



LEMBARAN NEGARA REPUBLIK INDONESIA

No.92, 2015

PENGESAHAN. *Agreement*. Asosiasi Bangsa-Bangsa Asia Tenggara. Republik Rakyat Tiongkok. Penyelesaian Sengketa. Kerja Sama Ekonomi.

PERATURAN PRESIDEN REPUBLIK INDONESIA

NOMOR 50 TAHUN 2015

TENTANG

PENGESAHAN *AGREEMENT ON DISPUTE SETTLEMENT MECHANISM OF THE FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC CO-OPERATION BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE PEOPLE'S REPUBLIC OF CHINA* (PERSETUJUAN TENTANG MEKANISME PENYELESAIAN SENGKETA BERDASARKAN PERSETUJUAN KERANGKA KERJA MENGENAI KERJA SAMA EKONOMI MENYELURUH ANTARA ASOSIASI BANGSA-BANGSA ASIA TENGGARA DAN REPUBLIK RAKYAT TIONGKOK)

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

Menimbang : a. bahwa di Vientiane, Laos pada tanggal 29 November 2004, Pemerintah Republik Indonesia telah menandatangani *Agreement on Dispute Settlement Mechanism of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China* (Persetujuan tentang Mekanisme Penyelesaian Sengketa berdasarkan Persetujuan Kerangka Kerja mengenai Kerja Sama Ekonomi Menyeluruh antara Asosiasi Bangsa-bangsa Asia Tenggara dan Republik Rakyat Tiongkok), sebagai hasil perundingan antara Delegasi-delegasi Pemerintah Negara-negara Anggota Asosiasi Bangsa-bangsa Asia Tenggara dan Pemerintah Republik Rakyat Tiongkok;

- b. bahwa Persetujuan dimaksudkan untuk menetapkan prosedur penyelesaian sengketa dan mekanisme formal untuk Persetujuan Kerangka Kerja dan Perjanjian-perjanjian di bawahnya agar tercapai keseragaman dalam penanganan sengketa diantara Negara-negara Pihak;
- c. bahwa berdasarkan pertimbangan sebagaimana dimaksud pada huruf a dan huruf b, perlu mengesahkan Persetujuan tersebut dengan Peraturan Presiden;

- Mengingat :
- 1. Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar Negara Republik Indonesia 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);
 - 3. Peraturan Presiden Nomor 48 Tahun 2004 tentang Pengesahan *Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China* (Persetujuan Kerangka Kerja mengenai Kerja Sama Ekonomi Menyeluruh antara Asosiasi Bangsa-bangsa Asia Tenggara dan Republik Rakyat China) (Lembaran Negara Republik Indonesia Tahun 2004 Nomor 50);
 - 4. Peraturan Presiden Nomor 25 Tahun 2011 tentang Pengesahan *Agreement on Trade in Goods of the Framework Agreement on Comprehensive Economic Co-operation between the Association of Southeast Asian Nations and the People's Republic of China* (Persetujuan Perdagangan Barang dari Persetujuan Kerangka Kerja mengenai Kerja Sama Ekonomi Menyeluruh antara Asosiasi Bangsa-bangsa Asia Tenggara dan Republik Rakyat China) (Lembaran Negara Republik Indonesia Tahun 2011 Nomor 54);

MEMUTUSKAN:

- Menetapkan : PERATURAN PRESIDEN TENTANG PENGESAHAN *AGREEMENT ON DISPUTE SETTLEMENT MECHANISM OF THE FRAMEWORK AGREEMENT ON COMPREHENSIVE ECONOMIC CO-OPERATION BETWEEN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND THE PEOPLE'S REPUBLIC OF CHINA* (PERSETUJUAN TENTANG

MEKANISME PENYELESAIAN SENGKETA BERDASARKAN
PERSETUJUAN KERANGKA KERJA MENGENAI KERJA
SAMA EKONOMI MENYELURUH ANTARA ASOSIASI
BANGSA-BANGSA ASIA TENGGARA DAN REPUBLIK
RAKYAT TIONGKOK).

Pasal 1

Mengesahkan *Agreement on Dispute Settlement Mechanism of the Framework Agreement on Comprehensive Economic Co-Operation between the Association of Southeast Asian Nations and the People's Republic of China* (Persetujuan tentang Mekanisme Penyelesaian Sengketa berdasarkan Persetujuan Kerangka Kerja Mengenai Kerja Sama Ekonomi Menyeluruh antara Asosiasi Bangsa-bangsa Asia Tenggara dan Republik Rakyat Tiongkok), yang telah ditandatangani pada tanggal 29 November 2004 di Vientiane, Laos, yang naskah aslinya dalam Bahasa Inggris dan terjemahannya dalam Bahasa Indonesia sebagaimana terlampir dan merupakan bagian yang tidak terpisahkan dari Peraturan Presiden ini.

Pasal 2

Apabila terjadi perbedaan penafsiran antara naskah terjemahan Persetujuan dalam Bahasa Indonesia dengan naskah aslinya dalam Bahasa Inggris sebagaimana dimaksud dalam Pasal 1, yang berlaku adalah naskah aslinya dalam Bahasa Inggris.

Pasal 3

Peraturan Presiden ini mulai berlaku pada tanggal diundangkan.

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

Ditetapkan di Jakarta
pada tanggal 29 April 2015
PRESIDEN REPUBLIK INDONESIA,

JOKO WIDODO

Diundangkan di Jakarta
pada tanggal 29 April 2015

MENTERI HUKUM DAN HAK ASASI MANUSIA
REPUBLIK INDONESIA,

YASONNA H. LAOLY



**AGREEMENT ON DISPUTE SETTLEMENT MECHANISM OF THE
FRAMEWORK AGREEMENT ON COMPREHENSIVE
ECONOMIC CO-OPERATION BETWEEN THE
ASSOCIATION OF SOUTHEAST ASIAN NATIONS AND
THE PEOPLE'S REPUBLIC OF CHINA**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic ("Lao PDR"), 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, Member States of the Association of Southeast Asian Nations ("ASEAN") and the People's Republic of China ("China"), (collectively, "the Parties", or individually referring to an ASEAN Member State or to China as a "Party");

RECALLING the Framework Agreement on Comprehensive Economic Co-operation ("the Framework Agreement") between ASEAN and China signed by the Heads of Government/State of ASEAN Member States and China in Phnom Penh on the 4th day of November 2002;

RECALLING paragraph 1 of Article 11 of the Framework Agreement on the establishment of appropriate formal dispute settlement procedures and mechanism for the purposes of the Framework Agreement within 1 year after the date of entry into force of the Framework Agreement;

HAVE AGREED AS FOLLOWS:

**ARTICLE 1
Definitions**

For the purposes of this Agreement, the following definitions shall apply unless the context otherwise requires:

- (a) All the definitions in the Framework Agreement shall apply to this Agreement;
- (b) "days" means calendar days, including weekends and holidays;
- (c) "parties to a dispute", "parties to the dispute", or "parties concerned", means the complaining party and the party complained against;
- (d) "complaining party" means any party or parties that requests for consultations under Article 4; and
- (e) "party complained against" means any party to which the request for consultations is made under Article 4.

ARTICLE 2

Scope and Coverage

1. This Agreement shall apply to disputes arising under the Framework Agreement which shall also include the Annexes and the contents therein. Hereinafter, any reference to the Framework Agreement shall include all future legal instruments agreed pursuant to it unless where the context otherwise provides.
2. Any special or additional rules and procedures on dispute settlement contained in the Framework Agreement may be listed administratively by the ASEAN Secretariat as an Appendix to this Agreement with the consent of the Parties.
3. Unless otherwise provided for in this Agreement or in the Framework Agreement, or as the Parties may otherwise agree, the provisions of this Agreement shall apply with respect to the avoidance or settlement of disputes between or among the Parties concerning their respective rights and obligations under the Framework Agreement.
4. The provisions of this Agreement may be invoked in respect of measures affecting the observance of the Framework Agreement taken by central, regional or local governments or authorities within the territory of a Party.
5. Subject to paragraph 6, nothing in this Agreement shall prejudice any right of the Parties to have recourse to dispute settlement procedures available under any other treaty to which they are parties.
6. Once dispute settlement proceedings have been initiated under this Agreement or under any other treaty to which the parties to a dispute are parties concerning a particular right or obligation of such parties arising under the Framework Agreement or that other treaty, the forum selected by the complaining party shall be used to the exclusion of any other for such dispute.
7. Paragraphs 5 and 6 above shall not apply where the parties to a dispute expressly agree to the use of more than one dispute settlement forum in respect of that particular dispute.
8. For the purposes of paragraphs 5 to 7, the complaining party shall be deemed to have selected a forum when it has requested the establishment of, or referred a dispute to, a dispute settlement panel or tribunal in accordance with this Agreement or any other agreement to which the parties to a dispute are parties.