



KEPUTUSAN PRESIDEN REPUBLIK INDONESIA
NOMOR 48 TAHUN 1992
TENTANG
PENGESAHAN PROPOSED THIRD AMENDMENT OF THE ARTICLES OF AGREEMENT OF THE
INTERNATIONAL MONETARY FUND

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

- Menimbang : a. bahwa perubahan (amendment) Persetujuan Dana Moneter Internasional (International Monetary Fund) sebagaimana telah disetujui oleh Dewan Gubernur Dana Moneter Internasional dimaksudkan untuk mewujudkan sistem moneter internasional yang lebih baik;
- b. bahwa sehubungan dengan itu, dan sesuai dengan Amanat Presiden Republik Indonesia kepada Ketua Dewan Perwakilan Rakyat Republik Indonesia kepada Ketua Dewan Perwakilan Rakyat Gotong Royong Nomor 2826/HK/1960 tanggal 22 Agustus 1960 tentang Pembuatan Perjanjian-perjanjian dengan Negara Lain, dipandang perlu untuk mengesahkan Amendment tersebut dengan Keputusan Presiden;
- Mengingat: 1. Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar 1945;
2. Undang-undang Nomor 9 Tahun 1966 tentang Keanggotaan Kembali Republik Indonesia dalam Dana Moneter Internasional (International Monetary Fund) dan Bank Internasional untuk Rekonstruksi dan Pembangunan (International Bank for Reconstruction and Development) (Lembaran Negara Tahun 1966 Nomor 36) sebagaimana telah diubah dengan Undang-undang Nomor 2 Tahun 1967 (Lembaran Negara Tahun 1967 Nomor 2, Tambahan Lembaran Negara Nomor 2819);

3. Keputusan Presiden Republik Indonesia Nomor 26 Tahun 1969 tentang Pengesahan Keikutsertaan Indonesia Dalam Fasilitas Special Drawing Rights (Lembaran Negara Tahun 1969 Nomor 10, Tambahan Lembaran Negara Nomor 2885);
4. Keputusan Presiden Republik Indonesia Nomor 41 Tahun 1976 tentang Pengesahan Pernyataan Persetujuan Republik Indonesia atas Perubahan ke-2 Pasal-pasal Persetujuan Dana Moneter Internasional (Lembaran Negara Tahun 1976 Nomor 47);

MEMUTUSKAN:

Menetapkan: KEPUTUSAN PRESIDEN REPUBLIK INDONESIA TENTANG PENGESAHAN PROPOSED THIRD AMENDMENT OF THE ARTICLES OF AGREEMENT OF THE INTERNATIONAL MONETARY FUND.

Pasal 1

Mengesahkan Proposed Third Amendment of the Articles of Agreement of the International Monetary Fund yang telah disetujui Dewan Gubernur Dana Moneter Internasional (International Monetary Fund) yang salinan naskah aslinya dalam bahasa Inggris sebagaimana terlampir pada Keputusan Presiden ini.

Pasal 2

Keputusan Presiden ini mulai berlaku pada tanggal ditetapkan.

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

Ditetapkan di Jakarta
pada tanggal 28 Agustus 1992
PRESIDEN REPUBLIK INDONESIA

ttd

SOEHARTO

Diundangkan di Jakarta
pada tanggal 28 Agustus 1992
MENTERI/SEKRETARIS NEGARA

REPUBLIK INDONESIA

ttd.

MOERDIONO

Proposes Third Amendment
of the Article of Agreement
of the International Monetary Fund

The Governments on whose behalf the present Agreement is signed agree as follows:

1. The text of Articles XXVI, Section 2 shall be amended to read as follows :

"(a) If a member fails to fulfill any of its obligations under this Agreement, the Fund may declare the member ineligible to use the general resources of the Fund. Nothing in this Section shall be deemed to limit the provisions of Article V, Section 5 or Article VI, Section 1.

(b) If, after the expiration of a reasonable period following a declaration of ineligibility under (a) above, the member persists in its failure to fulfill any of its obligations under this Agreement, the Fund may, by a seventy percent majority of the total voting power, suspend the voting rights of the member. During the period of the suspension, the provisions of Schedule L shall apply. The Fund may, by a seventy percent majority of the total voting power, terminate the suspension at any time.

(c) If, after the expiration of a reasonable period following a decision of suspension under (b) above, the member persists in its failure to fulfill any of its obligations under this Agreement, that member may be required to withdraw from membership in the Fund by a decision of the Board of Governors carried by a majority of the Governors having eighty five percent of the total voting power.

(d) Regulations shall be adopted to ensure that before action is taken against any member under (a), (b), or (c) above, the member shall be informed in reasonable time of the complaint against it and given an adequate opportunity for stating its case, both orally and in writing."

2. A new Schedule L shall be added to the Articles, to read as follows:

Schedule L

Suspension of Voting Rights

In the case of a suspension of voting rights of a member under Article XXVI, Section 2(b), the following provisions shall apply:

1. The member shall not:
 - (a) participate in the adoption of a proposed amendment of this Agreement, or be counted in the total number of members for that purpose, except in the case of an amendment requiring acceptance by all members under Article XXVIII(b) or pertaining exclusively to the Special Drawing Rights Department;
 - (b) appoint a Governor or Alternate Governor, appoint or participate in the appointment of a Councillor or Alternate Councillor. or appoint, elect, or participate in the election of an Executive Director.
2. The number of votes allotted to the member shall not be cast in any organ of the Fund. The shall not be included in the calculation of the total voting power, except for purposes of the acceptance of a proposes amendment pertaining exclusively to the Special Drawing Rights Department.
3.
 - (a) The Governor and Alternate Governor appointed by the member shall cease to hold office.
 - (b) The Councillor and alternate Councillor appointed by the member, or in whose appointment the member has participated, shall cease to hold office, provided that, if such Councillor was entitled to cast the number of votes allotted to other members whose voting rights have not been suspended, another Councillor and Alternate Councillor shall be appointed by such other members under schedule D, and, pending such appointment, the Councillor and Alternate Councillor shall continue to hold office, but for a maximum of thirty days from the date of the suspension.
 - (c) The Executive Director appointed or elected by the member,, or in whose

election the member has participated, shall cease to hold office, unless such Executive Director was entitled to cast the number of votes allotted to other members whose voting rights have not been suspended. In the latter case:

- (i) if more than ninety days remain before the next regular election of Executive Directors, Another Executive Director shall be elected for the remainder of the term by such other members by a majority of the votes cast; pending such election, the Executive Director shall continue to hold office, but for a maximum of thirty days from the date of suspension;
 - (ii) if not more than ninety days remain before the next regular election of Executive Directors, the Executive Director shall continue to hold office for the remainder of the term.
4. The member shall be entitled to send a representative to attend any meeting of the Board of Governors, the Council, or the Executive Board, but not any meeting of their committees, when a request made by, or a matter particularly effecting, the member is under consideration."

3. The following shall be added to Article XII, Section 3(i):

"(v) When the suspension of the voting rights of a member is terminated under Article XXVI, Section 2(b), and the member is not entitled to appoint an Executive Director, the member may agree with all the members that have elected an Executive Director that the number of votes allotted to that member shall be cast by such Executive Director, provided that, if no regular election of Executive Directors has been conducted during the period of the suspension, the Executive Director in whose election the member had participated prior to the suspension, or his successor elected in accordance with paragraph 3(c) (i) of Schedule L or with (f) above, shall be entitled to cast the number of votes allotted to the member. The member shall be deemed to have participated in the election of the Executive Director entitled to cast the number of votes allotted to the member."

- b. The following shall be added to paragraph 5 of Schedule D:

"(f) When an Executive Director is entitled to cast the number of votes allotted to a member pursuant to Article XII, Section 3(i)(v), the Councillor appointed by the group whose members elected such Executive Director shall be entitled to vote and cast the number of votes allotted to such member. The member shall be deemed to have participated in the appointment of the Councillor entitled to vote and cast the number of votes allotted to the member."

Kutipan: LEMBARAN LEPAS SEKRETARIAT NEGARA TAHUN 1992

