAN AGREEMENT BETWEEN THE GOVERNMENTS OF
THE MEMBER COUNTRIES OF THE ASSOCIATION OF SOUTHEAST
ASIAN NATIONS AND THE GOVERNMENT OF CANADA ON
ECONOMIC COOPERATION

PRESIDEN REPUBLIK INDONESIA,

- Menimbang :
- a. bahwa di Singapura, pada tanggal 28 Juli 1993 Pemerintah Republik Indonesia telah menandatangani Agreement between the Governments of the Member Countries of the Association of Southeast Asian Nations and the Government of Canada on Economic Cooperation sebagai hasil perundingan antara Delegasi-delegasi Pemerintah Negara-negara Anggota Perhimpunan Bangsa-bangsa Asia Tenggara (the Association of Southeast Asian Nations = ASEAN) dan Pemerintah Kanada;
 - b. bahwa sehubungan dengan itu, dan sesuai dengan Amanat Presiden Republik Indonesia kepada Ketua Dewan Perwakilan Rakyat Nomor 2826/HK/1960 tanggal 22 Agustus 1960 tentang Pembuatan Perjanjian-perjanjian dengan Negara Lain, dipandang perlu untuk mengesahkan Agreement tersebut dengan Keputusan Presiden;
- Mengingat :
1. Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar 1945;

MEMUTUSKAN:

Menetapkan: KEPUTUSAN PRESIDEN REPUBLIK INDONESIA TENTANG PENGESAHAN AGREEMENT BETWEEN THE GOVERNMENTS OF THE MEMBER COUNTRIES OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE GOVERNMENT OF CANADA ON ECONOMIC COOPERATION.

Pasal 1

Mengesahkan Agreement between the Governments of the Member Countries of the Association of Southeast Asian Nations and the Government of Canada on Economic Cooperation yang telah ditandatangani Pemerintah Republik Indonesia di Singapura, pada tanggal 28 Juli 1993 sebagai hasil perundingan antara Delegasi-delegasi Pemerintah Negara-negara Anggota Perhimpunan Bangsa-bangsa Asia Tenggara (the Association of Southeast Asian Nations = ASEAN) dan Pemerintah Kanada, yang salinan naskah aslinya dalam bahasa Inggris dan Perancis 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 6 Oktober 1993
PRESIDEN REPUBLIK INDONESIA
ttd
SOEHARTO

Diundangkan di Jakarta
pada tanggal 6 Oktober 1993
MENTERI NEGARA SEKRETARIS NEGARA
REPUBLIK INDONESIA
ttd
MOERDIONO

CATATAN

LAMPIRAN:

AGREEMENT BETWEEN THE GOVERNMENTS
OF THE MEMBER COUNTRIES
OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS
AND THE
GOVERNMENT OF CANADA
ON ECONOMIC COOPERATION

ACCORD DE COOPERATION ECONOMIQUE
ENTRE LES GOUVERNEMENTS DES ETATS MEMBRES
DE L'ASSOCIATION DES NATIONS DE L'ASIE DU SUD-EST
ET LE
GOUVERNEMENT DU CANADA

AGREEMENT
BETWEEN THE GOVERNMENTS OF THE MEMBER COUNTRIES OF
THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS
AND THE GOVERNMENT OF CANADA
ON ECONOMIC COOPERATION

The Governments of Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic

of Singapore and the Kingdom of Thailand, member countries of the Association of Southeast Asian Nations (hereinafter referred to as "the member countries of ASEAN") of the one part and the Government of Canada (hereinafter referred to as "Canada") of the other part;

INSPIRED by the traditional link of friendship between the member countries of ASEAN and Canada as well as their own desire to develop and broaden their economic cooperation generally and contribute to the growth and prosperity of their respective economies;

NOTING the desire of the member countries of ASEAN to strengthen the process of their economic cooperation;

RECOGNIZING that the consolidation, deepening and diversifying of economic relations, namely, industrial, technical, financial, commercial and development cooperation generally on the basis of mutual benefit will be an important element of such cooperation;

RECOGNIZING also that closer, broader and diversified economic links between their respective private sector, are of mutual benefit to both the member countries of ASEAN and Canada; and

DESIRING to supplement their bilateral relations;

HAVING agreed as follows:

PART I

Industrial Cooperation

ARTICLE I

The Contracting Parties shall promote and enhance industrial cooperation between the member countries of ASEAN and Canada in accordance with their respective economic and development policies and priorities. To this end, they shall encourage greater cooperation on mutually advantageous terms between their respective governments and private sectors and other entities in the industrial sector by means of bilateral agreements and arrangements, inter-agency agreements and arrangements, joint-ventures as well as other forms of cooperation including transfer of technology through licensing arrangements and training and commercial exchanges. They also agree to encourage the cooperation and participation of Canada, including its business and financial communities, in ASEAN regional projects.

ARTICLE II

In consultation with their respective private sectors, the

Contracting Parties shall, as appropriate, exchange views regarding their priorities at both the national and the regional levels for industrial cooperation between the member countries of ASEAN and Canada. Such cooperation shall, inter alia, include:

- a) efforts to stimulate private sector activities and bilateral business cooperation;
- b) support for organizations in the countries of ASEAN and in Canada, which promote increased bilateral commercial contacts through joint meetings, seminars, missions and other activities;
- c) the transfer, adaptation and development of technology and related training, including in-plant training, which could include, where feasible, the provision of Canadian experts to ASEAN institutions, organizations and/or enterprises;
- d) strengthening of research and development facilities in the member countries of ASEAN and in Canada through various forms of technical cooperation;
- e) pre-investment and pre-feasibility studies and other forms of project preparation;
- f) greater participation and increased investment in the industrial development of the member countries of ASEAN;
- g) encouragement of investment flows between ASEAN and Canada by the private sectors of both Contracting Parties;
- h) related market development under the Canadian industrial development cooperation programmes.

ARTICLE III

Canada, through the industrial cooperation programmes of the Canadian International Development Agency and such other mechanisms that may be developed, will make every effort to support and to promote the industrial development of the member countries of ASEAN by identifying the opportunities for investment and for international linkages particularly among private enterprises which will contribute to the fulfilment of the industrialization objectives of the member countries of ASEAN, including the following:

- a) identification of opportunities for industrial cooperation between the private sectors in the member countries of ASEAN and in Canada.
- b) Analysis of industrial information and presentation of opportunities for the Canadian private sector and their

counterparts in the member countries of ASEAN;

- c) facilitation of collaboration through studies, missions, seminars and visits, and other investment promotion activities, bearing in mind ASEAN priorities and those sectors of acknowledged Canadian specialization and excellence;
- d) support for the investigation of proposed collaborative ventures by financing starter studies and undertaking their assessment by viability studies;
- e) enhancing the developmental impact of industrial ventures by providing assistance with such inputs as project preparation, training, market development and support for technological transfers.

ARTICLE IV

Subject to their respective laws, regulations and other related directives governing foreign investment and to international agreements and arrangements, the Contracting Parties undertake to maintain a mutually beneficial investment climate and recognize the importance of according fair and equitable treatment to individuals and private enterprises of the member countries of ASEAN and Canada, including treatment with respect to investments, taxation, repatriation of profits and capital.

PART II

Commercial Cooperation

ARTICLE V

The Contracting Parties agree to hold regular high level consultations regarding liberalization and expansion of their trade and other commercial relations without prejudice to the provisions of the General Agreement on Tariffs and Trade or to any other bilateral agreement and arrangement between the Contracting Parties on the matter.

ARTICLE VI

Recognizing that ASEAN is a developing region and that the member countries of ASEAN are seeking to attain economic resilience, the Contracting Parties, in accordance with their laws, regulations and other related directives, agree to endeavour to grant each other the widest facilities for commercial transactions and shall:

- a) take into account, to the extent possible, their respective interests in improving market access for each other's

manufactured, semi-manufactured and primary products, as well as the further processing of resources;

- b) cooperate multilaterally and bilaterally in the solution of commercial problems of common interest, including those related to commodities and trade related services;
- c) study, recommend and support trade promotion activities that would encourage ASEAN-Canada trade;
- d) encourage the cooperation and participation of Canada in ASEAN regional projects.

PART III

Development Cooperation

ARTICLE VII

In order to supplement bilateral agreements and arrangements for intergovernmental cooperation, and in addition to the development cooperation activities described in the other Articles of this Agreement, Canada will cooperate with the member countries of ASEAN and with the private sector to realize

regional projects and programmes of a developmental nature designed to promote ASEAN's regional development as proposed by the member countries of ASEAN and agreed to by Canada on the basis of mutually agreed priorities.

ARTICLE VIII

Canada undertakes to consider the provision of specific technical and financial support within its development assistance programmes for an agreed programme of regional projects among the member countries of ASEAN and the region. Such programmes may include policy networking, institutional, organizational and management development programmes aimed at strengthening collaboration between Canada and the region in areas of mutual interest.

ARTICLE IX

The Contracting Parties will make every effort to encourage cooperation among institutions in their respective countries, such as universities, research institutes and centres, professional associations, chambers of commerce, trade and industry associations, co-operatives and similar institutions. Such cooperation may include management development programmes, exchange of information and personnel, seminars, conferences, promotion of joint project development and market development. The Contracting Parties shall also encourage the provision of grants

and other assistance for scholarships and fellowships in areas of mutual interest.

ARTICLE X

The Contracting Parties shall, as appropriate, encourage and facilitate cooperation in the field of science and technology and the environment through both governmental and private initiatives.

ARTICLE XI

The Contracting Parties, having regard to their respective laws and regulations, shall make every effort to promote the role of the private sector in facilitating the movement of experts, specialists, business representatives and investors and their dependants as well as material and equipment related to activities falling within the scope of this Agreement.

ARTICLE XII

The Contracting Parties agree to explore methods for the transfer of technology between the member countries of ASEAN and Canada such as programmes of technical cooperation, the provision of policy networking services and the undertaking of training in related areas.

PART IV

Related Agreements

ARTICLE XIII

Subject to their respective laws, regulations and other related directives and to such obligations under multilateral agreements and arrangements as may be relevant, the Contracting Parties agree to strengthen the basis of their economic cooperation by encouraging the involvement of business and financial institutions and other organizations which are appropriate to the objectives of this Agreement. Where mutually acceptable, the Contracting Parties agree to explore alternative or additional mechanisms to support further the objectives of this Agreement.

PART V

Institutional Agreements

ARTICLE XIV

The Contracting Parties shall periodically review the development of cooperation between the member countries of ASEAN and Canada, and upon request shall consult on individual subjects. They shall also review, as appropriate, matters relevant to this Agreement arising in international organizations and agencies.

ARTICLE XV

- 1.The Contracting Parties agree to establish a Joint Cooperation Committee (JCC) to promote and review the various cooperation activities envisaged between the member countries of ASEAN and Canada under this Agreement. To this end, consultations shall be held in the Committee at an appropriate level in order to facilitate the implementation and further the general aims of the present Agreement.
- 2.Private sector representatives of both Contracting parties shall be invited to participate in the JCC meetings and to provide whatever advice and assistance they may deem useful.
- 3.The Committee shall normally meet every 18 months. Special meetings of the Committee may be held at the request of either the member countries of ASEAN or Canada.
- 4.The Committee shall adopt its own rules or procedures and programmes of work and, in order to discharge more effectively its functions, may establish such subsidiary bodies as may be necessary.

PART VI

Territorial Applications

ARTICLE XVI

This Agreement shall apply, on the one hand, to the territories of Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand, and, on the other hand, to the territory of Canada.

Final Clauses

ARTICLE XVII

- 1.This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose, and shall remain in force for an initial period of five years and thereafter for periods of two years subject to the right of either Party to terminate it by written

notice given six months before the date of expiry of any one period.

2. At the termination of this Agreement, its provisions and the provisions of any separate arrangements or contracts made in that respect, shall continue to govern any unexpired and existing obligations or projects, assumed or commenced thereunder. Such obligations or projects shall be carried on to completion.

3. This Agreement shall supersede the Agreement between the Governments of the Member Countries of the Association of Southeast Asia Nations and the Government of Canada on Economic Cooperation, signed at New York, on September 25, 1981.

NASKAH DALAM BAHASA PERANCIS
TIDAK DAPAT DITAMPILKAN

Amendment

ARTICLE XVIII

This Agreement may be amended by mutual consent of the Contracting Parties.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Agreement.

DONE at Singapore this 28 th day of July, 1993, in seven original copies, in the English and French languages, the two texts being equally authentic.

EN FOI DE QUOI les soussignes, dument autorises, ont signe le present Accord.

FAIT a Singapour, le 28 ieme jour de juillet 1993 en sept exemplaires, en francais et en anglais, les deux textes faisant egalement foi.

For the Government
of Canada
Pour le Gouvernement
du Canada

For the Government
of Brunei Darussalam
Pour le Gouvernement
du Brunei Darussalam

For the Government
of the Republic of Indonesia
Pour le Gouvernement
de la Republique d'Indonesie

For the Government
of Malaysia
Pour le Gouvernement
de la Malaisie

For the Government
of the Republic of the Philippines
Pour le Gouvernement
de la Republique des Philippines

For the Gouvernement
of the Republic of Singapore
Pour le Gouvernement
de la Republique de Singapour

For the Government
of the Kingdom of Thailand
Pour le Gouvernement
du Royaume de Thaïlande

Kutipan:LEMBARAN LEPAS SEKRETARIAT NEGARA TAHUN 1993

Sumber:LN 1993/82