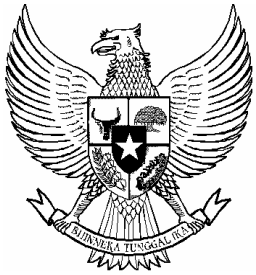

LEMBARAN NEGARA REPUBLIK INDONESIA

No.234, 2012 PENGESAHAN. *Agreement.* Bantuan Kemanusiaan. Bencana. ASEAN. Pusat Koordinasi.

PERATURAN PRESIDEN REPUBLIK INDONESIA
NOMOR 96 TAHUN 2012
TENTANG
PENGESAHAN *AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN COORDINATING CENTRE FOR HUMANITARIAN ASSISTANCE ON DISASTER MANAGEMENT* (PERSETUJUAN MENGENAI PEMBENTUKAN PUSAT KOORDINASI ASEAN UNTUK BANTUAN KEMANUSIAAN BAGI PENANGGULANGAN BENCANA)

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

Menimbang : a. bahwa di Bali, Indonesia, pada tanggal 17 November 2011 Pemerintah Republik Indonesia telah menandatangani *Agreement on the Establishment of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management* (Persetujuan Mengenai Pemben-tukan Pusat Koordinasi ASEAN untuk Bantuan Kemanusiaan Bagi Penanggulangan Bencana) yang merupakan perwujudan komitmen dalam *ASEAN Agreement on Disaster Management and Emergency Response* (Persetujuan ASEAN Mengenai Penanggulangan Bencana dan Penanganan Darurat) sebagai hasil perundingan para Menteri Luar Negeri Negara-negara Anggota ASEAN;

b. bahwa berdasarkan pertimbangan sebagaimana dimaksud dalam huruf a, perlu mengesahkan *Agreement on the Establishment of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management*

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(Persetujuan Mengenai Pembentukan Pusat Koordinasi ASEAN untuk Bantuan Kemanusiaan Bagi Penanggulangan Bencana) dengan Peraturan Presiden;

Mengingat : 1. Pasal 4 ayat (1) dan Pasal 11 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);

3. Undang-Undang Nomor 24 Tahun 2007 tentang Penanggulangan Bencana (Lembaran Negara Republik Indonesia Tahun 2007 Nomor 66; Tambahan Lembaran Negara Republik Indonesia Nomor 4723);

MEMUTUSKAN:

Menetapkan : PERATURAN PRESIDEN TENTANG PENGESAHAN *AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN COORDINATING CENTRE FOR HUMANITARIAN ASSISTANCE ON DISASTER MANAGEMENT* (PERSETUJUAN MENGENAI PEM-BENTUKAN PUSAT KOORDINASI ASEAN UNTUK BANTUAN KEMANUSIAAN BAGI PENANGGU-LANGAN BENCANA).

Pasal 1

Mengesahkan *Agreement on the Establishment of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management* (Persetujuan Mengenai Pem-bentukan Pusat Koordinasi ASEAN untuk Bantuan Kemanusiaan Bagi Penanggulangan Bencana) yang telah ditandatangani pada tanggal 17 November 2011 di Bali, Indonesia, yang naskah aslinya dalam Bahasa Inggris dan terjemahannya dalam Bahasa Indonesia sebagai-mana 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.

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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 14 November 2012

PRESIDEN REPUBLIK INDONESIA,

DR. H. SUSILO BAMBANG YUDHOYONO

Diundangkan di Jakarta
pada tanggal 19 November 2012

MENTERI HUKUM DAN HAK ASASI MANUSIA
REPUBLIK INDONESIA,

AMIR SYAMSUDIN

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AGREEMENT ON THE ESTABLISHMENT OF THE ASEAN CO-ORDINATING CENTRE FOR HUMANITARIAN ASSISTANCE ON DISASTER MANAGEMENT

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of 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 (hereinafter collectively referred to as "the Parties" or singularly as "the Party");

REAFFIRMING their commitment to the aims and purposes of the Association of Southeast Asian Nations (ASEAN) as set forth in the Bangkok Declaration of 8 August 1967, in particular, to promote regional co-operation in Southeast Asia in the spirit of equality and partnership and thereby contribute towards peace, progress and prosperity in the region;

FURTHER REAFFIRMING the commitments of the ASEAN Charter which entered into force on 15 December 2008 and the provisions of the Cha-am-Hua Hin Declaration on the Roadmap for the ASEAN Community (2009-2015) to pursue comprehensive integration of ASEAN towards the realisation of an open, dynamic and resilient ASEAN Community by 2015 as envisioned in the Declaration of ASEAN Concord II through the ASEAN Socio-Cultural Community Blueprint;

REFERRING to the commitment stipulated in the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) signed on 26 July 2005 and which entered into force on 24 December 2009 to establish the ASEAN Co-ordinating Centre for Humanitarian Assistance

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on disaster management, which shall serve as an effective mechanism to achieve substantial reduction of disaster losses in lives and in the social, economic and environmental assets of the Parties and to jointly respond to disaster emergencies through concerted national efforts and intensified regional and international co-operation;

CONCERNED by the increasing frequency and scale of disasters in the ASEAN region and their damaging impacts both short-term and long-term;

FURTHER RECALLING the 40th Meeting of the ASEAN Foreign Ministers' Joint Communiqué on 30 July 2007 in Manila, the Philippines, which endorsed Indonesia as the host of the AHA Centre;

Have agreed as follows:

Article 1
Terms and Definitions

For the purposes of this Agreement:

"Assisting Entity" means a State, international organisation, and any other entity or person that offers and/or renders assistance to a Receiving Party or a Requesting Party in the event of a disaster emergency;

"Conference of the Parties" means the Conference of Parties established under Article 21 of ASEAN Agreement on Disaster Management and Emergency Response (AADMER);

"Competent Authorities" means one or more entities designated and authorised by each Party to act on its behalf in the implementation of AADMER and this Agreement;

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"Disaster" means a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses;

"Disaster emergency" means a situation where a Party declares that it is unable to cope with a disaster;

"Disaster management" means the range of activities, prior to, during and after the disasters, designed to maintain control over disasters and to provide a framework for helping at-risk persons and/or communities to avoid, minimise or recover from the impact of the disasters;

"Expert" means any person other than the staff members of the AHA Centre appointed to carry out specific tasks for the AHA Centre or on its behalf, and its expense for a specific period of time;

"Hazard" means a potentially damaging physical event, phenomenon and/or human activity, which may cause the loss of life or injury, property damage, social and economic disruption or environmentally degradation;

"National Focal Point" means an entity designated and authorised by each Party to receive and transmit information pursuant to the provisions of this Agreement. To facilitate the functioning of the AHA Centre, it is preferred that the National Focal Points should be the ASEAN Committee on Disaster Management (ACDM);

"Receiving Party" means a Party that accepts assistance offered by an Assisting Entity or Entities in the event of a disaster emergency; and

"Requesting Party" means a Party that requests from another Party or Parties assistance in the event of a disaster emergency.

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Article 2
Establishment of the ASEAN Co-ordinating Centre for Humanitarian Assistance

1. In accordance with Article 20.1 of the AADMER, the Parties hereby establish the ASEAN Co-ordinating Centre for Humanitarian Assistance on disaster management (hereinafter referred to as the "AHA Centre").

2. The AHA Centre shall have its seat in Jakarta, Indonesia, (hereinafter referred to as the "Host Country").

Article 3
Purposes of the AHA Centre

1. The purpose of the AHA Centre is to facilitate co-operation and co-ordination among the Parties, and with relevant United Nations and international organisations, in promoting regional collaboration in disaster management and emergency response.

2. The AHA Centre shall work on the basis that the Requesting Party will act first to manage and respond to disasters within its territory. In the event that the Requesting Party requires assistance to cope with such a situation, in addition to a direct request to any Assisting Entity, it may seek assistance from the AHA Centre to facilitate such request.

Article 4
Functions of the AHA Centre

In accordance with AADMER, the AHA Centre shall perform the following functions:

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(i) receive and consolidate data as analysed by and recommendations on risk level from the National Focal Points;

(ii) on the basis of such information, disseminate to each Party, through its National Focal Point, the analysed data and risk level arising from the identified hazards;

(iii) where appropriate, conduct analysis on possible regional-level implications;

(iv) receive information regarding available resources for the regional standby arrangements for disaster relief and emergency response;

(v) facilitate the establishment, maintenance and periodical review of regional standby arrangements for disaster relief and emergency response;

(vi) facilitate periodic review of regional standard operating procedures;

(vii) receive data on earmarked assets and capacities, which may be available for the regional standby arrangements for disaster relief and emergency response, as communicated by each Party, and their updates;

(viii) consolidate, update and disseminate the data on such earmarked assets and capacities, and communicate with the Parties for their utilisation;

(ix) receive information on measures taken by the Parties to mobilise equipment, facilities, materials, human and financial resources required to respond to disasters;

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(x) facilitate joint emergency response;

(xi) where appropriate, facilitate the processing of exemptions and facilities in respect of the provision of assistance;

(xii) where possible and appropriate, facilitate the processing of transit of personnel, equipment, facilities and materials in respect of the provisions of assistance;

(xiii) facilitate activities for technical co-operation;

(xiv) facilitate activities for scientific and technical research;

(xv) receive from each Party, information on designated National Focal Points and Competent Authorities and any subsequent changes in their designations;

(xvi) regularly and expeditiously provide to the Parties and, as necessary, to relevant international organisations, information referred to in paragraph (xv) above; and

(xvii) carry out any other task assigned by the Conference of the Parties (COP).

Article 5
Structure of the AHA Centre

The AHA Centre shall be composed of:

(i) a Governing Board;

(ii) an Executive Director;

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(iii) Heads of Divisions and staff of such Divisions, as shall be necessary to perform the functions of the AHA Centre.

Article 6
Governing Board

1. The Governing Board is hereby established to assume overall responsibility and be accountable for the operations of the AHA Centre.

2. The Governing Board shall comprise National Focal Points of the Parties and a representative of the ASEAN Secretariat as an ex-officio member.

3. The positions of the Chair and the Vice Chair of the Governing Board shall be respectively assumed by the Chair and Vice Chair of the ACDM.

4. The position of the Secretary to the Governing Board shall be assumed by the Executive Director of AHA Centre.

5. The Governing Board may invite Experts and/or partners as it deems appropriate to attend the meetings of the Governing Board.

6. The Secretary-General of ASEAN, in his capacity as ASEAN Humanitarian Assistance Coordinator, may attend the meetings of the Governing Board, so as to bring relevant issues and decisions of the ASEAN Leaders.

7. The ordinary meetings of the Governing Board shall be convened at least once a year, and as far as possible, in conjunction with meetings of the ACDM and/or the COP.

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8. Extraordinary meetings may be convened by the Chair of the Governing Board at the request of any member of the Governing Board, provided that such request is supported by at least three (3) other members.

9. The Party whose official is a member of the Governing Board shall defray the expenses of that member while performing the Governing Board's duties.

10. The decisions of the Governing Board shall be by consensus. The decision-making and other procedures of the Governing Board shall be governed by the Rules of Procedure to be drawn up by the Governing Board.

Article 7
Functions of the Governing Board

1. The functions of the Governing Board shall be as follows:

   (i) undertake the overall supervision of operations, provide policy guidance and give directions to the AHA Centre;

   (ii) approve the organisational structure and staff requirements of the AHA Centre;

   (iii) establish the terms and conditions for the position of the Executive Director, Heads of Divisions and other staff members;

   (iv) appoint an Executive Director in accordance with the terms and conditions for such position as established;

   (v) appoint the Heads of Divisions and staff members while taking into account the recommendations made by the Executive

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Director in accordance with the terms and conditions for such positions as established;

(vi) approve the rules, procedures and regulations for the operations of the AHA Centre, including the staff and financial rules and procedures;

(vii) approve the annual work programmes and operationalisation budget of the AHA Centre and monitor their implementation;

(viii) oversee the utilisation of funds entrusted to the AHA Centre and approve the rules and procedures for the management of such funds, including the procedures for requesting the mobilisation of the ASEAN Disaster Management and Emergency Relief Fund (ADMER Fund) established in accordance with Article 24 of AADMER;

(ix) approve the disposal of the property and assets of the AHA Centre in case of dissolution of the AHA Centre, and on any other matters concerned with the dissolution;

(x) approve the acceptance of any voluntary contributions or donations for the purposes of the AHA Centre;

(xi) establish the rules and procedures for the conduct of the meetings or proceedings of the Governing Board;

(xii) perform any other functions necessary to achieve the purpose of the AHA Centre, under Article 3.

2. The Chair of the Governing Board is responsible for reporting the overall progress and development of

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activities of the AHA Centre to the COP on an annual basis.

Article 8
Executive Director

1. The Executive Director shall be appointed by the Governing Board in accordance with the terms and conditions established by it.

2. The Executive Director shall be responsible and accountable for the management of the AHA Centre and all other functions that may be directed by the Governing Board.

3. The Executive Director shall be supported by Heads of Divisions and staff to carry out his/her functions and responsibilities effectively and efficiently.

4. The Executive Director shall make recommendations to the Governing Board for the appointment of the Heads of Divisions and staff members in accordance with the terms and conditions established by the Governing Board.

5. The Executive Director shall have a contractual term of office of three (3) years, which term may be extended based on the performance of the Executive Director and the decisions of the Governing Board.

6. The Executive Director shall designate one of the Heads of Divisions to serve as the Officer-in-Charge whenever the Executive Director is temporarily absent. When the office of the Executive Director becomes vacant, the Governing Board shall appoint an Acting Executive Director until the assumption of the office by an Executive Director appointed, as expeditiously as possible, in accordance with Article 8.1.

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7. The Executive Director shall exercise overall responsibility for effective management of the operational budget of the AHA Centre. The Executive Director shall prepare semi-yearly progress reports to the Governing Board on the financial status of the AHA Centre.

Article 9
Heads of Divisions

1. The Heads of Divisions shall be appointed by the Governing Board, while taking into account the recommendations made by the Executive Director in accordance with the terms and conditions as established by the Governing Board.

2. The Heads of Divisions shall be responsible for the management of their respective Divisions and all other functions that may be directed by the Executive Director and/or the Governing Board.

3. The Heads of Divisions shall be supported by staff members to carry out his/her functions and responsibilities effectively and efficiently.

4. Each Head of Division shall have a contractual term of office of three (3) years.

Article 10
Staff Members

1. The staff members shall be appointed by the Governing Board, while taking into account the recommendations made by the Executive Director in accordance with the terms and conditions as established by the Governing Board.

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2. The staff members shall perform such tasks in accordance with the terms and conditions of their appointments and any other tasks assigned by the Executive Director and/or the Heads of Divisions and/or the Governing Board.

Article 11
Obligations of the Host Country

1. The Host Country shall provide adequate premises at its own expense, operational facilities and such other facilities needed for the operations of the AHA Centre in accordance with the Host Country Agreement to be concluded between the AHA Centre and the Host Country.

2. The Host Country shall grant to the AHA Centre, Executive Director, Heads of Divisions and staff members, where appropriate, privileges and immunities as may be necessary for the performance of their functions and responsibilities in accordance with the Host Country Agreement to be concluded between the AHA Centre and the Host Country.

Article 12
Funding Arrangements

1. An AHA Centre Fund (hereinafter referred to as the "Fund") is hereby established to support the operationalisation budget of AHA Centre. The Parties shall make annual equal contributions to the Fund, which shall be remitted in a timely manner, after the COP has reached agreement by consensus as to the agreed contributions for any specific year.

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2. In addition to the Fund, the AHA Centre will also be supported by the ADMER Fund established in accordance with Article 24 of AADMER.

3. The AHA Centre may, when necessary, mobilise additional resources from the international donor community which includes international organisations, regional financial institutions and partners of ASEAN.

4. The Fund is to be utilised to meet the expenses necessary to implement the activities required to fulfil the purposes of the AHA Centre, as approved by the Governing Board.

5. All funds shall be administered in accordance with the rules and procedures for the management of such funds established under Article 7.1 (viii) of this Agreement.

Article 13
Legal Personality

1. The AHA Centre shall have, in the territory of its Host Country, the legal capacity necessary to do the following:

   (i) to enter into contracts;

   (ii) to acquire and dispose of movable and immovable properties; and

   (iii) to institute and defend itself in legal proceedings.

2. In the exercise of these capacities, the AHA Centre shall be represented by the Executive Director who shall comply with the relevant financial rules and procedures approved by the Governing Board.

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Article 14
Amendments

Amendments to this Agreement, as proposed by any Party, shall be agreed to by the Parties by consensus. Such amendments shall enter into force in accordance with Article 16 (Final Provisions) of this Agreement.

Article 15
Settlement of Disputes

Any dispute between Parties concerning the interpretation or application of, or compliance with this Agreement shall be settled amicably by consultation or negotiation.

Article 16
Final Provisions

1. Each Party shall notify the Secretary-General of ASEAN upon completion of its internal legal procedures for entry into force of this Agreement. This Agreement shall enter into force on the date of the deposit of the tenth instrument of notification of the fulfilment of such internal legal procedures with the Secretary-General of ASEAN.

2. This Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Party.

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

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Done at Bali, Indonesia, this Seventeenth Day of November in the Year Two Thousand and Eleven, in a single original copy in the English Language.

For Brunei Darussalam:

PEHIN DATO LIM JOCK SENG
Minister of Foreign Affairs and Trade II

For the Kingdom of Cambodia:

HOR NAMHONG
Deputy Prime Minister and Minister of Foreign Affairs
and International Cooperation

For the Republic of Indonesia:

DR. R. M. MARTY M. NATALEGAWA
Minister for Foreign Affairs

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For the Lao People's Democratic Republic:

DR. THONGLOUN SISOULITH
Deputy Prime Minister and Minister of Foreign Affairs

For Malaysia:

DATUK SRI ANIFAH BIN HAJI AMAN
Minister of Foreign Affairs

For the Republic of the Union of Myanmar:

U WUNNA MAUNG LWIN
Minister for Foreign Affairs

For the Republic of the Philippines:

ALBERT F. DEL ROSARIO
Secretary of Foreign Affairs

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For the Republic of Singapore:

K SHANMUGAM
Minister for Foreign Affairs and Minister for Law

For the Kingdom of Thailand:

DR. SURAPONG TOVICHAKCHAIKUL
Minister of Foreign Affairs

For the Socialist Republic of Viet Nam:

PHAM BINH MINH
Minister of Foreign Affairs

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