# BAB V

# PENUTUP

## A. Kesimpulan

1. Timor Timur lepas dari Negara Indonesia pada tahun 1999, dengan jalan referendum yang berdasarkan hak penentuan nasib sendiri *(self-determination)*, dan resmi menjadi negara yang merdeka pada tahun 2002, serta memperoleh kedaulatan negara secara penuh atas wilayah tersebut yang didapatkan dengan cara plebisit *(plebicite)* dan diakui secara resmi oleh hukum internasional.
2. Perjanjian Celah Timor *(Timor Gap Treaty)* adalah perjanjian antara Republik Indonesia dan Australia mengenai Zona Kerjasama di daerah antara Propinsi Timor Timur dan Australia Bagian Utara yang ditandatangani 11 Desember 1989, yang mengatur mengenai eksplorasi dan eksploitasi sumberdaya minyak dan gas bumi di landas kontinen yang terletak di antara Propinsi Timor Timur dan Australia Bagian Utara. Dengan merdekanya Timor Timur secara otomatis terjadi suatu perpindahan kedaulatan yang diperoleh secara plebisit *(plebicite)* karena terjadi pengalihan wilayah melalui pilihan penduduknya, menyusul dilaksanakannya referendum yang dilakukan oleh masyarakat Timor Timur, dengan demikian Negara Indonesia mengalami kehilangan penuh terhadap kedaulatannya atas Timor Timur. Berdasarkan teori suksesi negara dan perjanjian internasional setelah Timor Timur merdeka, Negara Indonesia tidak dapat melanjutkan lagi Perjanjian Celah Timor *(Timor Gap*

*Treaty)* karena pada saat Timor Timur merdeka, Indonesia hanya mengalami kehilangan sebagian wilayah negara, dan terhapusnya unsur perjanjian. Unsur perjanjian yang dimaksud adalah obyek yang diperjanjikan yakni wilayah laut eks-Propinsi Timor Timur, telah menjadi wilayah dari Negara Republica Democratia de Timor Leste. Timor Leste sebagai negara baru akibat dari suksesi negara atas sebagian wilayah suatu negara dalam hubungannya dengan Perjanjian Celah Timor, maka negara Timor Leste tidak terikat untuk tunduk atau untuk menjadi pihak dalam Perjanjian Celah Timor, negara Timor Leste juga mempunyai kebebasan untuk memilih atau untuk menentukan apakah ia akan mengikatkan diri atau tidak pada Perjanjian Celah Timor.

**B. Saran**

1. Mengingat setelah lepasnya Timor Timur dari wilayah Republik Indonesia, praktis Landas Kontinen di kawasan Celah Timor tidak lagi menjadi bagian dari Landas Kontinen negara Republik Indonesia tetapi menjadi hak Landas Kontinen antara Australia dan Timor Leste. Dengan munculnya negara Timor Leste maka antara Indonesia dan Timor Leste perlu ditetapkan batas-batas maritim yang mencakup batas laut teritorial, ZEE dan Landas Kontinen di perairan sebelah Selatan maupun sebelah Utara Pulau Timor.
2. Mengenai perjanjian antara Republik Indonesia-Australia 1997, untuk batas-batas dasar laut diperkirakan tidak akan menimbulkan implikasi

dengan munculnya negara Timor Leste. Namun perjanjian ini mencakup pula garis batas ZEE yang melintasi wilayah yang bukan berada di wilayah juridiksi Indonesia setelah Timor Timur merdeka yaitu batas ZEE di Celah Timor. Mengingat perjanjian ini belum diratifikasi oleh DPR dan jika proses ratifikasi akan dilakukan setelah Timor Timor merdeka maka isi perjanjian perlu disesuaikan terlebih dahulu khususnya tentang batas ZEE tersebut.

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**Timor Gap Treaty**
**Treaty between Australia and the Republic of Indonesia on the Zone of Cooperation in an area between the Indonesian Province of East Timor and Northern Australia**
**(Signed over Timor Sea, 11 December 1989)**
**Entry into force: 9 February 1991**

**AUSTRALIA AND THE REPUBLIC OF INDONESIA**

**TAKING INTO ACCOUNT** the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982[2] and, in particular, Article 83 which requires States with opposite coasts, in a spirit of understanding and cooperation, to make every effort to enter into provisional arrangements of a practical nature which do not jeopardize or hamper the reaching of final agreement on the delimitation of the continental shelf;

**DESIRING** to enable the exploration for and exploitation of the petroleum resources of the continental shelf of the area between the Indonesian Province of East Timor and northern Australia yet to be the subject of permanent continental shelf delimitation between the Contracting States;

**CONSCIOUS** of the need to encourage and promote development of the petroleum resources of the area;

**DESIRING** that exploration for and exploitation of these resources proceed without delay;

**AFFIRMING** existing agreements on the delimitation of the continental shelf between their two countries;

**DETERMINED** to cooperate further for the mutual benefit of their peoples in the development of the resources of the area of the continental shelf yet to be the subject of permanent continental shelf delimitation between their two countries;

**FULLY COMMITTED** to maintaining, renewing and further strengthening the mutual respect, friendship and cooperation between their two countries through existing agreements and arrangements, as well as their policies of promoting constructive neighbourly cooperation;

**MINDFUL** of the interests which their countries share as immediate neighbours, and in a spirit of cooperation, friendship and goodwill;

**CONVINCED** that this Treaty will contribute to the strengthening of the relations between their two countries; and

**BELIEVING** that the establishment of joint arrangements to permit the exploration for and exploitation of petroleum resources in the area will further augment the range of contact and cooperation between the Governments of the two countries and benefit the development of contacts between their peoples;

**HAVE AGREED as follows:**

## PART I
## ZONE OF COOPERATION
### Article 1
### Definitions

1. For the purposes of this Treaty,
   (a) "contract" or "production sharing contract" means a contract between the Joint Authority and corporations, concluded on the basis of the Model Production Sharing Contract, entered into under Article 8 of this Treaty and in accordance with Part III of the Petroleum Mining Code;
   (b) "contract area" means the area constituted by the blocks specified in the contract that have not been relinquished or surrendered;
   (c) "contractor" means a corporation or corporations which enter into a contract with the Joint Authority and which is registered as a contractor under Article 38 of the Petroleum Mining Code;
   (d) "Contractors' Income Tax" means tax imposed by the Indonesian Laws No. 7 of 1983 on Income Tax and No. 6 of 1983 on General Tax Provisions and Procedures as amended from time to time;
   (e) "criminal law" means any law in force in the Contracting States, whether substantive or procedural, that makes provision for or in relation to offences or for or in relation to the investigation or prosecution of offences or the punishment of offenders, including the carrying out of a penalty imposed by a court. For this purpose "investigation" includes entry to a structure in Area A, the exercise of powers of search and questioning and the apprehension of a suspected offender;
   (f) "good oilfield practice" means all those things that are generally accepted as good and safe in the carrying on of petroleum operations;
   (g) "Model Production Sharing Contract" means the model contract as appears in Annex C, on the basis of which production sharing contracts for Area A should be concluded, as may be modified from time to time by the Ministerial Council in accordance with paragraph 1(c) of Article 6 of this Treaty;
   (h) "petroleum" means
      1. any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;
      2. any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
      3. any petroleum as defined by sub-paragraph (a) or (b) of this paragraph that has been returned to a reservoir in the contract area;
   (i) "Petroleum Mining Code" means the "Petroleum Mining Code for Area A of the Zone of Cooperation" to govern operational activities relating to exploration for and exploitation of the petroleum resources in Area A of the Zone of Cooperation contained in Annex B, as amended from time to time by the Ministerial Council in accordance with paragraph 1(b) of Article 6 of this Treaty;
   (j) "petroleum operations" means activities undertaken to produce petroleum and includes exploration, development, field processing, production and

pipeline operations, and marketing authorized or contemplated under a production sharing contract;

(k) "Resource Rent Tax" means tax imposed by the Petroleum Resource Rent Tax Act 1987 of Australia as amended from time to time;

(l) "structure" means an installation or structure used to carry out petroleum operations;

(m) "Taxation Code" means the "Taxation Code for the Avoidance of Double Taxation in Respect of Activities Connected with Area A of the Zone of Cooperation", contained in Annex D;

(n) "taxation law" means the federal law of Australia or the law of the Republic of Indonesia, from time to time in force, in respect of taxes to which this Treaty applies but shall not include a tax agreement between the Contracting States and a tax agreement of either Contracting State with a third country;

(o) "Treaty" means this Treaty including Annexes A, B, C and D;

(p) "Zone of Cooperation" refers to the area so designated and described in Annex A and illustrated in the maps forming part of that Annex, which consists of the whole of the area embraced by Areas A, B and C designated in that Annex.

2. For the purposes of Article 10 of this Treaty and the Taxation Code, resident of a Contracting State means:

(a) in the case of Australia, a person who is liable to tax in Australia by reason of being a resident of Australia under the tax law of Australia; and

(b) in the case of the Republic of Indonesia, a person who is liable to tax in the Republic of Indonesia by reason of being a resident of the Republic of Indonesia under the tax law of the Republic of Indonesia, but does not include any person who is liable to tax in that Contracting State in respect only of income from sources in that Contracting State.

3. Where by reason of the provisions of paragraph 2 of this Article, an individual is a resident of both Contracting States, then the status of the person shall be determined as follows:

(a) the person shall be deemed to be a resident solely of the Contracting State in which a permanent home is available to the person;

(b) if a permanent home is available to the person in both Contracting States, or in neither of them, the person shall be deemed to be a resident solely of the Contracting State in which the person has an habitual abode;

(c) if the person has an habitual abode in both Contracting States, or if the person does not have an habitual abode in either of them, the person shall be deemed to be a resident solely of the Contracting State with which the person's personal and economic relations are the closer.

4. Where by reason of the provisions of paragraph 2 of this Article a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident solely of the Contracting State in which its place of effective management is situated.

**Article 2**
**The Zone**

1. A Zone of Cooperation is hereby designated in an area between the Indonesian Province of East Timor and northern Australia, which comprises Areas A, B and C.
2. Within the Zone of Cooperation activities in relation to the exploration for and exploitation of petroleum resources shall be conducted on the following basis:
   (a) In Area A, there shall be joint control by the Contracting States of the exploration for and exploitation of petroleum resources, aimed at achieving optimum commercial utilization thereof and equal sharing between the two Contracting States of the benefits of the exploitation of petroleum resources, as provided for in this Treaty;
   (b) In Area B, Australia shall make certain notifications and share with the Republic of Indonesia Resource Rent Tax collections arising from petroleum production on the basis of Article 4 of this Treaty; and
   (c) In Area C, the Republic of Indonesia shall make certain notifications and share with Australia Contractors' Income Tax collections arising from petroleum production on the basis of Article 4 of this Treaty.
3. Nothing contained in this Treaty and no acts or activities taking place while this Treaty is in force shall be interpreted as prejudicing the position of either Contracting State on a permanent continental shelf delimitation in the Zone of Cooperation nor shall anything contained in it be considered as affecting the respective sovereign rights claimed by each Contracting State in the Zone of Cooperation.
4. Notwithstanding the conclusion of this Treaty, the Contracting States shall continue their efforts to reach agreement on a permanent continental shelf delimitation in the Zone of Cooperation.

## PART II
## EXPLORATION AND EXPLOITATION IN THE ZONE OF COOPERATION

**Article 3**
**Area A**

1. In relation to the exploration for and exploitation of petroleum resources in Area A, the rights and responsibilities of the two Contracting States shall be exercised by the Ministerial Council and the Joint Authority in accordance with this Treaty. Petroleum operations in Area A shall be carried out through production sharing contracts.
2. The Joint Authority shall enter into each production sharing contract with limited liability corporations specifically established for the sole purpose of the contract. This provision shall also apply to the successors or assignees of such corporations.

## Article 4
## Area B and Area C

1. In relation to the exploration for and exploitation of petroleum resources in Area B Australia shall:
   (a) notify the Republic of Indonesia of the grant, renewal, surrender, expiry and cancellation of titles made by Australia being exploration permits, retention leases and production licences; and
   (b) pay to the Republic of Indonesia ten (10) per cent of gross Resource Rent Tax collected by Australia from corporations producing petroleum from Area B equivalent to sixteen (16) per cent of net Resource Rent Tax collected, calculated on the basis that general company tax is payable at the maximum rate.
2. In relation to exploration for and exploitation of petroleum resources in Area C the Republic of Indonesia shall:
   (a) notify Australia of the grant, renewal, surrender, expiry and cancellation of petroleum exploration and production agreements made by the Republic of Indonesia; and
   (b) pay to Australia ten (10) per cent of Contractors' Income Tax collected by the Republic of Indonesia from corporations producing petroleum from Area C.
3. In the event that Australia changes the basis upon which the Resource Rent Tax or general company tax is calculated or that the Republic of Indonesia changes the basis upon which Contractors' Income Tax is calculated, the Contracting States shall review the percentages set out in paragraphs 1(b) and 2(b) of this Article and agree on new percentages, ensuring that the relative shares paid by each Contracting State to the other in respect of revenue collected from corporations producing petroleum in Area B and Area C remain the same.
4. In the event of any change occurring in the relevant taxation regimes of either Contracting State, the Contracting States shall review the formulation set out in paragraphs 1(b) and 2(b) of this Article and agree on a new formulation, ensuring that the relative shares paid by each Contracting State to the other in respect of revenue collected from corporations producing petroleum in Area B and Area C remain the same.
5. With regard to Area B and Area C, the Contracting States shall enter into necessary administrative arrangements to give effect to the sharing arrangements in the two Areas as provided in paragraph 1(b) and paragraph 2(b) of this Article at the time that production from either Area commences. In particular, the arrangements shall provide for the manner in which such a share shall be paid from one Contracting State to the other Contracting State. A Contracting State when making a payment to the other Contracting State shall provide information on the basis on which the relevant payment was calculated.
6. The Contracting States shall take necessary measures to ensure the timely and optimum utilization of the petroleum resources in Area B and Area C.

## PART III
## THE MINISTERIAL COUNCIL

### Article 5
### The Ministerial Council

1. A Ministerial Council for the Zone of Cooperation is hereby established.
2. The Ministerial Council shall consist of those Ministers who may from time to time be designated for that purpose by the Contracting States provided that, at any one time, there shall be an equal number of Ministers designated by each Contracting State.
3. The Ministerial Council shall meet annually or as often as may be required.
4. The Ministerial Council shall normally meet alternately in Australia or in the Republic of Indonesia. Its meetings shall be chaired alternately by a Minister nominated by each Contracting State.
5. Decisions of the Ministerial Council shall be arrived at by consensus. The Ministerial Council may establish procedures for taking decisions out of session.

### Article 6
### Functions of the Ministerial Council

1. The Ministerial Council shall have overall responsibility for all matters relating to the exploration for and exploitation of the petroleum resources in Area A of the Zone of Cooperation and such other functions relating to the exploration for and exploitation of petroleum resources as the Contracting States may entrust to it. The functions of the Ministerial Council shall include:
   (a) giving directions to the Joint Authority on the discharge of its functions;
   (b) of its own volition or on recommendation by the Joint Authority, in a manner not inconsistent with the objectives of this Treaty, amending the Petroleum Mining Code to facilitate petroleum operations in Area A;
   (c) of its own volition or on recommendation by the Joint Authority, in a manner not inconsistent with the objectives of this Treaty, modifying the Model Production Sharing Contract to facilitate petroleum operations in Area A;
   (d) approving production sharing contracts which the Joint Authority may propose to enter into with corporations;
   (e) approving the termination of production sharing contracts entered into between the Joint Authority and corporations;
   (f) approving the variation of the following provisions of a production sharing contract, with the agreement of the contractor:
      (i) the Joint Authority's or the contractor's production share;
      (ii) the operating cost recovery provisions;
      (iii) the term of the contract; and
      (iv) the contract area relinquishment provisions;
   (g) approving the variation of the annual contract service fee;
   (h) giving approval to the Joint Authority to market any or all petroleum production in circumstances determined by the Ministerial Council;

(i) approving the transfer of rights and responsibilities by contractors to other corporations that will then become contractors;
(j) approving the distribution to Australia and the Republic of Indonesia of revenues derived from production sharing contracts in Area A;
(k) through consultation, settling disputes in the Joint Authority;
(l) approving financial estimates of income and expenditure of the Joint Authority;
(m) approving rules, regulations and procedures for the effective functioning of the Joint Authority including staff regulations;
(n) reviewing the operation of this Treaty and making recommendations to the Contracting States that the Council may consider necessary for the amendment of this Treaty;
(o) appointment of the Executive Directors of the Joint Authority;
(p) at the request of a member of the Ministerial Council inspecting and auditing the Joint Authority's books and accounts;
(q) approving the result of inspections and audits of contractors' books and accounts conducted by the Joint Authority;
(r) considering and adopting the annual report of the Joint Authority; and
(s) reviewing the distribution among the Republic of Indonesia, Australia and third countries, of expenditure on petroleum operations related to Area A.

2. The Ministerial Council in exercising its functions shall ensure the achievement of the optimum commercial utilization of the petroleum resources of Area A consistent with good oilfield and sound environmental practice.
3. The Ministerial Council shall authorize the Joint Authority to take all necessary steps to enable the commencement of exploration for and exploitation of the petroleum resources of Area A as soon as possible after the entry into force of this Treaty.

## PART IV
## THE JOINT AUTHORITY

### Article 7
### The Joint Authority

1. A Joint Authority is hereby established.
2. The Joint Authority shall have juridical personality and such legal capacities under the law of both Contracting States as are necessary for the exercise of its powers and the performance of its functions. In particular, the Joint Authority shall have the capacity to contract, to acquire and dispose of movable and immovable property and to institute and be party to legal proceedings.
3. The Joint Authority shall be responsible to the Ministerial Council.
4. Decisions of the Executive Directors of the Joint Authority shall be arrived at by consensus. Where consensus cannot be reached, the matter shall be referred to the Ministerial Council.
5. Unless otherwise decided by the Ministerial Council, the Joint Authority shall have its head office in the Republic of Indonesia and an office in Australia, each of which shall be headed by an Executive Director.

6. The Joint Authority shall commence to function on entry into force of this Treaty.

**Article 8**
**Functions of the Joint Authority**

The Joint Authority, subject to directions from the Ministerial Council, shall be responsible for the management of activities relating to exploration for and exploitation of the petroleum resources in Area A in accordance with this Treaty, and in particular the Petroleum Mining Code and with production sharing contracts. These management functions shall be:

(a) dividing Area A into contract areas, issuing prospecting approvals and commissioning environmental investigations prior to contract areas being advertised, advertising of contract areas, assessing applications, and making recommendations to the Ministerial Council on applications for production sharing contracts;
(b) entering into production sharing contracts with corporations, subject to Ministerial Council approval, and supervising the activities of the contractor pursuant to the requirements of the Petroleum Mining Code, including regulations and directions thereunder, and the terms and conditions set out in the contract;
(c) recommending to the Ministerial Council the termination of production sharing contracts where contractors do not meet the terms and conditions of those contracts;
(d) terminating production sharing contracts by agreement with contractors;
(e) recommending to the Ministerial Council the approval of transfer of rights and responsibilities by contractors to other corporations that will then become contractors;
(f) collecting and, with approval of the Ministerial Council, distributing between the two Contracting States the proceeds of the Joint Authority's share of petroleum production from contracts;
(g) preparation of annual estimates of income and expenditure of the Joint Authority for submission to the Ministerial Council. Any expenditure shall only be made in accordance with estimates approved by the Ministerial Council or otherwise in accordance with regulations and procedures approved by the Council;
(h) controlling movements into, within and out of Area A of vessels, aircraft, structures and other equipment employed in exploration for and exploitation of petroleum resources; and, subject to Article 23, authorizing the entry of employees of contractors and their subcontractors and other persons into Area A;
(i) establishment of safety zones and restricted zones, consistent with international law, to ensure the safety of navigation and petroleum operations;
(j) issuing regulations and giving directions under the Petroleum Mining Code on all matters related to the supervision of and control of petroleum operations including on health, safety, environmental protection and assessments and work practices, pursuant to the Petroleum Mining Code;

(k) making recommendations to the Ministerial Council to amend the Petroleum Mining Code and to modify the Model Production Sharing Contract consistent with the objectives of this Treaty;
(l) requesting action by the appropriate Australian and Indonesian authorities consistent with this Treaty
  (i) for search and rescue operations In Area A; and
  (ii) in the event of terrorist threat to the vessels and structures engaged in petroleum operations in Area A;
  (m) requesting assistance with pollution prevention measures, equipment and procedures from appropriate Australian or Indonesian authorities or other bodies or persons;
(n) preparation of annual reports for submission to the Ministerial Council;
(o) with the approval of the Ministerial Council, the variation of the following provisions of a production sharing contract with the agreement of the contractor:
  (i) the Joint Authority's or the contractor's production share;
  (ii) the operating cost recovery provisions;
  (iii) the term of the contract; and
  (iv) the contract area relinquishment provisions;
(p) with the approval of the Ministerial Council, the variation of the annual contract service fee;
(q) variation, with the agreement of the contractor, of provisions in the production sharing contract other than those in paragraphs (o) and (p) of this Article;
(r) with the approval of the Ministerial Council, the marketing of any or all petroleum production in circumstances determined by the Ministerial Council;
(s) inspecting and auditing contractors' books and accounts relating to the production sharing contract for any calendar year;
(t) monitoring and reporting to the Ministerial Council the distribution among the Republic of Indonesia, Australia and third countries, of expenditure on petroleum operations related to Area A; and
(u) such other functions as may be conferred on it by the Ministerial Council.

**Article 9**
**Structure of the Joint Authority**

1. The Joint Authority shall consist of:
  (a) Executive Directors appointed by the Ministerial Council comprising an equal number of persons nominated by each Contracting State;
  (b) the following three Directorates responsible to the Executive Directors:
    (i) a Technical Directorate responsible for operations involving exploration for and exploitation of petroleum resources including operations in respect of functions referred to in paragraph (l) of Article 8;
    (ii) a Financial Directorate responsible for collecting fees and proceeds from the sale of the Joint Authority's share of production; and

(iii) a Legal Directorate responsible for providing advice on any legal issues relating to production sharing contracts and on the operation of law applying in Area A; and

(c) a Corporate Services Directorate, to provide administrative support to the Executive Directors and the three other Directorates and to service the meetings of the Ministerial Council.

2. The personnel of the Joint Authority shall be appointed by the Executive Directors under terms and conditions that have regard to the proper functioning of the Joint Authority and the nature of the exploration for and exploitation of petroleum resources being undertaken from time to time in Area A from amongst individuals nominated by each Contracting State. Of the four Directors heading the Directorates, the Executive Directors shall appoint two from each Contracting State. If an Indonesian nominee is appointed to head the Technical Directorate, then an Australian nominee shall be appointed to head the Financial Directorate, and vice versa.
3. Unless otherwise decided by the Ministerial Council, the Technical Directorate shall be in the Joint Authority office located in Australia.
4. The Executive Directors and the four Directors shall constitute the Executive Board.
5. The Executive Directors and personnel of the Joint Authority shall have no financial interest in any activity relating to exploration for and exploitation of petroleum resources in Area A.

**Article 10**

**Taxation of the Joint Authority and its officers**

1. The Joint Authority shall be exempt from the following existing taxes:
   (a) in Australia, the income tax imposed under the federal law of Australia;
   (b) in Indonesia, the income tax (Pajak-Penghasilan) imposed under the law of the Republic of Indonesia, as well as any identical or substantially similar taxes which are imposed after the date of signature of this Treaty in addition to, or in place of, the existing taxes.
2. The Executive Directors and other officers of the Joint Authority:
   (a) shall be exempt from taxation of salaries, allowances and other emoluments paid to them by the Joint Authority in connection with their service with the Joint Authority other than taxation under the law of the Contracting State in which they are deemed under the provisions of Article 1 of this Treaty to be resident for taxation purposes; and
   (b) shall, at the time of first taking up a post with the Joint Authority located in the Contracting State in which they are not resident under the provisions of Article 1 of this Treaty, be exempt from customs duties and other such charges (except payments for services) in respect of imports of furniture and other household and personal effects in their ownership or possession or already ordered by them and intended for their personal use or for their establishment; such goods shall be imported within six months of an officer's first entry but in exceptional circumstances an extension of time shall be granted by the Government of the Contracting State; goods which

have been acquired or imported by officers and to which exemptions under this sub-paragraph apply shall not be given away, sold, lent, hired out, or otherwise disposed of except under conditions agreed in advance with the Government of the Contracting State in which the officer is located.

3. The Ministerial Council may recommend to the Contracting States that additional privileges be conferred on the Joint Authority or its officers, if that is necessary to promote the effective functioning of the Joint Authority. Such privileges shall be conferred only following the agreement of the two Contracting States.

**Article 11**
**Financing**

1. The Joint Authority shall be financed from fees collected under Part VI of the Petroleum Mining Code, provided that the Contracting States shall advance such funds as they jointly determine to be necessary to enable the Joint Authority to commence operations.
2. In the event that the Joint Authority cannot meet an obligation under an arbitral award arising from a dispute under a production sharing contract, the Contracting States shall contribute the necessary funds in equal shares to enable the Joint Authority to meet that obligation.

## PART V
## COOPERATION ON CERTAIN MATTERS IN RELATION TO AREA A

**Article 12**
**Surveillance**

1. For the purposes of this Treaty, both Contracting States shall have the right to carry out surveillance activities in Area A.
2. The Contracting States shall cooperate on and coordinate any surveillance activities carried out in accordance with paragraph 1 of this Article.
3. The Contracting States shall exchange information derived from any surveillance activities carried out in accordance with paragraph 1 of this Article.

**Article 13**
**Security measures**

1. The Contracting States shall exchange information on likely threats to, or security incidents relating to, exploration for and exploitation of petroleum resources in Area A.
2. The Contracting States shall make arrangements for responding to security incidents in Area A.

**Article 14**
**Search and rescue**

The Contracting States shall cooperate on arrangements for search and rescue in Area A taking into account generally accepted international rules, regulations and procedures established through competent international organizations.

**Article 15**
**Air traffic services**

The Contracting States shall cooperate on the provision of air traffic services in Area A taking into account generally accepted international rules, regulations and procedures established through competent international organizations.

**Article 16**
**Hydrographic and seismic surveys**

1. Both Contracting States shall have the right to carry out hydrographic surveys to facilitate petroleum operations in Area A. Both Contracting States shall cooperate on:
   (a) the conduct of such surveys, including the provision of necessary on-shore facilities; and
   (b) exchanging hydrographic information relevant to petroleum operations in Area A.
2. For the purposes of this Treaty, the Contracting States shall cooperate in facilitating the conduct of seismic surveys in Area A, including in the provision of necessary on-shore facilities.

**Article 17**
**Marine scientific research**

Without prejudice to the rights under international law in relation to marine scientific research in Area A claimed by the two Contracting States, a Contracting State which receives a request for consent to conduct marine scientific research into the non-living resources of the continental shelf in Area A shall consult with the other Contracting State on whether the research project is related to the exploration for and exploitation of petroleum resources in Area A. If the Contracting States decide that the research is so related they shall seek the views of the Joint Authority on the research project and, in the light of such views, mutually decide on the regulation, authorization and conduct of the research including the duty to provide data, samples and results of such research to both Contracting States and the Joint Authority and participation by both Contracting States in the research project.

**Article 18**
**Protection of the marine environment**

1. The Contracting States shall cooperate to prevent and minimize pollution of the marine environment arising from the exploration for and exploitation of petroleum in Area A. In particular:

(a) the Contracting States shall provide such assistance to the Joint Authority as may be requested pursuant to paragraph (m) of Article 8 of this Treaty; and

(b) where pollution of the marine environment occurring in Area A spreads beyond Area A, the Contracting States shall cooperate in taking action to prevent, mitigate and eliminate such pollution.

2. Pursuant to paragraph (j) of Article 8 of this Treaty the Joint Authority shall issue regulations to protect the marine environment in Area A. It shall establish a contingency plan for combating pollution from petroleum operations in that Area.

**Article 19**

**Liability of contractors for pollution of the marine environment**

Contractors shall be liable for damage or expenses incurred as a result of pollution of the marine environment arising out of petroleum operations in Area A in accordance with contractual arrangements with the Joint Authority and the law of the State in which a claim in respect of such damage or expenses is brought.

**Article 20**

**Unitization between Area A and areas outside Area A**

If any single accumulation of petroleum extends across any of the boundary lines of Area A of the Zone of Cooperation as designated and described in Article 1 and Annex A of this Treaty, and the part of such accumulation that is situated on one side of a line is exploitable, wholly or in part, from the other side of the line, the Contracting States shall seek to reach agreement on the manner in which the accumulation shall be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

**Article 21**

**Construction of facilities**

In the event that exploration for and exploitation of petroleum resources in Area A necessitates the construction of facilities and provision of services outside Area A, the Contracting States shall provide every assistance to contractors and the Joint Authority to enable the construction and operation of those facilities, and the provision of those services. Construction and operation of such facilities and provision of such services shall be subject to the law and regulations of the relevant Contracting State and any terms and conditions set by the Contracting States.

## PART VI
## APPLICABLE LAWS

**Article 22**

**Law applicable to production sharing contracts**

The law applicable to a production sharing contract shall be specified in that contract.

## Article 23
## Application of customs, migration and quarantine laws

1. Each Contracting State may, subject to paragraphs 3 and 5 of this Article, apply customs, migration and quarantine laws to persons, equipment and goods entering its territory from, or leaving its territory for, Area A. The Contracting States may adopt arrangements to facilitate such entry and departure.
2. Contractors shall ensure, unless otherwise authorized by the Contracting States, that persons, equipment and goods do not enter structures in Area A without first entering Australia or the Republic of Indonesia, and that their employees and the employees of their subcontractors are authorized by the Joint Authority to enter Area A.
3. One Contracting State may request consultations with the other Contracting State in relation to the entry of particular persons, equipment and goods to structures in Area A aimed at controlling the movement of such persons, equipment or goods.
4. Nothing in this Article prejudices the right of either Contracting State to apply customs, migration and quarantine controls to persons, equipment and goods entering Area A without the authority of either Contracting State. The Contracting States may adopt arrangements to coordinate the exercise of such rights.
5. (a) Goods and equipment entering Area A for purposes related to petroleum operations shall not be subject to customs duties.
   (b) Goods and equipment leaving or in transit through a Contracting State for the purpose of entering Area A for purposes related to petroleum operations shall not be subject to customs duties.
   (c) Goods and equipment leaving Area A for the purpose of being permanently transferred to a part of a Contracting State may be subject to customs duties of that Contracting State.

## Article 24
## Employment

1. The Contracting States shall take appropriate measures to ensure that preference is given in employment in Area A to nationals or permanent residents of Australia and the Republic of Indonesia, and to their employment in equivalent numbers over the term of a production sharing contract, but, with due regard to efficient operations and to good oilfield practice.
2. The terms and conditions under which persons are employed on structures in Area A shall be governed by employment contracts or collective agreements. The terms and conditions shall include provisions on insurance and compensation in relation to employment injuries, including death or disability benefits, and may provide for use of an existing compensation system established under the law of either Contracting State. The terms and conditions shall also include provisions in relation to remuneration, periods of duty or overtime, leave and termination. The terms and conditions shall be no less favourable than those which would apply from time to time to comparable categories of employment in both Australia and the Republic of Indonesia.

3. Paragraph 2 of this Article shall also apply to persons employed on seismic, drill, supply and service vessels regularly engaged in activities related to petroleum operations in Area A, regardless of the nationality of the vessel.
4. In relation to the provision of facilities and opportunities, there shall be no discrimination on the basis of nationality amongst persons to which paragraphs 2 and 3 of this Article apply.
5. Disputes arising between employers and employees shall be settled by negotiation in the first instance. Disputes which cannot be settled by negotiation shall be settled either by recourse to a tripartite dispute settlement committee, comprising representatives of employers, employees and persons nominated by the Contracting States, or by recourse to a conciliation and arbitration system available in either Contracting State.
6. Employer and employee associations recognised under the law of either Contracting State may respectively represent employers and employees in the negotiation of contracts or collective agreements and in conciliation and arbitration proceedings.
7. An employment contract or collective agreement shall provide that it shall be subject to the law of one or other Contracting State and shall identify, consistent with paragraph 5 of this Article, the applicable dispute settlement mechanism. Any arbitration decision shall be enforceable under the law of the Contracting State under which it is made.

**Article 25**
**Health and safety for workers**

The Joint Authority shall develop, and contractors shall apply, occupational health and safety standards and procedures for persons employed on structures in Area A that are no less effective than those standards and procedures that would apply in relation to persons employed on similar structures in both Australia and the Republic of Indonesia. The Joint Authority may adopt, consistent with this Article, standards and procedures taking into account an existing system established under the law of either Contracting State.

**Article 26**
**Petroleum industry vessels**

Except as otherwise provided in this Treaty, vessels engaged in petroleum operations shall be subject to the law of the Contracting State whose nationality they possess and, unless they are a vessel with the nationality of the other Contracting State, the law of the Contracting State out of whose ports they operate, in relation to safety and operating standards, and crewing regulations. Such vessels that enter Area A and do not operate out of either Contracting State shall be subject to relevant international safety and operating standards under the law of both Contracting States.

## Article 27
## Criminal jurisdiction

1. Subject to paragraph 3 of this Article a national or permanent resident of a Contracting State shall be subject to the criminal law of that State in respect of acts or omissions occurring in Area A connected with or arising out of exploration for and exploitation of petroleum resources, provided that a permanent resident of a Contracting State who is a national of the other Contracting State shall be subject to the criminal law of the latter State.
2. (a) Subject to paragraph 3 of this Article, a national of a third State, not being a permanent resident of either Contracting State, shall be subject to the criminal law of both Contracting States in respect of acts or omissions occurring in Area A connected with or arising out of the exploration for and exploitation of petroleum resources. Such a person shall not be subject to criminal proceedings under the law of one Contracting State if he or she has already been tried and discharged or acquitted by a competent tribunal or already undergone punishment for the same act or omission under the law of the other Contracting State or where the competent authorities of one Contracting State, in accordance with its law, have decided in the public interest to refrain from prosecuting the person for that act or omission.
   (b) In cases referred to in sub-paragraph (a) of this paragraph, the Contracting States shall, as and when necessary, consult each other to determine which criminal law is to be applied, taking into account the nationality of the victim and the interests of the Contracting State most affected by the alleged offence.
3. The criminal law of the flag State shall apply in relation to acts or omissions on board vessels including seismic or drill vessels in, or aircraft in flight over, Area A.
4. (a) The Contracting States shall provide assistance to and cooperate with each other, including through agreements or arrangements as appropriate, for the purposes of enforcement of criminal law under this Article, including the obtaining of evidence and information.
   (b) Each Contracting State recognizes the interest of the other Contracting State where a victim of an alleged offence is a national of that other State and shall keep that other State informed to the extent permitted by its law of action being taken with regard to the alleged offence.
5. The Contracting States may make arrangements permitting officials of one Contracting State to assist in the enforcement of the criminal law of the other Contracting State. Where such assistance involves the detention of a person who under paragraph 1 of this Article is subject to the jurisdiction of the other Contracting State that detention may only continue until it is practicable to hand the person over to the relevant officials of that other Contracting State.

**Article 28**
**Civil actions**

Claims for damages or restitution of expenses as a result of activities in Area A may be brought in the Contracting State which has or whose nationals or permanent residents have suffered the damage or incurred the expense. The court in which the action is brought shall apply the law and regulations of that State.

**Article 29**
**Application of taxation law**

1. For the purposes of the taxation law related directly or indirectly to:
   (a) the exploration for or the exploitation of petroleum in Area A; or
   (b) acts, matters, circumstances and things touching, concerning, arising out of or connected with any such exploration or exploitation, Area A shall be deemed to be, and be treated by, each Contracting State as part of that Contracting State.
2. In the application of the taxation law:
   (a) in Area A;
   (b) to interest paid by a contractor; or
   (c) to royalties paid by a contractor, each Contracting State shall grant relief from double taxation in accordance with the Taxation Code.
3. A Contracting State shall not impose a tax not covered by the provisions of the Taxation Code in respect of or applicable to:
   (a) the exploration for or exploitation of petroleum in Area A; or
   (b) any petroleum exploration or exploitation related activity carried on in Area A, unless the other Contracting State consents to the imposition of that tax.

**PART VII**
**SETTLEMENT OF DISPUTES**

**Article 30**
**Settlement of disputes**

1. Any dispute arising between the Contracting States concerning the interpretation or application of this Treaty shall be resolved by consultation or negotiation between the Contracting States.
2. Each production sharing contract entered into by the Joint Authority shall contain provisions to the effect that any dispute concerning the interpretation or application of such contract shall be submitted to a specified form of binding commercial arbitration. The Contracting States shall facilitate the enforcement in their respective courts of arbitral awards made pursuant to such arbitration.

## PART VIII
## FINAL CLAUSES

### Article 31
### Amendment

1. This Treaty may be amended at any time by agreement between the Contracting States.
2. The Petroleum Mining Code, in accordance with paragraph 1(b) of Article 6 of this Treaty and the Model Production Sharing Contract, in accordance with paragraph 1(c) of Article 6 of this Treaty, may also be amended or modified by decision of the Ministerial Council. Such amendments or modifications shall have the same status as the Petroleum Mining Code and the Model Production Sharing Contract.

### Article 32
### Entry into force

This Treaty shall enter into force thirty (30) days after the date on which the Contracting States have notified each other in writing that their respective requirements for entry into force of this Treaty have been complied with.[3]

### Article 33
### Term of this treaty

1. This Treaty shall remain in force for forty (40) years from the date of entry into force of this Treaty.
2. Unless the two Contracting States agree otherwise, this Treaty shall continue in force after the initial forty (40) year term for successive terms of twenty (20) years, unless by the end of each term, including the initial term of forty years, the two Contracting States have concluded an agreement on a permanent continental shelf delimitation in the area covered by the Zone of Cooperation.
3. Where the Contracting States have not concluded an agreement on a permanent continental shelf delimitation in the area covered by the Zone of Cooperation five years prior to the end of any of the terms referred to in paragraphs 1 or 2 of this Article, representatives of the two Contracting States shall meet with a view to reaching agreement on such permanent continental shelf delimitation.
4. This Article shall be without prejudice to the continued operation of Article 34 of this Treaty.

### Article 34
### Rights of contractors

1. In the event that
   (a) this Treaty ceases to be in force following conclusion of an agreement between the Contracting States on permanent continental shelf delimitation in the area of the Zone of Cooperation; and
   (b) there are in existence immediately prior to the date on which this Treaty ceases to be in force, production sharing contracts with the Joint Authority,

production sharing contracts shall continue to apply to each Contracting State or some other person nominated by the Contracting State concerned, in place of the Joint Authority, in so far as the contract is to be performed within the territorial jurisdiction of each Contracting State, having regard to the agreement on delimitation. Each Contracting State shall apply to contractors performing contracts within its territorial jurisdiction a regime no more onerous than that set out in this Treaty and the relevant production sharing contract.

2. The two Contracting States shall at the time of the conclusion of the permanent delimitation agreement make arrangements to give effect to paragraph 1 of this Article.

**IN WITNESS WHEREOF** the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

**DONE** over the Zone of Cooperation[4] on this eleventh day of December, one thousand nine hundred and eighty nine, in two originals in the English language.

FOR AUSTRALIA:
GARETH EVANS
Minister for Foreign Affairs and Trade

FOR THE REPUBLIC OF INDONESIA:
ALI ALATAS
Minister for Foreign Affairs

UNDANG-UNDANG REPUBLIK INDONESIA
NOMOR 1 TAHUN 1991
TENTANG
**PENGESAHAN *"TREATY BETWEEN THE REPUBLIC OF INDONESIA AND AUSTRALIA ON THE ZONE OF COOPERATION IN AN AREA BETWEEN THE INDONESIAN PROVINCE OF EAST TIMOR AND NORTHERN AUSTRALIA"***
(PERJANJIAN ANTARA REPUBLIK INDONESIA DAN AUSTRALIA MENGENAI ZONA KERJASAMA DI DAERAH ANTARA PROPINSI TIMOR TIMUR DAN AUSTRALIA BAGIAN UTARA)

DENGAN RAHMAT TUHAN YANG MAHA ESA
PRESIDEN REPUBLIK INDONESIA,

Menimbang:

a) bahwa "*Treaty between the Republic of Indonesia and Australia on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia*" telah ditandatangani oleh Pemerintah Republik Indonesia pada tanggal 11 Desember 1989;
b) bahwa Perjanjian mengenai Zona Kerjasama sebagaimana dimaksud pada huruf a mengatur eksplorasi dan eksploitasi sumberdaya minyak dan gas bumi di landas kontinen yang terletak di antara Propinsi Timor Timur dan Australia Bagian Utara;
c) bahwa Perjanjian mengenai Zona Kerjasama sebagaimana dimaksud pada huruf a merupakan pengaturan yang bersifat sementara sambil menunggu penyelesaian penetapan batas landas kontinen antara Indonesia dan Australia di daerah tersebut;
d) bahwa Perjanjian mengenai Zona Kerjasama tersebut diharapkan akan dapat meningkatkan hubungan bilateral antara Indonesia dan Australia;
e) bahwa berdasarkan pertimbangan-pertimbangan tersebut di atas Pemerintah republik Indonesia memandang perlu untuk mengesahkan Perjanjian tersebut pada huruf a dengan Undang-undang;

Mengingat :

1. Pasal 5 ayat (1), Pasal 11, dan Pasal 20 ayat (1) Undang-Undang Dasar 1945;
2. Undang-undang Nomor 1 Tahun 1973 tentang Landas Kontinen Indonesia jo. Pengumuman Pemerintah Republik Indonesia tentang Landas Kontinen Indonesia tanggal 17 Pebruari 1969;
3. Undang-undang Nomor 17 Tahun 1965 tentang *Pengesahan United Nations Convention on the Law of the Sea* (Konvensi Perserikatan Bangsa-Bangsa tentang Hukum Laut) (Lembaran Negara Tahun 1985 Nomor 76, Tambahan Lembaran Negara Nomor 3318);

Dengan persetujuan
DEWAN PERWAKILAN RAKYAT REPUBLIK INDONESIA
MEMUTUSKAN:

Menetapkan : UNDANG-UNDANG TENTANG **PENGESAHAN *"TREATY BETWEEN THE REPUBLIC OF INDONESIA AND AUSTRALIA ON THE ZONE OF COOPERATION IN AN AREA BETWEEN THE INDONESIAN PROVINCE OF EAST TIMOR AND NORTHERN AUSTRALIA"*** (PERJANJIAN ANTARA REPUBLIK INDONESIA DAN AUSTRALIA MENGENAI ZONA KERJASAMA DI DAERAH ANTARA PROPINSI TIMOR TIMUR DAN AUSTRALIA BAGIAN UTARA)

Pasal 1

Mengesahkan *"Treaty between the Republic of Indonesia and Australia on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia"* (Perjanjian antara Republik Indonesia dan Austaralia mengenai Zona Kerjasama di daerah antara Propinsi Timor Timur dan Australia Bagian utara), yang salinan naskah aslinya beserta lampiran-lampirannya dalam bahasa Inggeris dilampirkan pada Undang-undang ini dan merupakan bagian yang tak terpisahkan.

Pasal 2

Undang-undang ini mulai berlaku pada tanggal diundangkan. Agar setiap orang mengetahuinya, memerintahkan pengundangan Undang-undang ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Disahkan di Jakarta
pada tanggal 7 Januari 1991
PRESIDEN REPUBLIK
INDONESIA,
SOEHARTO

Diundangkan di Jakarta
pada tanggal 7 Januari 1991
MENTERI/SEKRETARIS NEGARA
REPUBLIK INDONESIA
MOERDIONO

LEMBARAN NEGARA REPUBLIK INDONESIA TAHUN 1991 NOMOR 6

PENJELASAN
ATAS
**PENGESAHAN *"TREATY BETWEEN THE REPUBLIC OF INDONESIA AND AUSTRALIA ON THE ZONE OF COOPERATION IN AN AREA BETWEEN THE INDONESIAN PROVINCE OF EAST TIMOR AND NORTHERN AUSTRALIA"***
(PERJANJIAN ANTARA REPUBLIK INDONESIA DAN AUSTRALIA MENGENAI ZONA KERJASAMA DI DAERAH ANTARA PROPINSI TIMOR TIMUR DAN AUSTRALIA BAGIAN UTARA)

I. UMUM

1. Pada tahun 1972 telah tercapai Persetujuan Batas Landas Kontinen antara Indonesia - Australia yang menetapkan batas. batas kontinen di Laut Arafura dan Laut Timor. Landas kontinen di sebelah Selatan Timor Timur belum tercakup dalam Persetujuan ini, karena Timor Timur pada waktu itu masih berada di bawah kekuasaan Potugal. Oleh karena itu, batas landas kontinen tahun 1972 "terputus" di daerah sebelah Selatan Timor Timur, sehingga di daerah ini terdapat Celah yang dikenal sebagai "Celah Timor" atau "Timor Gap". Dengan berintegrasinya Timor Timur ke dalam wilayah Indonesia pada tahun 1976, dan sesuai kesepakatan bersama antara Menteri Luar Negeri Indonesia dan Australia pada bulan Desember 1978 di Cambera, kedua Pemerintah pada tahun 1979 mulai mengadakan perundingan untuk menetapkan garis batas landas kontinen antara kedua negara yang belum selesai. Perundingan tersebut mencakup pula antara lain garis batas landas kontinen yang belum dapat disepakati yang terletak di Selatan Timor Timur (Celah Timor)
2. Perundingan mengenai penetapan batas landas kontinen di Celah Timor telah dilangsungkan berkali-kali sejak tahun 1979. Dalam perundingan-perundingan tersebut Indonesia telah berupaya secara maksimal memperjuangkan posisinya. Namun ternyata perundingan menemui jalan buntu karena perbedaan tajam mengenai aspek geologi maupun aspek geomorfologi landas kontinen di Celah Timor dan mengenai prinsipprinsip hukum yang harus diberlakukan dalam menetapakan batas landas kontinen di Celah Timor. Indonesia berpendirian bahwa berdasarkan konsepsi geologic landas kontinen di Celah Timor adalah satu landas kontinen, dan Palung Timor hanyalah sekedar depresi, bukan batas tepi kelanjutan alamiah (*natural prolongation*) daratan Indonesia dan Australia. Berdasarkan definisi landas kontinen dalam, Konvensi Jenewa Tahun 1958 tentang Landas Kontinen dan Konvensi Hukum Laut Tahun 1982, landas kontinen negara pantai minimal 200 mil laut dihitung dari garis-garis pangkal laut wilayahnya. Namun jika pantai negara tersebut letaknya berhadapan dengan pantai negara lain seperti Indonesia dan Australia, maka yang berlaku adalah prinsip-prinsip delimitasi (penetapan batas) dan bukan definisi landas kontinen. Berdasarkan Konvensi Jenewa tahun 1958 tentang Landas Kontinen, Pengumuman Pemerintah Republik Indonesia tanggal 17 Pebruari 1969 tentang Landas Kontinen Indonesia, dan Undangundang Nomor 1 Tahun 1973 tentang Landas Kontinen Indonesia, dan mengingat bahwa landas kontinen di laut

Timor adalah satu landas kontinen, Indonesia menuntut agar batas landas kontinen di Celah Timor ditetapakan atas dasar prinsip "garis tengah"(*median line*). Atas dasar prinsip ini, maka landas kontinen harus ditetapkan pada "garis tengah" antara garis-garis pangkal laut wilayah Indonesia dan Australia. Dalam hubungan ini perlu dikemukakan bahwa kekuasaan hukum (*legal regime*) mengenai Zona Ekonomi Eksklusif 200 mil laut (ZEE) tidak membantu perundingan. Seperti diketahui, inti dari kekuasaan hukum mengenai Zona Ekonomi Eksklusif adalah ketentuan Pasal 56 Konvensi Hukum Laut 1982 tentang hak berdaulat negara pantai di daerah laut sejauh 200 mil laut dari garis-garis pangkal laut wilayah, atas sumber daya alam baik hayati maupun non hayati di laut, di dasarnya dan tanah di bawahnya. Namun berdasarkan ketentuan Pasal 56 ayat 3, hak-hak berdaulat yang menyangkut dasar laut dan tanah di bawahnya harus dilaksanakan. sesuai dengan ketentuan-ketentuan Bab VI tentang Landas Kontinen. Ini berarti bahwa kekuasaan hukum ZEE hanya berlaku untuk sumberdaya alam hayati *(swimming fish)* di perairan ZEE, sedangkan dasar laut ZEE dan tanah dibawahnya diatur oleh kekuasaan hukum landas kontinen. Dengan demikian berdasarkan ketentuan-ketentuan Konvensi Hukum Laut tahun 1982 ini penentuan batas landas kontinen tidak dapat dilakukan berdasarkan kekuasaan hukum ZEE tetapi harus dilakukan berdasarkan kekuasaan hukum landas kontinen. Sebagai konsekwensinya, perbedaan posisi antara kedua negara mengenai aspek hukum, aspek geologi maupun aspek geomorfologi yang muncul sejak tahun 1972 tetap dihadapi dalam perundingan. Australia berpendirian bahwa di Laut Timor terdapat dua landas kontinen yang dipisahkan oleh Palung Timor. Atas dasar alas an tersebut Australia berpendapat bahwa prinsip "garis tengah" tidak berlaku dan berdasarkan konsepsi kelanjutan alamiah Australia menuntut agar batas ditetapkan pada poros kedalaman-laut *(bathy-metric axis)* Palung Timor.

3. Perbedaan tajam posisi kedua negara ini menimbulkan kemacetan sehingga mengakibatkan tertundanya pemanfaatan potensi sumber daya minyak dan gas bumi di Celah Timor. Selain itu kemacetan tersebut juga akan dapat mengganggu upaya untuk membina hubungan bilateral yang baik dan mantap dengan Australia.
4. Menyadari bahwa kesepakatan mengenai batas landas kontinen untuk sementara waktu belum dapat dicapai dan mengingat hal-hal yang kurang menguntungkan dengan tertundanya kesepakatan mengenai batas landas kontinen ini sebagaimana dikemukakan di atas, maka sesuai dengan hukum internasional termasuk "praktek negara" (*state practice*), Indonesia dan Australia sepakat untuk mengadakan kerjasama di Celah Timor untuk bersama-sama memanfaatkan potensi sumber daya minyak dan gas bumi di daerah termaksud, dengan membentuk Zona Kerjasama di Celah Timor, sambil terus mengupayakan tercapainya kesepakatan mengenai batas landas kontinen. Sebagai hasil perundingan maka pada tanggal 11 Desember 1989 telah ditandatangani "Perjanjian antara Republik Indonesia dan Australia mengenai Zona Kerjasama di daerah antara Propinsi Timor Timur dan Australia Bagian Utara", untuk selanjutnya desebut "Perjanjian".

5. Perjanjian ini merupakan suatu pengaturan sementara yang bersifat praktis untuk memungkinkan dimanfaatkannya potensi sumberdaya minyak dan gas bumi tanpa harus menunggu tercapainya kesepakatan mengenai batas landas kontinen, yang akan terus diupayakan. Dengan demikian Perjanjian ini bukan merupakan Perjanjian untuk menetapkan batas landas kontinen kedua negara. Jadi garis-garis yang menetapkan batas Zona Kerjasama yang meliputi Daerah A, Daerah B, dan Daerah C itu bukan batas-batas yuridiksi ataupun batas hak berdaulat kedua negara atas landas kontinen di Celah Timor. Dalam Perjanjian (Pasal 2 ayat (3) ditegaskan bahwa Perjanjian ini, dan juga tindakan-tindakan ataupun kegiatan-kegiatan dalam rangka Perjanjian ini, tidak boleh diartikan sebagai merugikan (*prejudicing*) posisi kedua negara mengenai batas landas kontinen di batas Zona Kerjasama maupun mempengaruhi hak-hak berdaulat yang diklaim masing-masing pihak di Celah Timor.
6. Pengaturan sementara yang dibuat dengan Australia ini bersumber pada hukum internasional termasuk "pratek negara". Zona Pengembangan Bersama (*Joint Development Zone*) di daerah tumpang tindih klaim negara-negara yang bersangkutan *(disputed area*) merupakan suatu lembaga hukum internasional yang sudah cukup mantap dan dinilai sebagai cara yang terbaik untuk:
   a. mengatasi kebuntuan dalam perundingan penetapan batas landas kontinen antara dua negara, sehingga pontensi sumberdaya alam di daerah tumpang tindih klaim tersebut dapat segera dimanfaatkan bersama guna mencapai keuntungankeuntungan ekonomis;
   b. menghindarkan secara efektif konflik regional yang mungkin timbul karena persengketaan mengenai penetapan batas landas kontinen;
   c. menciptakan hubungan yang lebih baik antara kedua negara yang berkepentingan. Di berbagai kawasan laut di dunia, Negara-negara yang mempunyai sengketa mengenai penetapan batas landas kontinen telah membuat kesepakatan mengenai pemanfaatan bersama potensi sumberdaya alam di daerah yang dibatasi oleh klaim yang tumpang-tindih.
7. Lembaga "Zona Pengembangan Bersama" sebagai suatu pengaturan sementara lebih diperkuat lagi dalam Konvensi Hukum Laut tahun 1982 yang telah diratifikasi oleh Indonesia dengan Undang-undang Nomor 17 Tahun 1985. Pasal 83 ayat (3) Konvensi tersebut menentukan bahwa :

   > "Sementara persetujuan penetapan batas landas kontinen belum tercapai, negaranegara yang bersangkutan dalam semangat saling pengertian dan kerjasama hendaknya berupaya untuk mengadakan pengaturan sementara yang bersifat praktis dan selama berlangsungnya masa transisi ini tidak boleh membahayakan atau menghambat upaya untuk mencapai persetujuan akhir. Pengaturan semacam ini tidak boleh merugikan penetapan garis batas landas kontinen yang final".

8. Prinsip utama mengenai "Zona Pengembangan Bersama" ini adalah bahwa yang ditetapkan sebagai Zona Pengembangan bersama adalah daerah tumpang tindih klaim. Dalam hal Perjanjian ini, daerah tumpang tindih klaim tersebut adalah daerah yang dalam Perjanjian disebut sebagai Daerah A dan Daerah C, karena di Daerah A dan Daerah C itulah klaim yuridiksi landas kontinen kedua

negara tumpang tindih (batas utara Daerah C yaitu poros kedalaman-laut Palung Timor adalah batas terluar klaim Australia, dan batas selatan Daerah A yaitu "garis tengah" adalah batas terluar klaim Indonesia).
Dengan demikian jelas kiranya bahwa Zona Kerjasama tidak hanya mencakup daerah tumpang tindih klaim yaitu Daerah A dan Daerah C, tetapi juga mencakup Daerah B yang terletak di luar daerah tumpang tindih klaim tersebut sampai jarak 200 mil laut. Daerah C yang merupakan bagian dari daerah tumpang tindih klaim, berdasarkan Perjanjian ini dikelola oleh Indonesia dengan ketentuan Indonesia memberikan 10% dari Pajak Pendapatan,Kontraktor kepada Australia dan bukan 50% sebagaimana yang seharusnya berlaku di daerah tumpang tindih klaim. Dalam hubungan ini perlu dijelaskan bahwa garis batas Zona Kerjasama di Selatan yang terletak pada garis batas 200 mil laut dari garis-garis pangkal laut wilayah Indonesia, dan garis batas Daerah C di Selatan yang merupakan garis batas kedalaman 1500 meter isobath, merupakan garis-garis batas yang ditetapkan atas dasar pertimbangan-pertimbangan praktis, dan bukan garis-garis batas zona ekonomi eksklusif ataupun landas kontinen.

9. Beberapa manfaat yang dapat diperoleh dari Perjanjian ini antara lain adalah sebagai berikut :
   a. Bidang Ekonomi
      1) Perjanjian ini memungkinkan Indonesia bersama Australia memanfaatkan secara optimal potensi sumber daya minyak dan gas bumi di landas kontinen antara Propinsi Timor Timur dan Australia Bagian Utara, tanpa harus menunggu tercapainya kesepakatan tentang batas landas kontinen yang akan terus diupayakan oleh kedua negara.
      2) Pemanfaatan potensi sumberdaya minyak dan gas bumi di Zona Kerjasama yang diperlukan bagi pembangunan nasional merupakan perwujudan dari amanat yang terkandung dalam Pasal 33 Undang-Undang Dasar 1945.
      3) Zona Kerjasama mencakup daerah yang lebih luas dari pada daerah tumpang tindih klaim.
      4) Perjanjian ini diharapakan dapat meralisasikan kebijaksanaan Pemerintah dalam upaya meningkatkan pemerataan di seluruh Indonesia, termasuk Indonesia Bagian Timur.
   b. Bidang Sosial-Budaya Kerjasama dan hubungan antara warganegara kedua negara dalam rangka pelaksanaan Perjanjian ini akan mengembangkan saling pengertian dan menjembatani perbedaan-perbedaan dalam latar belakang politik, sosial dan budaya masing-masing yang pada gilirannya akan membantu upaya untuk meningkatkan saling pengertian antara kedua negara.
   c. Bidang Politik/Hukum
      1) Perjanjian ini melembagakan kerjasama antara kedua negara melalui wadah Dewan Menteri *(Ministerial Council)* dan Otorita Bersama (*Joint Authority),* yang mencakup berbagai bidang kegiatan. Dengan demikian Perjanjian tersebut merupakan tonggak penting dalam upaya

meningkatkan hubungan bilateral yang lebih kokoh dan stabil antara kedua negera.

2) Perjanjian ini tidak akan mempengaruhi atau merugikan hak-hak berdaulat yang diklaim Indonesia di Celah Timor maupun posisi Indonesia mengenai penetapan batas landas kontinen di daerah tersebut.

d. Bidang Pertahanan dan Keamanan

1) Perjanjian ini merupakan sumbangan positif terhadap upaya untuk memelihara perdamaian dan keamanan internasional di kawasan ini.

2) Kerjasama dalam melaksanakan pengawasan dan pengamanan di Daerah A berdasarkan Perjanjian ini akan meningkatkan semangat kerjasama dan saling percaya antar Angkatan Bersenjata kedua Negara.

10. Ditinjau dari isinya, Perjanjian ini terdiri dari 8 Bagian dan 34 Pasal sebagai berikut :

Bagian I

memuat pengertian tentang istilah-istilah yang digunakan dalam Perjanjian.

Bagian II

menetapkan daerah-daerah Zona Kerjasama yang terdiri dari Daerah A, Daerah B dan Daerah C dan memuat ketentuan-ketentuan pokok yang berlaku di masing-masing daerah tersebut.

Bagian III

mengatur mengenai Dewan Menteri serta tugas dan tanggung jawabnya.

Bagian IV

mengatur tentang Otorita Bersama serta tugas dan kewajibannya. Dalam Bagian ini juga ditetapakan susunan organisasi Otorita Bersama, dan diatur mengenai perpajakan Otorita Bersama, pejabat-pejabat serta keuangan Otorita Bersama.

Bagian V

mengatur tentang kejasama dalam berbagai bidang yang berkaitan dengan kegiatankegiatan di Daerah A seperti pengamatan (*Surveillance*), langkah-langkah pengamanan, pencarian dan penyelamatan (*search and rescue*), pelayanan lalu lintas udara, survai seismik dan hidrografis, penelitian ilmiah kelautan, perlindungan lingkungan laut, unitisasi (cara pemanfaatan bersama sumberdaya minyak dan gas bumi di daerah yang berbatasan) antara Daerah A dan daerah-daerah di luar Daerah A dan pembuatan fasilitas- fasilitas.

Bagian VI

mengatur penerapan hukum mengenai berbagai bidang di Daerah A. Bagian VII

mengatur mengenai penyelesaian sengketa. Bagian VIII memuat klausula penutup yang mengatur tentang amandemen, mulai berlakunya perjanjian, jangka waktu perjanjian dan hak-hak kontraktor.

11. Beberapa aspek penting yang berkaitan dengan Perjanjian adalah sebagai berikut:

a. Penetapan Zona Kerjasama Zona Kerjasama di sebelah Utara dibatasi oleh poros kedalaman laut Palung Timor yang disederhanakan dengan garis-garis lurus, di sebelah Selatan dibatasi oleh garis 200 mil laut yang diukur dari garis-garis pangkal laut wilayah Indonesia. Di sebelah Timur dan Barat,

Zona Kerjasama dibatasi oleh garis-garis sama jarak (equdistance) yang ditarik dari titik di Pulau Timor (Mota Tolas dan titik tengah antara Pulau Jaco dan Pulau Leti) dan di Northern Territory, Australia (Holothuria dan Cape Van Demien).

b. Pembagian Daerah di dalam Zona Kerjasama Zona Kerjasama dibagi menjadi 3 daerah dengan kekuasaan hukum (*legal regime*) yang berbeda-beda sesuai dengan status hukum dari masing-masing daerah tersebut.
Daerah A: Daerah A merupakan sebagian dari daerah tumpang tindih klaim (daerah tumpang tindih klaim yang sebenarnya adalah daerah yang dalam Perjanjian ini disebut Daerah A dan Daerah C). Daerah A akan dimanfaatkan bersama oleh kedua pihak dengan pembagian hasil masing-masing 50%. Untuk mengelola Daerah A akan dibentuk Dewan Menteri dan Otorita Bersama, dan diberlakukan Kontrak Bagi Hasil.

Daerah B: Daerah B merupakan daerah di sebelah Selatan garis tengah yang terletak di luar daerah-daerah tumpang tindih klaim, dan di Selatan dibatasi oleh batas 200 mil laut dari garis-garis pangkal laut wilayah Indonesia. Daerah B ini akan dikelola oleh Australia seperti yang berlaku selama ini, tetapi Australia akan memberikan kepada Indonesia 16% dari penghasilan pajak bersih atau *"net Resource Rent Tax"* (net RRT) atau 10% dari penghasilan pajak kotor (gross RRT). Selain itu Australia akan memberikan informasi kepada Indonesia tentang kegiatan eksplorasi dan eksploitasi di Daerah B sebelum kegiatan tersebut dimulai.

Daerah C: Daerah C ini sebenarnya merupakan bagian dari daerah tumpang tindih tuntutan yurisdiksi masing-masing pihak. Daerah C tersebut akan dikelola oleh Indonesia, dengan ketentuan bahwa Indonesia akan memberikan 10% dari Pajak Pendapatan Kontraktor. Selain itu Indonesia juga akan memberitahukan Australia tentang kegiatan eksplorasi dan eksploitasi di Daerah C sebelum melakukan kegiatan tersebut.

c. Pengelolaan di Daerah A.
   1) Dewan Menteri dan Otorita Bersama Tanggung jawab menyeluruh untuk semua kegiatan eksplorasi dan eksploitasi di Daerah A diserahkan kepada Dewan Menteri yang keanggotaannya terdiri dari para menteri yang bersangkutan dari kedua pemerintah, dalam jumlah yang sama. Manajemen kegiatan eksplorasi dan eksploitasi di Daerah A ditangani oleh Otorita Bersama yang bertanggung jawab kepada Dewan Menteri. Otorita Bersama terdiri dari:
      a). Para direktur eksekutif yang ditunjuk oleh Dewan Menteri dari calon-calon Indonesia dan Australia dalam jumlah sama.
      b). Empat Direktorat, yaitu Direktorat Teknis, Direktorat Keuangan, Direktorat Hukum dan Direktorat Pelayanan, yang masing-masing dipimpin oleh seorang Direktur yang bertanggung jawab kepada para direktur eksekutif. Untuk menunjang kegiatannya, Otorita Bersama akan dibiayai oleh berbagai pungutan yang diperoleh dari Kontrak

Bagi Hasil, dengan ketentuan bahwa kedua negara akan memberi dana (sebagai pinjaman) yang diperlukan untuk memungkinkan Otorita Bersama mulai bekerja.

2) Fungsi Dewan Menteri Dewan Menteri bertanggung jawab secara menyeluruh atas semua hal yang berkaitan dengan eksplorasi dan eksploitasi potensi sumberdaya minyak dan gas bumi di Daerah A dan tugas-tugas lain yang diberikan oleh kedua pemerintah. Fungsi Dewan Menteri antara lain:
   - memberikan petunjuk-petunjuk kepada Otorita Bersama dalam rangka pelaksanaan tugas-tugasnya;
   - memberikan persetujuan atas kontrak bagi hasil antara Otorita Bersama dan perusahaan-perusahaan minyak;
   - memberikan persetujuan atas penghentian kontrak bagi hasil; - menyelesaiakan perselisihan di dalam Otorita Bersama; - memeriksa dan meng-audit pembukuan Otorita Bersama.
3) Fungsi Otorita Bersama Fungsi Otorita Bersama adalah melaksanakanpengelolaan kegiatan eksplorasi dan eksploitasi potensi sumberdaya minyak dan gas bumi di Daerah A, yang mencakup antara lain :
   - membagi Daerah A dalam daerah-daerah kontrak, memberikan penilaian atas permohonan-permohonan Kontrak Bagi Hasil dan memberikan rekomendasi kepada Dewan Menteri mengenai permohonan Kontrak Bagi Hasil;
   - membuat Kontrak Bagi Hasil dengan persetujuan Dewan Menteri;
   - memungut dan membagi kepada kedua Negara Pihak bagian Otorita Bersama dari produksi minyak, memasarkan minyak hasil produksi dalam hal-hal yang ditetapkan oleh Dewan Menteri;
   - membuat perkiraan pendapatan dan pengeluaran tahunan;
   - mengendalikan arus masuk ke dan keluar dari Daerah A kapal-kapal, pesawat udara, peralatan untuk eksplorasi dan eksploitasi potensi sumberdaya minyak dan gas bumi, para pegawai kontraktor dan sub kontraktor; - mengeluarkan peraturan dan memberikan petunjuk-petunjuk tentang semua hal yang bersangkutan dengan pengawasan dan pengendalian kegiatan perminyakan di Daerah A;
   - meminta Negara Pihak untuk mengambil tindakan-tindakan SAR dan tindakan yang berkenaan dengan ancaman teroris di Daerah A.
   - memeriksa dan meng-audit pembukuan para kontraktor.
4) Tempat Kedudukan Otorita Bersama Kantor Pusat Otorita Bersama yang terdiri dari Direktorat Keuangan, Direktorat Hukum dan Direktorat Pelayanan berkedudukan di Indonesia (Jakarta) dan dipimpin oleh seorang Direktur Eksekutif. Kantor Cabang Otorita Bersama yang akan menangani kegiatan operasional berkedudukan di Australia (Darwin) dan dipimpin oleh seorang Direktur Eksekutif. Direktorat Teknik berkedudukan di Darwin. Kegiatan operasional yang berkaitan dengan eksplorasi dan eksploitasi potensi sumberdaya minyak dan gas bumi diharapkan dapat memanfaatkan fasilitas didaerah setempat di Indonesia.

5) Penerapan hukum tentang pabean, migrasi dan karantina. Setiap Negara Pihak dapat menerapkan peraturan perundang-undangannya tentang pabean, migrasi dan karantina terhadap orang, peralatan dan barang-barang yang memasuki wilayahnya dari, atau meninggalkan wilayahnya menuju ke Daerah A. Untuk pengendalian arus orang, peralatan dan barang-barang ke Daerah A, satu Negara Pihak dapat meminta konsultasi dengan Negara Pihak lainnya.
6) Ketenagakerjaan Kedua Negara Pihak harus memberikan preferensi kepada warga negara Indonesia dan Australia dalam kegiatan di Daerah A, dengan memperhatikan efisiensi kegiatan dan *"good oil practice"*. Persyaratan dan kondisi bagi hubungan kerja di Daerah A akan diatur dengan kontrak kerja atau perjanjian kolektif. Bagi Indonesia perekrutan tenaga kerja diharapkan dapat memanfaatkan kemampuan suplai tenaga kerja di daerah setempat.
7) Yuridiksi Pidana Warganegara satu Negara Pihak yang melakukan tindak pidana di Daerah A tunduk pada hukum pidana Negara Pihak tersebut. Warganegara negara ketiga yang melakukan tindak pidana di Daerah A tunduk pada hukum pidana kedua Negara Pihak, dengan ketentuan bahwa orang tersebut tidak boleh dituntut berdasarkan hukum pidana satu Negara Pihak apabila yang bersangkutan sudah diadili atau dibebaskan atau menjalani hukuman atas dasar keputusan badan pengadilan yang berwenang di Negara Pihak lainnya sehubungan dengan tindak pidana yang sama. Dalam kasus semacam ini kedua Negara Pihak jika perlu dapat berkonsultasi untuk menetapkan hukum pidana Negara Pihak mana yang akan diberlakukan. Hukum pidana negara bendera kapal atau pesawat udara berlaku bagi tindak pidana yang terjadi di Daerah A.
8) Pengamatan dan tindakan pengamanan Kedua Negara Pihak mempunyai hak untuk melakukan pengamatan (surveillance) di Daerah A, Kedua Negara Pihak akan melakukan kerjasama dan tukar menukar informasi serta tindakan bersama di Daerah A.
9) Perlindungan lingkungan laut Kedua Negara Pihak harus bekerjasama untuk mencegah dan membatasi pencemaran lingkungan laut yang timbul dari kegiatan eksplorasi dan eksploitasi potensi sumber-daya minyak dan gas bumi di Daerah A.
10) Pencemaran Lingkungan Laut Para kontraktor harus bertanggung jawab atas kerugian ataupun biaya yang dikeluarkan sebagai akibat dari pencemaran lingkungan laut yang disebabkan oleh kegiatan di Daerah A berdasarkan pengaturan kontrak dengan Otorita Bersama dan hukum negara dimana tuntutan tentang kerugian dan biaya tersebut diajukan.
11) Hak-hak Kontraktor Jika seandainya Perjanjian tidak berlaku lagi karena tercapainya penyelesaian tentang penetapan batas landas kontinen, dan terdapat Kontrak Bagi Hasil dengan Otorita Bersama yang masih berlaku setelah itu, maka kontrak tersebut akan tetap berlaku bagi masing-masing Negara Pihak yang akan mengambil alih hak dan kewajiban Otorita

Bersama dengan memperhatikan persetujuan tentang batas landas kontinen dimaksud.

12) Penyelesaian sengketa

a) Setiap sengketa antara kedua Negara Pihak mengenai interpretasi atau pelaksanaan Perjanjian ini harus diselesaikan dengan konsultasi atau perundingan antara kedua Negara Pihak.

b) Setiap sengketa antara Otorita Bersama dan kontraktor mengenai interpretasi dan pelaksanaan Kontrak Bagi Hasil harus deselesaikan melalui arbitrage komersial yang keputusannya mengikat.

c) obyek pajak yang diterima atau diperoleh penduduk masing-masing Negara Pihak dianggap obyek pajak yang bersumber dari dalam negeri masing-masing Negara Pihak dan dikenakan pajak menurut ketentuan perundang-undangan pajak yang berlaku di masing- masing Negara Pihak. Bagi penduduk negara ketiga diberlakukan ketentuan perundang-undangan pajak masing-masing Negara Pihak terhadap 50% dari obyek pajak yang diperolehnya dari Daerah A. Dalam menerapkan peraturan perundang-undangan pajak masing-masing Negara Pihak di Daerah A, masingmasing Negara Pihak harus mencegah terjadinya pajak berganda. Selain itu, Perjanjian Penghindaran pajak Berganda yang telah ditandantangani oleh Negara Pihak dengan negara lain, tidak berlaku di Daerah A.

d) Amandemen Perjanjian ini dapat diubah kapan saja dengan persetujuan antara kedua Negara Pihak.

e) Masa berlakunya Perjanjian Perjanjian ini berlaku selama 40 tahun terhitung sejak tanggal berlakunya Perjanjian, yaitu 30 hari sesudah kedua negera saling memberitahuakan secara tertulis mengenai telah dirarifikasinya Perjanjian tersebut. Kecuali disetujui lain oleh kedua Negara Pihak, Perjanjian ini akan diperpanjang untuk 20 tahun lagi, kecuali apabila pada akhir jangka waktu tersebut kedua Negara Pihak berhasil mencapai kesepakatan tentang batas landas kontinen. Dalam hal kedua Negara Pihak belum dapat mencapai persetujuan tentang batas landas kontinen, maka lima tahun sebelum berakhirnya tiap jangka waktu termasud di atas, kedua Negara Pihak harus melanjutkan perundingan untuk mencapai kesepakatan tentang batas landas kontinen di Celah Timor itu.

13) Perpajakan Untuk keperluan perpajakan, Daerah A dianggap dan diperlakukan sebagai wilayah masing-masing Negara Pihak. Berdasarkan pada prinsip kependudukan, ketentuan perundang-undangan pajak dari masing-masing Negara Pihak diberlakukan demikian;

12) Perjanjian dilengkapi pula dengan 4 lampiran (annex) yang merupakan bagian yang tidak terpisahkan dari Perjanjian, yaitu :

Lampiran A:

Posisi koordinat dan peta Zona Kerjasama yang ditetapkan dengan titik ikat pada Johnston Geodetic Station di Northern Territory, Australia (posisi koordinat dan peta Zona Kerjasama terlampir).

Lampiran B :
Peraturan Pertambangan Minyak dan Gas Bumi yang merupakan penjabaran rinci tentang ketentuan-ketentuan dalam Perjanjian mengenai pertambangan minyak dan gas bumi di Daerah A untuk menjamin terlaksananya kegiatan eksplorasi, pengembangan dan produksi yang efisien, aman dan menjaga serta memelihara kelestarian lingkungan.

Lampiran C :
Model Kontrak Bagi Hasil antara Otorita Bersama dan Kontraktor yang mengatur lingkup kontrak antara keduanya, antara lain kewajiban dan tanggungjawab, pengaturan biaya dan bagi hasil Otorita Bersama dan Kontraktor.

Lampiran D :
Peraturan Perpajakan untuk menghindarkan Pajak Berganda berkenaan dengan kegiatan di Daerah A Zona Kerjasama, yang merupakan pengaturan rinci dari ketentuan-ketentuan mengenai perpajakan di batang tubuh Perjanjian.

II. PASAL DEMI PASAL
Pasal 1
Cukupjelas
Pasal 2
Cukup jelas

Tambahan Lembaran Negara Republik Indonesia Nomor 3433