

No. 24593

**INTERNATIONAL PEPPER COMMUNITY
and
INDONESIA**

Agreement on the establishment of the secretariat of the International Pepper Community. Signed at Jakarta on 29 May 1984

Authentic text: English.

Registered by the International Pepper Community on 5 January 1987.

**COMMUNAUTÉ INTERNATIONALE DU POIVRE
et
INDONÉSIE**

**Accord relatif au siège du secrétariat de la Communauté.
Signé à Jakarta le 29 mai 1984**

Texte authentique : anglais.

Enregistré par la Communauté internationale du poivre le 5 janvier 1987.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE INTERNATIONAL PEPPER COMMUNITY ON THE ESTABLISHMENT OF THE SECRETARIAT OF THE INTERNATIONAL PEPPER COMMUNITY

The Government of the Republic of Indonesia and the International Pepper Community (hereinafter referred to as “The IPC”);

Whereas, the “Agreement Establishing the International Pepper Community”² calls for the establishment of the Secretariat of the IPC;

In view of the offer made by the Government of the Republic of Indonesia, to host the permanent Secretariat of the IPC at Jakarta, Indonesia, and in order to facilitate the effective discharge of its function;

Now therefore, the Contracting Parties have agreed as follows:

Article 1. DEFINITIONS

For the purpose of this Agreement:

1. “The Government” means the Government of the Republic of Indonesia;
2. “The Government authorities concerned” means the official of the Department of Foreign Affairs of the Republic of Indonesia or such other authorities which the Department of Foreign Affairs deems appropriate;
3. “Archives of the Secretariat of the IPC” means records, correspondence, documents, manuscripts, static and motion pictures, film and sound recordings, belonging to or held by the Secretariat of the IPC;
4. “Laws and Regulations of Indonesia” means all legislative acts and decrees, regulations or orders, issued by or under the authority of the Government or appropriate Indonesian authorities;
5. “Panel of Technical Experts” means representatives of the Member Countries nominated to the Panel of the Technical Experts of the IPC;
6. “Member Country” means the country which is a member of the IPC;
7. “Secretariat” means the Secretariat of the IPC;
8. “Staff of the Secretariat” means all staff [members] of the Secretariat of the IPC;
9. “Executive Director” means the Executive Director of the IPC;
10. “National Interests” means any activity which would be beneficial to the country including security, economic, social and political interest;
11. “Property” includes funds, assets and income of the Secretariat;
12. “Premises” means the buildings or parts of the buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the Secretariat.

¹ Came into force on 29 May 1984 by signature, in accordance with article 13 (1).

² United Nations, *Treaty Series*, vol. 818, p. 89.

Article 2. THE ESTABLISHMENT OF THE PERMANENT SECRETARIAT

The Government agreed to authorize the establishment of the Permanent Secretariat of the IPC composed of a Director (Executive Director) and such other staff as the IPC may decide, and notify that decision to the Government.

Article 3. NOTIFICATION OF APPOINTMENT

1. The Executive Director shall inform the Government when a staff or the Secretariat takes up or relinquishes his assignment;

2. The Secretariat shall from time to time submit to the Government a list of all staffs of the Secretariat. In each case the Secretariat shall indicate whether a staff of the Secretariat is a citizen of Indonesia or a permanent resident in Indonesia;

3. The Government shall issue to all staffs of the Secretariat, in notification of their assignment, a card bearing the photograph of the holder identifying him as a staff of the Secretariat. This card shall be accepted by appropriate authorities as evidence of identity and of assignment. The Secretariat shall return the card to the Government when the holder relinquishes his assignment.

Article 4. FACILITIES

1. The Government shall permit the IPC to purchase duty free up to four locally assembled vehicles in accordance with the provisions stipulated for the import of automobiles for International Organization as stated in the Government Regulation No. 19/1955 of 20 June 1955;

2. Without prejudice to the provisions of paragraph 1:

- (a) The Executive Director shall be accorded by the Government the privilege to import duty free one automobile for his use;
- (b) This automobile to be imported is in addition to the 4 automobiles stipulated in the above paragraph;
- (c) Other officials of the IPC may purchase free of duty and taxes locally assembled cars within the period of six months from the date of [their] arrival in Indonesia.

Article 5. TAX EXEMPTION

1. The Executive Director and the professional staff of the Secretariat who do not have Indonesian Nationality and who are residents of Indonesia, for the purpose of serving with the IPC shall be exempted from:

- (a) Customs duties on import of their households and personal effects within one year of the first arrival in Indonesia;
- (b) Taxation on the salary and emolument paid by the Secretariat.

2. The Secretariat, their assets and other property shall be exempted from:

- (a) All direct taxes; it is understood, however, that the Secretariat will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) Customs duties on import in respect of articles imported or exported by the Secretariat for their official use;
- (c) Customs duties on import in respect of the publications.

3. It is understood, however, [that] those articles imported under such exemption shall not be sold in Indonesia except under such conditions agreed to by the Government.

Article 6. FINANCIAL ARRANGEMENT

1. For the purpose of performing its functions, the Secretariat:
 - (a) May hold funds or currency of any kind in banking account in the name of the IPC;
 - (b) May transfer its funds, securities or currency from one member country to another or within Indonesia and to convert any currency into any other currency, provided that the Secretariat shall comply with the procedure concerning the transfer of funds, securities or currency from or into Indonesia.
2. The Secretariat shall in exercising its right under this Article give due regard to any notification made by the Government in so far as effect can be given to such notification.

Article 7. PRIVILEGES AND IMMUNITIES

1. The Executive Director shall be accorded whilst in service of the Secretariat immunity from jurisdiction in respect of acts done by him in the exercise of his functions, including words written or spoken;
2. Members of the Secretariat shall enjoy immunity for all their official papers and documents but this immunity shall not extend to matters which infringe the national interest of Indonesia;
3. The Property of the Secretariat wherever located and by whomsoever held, shall enjoy immunity from legal process except in so far as in any particular case they have expressly waived their immunity;
4. The premises of the Secretariat shall be inviolable. The property of the Secretariat, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative and judicial action;
5. The archives of the Secretariat, and in general documents belonging to them or held by them, shall be inviolable, wherever located;
6. The Executive Director shall take measures to ensure that the use of the premises shall be [comply] with the laws and regulations of Indonesia.

Article 8. ABUSE OF THE PRIVILEGES

1. The IPC shall cooperate at all times with the appropriate Government authorities in order to prevent any abuse of the privileges and facilities provided for in this Agreement. Without prejudice to their privileges and facilities it is the duty of the staff of the Secretariat and the Panel of Experts enjoying such privileges and facilities to respect the laws and regulations of Indonesia. In all circumstances they will not interfere in the internal affairs of Indonesia;
2. The Executive Director shall take every precaution to ensure that no abuse of privileges or facilities accorded under this Agreement shall occur and for this purpose shall establish such rules and regulations as may be deemed necessary and expedient for the staff of the Secretariat;
3. Should the Government consider that an abuse of privilege or facilities accorded under this Agreement has occurred, the Executive Director shall, upon request, consult appropriate Indonesian authorities to determine whether any such abuse has occurred.

Article 9. PUBLICATION, COMMUNICATION AND INFORMATION

1. Subject to matters affecting the national interest of Indonesia, no censorship shall be applied to the official correspondence or communication of the IPC. Such privileges shall extend to the publication and archives of the Secretariat. When circumstances requiring the enforcement of censorship in Indonesia exist, the Executive Director shall take necessary measures, at the request of the Government, to prevent any abuse of the privileges on censorship enjoyed by the Secretariat;

2. Nothing in this Agreement shall be construed to preclude the adoption of appropriate national interest to be determined by supplemental agreement between the Government and the IPC.

Article 10. WAIVER

1. The privileges and immunities accorded in this Agreement to the Executive Director [are] provided solely to ensure in all circumstances the expeditious functioning of the IPC;

2. The Executive Director may waive his privileges when it considers that such privileges are preventing the carrying out of justice and when prejudicing the interest of the IPC;

3. The Government may at any time, without giving reasons for its decision, notify the Executive Director that a staff of the Secretariat who is not an Indonesia citizen or a non-permanent resident of Indonesia is a *persona non grata*. The Executive Director shall forthwith at the request of the responsible [authority arrange] for the departure of the member concerned from Indonesia;

4. If the member concerned who is a non-Indonesian citizen or a non-permanent resident of Indonesia refuses to leave Indonesia when asked to do so by the Executive Director within a reasonable time, the Government may cease to consider such staff of the Secretariat. And he shall forthwith be subjected to the laws and regulations of Indonesia.

Article 11. THE PURPOSE OF PRIVILEGES AND IMMUNITIES

1. Privileges and immunities accorded to the IPC shall be subject to the prevailing laws and regulations of Indonesia and the provisions of this Agreement and are granted in the interest of the implementation of the functions of the IPC and not for personal benefit of the individual staff;

2. Any provisions of this Agreement shall not prejudice the rights of the Government to take all precautionary measures to safeguard her National Interest.

Article 12. EMBLEM

The IPC shall be entitled to display its emblem on the premises and means of transport of the IPC and that of the Executive Director.

Article 13. ENTRY INTO FORCE AND TERMINATION

1. This Agreement shall enter into force on the date of signature by the Contracting Parties;

2. At the request either of the Government or of the Executive Director, consultations shall take place with respect to the implementation and modification of this Agreement. The result agreed upon thereof shall be effective on the date of communications by both Parties;

3. This Agreement shall cease to be in force six months after either of the Parties shall have given notice in writing to the other of its decision to terminate the Agreement.

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

DONE at Jakarta, 29th May of 1984 in the English language in two original copies, both texts being equally authentic.

For the International Pepper
Community:

[Signed — Signé]¹

For the Government
of the Republic of Indonesia:

[Signed — Signé]²

¹ Signed by A. G. Nasution — Signé par A. G. Nasution.

² Signed by Soesilo Sardadi — Signé par Soesilo Sardadi.