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UNITED NATIONS COMMISSION FOR INDONESIA

APPENDICES TO THE  
SPECIAL REPORT TO THE SECURITY COUNCIL  
ON THE  
ROUND TABLE CONFERENCE

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## APPENDIX I

## RULES OF PROCEDURE FOR THE ROUND TABLE CONFERENCE

Section I: Participants

## Article 1

(1) Participating in the Conference are:

- a. Representatives of the Government of the Netherlands;
- b. Representatives of the Government of the Republic of Indonesia;

a and b being parties in the Indonesian dispute before the Security Council;

c. the Federal Consultative Assembly (F.C.A.) representing the areas in Indonesia others than the Republic, as far as they are members of this organization.

(2) The participants have equal powers within the scope of the Conference's activities.

(3) Participation in the Round Table Conference<sup>1/</sup> shall not prejudice the rights, claims and positions of the participants.

## Article 2

The word "delegations" as used in these Rules of Procedure denotes the delegations of each of the participants mentioned in article 1.

Article 3

The United Nations Commission for Indonesia<sup>2/</sup> will participate in the Round Table Conference in accordance with its terms of reference, as they have been established by the Security Council.

Section II: Meetings

## Article 4

Meetings within the scope of the Round Table Conference are understood to be:

- a. the Plenary Meetings;
- b. the Committee Meetings;
- c. the Sub-committee Meetings.

## Article 5

All meetings may be formal or informal.

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<sup>1/</sup> In these Rules further to be referred to as R.T.C.

<sup>2/</sup> In these Rules further to be referred to as U.N.C.I.



Article 6

(1) Plenary meetings and meetings of the Steering Committee shall be held with the U.N.C.I.

(2) According to circumstances U.N.C.I. may participate, in conformity with its terms of reference, in meetings other than those mentioned in the preceding paragraph.

Article 7

(1) Records of formal meetings will be kept in accordance with the rules laid down in Section XIII.

(2) No stenographic records will be kept of informal meetings.

Article 8

Representatives of minorities (European, Chinese, Arabic) shall be given the opportunity to express their views to the Conference in all matters which are deemed to concern their interests, in accordance with the rules laid down in Sections IV, V, VI and IX.

Article 9

Applications of representatives of other significant interests who wish to express their views, may be considered by the Conference in accordance with the rules laid down in Sections IV, V, VI and IX.

Section III: The Chairmanship

Article 10

(1) The Conference shall choose its chairman and three deputy chairmen.

(2) The Chairman of the Conference or one of his three deputies shall be the Chairman of the Plenary Meetings and shall be entrusted with the conduct of that meeting.

Section IV: The Steering Committee

Article 11

(1) The Plenary Meeting shall forthwith establish a Steering Committee, to which each delegation shall appoint three members.

(2) The U.N.C.I. shall participate in the Steering Committee.

Article 12

(1) The chairmanship of the Steering Committee shall be held in turn, for periods of one week, by the head of each delegation or, in the latter's absence, by his deputy.

/(2) The Steering

(2) The Steering Committee shall meet as often as is considered desirable by the host of one of the delegations or by the U.N.C.I.

#### Article 13

The activities of the Steering Committee include:

- a. drawing up the provisional programme for the Conference;
  - b. preparing the provisional agenda for the Plenary Meetings;
  - c. establishing committees as specified in Section VI;
  - d. preparing or arranging the work of those committees;
  - e. establishing the procedure for the implementation of the articles 8 and 9;
  - f. co-ordinating the results of the work of the Conference;
  - g. providing progress reports to the Plenary Meetings;
- all with due observance of the provisions of the present Rules of Procedure.

#### Article 14

(1) If desired, the Steering Committee may obtain information and assistance from advisors in connection with its activities.

(2) The Steering Committee may appoint a sub-committee to consider a particular question. This sub-committee shall report to the Steering Committee.

#### Article 15

(1) A provisional agenda for meetings of the Steering Committee shall be prepared by the Secretary-General in consultation with the Chairman of the Committee.

(2) The provisional agenda shall include every subject in respect of which the head of one of the delegations or the U.N.C.I. has submitted a request for a discussion.

#### Article 16

The provisional agenda for a meeting of the Steering Committee shall be submitted by the Secretary-General to the Chairman and members of the said Committee and to the U.N.C.I. at least twelve hours before the commencement of the meeting. When necessary the agenda may be circulated with the notice to attend the meeting.

#### Article 17

(1) The first item on the provisional agenda of the Steering Committee shall be the adoption of the agenda.

(2) Other items may be added to the provisional agenda at the discretion of the Chairman immediately before the adoption of the agenda.

Section V: The Plenary Meeting

Article 18

The Plenary Meeting of the Round Table Conference shall be constituted by the Chairman of the R.T.C. and his deputies, the heads and the members of the delegations and the U.N.C.I.

Article 19

The delegations may be accompanied by their advisors, experts and staff.

Article 20

(1) Representatives of the minorities shall be admitted to the Plenary Meetings if one of the delegations so requests.

(2) The Chairman shall afford these representatives an opportunity to express their views with regard to such matters as are deemed by the Steering Committee to concern their interests.

Article 21

Representatives of other significant interests may be admitted to the Plenary Meetings in order to express their views on matters which are deemed to concern their interests if the Conference upon the recommendation of the Steering Committee grants a request to that effect.

Article 22

(1) The Chairman of the R.T.C. shall call a Plenary Meeting in agreement with the Steering Committee.

(2) The formal Plenary Meeting shall normally be held in public.

(3) The public shall be excluded at the request of at least two delegations.

Article 23

The provisional agenda, as mentioned in article 13, sub b, shall be submitted by the Secretary-General to the Chairman as well as to those mentioned in article 18, and, if necessary, to those mentioned in the articles 20 and 21, at least twelve hours before the commencement of the meeting.

If necessary the agenda may be circulated with the notice to attend the meeting.

Article 24

(1) The first item on the provisional agenda, as mentioned in article 13, sub b, shall be the adoption of the agenda.

(2) Other items may be added to the provisional agenda at the discretion of the Chairman immediately before the adoption of the agenda.

## Article 25

The Plenary Meeting may adopt resolutions. Such resolutions shall contain the results of the Conference as laid down in documents and agreements.

Section VI: The Committees

## Article 26

- (1) Committees shall be established by the Steering Committee.
- (2) The provisions of articles 20 and 21 shall be similarly applicable to meetings of Committees and sub-Committees.
- (3) A committee or sub-Committee may request representatives of the minorities or representatives of other significant interests to supply any necessary information.

## Article 27

Without prejudice to other subjects which have to be dealt with in committee in due course, Committees shall be established forthwith to deal with:

- a. political and constitutional questions;
- b. financial and economic questions;
- c. military questions;
- d. cultural questions;
- e. social questions.

## Article 28

A Committee may establish sub-committees to consider questions within the scope of its agenda. Such sub-committees shall report to the said Committee.

## Article 29

Committees shall work in accordance with directions or instructions drawn up by the Steering Committee.

## Article 30

The agenda of each Committee meeting shall be notified to the Steering Committee in due time before the meeting, and the Steering Committee may give directions, if necessary, regarding the order in which the items are to be dealt with.

## Article 31

Committee meetings shall be closed and secret.

## Article 32

Committees shall report weekly to the Steering Committee regarding their activities.

Section VII. Credentials

Article 33

(1) The credentials of a representative of a delegation, of a minority or of another group of interests, shall be submitted to the Secretary-General not less than 24 hours before the representative in question attends for the first time the Plenary Meeting, a meeting of the Steering Committee or a meeting of a Committee.

(2) The Steering Committee shall decide upon the powers of a representative to act as such.

Section VIII. Secretariat-General

Article 34

(1) The Secretary-General of the Conference shall be appointed by the Conference. He will be assisted by one or more deputy Secretaries-General to be appointed by the Chairman of the Conference in agreement with the Steering Committee.

(2) The Secretary-General is in charge of all matters pertaining to the internal affairs of the R.T.C.

(3) He is entitled to appoint further personnel for this purpose in addition to the officials mentioned in paragraph (1).

Article 35

The Secretary-General is in charge of the secretariat of the Plenary Meeting, meetings of the Steering Committee and of the committees.

Article 36

The Secretary-General and his deputies are at the disposal of the Conference as a whole and they are exclusively responsible to the Steering Committee.

Article 37

The Secretary-General and his deputies are entitled to apply to the Steering Committee and submit relevant proposals in the interest of the progress of the Conference.

Section IX: Discussions

Article 38

(1) The Chairman submits for discussion the subjects of the agenda.

(2) He calls upon the heads of the delegations or the members of the U.N.C.I. and also, in the cases mentioned in articles 20, 21 and 26, on those present who have been admitted to express their views, to speak in the order in which applications have been entered.

/(3) The Chairman

(3) The Chairman may invite the Secretary-General or his deputy to give information to the meeting or to give other assistance on subjects dealt with by the meeting.

(4) At the requests of the heads of the respective delegations a member, an advisor or an expert of this delegation can speak in the Plenary Meetings in their place.

(5) A member, an advisor or an expert of a delegation can speak in a committee or sub-committee after having obtained the permission to do so from the chairman of this committee or sub-committee.

#### Article 39

(1) When a speaker raises a point of order, the chairman immediately gives his ruling.

(2) If this ruling is challenged, the chairman immediately submits the case to the meeting as prescribed in article 41.

#### Article 40

(1) In accordance with the rules laid down in article 41, the following proposals of the chairman shall have precedence, in the order named, over all other proposals and shall be subject to the immediate decision of the meeting:

- a. suspension of the meeting;
- b. adjournment of the meeting to a later date or hour, and
- c. reference of a subject to a (sub)committee.

(2) Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.

#### Section X: Decisions

#### Article 41

(1) Decisions on matters of procedure shall be taken by unanimous vote.

(2) In case a decision can not be reached by unanimity the U.N.C.I. shall undertake to mediate.

#### Article 42

(1) Decisions of committees regarding subjects under their consideration shall be taken only after agreement has been reached between the delegations.

(2) The decisions referred to under (1) shall be formulated in draft-resolutions and presented to the Steering Committee.

(3) The Steering Committee shall submit the draft-resolutions referred to in the preceding paragraph in their original or an amended text to the Plenary Meeting for its decision, unless it has reason to request the committee concerned for a further elucidation or to advise further consideration, which has to be given within 72 hours.

Article 43

The Plenary Meeting decides on draft-resolutions submitted, upon agreement obtained between the delegations.

Section XI: Languages

Article 44

(1) The Netherlands, Indonesian, English and French languages can be employed at any meeting.

(2) At the request of the Chairman, the head of a delegation or of the U.N.C.I., speeches can be translated into the Netherlands, Indonesian, English or French language.

Article 45

(1) The Secretariat-General prepares all documents in the Netherlands, Indonesian and English languages.

(2) The Netherlands and Indonesian texts of all documents shall be considered equally authentic. In case of difference of interpretation the English text shall be considered as decisive.

Section XIII: Publicity

Article 46

(1) The Steering Committee is exclusively responsible for and entitled to the publication of official communiques on behalf of the Conference on its course and progress.

(2) This Committee regularly provides the press with a survey of progress made.

Section XIII: Stenographic records, summary records and documentation

Article 47

(1) A stenographic record shall be made of the formal Plenary Meetings.

(2) Summary records shall be made of formal committee-meetings.

(3) Copies of stenographic records and summary records shall be forwarded to the delegations, to the U.N.C.I. and to the representatives, referred to in articles 8 and 9, as far as the latter have expressed their views at a meeting.

Article 48

(1) Corrections to the records shall be submitted in writing by the heads of the delegations, the U.N.C.I. and the representatives referred to in articles 8 and 9 as far as the latter have expressed their views at a meeting, to the Secretary-General within three workingdays after the records have been circulated.

(2) Proposed corrections shall be circulated and they shall be considered accepted if within three workingdays after their receipt no objections have been raised.

(3) All corrections will be added as annexes to the original records.

#### Article 49

The records in which no corrections have been made within the timelimit as mentioned in the preceding article, of which have been altered according to the rules given in the article mentioned, are the official records of the meetings.

#### Article 50

(1) Working-papers shall be clearly designated as such. They shall be considered as confidential and as having no binding character.

(2) Other documents shall be considered to be oral notes. They shall be considered as confidential and as having no binding character. Documents of the latter category shall not be referred to in formal meetings and in official documents.

#### Article 51

In all matters not provided for in the present Rules of Procedure, the Steering Committee shall make a decision.

In this form adopted at the first Plenary Meeting of the Round Table Conference at The Hague on August 23, 1949.



APPENDIX II

STATEMENT MADE BY THE CHAIRMAN OF THE WEEK OF THE  
UNITED NATIONS COMMISSION FOR INDONESIA AT THE  
FIRST PLENARY MEETING HELD ON 23 AUGUST 1949

Mr. Chairman

On behalf of the members of the United Nations Commission for Indonesia, I should like to add our felicitations on this historic occasion -- the opening of a conference dedicated to transferring sovereignty to some seventy million people, and to establishing what will be a new and, I am convinced, happy relationship between the peoples of the Netherlands and of Indonesia.

It is no exaggeration to state that we are assembled in this great hall -- so intimately associated with centuries of the most memorable events in the Netherlands' rich history, and a history in which the ideal of freedom has constantly emerged -- only because of the unstinted energy and co-operation demonstrated by all parties in the preliminary negotiations carried on in Batavia. There, in three short months, agreement was achieved on a constructive course of action.

When those preliminary negotiations began last April, the parties were confronted with grave difficulties indeed. Armed conflict continued; the atmosphere was charged with tensions and suspicions. Men of good will had doubts whether accord could be reached on the problems, and there were sincere men who felt that the preliminary negotiations were bound to end in failure.

This then was the political climate in which the Netherlands and Indonesian representatives met in April when they undertook to negotiate under U.N.C.I. auspices. As against a disheartening number of factors ranged against them, the delegations of Dr. Van Royen and Dr. Rum had on their side only an unwavering determination to bring to a speedy conclusion the unhappy strife which had separated their peoples, and an abiding faith that through co-operation and mutual goodwill this objective could be attained.

Slowly and often haltingly, and in a quiet and untrammelled fashion, the delegations moved towards agreement -- steadfastly refusing to be deviated from that goal by tendentious statements of irresponsible actions from any quarter whatsoever. At this point, I should like on behalf of the members of the Commission to express our admiration for the statesmanship displayed at all times by the heads of the Netherlands and Republican delegations.

/As we know, .

As we know, the preliminary negotiations were concerned with three three major questions: the restoration of the Republican Government to its former capital at Jogjakarta; the issuance of a cease fire order; and agreement on the holding of a Round Table Conference at The Hague. One after another of those objectives was attained, thus preparing the way for this gathering of all interested parties in the Ridderzaal today.

The road has not been a smooth one, and it would be folly to minimize the difficulties which may yet beset us. But such progress has been made to date, and in such a constructive atmosphere, that we can rightly say that we have reached the stage where the problems connected with the Indonesian question -- political, economic and military -- can be viewed in a calm and hopeful perspective.

The United Nations Commission for Indonesia was intimately associated with the preliminary negotiations held in Batavia. Its members have come to The Hague to participate helpfully and actively in the Round Table Conference. The delegations may be assured that the Commission stands ready to place its experience and assistance at the disposal of all parties. We confidently hope our participation will conclude with an early report to the Security Council on the final success of the Conference.

But we come to The Hague in a relationship with the parties which is both new and significant. The preliminary negotiations at Batavia were conducted under the direct auspices of the Commission. While the Commission retains its responsibilities, according to its terms of reference established by the Security Council, it welcomes wholeheartedly the evolution of events whereby the parties directly concerned have assumed voluntarily the responsibility for jointly shaping their common destiny.

Their joint responsibility is a heavy one. But it is at the same time a joint opportunity. Together the peoples of the Netherlands and Indonesia have closed one chapter in their long history, and are preparing to create a new and mutually satisfying relationship.

Before that common ideal can be realized, we must labor diligently and well at this conference. Only the finest building materials must be permitted to go into the new political structure; the workmanship must be true and unstinting. Old blueprints, which have proved unworkable, must be laid aside. Nor can the workmen do justice to their task if they waste valuable hours discussing past mistakes. We have all of us reached the momentous day when all energies, all hopes, and all anxieties must be devoted to the arduous tasks of construction.

To the new Union, the Commission sincerely believes that the peoples of the Netherlands and Indonesia can each bring indispensable gifts: the people  
/of the Netherlands

of the Netherlands can bring their priceless experience and their technical and administrative skills; the people of Indonesia can bring the vitality of their nationalism and the enthusiasm born of a new sovereignty. Together the Netherlands and Indonesia can bring to the international family a peaceful and democratic relationship founded on mutual respect and understanding and on a genuine community of interests.

APPENDIX III

LETTER DATED 30 SEPTEMBER FROM DR. M. J. PRINGEN, SECRETARY-GENERAL  
OF THE CONFERENCE, TO DR. P. A. BLAAUW, IN RESPECT OF SUBJECTS  
OF CONCERN TO THE NETHERLANDERS MINORITY GROUP

In reply to the enumeration of subjects touching in your opinion - in view of article 8 of the Rules of Procedure - the interests of your group, which list was presented on behalf of the Netherlands Minority-group at the Round Table Conference by your letter of 6th September, no. N.M.4, I have the honour to inform you in pursuance of a decision, taken in this regard by the Steering Committee in its meeting of Tuesday, 13th September, as follows:

In the opinion of the Steering Committee the subjects enumerated in the appendix of your previously mentioned letter, are to be grouped as follows:

- a. Subjects which, as can be expected, are no subjects for discussion at the Round Table Conference,
- b. Subjects which are not a matter concerning the minorities in particular, but are of interest to all citizens,
- c. Subjects which - in the sense of article 8 of the Rules of Procedure - touch the interests of the minorities as such.

In consideration of this division, the Steering Committee has decided to propose the Conference to hear the Netherlands Minority on the following subjects:

- a. the procedure of acquisition of citizenship (regulation of nationality);
- b. respect of religious belief and culture of all the groups of the population in the R.I.S.;
- c. the provision of suitable education to minorities;
- d. freedom of education;
- e. the position of the Netherlands language side by side with the official language of the country.
- f. freedom of profession of faith and undisturbed conversion from one faith to another;  
(included herein are the subjects mentioned by you under 19, 20, 21, 23 and 24).
- g. position of the Netherlands Civil and Military officials and Pensioners after the transfer of sovereignty.  
(the subjects included in the points 14, 26 and 28).

With reference to the remarks made in the Appendix of your letter sub A. Introduction sub 3, the Steering Committee is of the opinion that, if at the Round Table Conference subjects were dealt with, not yet mentioned,

can as yet be decided to have the Group, represented by you, heard in this respect, if the Steering Committee considers it desirable.

As regards the statement sub 4 of this Introduction, the Steering Committee is of the opinion that the Union Statute in its entity is not a minority-interest. If however during the discussion of the Union Statute subjects are dealt with, which may be considered to touch the interests of the Netherlands Minority-group, provided these are not included in the previously mentioned enumeration of subjects on which the minorities were to be heard, the Steering Committee might as yet decide to have the group represented by you, heard.

As regards B sub 5 the Committee is of the opinion that, if the position of the minorities in the R.I.S. (representation in representative bodies) shall be considered at the Conference, the group, represented by you, shall be heard.

This shall also take place if a definition of the conception: "Minorities", shall be discussed.

As regards the question in how far the subject "New-Guinea" is a matter in which the minority is to be heard, first the opinion shall be solicited of the section B of the first sub-committee of the Committee for Political and Constitutional Affairs.

The Secretary-General of the RTC

Dr. M. J. Prinsen

APPENDIX IV

SUMMARY OF DISCUSSIONS OF SUB-COMMITTEE (I) OF THE STEERING COMMITTEE, HELD ON 6 SEPTEMBER, CONCERNING ITS REPORT TO THE STEERING COMMITTEE ON THE HEARING OF REPRESENTATIVES OF "SIGNIFICANT INTERESTS".

Present: Prof. Dr. R. D. Kollwijn

Dr. A. K. Pringgodigdo

Dr. Soeparma

Dr. Th. H. Bot of the Secretariat-General

A memorandum submitted to the conference by Dr. Pringgodigdo served as a basis for these discussions.

Dr. Soeparma promised that a memorandum drawn up by him should be multiplied and distributed as soon as possible.

The results of these discussions are as follows:

1. The "significant interests" are not entitled to give information.
2. With regard to requests as referred to in article 9 of the rules of procedure the following procedure has been established:
  - A. In case the initiative for the hearing is taken by the "significant interests" themselves
    1. the subcommission of the Steering Committee examines the request and forwards it to the Steering Committee with the subcommissions recommendation or, if the members hold different opinions, with the different recommendations. Attention must be given to the interests for the benefit of which the hearing is requested;
    2. the Steering Committee takes a decision and refers the matter to the commission(s) concerned;
    3. this commission (these commissions) hear(s) the "significant interests" as soon as the matter concerned comes up for discussion;
    4. mutatis mutandis the provisions sub 2 and 3 hold good for the General Assembly as well.
  - B. In case a Commission feels the need to obtain information from "significant interests"
    1. the Commission concerned makes this known to the Steering Committee
    2. the Steering Committee refers this request to the subcommission who forthwith reports on the matter;
    3. the Steering Committee communicates its decision to the Commission;

3. With regard to the question whether a request should be considered as having been made by "significant interest" each individual case should be submitted to the subcommission.
4. With regard to the requests presented to the Conference and especially to those mentioned sub 11 in the first-mentioned memorandum the Representatives of the Republican and the B.F.O. Delegations took the view that these requests need not be taken into consideration, as they are emanating from Indonesian "significant interests" which, in their opinion, are already sufficiently represented in the delegations.

It is, moreover, their opinion, that, if these requests were complied with, this would lead to the hearing of a great number of bodies other than those which have already presented themselves and this would take up too much of the time of the Conference. Finally they are of opinion that the hearing of these territorial interests will render the relations in Indonesia much more strained.

Prof. Kollewijn holds the opinion that on account of the democratic nature of the Conference these requests should be complied with, provided that the work of the Conference does not suffer from it, but he does not think this likely.

5. Naturally no member of the Commission objected to the hearing of the above-mentioned significant interests by the Netherlands Delegation.

## APPENDIX V

RULES OF PROCEDURE FOR SUB-COMMITTEE (II) OF THE STEERING COMMITTEE  
FOR THE HEARING OF ALL THOSE PRESENTING THEMSELVES  
AS REPRESENTATIVES OF SIGNIFICANT INTERESTS

THE STEERING COMMITTEE,

The Hague, 4th October 1949

considering:

that it is desirable to refer all those, who present themselves as representatives of significant interests, to a Sub-Committee of the Steering Committee, in order to hear these persons, without prejudging whether they actually represent significant interests;

that it is desirable that the Sub-Committee make recommendations to the Steering Committee as to whether the persons heard by the Sub-Committee actually represent an interest of sufficient importance in order to be admitted to a Plenary Meeting of the Conference or to a meeting of a Committee or Sub-Committee, in order to make known their views on matters, which are deemed to concern their interests,

decides:

- I. To instruct the Secretariat-General to refer to the Sub-Committee of the Steering Committee all those who have presented themselves at the Round Table Conference or will yet do so within a time limit to be further determined, as representatives of significant interests;
- II. To establish the rules of procedure for the Sub-Committee referred to, as follows:

Rules of procedure for the Sub-Committee for the hearing of all those who have presented themselves as representatives of significant interests at the Round Table Conference.

The task of the Sub-Committee

Article 1

- (1) The Sub-Committee is entrusted with the hearing of those who have presented themselves in due time as representatives of significant interests at the Round Table Conference, in order to prepare a recommendation or a decision of the Steering Committee as to whether these representatives shall or shall not be admitted to a plenary meeting or to a meeting of a Committee or Sub-Committee, in order further to make known their views on matters, which are deemed to concern their interests.
- (2) If the Sub-Committee is of the opinion that, for a correct appraisal of the interests presented to it, it is necessary or desirable to hear yet other representatives in addition to those referred to sub 1, it may request the Steering Committee to cause such additional representatives further to appear before it.

/(3) The



- (3) The Sub-Committee fulfills any further tasks which, in the opinion of the Steering Committee, are connected with the terms of reference above set forth.
- (4) The Sub-Committee shall report regularly to the Steering Committee on its activities and shall give a motivated advice as to whether the persons heard by it are actually representing an interest of sufficient importance in order to be admitted to a plenary meeting or to a meeting of a Committee or Sub-Committee in order to make known their views on matters, which are deemed to concern their interests.

#### Procedure of the Sub-Committee

##### Article 2

- (1) The chair is occupied by the member of the Sub-Committee of the delegation which holds the chairmanship of the week.
- (2) The Sub-Committee is served by a secretary, representing the Secretariat-General of the R.T.C.
- (3) In the drawing-up of the report on the work of the Sub-Committee, unanimity shall be aimed at; if unanimity is not achieved, the opinions of the different delegations shall be set out separately.

#### The hearings of representatives

##### Article 3

- (1) The Sub-Committee determines the place and the time for the hearings of the persons referred to in article 1; it notifies those concerned, presenting to them at the same time a list containing the following subjects on which they will be heard:
  - (a) name and other identification data, and also their credentials;
  - (b) name and other data concerning the organization(s) represented by them;
  - (c) composition and importance of this (these) organization(s);
  - (d) aims and purposes of this (these) organization(s);
  - (e) motivation of the aims and purposes referred to in (d);
  - (f) the manner in which it is proposed to achieve the aims and purposes referred to sub (d);
- (2) As soon as the persons referred to in article 1 have given their clarification on the points referred to in the preceding paragraph, the Sub-Committee holds consultation in order to give its members the opportunity to put to the persons referred to in the beginning of this article the questions they consider necessary and also those further questions to which the replies received may lead.
- (3) The persons referred to in article 1 may state their case to the Sub-Committee in writing, together with further pertinent documents.

APPENDIX VI  
  
DRAFT  
CONSTITUTION  
OF THE  
REPUBLIC OF THE UNITED STATES  
OF INDONESIA

PREAMBLE

We the people of Indonesia for decades closely united in the struggle for independence, tenaciously determined and resolved to assert the right to exist as a free sovereign nation,

Having arrived at this stage, through Gods blessings and by His Mercy at this blessed and sacred moment in our history,

Hereby ordain and establish our Independence by means of the Charter of our federal republican State based on the recognition of the Divine Omnipotence, humanity, national consciousness, democracy and social justice,

In order to enjoy prosperity, peace and freedom in society and the completely sovereign constitutional State of Free Indonesia, governed by justice.

CHAPTER I  
THE STATE OF THE REPUBLIC OF THE UNITED STATES  
OF INDONESIA

SECTION I  
THE FORM OF GOVERNMENT AND THE SOVEREIGNTY

Article 1

1. The independent and sovereign Republic of the United States of Indonesia is a democratic state of federal structure, governed by justice.

2. The sovereign authority of the Republic of the United States of Indonesia is exercised by the Government together with the House of Representatives and the Senate.

SECTION II  
THE TERRITORY OF THE STATE

Article 2

1. The Republic of the United States of Indonesia comprises the whole territory of Indonesia, i.e., the territories of:

- a. the Negara Republik Indonesia, being the territory in accordance with the status quo as defined in the Renville-agreement of 17 January 1948;  
the Negara Indonesia Timur;  
the Negara Pasundan, including the Federal District Djakarta;  
the Negara Djawa Timur;  
the Negara Madura;  
the Negara Sumatera Timur on the understanding that the status quo of South-Asahan and Labuhan-Batu in respect to the Negara Sumatera Timur is maintained;  
the Negara Sumatera Selatan;
- b. the autonomous constitutional units;  
Djawah Tengah;  
Bangka;  
Belitung;  
Riau;  
Kalimantan Barat (Daerah Istimewa);  
Dajak Besar;  
Daerah Bandjar;  
Kalimantan Tenggara;  
Kalimantan Timur;
- a and b. which participant territories unite in the federal relationship of the Republic of the United States of Indonesia in free self-determination and on the basis of the provisions of this Constitution and also:
- c. the other territories of Indonesia not being participant territories.

SECTION III  
THE SYMBOLS AND THE LANGUAGE OF THE STATE

Article 3

1. The national flag of the Republic of the United States of Indonesia is the red and white flag.
2. The national anthem is the "Indonesia Raja".
3. The Government defines the seal and coat of arms of the State.

Article 4

The official language of the State is the Bahasa Indonesia.

SECTION IV  
CITIZENSHIP AND RESIDENTS OF THE STATE

Article 5

1. The federal law defines the citizenship of the Republic of the United States of Indonesia.
2. Naturalization is effectuated by or in virtue of federal law. The federal law stipulates the consequences of naturalization as regards the wife and the children of minor age of the person naturalized.

Article 6

Residents of the State are those persons who reside in Indonesia in accordance with rules to be made by federal law.

SECTION V  
FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

Article 7

1. Everyone is recognized as a person before the Law.
2. All are entitled to equal treatment and equal protection of the Law.
3. All are entitled to equal protection against any discrimination and against any incitement to such discrimination.
4. Everyone has the right to an effective remedy by the competent tribunals for acts violating the fundamental rights granted him by the Law.

Article 8

All persons being in the territory of the State are entitled to equal protection of person and property.

Article 9

1. Everyone has the right of freedom of movement and residence within the borders of the State.
2. Everyone has the right to leave the country and - being citizen or resident - to return thereto.

Article 10

No one shall be held in slavery, servitude or bondage. Slavery, the slave trade and bondage or actions giving rise to these are prohibited in any form.

Article 11

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 12

No one shall be arrested or detained unless by order of the authority declared competent by law and in the cases and the manner described therein.

Article 13

1. Everyone is entitled in full equality to a fair and public hearing by an impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

2. No person shall against his will be denied the judge assigned to him as a consequence of the law.

Article 14

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he enjoys all the guarantees prescribed necessary for his defence.

2. No one shall be prosecuted or sentenced to penalty unless by virtue of a law applicable to him at the time the penal offence was committed.

3. In the event of an alteration of the law referred to in the preceding paragraph, the provision most favourable to the accused shall be applied.

Article 15

1. No transgression or crime shall be made punishable by total forfeiture of the property of the offender.

2. No penalty may cause the civic death or the loss of all civic rights.

Article 16

1. Everyone's home is inviolable.

2. To enter a compound or a dwelling against the occupant's will shall only be permitted in those cases provided for in a law applicable to him.

Article 17

The freedom and secrecy of correspondence are inviolable, except by order of a judge or other authority declared competent by law, for those cases defined by that law.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom either alone or in community with others and in public or private to manifest his religion or belief in teaching, practice, worship, observance of the commandments and prescriptions and in educating children in the faith or belief of their parents.

Article 19

Everyone has the right to freedom of opinion and of expression.

Article 20

The right of the residents to freedom of peaceful assembly and association is recognized and as far as necessary guaranteed by law.

Article 21

1. Everyone has the right to lodge complaints with the public authority, either orally or in writing.
2. Everyone has the right to present petitions to the competent authority.

Article 22

1. Every citizen has the right to take part in the government, directly or by means of representatives freely elected in accordance with a procedure established by law.
2. Every citizen shall be eligible for appointment to any public office.

Aliens may be appointed to public office in accordance with rules to be made by federal law.

Article 23

Every citizen has the right and the duty to take an active share in the national defence.

Article 24

1. The authorities shall not attach any advantages or disadvantages to the fact that citizens belong to a particular group of the population.
2. The different social wants and wants in respect of law (rechts-behoeften) of the population shall be taken into account.

Article 25

1. Everyone has the right to own property individually as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

#### Article 26

1. Expropriation of any property or right for the general benefit cannot take place except with indemnification and in accordance with regulations as established by law.

2. If any property has to be destroyed by the public authority or has to be rendered useless either permanently or temporarily for the general benefit, such actions can only be taken with indemnification in accordance with regulations as established by law, unless this law stipulates to the contrary.

#### Article 27

1. Every citizen according to his ability has the right to available work. Everyone has the right to free choice of occupation and to just conditions of work.

2. Everyone has under equal conditions the right to equal pay for equal work and to equally favourable conditions of work.

3. Everyone who works has the right to a just remuneration, ensuring for himself and his family an existence worthy of human dignity.

#### Article 28

Everyone has the right to form and to join trade-unions for the protection of his interests.

#### Article 29

1. Teaching is free, except for the supervision to be exercised by the public authority in accordance with the law.

2. The choice of education is free.

#### Article 30

The freedom is recognized to perform social and charitable work, to found organizations for this purpose, as well as for private education and to acquire and own property to these ends.

#### Article 31

Everyone in the territory of the State owes obedience to the Law - common law included - and to the lawful and lawfully acting public authorities.

#### Article 32

1. The regulations as established by law on the exercise of the rights and freedoms described in this section, shall if necessary impose limitations exclusively for the purpose of securing the indispensable recognition and respect for the rights and freedoms of others and to comply with the just requirements of public order, morality and the general welfare in a democratic community.

2. If necessary the federal law gives directives in this respect for the legislation of the participant territories.

/Article 33

### Article 33

No provision in this section may be interpreted as implying for any public authority, group or person any right to engage in any activity or to perform any act aiming at the destruction of any of the rights and freedoms set forth herein.

## SECTION VI FUNDAMENTAL PRINCIPLES

### Article 34

The will of the people is the basis of public authority; this will is expressed in periodic and genuine elections which are held by universal and equal suffrage and by secret vote or by equivalent free voting procedure.

### Article 35

The authorities promote social security to the extent of their abilities and in particular promote a securing and guaranteeing of favourable labour-conditions and -situations, checking of unemployment and establishing reasonable old-age provisions and care for widows and orphans.

### Article 36

1. The raising of the people's prosperity is an object of continuous concern of the authorities, the aim of which at all times shall be that everyone be ensured a standard of living for himself and his family in accordance with human dignity.

2. Except for restrictions to be imposed for the general benefit by law, equal and the greatest possible opportunity will be given to all, in accordance with their nature, aptitude and ability to take part in the development of the sources of prosperity of the country.

### Article 37

The family is entitled to protection by society and the State.

### Article 38

The authorities protect cultural, artistic and scientific freedom.

Upholding this principle, the authorities promote the national development of culture and of the arts and sciences wherever they are able to do so.

### Article 39

1. The authorities shall promote as much as possible the spiritual and physical development of the people and shall aim thereby in particular at a speedy abolition of illiteracy.

2. The authorities provide for the need of public education, which is given with the basic purpose of deepening the national consciousness, strengthening the unity of Indonesia, stimulating and deepening the sense  
/of humanity,



of humanity, of tolerance and equal respect for everyone's religious conviction and with opportunity within school-hours for religious teaching to be given in accordance with the wishes of the parents.

3. The pupils of the private schools which comply with the standards of efficiency imposed by the law on public education, have the same rights as accorded to pupils of public schools.

4. As regards elementary education, the authorities aim at a speedy introduction of general compulsory education.

Article 40

The promotion of public hygiene and public health is an object of continuous concern of the authorities.

Article 41

1. The authorities give equal protection to all recognized religious communities and organizations.

2. The authorities see to it that these communities and organizations obey the Law - common law included.

CHAPTER II  
THE REPUBLIC OF THE UNITED STATES OF INDONESIA AND THE  
PARTICIPANT TERRITORIES

SECTION I  
THE PARTICIPANT TERRITORIES  
Part I. General provisions

Article 42

Pending the completion of the structure of the Republic of the United States of Indonesia as a federation of participant states with equal status and equal rights, the participant territories referred to in article 2 have mutual and equal rights.

Article 43

The fundamental principle for the completion of the federal structure of the Republic of the United States of Indonesia shall be that the through democratic means in freedom expressed desires of the population of the territories concerned shall be conclusive for the ultimate status of these territories in the Federation.

Article 44

Alteration of the territory of any participant territory and the acceding to or association with an existing participant territory by any other territory - whether or not being a participant territory - can only be effectuated in accordance with regulations to be established by federal law, in compliance with the principle set forth in article 43. The above mentioned accession or association of territories requires the approval of the participant territory concerned.

Article 45

The organization and government of the participant territories shall be democratic and in accordance with the principles set forth in this constitution.

Part 2. The negaras

Article 46

1. Newly formed negaras require recognition by federal law.
2. The federal law shall refuse the status of negara to such territories which are considered not being able to exercise and fulfil the rights, competencies and obligations of a negara.

Article 47

The constitution of the negaras shall guarantee the right to an own existence of the various communities of the population within their territories and create the possibility to realize his existence constitutionally through regulations on the democratic organization of these communities into autonomous daerahs.

#### Article 48

1. The constitutions of the *negaras* contain no provisions which are partly or entirely in contravention of this Constitution.

2. The constitutions referred to, or alteration thereof, shall not become effective until after consideration by the federal Government; they shall be presented for this purpose as soon as possible after completion by the *negara* government to the federal Government.

3. If in the opinion of the federal Government a contravention occurs as referred to in paragraph 1, within two months after receipt of the documents, the Government shall draw the attention of the *negara* government to this contravention and invite the latter to take steps for redress.

4. In the event that the *negara* government fails to comply partly or entirely with the directions referred to in the preceding paragraph or, in case the *negara* government is of the opinion that the directives were unjustly given, the federal Government, as well as the *negara* government can solicit a judgement from the Supreme Court of Indonesia, which judgement is binding.

5. If the federal Government informs the *negara* government within the period referred to in paragraph 3 of its agreement with the constitution or alteration thereof submitted for consideration, or if within that period the federal Government does not express any opinion the constitution is considered recognized by the federal Government as the lawful constitution of the *negara*, or the alteration is considered being part of the lawful constitution of the *negara*; this constitution shall then as such be guaranteed by the federal Government, without prejudice to the provisions in section III of chapter IV.

Part 3. The autonomous constitutional units, not being *negaras*

#### Article 49

The position in the federation of the autonomous constitutional units not having the status of *negara* shall be enacted by federal law.

Part 4. Those territories not being participant territories  
and the federal district Djakarta

#### Article 50

1. The government over regions outside the territory of any participant territory and also over the federal district Djakarta is exercised by the organs of the Republic of the United States of Indonesia in accordance with regulations to be established by federal law.

2. With the approval of their government suitable participant territories may be included in the government referred to in the foregoing paragraph.

SECTION II  
THE DIVISION OF GOVERNING POWERS BETWEEN THE REPUBLIC  
OF THE UNITED STATES OF INDONESIA AND  
THE PARTICIPANT TERRITORIES

Part 1. Division of governing powers

Article 51

1. The governing powers concerning the subjects enumerated in the appendix to this Constitution are exclusively entrusted to the United States of Indonesia.

2. The enumeration referred to in the preceding paragraph is altered, either at the collective request of the participant territories, or on the initiative of the federal Government after agreement with the joint participant territories, in accordance with a procedure to be defined by federal law.

3. The federal legislation may further enact all provisions for adequate implementation of the governing powers entrusted to the federation.

4. All governing powers not included in the enumeration referred to in the preceding paragraphs are the exclusive competency of the participant territories.

Article 52

1. The participant territories are entitled to a greatest possible share in the exercise of federal governing powers by their own organs.

For this purpose the Republic of the United States of Indonesia shall solicit the cooperation of the participant territories as much as possible.

2. In case the Republic of the United States of Indonesia requires the assistance of the participant territories for the execution of federal regulations, the participant territories are obliged to render this assistance.

3. The participant territories exercise joint government referred to in this article, in concurrence with the high authority of the federal organs concerned

Article 53

Participant territories may cooperate in the exercise of their task of government in accordance with general regulations to be established by federal law, which regulations shall also define possible action in this respect of the Republic of the United States of Indonesia.

Article 54

1. Partial or entire exercise of the task of government of a participant territory either by the Republic of the United States of Indonesia or by cooperation between the organs of the Republic of the United States of Indonesia and those of the participant territories concerned, is only possible at the request of the participant territory concerned.

/This assistance

This assistance by the Republic of the United States of Indonesia is restricted as much as possible to such task of government which exceeds the capacities of the participant territory.

2. The Republic of the United States of Indonesia is only competent to take in hand and exercise a task of government of a participant territory without a request having been made to this effect, in such cases of gross neglect of the task by the participant territory to be defined by the federal Government in agreement with the Senate and the House of Representatives, in accordance with regulations to be established by federal law.

## Part 2. The financial relations

### Article 55

1. Federal law stipulates which sources of revenue are the sources of revenue of the federation and as such are for the benefit of the exchequer of the Republic of the United States of Indonesia; all other sources of revenue, as far as not lawfully accruing to minor communities, are the sources of revenue of the participant territories and as such are exclusively for the benefit of their exchequers.

2. Such equilibrium is aimed to achieve in the distribution of the sources of revenue referred to in the preceding paragraph, in order that the Republic of the United States of Indonesia as well as the participant territories are able to cover the expenses connected with the exercise of their governing powers from their own revenues.

3. Without prejudice to the principle referred to in the preceding paragraph, the distribution of the sources of revenue shall concur as much as possible with the division of governing powers referred to in part 1 of this section.

4. Provisions can be established by federal law, to levy surcharges on taxes of the participant territories on behalf of the federation.

### Article 56

1. Deficits in the ordinary expenditure of the budget of the participant territories shall be covered by contributions from the exchequer of the Republic of the United States of Indonesia in accordance with regulations to be established by federal law.

2. Deficits on the extraordinary expenditure can be covered by such contributions.

### Article 57

1. Foreign loans are contracted exclusively by the Republic of the United States of Indonesia.

2. The Republic of the United States of Indonesia can contract loans abroad for the benefit of participant territories at the request of these participant territories.

3. For contracting loans within the jurisdiction of the Republic of the United States of Indonesia, the participant territories require previous approval of the Republic of the United States of Indonesia.

#### Article 58

1. Budgets of participant territories, of which the deficits are to be covered by the federal exchequer or by means of loans require the approval of the federal Government.

2. In cases to be indicated by federal law and in accordance with regulations to be established by that law, the approval referred to in the preceding paragraph can be made dependent on changes in the budgets as considered necessary by the federal Government in agreement with the Senate.

#### Article 59

1. The Republic of the United States of Indonesia is not concerned with budgets of participant territories other than those referred to in article 58.

2. Nevertheless, in case of obvious financial mismanagement, the federal Government in agreement with the Senate can require from the participant territory concerned that certain changes be made in its budget.

3. The federal law defines the actual meaning of financial mismanagement, establishes regulations for the exercise of the competency referred to in the preceding paragraph and regulates the consequences with respect to possible suspension of the effectuation of the concerning parts of the budgets.

#### Article 60

1. The provisions in the articles 56-59 inclusive, shall under no condition be applied to such extent, that factual alteration is made in the divisions of governing powers and in the financial relations between the Republic of the United States of Indonesia and the participant territories such as described in this section.

2. In particular neither contributions to be made by the Republic of the United States of Indonesia to the participant territories nor the approval of loans nor the approval of budgets shall be subject to conditions which might lead to factual alterations as referred to in the preceding paragraph.

#### Article 61

The federal law when further defining the financial relations between the Republic of the United States of Indonesia and the participant territories shall, whenever possible, provide for further guarantees to ensure that the Republic of the United States of Indonesia and the participant territories fully respect each other's rights and competences.

## Part 3. Rights and liabilities

## Article 62

The properties, claims and other rights taken over from Indonesia at the transfer of sovereignty accrue respectively to the Republic of the United States of Indonesia and to the participant territories in proportion to the division of the governing powers connected therewith between the Republic of the United States of Indonesia or with the participant territories.

## Article 63

The liabilities taken over from Indonesia at the transfer of sovereignty are liabilities of the Republic of the United States of Indonesia.

## SECTION III

## THE SELF-GOVERNING TERRITORIES

## Article 64

The existing self-governing territories are recognized.

## Article 65

Regulating the position of self-governing territories is the task and competency of the participant territories concerned with the proviso that the regulations shall be established by contract, between the participant territory and the Self-governments concerned, and that thereby the special status of the Self-governments shall be taken into account and that none of the existing self governing territories can be abolished or reduced unless for the general benefit and after authorisation to this effect is given to the Government of the participant territory concerned by a federal law declaring that the general interest requires this abolition or reduction.

## Article 66

Pending the establishing of the regulations referred to in the preceding article, the existing regulations remain in force, with the proviso that the officials of the previous Indonesia referred to therein are replaced by the corresponding officials of the participant territory concerned.

## Article 67

Disputes between the participant territories and the Self-governments concerned, as regards the regulations referred to in article 65 and the implementation thereof shall be decided by the Supreme Court of Indonesia either in first and final instance, or in appeal.

CHAPTER III  
THE ORGANS OF THE REPUBLIC OF THE UNITED STATES  
OF INDONESIA

General provision

The federal organs of the Republic of the United States of Indonesia are:

- a. the President;
- b. the Ministers;
- c. the Senate;
- d. the House of Representatives;
- e. the Supreme Court of Indonesia;
- f. the General Audit-Department.

SECTION I  
THE GOVERNMENT

Article 68

1. The President and the Ministers constitute the Government.
2. Any reference made to the Government in this constitution is understood to mean the President with one, several or all the ministers according to their respective special or general responsibilities.
3. The seat of the Government is established at the capital Djakarta, unless in cases of emergency the Government designates another place.

Article 69

1. The President is the Head of the State.
2. The President is elected by the deputies of the governments of the participant territories referred to in article 2. In electing the President the delegates aim at unanimity.
3. The President must be an Indonesian who has attained the age of 30 years and has not been debarred from suffrage or from the exercise thereof, nor has been deprived of the right to be elected.

Article 70

The President resides in the place where the seat of the Government is established.

Article 71

Before assuming office, the President takes the following oath (makes the following declaration and promise) in accordance with his religious belief, in the presence of the delegates of the participant territories referred to in article 69, convened to this end in a public assembly:

"I swear (declare) I have neither directly nor indirectly under whatever name or pretence given or promised, nor shall give anything to anyone whoever he may be in order to be elected President of the Republic of the United States of Indonesia.

/ "I swear



"I swear (promise) I shall neither directly nor indirectly accept from anybody whoever he may be any promise or gift, in order to act or to abstain from acting in the execution of this office.

"I swear (promise) I shall promote the welfare of the Republic of the United States of Indonesia according to my ability and protect and maintain the general and special freedoms and rights of all inhabitants of the State.

"I swear (promise) loyalty to the Constitution and shall always keep and promote keeping all laws and regulations for the Republic of the United States of Indonesia, that I shall faithfully serve the Country and the People and the State and loyally fulfil all duties, which the office of President of the Republic of the United States of Indonesia imposes on me, as becomes a good head of the state."

#### Article 72

1. In case circumstances necessitate such a provision, the President delegates the current exercise of his offices to the Prime-Minister.
2. In case the President is permanently prevented from exercising his duties, has died or has resigned, the federal law provides for the election of a new President.

#### Article 73

Any person who has attained the age of 25 years and who has not been debarred from suffrage or the exercise thereof and has not been deprived of the right to be elected, is qualified for appointment as Minister.

#### Article 74

1. The President appoints a committee of three for the purpose of forming a cabinet, in agreement with the delegates of the participant territories referred to in article 69.
2. In accordance with the recommendation of the committee of three, the President appoints the Prime-Minister and the other Ministers, the Prime-Minister being one of the committee of three.
3. The President appoints the Ministers to the respective departments, in accordance with the recommendation of the committee of three. Ministers without portfolio can also be appointed.
4. The Presidential decrees containing the appointments referred to in the paragraphs 2 and 3 of this article, are countersigned by the members of the committee of three.
5. Interim-appointment or discharge of Ministers is effectuated by decree of the Government.

#### Article 75

1. The Ministers in charge of the departments of Defence, Foreign Affairs, Home Affairs, Finance and Economic Affairs, as well as the Prime-Minister if not in charge of one of the departments referred to have the special position as described hereunder.

2. The Ministers who formed the Cabinet shall each as a rule be in charge of one of the departments referred to in the preceding paragraph.

3. The Ministers with a special position are jointly authorized to take decisions in urgent and in emergency cases, which decisions shall with equal validity substitute the decisions of the Cabinet in pleno.

In taking their decisions they aim at unanimity.

4. The Minister, Head of a department not referred to in paragraph 1, takes part in the discussions and decisions on any subject directly concerning the task of his department.

#### Article 76

1. The Ministers meet in the Council of Ministers, under the chairmanship of the Prime-Minister, or in case the Prime-Minister be prevented, of one of the Ministers with a special position to deal with and discuss the general interests of the Republic of the United States of Indonesia.

2. The Council of Ministers informs continuously the President of all important matters.

The individual Ministers have the same duty in respect of matters pertaining in particular to their offices.

#### Article 77

Before assuming their offices, the Ministers take the following oath (make the following declaration and promise) before the President, in accordance with their religious belief:

"I swear (declare) I have neither directly nor indirectly under whatever name or pretence given or promised, nor shall give anything to anyone whoever he may be in order to be appointed Minister.

"I swear (promise) I shall neither directly nor indirectly accept from anybody whoever he may be any promise or gift, in order to act or to abstain from acting in the execution of this office.

"I swear (promise) loyalty to the Constitution, that I shall observe all laws prevailing for the Republic of the United States of Indonesia, that I shall faithfully serve the Country and the People and the State and loyally fulfil all duties the office of Minister imposes on me."

#### Article 78

The salaries of the President and of the Ministers and also the allowances for travelling- and hotelexpenses and possible other compensations,

/shall be

shall be stipulated by federal law.

#### Article 79

1. The office of President and Minister are incompatible with the exercise of any other public office in or outside the Republic of the United States of Indonesia.

2. The President and the Ministers shall neither directly nor indirectly take part in, or stand surety for any enterprise based upon an agreement for profit, concluded with the Republic of the United States of Indonesia or any part of Indonesia.

3. They shall not hold any claims on the Republic of the United States of Indonesia except public debentures.

4. The provisions of paragraphs 2 and 3 of this article remain applicable to the President and the Ministers until three years after their resignation.

### SECTION II

#### THE SENATE

#### Article 80

1. The Senate represents the participant territories.
2. Each participant territory has two members in the Senate.
3. Each member of the Senate has one vote.

#### Article 81

1. The members of the Senate are appointed by the governments c.q. authorities of the participant territories, from lists of three candidates for each seat to be occupied, presented by the House of Representatives.

2. If two seats are to be occupied, the government c.q. authority concerned, has the liberty to implement the two lists presented by the House of Representatives for this double choice as if only one complete list had been presented.

3. For the remainder, the participant territories decide the regulations required for the appointment of their members to the Senate.

#### Article 82

Citizens who have attained the age of 30 years and have not been debarred from suffrage or the exercise thereof and have not been deprived of the rights to be elected, can be members of the Senate.

#### Article 83

Before assuming their offices, the members of the Senate take the following oath (make the following declaration and promise) before the President or the Chairman of the Senate, thus authorized by the President, in accordance with their religious belief:

/"I swear

"I swear (promise) I have neither directly nor indirectly under whatever name or pretence given or promised, or shall not give anything to anyone whoever he may be, in order to be appointed a member of the Senate.

"I swear (promise) I shall neither directly nor indirectly accept from anybody whoever he may be any promise or gift, in order to act or to abstain from acting in the execution of this office.

"I swear (promise) that I shall always assist keeping the Constitution and other regulations prevailing for the State, that I shall promote the welfare of the Republic of the United States of Indonesia to the best of my ability and loyally serve the Country and the People and the State."

Article 84

The members of the Senate can resign at all times.

They notify the Chairman to this effect in writing.

Article 85

1. The President appoints the Chairman of the Senate from a recommendation of at least two persons, either members or strangers to be presented by the Senate.

2. The Chairman of the Senate has to comply with the conditions referred to in article 82.

3. The Chairman of the Senate is not a member, he has an advisory vote. He convokes the Senate.

4. If one of the members is appointed Chairman of the Senate, the government c.q. authority of the participant territory concerned appoints another as a member in his place.

5. The Senate appoints from its midst a deputy-Chairman of the Senate who retains his membership and vote.

6. In case of inavailability or absence of the Chairman and deputy-Chairman of the Senate, the eldest member in years temporarily presides over the meeting retaining membership and vote.

Article 86

Before assuming his office, the Chairman of the Senate takes the following oath (makes the following declaration and promise) before the President, in accordance with his religious belief:

"I swear (promise) I have neither directly nor indirectly under whatever name or pretence given or promised, or shall not give anything to anyone whoever he may be, in order to be appointed Chairman of the Senate.

"I swear (promise) I shall neither directly nor indirectly accept from anybody whoever he may be any promise or gift, in order to act or abstain from acting in the execution of this office.

/"I swear

"I swear (promise) that I shall always assist keeping the Constitution and other Laws prevailing for the State, that I shall promote the welfare of the Republic of the United States of Indonesia to the best of my ability and loyally serve the Country and the People and the State."

Article 87

The Senate convenes at Djakarta unless the Government in emergency cases temporarily designates another place.

Article 88

1. The meetings concerning subjects as referred to in articles 127 sub a and 168 are public, unless the Chairman of the Senate considers a private meeting necessary, or if at least five members demand such a meeting.

2. After declaring the meeting private, the meeting decides whether the debate will indeed be held behind closed doors.

3. On points debated in a meeting behind closed doors, decisions can also be taken behind closed doors.

Article 89

The Chairman and the members of the Senate cannot be prosecuted for anything they have said at a meeting or have submitted to the meeting in writing, unless they divulge anything said or submitted in writing under secrecy at a meeting behind closed doors.

Article 90

1. The members of the Senate vote as free men, in honour and conscience bound, without instructions from, or being bound to consultation with those who appointed them as members of the Senate.

2. They refrain from voting on matters which concern them personally.

Article 91

Membership in the Senate is incompatible with the membership in the House of Representatives, and also with holding the federal offices of President, Minister, Attorney-General; President, Vice-President, or Member of the Supreme Court; Chairman, Vice-Chairman, or Member of the Audit-Department; President of the Circulationbank and with holding the offices of Head of State, Minister or Head of a department of the participant territories.

Article 92

The salary of the Chairman of the Senate, the allowances to be granted to the members and possibly to the Chairman of the Senate and also the travelling- and hotelexpenses due to them, are regulated by federal law.

Article 93

1. All those who have attended a meeting of the Senate behind closed doors are bound to secrecy unless this body decides otherwise or lifts the obligations of secrecy.

/2. The same

2. The same applies to members, Ministers and officials who have in any way cognizance of the matters discussed.

Article 94

1. The Senate can neither hold a debate nor take a decision unless more than half of the members are present.

2. Unless this Constitution provides otherwise, all decisions are taken by majority of the members voting.

3. In the event of the votes being equally divided, the proposal is considered to be rejected if the meeting is fully attended:

or otherwise taking a decision shall be postponed until a subsequent meeting.

If the votes are again equally divided, the proposal is considered to be rejected.

4. Voting on persons is secret and in writing. If the votes are equally divided the matter is decided by ballot.

Article 95

The Senate draws up the rules of procedure as soon as possible.

Article 96

The Senate can invite the Ministers to take part in the debates and to give information therein.

Article 97

At the instant referred to in article 112 the Senate in session is dissolved and substituted by a newly appointed Senate.

SECTION III

HOUSE OF REPRESENTATIVES

Article 98

The House of Representatives representing the Indonesian People, consists of 150 members, without prejudice to the provision of the 2nd paragraph of article 100.

Article 99

The number of the members from the Negara Republik Indonesia shall be equal to half the total number of members from the other territories of Indonesia.

Article 100

1. The Chinese, European and Arabian minority groups shall be represented in the House of Representatives by respectively at least 9, 6 and 3 members.

2. If these numbers are not attained by delegating these members on the basis of articles 109, 110 c.q. 111, the Government of the Republic of the United States of Indonesia shall appoint additional representatives

of these minorities. The number of the members of the House of Representatives referred to in article 90 shall then, if necessary, be increased by the number of these appointments.

Article 101

Indonesian citizens who have attained the age of 25 years and have not been debarred from suffrage or the exercise thereof and have not been deprived of the right to be elected, can be members of the House of Representatives.

Article 102

Membership of the House of Representatives is incompatible with the membership of the Senate and further with such offices as referred to in article 91.

Article 103

1. The House of Representatives elects from its midst a Chairman and one or more deputy-Chairmen. These elections require confirmation by the President.

2. Until the election of the Chairman and of the deputy-Chairmen has been confirmed by the President, the eldest member in years temporarily presides over the meeting.

Article 104

Before assuming their office, the members of the House of Representatives take the following oath (make the following declaration and promise) before the President or the Chairman of the House of Representatives, authorized to this end by the President, in accordance with their religious belief:

"I swear (promise) I have neither directly nor indirectly under whatever name or pretence given or promised, or shall not give anything to anyone whoever he may be, in order to be elected a member of the House of Representatives.

"I swear (promise) I shall neither directly nor indirectly accept from anybody whoever he may be, any promise or gift in order to act or to abstain from acting in the execution of this office.

"I swear (promise) I shall always assist keeping the Constitution and other laws prevailing for the State, that I shall promote the welfare of the Republic of the United States of Indonesia to the best of my ability and loyally serve the Country and the People and the State."

Article 105

The Ministers have a seat with an advisory vote in the House of Representatives.

The Chairman calls upon the Ministers to speak whenever they so desire.

#### Article 106

1. The House of Representatives convenes whenever the Government so desires or whenever the Chairman or at least fifteen members consider meeting necessary.
2. The Chairman convokes the House of Representatives.

#### Article 107

The meetings of the House of Representatives are public, unless the Chairman considers a private meeting necessary, or at least ten members so demand.

#### Article 108

The provisions made for the Senate in the articles 84, 87, 88 second and third paragraph, 89, 90, 92, 93, 94 and 95 are correspondingly applicable to the House of Representatives.

#### Article 109

1. For the first House of Representatives the delegating of members from the other territories referred to in article 99 is determined and provided for in mutual consultation by the participant territories referred to in article 2 without the Negara Republik Indonesia, in accordance with democratic principles and, as much as possible in consultation with the territories referred to sub c of article 2, not being participant territories.
2. The division of the numbers of the members to be delegated from these territories is based on the ratio of their populations.

#### Article 110

1. The participant territories will decide on the manner in which members are to be delegated to the first House of Representatives.
2. Where such delegations cannot be effectuated through widest possible universal suffrage, the appointment of such members can be arranged by the representations of the people of the territories concerned, if and where such representations exist.

If and when circumstances require other methods the aim shall be to arrive at a most equitable representation of the will of the people.

#### Article 111

1. Within a year after the Constitution becomes valid, the Government shall arrange to hold free and secret elections all over Indonesia for the composition of a generally elected House of Representatives.
2. The federal law establishes regulations for the election of the new House of Representatives referred to in paragraph 1 and defines the division of the number of members to be delegated from the other territories referred to in article 99.



#### Article 112

At a time to be defined by the Government and as soon as possible after the elections referred to in article 111, the first House of Representatives is dissolved and replaced by the elected House of Representatives.

### SECTION IV THE SUPREME COURT

#### Article 113

There is a Supreme Court of Indonesia, the composition and competency of which is established by federal law.

#### Article 114

1. For the first time and until the federal law has stipulated otherwise, the President, Vice-President, and members of the Supreme Court are appointed by the President, after hearing the Senate.

These appointments are made for life, without prejudice to the provisions contained in the following paragraphs.

2. The federal law can stipulate that the President, Vice-President and members of the Supreme Court be discharged upon attaining a certain age.

3. They can be deposed or discharged in the manner and in such cases as indicated by federal law.

4. They can be discharged by the President at their own request.

### SECTION V THE GENERAL AUDIT DEPARTMENT

#### Article 115

There is a General Audit Department, the composition and authority of which are established by federal law.

#### Article 116

1. For the first time and until the federal law has stipulated otherwise, the Chairman, Vice-Chairman and members of the General Audit Department are appointed by the President, after hearing the Senate.

This appointment is for life without prejudice to the provisions in the following paragraphs.

2. The federal law can stipulate that the Chairman, Vice-Chairman and members be discharged upon attaining a certain age.

They can be deposed or discharged in the manner and in such cases as indicated by federal law.

3. They can be discharged by the President at their own request.

CHAPTER IV  
THE GOVERNMENT  
SECTION I  
GENERAL PROVISIONS

Article 117

1. The federal government of Indonesia is exercised by the Government of the Republic of the United States of Indonesia unless entrusted to other organs.

2. The Government promotes the welfare of Indonesia and safeguards specially the execution of the Constitution, the federal laws and other regulations prevailing for the Republic of the United States of Indonesia.

Article 118

1. The President is inviolable.

2. The Ministers shall be jointly responsible for the entire policy of the Government and each Minister individually for his share in the Government.

Article 119

Without prejudice to the provision of article 74, paragraph four, all decrees of the President shall be countersigned by the Minister(s) concerned.

Article 120

1. The House of Representatives has the right of interpellation and questioning; the members have the right of questioning.

2. The Ministers shall supply all the information requested to the House of Representatives either orally or in writing, in accordance with the preceding paragraph, subject to this information not being considered in contravention of the general interest of the Republic of the United States of Indonesia.

Article 121

The House of Representatives has the right of inquest, in accordance with regulations to be established by federal law.

Article 122

The House of Representatives appointed on the basis of articles 109 and 110 can neither compel the Cabinet nor the individual Ministers to resign.

Article 123

1. The Government hears the Senate on all such matters considered necessary by the Government.

2. The Senate may on its own initiative advise the Government on all such matters considered necessary by the Senate.

3. The Senate shall be heard on important matters which concern particularly one, several or all participant territories or their component territories, or the relation between the Republic of the United States of Indonesia and the territories referred to in article 2.

/Exceptions can be

Exceptions can be made in this provision in case urgent circumstances demand immediate action, the Senate not being in session.

4. The Senate shall be heard on all drafts of emergency-laws, as referred to in article 139, without prejudice to the provisions in the second sentence of the preceding paragraph.

5. The Government notifies the Senate of all decisions on matters on which the Government has heard the Senate.

6. In case the Senate has been heard, mention thereof is made in the heading of the decrees.

#### Article 124

1. The Senate may request the Government for information either orally or in writing.

2. The Government supplies the requested information unless in the opinion of the Government such information is in contravention of the general interest of the Republic of the United States of Indonesia.

#### Article 125

The officials of the Republic of the United States of Indonesia are appointed and discharged in accordance with provisions to be enacted by federal law.

#### Article 126

The President awards decorations established by federal law.

### SECTION II

#### THE LEGISLATION

#### Article 127

The federal legislative power is exercised in accordance with the provisions of this section by:

- a. the Government, together with the House of Representatives and the Senate on regulations concerning matters referring particularly to one, several or all participant territories or parts thereof, or concerning the relation between the Republic of the United States of Indonesia and the territories referred to in article 2;
- b. the Government, with the House of Representatives for the entire remaining field of legislation.

#### Article 128

1. The bills of the Government shall be presented to the House of Representatives by Presidential message and at the same time be brought to the notice of the Senate.

2. The Senate has the right to submit bills to the House of Representatives concerning matters as referred to in article 127 sub a.

/Whenever the Senate

Whenever the Senate avails itself of this right, the President shall be informed under presentation of a copy of the bill.

3. The House of Representatives has the right to submit bills to the Government.

#### Article 129

The House of Representatives has the right to amend the bills submitted to it by the Government or the Senate, without prejudice to the provision of article 132.

#### Article 130

1. All bills which have been passed by the House of Representatives and if referring to matters described under sub a of article 127 have been dealt with by the Senate in accordance with the articles 131 and following, become valid through ratification by the Government.

2. The federal laws are inviolable.

#### Article 131

If the Government or the House of Representatives or the Senate is of the opinion that a bill concerns the regulation of matters coming under the provisions of article 127 sub a, this bill shall be considered by the Senate in virtue of its co-legislative competency.

#### Article 132

1. If the Senate rejects a bill previously passed by the House of Representatives, this bill may nevertheless be ratified by the Government if the House of Representatives passes this bill without further amendment with at least a two-thirds majority of the votes of the members present.

2. The House of Representatives can only take a decision as referred to in the first paragraph in a meeting attended by at least two-thirds of the members in session.

#### Article 133

1. If the House of Representatives has passed a bill submitted by the Government, either amended or not by the former, the House of Representatives gives due notification thereof and submits the bill to:

a. the Senate, in case the bill concerns the regulation of a matter as described in article 127 sub a. notification being simultaneously given to the President;

b. the President, in case the bill concerns regulation of other matters.

2. If the House of Representatives has passed a bill submitted by the Senate, the bill shall be submitted by the House of Representatives to:

a. the Senate, for further consideration if the House of Representatives has amended the bill;

b. the Government, for ratification if the bill has not been amended.

The House of Representatives notifies the President, in the case sub a and the Senate in the case sub b.

#### Article 134

If the House of Representatives has rejected a bill submitted by the Government, the House of Representatives notifies the President and if the bill concerns a matter referred to in article 127, sub a, also the Senate.

#### Article 135

1. The House of Representatives having decided to present a bill on the regulation of a matter referred to in article 127 sub a, submits this bill to the Senate for consideration simultaneously notifying the President.

2. The House of Representatives submits all its other bills to the President for ratification by the Government and simultaneously to the Senate for perusal.

#### Article 136

1. If the Senate passes a bill passed by the House of Representatives, the Senate submits this bill to the President for ratification by the Government, simultaneously notifying the House of Representatives of the decision.

2. If the Senate rejects a bill previously passed by the House of Representatives, the Senate submits the bill with notification of the rejection to the President, simultaneously notifying the House of Representatives.

3. The Government may present the bill rejected by the Senate once again to the House of Representatives for reconsideration in accordance with article 132. If the Government so decides, the provision of the first paragraph of article 128 shall be applied accordingly.

#### Article 137

1. If the House of Representatives has passed a bill after reconsideration in accordance with article 132, the House of Representatives submits the bill to the President for ratification by the Government, simultaneously notifying the Senate of the decision.

2. If the House of Representatives rejects the bill after reconsideration, the House of Representatives notifies the President and the Senate.

#### Article 138

1. If in accordance with the preceding provisions of this section the House of Representatives has not yet passed a bill and if this bill concerns a matter as described in article 127 sub a, and has not yet been dealt with by the Senate, the bill can be withdrawn by the organ which originally made the proposal.

/2. The Government

2. The Government is bound to ratify a passed bill, unless the Government gives notice as having preponderant objections against this bill within one month after the bill has been submitted for ratification.

3. If the Government ratifies a bill or has objections against the bill as referred to in the preceding paragraph, the House of Representatives and the Senate are notified by Presidential message.

#### Article 139

1. The Government on its own authority and responsibility has the right to enact emergency laws for the regulation of such matters of federal governing power which demand immediate provisions on account of urgent circumstances.

2. Emergency law has the force and the authority of federal law, subject to the provisions of the following article.

#### Article 140

1. Immediately after their enactment the regulations contained in the emergency laws are presented to the House of Representatives which deals with these laws in the manner prescribed for the treatment of bills of the Government.

2. If a regulation as referred to in the preceding paragraph is rejected by the House of Representatives after having been dealt with in accordance with the provisions of this section, the regulation lapses ipso jure.

3. All reparable and unreparable consequences resulting from the implementation of an emergency law which lapsed by virtue of the preceding paragraph and for which consequences that emergency law has not made the required provisions, shall be provided for by federal law.

4. If the regulation contained in the emergency law has been amended and enacted as federal law, the consequences of these amendments shall be equally provided for in accordance with the preceding paragraph.

#### Article 141

1. Regulations for the execution of laws are enacted by the Government and called government ordinances.

2. Government ordinances may stipulate penalties for infringement of their provisions.

The limits of the penalties to be stipulated are established by federal law.

#### Article 142

1. The federal laws and government ordinances may entrust other organs of the Republic of the United States of Indonesia with the further regulation of definite subjects described in the provisions of these laws and ordinances.

2. The laws and government ordinances concerned make provisions for the promulgation of such regulations.

Article 143

1. The federal law makes provisions for the proclamation, promulgation and becoming effective of federal laws and government ordinances.

2. Federal laws and government ordinances shall only become binding by virtue of promulgation carried out as described by law.

SECTION III

THE ADMINISTRATION OF JUSTICE

Article 144

1. Civil cases and civil penal cases come exclusively within the cognizance of such courts and tribunals, judges of self-governing territories, adat-(customary law) judges and religious judges included, as established or in virtue of the law.

2. Appointment to a judicial office established by or in virtue of the law, will be made exclusively by virtue of compliance with the requirements of capability, ability and integrity as stipulated by the law. Discharge, suspension and deposing from such an office can only take place in the cases indicated by the law.

Article 145

1. Any intervention in judicial matters by other but judicial organs is forbidden unless authorized by law.

2. This principle applies to self-government and adat-judicial matters only insofar as the right of appeal to judges as indicated by the law has been provided for.

Article 146

1. All judgements shall contain the principles on which the judgements are based and in penal cases indicate the legal provisions and adatlaw-rules, on which the conviction is based.

2. The judicial sessions are public subject to the exceptions defined by the law. The judge may deviate from this rule in the interest of the public order and morality.

3. All judgement shall be given in a public session.

Article 147

1. The Supreme Court of Indonesia is the highest federal court.

2. Other federal courts and tribunals may be instituted by federal law with the proviso that in the Federal District Djakarta at least one federal court or federal tribunal of first instance and at least one federal court or federal tribunal of appeal shall be instituted.

Article 148

1. The President and the Ministers; the Chairman and members of the Senate; the Chairman and members of the House of Representatives; the President, Vice-President and members of the Supreme Court, the Attorney-General at that Court; the Chairman, Vice-Chairman and members of the General Audit Department; the President of the Circulation Bank and such officials, members of high government bodies and other authorities as indicated by federal law shall be tried also after their resignation and unless the federal law provides otherwise, by the Supreme Court in first instance and at the same time in the last resort for misfeasances and other crimes and transgressions to be indicated by federal law, committed during their time of office.

2. The federal law can reserve the cognizance of civil cases and civil penal cases against certain categories of persons and bodies, for federal courts or tribunals indicated by that law.

3. The cognizance of civil cases concerning regulations made by or in virtue of a federal law, may be reserved by federal law for the federal courts or tribunals indicated thereby.

4. In cases to be indicated by federal law, appeal for cassation can be made to the Supreme Court against judgements in last resort of other courts or tribunals but the Supreme Court.

Article 149

The organization, the competency and the procedure of the federal courts and tribunals are regulated by federal law.

Article 150

The Supreme Court exercises the supreme supervision on the activities of the other federal courts and tribunals in accordance with the regulations to be established by federal law.

Article 151

Subject to the provision in article 148 and without prejudice to the provision in article 50, justice is administered in the participant territories in civil cases and in civil penal cases, by courts and tribunals instituted by or in virtue of the laws of these participant territories.

Article 152

The organization, the competency and the procedure of the courts and tribunals instituted by or in virtue of laws of the participant territories are regulated by these laws.

Article 153

1. The Supreme Court exercises the supreme supervision of the activities of the highest judicial bodies of the participant territories in accordance with regulations to be established by federal law.

/2. The Supreme



2. The Supreme Court exercises the supreme supervision of the other courts and tribunals instituted by or in virtue of the laws of the participant territories also in accordance with regulations to be established by federal law and only until the participant territory has in other ways provided for this general supervision.

#### Article 154

1. The judgement given by the courts or tribunals established or recognized by or in virtue of the law of a participant territory and which can be executed within the entire jurisdiction of that participant territory, can in a corresponding manner also be executed elsewhere in Indonesia.

2. The federal law can indicate "deeds" (acten) which may be executed all over Indonesia in manners to be indicated as much as possible in conformity with the local law.

#### Article 155

The laws of the participant territories establish the competency of the courts and tribunals recognized by or in virtue of these laws.

#### Article 156

1. If the Supreme Court or another court or tribunal administering justice in a civil case or in a civil penal case is of the opinion that a provision in the constitution or a law of a participant territory is in contravention of this Constitution, this provision shall be explicitly declared unconstitutional in the judgement.

2. The Supreme Court is equally competent to pronounce explicitly a declaration of unconstitutionality of a provision in the constitution or a law of a participant territory, upon a substantiated petition to this effect, submitted by or on behalf of the Attorney-General of the Supreme Court on behalf of the Government of the Republic of the United States of Indonesia or on behalf of the government of another participant territory, upon a substantiated petition submitted by the Public Prosecution of the highest judicial body of that participant territory.

#### Article 157

1. Before pronouncing or confirming for the first time the declaration of unconstitutionality of a provision in the constitution or a law of a participant territory, the Supreme Court summons the Attorney-General at the Court and the head of the Public Prosecution of the highest judicial body of that participant territory in order to be heard in the chambers.

2. The judgement of the Supreme Court pronouncing or confirming for the first time a declaration of unconstitutionality, is given at a public session. The judgement is published as soon as possible by the Attorney-General at the Court in the official gazette of the Republic of the United States of Indonesia.

Article 158

1. If another court or tribunal but the Supreme Court has declared a provision in the constitution or a law of a participant territory unconstitutional during a civil case or a civil penal case and the Supreme Court takes cognizance of this case for whatever reason, the Supreme Court involves ex officio in its judgement the question whether the declaration of unconstitutionality has been justly made.

2. If a declaration of unconstitutionality as referred to in the preceding paragraph has been made to the detriment of parties, which have no other legal remedy, the parties can make an appeal for cassation because of violation of the law against that declaration to the Supreme Court.

3. The Attorney-General at the Supreme Court and the head of the Public Prosecution of the highest judicial body of that participant territory may ex officio make an appeal for cassation because of violation of the law to the Supreme Court against a final declaration of unconstitutionality as referred to in the first paragraph.

4. A declaration of unconstitutionality of a provision in the constitution of a participant territory made by another court or tribunal but the Supreme Court, not explicitly based on a declaration of unconstitutionality of the same provision by the Supreme Court published in accordance with article 157, needs confirmation by the Supreme Court, before a judgement based thereon can be executed.

The request for confirmation is dealt with in chambers. The request lapses in case the declaration of unconstitutionality is annulled before the consideration is concluded. In case the Supreme Court refuses the confirmation, the Supreme Court annuls the judgement insofar as it contains the declaration of unconstitutionality and decides further as if one of the parties had made an appeal for cassation because of violation of the law.

5. By federal law further provisions, including time limitations can be made concerning the provisions in articles 156, 157 and 158.

Article 159

The military administration of penal justice is regulated by federal law.

Article 160

1. The President has the right of pardon for punishments imposed by judicial sentence. He exercises this right after soliciting the advice of the Supreme Court, insofar as the federal law has not designated another court or tribunal for this purpose.

2. If a death sentence has been imposed, the sentence is not executed until the President has had the opportunity to grant pardon in accordance with regulations to be established by federal law.

/3. Amnesty is

3. Amnesty is only granted by a federal law or, in virtue of a federal law by the President after soliciting the advice of the Supreme Court.

#### Article 161

The judgement on disputes of administrative law is entrusted by the law to courts or tribunals administering justice in civil cases, or to such other organs guaranteeing similar impartiality and reliability to the greatest possible extent.

#### Article 162

The federal law may regulate the judgement on disputes of administrative law concerning regulations established by or in virtue of this Constitution or of a federal law, which does not exclusively and directly concern organs and inhabitants of one participant territory, including public bodies instituted or recognized by or in virtue of a law of that participant territory.

#### Article 163

1. Any reference made to "law" in this section is understood to mean federal laws and laws of participant territories, unless indications to the contrary have been given.

2. Any reference made to "laws of the participant territories", is understood to mean laws made by the highest legislative organs of the participant territories.

3. Any reference made to "judgement" in articles 154, 156 and 158 of this section includes other judicial decisions.

### SECTION V

#### FINANCE

##### Part 1. Monetary System

#### Article 164

1. The currency which is issued by virtue of federal law shall be the only legal tender in the entire territory of the Republic of the United States of Indonesia.

2. The monetary unit in which the legal tender is expressed shall be defined by federal law.

3. The federal law either recognizes a legal tender for unlimited amounts or for a specific and limited amount.

4. The issue of legal tender takes place by or on behalf of the Government of the Republic of the United States of Indonesia or by the Circulation Bank.

Article 165

1. There is one circulation bank for Indonesia.
2. The designation, organization and competencies of the circulation bank shall be enacted by federal law.

Part 2. The Administration of Federal Finance

Budget -- Account -- Salaries

Article 166

1. The general administration of federal finance rests with the Government.
2. The finances of the Republic of the United States of Indonesia are administered and accounted for according to regulations to be enacted by federal law.

Article 167

The estimates of all expenditures of the Republic of the United States of Indonesia shall be established and the means to cover these expenditures shall be designated by federal law.

Article 168

1. The Government shall present the bills for the determination of the general budget to the House of Representatives before the commencement of the period to which the budget refers. This period shall not be longer than two years.
2. Bills with respect to alteration of the general budget are presented by the Government to the House of Representatives whenever necessary.
3. The bills referred to in the preceding two paragraphs are also dealt with by the Senate, according to the provisions of Section II of this Chapter.

Article 169

1. The budget consists of divisions, each insofar as necessary divided into two chapters, respectively for the determination of the expenditures and for the designation of the means. The chapters are divided into items.
2. The budget contains at least one division for each ministerial department.
3. The laws for the determination of the budget shall each comprise only one division.
4. The law can provide for transfers.

Article 170

The expenditures and revenues of the Republic of the United States of Indonesia shall be accounted for to the House of Representatives in accordance with regulations to be enacted by federal law and under presentation of the accounts approved by the General Audit Department.

Article 171

Taxes can only be levied on behalf of the federal exchequer by virtue of a federal law.

Article 172

1. Loans for account of the Republic of the United States of Indonesia cannot be contracted, guaranteed or approved unless by virtue of a federal law.

2. The Government has the right to issue exchequer bills and treasury bonds observing the regulations to be enacted by federal law.

Article 173

1. Without prejudice to the provisions made in special regulations, the salaries and other allowances of the members of the government bodies and of the officials of the Republic of the United States of Indonesia are determined by the Government, observing the regulations to be enacted by federal law and according to the principle that other benefits but explicitly allowed shall not be derived from any office.

2. The law can permit delegation of the powers described in paragraph 1 to other authorities.

3. Pensions to be awarded to servants of the Republic of the United States of Indonesia are stipulated by federal law.

SECTION V

FOREIGN RELATIONS

Article 174

The direction of foreign relations is the task of the Government.

Article 175

1. The President concludes and ratifies all treaties and other agreements with other powers.

Unless the federal law provides otherwise, a treaty or other agreement is not ratified until approved by law.

2. Acceding to and terminating treaties and other agreements, is effectuated by the President only by virtue of the federal law.

Article 176

The Government accedes the Republic of the United States of Indonesia to international organizations on the basis of the treaties and agreements referred to in article 175.

Article 177

The Government shall endeavour to solve peacefully all disputes with other powers and shall decide in this respect whether to solicit or accept international adjudication or arbitration.

Article 178

The President accredits representatives of the Republic of the United States of Indonesia to other powers and approves of the accrediting of representatives of other powers to the Republic of the United States of Indonesia.

SECTION VI

NATIONAL DEFENCE AND PUBLIC SECURITY

Article 179

The federal law enacts regulations on the right and the duty of all able citizens to assist in the maintenance of the independence of the Republic of the United States of Indonesia and in the defence of the territory. The federal law regulates the exercise of this right and this duty and determines the exceptions thereof.

Article 180

1. The armed forces of the Republic of the United States of Indonesia are entrusted with the protection of the interests of the Republic of the United States of Indonesia. They shall consist of volunteers and conscripts.
2. The federal law stipulates compulsory service in the armed forces.

Article 181

1. The direction of defence is the task of the Government.
2. The federal law regulates the institution, composition and organization, task and powers of the organ entrusted with the general defence policy, with the organization and the division of the tasks of the armed forces and in time of war with the conduct of war.

Article 182

1. The President is Supreme Commander of the armed forces of the Republic of the United States of Indonesia.
2. The Government shall, if required, put the armed forces under the command of a commander-in-chief. The Minister of Defence can be designated to this end.
3. The officers are appointed, promoted and discharged by or on behalf of the President in accordance with rules to be stipulated by federal law.

Article 183

The Government shall require the approval of the House of Representatives and the Senate before declaring war. The House of Representatives and the Senate shall take this decision in a joint meeting acting as one body presided by the Chairman of the House of Representatives.

Article 184

1. In the manner and in the instances to be defined by federal law, the Government can declare the territory of the Republic of the United States of Indonesia or parts thereof in a state of war or in a state of siege insofar as

/and as long as

and as long as the Government considers this state necessary for the safeguarding of external and internal security.

2. The federal law regulates the consequences of such a declaration and can equally stipulate that the constitutional powers of the civil authorities on public order and the police shall wholly or partly be transferred to other organs of civil authority or the military authorities and that the civil authorities become subordinate to the military authorities.

Article 185

1. The participant territories shall not have their own armed forces.

2. At the request of the government c.q. the authority of a participant territory, the Government of the Republic of the United States of Indonesia can render military assistance to the participant territory for the safeguarding of public law and order and security.

The federal law shall establish regulations for this purpose.

CHAPTER V  
THE CONSTITUENT ASSEMBLY

Article 186

The Constituent Assembly together with the Government shall enact as soon as possible the Constitution of the Republic of the United States of Indonesia, which shall replace this provisional Constitution.

Article 187

1. The draft Constitution shall be drawn up by the Government and presented by Presidential message to the Constituent Assembly for consideration as soon as the Assembly convenes.

2. The Government shall provide that the draft Constitution be based on a composition of the Republic of the United States of Indonesia of such negaras as conform to the will of the people, as this will shall be democratically expressed on the basis of the provisions in articles 43-46 inclusive.

3. The federal law shall make such provisions in respect of the execution of the provisions of the articles referred to in the preceding paragraph in order that the required expression of the will of the people may be obtained within one year after this Constitution becomes valid.

Article 188

1. The Constituent Assembly shall be formed by doubling the number of members of the House of Representatives elected in accordance with article 111 and the number of members of the new Senatè, appointed in accordance with article 97, with a similar number of extraordinary members.

These extraordinary members shall be elected, designated or appointed in the same way as the ordinary members. The provisions prevailing for ordinary members are applicable to these extraordinary members.

The Government shall make provisions insofar as necessary in consultation with the participant territories to secure the timely election, designation or appointment of respectively the extraordinary members of the House of Representatives and of the Senate.

2. The joint assembly of the House of Representatives and the Senate both in double members shall be the Constituent Assembly.

3. The Chairman of the House of Representatives shall be the Chairman of the Constituent Assembly, the Chairman of the Senate shall be deputy Chairman.

4. The provisions in articles 87, 93, 94 paragraphs 3 and 4, 95 and 105 are correspondingly applicable to the Constituent Assembly.

5. The meetings of the Constituent Assembly are public, unless the Chairman considers a private meeting necessary or if at least twenty-five members so demand.



Article 189

1. The Constituent Assembly cannot hold discussions or take a decision on the draft of the new Constitution unless at least two-thirds of the members in session are present at the meeting.

2. The Constituent Assembly has the right to make alterations in the draft. The new Constitution becomes valid when the draft has been passed by at least a two-thirds majority of the votes of the members present and has subsequently been ratified by the Government.

3. The draft of the Constitution, when passed by the Constituent Assembly, shall be presented by the Assembly to the President for ratification by the Government.

The Government is bound to ratify the draft immediately.

The Government solemnly proclaims the Constitution.

4. Each participant state shall be given the opportunity to accept the Constitution. In case a participant state does not accept the Constitution that state shall have the right to negotiate concerning a special relationship towards the Republic of the United States of Indonesia and the Kingdom of the Netherlands.

CHAPTER VI

CHANGES, TRANSITIONAL- AND FINAL PROVISIONS

SECTION I

CHANGES

Article 190

1. Without prejudice to the provisions in article 51, second paragraph, changes in this Constitution or deviations from its provisions can only be made by virtue of a federal law. Any bill on this subject can only be discussed or decided upon in either the House of Representatives or the Senate at meetings attended by at least two-thirds of the respective members in session.

2. Bills as referred to in the first paragraph shall also be dealt with by the Senate on the basis of the provisions of Section II of Chapter IV.

3. A two-thirds majority is required in the House of Representatives as well as in the Senate to pass a bill on the changes or deviations in this Constitution.

In the event of reconsideration in accordance with the provision in article 132 the House of Representatives cannot pass the bill unless at least a three-fourth majority of the votes of the members is achieved.

#### Article 191

1. Without prejudice to the general provisions with regard to promulgation and proclamation of federal laws, changes in the Constitution shall be solemnly proclaimed in the name of the Government.

2. The text of the revised Constitution shall be published once more by the Government as soon as the chapters, the sections of each chapter and the articles have been consecutively renumbered and the references changed wherever required.

3. Existing authorities and prevailing regulations and decrees, at the moment a change in the Constitution becomes valid, remain in force until replaced by others in accordance with the Constitution, unless their maintenance is in contravention of such new constitutional provisions which do not require any further legislation or executive measures.

#### SECTION II TRANSITIONAL PROVISIONS

#### Article 192

1. Existing regulations by law and administrative provisions at the moment this Constitution becomes valid, remain in force unchanged as own regulations and provisions of the Republic of the United States of Indonesia, as long and insofar as they have not been withdrawn, supplemented or changed by legislation and administrative provisions in virtue of this Constitution.

2. Maintenance of the existing regulations by law and administrative provisions prevails only insofar as these regulations and provisions are not incompatible with the provisions of the Charter of Transfer of Sovereignty, of the Union Statute, of the Agreement on Transitional Measures or of any other agreement connected with the Transfer of Sovereignty, and insofar as they are not in contravention of those provisions of this Constitution which require no further legislation or executive measures.

#### Article 193

1. Insofar as the provisions of this Constitution do not already indicate, the federal law defines which organs of the Republic of the United States of Indonesia shall assume the tasks and competencies of the organs exercising these tasks and competencies before the transfer of sovereignty on the basis of the legislation maintained in virtue of Article 192.

2. Pending further provisions the Government shall immediately appoint a delegate in the Netherlands to exercise on its behalf the administrative authority which the Netherlands organs in the Netherlands exercised on behalf of the former Government of Indonesia before the

#### Article 194

Pending the regulations on citizenship by the law referred to in paragraph 1 of article 5, all persons who have citizenship in accordance with the agreement concerning the assignment of citizens attached to the Charter of the Transfer of Sovereignty, shall already be citizens of the Republic of the United States of Indonesia.

#### Article 195

If at the time this Constitution becomes valid, a participant territory actually executes the governing powers in connection with a subject enumerated in the appendix of this Constitution, the participant territory is competent to continue acting as such until the Republic of the United States of Indonesia takes over those governing powers.

The participant territory shall execute these provisionally continued governing powers in agreement with the higher authority of the federal organs concerned.

### SECTION III FINAL PROVISIONS

#### Article 196

Immediately this Constitution becomes valid the Government appoints one or more committees which shall be entrusted with the task to promote the enactment of the provisions required by the Constitution as well as in general the adaption of the existing legislation to the Constitution, in accordance with the instructions of the Government.

#### Article 197

1. This Constitution becomes valid at the moment the sovereignty is taken over. The text of this Constitution shall be solemnly proclaimed that day in a manner to be determined by the Government.

2. If and insofar as steps have been taken for the formation of organs of the Republic of the United States of Indonesia and for the preparation required to take over the sovereignty before the moment referred to in paragraph 1 and on the basis of the provisions of this Constitution, these provisions shall be retroactive from the day on which these steps have been taken.

APPENDIX

SUBJECTS WHICH SHALL BE ENTRUSTED TO THE  
GOVERNING POWERS OF THE REPUBLIC OF  
THE UNITED STATES OF INDONESIA IN  
ACCORDANCE WITH ARTICLE 51 OF  
THE CONSTITUTION

a. Regulations concerning nationality and citizenship of the Republic of the United States of Indonesia;

b. immigration and emigration, with the proviso that the federal laws shall stipulate that agreement must exist with the participant territory on the rate at which immigration shall be permitted into that territory;

c. general regulations and provisions concerning colonisation and transmigration, unless effected within the territory of a participant territory and with the proviso that in the event of transmigration between two participant territories agreement must exist between these territories on the rate at which transmigration shall take place;

d. to grant pardon, amnesty and abolition;

e. regulation of copyright, industrial proprietary rights and growers rights;

f. regulation of the main principles of international civil law and interstate law;

g. regulation of civil and commercial law considered appropriate for centralized regulation on account of either general social interest or economic reasons, or their specific significance for those important parts of the population which as such do not belong to any particular participant territory;

h. regulation of the main principles of penal law;

i. regulation of the main principles of the law on civil procedure, including the law on evidence and the law on penal procedure;

j. regulation of the federal judicial organization;

k. task and competencies of the land registry;

l. restoration of legal intercourse;

m. regulation of war damage;

n. regulation and exercise of the police task pertaining to matters of federal governing power;

training of senior police personnel;

/promotion

promotion of the technical competence and efficiency of the police of the Republic of the United States of Indonesia;

making provisions to promote an efficient coordination of the activities of the different police organizations wherever required;

- o. coinage, finance and banking and foreign exchange regulations;
- p. regulation of company tax;
- q. regulation of property tax;
- r. regulations on income-tax for special cases to be defined by federal law;
- s. regulation of foreign-import and export, including import and export duties and the designation of customs areas;
- t. regulation on stamp duties;
- u. regulation of those excise taxes of interest to the entire Republic of the United States of Indonesia;
- v. government monopolies;
- w. foreign relations, rights and obligations towards foreign governments, and in general all subjects closely connected with foreign relations;
- x. the national defence, including the enactment of military penal law and law on military penal procedure, the law on military discipline and the law on procedure on military discipline and the regulation of the judicial organization in connection therewith, as well as the regulations on and proclamation of the state of war and of siege;
- y. scientific institutions and organizations of interest to the entire Republic of the United States of Indonesia;
- z. preservation of ancient monuments and preservation of nature, of interest to the entire Republic of the United States of Indonesia;
- A. collecting of statistical and documentary data, of interest to the entire Republic of the United States of Indonesia;
- B. social provisions, of interest to the entire Republic of the United States of Indonesia;
- C. directives concerning the legal status of government personnel, in order to secure greatest possible uniformity in the regulations concerned;
- D. regulation of university education and the curricula in connection therewith, including the directives on the education permitting entering for university examinations and on the civil competencies attached to university degrees;

/E. directives

E. directives concerning public relations and broadcasting of interest to the entire Republic of the United States of Indonesia;

F. general provisions concerning the supervision on the import and censoring of films;

G. general directives concerning the agrarian policy of interest to the entire Republic of the United States of Indonesia;

H. precautions against contagious diseases;

I. commerce, industry, agriculture, forestry, cattlebreeding, fisheries and other economic subjects, including the food supplies, of interest to the entire Republic of the United States of Indonesia;

J. traffic, insofar as it concerns wider interests than those of a participant territory, and also beaconage and coastal lighting;

K. aviation and meteorology;

L. topography and hydrography;

M. control at sea;

N. provisions for ports and rivers of interest to international shipping;

O. the postal service, telegraphy and telephony, insofar as provided for by the Republic of the United States of Indonesia;

P. regulations concerning the mining industry;

Q. general legislation concerning waterpower and electricity, and building and operation of hydro-electric stations to be designated by the federation;

R. verification of weights and measures.

## APPENDIX VII

### CHARTER OF THE TRANSFER OF SOVEREIGNTY

#### Article 1

1. The Kingdom of the Netherlands unconditionally and irrevocably transfers complete sovereignty over Indonesia to the Republic of the United States of Indonesia and thereby recognizes said Republic of the United States of Indonesia as an independent and sovereign State.

2. The Republic of the United States of Indonesia accepts said sovereignty on the basis of the provisions of its Constitution which as a draft has been brought to the knowledge of the Kingdom of the Netherlands.

3. The transfer of sovereignty shall take place at the latest on 30 December 1949.

#### Article 2

With regard to the residency of New Guinea it is decided:

a. in view of the fact that it has not been possible to reconcile the views of the parties on New Guinea, which remain, therefore, in dispute,

b. in view of the desirability of the Round Table Conference concluding successfully on 2 November 1949,

c. in view of the important factors which should be taken into account in settling the question of New Guinea,

d. in view of the limited research that has been undertaken and completed with respect to the problems involved in the question of New Guinea,

e. in view of the heavy tasks with which the Union partners will initially be confronted, and

f. in view of the dedication of the parties to the principle of resolving by peaceful and reasonable means any differences that may hereafter exist or arise between them,

that the status quo of the residency of New Guinea shall be maintained with the stipulation that within a year from the date of transfer of sovereignty to the Republic of the United States of Indonesia the question of the political status of New Guinea be determined through negotiations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands.

APPENDIX VIII

CORRESPONDENCE IN RESPECT OF THE EXCHANGE OF HIGH COMMISSIONERS

NETHERLANDS DELEGATION  
TO THE ROUND TABLE  
CONFERENCE

Secretariat  
No. 873

The Hague, 2 November 1949

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference understands that in consequence of the provisions contained in article 25 of the Draft Union Statute, concerning the exchange of High Commissioners, the following has been agreed upon by the Delegations to the Conference.

Article 1

The High Commissioners shall enjoy the privileges and immunities of Ambassadors of foreign powers.

Article 2

Before the Government of one of the partners proceeds to the appointment of a High Commissioner, it shall ascertain whether the Government of the other partner agrees to that appointment.

Article 3

As soon as a High Commissioner has been appointed, the Government of the other partner shall be informed thereof. A High Commissioner thus appointed shall receive an introductory letter signed by the Head of his State, which he shall present in person to the Head of State of the other partner upon arrival at his post. The date on which this presentation takes place shall be held to be the date of assumption of office.

Article 4

The order of precedence in relation to foreign Ambassadors shall be determined by the date of assumption of office.

/Article 5



Article 5

The partners shall be authorized to appoint Commissioners who will function under the supervision of the High Commissioners in localities to be agreed upon. They shall have the status of consular representatives and shall have the rank of Consul-General or Consul.

Article 6

The Commissioners shall enjoy the privileges and immunities of career consular representatives of foreign powers.

Article 7

The Government of each partner shall inform the Government of the other partner through the High Commissioner accredited to that Government of the appointment of a Commissioner with the request to confirm him in the exercise of his office.

Article 8

The order of precedence in relation to foreign consular representatives shall be determined by the date of assumption of office.

Article 9

In the office of the High Commissioners officials shall be in function with diplomatic status. They shall have the title of deputy High Commissioner, 1st, 2nd or 3rd Secretary.

In the office of the Commissioners officials shall be in function with consular status. They shall have the title of 1st, 2nd or 3rd Secretary.

I shall appreciate learning if you can agree to the foregoing.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN

Chairman of the Netherlands Delegation to  
the Round Table Conference

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A.  
DELEGATION

No. 3/E.L.

The Hague, 2 November 1949

Sir,

We have the honour to acknowledge receipt of your letter concerning the exchange of High Commissioners and can inform you that in consequence of the provisions contained in article 25 of the Draft Union Statute the Delegations of the Republic Indonesia and the Federal Consultative Assembly to the Round Table Conference take the view that the following has been agreed upon by the Delegations to the Conference.

Article 1

The High Commissioners shall enjoy the privileges and immunities of Ambassadors of foreign powers.

Article 2

Before the Government of one of the partners proceeds to the appointment of a High Commissioner, it shall ascertain whether the Government of the other partner agrees to that appointment.

Article 3

As soon as a High Commissioner has been appointed, the Government of the other partner shall be informed thereof. A High Commissioner thus appointed shall receive an introductory letter signed by the Head of his State, which he shall present in person to the Head of State of the other partner upon arrival at his post. The date on which this presentation takes place shall be held to be the date of assumption of office.

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In the office of the Commissioners officials shall be in function with consular status. They shall have the title of 1st, 2nd or 3rd Secretary.

We have the honour to be,

Your obedient servants,

MOHAMMAD HATTA,

Chairman of  
the Republican Delegation  
to the  
Round Table Conference

HAMID,

Chairman of the  
F.C.A. Delegation to the  
Round Table Conference

To the Chairman of the Netherlands Delegation  
to the Round Table Conference

The Hague

APPENDIX IX  
UNION STATUTE

The Kingdom of the Netherlands and the Republic of the United States of Indonesia,

having resolved on a basis of free will, equality and complete independence to bring about friendly cooperation with each other and to create the Netherlands Indonesian Union with a view to effectuate this future cooperation,

have agreed to lay down in this Statute of the Union the basis of their mutual relationship as independent and sovereign States,

thereby holding that nothing in this Statute shall be construed as excluding any form of cooperation not mentioned therein or cooperation in any field not mentioned therein, the need of which may be felt in the future by both partners.

CHARACTER OF THE UNION

Article 1

1. The Netherlands Indonesian Union effectuates the organized cooperation between the Kingdom of the Netherlands and the Republic of the United States of Indonesia on the basis of free will and equality in status with equal rights.

2. The Union does not prejudice the status of each of the two partners as an independent and sovereign State.

PURPOSE OF THE UNION

Article 2

1. The Union aims at cooperation of the partners for the promotion of their common interests.

2. This cooperation shall take place with respect to subjects lying primarily in the field of foreign relations and defence, and as far as necessary, finance, and also in regard of subjects of an economic and a cultural nature.

Article 3

1. The two partners undertake to base their form of government on the principles of democracy and to aim at an independent judiciary.

2. The two partners shall recognize the fundamental human rights and freedoms enumerated in the Appendix to this Statute.

PROCEDURE OF THE UNION

Article 4

All decisions in the Union shall be taken in agreement between the two partners.

/HEAD OF THE

## HEAD OF THE UNION

### Article 5

1. At the head of the Union shall be Her Majesty Queen Juliana, Princess of Orange Nassau, and in case of succession Her lawful successors in the Crown of the Netherlands.

2. In case of minority of the Head of the Union, or in case the Head of the Union is unable to perform His office and further in case the Head of the Union temporarily ceases to perform His office, both partners shall make the necessary provision in common agreement.

Such provision may be made in common agreement in advance.

### Article 6

The Head of the Union effectuates the spirit of voluntary and lasting cooperation between the partners.

## THE ORGANS OF THE UNION

### Article 7

For the implementation of the purposes of the Union the ministers or persons vested by the respective constitutions of the partners with equal or similar responsibility, having been designated for this purpose by each of the partners, shall hold conferences twice a year and further as often as the partners shall deem necessary.

Unless otherwise agreed, three ministers of each partner will participate in these conferences.

### Article 8

The ministers participating in the conference remain responsible to the respective organs of the partners on the basis of the respective constitutions of the partners.

### Article 9

The conference of ministers shall institute committees as circumstances may require, in which each of the two partners shall appoint members on a basis of parity.

### Article 10

1. The two partners shall effectuate good contact and regular cooperation between the parliaments of the partners.

2. The first discussion between representatives of the parliaments shall take place within eight months after the coming into being of the provisional parliament of the Republic of the United States of Indonesia.

### Article 11

1. The Union shall be served by a permanent secretariat. Each of the partners shall appoint a secretary-general, each of whom shall take charge of the secretariat by yearly rotation.

/2. The other

2. The other personnel shall be appointed in agreement between the two secretaries-general in accordance with an instruction drawn up jointly by the two partners.

#### DECISIONS AND JOINT REGULATIONS

##### Article 12

1. Decisions of the conference of ministers shall be taken by unanimity of votes between the representation of the Kingdom of the Netherlands on the one side and that of the Republic of the United States of Indonesia on the other.

2. Decisions of the conference may be given effect in accordance with the following procedure.

3. Decisions taken at the conference of ministers for the enactment of joint regulations require approval by the respective parliaments of the partners. After approval by the two parliaments, the Head of the Union shall state that agreement exists between the two partners and the joint regulation shall thereupon be promulgated in the official Statute Book of each of the partners. By this promulgation the joint regulation shall have force of law. The joint regulations are inviolable.

4. In respect of other decisions of the conference the Head of the Union, upon request of the conference, may likewise state that agreement exists between the two partners.

#### UNION COURT OF ARBITRATION

##### Article 13

1. There shall be a Union Court of Arbitration for the settlement of matters of law and justice in the name of the Head of the Union.

2. The Court shall take cognizance of legal disputes, brought before the Court by one of the partners against the other, or jointly by both partners, arising from the Union Statute, from any agreement between the partners or from joint regulations.

##### Article 14

1. The Union Court of Arbitration shall consist of three members appointed by the Kingdom of the Netherlands and three members appointed by the Republic of the United States of Indonesia.

2. The members of the Court shall be appointed for a period of ten years. They shall resign in any case once they reach the age of sixty five years.

3. The chairman shall be elected, every year a Netherlands and an Indonesian in turn, by and from amongst the members of the Court.

4. Prior to taking up their office, the members of the Court shall, before the Head of the Union, take the oath or make the promise in accordance with their religious faith, that they shall fulfil their office honestly,

/scrupulously and

scrupulously and impartially and shall comport themselves in the exercise of their duties as befits a good member of the Union Court of Arbitration.

#### Article 15

1. The Union Court of Arbitration shall decide by majority of votes.
2. In case votes are equally divided the Court shall, unless the two partners otherwise request, call upon the President of the International Court of Justice or upon an other international authority, to be designated by majority of votes with the request to appoint a person of an other nationality as special member of the Union Court of Arbitration, who having the rights of an ordinary member, shall take part in a renewed consideration of the dispute and in the decision thereon.

#### Article 16

Further provisions concerning the rules of procedure, the organization and regulation of the activities of the Union Court of Arbitration shall be established in a joint regulation. As long as such a joint regulation does not exist, the Court itself shall determine its rules of procedure and the organization and regulation of its activities, paragraph 2 of the preceding article being applicable if no agreement can be reached in this matter.

#### Article 17

The two partners undertake to comply with the decisions of the Union Court of Arbitration and to implement such decisions under their own authority and responsibility each within his own territory.

#### Article 18

In case of conflict between provisions of the law of the partners and of the public bodies within their jurisdiction on the one side and the Union Statute or any agreement between the partners or a joint regulation on the other, the latter category of provisions shall prevail.

#### Article 19

The two partners reserve all their rights under international law or otherwise to solicit the decision of an international court or arbitrator in cases where both partners consider the Union Court of Arbitration incompetent or in cases where the Court declares itself incompetent.

### FOREIGN RELATIONS

#### Article 20

Provisions concerning the cooperation between the partners in the field of foreign relations are set forth in the agreement attached to the present Statute.

### DEFENCE

#### Article 21

Provisions concerning the cooperation between the partners in the field of defence are set forth in the agreement attached to the present Statute.

## FINANCIAL AND ECONOMIC RELATIONS

### Article 22

Provisions concerning the cooperation between the partners in the field of financial and economic relations are set forth in the agreement attached to the present Statute.

## CULTURAL RELATIONS

### Article 23

Provisions concerning the cooperation between the partners in the cultural field are set forth in the agreement attached to the present Statute.

## NATIONALITY

### Article 24

1. Without prejudice to the provisions made or still to be made in special agreements between the partners, with regard to the exercise of political and other rights by nationals of one partner within the jurisdiction of the other partner, the following shall apply:

a. the nationality of one partner shall not constitute an objection against serving officially within the jurisdiction of the other partner, except for:

la. offices, the holder of which is responsible to a representative body, unless the law should provide otherwise;

2a. those political authoritative, judicial and leading offices which are specified as such by law;

b. with regard to the exercise of civil rights and social activities each partner shall always fully appreciate the special interests within his jurisdiction of the nationals and corporate bodies of the other partner, and therefore shall make no appreciable discrimination between their respective nationals and corporate bodies, without prejudice to the power of either partner to establish regulations required for the protection of their national interests or for the protection of economically weak groups.

2. On no account shall the nationals and corporate bodies of either of the partners receive within the jurisdiction of the other partner treatment less favourable than nationals and corporate bodies of a third State.

## SPECIAL PROVISIONS

### Article 25

To further the interests of the partners within each other's territory the Governments of the partners shall appoint High Commissioners. These shall have the status of diplomatic representatives with the rank of ambassador.

### Article 26

1. Unless otherwise agreed each partner shall bear one half of the expenses of the Union.

2. Further provisions in respect of the expenses of the Union shall be established by joint regulation. As long as such a joint regulation does not exist the conference of ministers shall make the necessary provisions.



#### Article 27

1. All official documents, issued by the conference of ministers or by other Union organs shall be in the Netherlands and Indonesian languages.

2. Both texts shall be equally authentic.

#### Article 28

The Union Statute and the agreements pertaining thereto as well as the joint regulations and future agreements may be presented to the Secretariat of the United Nations for registration in accordance with article 102 of the Charter of the United Nations.

#### APPENDIX TO THE DRAFT UNION STATUTE

The fundamental human rights and freedoms recognized by the partners in virtue of article 3 of the Union Statute and which everyone is entitled to exercise and to enjoy without discrimination of any kind on the ground of race, colour, sex, language, religion, national or social origin, property or birth, are:

1. (1) Everyone is recognized as a person before the law.  
(2) All are entitled to equal treatment and equal protection of the law.  
(3) All are entitled to equal protection against any discrimination and against any incitement to such discrimination.
2. All persons within the territory of the State are entitled to equal protection of person and property.
3. (1) Everyone has the right to liberty of movement and residence within the borders of the State.  
(2) Everyone has the right to leave the country and - being citizen or resident - to return to his country.
4. No one shall be arrested or detained except upon the orders of the officer authorized thereto by law and in the cases and in the manner as established by law.
5. (1) Everyone's home is inviolable.  
(2) No premises or home shall be entered against the will of its occupant except in cases provided for by a law applicable to that occupant.
6. The freedom and secrecy of correspondence are inviolable, except by order of the judiciary or officers authorized by law in the cases defined by law.
7. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or  
/belief and freedom,

- belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance of the commandments and prescriptions and by educating the children in the faith or belief of their parents.
8. Everyone has the right to freedom of opinion and expression.
  9. The right of the residents to freedom of peaceful association and assembly is recognized and as far as necessary guaranteed by law.
  10. (1) Everyone has the right to own property alone or jointly with others.  
(2) No one shall be arbitrarily deprived of his property.
  11. (1) Everyone, according to his ability, has the right to available work, to free choice of employment and to just conditions of work.  
(2) Everyone who works has the right to just remuneration ensuring for himself and his family an existence in accordance with human dignity.
  12. Everyone has the right to form and to join trade unions for the protection of his interests.
  13. (1) Teaching is free, subject to the supervision to be exercised by public authorities in accordance with the law.  
(2) The choice of education is free.
  14. The State shall promote social security to the extent of its ability, in particular by ensuring and guaranteeing favourable conditions of employment and of work by preventing and checking unemployment and by promoting reasonable old age provisions and care for widows and orphans.
  15. (1) The raising of the prosperity of the population is an object of continuous concern of the State, the aim of which shall be that everyone be ensured a standard of living for himself and his family in accordance with human dignity.  
(2) Except where the law imposes limitations which are in the general interest, opportunity to take part in the development of the sources of prosperity of the country shall, to the greatest possible extent, be offered to all on an equal footing in accordance with character, disposition and ability.
  16. The family has a right to protection by society and by the State.
  17. (1) The State shall promote as much as possible the spiritual and physical development of the population.

/(2) The authorities

- (2) The authorities provide where necessary for public education to be given on a basis of tolerance and equal respect of everyone's religious conviction and with the opportunity, during school hours, for religious teaching according to the wishes of the parents.
  - (3) The pupils of a private school which complies with the standards of efficiency imposed by law on public education shall have the same rights as those accorded to pupils of public schools.
  - (4) The freedom is recognized to perform social and charitable work, to set up organizations therefore as well as for private education and to acquire and own property to these ends.
18. The promotion of public hygiene and public health are an object of continuous concern of the State.
19. The State shall grant equal protection to all recognized religious communities and organizations.

Each partner shall maintain within his jurisdiction the free exercise of the fundamental human rights and freedoms set forth in this appendix, and shall observe the international treaties and internationally acknowledged principles of law concerning the exercise thereof.

The exercise of the rights and freedoms set forth in this appendix, may be restricted for no other reason than to consider the rights and freedoms of others, morals, public order and the general welfare in a democratic constitutional order.

APPENDIX X

AGREEMENT CONCERNING FOREIGN RELATIONS BETWEEN THE UNION PARTNERS

The Republic of the United States of Indonesia and the Kingdom of the Netherlands inspired by an equal desire to achieve cooperation in the field of their foreign relations,

have decided to conclude the following agreement to regulate such cooperation.

Article 1

The Netherlands Indonesian Union shall effectuate cooperation in the field of foreign relations.

Where both partners feel that it is in their interest and so decide, the conference of ministers may provide for joint or common representation in international intercourse.

Article 2

On the primary consideration of the principle that each of the partners conducts his own foreign relations and determines his own foreign policy, they shall aim at coordinating their foreign policy as much as possible and at consulting each other thereon.

Article 3

Neither partner shall conclude a treaty, nor shall he perform any other juridical act in international intercourse, involving the interests of the other partner, unless after consultation with said partner.

Article 4

In case one of the partners has not accredited a diplomatic representation in a foreign country, he shall have his interests represented by preference by the diplomatic representation of the other partner to said foreign country.

Article 5

In case one of the partners requests technical or other cooperation for the conduct of his foreign relations, the other partner shall extend such cooperation to the best of his ability.

## APPENDIX XI

### AGREEMENT ON TRANSITIONAL MEASURES

#### Article 1

The Kingdom of the Netherlands and the Republic of the United States of Indonesia agree to an assignment of citizens as provided for in the Agreement attached to the present Agreement on Transitional Measures.

#### Article 2

1. The division of the Republic of the United States of Indonesia into component states shall be established finally by the Constituent Assembly in conformity with the provisions of the Provisional Constitution of the Republic of the United States of Indonesia with the understanding that a plebiscite will be held among the population of territories thereto indicated by the Government of the Republic of the United States of Indonesia upon the recommendation of the United Nations Commission for Indonesia or of an other organ of the United Nations, under supervision of the United Nations Commission for Indonesia or the other United Nations organ referred to, on the question whether they shall form a separate component state.

2. Each component state shall be given the opportunity to ratify the final Constitution. In case a component state does not ratify that Constitution, it will be allowed to negotiate about a special relationship towards the Republic of the United States of Indonesia and the Kingdom of the Netherlands.

#### Article 3

1. The Kingdom of the Netherlands and the Republic of the United States of Indonesia recognize and accept that all powers and obligations of the Governor-General of Indonesia, arising out of the contracts concluded by him with self-governing territories shall, by virtue of the transfer of sovereignty, be transferred to the Republic of the United States of Indonesia or to any of its component States in case the constitutional law of the Republic of the United States of Indonesia so provides.

2. By the transfer of sovereignty to the Republic of the United States of Indonesia the Rulers of the self-governing territories are ipso jure liberated from their oath of allegiance to Her Majesty the Queen of the Netherlands.

3. The Republic of the United States of Indonesia recognizes the special status of the self-governing territories on the basis of the pertinent provisions in its Constitution and in the Constitutions of its component States whereby legal disputes concerning the status of self-governing territories

territories are adjudicated by an independent organ of the Republic of the United States of Indonesia.

#### Article 4

1. The Kingdom of the Netherlands and the Republic of the United States of Indonesia recognize and accept that all rights and obligations of Indonesia, under private and public law, are ipso jure transferred to the Republic of the United States of Indonesia, unless otherwise provided for in the special agreements included in the Union Statute.

2. The Republic of the United States of Indonesia shall be responsible for the fulfilment of the obligations of the public bodies which previously had a legal status in Indonesia and which are now merged in the Republic of the United States of Indonesia or in its component parts and further guarantees the fulfilment of the obligations of public bodies which continue to exist as such, unless otherwise provided for in the financial and economic agreement.

3. The provision in the preceding paragraphs is not applicable to the residency of New Guinea in view of the fact, as set forth in article 2 of the Charter of Transfer of Sovereignty, that it has not yet been possible to reconcile the views of the parties on New Guinea.

#### Article 5

1. The Kingdom of the Netherlands and the Republic of the United States of Indonesia understand that, under observance of the provisions of paragraph 2 hereunder, the rights and obligations of the Kingdom arising out of treaties and other international agreements concluded by the Kingdom shall be considered as the rights and obligations of the Republic of the United States of Indonesia only where and inasmuch as such treaties and agreements are applicable to the jurisdiction of the Republic of the United States of Indonesia and with the exception of rights and duties arising out of treaties and agreements to which the Republic of the United States of Indonesia cannot become a party on the ground of the provisions of such treaties and agreements.

2. Without prejudice to the power of the Republic of the United States of Indonesia to denounce the treaties and agreements referred to in paragraph 1 above or to terminate their operation for its jurisdiction by other means as specified in the provisions of those treaties and agreements, the provisions of paragraph 1 above shall not be applicable to treaties and agreements in respect of which consultations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands shall lead to the conclusion that such treaties and agreements do not fall under the stipulations of paragraph 1 above.

#### Article 6

Provisions concerning the position of the civil Government officials in connection with the transfer of sovereignty are contained in the agreement attached to the present Agreement on Transitional Measures.

#### Article 7

The withdrawal of the Netherlands armed forces from Indonesia and the reorganization of the armed forces in Indonesia organized and equipped by or on the authority of the Government of Indonesia (Netherlands-Indonesian Government) are regulated or provided for in the Regulations on military affairs attached to the present Agreement on Transitional Measures.

#### Article 8

1. All stipulations in existing legal regulations and administrative ordinances inasmuch as they are not incompatible with the transfer of sovereignty or with the provisions of the Union Statute, or of the present Agreement on Transitional Measures or of any other agreement concluded between the parties, remain in force without modification as regulations and ordinances of the Kingdom of the Netherlands and of the Republic of the United States of Indonesia respectively, as long as they are not revoked or modified by the competent organs of the Kingdom of the Netherlands or the competent organs of the Republic of the United States of Indonesia respectively.

2. Whenever these legal regulations and administrative ordinances mention Netherlands subjects, this term shall be held to mean citizens of the Kingdom of the Netherlands and of the Republic of the United States of Indonesia.

3. Whenever these legal regulations and administrative ordinances refer to ships or aircraft entitled to fly the Netherlands flag, they refer equally to ships or aircraft entitled to fly the flag of the Kingdom of the Netherlands and to those entitled to fly the flag of the Republic of the United States of Indonesia.

#### Article 9

The powers which, according to the existing legal regulations and administrative ordinances concerning the general rule over Indonesia, are vested in the Netherlands in Netherlands organs shall, pending further provisions by the competent organs of the Republic of the United States of Indonesia, be wielded by a Delegate appointed for that purpose by the Government of the Republic of the United States of Indonesia.

#### Article 10

The Kingdom of the Netherlands shall promote membership of the Republic of the United States of Indonesia in the United Nations.

## APPENDIX XII

### AGREEMENT CONCERNING THE ASSIGNMENT OF CITIZENS

The Kingdom of the Netherlands and the Republic of the United States of Indonesia,

considering that at the transfer of sovereignty it shall be determined whether persons who up to that time were subjects of the Kingdom of the Netherlands including those who, under the law of the Republic Indonesia were, in the eyes of the Republic of the United States of Indonesia, citizens of the Republic Indonesia, and to be assigned Netherlands or Indonesian nationality;

agree, that at the transfer of sovereignty the following provisions shall come into effect.

#### Article 1

Under the terms of the present agreement are deemed to be of age those who have reached the age of eighteen years or those who were married at an earlier age.

Those who marriage was dissolved before they had reached the age of eighteen years shall continue to be deemed of age.

#### Article 2

Where the present agreement applies to persons who, under the law of the Republic Indonesia on nationality are citizens of the latter Republic immediately before the transfer of sovereignty, the Republic of the United States of Indonesia understands that the terms "acquiring" or "perserving" Indonesian nationality, as hereafter used in the present agreement imply that Republican nationality shall be converted into Indonesian nationality; and that the terms "retaining" the Netherlands nationality and "rejecting" Indonesian nationality as hereafter used in the present agreement imply the loss of Republican nationality.

#### Article 3

Netherlands nationals who are of age shall retain their nationality, but, if born in Indonesia or if residing in Indonesia for at least the last six months, they shall, within the time limit therefor stipulated, be entitled to state that they prefer Indonesian nationality.

#### Article 4

1. Without prejudice to the provisions of paragraph 2 below, Netherlands subjects-non-Netherlanders (Nederlandse onderdanen-niet Nederlanders) who are of age and who, immediately before transfer of sovereignty belonged to the indigenous population (orang jang asli) of

/Indonesia



Indonesia shall acquire Indonesian nationality but if they are born outside Indonesia and reside in the Netherlands or in a territory not under the jurisdiction of either partner in the Union, they shall, within the time limit therefor stipulated, be entitled to state that they prefer Netherlands nationality.

2. The subjects of the Netherlands referred to in paragraph 1 above who are residents of Surinam or of the Netherlands Antilles shall

a. if they were born outside the Kingdom, acquire Indonesian nationality but may, within the time limit therefor stipulated, state that they prefer Netherlands nationality;

b. if they were born within the Kingdom, retain Netherlands nationality but may within the time limit therefor stipulated, state that they prefer Indonesian nationality.

#### Article 5

Persons who, immediately before the transfer of sovereignty, are of age and are Netherlands subjects of foreign origin-non-Netherlanders (uitheemse Nederlandse onderdanen-niet-Nederlanders) and who were born in Indonesia or reside in the Republic of the United States of Indonesia shall acquire Indonesian nationality but may, within the time limit therefor stipulated, reject Indonesian nationality;

if, immediately before the transfer of sovereignty, such persons had no other nationality than the Netherlands nationality, they shall regain Netherlands nationality;

if, immediately before the transfer of sovereignty such persons possessed simultaneously another nationality, they shall, when rejecting Indonesian nationality, regain Netherlands nationality only on the strength of a statement made by them to that effect.

#### Article 6

Persons who, immediately before the transfer of sovereignty, are of age and are Netherlands subjects of foreign origin-non-Netherlanders (uitheemse Nederlandse onderdanen-niet-Nederlanders) and who were not born in Indonesia and reside within the Kingdom, shall retain Netherlands nationality but may, within the time limit therefor stipulated, state that they prefer Indonesian nationality and reject Netherlands nationality;

those who, at the transfer of sovereignty simultaneously possess a foreign nationality, may simply reject Netherlands nationality, on the understanding that the right to reject Netherlands nationality, connected or not with the right to prefer Indonesian nationality, shall not belong to inhabitants of Surinam of Indian or Pakistani origin.

#### Article 7

Those who, at the transfer of sovereignty are of age and are Netherlands subjects of foreign origin-non-Netherlanders (uitheemse Nederlanders onderdanen-niet-Nederlanders) and who reside outside a territory under the jurisdiction of either partner in the Union and who were born in the Netherlands, in Surinam or the Netherlands Antilles, shall retain Netherlands nationality;

if these persons are born from parents who were Netherlands subjects by birth in Indonesia, they may, within the time limit therefore stipulated, state that they prefer Indonesian nationality and reject Netherlands nationality;

if, at the transfer of sovereignty, these persons simultaneously possess a foreign nationality, they may simply reject Netherlands nationality.

If these persons are born outside a territory under the jurisdiction of either partner in the Union, they fall under the terms of the present article or under the terms of article 5 above, according to the place of birth of either father or mother, with due observance of the distinctions established by the provisions of article 1 of the Act of 1892 on Netherlandership and residentship (ingezetenschap);

if the parents were also born outside a territory under the jurisdiction of either partner in the Union, the place of birth of the father or of the mother shall be decisive.

#### Article 8

With due observance of the distinctions established by the provisions of article 1 of the Act of 1892 referred to in article 7 above, persons not of age shall follow the nationality of their father or mother, provided either parent is a Netherlands subject and living at the transfer of sovereignty.

#### Article 9

With due observance of the distinctions established by the provisions of article 1 of the Act of 1892 referred to in articles 7 and 8 above, persons not of age whose father or mother is, at the transfer of sovereignty, not a Netherlands subject, or is deceased, shall fall directly under the terms of the preceding articles;

if these persons have no living parent, their domicile shall be deemed to be their place of actual residence and, in all cases where a statement on their part is provided for, such statements may be made on their behalf by their lawful representative. In the absence of a lawful representative the above provisions shall become applicable at the time such a lawful representative is appointed.

#### Article 10

The married woman shall follow the status of her husband. In case the marriage is dissolved she shall, within the time limit of one year thereafter, be entitled to make a statement by which she may acquire or reject the nationality she would or could have acquired or rejected by a statement, had she not been married at the transfer of sovereignty.

#### Article 11

The exercise of the right to prefer or reject a nationality shall not nullify any act previously performed and which would be valid if this right had not been exercised according to the above provisions.

### EXECUTIVE REGULATIONS

#### Article 12

Statements by persons to the effect that they prefer or reject a nationality under the terms of the preceding articles shall be made before or addressed to

- a. the High Commissioners of the Parties,
- or b. the ordinary judiciary to whose normal jurisdiction these persons belong,
- or c. the officials further to be designated by the competent authorities of both states.

Statements of the kind referred to in the preceding paragraph by persons abroad may be made before, or sent to diplomatic or consular authorities of either Party and under whose jurisdiction the person concerned is domiciled.

Signatures or fingerprints appearing on a written statement shall be duly legalized.

A person making or sending a statement as above referred to shall at once receive a certificate thereof.

Statements as referred to above made in the course of a given calendar month shall be published in the course of the following month in the official Gazette of the State whose officials have received such statements; duplicates or certified copies thereof shall be forwarded monthly to the Government of the other State.

Both Parties shall give ample publicity to the conditions on which such statements may be made. These statements and certificates thereof shall be free from stamp duty or cost.

#### Article 13

Wherever the preceding articles mention "the time limit therefor stipulated", these words shall apply to a period of two years from the transfer of sovereignty.

Article 14

Decisions concerning the exercise or the prevention of exercise of the right of option may be requested from the ordinary judiciary under whose jurisdiction the interested party resides. If the latter resides abroad, the District Court (Arrondissements Rechtbank) of Amsterdam and the ordinary judiciary at Batavia (Djakarta) shall be competent.

Persons concerned in such decisions shall, as in civil law, have the right of appeal and of any other legal recourse. A decision having obtained legal validity shall be notified by the Government of the Party under whose jurisdiction such decision was taken to the Government of the other Party by whom it shall be recognized as binding.

NOTE

None of the provisions in this agreement shall apply to the nationality of the inhabitants of the residency of New Guinea in case the sovereignty over this territory is not transferred to the Republic of the United States of Indonesia.

## APPENDIX XIII

### FINANCIAL AND ECONOMIC AGREEMENT

The Kingdom of the Netherlands and the Republic of the United States of Indonesia guided by the desire to regulate the new relations in the financial and economic field created by the transfer of sovereignty and to reach cooperation in this field;

In consideration of articles 2 and 22 of the Union Statute;

Have resolved to conclude the following agreement.

#### SECTION A

#### RIGHTS, CONCESSIONS, LICENCES AND OPERATION OF BUSINESS ENTERPRISE

##### Article 1

1. In respect of the recognition and restoration of the rights, concessions and licences properly granted under the law of the Netherlands Indies (Indonesia) and still valid on the date of transfer of sovereignty, the Republic of the United States of Indonesia will adhere to the basic principle of recognizing such rights, concessions and licences. The Republic of the United States of Indonesia also recognizes, in so far as this has not yet been done, that the rightful claimants be restored to the actual exercise of their rights under the proviso referred to in the following paragraphs of this article.

2. The Republic of the United States of Indonesia reserves the right to conduct an investigation in respect of important rights, concessions and licences granted after 1 March 1942 which may influence the economic policy of the Republic of the United States of Indonesia, for the purpose of considering whether the application of article 2 is desirable.

3. Account shall be taken of:

a. The situation resulting from the fact that, during the Japanese occupation and the subsequent period of revolution, estate grounds, on which the crops were removed for the benefit of food-cultivation or to make way for housing, were occupied by the population -- with the approval of the Japanese authorities during the occupation -- and that in certain cases the removal of the population concerned from these grounds without further consideration and the return of such grounds to the estates concerned would create too much unrest and that such a return is often impossible. Each case shall be judged on its own merits and a solution shall be sought acceptable for all parties concerned.

b. The necessity that certain private properties remain (are) temporarily requisitioned against indemnity for government service in the interest of the country.

c. The withdrawal under the Undang-Undang Republik Indonesia 1943 Nr. 13 of the conversion rights in the residencies of Jogjakarta and Surakarta which was necessitated by changed conditions in general and changed views of the population in particular. In this case, the Republic of the United States of Indonesia will arrange for the legal provisions required to ensure the enterprises concerned the greatest possible security in respect of the acquisition of the lands required for these enterprises.

4. The possibility that public utilities, such as privately owned rail- and tramways and powerplants (gas and electricity) will be nationalized by the Republic of the United States of Indonesia which will be carried out by way of expropriation c.q. "naasting", shall have no influence upon the reinstatement of the rightful claimants in the actual exercise of their rights. In this legal restoration, account may be taken of the form of management of the rail- and tramways at the time of transfer of sovereignty.

#### Article 2

The rights, concessions and licences referred to in article 1, paragraph 1, may be infringed upon only in the public interest, including the welfare of the people, and through amicable settlement with the rightful claimants, and if the latter cannot be achieved, by expropriation for the public benefit such in accordance with the provisions of article 3.

#### Article 3

Expropriation, nationalization, liquidation, compulsory cession or transfer of properties or rights, shall take place exclusively for the public benefit, in accordance with the procedure prescribed by law and, in the absence of an agreement between the parties, against previously enjoyed or guaranteed indemnity to be fixed by judicial decision at the real value of the object involved, such in accordance with provisions to be prescribed by law.

The conditions of previously received or previously guaranteed indemnity due do not apply in cases where war, threat of war, insurrection, fire, floods, earthquake, volcanic eruption or other emergencies require immediate seizure.

#### Article 4

On behalf of existing and new enterprises and estates, the possibility will be made available for an extension, a renewal or the granting of rights, concessions and licences required for their operation. This will take place at such conditions, and for a period and at a time so as to enable the enterprises remaining or being operated on a sound business basis and the lawful owners being guaranteed a continuity making possible the investments required for normal long term business operations, except in those cases which are in contravention with the public interest including the general economic policy of the Republic of the United States of Indonesia.

Article 5

The enterprises and estates will cooperate with and enable participation of Indonesian capital subject to this being justified from a business point of view.

Article 6

The Republic of the United States of Indonesia will make the provisions required to safeguard the lawful owners exercising their rights, concessions and licences referred to in article 1, first paragraph, to promote resumption and lastingness of economic activity. In this respect, however, it shall be borne in mind that the general economic policy to be pursued by the Republic of the United States of Indonesia shall in the first place be focused on the economic building up of the Indonesian community as a whole, in the sense that the interests and material and spiritual progress of the Indonesian people as a whole are best served by creating a maximum of effective purchasing power and raising the standard of living of the people.

Article 7

In regard to all rights, concessions and licenses referred to in article 1, paragraph 1, which could not be exercised as a result of the war, occupation and the subsequent abnormal conditions, the possibility will be made available that at the request of the lawful owners, these rights, concessions and licences be extended for a corresponding period except in those cases where such an extension is in contravention with the public interest including the general economic policy of the Republic of the United States of Indonesia.

Article 8

The burdens imposed on business as a consequence of fiscal measures and social and other measures customary in a modern country will be kept within such reasonable limits that under normal circumstances business can be carried on, permitting normal replacements, depreciations and reserves and permitting a reasonable profit for the capital invested in the enterprises.

Article 9

The manner of operating enterprises and the freedom of commerce, enterprise and monetary intercourse can be restricted by law only.

Article 10

Parties acknowledge the necessity of an independent fiscal judiciary. They will make regulations to prevent double taxation.

Article 11

Netherlands nationals, corporate bodies, products, vessels and other objects enjoy no less favourable treatment in Indonesia than that accorded to any third country.

/Foreigners of all

Foreigners of all nations will have equal rights in the participation of trade with Indonesia and in the economic activity and industrial development of that country. The Republic of the United States of Indonesia however recognizes that the special interests of Netherlands national and corporate bodies within Indonesia will be fully taken into account and further that no discrimination will take place in respect of the interests referred to, without prejudice to the right of the Republic of the United States of Indonesia to make such regulations as are necessary for the protection of national interests or economically weak groups.

The provisions made in this article on behalf of the Netherlands apply mutually between the Netherlands and Indonesia.

#### Article 12

1. Apart from the general obligation that employers in respect of their enterprises have to submit to the laws of the country, the enterprises (estates) shall -- in the interest of social peace and order and for the improvement of social conditions -- cooperate in applying provisions such as:

- a. aiming at the institution of organized consultation between employers and employees in the entire field of labour relations;
- b. promoting gradually the achievement of joint interests between the employers and labourers, c.q. landowners, in order that the interests to be pursued will grow together and that these labourers and landowners attain a higher standard of living;
- c. improvement of housing and other social welfare arrangements for labourers;
- d. the inclusion within the earliest possible period of eligible Indonesians into the direction (and management) and staffs of the enterprises, and cooperation in establishing training courses with the objective that after a reasonable period, the predominant part of the leading staff personnel of the enterprises will consist of Indonesian nationals;

e. the residing in Indonesia of organs vested with full power of those enterprises which main field of operations is in Indonesia.

2. Employers, on matters referred to under a-d inclusive, also shall display initiative on the understanding however that the Government requirements in this field in respect of foreign investments shall not go beyond those stipulated for Indonesian enterprises of a similar nature and size.

#### Article 13

In the event of any alteration in the existing agrarian regulations in the public interest, the interests of the lawful owners and in particular the security of enterprise will be taken into account.



SECTION B  
FINANCIAL RELATIONS

Article 14

The Netherlands and the Republic of the United States of Indonesia shall each aim at a sound monetary system based on the principles expressed in the Bretton Woods agreements. This requires, inter alia, that in each country a single circulationbank shall operate. The monetary policy of each of the two countries shall aim at achieving and maintaining a stable internal and external value of the currency and shall aim at promoting free convertibility of exchange.

Article 15

As long as the Republic of the United States of Indonesia has not yet acquired membership to the International Monetary Fund, the Republic of the United States of Indonesia shall adhere to the rules to be observed by a member of the Fund.

Furthermore consultations shall be held between the Netherlands and the Republic of the United States of Indonesia to enable the latter to become at the earliest possible date a member of the International Monetary Fund.

Article 16

Previous consultation shall be held between the two countries concerning any alteration of the rate of exchange of the currency of the Netherlands and of the Republic of the United States of Indonesia.

Article 17

As long as the international or internal circumstances necessitate foreign exchange control, the Netherlands and the Republic of the United States of Indonesia shall consult each other on foreign exchange policy in respect of matters which are of real importance to the other party.

Article 18

1. Subject to the proviso referred to in paragraph 5, the Republic of the United States of Indonesia allows transfer to the Netherlands:

- a. for enterprises constituting an active Netherlands investment, of:
  - I. the expenditures required in the Netherlands on behalf of the enterprise in Indonesia;
  - II. the contributions to pensionfunds, or funds for invalids, widows and orphans and other social provisions for personnel to the extent that the premiums and contributions are required to cover payments to Netherlanders;
  - III. interests and contractually fixed amortization of loans committed in the Netherlands on behalf of the enterprise in Indonesia;
  - IV. annual profits and depreciations in accordance with sound business practice;

/b. of dividends

b. of dividends concerning passive investments from the Netherlands;  
c. for premiums to life insurance companies and for contributions to pension funds, and funds for invalids, widows and orphans and other social provisions, by employer as well as employee, required to cover payments to Netherlands;

d. to Netherlands working or having worked in Indonesia, for their savings and for sums destined for the support of persons residing outside Indonesia for whose alimentation they are bound legally or morally;

e. for Netherlands working or having worked in Indonesia c.q. their surviving relatives, residing outside Indonesia, for pensions, leave allowances and other similar periodical social payments inasfar as they are not covered by the funds referred to under a and g;

f. of interest and amortization on debenture loans issued and private loans ("ondershandse leningen") contracted by lower public bodies or by other corporate bodies set up on high authority as far as payment of said interest and amortization are not or will not be lawfully suspended in connection with the financial position of public bodies and other corporate bodies referred to.

2. The provisions of the first paragraph can be further worked out by the contracting parties for special cases or groups of cases.

3. Without prejudice to the provisions of the first and second paragraphs the Republic of the United States of Indonesia shall allow transfers to the Netherlands and other countries abroad in accordance with the Articles of Agreement of the International Monetary Fund.

4. To enterprises operating partly with Indonesian capital in Indonesia, the provisions referred to in the preceding paragraphs will apply inasfar as actual circumstances demand.

5. In respect of the transfer of money referred to in the first paragraph, the Republic of the United States of Indonesia reserves the right to impose such restrictions as it deems necessary in view of its foreign exchange position. These restrictions are subject to previous consultations between the Republic of the United States of Indonesia and the Netherlands which consultations will take place through a technical committee to be set up at a later date unless the Government of the Republic of the United States of Indonesia and of the Netherlands agree otherwise.

6. The transfer of interest and amortization resulting from the liabilities assumed by the Republic of the United States of Indonesia at the transfer of sovereignty is governed by the agreements made or to be made regarding these liabilities.

7. The provisions of the preceding paragraphs are correspondingly applicable to the transfers from the Netherlands to Indonesia.

/8. In case of

8. In case of expropriation, nationalization, etc. c.q. "naasting" the Republic of the United States of Indonesia allows transfer of the indemnity c.q. compensation ("naastingsprijzen") within the period of three years after the right to indemnity c.q. compensation arises. In case the Republic of the United States of Indonesia deems it impossible to transfer within three years the indemnity c.q. compensation, the Republic of the United States of Indonesia shall make this fact known before taking steps toward expropriation, nationalization, etc. An arbitration committee consisting of a representative of the Republic of the United States of Indonesia, a representative of the rightful claimant and a third member to be appointed in mutual consultation by both the two abovementioned representatives shall give a binding decision on the question of whether an exception can be made to said term of three years and to what extent.

In case immediate transfer does not take place, the indemnity c.q. compensation expressed in Indonesian currency shall be credited in the currency of the country from which the invested capital originates at the rate of exchange on the date the right arises.

#### Article 19

1. As long as the Republic of the United States of Indonesia has liabilities toward the Netherlands including the guarantees given by the Netherlands on behalf of the liabilities of Indonesia, the Republic of the United States of Indonesia shall consult the Netherlands in advance, both regarding intended alterations in the Coinage Act and the Java Bank Act prevailing at the time of transfer of sovereignty and regarding a new coinage act and circulation bank act to be enacted by the Republic of the United States of Indonesia and possible alterations to be made therein.

Furthermore, the Republic of the United States of Indonesia shall, as long as the liabilities referred to exist, consult the Netherlands in general should the former consider taking important measures in the monetary and financial field insofar as the interests of the Netherlands are concerned.

2. The liabilities and guarantees referred to in paragraph 1 are those liabilities c.q. guarantees which exist at the transfer of sovereignty.

3. The Republic of the United States of Indonesia shall until the new circulation bank act becomes effective consult the Netherlands regarding the appointment and discharge of the president and managing directors of the circulationbank and regarding credits to be provided to the government by the circulationbank.

4. In order that the consultation referred to in the first paragraph can be implemented as smoothly as possible, the Netherlands Government will

/attach to

attach to the staff of the High Commissioner in Indonesia, an adviser appointed by the Netherlands Government on matters in the field of monetary system and circulation banking.

SECTION C  
RELATIONS IN AND COOPERATION IN TRADE POLICY

Article 20

1. In accordance with the principles of independence and sovereignty, the Governments of the Netherlands and of the Republic of the United States of Indonesia shall bear the ultimate responsibility for their own trade policy, both domestic and foreign.

2. Based on these principles, voluntary cooperation between the two countries in their foreign trade relations can be of mutual benefit. This cooperation will be promoted by close contact and continuous consultation between the two countries regarding the various aspects of foreign trade. As far as it is considered profitable and beneficial to both parties joint action shall be taken. Each of the two parties shall take into close account the economic interests for which the other is responsible.

3. It should be borne in mind that economically, geographically and politically the Netherlands belong to the European sphere and Indonesia to the Asian sphere. Historically close economic relations have existed and up to the present day exist between Europe and Asia in general and between the Netherlands and Indonesia in particular. As a result of history, the Netherlands have considerable economic and financial interests in Indonesia. The Republic of the United States of Indonesia will take due account of such interests.

Article 21

1. The foreign trade relations of the Netherlands with other countries shall be regulated and supervised by the Netherlands Government or by its appropriate agencies, on its or their exclusive authority.

The foreign trade relations of Indonesia with other countries shall be regulated and supervised by the Government of the Republic of the United States of Indonesia or its appropriate agencies on its or their exclusive authority.

2. With regard to the countries of Europe, the Netherlands and the Republic of the United States of Indonesia shall cooperate in the field of trade policy. In the last quarter of 1950 new consultations shall be held in connection with the continuation of this cooperation and the way in which it shall be effectuated, both parties being free to determine their standpoints anew.

/3. Each of the

3. Each of the two parties retains the ultimate decision in such cooperation as well as the ultimate decision on the disposal of its own products with respect to foreign trade. Each of the two parties determines what products and what quantities it desires to offer and the compensation it expects. This implies that in a specific case, one of the parties can take a small part only or even no part at all in a specific trade agreement; in the latter case the other party will nevertheless be entitled to conclude an agreement in view of its own interests. The non-participating party however shall refrain from separately concluding a trade agreement with the third country involved. Once a joint trade agreement has been concluded, neither of the parties shall make alterations therein without previous consultation with the other.

4. In the negotiations with third countries the Netherlands and the Republic of the United States of Indonesia, though forming two separate delegations, act in coordination vis-à-vis the third country. Previous mutual agreement shall be attained on a joint policy.

5. The trade agreements will be signed by or on behalf of the Government of the Netherlands, by or on behalf of the Government of the Republic of the United States of Indonesia on the one hand, and by the third country concerned on the other hand.

6. It shall be previously decided who will act on behalf of the coordinated delegations. The guiding principle will be that the chairman be appointed from the delegation having the greater interest in the discussions concerned.

7. The trade- and monetary agreements in force at the transfer of sovereignty shall, as far as these agreements concern Indonesia, be taken over and implemented by the Government of the Republic of the United States of Indonesia. An enumeration of these agreements is contained in the attached list.

#### Article 22

1. With regard to trade intercourse between the Netherlands and Indonesia, both countries are prepared to consider a system of mutual preferential treatment. Such a system will be to the advantage of both parties and shall not be in contravention with international agreements.

2. Both parties act upon the principle that they shall not pay each other higher prices than prevail elsewhere under like conditions for like products.

/3. With

3. With regard to imports into both countries, the Republic of the United States of Indonesia as well as the Netherlands will respectively draw up lists of import requirements, in accordance with the needs of either country of consumer goods and of goods for rehabilitation and reconstruction and based on the foreign exchange available. With regard to exports from both countries the Netherlands and the Republic of the United States of Indonesia will reserve and allocate export goods to the other country.

4. Based on the first and third paragraphs of this article the two parties shall at regular times for a period to be agreed upon, conclude agreements for mutual trade. The modus vivendi (now to be called trade agreement) for the period 1 October 1949-1 October 1950 is provisionally accepted by both parties. In the first quarter of 1950 discussions shall be held between the two parties as to the implementation and possible alterations of this agreement.

5. During the period for which certain quotas prevail, in principle no import-, export- or foreign exchange licences shall be refused, insofar as they concern a transaction agreed upon between the buyer and the seller, falling within the scope of the quotas agreed upon. If special circumstances necessitate deviation from this principle, previous consultation with the other party shall be held.

6. With regard to trade intercourse and matters connected therewith, the Netherlands and Indonesia may call upon each other for assistance and cooperation. Both parties agree that each shall render such assistance if and when required and considered advisable.

7. In case alterations or amendments in the quotas agreed upon be deemed necessary, both parties shall decide to this effect in mutual consultation.

#### Article 23

1. The regulation existing between the Netherlands and Indonesia, according to which payments between the two countries and payments with a number of other countries are effectuated as much as necessary via a commercial account (called C-account new style) remains provisionally in force after the transfer of sovereignty.

2. At the discussions to be held in the first quarter of 1950 (see article 22, paragraph 4) between the two countries, consultation shall be held if and to what extent alterations are desired in the prevailing system.

As far as possible alterations can be arranged between the Netherlands and the Republic of the United States of Indonesia, these shall come into effect as soon as possible; as far as they concern the relations with third countries, consultation shall be held within the framework of the existing agreements.

#### Article 24

1. It is recommended that the Netherlands appoint a trade representation with the Netherlands High Commissioner in Indonesia to represent its Government, to maintain close contact with the economic agencies of the Government of the Republic of the United States of Indonesia and to render assistance if and when required or considered advisable. It is recommended that the Republic of the United States of Indonesia appoint a trade representation with the Indonesian High Commissioner in the Netherlands to represent its Government, to maintain close contact with the economic agencies of the Netherlands Government and to render assistance if and when required or considered advisable.

2. The administration of the import- and the exportquotas and the foreign exchange-licences pertaining thereto in the Netherlands is vested in the Netherlands Government and in the agencies designated to this effect; the same administration in Indonesia is vested in the Government of the Republic of the United States of Indonesia, and in the agencies designated to this effect.

#### SECTION D

#### SETTLEMENT OF DEBTS

#### Article 25

The Republic of the United States of Indonesia shall assume the following debts:

A. The following consolidated loans, calculated as of December 31, 1949:

1. The Netherlands-Indies Loan 1935 bearing interest at the rate of 3 1/2%, issued under the Netherlands-Indies Loan Act 1934 (Staatsblad no. 558) j°. the Netherlands-Indies Conversionloan Act 1934 (Staatsblad no. 425), as amended by Act of 1 November 1934 (Staatsblad no. 559). Amount outstanding as of 31 December 1949, f36 650 000.--. Remaining duration 21 years.

2. The Netherlands-Indies Conversion-loan 1937 bearing interest at the rate of 3%, issued under the Netherlands-Indies Conversionloan Act 1934 (Staatsblad no. 245). Amount outstanding as of 31 December 1949 f90 000 000.--. Remaining duration 18 years.

3. The Netherlands-Indies Loan 1937 A bearing interest at the rate of 3%, issued under the Netherlands-Indies Conversionloan Act 1937 (Staatsblad no. 904). Amount outstanding as of 31 December 1949 f616 250 000.--. Remaining duration 25 years.

4. Indonesia's share of the Netherlands National Consolidated Debt 1896 bearing interest at the rate of 3% (Act of 30 December 1895, Staatsblad no. 236). Amount outstanding as of 31 December 1949, f3 300 000.--. Remaining duration 3 years.

/5. The 3%

5. The 3% Indonesian Loan 1962-1964 (Agreement of 19 May/8 June 1949) being Indonesia's share converted under paragraph 2, article 4 of the Agreement of 8-14 April 1938, in the 3-3 1/2% Netherlands Government Loan 1938, which loan was converted under the Conversionloan Act 1948 (Staatsblad no. I 115) and the Loan Act 1946 (Staatsblad no. G 143), amended by the Acts of 23 November 1946 (Staatsblad No. G 333) and of 12 February 1943 (Staatsblad no. I 52). Amount outstanding as of 31 December 1949, f79 912 000.--, which amount must be redeemed in full on 1 June 1964.

6. Loans contracted with "De Nederlandsche Bank" and "De Javasche Bank" bearing interest at the rate of 3% (Agreements of 14 and 16 January 1932, amended on 28 December 1932) against collateral of Netherlands Treasury Bills set at the disposal of Indonesia under the Act of 25 July 1932 (Staatsblad no. 393), amended by the Act of 15 March 1933 (Staatsblad no. 99). Amount outstanding as of 31 December 1949, total f44 624 775.--. Remaining duration 13 1/2 years.

B. The debts to third countries, calculated as of 31 December 1949:

1. Loan Export-Import Bank on behalf of Indonesia within the framework of the E.C.A. aid (Agreement of 28 October 1948). Amount outstanding as of 31 December 1949 U.S. \$15 000 000.--. Remaining duration 24 years. Interest at the rate of 2 1/2%, as from 30 June 1952.

2. A line of credit granted by The United States Government to the Netherlands Indies Government for the purchase of United States Surplus Property (Agreement of 28 May 1947). Amount outstanding as of 31 December 1949, U.S. \$62 550 412.--. Remaining duration 31 1/2 years. Interest at the rate of 2%.

3. Loan from Canada (Agreement of 9 October 1945). Amount outstanding as of 31 December 1949, Can. \$15 452 188,21. Remaining duration 6 years. Interest at the rate of 2 1/4%.

4. Settlement between the Government of Australia and the Government of Indonesia (Agreement of 17 August 1949). Amount outstanding as of 31 December 1949, A. £8 500 000/--/--. Remaining duration 10 years. Free of interest.

C. The following debts to the Kingdom of the Netherlands, calculated as of 31 December 1949, up to the maximum amounts specified hereunder:

1. Indonesia's share in the swing provided in the British Monetary Agreement, ad £5 000 000/--/-- (f53 500 000.--).

2. A swing to the C-account of f40 000 000.--.

3. The debit balance on the HG/HI-account of f80 000 000.--.

4. The debit balance on the Bretton Woods accounts, of f95 000 000.-- (opposite this is an asset of the same amount as participation in Interfund and Interbank).

/D. All internal



D. All internal debts of Indonesia at the date of transfer of sovereignty.

Article 26

The Government of the Republic of the United States of Indonesia assumes responsibility for payment of both interest and amortization of the debts referred to in the previous article and acquires as regards the debts under C the rights under the existing agreements.

Article 27

The remaining debts of the Body-Corporate of Indonesia to the Kingdom of the Netherlands at the date of transfer of sovereignty shall be deemed cancelled after the debts of the Kingdom of the Netherlands to the Body-Corporate of Indonesia at the same date have been offset, which involves a reduction of the external debt due to the Netherlands by the sum calculated as of 31 December 1949, of 2 000 000 000 Netherlands guilders.

SECTION E

FINAL PROVISION

Article 28

The provisions of this agreement as far as the Kingdom of the Netherlands is concerned, shall have reference to the Netherlands exclusively.

APPENDIX TO THE DRAFT FINANCIAL  
& ECONOMIC AGREEMENT

## LIST OF TRADE AND MONETARY AGREEMENTS IN WHICH INDONESIA PARTICIPATES

Countries	Trade Agreements Term	Monetary Agreements Term	Term of Notice
1. The Argentine	1- 4-'48 — 31-12-'52	1- 4-'48 — 31-12-'52.	—
2. Belgium	1- 7-'49 — 30- 6-'50	21-10-'43 — indefinite; terminable from 1-1-'49 on the 1st January of each year.	2 years
3. Bulgaria	1- 1-'49 — 31-12-'49	1- 1-'49 — 31-12-'49 implying yearly renewal.	3 months
4. Denmark	1- 7-'49 — 30- 6-'50	31- 1-'46 — indefinite.	3 months
5. Eastern-Germany	1- 7-'49 — 30- 6-'50	1- 7-'49 — 30-6-'50.	—
6. Western-Germany	1- 9-'49 — 31- 8-'50	1- 9-'49 — 31-12-'50 implying six monthly renewal.	2 months
7. United Kingdom	1- 1-'49 — 31-12-'49	7- 9-'45 — 7-9-'50.	3 months
8. Finland	1- 6-'49 — 31- 5-'50	1- 6-'49 — indefinite.	6 months
9. France	1- 8-'49 — 30- 6-'50	9- 4-'46 — indefinite.	3 months
10. Hungary	1- 1-'49 — 31-12-'49	1- 1-'49 — 31-12-'49 with a one-year renewal subject to notice.	3 months
11. Israel	1- 2-'49 — 31- 1-'50	1- 2-'49 — 31-1-'50.	3 months
12. Italy	1- 4-'49 — 31- 3-'50	30- 6-'48 — indefinite. <sup>3)</sup>	1 month
13. Yugo-Slavia	1- 6-'49 — 31-10-'49 <sup>1)</sup>	1- 2-'48 — indefinite (notice can be given before 1-2-'51).	—
14. Norway	1- 1-'48 — 31-12-'49	6-11-'45 — 1 year implying indefinite renewal.	12 months
15. Austria	4-12-'48 — 7- 2-'50	3-12-'46 — indefinite.	—
16. Poland	1- 1-'49 — 31-12-'49	1- 1-'49 — 31-12-'49 implying renewal.	3 months before the end of each year
17. Portugal	1- 7-'49 — 30- 6-'50	1- 3-'46 — 1 year implying renewal.	3 months
18. Russia	10- 6-'48 — 10- 6-'49 <sup>2)</sup>	10- 6-'48 — indefinite.	3 months
19. Spain	1- 6-'49 — 31- 5-'50	21-10-'46 — indefinite.	6 months
20. Czechoslovakia	10- 5-'49 — 1- 5-'50	15-11-'46 — indefinite.	2 months
21. Sweden	1- 3-'49 — 28- 2-'50	30-11-'45 — 31-12-'49, unless otherwise agreed.	3 months
22. Switzerland	1-10-'49 — 30- 9-'50	24-10-'45 — for 3 years, thereafter implying yearly renewal.	3 months
23. Brazil	—	1- 9-'48 — indefinite; provisional agreement.	2 months
24. Uruguay	15- 7-'48 — Indefinite	12- 6-'47 — 1 year implying renewal.	3 months
25. Turkey	6- 9-'49 — 1- 7-'50	6- 9-'49 — 1-7-'50 subject to implying renewal.	3 months
26. Canada	—	28- 1-'48 — indefinite. <sup>3)</sup>	—

<sup>1)</sup> Negotiations on a new treaty are now being held.  
<sup>2)</sup> Pending future negotiations the commodity quota's continue indefinitely.  
<sup>3)</sup> Services.

APPENDIX XIV

EXCHANGE OF LETTERS IN RESPECT OF CERTAIN FINANCIAL  
AND ECONOMIC MATTERS

NETHERLANDS DELEGATION

TO THE ROUND TABLE  
CONFERENCE

---  
Secretariat  
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No. 847

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that agreement has also been reached at the conclusion of the Financial and Economic Agreement, on the following six points:

1. The Government of the Republic of the United States of Indonesia recognizes the special position of former government personnel of Indonesia and of their surviving relatives and undertakes to continue the present treatment of said categories of persons after the transfer of sovereignty.

The provisions of the preceding paragraph involve that payment of pensions of former government personnel of Indonesia and payments to their surviving relatives, as far as such personnel or surviving relatives are domiciled in the Netherlands, shall be effected in Netherlands currency with the understanding that negotiations be undertaken not later than March 1950, in order to arrive at an equitable solution. The present practice shall remain in force until agreement is reached.

2. Should the International Monetary Fund request direct information from the Republic of the United States of Indonesia after the transfer of sovereignty but before the Republic of the United States of Indonesia has acquired membership to that Fund, or should the Fund desire to make an investigation, the Republic of the United States of Indonesia will submit the information and permit the investigation requested, if and inasfar as this is required under the rules of procedure for the consideration of

/applications

applications for membership to the Fund.

3. In respect of the HQ-credit, it is agreed that the prevailing regulation be continued until a new regulation shall have been made in agreement between the two parties. Consultation to this effect shall be entered into as soon as possible. Serious efforts will be made to complete the consultation before the end of March 1950.

4. The General Shipping Agreement, including the Appendices pertaining thereto for the implementation thereof, shall continue in force until the end of March 1950, on the understanding that wherever the present regulations provide for unilateral decisions by one of the parties, such decisions shall be made by the two parties in mutual agreement. Negotiations to revise this agreement shall be undertaken as soon as possible.

5. The arrangements regarding foreign exchange regulations made within the framework of the "Coördinatie-College Nederland-Indonesië" --- whereby reference is made to the attached Chapters XI, XIII and XIV of the Summary of Conclusions of said Coördinatie-College, Financial Sector --- remain in force as long as they are not modified in mutual consultation between the Netherlands and the Republic of the United States of Indonesia. Said consultation shall take place in the first quarter of 1950.

6. After the transfer of sovereignty, means will be created for the purpose of a practical operation with regard to the cooperation in trade policy.

I shall appreciate learning if you can agree to the foregoing.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

APPENDIX referred to in point 5 of the letter of the Chairman of the Netherlands Delegation to the Round Table Conference of 2 November 1949, no. 847, and of the letter of the Chairmen of the Delegations of the Republic Indonesia and of the Federal Consultative Assembly of 2 November 1949, no. 8/E.I.

Chapters XI, XIII and XIV of the Summary of the Conclusions of the Coördinatie-College, Financial Sector

## CHAPTER XI

### RESIDENCE FOR FOREIGN EXCHANGE PURPOSES AND OWNERSHIP OF ASSETS UNDER THE FOREIGN EXCHANGE REGULATIONS

#### Paragraph 1

##### Residence for foreign exchange purposes

1. The term "residents" means:
  - a. natural persons who have their domicile in the country or who normally reside there;
  - b. juridical persons and companies established or managed in the country or - in cases to be defined in detail by the Netherlands Bank or the Currency Institute for Indonesia - with offices there;
  - c. branches, branch offices and businesses in the country belonging to a non-resident whether or not they have juridical personality.
2. The term "Non-residents" means:
  - a. natural or juridical persons and companies not covered by the term "residents";
  - b. branches, branch offices and businesses abroad belonging to a resident whether or not they have juridical personality unless they are managed in the country.
3. The residence for foreign exchange purposes of natural persons resident in the Netherlands or Indonesia shall as a rule be deemed to have been acquired or lost after residence for one year in one or the other country unless it can be regarded as certain, from the outset or after a short period, that such residence will last for more than one year, in which case residence begins or ends at the time when this can be regarded as certain. In doubtful cases, the Netherlands Bank or the Currency Institute for Indonesia shall give a ruling independently regarding the residence of persons of Indonesian or the Netherlands origin; such rulings shall immediately be communicated to the other authority.

#### Paragraph 2

##### Right to dispose of assets in Netherlands and Indonesian currency

1. The Netherlands and Indonesia relinquish claims regarding non-commercial assets in Indonesian or Netherlands currency.
2. Indonesia shall permit natural persons regarded as residents for foreign exchange purposes in Indonesia to dispose of assets belonging to them in the Netherlands. The Netherlands shall cooperate in this so far as possible by granting the necessary permits.

Paragraph 3

Ownership under the foreign exchange regulations of the assets of branches  
etc. in the other country

1. Without prejudice to the question of which assets should be regarded as belonging to a branch, branch office or business, established in the one country, of a resident in the other, and therefore reckoned as part of the foreign exchange holding of the country first mentioned, the following is accepted as a working arrangement on practical grounds:

- a. Assets which on 10 May 1940 were directly available for business operations to a branch, branch office or business, established in Indonesia, of a resident in the Netherlands, and all assets subsequently acquired or to be acquired, as a result of those business operations in Indonesia, shall in so far as such assets have not been placed at the disposal of the resident of the Netherlands in accordance with the Indonesian foreign exchange regulations be deemed to be the assets of the said branch, branch office or business;
- b. Assets which on 10 May 1940 were directly available for business operations to a branch, branch office or business, established in the Netherlands, of a resident in Indonesia, and all assets subsequently acquired or to be acquired as a result of those business operations in the Netherlands, shall in so far as such assets have not been placed at the disposal of the resident of Indonesia in accordance with the Netherlands foreign exchange regulations, be regarded as the assets of the said branch, branch office or business.

2. If the working arrangement set forth in 1 above should prove obviously inequitable in practice, the Netherlands Bank and the Currency Institute for Indonesia shall decide individual cases by mutual agreement as they arise.

Paragraph 4

Ownership under the foreign exchange regulations of assets and  
profits of branches, branch offices etc. outside the  
Netherlands and Indonesia

1. With regard to the allocation between the Netherlands and Indonesia of assets invested in branches and branch offices outside the two countries, and of the net profits in foreign currency which have subsequently accrued from such investments, the so-called "10 May" criterion laid down in paragraph 3 shall apply. This rule may be formulated by adding in the conclusion as set out in the said paragraph 3 under 1 (a) and 1 (b) after the words "subsequently ... as a result of those business operations, in Indonesia (or the Netherlands as the case may be)", the words "or abroad".

/2. When it has

2. When it has been established on the basis of the working arrangement set forth in 1 above that assets situated abroad belong to Indonesian foreign exchange resources, steps shall be taken, if the Netherlands has reasons for so doing, to take over the Indonesian interest in return for restitution of the foreign exchange invested therein, i.e. the value of the investment. Such reasons shall be deemed to exist when the object lies outside the Indonesian economic sphere although this implies no obligation on the part of the Netherlands to take over such interests. Each case shall be judged on its own merits. Indonesia is, moreover, prepared to postpone settlement in foreign currency, by further agreement, if the foreign exchange position of the Netherlands justifies such action.

#### Paragraph 5

#### Position of business in Japan

1. An effort shall be made to ensure that the arrangements to be concluded with the competent American authorities allow for the eventual establishment of Netherlands business firms, although not in such a manner as to institute a trust.

2. In view of the fact that the businesses to be established in Japan must be regarded as buying and selling agencies of business firms established in Indonesia, such business firms shall be regarded as belonging to the foreign exchange resources of Indonesia, in so far as foreign exchange is furnished for their maintenance and establishment by Indonesia, for so long as these conditions persist.

#### . CHAPTER XIII

#### FINANCING OF SUBSIDIARY COMPANIES IN INDONESIA BY THE NETHERLANDS OR BY INDONESIA

1. The financing of Indonesian subsidiary companies of Netherlands undertakings shall be effected in the following manner:

- a. by the use of balances in Indonesia;
- b. by financing on the part of Indonesian banks by means of short-term working credits and longer-term working credits secured by collateral in Indonesia to the extent that this occurred prior to 1940, and/or by transfers from the Netherlands chargeable to the parent companies.

2. The Netherlands shall assist in carrying out this provision by governmental action, where necessary, to encourage parent companies to undertake investment when they would otherwise hesitate to do so.

3. In principle, in dealing with foreign companies, the policy laid down in 1 above shall be followed.

4. It is recognized that in special cases departures from the above principle may be necessary, especially if the parent company is unwilling to invest and the businesses are of vital concern to Indonesia.

#### CHAPTER XIV

#### TRANSFER OF SECURITIES BETWEEN INDONESIA AND THE NETHERLANDS

##### Paragraph 1

##### Bonds with parity clause

As regards opportunities for transmitting to the Netherlands securities with parity clauses it is provided that:

- a. outstanding payments and overdue coupons are payable exclusively in Indonesia, while such funds may be remitted within the framework of the transfer scheme.
- b. with regard to bonds still outstanding, a distinction is made between:
  1. bonds owned by a non-resident of Indonesia for foreign exchange purposes;
  2. bonds owned by a resident of Indonesia for foreign exchange purposes;
  3. bonds owned by a juridical person resident in Indonesia for foreign exchange purposes;

It is accepted as a rule that permission for the transmission to the Netherlands of the securities mentioned in sub-paragraphs 1 and 2 will be granted unconditionally, while no permission will be granted for the securities mentioned in paragraph 3.

It is to be noted that the above mentioned privilege, in so far as it relates to natural persons, will be valid solely in respect of the original holders of bonds.

##### Paragraph 2

##### Foreign securities owned by Indonesian residents

1. It is most desirable, as part of the co-operation between the Netherlands and Indonesia, that Netherlands banks should so far as possible cooperate in carrying out the Indonesian foreign exchange regulations which provide inter alia, that when an Indonesian resident disposes of foreign securities, the bank in which the securities are deposited shall request the resident to produce the permit of the Currency Institute for Indonesia.

2. Although the Netherlands Bank cannot compel Netherlands banking institutions to cooperate in this way, it is prepared to issue a circular on the subject to Netherlands banking institutions. If the desired object is still not attained, the Currency Institute for Indonesia will proceed to place all foreign securities owned by Indonesian residents to the account of the Currency Bank in Indonesia.

3. When foreign securities deposited in a Netherlands bank are sold by an Indonesian resident, the transfer of the foreign currency by the  
/Netherlands to



Netherlands to Indonesia shall be effected by means of a payment by Indonesia, chargeable to the F or C account, so that the Indonesian residents receives payment in Netherlands currency.

/DELEGATION

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A.-  
DELEGATION

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No. 8/E.L.

The Hague, 2 November 1949.

Sir,

We have the honour to acknowledge receipt of your letter of today's date reading as follows:

"I have the honour to inform you that agreement has also been reached at the conclusion of the Financial and Economic Agreement, on the following six points:

1. The Government of the Republic of the United States of Indonesia recognizes the special position of former government personnel of Indonesia and of their surviving relatives and undertakes to continue the present treatment of said categories of persons after the transfer of sovereignty.

The provisions of the preceding paragraph involve that payment of pensions of former government personnel of Indonesia and payments to their surviving relatives, as far as such personnel or surviving relatives are domiciled in the Netherlands, shall be effected in Netherlands currency with the understanding that negotiations be undertaken not later than March 1950, in order to arrive at an equitable solution. The present practice shall remain in force until agreement is reached.

2. Should the International Monetary Fund request direct information from the Republic of the United States of Indonesia after the transfer of sovereignty but before the Republic of the United States of Indonesia has acquired membership to that Fund, or should the Fund desire to make an investigation, the Republic of the United States of Indonesia will submit the information and permit the investigation requested, if and inasfar as this is required under the rules of procedure for the consideration of applications for membership to the Fund.

3. In respect of the HG-credit, it is agreed that the prevailing regulation be continued until a new regulation shall have been made in agreement between the two parties. Consultation to this effect shall be entered into as soon as possible. Serious efforts will be made to complete the consultation before the end of March, 1950.

4. The General Shipping Agreement, including the Appendices pertaining thereto for the implementation thereof, shall continue in force until the end

/of March 1950,

of March 1950, on the understanding that wherever the present regulations provide for unilateral decisions by one of the parties, such decisions shall be made by the two parties in mutual agreement. Negotiations to revise this agreement shall be undertaken as soon as possible.

5. The arrangements regarding foreign exchange regulations made within the framework of the "Coördinatie-College Nederland-Indonesië" -- whereby reference is made to the attached Chapters XI, XIII and XIV of the Summary of Conclusions of said Coördinatie-College, Financial Sector -- remain in force as long as they are not modified in mutual consultation between the Netherlands and the Republic of the United States of Indonesia. Said consultation shall take place in the first quarter of 1950.

6. After the transfer of sovereignty, means will be created for the purpose of a practical operation with regard to the cooperation in trade policy.

I shall appreciate learning if you can agree to the foregoing."

We have the pleasure of informing you that we fully concur with the contents of this letter.

We have the honour to be,

Your obedient servants,

MOHAMMAD HATTA,  
Chairman of the  
Republican Delegation to the  
Round Table Conference.

HAMID,  
Chairman of the  
F.C.A.-Delegation to the  
Round Table Conference.

To the Chairman of the Netherlands Delegation  
to the Round Table Conference,  
The Hague.

NETHERLANDS DELEGATION  
TO THE ROUND TABLE  
CONFERENCE

---  
Secretariat  
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No. 846

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you as follows:

The Netherlands Government is prepared to annul the tin-agreement (so-called tin pledge) contracted between the body-corporate State of the Netherlands and the body-corporate Indonesia. The Netherlands Government proposes in this connection that after the transfer of sovereignty an arrangement be made to safeguard the Netherlands against risks emanating from guarantees given by the Netherlands in regard of debts of Indonesia and that in this arrangement inter alia be incorporated that other creditors shall not be placed by Indonesia in a more favourable position than the Netherlands with regard to securities for due payment of debts contracted or to be contracted by Indonesia. The Netherlands Government proposes the consultation concerning this arrangement to take place in the frame of the Union as soon as possible after the transfer of sovereignty.

I shall appreciate learning if you can agree to the foregoing.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A.-  
DELEGATION

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No. 9/E.L.

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The Hague, 2 November 1949.

Sir,

We have the honour to inform you that our Delegations are gratified to learn that the Netherlands Government is prepared to annul the tin-agreement (so-called tin pledge) contracted between the body-corporate State of the Netherlands and the body-corporate Indonesia. Our Delegations fully agree that after the transfer of sovereignty discussions be opened as soon as possible in the frame of the Union in order to find out in what way your request to safeguard the Netherlands against risks emanating from guarantees given by the Netherlands in regard of debts of Indonesia can be met with. Our Delegations fully share the view that other creditors shall not be placed by Indonesia in a more favourable position than the Netherlands with regard to securities for due payment of debts contracted or to be contracted by Indonesia.

Hoping to have given a satisfactory reply to your letter of to-day, we have the honour to be,

Your obedient servants,

MOHAMMAD HATTA,  
Chairman of the  
Republican Delegation to the  
Round Table Conference.

HAMID,  
Chairman of the  
F.C.A.-Delegation to the  
Round Table Conference.

To the Chairman of the Netherlands Delegation  
to the Round Table Conference,  
The Hague.

APPENDIX XV

REGULATIONS CONCERNING THE NETHERLANDS NAVAL FIGHTING FORCES  
IN INDONESIA AFTER THE TRANSFER OF SOVEREIGNTY

I

- Chapter I. General principles.
- Chapter II. Tasks to be executed by the Royal Netherlands Navy on behalf of the Government of the Republic of the United States of Indonesia during the period of withdrawal of the Royal Netherlands Navy.
- Chapter III. Assistance in building up the Navy of the Republic of the United States of Indonesia.
- Chapter IV. Manner of and regulations on the withdrawal of the Royal Netherlands Navy.
- Chapter V. Regulation on the naval base Surabaya.
- Chapter VI. Agreements on the execution of the regulations agreed upon in the preceding chapters.

CHAPTER I

GENERAL PRINCIPLES

Article 1

As a consequence of the transfer of sovereignty the Republic of the United States of Indonesia shall be exclusively responsible for the naval protection of Indonesia.

Article 2

There shall be no Netherlands task in Indonesia for the Royal Netherlands Navy as a Netherlands instrument, for which reason the Royal Netherlands Navy shall be withdrawn from Indonesia.

Article 3

By reason of the preceding articles the naval protection shall be the task of the naval forces of the Republic of the United States of Indonesia.

Article 4

The Netherlands Government is prepared at the request of the Government of the Republic of the United States of Indonesia to render assistance in the execution of the naval tasks as referred to in article 7, in so far as the Republic of the United States of Indonesia is not yet able to fulfil these tasks by own means.

This assistance is to cease gradually.

Article 5

The Netherlands Government is prepared at the request of the Government of the Republic of the United States of Indonesia to render assistance in building up the Navy of the Republic of the United States of Indonesia,

so that within the shortest possible time the Republic of the United States of Indonesia shall be able to execute its naval tasks by own means.

#### Article 6

The period within which the Netherlands naval forces are to be withdrawn from the United States of Indonesia is fixed at one year, unless the sovereign Governments agree otherwise in mutual consultation.

### CHAPTER II

#### TASKS TO BE EXECUTED BY THE ROYAL NETHERLANDS NAVY ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF THE UNITED STATES OF INDONESIA DURING THE PERIOD OF WITHDRAWAL OF THE ROYAL NETHERLANDS NAVY

#### Article 7

At the request of the Government of the Republic of the United States of Indonesia the Royal Netherlands Navy shall during the period of its withdrawal execute the following tasks on behalf of the Republic of the United States of Indonesia:

- a. assistance to the maritime services of the Republic of the United States of Indonesia entrusted with the patrol service;
- b. minesweeping and minedisposal service, diving and salvage operations;
- c. hydrography;
- d. assistance with units of the Netherlands Naval Air Force.

#### Article 8

The Netherlands Government is prepared to transfer on the day of the transfer of sovereignty two corvettes of the Royal Netherlands Navy into the property of the Government of the Republic of the United States of Indonesia. Further, the Netherlands Government is prepared, in consultation with the Government of the Republic of the United States of Indonesia, to transfer as soon as possible after the transfer of sovereignty two additional corvettes, and further other seagoing and airborne craft.

Finally the Netherlands Government is prepared to transfer, one year after the transfer of sovereignty, one destroyer into the property of the Republic of the United States of Indonesia.

The financial and other (zakelijke) conditions on which this transfer of ships and aircraft shall take place shall be a subject of consultation between the sovereign Governments.

#### Article 9

With regard to the taking-over by the Government of the Republic of the United States of Indonesia of the maintenance facilities and supplies of the Royal Netherlands Navy, the following shall be observed:

a. at the moment of the transfer of sovereignty the properties of the present Government of Indonesia are transferred to the Government of the Republic of the United States of Indonesia;

b. The Netherlands Government shall, as soon as possible after the transfer of sovereignty, enter into consultation with the Government of the Republic of the United States of Indonesia, concerning time and financial and other (zakelijke) conditions of transfer of the Netherlands properties considered suitable for such transfer.

#### Article 10

I. The naval establishments in Indonesia outside the naval base Surabaya which are under the management of the Royal Netherlands Navy, prior to the transfer of sovereignty remain provisionally under the management of the Royal Netherlands Navy.

In mutual consultation the management is gradually transferred to the Navy of the Republic of the United States of Indonesia, with the observance of the following:

a. the naval establishment shall remain in function in order to guarantee a good execution of the naval task;

b. by reason of this agreement and irrespective of whether the Navy of the Republic of the United States of Indonesia or the Royal Netherlands Navy manages an establishment, said establishment shall remain in function on behalf of the Navy of the Republic of the United States of Indonesia and the units of the Royal Netherlands Navy present in Indonesia.

II. Insofar as establishments to be indicated in mutual consultation and situated within the naval base Surabaya are suitable, the provision of the preceding paragraph on naval establishments in Indonesia outside the naval base Surabaya is applicable.

#### Article 11

The Netherlands Government is prepared, within its capacity, at the request of the Government of the Republic of the United States of Indonesia, to make personnel available for the management of the naval establishment referred to in the preceding article.

#### Article 12

The personnel and the units of the Royal Netherlands Navy during the period referred to in article 6, shall be under the command of the Flag-officer of the Royal Netherlands Navy in Indonesia (V.K.M.I.), who, in respect of the tasks referred to in article 7, is bound to observe the directives and orders of the Government of the Republic of the United States of Indonesia and is responsible to the Government of the Republic of the United States of Indonesia for the execution of the tasks referred to.

/Article 13



Article 13

The units of the Royal Netherlands Navy in the execution of the tasks referred to in article 7 fly the Netherlands flag and pennant and from the yard the flag of the Republic of the United States of Indonesia.

Article 14

On board the units of the Royal Netherlands Navy entrusted with the execution of the tasks referred to in article 7, liaison-officers of the Republic of the United States of Indonesia may be stationed who may be vested with the authority to investigate.

CHAPTER III

ASSISTANCE IN BUILDING UP THE NAVY OF  
THE REPUBLIC OF THE UNITED STATES OF INDONESIA

Article 15

It is agreed in principle that at the request of the Government of the Republic of the United States of Indonesia a naval section as part of the Netherlands Military Mission will be sent out, in which section for the training of Naval personnel of the Republic of the United States of Indonesia and for the naval establishments advisers, instructors and technical personnel will be included.

Article 16

The Netherlands Government is prepared to extend all possible facilities in its training-establishments on behalf of the training of the naval personnel of the Republic of the United States of Indonesia.

Article 17

The Netherlands Government is prepared to offer every possible opportunity on board the ships of the Royal Netherlands Navy for the training of the naval personnel of the Republic of the United States of Indonesia.

Article 18

The Netherlands Government is prepared to extend to the Republic of the United States of Indonesia all possible facilities and assistance in purchasing ships, airplanes and supplies for the Navy of the Republic of the United States of Indonesia.

Article 19

I. The Netherlands Government is prepared to permit the Indonesian regular personnel of the Royal Netherlands Navy to enter voluntarily into the service of the Republic of the United States of Indonesia on conditions to be further defined by the Republic of the United States of Indonesia.

II. Further, the Netherlands Government is prepared to promote Netherlands personnel and former personnel of the Royal Netherlands Navy entering on a voluntary basis into the service of the Navy of the Republic of the United States of Indonesia.

CHAPTER IV  
MANNER OF AND REGULATIONS ON THE WITHDRAWAL  
OF THE ROYAL NETHERLANDS NAVY

Article 20

At the withdrawal of the Royal Netherlands Navy, the Netherlands and Indonesian authorities shall in mutual cooperation take care, that the transfer of the naval tasks be made in the right manner.

Pending the gradual withdrawal the Royal Netherlands Navy shall not be employed operationally unless a request in this respect is made by the sovereign Government of the Republic of the United States of Indonesia and unless the Netherlands Government approves the employment.

Article 21

The same provisions apply to the units of the Royal Netherlands Marine Corps with regard to the period of withdrawal as apply to the units of the Royal Netherlands Army.

Article 22

The Navy Department shall be transferred to the Government of the Republic of the United States of Indonesia, the office of the Commander in Chief ceasing to exist as such on the day of the transfer of sovereignty and the liquidation thereof passing to the bureau of the Flag-officer of the Royal Netherlands Navy in Indonesia (V.K.M.I.).

CHAPTER V

REGULATION ON THE NAVAL BASE SURABAJA

Article 23

The Naval Base Surabaya, hereinafter to be called the base, comprises -- with the exception of private properties -- the land- and sea-territory, and also the shipyards, camps, harbours, aerodromes, establishments, installations, etc. situated thereon, within the boundaries as indicated on the map attached to this agreement.

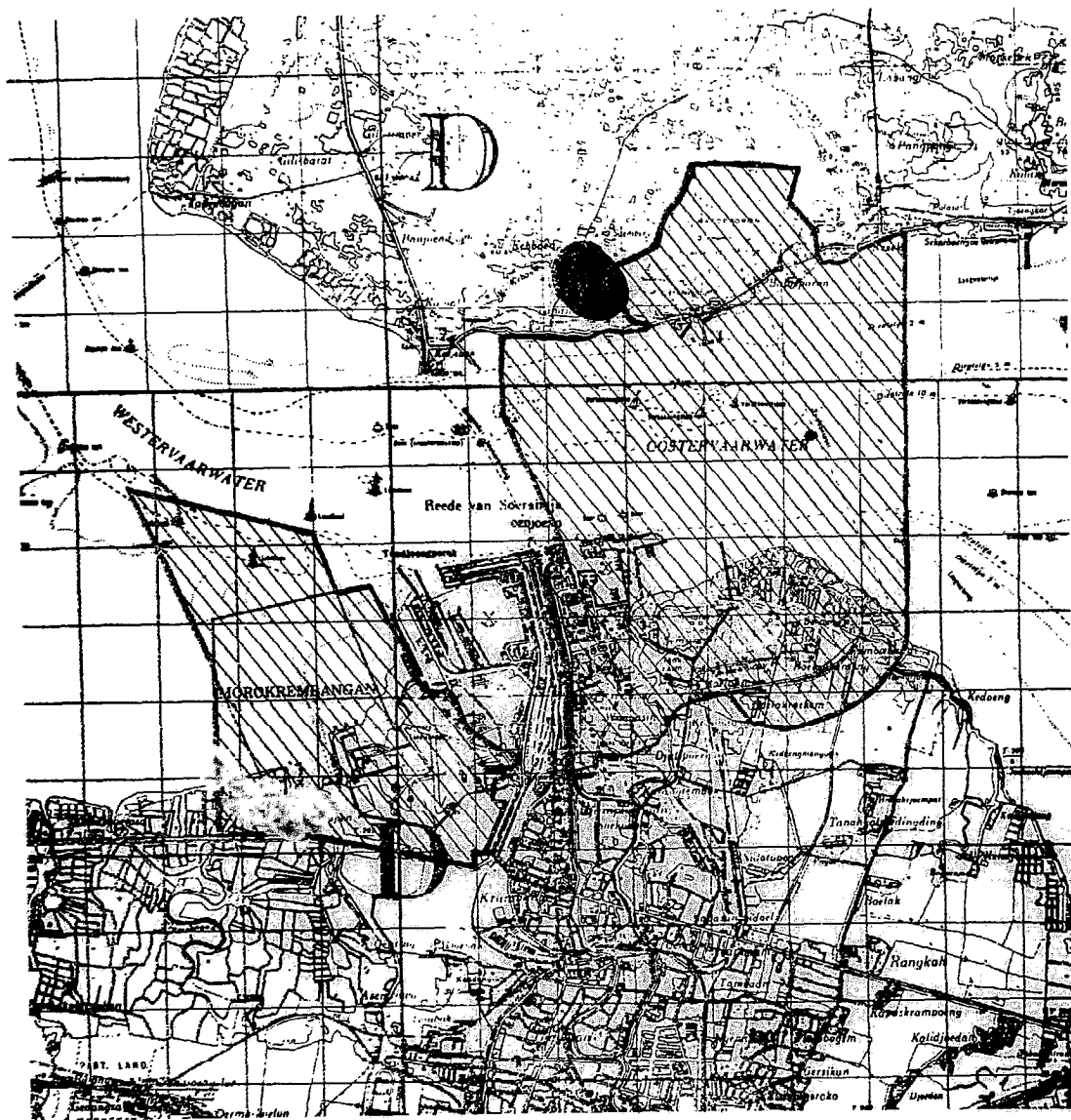
Article 24

At the transfer of sovereignty the base becomes a naval base of the Republic of the United States of Indonesia with due regard to the provisions in respect of the properties of the Royal Netherlands Navy referred to in article 9 sub b.

Article 25

From the moment at which the sovereignty is transferred an officer of the Royal Netherlands Navy shall be appointed manager of the base by the Government of the Republic of the United States of Indonesia. This appointment is made from a list of three names submitted by the Netherlands Government.

/Map



Article 26

The manager of the base is directly responsible for the management to the Minister of Defence of the Republic of the United States of Indonesia, or if necessary through the intermediary of the head of the Naval Section of the Netherlands Military Mission, if the latter acts as adviser to the Minister of Defence of the Republic of the United States of Indonesia.

Article 27

The manager of the base is responsible for maintaining order and security within the base. To this end the Government of the Republic of the United States of Indonesia shall place at his disposal a police force taking the wishes of the manager into full account. The commanding officers of the ships and establishments within the base are bound to follow the directives of the manager in maintaining order and security.

Article 28

The authority to be vested in the manager of the base, shall be laid down in an instruction to be issued by the Minister of Defence of the Republic of the United States of Indonesia. In this matter the advice of the Head of the Naval Section of the Netherlands Military Mission shall be requested.

Article 29

Use of the base and its services shall be made by the forces of the Republic of the United States of Indonesia and units of the Royal Netherlands Navy, present in Indonesia by reason of this agreement in conformity with rules which are identical for both Navies.

CHAPTER VI

AGREEMENTS ON THE EXECUTION OF THE REGULATIONS

AGREED UPON IN THE PRECEDING CHAPTERS

Article 30

1. At the transfer of sovereignty, the Government of the United States of Indonesia takes into its service all the civil personnel then employed by the Government of Indonesia, either permanently or temporarily or on short-term contract and working with the Royal Netherlands Navy, in the same manner and on the same conditions as agreed in respect of the other civil government officials of the Government of Indonesia.

2. At the moment referred to under paragraph 1 the civil personnel working with the Royal Netherlands Navy in Indonesia on a Netherlands contract of employment remains in the employment of the Royal Netherlands Navy on the existing conditions.

Article 31

1. The cost of the Royal Netherlands Navy, including the Royal  
/Netherlands

Netherlands Marine Corps, from 1 January 1950 until the end of the period of withdrawal, shall be for account of the Netherlands.

2. Insofar as the Royal Netherlands Navy renders assistance to the Republic of the United States of Indonesia during this period, the provision of article 6 of the agreement for the implementation of articles 2 and 21 of the Union statute shall apply.

3. For the year 1950 the total amount for the account of the Government of the Republic of the United States of Indonesia as a consequence of the preceding paragraph is to be fixed through previous consultations between the sovereign Governments on the understanding that this amount shall not exceed the exploitation cost of the Royal Netherlands Navy in Indonesia during 1949 (the cost of the Royal Netherlands Marine Corps not included), whereby possible devaluation influences shall be taken into account.

4. The Government of the Republic of the United States of Indonesia shall periodically make available the Indonesian and foreign currencies required for the expenditure of the Royal Netherlands Navy on the basis of a yearly cash-budget respectively foreign currency-budget. This expenditure, insofar as the second paragraph is not applicable, shall be settled later between the Governments of the Netherlands and of the Republic of the United States of Indonesia.

#### Article 32

Within the boundaries of the establishments referred to in article 10, authority is exercised by the commanding officers concerned. These commanding officers shall guard the establishments with their own means, or, insofar as necessary, with the assistance of the Republic of the United States of Indonesia.

#### Article 33

The commanding officers of the establishments referred to in article 10, shall render full assistance to the competent authorities of the Republic of the United States of Indonesia as regards the tracing, arresting and bringing up to trial of persons coming under the Indonesian jurisdiction who are suspected of being guilty of an offence and who are within the establishments.

#### Article 34

Members of the military personnel of the Royal Netherlands Navy who are staying in Indonesia by reason of any agreement with the Republic of the United States of Indonesia, shall be subject to the Netherlands law on military penal procedure and to Netherlands military penal law, Netherlands law on military discipline and further to Indonesian common penal law insofar as military penal law referred to above contains no regulations.

/The law

The law on military discipline shall be applied by or on behalf of the commanding officer concerned of the Royal Netherlands Navy.

At their request, the Indonesian authorities shall be informed which dispositions have been made in respect of serious offences committed by the military personnel referred to, whereby the interests of the Republic of the United States of Indonesia or of its subjects are concerned.

Article 35

Use of Indonesian ports, aerodromes and of their services, shall be made by the forces of the Republic of the United States of Indonesia and units of the Royal Netherlands Navy present in Indonesia by reason of this agreement in conformity with the rules which are identical for both Navies.

APPENDIX XVI

REGULATIONS CONCERNING THE LAND FIGHTING FORCES IN INDONESIA  
UNDER NETHERLANDS COMMAND AFTER THE TRANSFER OF SOVEREIGNTY

Chapter I.	General principles.
Chapter II.	The concentration of the land forces under Netherlands command.
Chapter III.	Shipment of the troops of the Royal Netherlands Army from Indonesia.
Chapter IV.	The reorganization of the land forces which have been formed and equipped by or under the authority of the Government of Indonesia (Netherlands-Indonesian Government).
Chapter V.	Social provisions.
Chapter VI.	Transfer of the movables and immovables used by the Royal Netherlands-Indonesian Army.
Chapter VII.	Finance.
Chapter VIII.	Executive regulations.

CHAPTER I

GENERAL PRINCIPLES

Article 1

The land forces under Netherlands command shall be withdrawn from Indonesia or be reorganized as soon as possible, in accordance with the directives given hereinafter.

Article 2

In consequence of the transfer of sovereignty the responsibility for the internal and external security of Indonesia shall rest with the sovereign Government of the Republic of the United States of Indonesia.

Article 3

1. During the withdrawal of the land forces under Netherlands command the Netherlands and Indonesian authorities concerned shall attend in mutual cooperation to the orderly transfer of territorial military responsibility.

2. The land forces under Netherlands command which are awaiting shipment or are being reorganized shall not be used for any operation unless upon a request to this effect by the sovereign Government of the Republic of the United States of Indonesia and with the consent of the Netherlands Government.

/Article 4

#### Article 4

Members of the armed forces which at the time of the transfer of sovereignty are present in Indonesia and which have been formed or equipped by or under the authority of the Government of Indonesia (the Netherlands-Indonesian Government), may be incorporated in the military forces of the Republic of the United States of Indonesia according to provisions to be determined at a later date.

#### Article 5

The transfer of the appropriate movables and immovables shall take place in mutual consultation in an orderly and businesslike way.

### CHAPTER II

#### THE CONCENTRATION OF THE LAND FORCES UNDER NETHERLANDS COMMAND

#### Article 6

1. Insofar as this has not been carried out at the time of the transfer of sovereignty the armed forces referred to in article 1 shall be assembled as soon as possible, in areas (rayons) to be determined in mutual consultation.

2. As such may be considered areas in the neighbourhood of ports and areas which offer sufficient accommodation for troops.

3. In order to promote the orderly transfer of the territorial military responsibility the possibility of the reorganization of the armed forces referred to in article 4 taking place also outside the rayons must be considered.

#### Article 7

For each rayon a Netherlands commander shall be appointed who shall be in command of the members of the armed forces referred to in article 1 present in this rayon.

#### Article 8

The armed forces referred to in article 1 have the status of guests who are in the territory of a friendly nation; the Government of the Republic of the United States of Indonesia shall grant all possible facilities.

#### Article 9

The armed forces referred to in article 1 shall remain under the command of their own officers.

#### Article 10

The armed forces referred to in article 1 shall retain their organic armament and equipment unless the competent Netherlands military authorities decide otherwise.

#### Article 11

Without prejudice to the provisions of this chapter the Government of the Republic of the United States of Indonesia shall remain responsible for the maintenance of law and order within the rayons.



#### Article 12

The members of the armed forces referred to in article 1 shall be subject to the Netherlands law on military penal procedure and to Netherlands military penal law, Netherlands law on military discipline and further to Indonesian common penal law, insofar as military penal law referred to above contains no regulations.

The law on military discipline shall be applied by or on behalf of the officer in command of the armed forces referred to in article 1. At their request the Indonesian authorities shall be informed of the punishment for grave offences which have been committed by the aforementioned members of the armed forces and in which the interests of the Republic of the United States of Indonesia or its subjects are involved.

#### Article 13

The members of the armed forces referred to in article 1 shall be at liberty to move freely within the rayons. Whenever they want to leave the rayons they shall have a valid pass bearing the signature of the commanding officer referred to in article 7 and visaed by a military authority to be appointed by the Republic of the United States of Indonesia. With due regard to article 3, paragraph 2, they shall refrain from all military activities; they shall, however, have the opportunity to train in accordance with regulations to be laid down in mutual consultation.

#### Article 14

1. In the rayons law and order among the members of the armed forces referred to in article 1 shall be enforced by the competent Netherlands military authorities who, if necessary, send out patrols for this purpose.

2. These patrols are allowed to take action exclusively against the members of the armed forces referred to in article 1.

#### Article 15

Within the boundaries of the encampments of the armed forces referred to in article 1 the authority shall rest with the officers in command of the units encamped there. These officers shall guard their encampments with their own means.

#### Article 16

The officers in command referred to in article 15 shall render full assistance to the Government of the Republic of the United States of Indonesia as regards the tracing, arresting and bringing up to trial of persons under Indonesian jurisdiction, who are suspected of being guilty of an offence and who are within the encampment.

Article 17

As regards the carrying of arms in public when off duty the rules obtaining between sovereign states in peacetime shall apply. In special cases the military authorities concerned shall consult each other on this matter.

Article 18

1. The armed forces referred to in article 1 shall retain such services as are necessary for their maintenance.

2. These maintenance services shall have freedom of movement outside the rayons insofar as required for the performance of their duties and they shall attend to their security with their own means. Further rules for the execution of the provisions of this article shall be established in mutual consultation.

Article 19

Changes in the dislocation of the armed forces referred to in article 1, with the exception of the modifications which are necessary for their shipment, shall take place exclusively in mutual consultation.

CHAPTER III

SHIPMENT OF THE TROOPS OF THE ROYAL NETHERLANDS ARMY FROM INDONESIA

Article 20

After the transfer of sovereignty the Royal Netherlands Army shall be withdrawn from Indonesia within the shortest possible time.

Article 21

To this end the Governments of the Kingdom of the Netherlands and the Republic of the United States of Indonesia shall cooperate to take advantage of all means available.

Article 22

Should it become evident as the Netherlands Government regretfully foresees that lack of shipping or other technical difficulties will prevent the completion of the withdrawal within six months after the transfer of sovereignty, the Netherlands Government will gladly give the authorities of the Republic of the United States of Indonesia free access to details of the arrangements and endeavours of the Netherlands Government for the repatriation of the Royal Netherlands Army.

Article 23

A joint technical committee shall be established to study the technical possibilities of repatriating the Royal Netherlands Army and ways and means of overcoming difficulties.

Article 24

Under its terms of reference, and as anticipated by agreement in the memorandum of 22 June 1949, the United Nations Commission for Indonesia or its successor shall be in a position to assist.

CHAPTER IV

REORGANIZATION OF THE LAND FORCES FORMED AND EQUIPPED BY OR UNDER THE  
AUTHORITY OF THE GOVERNMENT OF INDONESIA  
(THE NETHERLANDS-INDONESIAN GOVERNMENT)

Article 25

1. From the date of the transfer of sovereignty the officer commanding the armed forces referred to in article 1 shall be entrusted with the reorganization of the armed forces referred to in article 4. This reorganization shall have as its primary aim to afford the opportunity to eligible members of said forces to join as soon as possible the military forces of the Republic of the United States of Indonesia.

2. The word reorganization as used in this agreement, means reorganization in the sense of paragraph 1 of this article.

Article 26

During the reorganization of the aforementioned armed forces the administrative and judicial powers which the Indonesian legislation in force before the transfer of sovereignty conferred on the High Commissioner of the Crown with regard to the armed forces referred to in article 4, shall be executed by or on behalf of the King of the Netherlands.

Article 27

1. During the reorganization every endeavour shall be made in order that members of the armed forces referred to in article 4 join as far as possible unitwise the military forces of the Republic of the United States of Indonesia.

2. With regard to the transfer of maintenance services further regulations shall be established in mutual consultation.

Article 28

1. Those units, which prior to the transfer of sovereignty have been composed and prepared for this purpose by the commanding officers of the armed forces referred to in article 4 from members of said forces, shall become members of the military forces of the Republic of the United States of Indonesia the day after the transfer of sovereignty.

2. Other units thus formed shall be transferred as soon as they have been prepared for this purpose by the commanding officers of the armed forces referred to in article 4.

Article 29

In effecting said reorganization the officer in command of the armed forces referred to in article 1 shall observe the directives jointly established by or on behalf of the Governments of the Netherlands and of the Republic of the United States of Indonesia.

#### Article 30

The officer in command of the armed forces referred to in article 1 and the officer in command of the military forces of the Republic of the United States of Indonesia shall jointly attend to the execution of this reorganization

#### Article 31

1. The reorganization shall take place within a period of six months from the day of the publication of the conditions of enlistment in the armed land forces of the Republic of the United States of Indonesia.

2. During this period the provisions concerning the legal status of the military personnel of the armed forces referred to in article 4, in force on the day preceding the transfer of sovereignty shall remain in force without any modification thereof without prejudice to the further provisions laid down in the present agreement.

3. In mutual consultation the Governments of the Kingdom of the Netherlands and of the Republic of the United States of Indonesia may determine that after the completion of the reorganization certain services or sections of services will be continued for the performance of certain tasks and for a definite period.

4. On completion of the reorganization the Royal Netherlands Indonesian Army shall cease to exist. If after the completion of the reorganization a further winding up of the armed forces referred to in article 4 proves necessary, the Governments of the Kingdom of the Netherlands and the Republic of the United States of Indonesia shall consult each other on this matter in good time.

#### Article 32

After the transfer of sovereignty the military personnel of the armed forces referred to in article 4 shall be destined:

- a. partly to enter the service of the Republic of the United States of Indonesia;
- b. partly to enter the service of the Kingdom of the Netherlands;
- c. for the remainder to leave the services.

#### Article 33

Acceptance of the arrangements referred to in the previous article under a and b shall be voluntary.

#### Article 34

If members of the military personnel of the Royal Netherlands Indonesian Army enter the service either of the Republic of the United States of Indonesia or of the Kingdom of the Netherlands without any interruption, the period of service in the Royal Netherlands Indonesian Army shall be fully taken into account.

Article 35

Without prejudice to the two preceding articles, the conditions required for entering the service referred to in article 32 sub a shall be laid down by the Government of the Republic of the United States of Indonesia and the conditions required for entering the service referred to in article 32 sub b shall be laid down by the Government of the Kingdom of the Netherlands. For joining the armed forces of the Republic of the United States of Indonesia, Indonesian nationality is required.

Article 36

Organizations or associations whose members are involved in the reorganization shall be afforded the opportunity to advocate the interests of their members.

Article 37

Leaving the services involves discharge in conformity with the principles laid down in Chapter V.

CHAPTER V

SOCIAL PROVISIONS

Article 38

The military personnel of the Royal Netherlands-Indonesian Army who do not enter the service either of the Kingdom of the Netherlands or of the Republic of the United States of Indonesia shall be discharged with due observance of the provisions mentioned hereinafter.

Article 39

Those who are in permanent service and who, at the time of their discharge under the provisions in force on the day preceding the transfer of sovereignty are entitled to a pension, shall receive a pension computed in accordance with these provisions.

Article 40

Those who are in permanent service and can derive no claim from the provisions of article 39, but who for the assessment of their pension have completed a period of service of fifteen years or more, shall receive a pension computed in accordance with the regulation laid down in the "Indonesisch Staatsblad" 1948, no. 13.

Article 41

1. Those who have no claim based on the provisions of articles 39 and 40 shall receive non activity allowance computed in accordance with the provisions of the following paragraphs of this article.

/2. This non activity

2. This non activity allowance shall be paid during a period of two-fifths of the time served, on the understanding that it shall be enjoyed for at least one year and at most five years.

3. This sum to be paid monthly amounts to:
- during the first six months 80%,
  - during the next twelve months 60%,
  - during the remaining months 40%

of the full pay last received or of the full pay which those concerned would receive in virtue of their period of service.

4. For the purpose of computing the non activity allowance for corporals, privates 1st class and privates 2nd class their monthly full pay is fixed at f200, fl60 and fl40 respectively.

5. Should application of the arrangement set forth in the previous paragraphs of this article appear to be less profitable to the person concerned than application of the regulation set forth in article 42, he may demand that the latter regulation be applied to him.

#### Article 42

1. Those who have been on short term contracts of service and have completed the period contracted for shall receive the payments to which they are entitled on the strength of the regulations effective on the day preceding the transfer of sovereignty.

2. Those who have not yet completed such service period shall receive the payments referred to in the first paragraph -- in proportion to the period served -- but increased by 20%.

#### Article 43

The conscripts and reserve conscripts (reserveplichtigen) shall receive the payments and enjoy the special social provisions to which they are entitled on the strength of the regulations in force on the day preceding the transfer of sovereignty.

#### Article 44

The special provisions effective on the day preceding the transfer of sovereignty, which apply to personnel leaving the military service, shall be carried out.

#### Article 45

A cut may be applied in the case of cumulation of income to the proportional pensions referred to in article 40 and to the non activity allowance referred to in article 41, as agreed upon in the arrangement of the position of civil servants.

/With regard

With regard to soldiers on pay (soldijgenietenden) a fair percentage shall be established for the computation of this cut.

Article 46

1. Without prejudice to the provision in the second paragraph, the obligation to accept suitable civil employment may be imposed on those receiving proportional pensions or non activity allowance in accordance with this regulation.

2. The provision laid down in the first paragraph does not apply to those who have reached the age of 55.

Article 47

1. At the date of the transfer of sovereignty civil servants, whether militarized or not, who are under the authority of the Department of War shall pass into the service of the Republic of the United States of Indonesia in accordance with the agreement on the position of officials employed at the civil departments.

2. However during the reorganization this personnel shall continue -- as far as necessary -- its work in the existing relation.

3. The militarized personnel shall be demilitarized as soon as possible, but at the latest immediately prior to their accepting a function with the Republic of the United States of Indonesia. Up to the moment of demilitarization this personnel shall remain subject to the regulations of the law on military penal procedure to the military penal law and to the law on military discipline applicable to them prior to the transfer of sovereignty.

CHAPTER VI

TRANSFER OF MOVABLES AND IMMOVABLES IN USE

WITH THE ROYAL NETHERLANDS

INDONESIAN ARMY

Article 48

A plan shall be drawn up for the transfer of the movables and immovables in use with the Royal Netherlands-Indonesian Army in mutual consultation between the Commander of the Netherlands forces and the Minister of Defence of the Republic of the United States of Indonesia.

Article 49

In drawing up this plan the following considerations shall be taken into account:

- a. the safety of the forces of both parties;
- b. the tasks to be performed by these forces;

/c. the object

- c. the object to be attained, viz. that by a gradual transfer of all movables and immovables in use with the Royal Netherlands Indonesian Army at the end of the reorganization period of the Royal Netherlands Indonesian Army all the movables and immovables in use with the Royal Netherlands Indonesian Army shall be transferred to the Republic of the United States of Indonesia.

#### Article 50

The execution of the plan mentioned under article 48 is an object of common concern of both the Commander of the Netherlands forces in Indonesia and the Commander of the forces of the Republic of the United States of Indonesia. The Commander of the Netherlands forces in Indonesia shall be responsible for the movables and immovables in use with the Royal Netherlands Indonesian Army until their transfer.

### CHAPTER VII

#### FINANCE

#### Article 51

1. After the transfer of sovereignty the cost of the Royal Netherlands Army shall be borne by the Kingdom of the Netherlands.

2. Periodically the Government of the Republic of United States of Indonesia shall place at the disposal of the Commander of the Netherlands Army in Indonesia or of the authorities to be appointed by him the Indonesian currency required for payment of salaries etc. of the Royal Netherlands Army; the Government of the Republic of the United States of Indonesia shall also provide the means for feeding, lodging, clothing, etc., of the Royal Netherlands Army. Afterwards the account of these expenses shall be settled between the Kingdom of the Netherlands and the Republic of the United States of Indonesia.

#### Article 52

If and insofar as units of the Royal Netherlands Army and of the Netherlands Air Force (L.S.K.) render services to the Government of the Republic of United States of Indonesia at the latter's request, the cost of these units during the period concerned shall be chargeable to the Republic of the United States of Indonesia in accordance with an arrangement, if possible previously to be agreed upon.

#### Article 53

If and insofar as material belonging to the Royal Netherlands Army and the Netherlands Air Force at the request of the authorities appointed by the Government of the Republic of the United States of Indonesia is

/transferred



transferred to the Republic of the United States of Indonesia, the payment shall be arranged by mutual and as far as possible previous consultation.

#### Article 54

1. The cost of the Royal Netherlands Indonesian Army during the period between the transfer of sovereignty and the completion of the reorganization shall be paid by the Republic of the United States of Indonesia.

2. The cost of pensions, non activity allowance, lumpsums (uitkeringen ineens) and other social provisions of former personnel and personnel of the Royal Netherlands Indonesian Army shall be borne by the Republic of the United States of Indonesia.

Consequently insofar as members of the personnel of the Royal Netherlands Indonesian Army enter the service of the Netherlands Government, a settlement shall be made between the Governments of the Kingdom of the Netherlands and of the Republic of the United States of Indonesia in accordance with an arrangement to be agreed upon with regard to their acquired rights.

Those members of the Royal Netherlands Indonesian Army who have entered the service of the Royal Netherlands Indonesian Army since March 1942 and who do not acquire Indonesian nationality before the completion of the reorganization shall be exempted from the provisions laid down in this paragraph. The cost of the social provisions of those members of the Royal Netherlands Indonesian Army shall be borne by the Government of the Kingdom of the Netherlands.

3. During the period of reorganization the Government of the Republic of the United States of Indonesia shall periodically place at the disposal of the Commander of the Netherlands Armed Forces in Indonesia the funds he requires for the execution of this reorganization.

#### CHAPTER VIII

#### EXECUTIVE REGULATIONS

#### Article 55

The supervision of the execution of the decisions taken at the Round Table Conference in the military field shall be exercised from the date of the transfer of sovereignty in a manner to be agreed upon in mutual consultation between both governments, without prejudice to the provisions concerning general supervision of the execution of the agreements reached at the Round Table Conference.

Article 56

With regard to the execution of the present agreement the military authorities of the Kingdom of the Netherlands and the Republic of the United States of Indonesia shall cooperate in such a way as to ensure its expedient and complete implementation in the military technical field. For this purpose they shall make use of liaison officers.

APPENDIX XVII

REGULATIONS CONCERNING THE AIR FIGHTING FORCES IN INDONESIA  
UNDER NETHERLANDS COMMAND AFTER THE TRANSFER OF SOVEREIGNTY

Article 1

As a consequence of the transfer of sovereignty, the Republic of the United States of Indonesia shall be exclusively responsible for the air protection in Indonesia.

Article 2

The task of the air protection in the military sense is, by reason of the foregoing, therefor the task of the Air Force of the Republic of the United States of Indonesia.

Article 3

There shall be no further Netherlands task in Indonesia for the air forces under Netherlands command as a Netherlands instrument, for which reason the air forces referred to shall be withdrawn from Indonesia.

Article 4

The Netherlands Government is prepared at the request of the Government of the Republic of the United States of Indonesia to render assistance by way of making available personnel and material insofar as the Republic of the United States of Indonesia is not yet sufficiently able to execute its tasks by own means. This assistance is to cease gradually.

Article 5

The Netherlands Government is prepared at the request of the Republic of the United States of Indonesia to render assistance through a mission as a section of the Netherlands Military Mission in building up the Air Force of the Republic of the United States of Indonesia so that within the shortest possible time the Republic of the United States of Indonesia shall be able to execute its tasks with own means.

Article 6

The assistance referred to in articles 4 and 5 may comprise:

- a. assistance in building up and training the Air Force of the Republic of the United States of Indonesia;
- b. offering opportunity for and assistance in the purchase maintenance and repairs of materiel;
- c. personnel on behalf of the air traffic-control on aerodromes which are to be indicated later;
- d. the execution of special tasks.

Article 7

All provisions in respect of assistance to be rendered as referred to in the articles 4 and 5, applicable to the forces of which the air forces are parts, shall as far as possible apply to the air forces in a corresponding manner.

Article 8

All provisions in respect of the reorganization and withdrawal of the forces of which the air forces are parts, shall apply in a corresponding manner to the air forces, as far as these need not to be affected from in view of the independent position of the Airforce of the Republic of the United States of Indonesia and the organic interwovenness of the parts of the Netherlands Air Forces (L.S.K.) in Indonesia and the Military Airforce of the Royal Netherlands-Indonesian Army. It shall be the aim to complete the reorganization of the air forces within six months after the transfer of sovereignty.

Article 9

The safety of the Netherlands personnel, employed at airbases which are under command of the Republic of the United States of Indonesia shall be the responsibility of the Government of the Republic of the United States of Indonesia.

Article 10

Within a period of three months after the transfer of sovereignty, the Government of the Republic of the United States of Indonesia shall inform the Netherlands Government of the number and kind of personnel of the Netherlands air forces which it considers necessary for the tasks referred to in articles 4, 5 and 6.

Article 11

All provisions for the take-over of personnel and materiel of the forces of which the air forces are parts, shall apply in a corresponding manner to the air forces.

In this respect the significant importance is pointed out of continued functioning in accordance with normal peace-time requirements of the airtraffic service on the aerodromes which will be considered necessary for the civil aviation of the Republic of the United States of Indonesia.

Furthermore it is to be observed that this take-over will be completed within the period referred to in article 8 paragraph 2.

APPENDIX XVIII

EXCHANGE OF LETTERS IN RESPECT OF THE AGREEMENT ON MILITARY MISSION

NETHERLANDS DELEGATION

TO THE ROUND TABLE  
CONFERENCE

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Secretariat

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No. 850

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference takes the view that the following has been agreed upon by the Delegations to the Conference.

- a. Not until after the transfer of sovereignty can the composition and the definition of the tasks of the military missions to be exchanged by the partners of the Netherlands-Indonesian Union be regulated by the respective Governments in mutual consultation in accordance with article 7 of the draft agreement attached to the Draft Union Statute for the implementation of the articles 2 and 21 of the Statute referred to.
- b. However as of the transfer of sovereignty referred to above a Netherlands military mission shall be active in Indonesia, the task of which mission shall be to assist in building up and training the forces of the Republic of the United States of Indonesia and further to act as advisers on matters of a military nature.
- c. In view of the agreement under b and pending a regulation referred to under a, the Committee for Military Affairs to the Round Table Conference has drawn up a draft agreement on the Military Mission as represented hereinafter, to which agreement parties shall adhere until the regulation referred to under a shall have been established.

/DRAFT AGREEMENT

DRAFT AGREEMENT ON THE MILITARY MISSION

CHAPTER I

TASK AND DURATION

Article 1

The task of the Netherlands Military Mission shall be to assist the Government of the Republic of the United States of Indonesia in building up and training the forces of the Republic of the United States of Indonesia and to act as adviser on matters of a military nature.

Article 2

The agreement is concluded for a period of three years, effective from the date of signing the present agreement unless previously terminated or extended in accordance with rules set forth hereinafter.

Article 3

The two Governments shall consult each other at least one year before the expiration of the period referred to in article 2 concerning possible extension of stay of the mission or concerning possible alteration in the composition and tasks thereof.

Article 4

The present agreement may be terminated before the expiration of the period referred to in article 2 or before the expiration of the extension agreed upon in accordance with article 3, by means of notification in writing from one of the two Governments whereby a term of notice of six months shall be observed.

Article 5

Upon the initiative of one of the two Governments the present agreement may be terminated immediately and unconditionally, should either Government be involved in internal disturbances or external hostilities or for reasons of general interest to the Kingdom of the Netherlands or to the Republic of the United States of Indonesia.

CHAPTER II

COMPOSITION

Article 6

The Netherlands Military Mission shall form a single entity; it shall comprise a naval section, an army section and an air force section.

Article 7

The Government of the Republic of the United States of Indonesia shall inform the Government of the Kingdom of the Netherlands of its desires regarding the composition of the Military Mission in connection with the tasks to be carried out by said Mission, whereupon the composition shall be determined by the two Governments in mutual consultation.

Article 8

Alterations in the composition of the Military Mission shall not be made except by mutual consultation of the two Governments.

Article 9

Any member of the Military Mission may be relieved of his membership at any time by the Government of the Kingdom of the Netherlands, the Government of the Kingdom of the Netherlands undertaking to provide a substitute member.

CHAPTER III

ACTIVITIES AND RANKS

Article 10

The personnel of the Military Mission shall carry out instructions, on the nature of which and the manner of carrying out agreement exists between the Minister of Defence of the Republic of the United States of Indonesia and the Head of the Military Mission.

Article 11

On subjects which might prove or may be expected to bear a political character, consultations shall be held between the Government of the Republic of the United States of Indonesia and the Government of the Kingdom of the Netherlands.

Article 12

Each member of the Mission shall carry out his duties in the Mission in the rank he holds with the forces of the Kingdom of the Netherlands and shall wear the prescribed Netherlands uniform and distinctives pertaining thereto.

Article 13

The members of the Mission shall remain personnel of the Netherlands forces and in consideration thereof remain bound to their obligations towards the Kingdom of the Netherlands.

Article 14

Within the scope of the fulfilment of their task, the members of the Military Mission shall be obliged to follow the directives and instructions of the competent military authorities, respectively for the navy, army and air force, of the Republic of the United States of Indonesia and as such shall be responsible to the Government of the Republic of the United States of Indonesia through the intermediary of the Head of the Military Mission.

Article 15

The members of the Military Mission shall as much as possible be organized in groups.

The competent military authorities of the Republic of the United States  
/of Indonesia

of Indonesia shall consult the senior officer of each group concerning the directives and instructions within the scope of the fulfilment of their task.

#### Article 16

The members of the Military Mission shall be entitled to all the honours and privileges which the laws and regulations concerning the forces of the Republic of the United States of Indonesia grant to personnel of a corresponding rank.

#### Article 17

Members of the military personnel belonging to the Military Mission shall be subject to the Netherlands law on Military Penal Procedure and to Netherlands Military Penal Law, Netherlands Law on Military Discipline and further to Indonesian common Penal Law insofar as military penal law referred to above contains no regulations.

The Law on Military Discipline shall be applied by or on behalf of the Head of the Military Mission. At their request the Indonesian Authorities shall be informed which dispositions have been made in respect of serious offences committed by the military personnel referred to, whereby the interests of the Republic of the United States of Indonesia or of its subjects are concerned.

#### Article 18

Diplomatic immunity shall be enjoyed by the Head of the Military Mission and by some members of the Mission to be designated in consultation with the Government of the Republic of the United States of Indonesia.

### CHAPTER IV

#### FINANCIAL AND ADMINISTRATIVE PROVISIONS

#### Article 19

1. The members of the Military Mission shall fall under the financial and administrative management of the Netherlands.

2. The cost of the Mission composed in accordance with articles 6, 7, 8 and 9, and of the tasks performed by the Mission as agreed upon in accordance with articles 10 and 11, shall be borne by the Republic of the United States of Indonesia.

3. The Government of the Republic of the United States of Indonesia shall periodically put the necessary funds at the disposal of the Head of the Netherlands Military Mission on the basis of a yearly cash-budget drawn up by the Head of that Mission and approved by the Government of the Republic of the United States of Indonesia. The foreign currency required for the

/expenditure of



expenditure of the Mission shall also be made available periodically and on the basis of a yearly foreign currency budget drawn up by the Head of the Mission and approved by the Government of the Republic of the United States of Indonesia.

If necessary alterations in the cash-budget respectively the foreign currency budget can be proposed by the Head of the Mission.

#### Article 20

1. The financial position of the personnel of the Military Mission shall be subject to Netherlands regulations. Insofar as these regulations refer particularly to the service of Netherlands military personnel in the Netherlands Military Mission, they shall be maintained, respectively introduced or altered after consultation with the Republic of the United States of Indonesia.

2. Article 19, paragraph 2, in respect of salaries and emoluments, shall be effective from the day of departure from the Netherlands for members of the Military Mission and shall prevail until the day of arrival in the Netherlands after termination of service in the Military Mission, and eventually thereafter until the day of termination of each leave to which the members of the Mission are entitled as a consequence of the attachment to the Military Mission.

3. The second paragraph of article 19 shall also be applicable to cost of transport of personnel and of their families from the Netherlands to Indonesia and back.

4. Expenses for travelling in ships and airplanes of the Royal Netherlands Navy will not be charged.

#### Article 21

1. Members of the Mission shall be exempt from taxes of the Republic of the United States of Indonesia in accordance with an arrangement to be made between the two partners, which arrangement shall be drawn up in analogy with the internationally usual arrangements in this respect.

2. A similar arrangement shall be made regarding import and export duties and other taxes and excises levied on certain goods intended for or in use of the Mission.

3. Should a member of the Mission die, his succession shall be arranged fiscally as if he had died in the Netherlands.

#### Article 22

The Government of the Republic of the United States of Indonesia shall grant travel and hotel allowances for tours of duty within the jurisdiction of the Republic of the United States of Indonesia, such tours of duty to be

/made in accordance

made in accordance with the provisions for accommodation also applicable to military personnel in the service of the Republic of the United States of Indonesia.

#### Article 23

In case of death of one of the members of the Military Mission or of one of the members of the family of a member of the Military Mission, if the family of the deceased desires that the deceased be transported to the Netherlands, the Republic of the United States of Indonesia shall bear the cost of and render assistance in such transport.

#### CHAPTER V

#### SPECIAL PROVISIONS

#### Article 24

The Government of the Republic of the United States of Indonesia shall extend proper facilities to the members of the Military Mission.

#### Article 25

Any reference in this agreement made to families shall apply to wife and children only.

#### Article 26

The members of the Military Mission shall be entitled to an annual leave of one month.

Any unused part of said leave shall be cumulative from year to year during the period of attachment in the Military Mission.

Without prejudice to the general facilities prevailing for military personnel regarding the use of public conveyances, travelling expenses during leave shall not be borne by the Republic of the United States of Indonesia.

#### Article 27

The Head of the Military Mission shall grant leave as referred to in article 26, taking into account the interests of the Republic of the United States of Indonesia.

#### Article 28

The Government of the Republic of the United States of Indonesia shall provide for complete and proper medical care of the members of the Military Mission and their families.

Article 20

Members of the Military Mission who, on account of ill health are unable to carry out their duties for any length of time shall be replaced.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A.-  
DELEGATION

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No. 11/E.L.

The Hague, 2 November 1949.

Sir,

We have the honour to inform you that the Indonesian Delegations to the Round Table Conference take the view that the following has been agreed upon by the Delegations to the Conference.

- a. Not until after the transfer of sovereignty can the composition and the definition of the tasks of the military missions to be exchanged by the partners of the Netherlands-Indonesian Union be regulated by the respective Governments in mutual consultation in accordance with article 7 of the draft agreement attached to the Draft Union Statute for the implementation of the articles 2 and 21 of the Statute referred to.
- b. However as of the transfer of sovereignty referred to above a Netherlands military mission shall be active in Indonesia, the task of which mission shall be to assist in building up and training the forces of the Republic of the United States of Indonesia and further to act as advisers on matters of a military nature.
- c. In view of the agreement under b and pending a regulation referred to under a, the Committee for Military Affairs to the Round Table Conference has drawn up a draft agreement on the Military Mission as represented

/hereinafter,

hereinafter, to which agreement parties shall adhere until the regulation referred to under a shall have been established.

To the Chairman of the Netherlands Delegation  
to the Round Table Conference,  
The Hague.

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U.N. Secretariat note: The draft agreement attached to the above letter is the same as the draft agreement on the preceding pages, and is omitted for reasons of economy.

APPENDIX XIX

CORRESPONDENCE IN RESECT OF CERTAIN MILITARY AFFAIRS

NETHERLANDS DELEGATION

TO THE ROUND TABLE

CONFERENCE

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Secretariat

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No. 844

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference takes the view that the following has been agreed upon by the Delegations to the Conference.

In mutual consultation, the Netherlands Government and the Government of the Republic of the United States of Indonesia shall establish regulations with regard to the tracing of graves of those who fell, as well as with regard to the exhumation, identification, registration and reburial of the remains of such persons.

Moreover, in mutual consultation, they shall establish regulations concerning the foundation, upkeep and maintenance of the field of honour of Peutjut at Kuta Radja and the fields of honour which are now being administered or laid out by the Army Graves Service in Indonesia.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

/DELEGATION OF THE

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A.-  
DELEGATION

--  
No. 10/E.L.

--  
The Hague, 2 November 1949.

Sir,

We have the honour to inform you that the Indonesian Delegations to the Round Table Conference take the view that the following has been agreed upon by the Delegations to the Conference.

In mutual consultation the Netherlands Government and the Government of the Republic of the United States of Indonesia shall establish regulations with regard to the tracing of graves of those who fell, as well as with regard to the exhumation, identification, registration and reburial of the remains of such persons.

Moreover, in mutual consultation, they shall establish regulations concerning the foundation, upkeep and maintenance of the field of honour of Poutjut at Kuta Radja and the fields of honour which are now being administered or laid out by the Army Graves Service in Indonesia.

We have the honour to be,

Your obedient servants,

MOHAMMAD HATTA,  
Chairman of the  
Republican Delegation to the  
Round Table Conference.

HAMID,  
Chairman of the  
F.C.A.-Delegation to the  
Round Table Conference.

To the Chairman of the Netherlands Delegation  
to the Round Table Conference,  
The Hague.

NETHERLANDS DELEGATION  
TO THE ROUND TABLE  
CONFERENCE

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Secretariat

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No. 313

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference takes the view that the following has been agreed upon by the Delegations to the Conference.

With reference to the agreement entered into by the parties, in which inter alia the period for the withdrawal from Indonesia of the Royal Netherlands Navy has been fixed at one year, the Chairmen of the two Indonesian Delegations confirm their agreement with the Chairman of the Netherlands Delegation that immediately after transfer of sovereignty discussions will be initiated between the Government of the Republic of the United States of Indonesia and the Government of the Kingdom of the Netherlands on the maritime contribution to be made by the Netherlands to the Republic of the United States of Indonesia on the basis of articles 4 and 5 of the draft agreement for the implementation of articles 2 and 21 of the Draft Union Statute.

The Delegations of the Republic Indonesia and of the Federal Consultative Assembly are convinced of the necessity of such discussions. They realize that for technical reasons it will not be possible for the Netherlands to give the assistance referred to in article 3 of the draft agreement for the implementation of articles 2 and 21 of the Draft Union Statute for a period longer than one year should the above discussions not result in an agreement at the latest four months after transfer of sovereignty.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

/No. 12/E.L.

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A.-  
DELEGATION

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No. 12/E.L.

The Hague, 2 November 1949.

Sir,

We have the honour to inform you that the Indonesian Delegations to the Round Table Conference take the view that the following has been agreed upon by the Delegations to the Conference.

With reference to the agreement entered into by the parties, in which inter alia the period for the withdrawal from Indonesia of the Royal Netherlands Navy has been fixed at one year, the Chairmen of the two Indonesian Delegations confirm their agreement with the Chairman of the Netherlands Delegation that immediately after transfer of sovereignty discussions will be initiated between the Government of the Republic of the United States of Indonesia and the Government of the Kingdom of the Netherlands on the maritime contribution to be made by the Netherlands to the Republic of the United States of Indonesia on the basis of articles 4 and 5 of the draft agreement for the implementation of articles 2 and 21 of the Draft Union Statute.

The Delegations of the Republic Indonesia and of the Federal Consultative Assembly are convinced of the necessity of such discussions. They realize that for technical reasons it will not be possible for the Netherlands to give the assistance referred to in article 3 of the draft agreement for the implementation of articles 2 and 21 of the Draft Union Statute for a period longer than one year should the above discussions not result in an agreement at the latest four months after transfer of sovereignty.

We have the honour to be,

Your obedient servants,

MOHAMMAD HATTA,  
Chairman of the  
Republican Delegation to the  
Round Table Conference.

HAMID,  
Chairman of the  
F.C.A.-Delegation to the  
Round Table Conference.

To the Chairman of the Netherlands Delegation  
to the Round Table Conference,  
The Hague.



NETHERLANDS DELEGATION  
TO THE ROUND TABLE  
CONFERENCE

Secretariat

No. 843

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference takes the view that the following has been agreed upon by the Delegations to the Conference.

1. The three Delegations in the Committee for Military Affairs are unanimously of the opinion that with a view to an orderly execution of the decisions taken at the Round Table Conference concerning the withdrawal or reorganization of the air forces under Netherlands command, it is recommended that a Preparatory Committee be formed as soon as possible after the termination of the Round Table Conference.

This Committee shall inter alia pay attention to the problem of voluntary enlistment of Netherlands Air Force personnel with the Air Force of the Republic of the United States of Indonesia in order that said enlistment may take place as soon as possible after the transfer of sovereignty.

2. The three Delegations in the Committee for Military Affairs are unanimously of the opinion that with a view to an orderly execution of the decisions taken at the Round Table Conference and laid down in the Naval Agreement, it is recommended that a Preparatory Committee be formed as soon as possible after the termination of the Round Table Conference.

The three Delegations recommend that this Committee in Indonesia be composed of representatives of the Netherlands and Republican Governments and of the Federal Consultative Assembly.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN

Chairman of the Netherlands Delegation  
to the Round Table Conference.

/DELEGATION OF THE

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A.  
DELEGATION

No. 13/E.I.

The Hague, 2 November 1949.

Sir,

We have the honour to inform you that the Indonesian Delegations to the Round Table Conference take the view that the following has been agreed upon by the Delegations to the Conference.

1. The three Delegations in the Committee for Military Affairs are unanimously of the opinion that with a view to an orderly execution of the decisions taken at the Round Table Conference concerning the withdrawal or reorganization of the air forces under Netherlands command, it is recommended that a Preparatory Committee be formed as soon as possible after the termination of the Round Table Conference.

This Committee shall inter alia pay attention to the problem of voluntary enlistment of Netherlands Air Force personnel with the Air Force of the Republic of the United States of Indonesia in order that said enlistment may take place as soon as possible after the transfer of sovereignty.

2. The three Delegations in the Committee for Military Affairs are unanimously of the opinion that with a view to an orderly execution of the decisions taken at the Round Table Conference and laid down in the Naval Agreement, it is recommended that a Preparatory Committee be formed as soon as possible after the termination of the Round Table Conference.

The three Delegations recommend that this Committee in Indonesia be composed of representatives of the Netherlands and Republican Governments and of the Federal Consultative Assembly.

We have the honour to be,

Your obedient servants,

MOHAMMAD HATTA,

Chairman of the  
Republican Delegation to the  
Round Table Conference.

HAMID,

Chairman of the  
F.C.A.-Delegation to the  
Round Table Conference.

To the Chairman of the Netherlands Delegation  
to the Round Table Conference,  
The Hague.

APPENDIX XX

AGREEMENT ON COOPERATION BETWEEN THE UNION PARTNERS  
IN THE FIELD OF DEFENCE

The Kingdom of the Netherlands and the Republic of the United States of Indonesia,

in pursuance of the provisions contained in articles 2 and 21 of the Union Statute,  
have agreed as follows.

Article 1

Each of the partners shall bear full responsibility for the defence of his own territory.

Provisions to this effect shall be made by each of the partners.

Article 2

The joint regulations referred to in article 12 of the Union Statute shall be implemented independently by each of the partners within his own area of jurisdiction.

Article 3

Without prejudice to the provision of article 2, the cooperation may find expression in assistance to be given by one partner to the other, if so requested, in so far as in the former's opinion the assistance applied for is compatible with his capacity and his own needs, and in particular with the interests of his own defence.

Article 4

The assistance referred to in article 3, may inter alia consist of:

- a. training and higher training of officers, non-commissioned officers, specialized military personnel and civilian auxiliary personnel;
- b. making personnel available;
- c. making materiel available;
- d. offering facilities and rendering assistance for the maintenance and repair of materiel of the other partner.

Article 5

Should one of the partners request to make available in his area of jurisdiction units of the armed forces of the other partner, the partners may conclude an agreement to this effect.

Article 6

If, in pursuance of articles 4 and 5, one partner renders assistance to the other, the expenses involved in rendering such assistance shall, unless otherwise agreed in special cases, be borne by the partner who has applied for said assistance.

/Article 7

#### Article 7

The partners shall exchange military missions. The conditions under which said exchange shall take place, the composition and the terms of reference of these missions, shall be regulated by the Governments of the partners in mutual consultation.

A partner, contemplating to invite or receive a military mission of a third power, shall previously consult the other partner in this respect.

#### Article 8

The two partners shall consult with one another in the event of threat of aggression to both partners or to one of the partners.

#### Article 9

If a partner wishes to procure materiel for his armed forces from outside his own territory he shall consult the other partner as much as possible as to the manner in which they may assist each other in this respect.

#### Article 10

If a partner gives information concerning his defence to the other partner, the latter is -- also in regard of an ally -- committed to secrecy, unless he is explicitly exempted from this obligation by the former partner.

If personnel of one partner, by reason of the cooperation visualized in this agreement, is admitted to the area of jurisdiction or to organizations of the other partner, the former partner shall do his utmost in order that said personnel maintain secrecy on all defence matters of the other partner which may come to their knowledge.

#### Article 11

The partners shall effect an arrangement on the law on military penal procedure, the military penal law and the law on military discipline, to be applied to military personnel of a partner, which personnel, by reason of the performance of duties arising out of the cooperation between the partners, is within the area of jurisdiction of the other partner.

In effecting said arrangement the partners shall take into consideration similar arrangements in other countries.

#### Article 12

Unless the partners agree otherwise, merchant vessels and civil aircraft under the flag of a partner may, if one of the partners is involved or is in danger of becoming involved in a war, be requisitioned or militarized only by the latter and not by the former, irrespective of the location of said ships and aircraft.

The former partner however shall in this case consult the other partner if the merchantmen or the civil aircraft is within the latter's area of jurisdiction.

Article 13

The partners shall make arrangements concerning the rules which shall apply, when naval units or military aircraft of one partner are present in or near the area of jurisdiction of the other partner and call at ports or airports in said area of jurisdiction.

Article 14

Pending an arrangement between the partners concerning the compulsory military service of their respective subjects, the subjects of one partner shall not be compelled to serve in the armed forces of the other partner.

As long as any resident of either partner shall have the right of option in respect of his future nationality, under the provisions accepted at the Round Table Conference, this person shall not be called for military service by one of the partners.

Article 15

This agreement shall not prejudice upon the rights and obligations of the partners under the Charter of the United Nations or under international arrangements based thereon.

Article 16

As soon as possible the partners shall consult with one another on the elaboration of the principles contained in the foregoing articles, and undertake such measures as may be considered useful by the Governments concerned in mutual consultation for the correct achievement of the aims of the Union Statute and of the present agreement on defence matters.

APPENDIX XXI

AGREEMENT CONCERNING CULTURAL RELATIONS BETWEEN THE  
UNION PARTNERS

The Republic of the United States of Indonesia, and the Kingdom of the Netherlands animated by the same desire to promote their mutual relations regarding education, science and culture in general have decided to conclude an agreement concerning the cultural relations between both States.

CHAPTER I

BASIS AND CHARACTER

Article 1

The cultural relations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands shall be based on complete freedom, volition and reciprocity.

The cultural relations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands shall bear a universal character and aim at the realization of the free expansion of the free human mind.

CHAPTER II

PURPOSE

Article 2

Purpose of the agreement is the promotion of the cultural relations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands.

CHAPTER III

MEANS TO ACHIEVE THE PURPOSE

Article 3

A joint committee of fourteen members shall be set up, on which the Government of each partner shall appoint seven members.

Article 4.

The committee shall be entrusted with the promotion of the realization of the cooperation on the basis of this agreement. Directives for the implementation of this task shall be given in an instruction to be drawn up jointly by the Governments of the two partners. This instruction shall further stipulate that the joint committee be authorized to set up working-committees for the consideration of special subjects. Persons who are not members of the committee may be appointed in these working committees.

Article 5

Each of the two Parties in the joint committee shall submit to its

own Government the recommendations and proposals concerning the matters mentioned in articles 6, 12 and 14 on which agreement has been reached in the joint committee.

Each of the two Governments may subsequently submit these proposals and recommendations to the conference of ministers.

#### Article 6

The two partners shall aim at the promotion in their own country of a reasonable knowledge of the fundamental elements of the other partner's culture.

This aim shall further be realized by means of radio, film, press, libraries, distribution of reading matter, education and manifestations of art.

#### Article 7

The two partners undertake to promote the exchange of radio broadcasts in the cultural field and of news.

#### Article 8

The two partners undertake to support each other, in the interest of the development of education and science and in general of the promotion of culture, if either partner so requests.

#### Article 9

Without prejudice to the provision of article 8 the two partners shall promote the exchange of professors, teachers, experts in the field of science, education, tuition and arts.

#### Article 10

The two partners may establish and maintain in each other's territory institutes of education and art and of other cultural nature, subject to the legal provisions prevailing in the country of establishment.

#### Article 11

The establishment and maintenance of institutes of education, spiritual care, social care and in general of institutes of a cultural nature in the territory of the other partner by corporations, foundations, societies or private persons, shall not be impeded, notwithstanding the right of each of the two Governments to make provisions for the public security and the moral welfare of the people in society and state, which are not in violation of the human rights as recognized by the United Nations.

#### Article 12

The joint committee shall study the problem of qualified competence mutually recognized on the basis of certificates and degrees held, as well as the possibilities of adapting various kinds of education of one country to those of the other country.

#### Article 13

The two partners shall create the opportunity, and if necessary give their assistance, for scientific research to be made in the one country by persons from the other country.

Such research may be made subject to the condition that the Government of the country where the research is carried out shall be informed of the results thereof.

#### Article 14

The two partners shall promote the granting of scholarships in order to enable students or researchworkers from both countries to initiate or continue their studies or research in the other country.

They shall further promote enabling students of science, technics or art of the one country, to spend a term in the other country.

#### Article 15

The two partners shall promote the establishment of contacts between organizations recognized by the respective countries and active in the cultural field, including youth organizations, taking into account the interests of public security and moral welfare of the people in society and state.

#### Article 16

The two partners deem it desirable that books, newspapers and periodicals published in one of the two countries be freely admitted to the territory of the other country and shall aim at freedom of duties and of other restrictive measures in this respect. The import of such material may be restricted only by reason of measures in the interest of public security and moral welfare of the people in society and state.

#### Article 17

The two partners shall promote to the extent of their ability the translation of publications issued in the language (languages) of the one country into the language (languages) of the other country.

#### Article 18

The two partners shall cooperate in drawing up an inventory of the state of science with regard to Indonesia at the transfer of sovereignty, in particular with respect to natural science, technics, medical science, history, language, economics and adat law.

#### CHAPTER IV

#### TRANSFER OF OBJECTS OF CULTURAL VALUE

#### Article 19

Objects of cultural value originating from Indonesia and which have come into the possession of the Netherlands Government or of the former Netherlands-Indies Government otherwise than by reason of private law

/shall be transferred



shall be transferred to the Government of the Republic of the United States of Indonesia in consequence of the transfer of sovereignty from the King of the Netherlands to the Republic of the United States of Indonesia.

For the implementation of the provision of the preceding paragraph the joint committee shall propose a separate regulation on the basis of article 5. In this regulation provision shall be included concerning a possible exchange of objects of cultural or historical value being the property or in the possession of the one country and originating from or of importance to the other country.

#### CHAPTER V

#### ANNUAL REPORT

#### Article 20

The joint committee shall report on its activities yearly and in writing to each of the two Governments.

APPENDIX XXII

AGREEMENT CONCERNING THE POSITION OF THE CIVIL GOVERNMENT  
OFFICIALS IN CONNECTION WITH THE TRANSFER OF SOVEREIGNTY

The Republic of the United States of Indonesia and the Kingdom of the Netherlands have agreed as follows.

Article 1

At the transfer of sovereignty the Government of the Republic of the United States of Indonesia shall take over into its service all civil government officials then employed by the Government of Indonesia in permanent or temporary service or on a short-term contract, including the personnel of the autonomous communities instituted on the footing of articles 119, 121 and 123 of the Indies Fundamental Law (Indische Staatsregeling), as far as this personnel resorts under the Government of Indonesia.

Article 2

Subject to the provisions in articles 3, 4 and 5, the Government of the Republic of the United States of Indonesia shall accept all rights and obligations which Indonesia has at the transfer of sovereignty in respect of the government officials referred to in article 1 and the former government officials and also the surviving dependants of these officials and former officials.

Article 3

The Government of the Republic of the United States of Indonesia shall, for a period of two years after the transfer of sovereignty, make no unfavourable alterations in the provisions prevailing at the transfer of sovereignty, concerning the legal position of the government officials referred to in article 1, in so far and as long as they have Netherlands nationality.

Article 4

The Government of the Republic of the United States of Indonesia shall have the right to regroup and select the civil government officials referred to in article 1 immediately after the transfer of sovereignty.

Article 5

Without prejudice to the principle that a discharge shall always be granted if so requested, also during the transition period referred to in article 3, the following shall prevail in respect of the government officials referred to in the same article, in case of a premature termination of service.

/a. In case

a. In case of an honourable discharge, both during and after the transition period, given -- not at the request of the official concerned -- by the Government of the Republic of the United States of Indonesia in the interest of the service, through no fault or doing of the official referred to, the discharge regulation prevailing at the moment of discharge, applies. The cost thereof is for account of the Republic of the United States of Indonesia. The discharge regulations set forth in the appendix hereto shall apply to discharges in the transition period as referred to.

b. In case of discharge granted during the transition period, at the request of the official concerned, that official shall not be entitled to any payment by or on behalf of the Government of the Republic of the United States of Indonesia.

c. In case discharge upon request is granted to an official after the termination of the transition period, as a consequence of such alterations in the conditions of service that, in the opinion of the Government of the Republic of the United States of Indonesia, continuation of service cannot reasonably be required of that official, a discharge regulation in force at the time of discharge shall apply.

#### Article 6

The government officials referred to in the previous articles do not include the ministers of religion who were paid as officials by the Government of Indonesia in their office.

The Government of the Kingdom of the Netherlands and of the Republic of the United States of Indonesia shall enter into consultation at a later date, as regards the status of this group as well as of those who have been pensioned off by virtue of the special instructors pension regulation (Pensioenreglement voor bijzondere leerkrachten).

#### APPENDIX TO THE DRAFT AGREEMENT CONCERNING THE POSITION OF THE CIVIL GOVERNMENT OFFICIALS IN CONNECTION WITH THE TRANSFER OF SOVEREIGNTY

##### CONDITIONS OF DISCHARGE

##### A. Government officials in permanent service

The termination of service involves a non activity allowance for a maximum of five years or as much less as is necessary to attain the term of service and age required in accordance with the prevailing provisions for the granting of a normal pension. The non activity allowance amounts for the first two years, to 60% of the first of 500, -- and 40% of the balance of the last full pay, and thereafter to 40% of the latter, in

/both cases

both cases with a maximum of f 750, -- per month.

After termination of the period of non activity allowance, if then a term of service counting for pension of at least ten years, has been attained, a pension is granted irrespective of age, calculated in accordance with the existing pension provisions, increased by 4% of the pension basis, in so far as in this way a total of 40% of that basis is not exceeded.

B. Government officials in temporary service and having entered the service before 1 March 1942

The termination of service involves, in case of a term of service of at least ten years, the granting of a subsidy by way of non activity allowance for a maximum of one year or as much less as is necessary to attain, if the persons concerned had been in permanent service, the term of service and age required for the granting of a normal pension. The subsidy by way of non activity allowance amounts to 30% of the full pay, with a maximum of f 175, -- per month, irrespective of cost-of-living bonus and family allowances. After the termination of the period of non activity allowance, which is to count, if spent in the tropics, in full, and outside the tropics, half, as term of service, a subsidy by way of pension is granted, irrespective of age, if by that time a term of service of at least 15 years is attained, to the amount of four fifths of the pension which would in corresponding cases accrue in virtue of the provision sub A, to government officials in permanent service.

C. Short-term officials

The termination of service involves the consequences contractually stipulated of an interim termination of the service, exclusively for reasons of service.

D. The existing terms of notice of discharge are as follows:  
in respect of officials in permanent service one month;  
in respect of officials in temporary service, who retain pay after their discharge two months;  
in respect of officials in temporary service, who after their discharge are entirely without pay (i.e. the post-war temporary officials) one month plus one month for each full year of service, with a maximum of three months.

E. To the officials on non activity allowance and those pensioned, as referred to sub A, who comply with the criteria embodied in the articles 2 and 3 of the Foreign Leave Regulation (Buitenlands Verlofreglement) in so far as they cannot yet make such claims in virtue of the Passage

Regulation (Overtochtsreglement) free return passage to the Netherlands is to be granted on the footing of the provisions prevailing in this respect, all possible claims to free return to Indonesia having lapsed.

F. 1. From a proportionate pension or subsidy by way of pension, non activity allowance or subsidy by way of non activity allowance, granted in virtue of this regulation, an amount is deducted calculated in accordance with a percentage of the pay for work equal to the percentage of the basis applied for the calculation of the payment on behalf of the Government.

2. Officials who enjoy pay granted on behalf of the Government as referred to in the preceding paragraph may, as long as they have not reached the age of 55 years, be obliged to accept suitable work.

3. In case the suitable work is not accepted a same percentage as referred to in the first paragraph shall be deducted from the foregone pay.

AGREEMENT ON RENDERING ASSISTANCE WITH REGARD TO PERSONNEL BY THE KINGDOM  
OF THE NETHERLANDS ON BEHALF OF THE CIVIL SERVICES OF THE REPUBLIC OF THE  
UNITED STATES OF INDONESIA AND VICE-VERSA

The Republic of the United States of Indonesia and the Kingdom of the Netherlands have agreed as follows.

Article 1

The Republic of the United States of Indonesia and the Kingdom of the Netherlands may freely recruit personnel for their civil services amongst each other's nationals and in each other's jurisdiction.

The Republic of the United States of Indonesia and the Kingdom of the Netherlands shall cooperate in the recruitment of personnel and temporary assignment of officials for each other's civil services.

Article 2

The Republic of the United States of Indonesia and the Kingdom of the Netherlands shall consult each other on the manner in which such mutual assistance can further be promoted in the most efficient manner.

Article 3

In case the Republic of the United States of Indonesia on behalf of its representation in the Netherlands and the Kingdom of the Netherlands on behalf of its representation in Indonesia wish to employ personnel belonging to each other's service, the Parties shall previously consult each other and endeavour to oblige.

APPENDIX XXIII

COVERING RESOLUTION OF THE ROUND TABLE CONFERENCE

The Delegations of:

1. The Kingdom of the Netherlands,
2. The Government of the Republic Indonesia,
3. The Federal Consultative Assembly,

Considering that they have assembled at the Round Table Conference to achieve at the earliest possible time, an appropriate and lasting solution of the Indonesian problem by reaching agreement between the two parties on the way of transferring real, complete and unconditional sovereignty to the Republic of the United States of Indonesia, in accordance with the Renville-principles;

Considering that this aim has been achieved in good cooperation;

Considering that the United Nations Commission for Indonesia has given valuable assistance;

Have reached the following decision:

- I. the results of the Round Table Conference are embodied in draft agreements and in letters, which documents are attached to this resolution.
- II. A. The draft agreements are the following:
  1. the draft Charter of Transfer of Sovereignty;
  2. the draft Union Statute including appendix and special agreements on the principal subjects of future cooperation;
  3. the draft Agreement on Transitional Measures including special agreements on the settlement of those subjects, which require provision as a result of the transfer of sovereignty.B. The Delegations have expressed their respective points of view on a number of separate issues in an exchange of letters.
- III. The documents enumerated under A and B are drawn up in the Netherlands and in the Indonesian languages. Both texts have equal value.

The official English text will prevail in case of divergent interpretation of the Netherlands and Indonesian texts.
- IV. The acceptance of this resolution by the Kingdom of the Netherlands on the one side and the territories acceding to the Republic of the United States of Indonesia on the other side will be considered the /ratification of

ratification of the documents attached to this resolution. The ratification by party will lose validity, if any other party does not ratify this resolution.

- V. The agreements referred to under II will come into force at the moment of the transfer of sovereignty which will take place at a formal ceremony at Amsterdam, to be held not later than 30 December 1949.
- VI. The United Nations Commission for Indonesia or an other United Nations Agency shall observe in Indonesia the implementation of the agreements reached at the Round Table Conference.

The Delegation of the Federal  
Consultative Assembly

HAMID

Chairman.

The Delegation of the Kingdom  
of the Netherlands

J. H. VAN MAARSEVEEN

Chairman.

W. DREES  
The Chairman of the  
Round Table Conference

The Delegation of the Government  
of the Republic Indonesia

MOHAMMAD HATTA

Chairman.

M. J. PRINSEN  
The Secretary-General of the  
Round Table Conference

The United Nations Commission  
for Indonesia

R. HERREMANS

Chairman of the week.

H. MERIE COCHRAN

Member.

Th. K. CRITCHLEY

Member.

F. A. ROMANOS

Principal Secretary.

Note. In the English text the covering resolution has been signed first by the Chairman of the Delegation of the Federal Consultative Assembly, in the Indonesian language it has been signed first by the Chairman of the Delegation of the Government of the Republic Indonesia, and in the Netherlands text it has been signed first by the Chairman of the Delegation of the Kingdom of the Netherlands.

APPENDIX XXIV

EXCHANGE OF CORRESPONDENCE IN RESPECT OF:

A. Interpretation of Article 2 of the Charter of Transfer of Sovereignty

NETHERLANDS DELEGATION

TO THE ROUND TABLE

CONFERENCE

Secretariat

No. 875

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference states that the following has been agreed upon by the Delegation to the Conference.

The clause in article 2 of the Draft Charter of Transfer of Sovereignty reading: "the status quo of the residency of New Guinea shall be maintained" means: "through continuing under the Government of the Netherlands".

I shall appreciate learning if you can agree to the foregoing.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

DELEGATION OF THE  
REPUBLIC INDONESIA

No. 2/E.L.

F.C.A.-  
DELEGATION

The Hague, 2 November 1949.

Sir,

We have the honour to acknowledge receipt of your letter and we can inform you that the Delegations of the Republic Indonesia and the Federal Consultative Assembly to the Round Table Conference state that the following has been agreed upon by the Delegations to the Conference.

/The clause



The clause in article 2 of the Draft Charter of Transfer of Sovereignty reading: "the status quo of the residency of New Guinea shall be maintained" means: "through continuing under the Government of the Netherlands".

We have the honour to be,

Your obedient servants,

MOHAMMAD HATTA,

HAMID,

Chairman of the

Chairman of the

Republican Delegation to the

F.C.A.-Delegation to the

Round Table Conference.

Round Table Conference.

To the Chairman of the Netherlands Delegation

to the Round Table Conference,

The Hague.

B. Status of the "Kingdom of the Netherlands" in the Union

NETHERLANDS DELEGATION

TO THE ROUND TABLE

CONFERENCE

Secretariat

No. 871

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference takes the view that the following has been agreed upon by the Delegations to the Conference.

The Netherlands can act as partner in the Union in and on behalf of the Kingdom of the Netherlands should the outcome of the continued consultation with Surinam and the Netherlands Antilles give cause thereto.

The status of the Kingdom of the Netherlands as a partner in the Union shall remain unaffected thereby.

I shall appreciate learning if you can agree to the foregoing.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

/DELEGATION

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A. -  
DELEGATION

No. 5/E.L.

The Hague, 2 November 1949.

Sir,

We have the honour to acknowledge receipt of your letter and can inform you that the Delegations of the Republic Indonesia and the Federal Consultative Assembly to the Round Table Conference take the view that the following has been agreed upon by the Delegations to the Conference.

The Netherlands can act as partner in the Union in and on behalf of the Kingdom of the Netherlands should the outcome of the continued consultation with Surinam and the Netherlands Antilles give cause thereto.

The Status of the Kingdom of the Netherlands as a partner in the Union shall remain unaffected thereby.

We have the honour to be,

Your obedient servants,

MOHAMMAD HATTA,

HAMID,

Chairman of the  
Republican Delegation to the  
Round Table Conference.

Chairman of the  
F.C.A.-Delegation to the  
Round Table Conference.

To the Chairman of the Netherlands Delegation  
to the Round Table Conference,  
The Hague.

C. Mutual consultations to prevent nationality conflicts between Union  
Partners

NETHERLANDS DELEGATION

TO THE ROUND TABLE

CONFERENCE

Secretariat

No. 872

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference takes the view that it has been agreed by the Delegations to the Conference that the partners in the Union commit themselves to mutual consultation before including provisions in their legislation on nationality which might cause nationality conflicts between their legislations.

/I would

I would appreciate learning if you can agree to the foregoing.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

DELEGATION OF THE  
REPUBLIC INDONESIA

No. 4/E.L.

F.C.A. -  
DELEGATION

The Hague, 2 November 1949.

Sir,

We have the honour to acknowledge receipt of your letter and can inform you that the Delegations of the Republic Indonesia and the Federal Consultative Assembly to the Round Table Conference take the view that the Delegations to the Conference have agreed that the partners in the Union commit themselves to mutual consultation before including provisions in their legislation on nationality which might cause nationality conflicts between their legislations.

We have the honour to be,

Your obedient servants,

MOHAMMAD HAITA,

Chairman of the

Republican Delegation to the  
Round Table Conference.

HAMID,

Chairman of the

F.C.A.-Delegation to the  
Round Table Conference.

To the Chairman of the Netherlands Delegation  
to the Round Table Conference,  
The Hague.

D. Status of Nationals of one Union Partner in Public Service of the Other  
NETHERLANDS DELEGATION

TO THE ROUND TABLE

CONFERENCE

Secretariat

No. 876

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference takes the view that the following has been agreed upon by the Delegations to the Conference:

Each of the partners shall provide in his legislation on nationality that the entering by his nationals into the service of the other partner or of a public body within the jurisdiction of that partner shall not entail loss or limitation of nationality.

I shall appreciate learning if you can agree to the foregoing.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A.-  
DELEGATION

No. 6/E.L.

The Hague, 2 November 1949.

Sir,

We have the honour to acknowledge receipt of your letter and can inform you that the Delegations of the Republic Indonesia and the Federal Consultative Assembly to the Round Table Conference take the view that the following has been agreed upon by the Delegations to the Conference.

Each of the partners shall provide in his legislation on nationality that the entering by his nationals into the service of the other partner or of a public body within the jurisdiction of that partner shall not entail loss or limitation of nationality.

We have the honour to be,

Your obedient servants,

MUHAMMAD HATTI,

HAMID,

Chairman of the  
Republican Delegation to the  
Round Table Conference.

Chairman of the  
F.C.A.-Delegation to the  
Round Table Conference.

To the Chairman of the Netherlands Delegation  
to the Round Table Conference,  
The Hague,

B. Regulations concerning Rights of Civil Procedure

NETHERLANDS DELEGATION

TO THE ROUND TABLE

CONFERENCE

Secretariat

No. 849

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference takes the view that the following has been agreed upon by the Delegations to the Conference.

As long as no further regulation on this subject has been made between the partners in the Union, they shall not differentiate between their own nationals and nationals of the partner in regard to the rights concerning civil procedure.

I shall appreciate learning if you can agree to the foregoing.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

DELEGATION OF THE  
REPUBLIC INDONESIA

No. 7/E.L.

F.C.A. -  
DELEGATION

The Hague, 2 November 1949.

Sir,

We have the honour to acknowledge receipt of your letter on the rights of citizens concerning civil procedure and can inform you that the Delegations of the Republic Indonesia and the Federal Consultative Assembly to the Round Table Conference take the view that the following has been agreed upon by the Delegations to the Conference.

/As long as

As long as no further regulation on this subject has been made between the partners in the Union, they shall not differentiate between their own nationals and nationals of the partner in regard to the rights concerning civil procedure.

We have the honour to be,

Your obedient servants,

MOHAMMAD HATTA,

HAMID,

Chairman of the

Chairman of the

Republican Delegation to the

F.C.A.-Delegation to the

Round Table Conference.

Round Table Conference.

To the Chairman of the Netherlands Delegation

to the Round Table Conference,

The Hague.

F. Financing of Expenditure of Union Partners in each Other's Territory  
NETHERLANDS DELEGATION

TO THE ROUND TABLE

CONFERENCE

Secretariat

No. 874

The Hague, 2 November 1949.

To the Chairmen of the Delegations of the  
Government of the Republic Indonesia and  
of the Federal Consultative Assembly.

Sirs,

I have the honour to inform you that the Netherlands Delegation to the Round Table Conference takes the view that the following has been agreed upon by the Delegations to the Conference.

In view of the provisions in articles 8 and 9 of the Draft Agreement on Transitional Measures and the institution of the Offices of the High Commissioners, the Delegations deem it necessary that further regulations be made in mutual consultation as soon as possible concerning financial management and financing of expenditures in each other's jurisdiction whereby a granting of credit on current account should be considered on conditions further to be agreed upon.

In said agreement provisions can be made as far as necessary and under conditions to be included therein, to place temporarily at the disposal of the Government of the Republic of the United States of Indonesia on behalf of the Delegate in the Netherlands of Netherlands Government officials who are at present working at the Commissariat for Indonesian Affairs along with Government officials of Indonesia.

/The Delegations

The Delegations further agreed that, in case the Delegate of the Republic of the United States of Indonesia referred to in article 9 of the Draft Agreement on Transitional Measures has not yet assumed his duties at the moment of transfer of sovereignty until then his duties will be carried out by the present Commissioner for Indonesian Affairs who thereby will be responsible to and will observe binding instructions from the Government of the Republic of the United States of Indonesia.

I shall appreciate learning if you can agree to the foregoing.

I have the honour to be,

Your obedient servant,

J. H. VAN MAARSEVEEN.

Chairman of the Netherlands Delegation  
to the Round Table Conference.

DELEGATION OF THE  
REPUBLIC INDONESIA

F.C.A.-  
DELEGATION

No. 1/E.L.

The Hague, 2 November 1949.

Sir,

We have the honour to acknowledge receipt of your letter and can inform you that the Delegations of the Republic Indonesia and the Federal Consultative Assembly to the Round Table Conference take the view that the following has been agreed upon by the Delegations to the Conference.

In view of the provisions in articles 8 and 9 of the Draft Agreement on Transitional Measures and the institution of the Offices of the High Commissioners, the Delegations deem it necessary that further regulations be made in mutual consultation as soon as possible concerning financial management and financing of expenditures in each other's jurisdiction whereby a granting of credit on current account should be considered on conditions further to be agreed upon.

In said agreement provisions can be made as far as necessary and under conditions to be included therein, to place temporarily at the disposal of the Government of the Republic of the United States of Indonesia on behalf of the Delegate in the Netherlands of Netherlands Government officials who are at present working at the Commissariat for Indonesian Affairs along with Government officials of Indonesia.

/The Delegations

The Delegations further agreed that, in case the Delegate of the Republic of the United States of Indonesia referred to in article 9 of the Draft Agreement on Transitional Measures has not yet assumed his duties at the moment of transfer of sovereignty until then his duties will be carried out by the present Commissioner for Indonesian Affairs who thereby will be responsible to and will observe binding instructions from the Government of the Republic of the United States of Indonesia.

We have the honour to be,

Your obedient servants,

MCHAMMAD HATTA,

Chairman of the

Republican Delegation to the

Round Table Conference.

To the Chairman of the Netherlands Delegation

to the Round Table Conference,

The Hague.

HAMID,

Chairman of the

F.C.A.-Delegation to the

Round Table Conference.



APPENDIX XXV

STATEMENT MADE BY THE CHAIRMAN OF THE WEEK OF THE UNITED NATIONS  
COMMISSION FOR INDONESIA AT THE CLOSING PLENARY MEETING  
HELD ON 2 NOVEMBER 1949

In this Ridderzaal so permeated with history, we are witnessing an event of new greatness. Its significance is a multiple one since that event embodies at one and the same time the end of a conflict, the solution of a problem, the birth of a nation and the foundation of a Union. Thus, a painful misunderstanding reaches its final end, a misunderstanding which had introduced violence between two brother peoples. And I say "a misunderstanding" for there has never been any fundamental hatred or antagonism.

As Dr. Hatta said at the opening of this Conference, the transfer of sovereignty has been from the beginning the aim of both parties; the difference was in the manner in which that transfer would be achieved.

This political problem is now solved by the transfer of sovereignty without intermediary period. Within a few weeks the world will witness the birth of a young and enthusiastic nation which will conduct its own destinies in the shape of a coherent federation with full regard for the specific traditions of its members. Between Indonesia and the Netherlands new links will be created in a Union of two independent and sovereign partners.

Her Majesty Queen Juliana hailed this new state of affairs in her address opening the present session of the States General.

During three centuries the common life of the Netherlands and Indonesian peoples has been one of the major elements in their development. The evolution of history modifies their ties but does not disrupt them. May they find in their Union a new inspiration.

Seen from the international standpoint, the significance of to-day's agreements is no less important. In the view of the United Nations Commission for Indonesia the agreements open the way to lasting friendship and confidence between two peoples, a wide road to order and peace. They give proof that the most inextricable disputes can be solved by conciliation, with individual aims achieved and mutual benefits ensured. The example which is being offered to-day will strengthen that belief in peaceful solutions of which the world has such great need.

One may regret that this great historic evolution has not taken place without suffering. The world war had passed there and left in its wake upheavals which, together with the intrinsic difficulties of the situation, formed an atmosphere little conducive to peaceful negotiation. However this may be, the dark hours of violence now belong to the past. The peace which we hail to-day was paid for by suffering and sacrifice. It must therefore be safeguarded and cherished.

Words of appreciation were addressed to the Commission. My colleagues and I receive these words on behalf of the international community. And it will be our pleasure to transmit these words in the general report which we shall write for the Security Council after the conclusion of this Conference.

However it must be stressed that the agreement between the parties is the work of these parties; to them and to their able leaders belong the honour and the merits.

Two months ago, in the same Assembly, the highest authorities proclaimed their hope in the Round Table Conference and did not conceal that failure would mean disaster. To-day the Round Table Conference ends after having reached all the aims of its programme. Congratulations of the due reward of its promoters and of those who conducted it and who, thanks to their energy and their skill, have brought it to a good end.

The Commission hopes that the Parliaments will ratify without delay the achievements of the negotiators and that the agreements reached will be implemented at an early date correctly and harmoniously. It must be remembered that an agreement has its value only through the genuine intentions of the signatories and through perfect fidelity to their commitments. As agreed between the parties, it belongs to the UNCI or to another organ of the United Nations to observe this implementation.

The United Nations Commission for Indonesia takes this opportunity to wish to the future Republic of the United States of Indonesia a broad and fruitful development. The world can hail this day as the logical and auspicious consummation, in nationhood, of the deepest aspiration of seventy million people and their eagerness to take their place in the international community.

The peoples of Indonesia have been fashioning a rich culture, and we believe that in the years ahead they shall make yet another contribution to further the development of one of the most important regions of the world. May the Netherlands reap the reward of their wisdom and foresight. May both sovereign nations enjoy destinies worthy of their past, in such a way that future generations may say: "The Men of the Round Table Conference did a good job."

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