

Implementasi international plant protection convention (IPPC) dalam pengaturan agreement on the application of sanitary and phytosanitary agreement (SPS) agreement di world trade organization (WTO) = Implementation of international plant protection convention (IPPC) in agreement on the application of sanitary and phytosanitary agreement in world trade organization (WTO)

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Abstrak

World Trade Organization (WTO) merupakan organisasi internasional yang berperan penting dalam memastikan arus perdagangan global dapat berjalan dengan sesedikit mungkin hambatan. Akan tetapi, berdasarkan Pasal XX (b) GATT, anggota WTO dapat melakukan suatu tindakan perdagangan yang perlu dilakukan untuk melindungi kehidupan atau kesehatan manusia, hewan atau tumbuh-tumbuhan. Persetujuan Penerapan Tindakan-Tindakan Sanitari dan Fitosanitari (Persetujuan SPS) merupakan penjabaran dari ketentuan Pasal XX (b) GATT tersebut. Berdasarkan Persetujuan SPS, anggota WTO berhak menerapkan ketentuan-ketentuan yang diperlukan untuk melindungi kesehatan atau kehidupan manusia, hewan atau tumbuhan, dengan didasarkan pada prinsip-prinsip ilmiah dan bukti ilmiah yang cukup, serta tidak menciptakan diskriminasi sewenang-wenang atau pembatasan terselubung bagi perdagangan internasional. Untuk memenuhi kebutuhan ilmiah dan teknis dalam penerapan Persetujuan SPS, Persetujuan SPS merujuk International Plant Protection Convention (IPPC) sebagai organisasi internasional relevan untuk mendorong harmonisasi tindakan fitosanitari dengan didasarkan pada standar internasional yang diadopsi oleh IPPC. Penelitian ini menganalisa penerapan Persetujuan SPS dan IPPC pada tiga kasus di WTO, yakni Japan - Agricultural Products II (2001), Japan - Apples (2005) dan Australia – Apples (2011).

.....World Trade Organization (WTO) is an international organization who plays an important role in ensuring that the global trade can works with a little barriers. However, pursuant to Article XX (b) GATT, WTO Members can perform an action trade necessary to protect human, animals or plants health or life. Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) is derived from the provision of Article XX (b) GATT. Based on the SPS Agreement, WTO Member have a right to take sanitary and phytosanitary measures necessary for the protection of human, animal, health or plant life or health, which is based on scientific principle and is not maintained without sufficient scientific evidence; and not unjustifiably discriminate or be applied in a manner which would constitute a disguised restriction on international trade. For the fulfilment of scientific and technical need within the application of SPS Agreement, SPS Agreement refers International Plant Protection Convention (IPPC) as an international organization relevant, to encourage harmonisation of phytosanitary measures, based on international standards which adopted by IPPC. This thesis analyzes the application of the SPS Agreement and the IPPC in three cases at WTO: Japan- Agricultural Products II (2001), Japan - Apples (2005) and Australia - Apples (2011).