

BERICHTE UND URKUNDEN

VÖLKERRECHT

Protokoll und Notenwechsel zur Regelung des gegenseitigen Verhältnisses des Königreichs der Niederlande und der Republik Indonesien als unabhängiger souveräner Staaten vom 10. August 1954¹⁾

PROTOCOL

The Delegations of the Kingdom of the Netherlands and the Republic of Indonesia,

considering that it is desirable in the interest of good connexions between their countries to lay a new foundation for their mutual relations as independent and sovereign states,

have, basing themselves on the independence and sovereignty of the two countries and on the general principles of International Law and either one for itself taking its own national legislation into account, agreed as follows:

Art. I. The Netherlands-Indonesian Union shall be dissolved; the Union Statute shall be abrogated.

Art. II. The agreements attached to the Union Statute, viz. the agreement for the regulation of the cooperation in the field of foreign relations, the agreement for the implementation of articles 2 and 21 of the Union Statute concerning matters of defence and the cultural agreement, shall be abrogated.

Ar. III. Section C of the Financial and Economic agreement attached to the Union Statute shall be abrogated and shall be replaced by an agreement concerning trade relations.

Articles 14, 15, 16, 17 and 19 of section B of the agreement mentioned in the first paragraph of this Article shall be abrogated.

To the sections and articles of the Financial and Economic agreement not mentioned hereinabove Article IV shall apply.

Art. IV. All other agreements, exchanges of letters, decisions and arrangements valid between the Parties, except in those cases in which as a result of the disso-

¹⁾ Tractatenblad van het Koninkrijk der Nederlanden, Jg. 1954, No. 113.

lution of the Union they are no longer capable of being applied, shall remain in force between the Kingdom of the Netherlands and the Republic of Indonesia.

In so far as necessary, they shall be amended, abrogated or replaced by new ones, according to the common result of further negotiation between the Parties.

Art. V. The Parties shall accredit diplomatic representatives to each other, after having received the *agrément* of the other Party.

Art. VI. Either Party shall have the right to accredit to the authorities of the other Party consuls, honorary consuls and other consular officials who may reside in those localities of the area of jurisdiction of the other Party where similar representatives of third Powers are residing, as well as in such other localities as may be agreed between the Parties. The said consular officials will require to be provided with an *exequatur* before they enter upon their functions. The Parties shall conclude an agreement concerning consular matters.

Art. VII. The nationals of either Party shall have the right to enter the area of jurisdiction of the other Party, there to establish their domicile, to move and to choose a residence, and to leave the country, these rights to be exercised subject to the statutes and regulations concerning admission and residence of, and the establishment of domicile by aliens obtaining in the said area, without prejudice to what has been or may be laid down between the Parties in other treaties or agreements.

Either Party retains the right to refuse admission to and residence in its area of jurisdiction to nationals of the other Party for reasons of maintenance of public order, public morality, health and security.

Art. VIII. If any dispute should arise between the Parties, they shall strive for a speedy solution thereof. They shall in such a case have recourse exclusively to one of the means of peaceful settlement, provided in the Charter of the United Nations.

If it appears that a legal dispute cannot be solved by diplomatic means within a reasonable time, such a dispute can by common consent be submitted to arbitration by means of a special agreement.

If the Parties cannot reach agreement within a reasonable time concerning the submission of the legal dispute to arbitration, concerning the provisions of the special agreement or on the appointment of the arbitrators, either Party shall be entitled, after having given the other Party one month's notice of its intention to do so, to bring the dispute before the International Court of Justice.

Art. IX. That which is necessary for the winding-up of the Union Court of Arbitration and the Union Secretariat as a result of their abolition, as well as for the adjustment of the costs of the Union, shall be regulated in a separate protocol.

Art. X. This Protocol and the exchange of letters accompanying it, which shall also be considered as an agreement between the Parties, shall be ratified in accordance with the constitution of either Party. The instruments of ratification shall be exchanged at The Hague.

In witness whereof the undersigned, duly authorized by their Governments, have signed the present Protocol and the letters accompanying it.

Done at The Hague, this tenth day of August, 1954, in two copies, in the Netherlands, Indonesian and English languages, the three texts being equally authentic. In case of difference in meaning between the Netherlands and the Indonesian texts, the English text shall be decisive.

For the Delegation of the
Kingdom of the Netherlands,
(sd.) J. LUNS

For the Delegation of the
Republic of Indonesia,
(sd.) SUNARIO

The Hague, August 10th, 1954.
*To the Chairman of the Delegation
of the Republic of Indonesia.*

Sir,

I have the honour to inform you that at the time of the discussions between our two Delegations which led to the Protocoll signed today, agreement was also reached concerning the following points:

1. The diplomatic representatives, mentioned in Article V of the Protocol, shall have the rank of Ambassadors.

The diplomatic missions shall enjoy the privileges, immunities and facilities which are in accordance with International Law and international usages.

2. Until an agreement concerning consular matters, as provided for in Article VI of the Protocol, has been established, the consular officials shall, on the basis of reciprocity, have all competencies and enjoy the privileges, immunities and facilities which are in accordance with International Law and international usages and in no case less than those which are granted to persons of similar status of any third Power.

In particular the customary rules of International Law concerning the competencies of the consular officials in respect of intercourse between them and the nationals of their country shall be observed by the Parties.

3. The nationals of one Party shall have, in the area of jurisdiction of the other Party, the right of freedom of conscience, of free exercise of religion and freedom of education, without prejudice to the right of either Party to take measures which are necessary for the safeguarding of public order and security and of good morals.

The nationals of one Party shall not be deprived of their liberty in the area of jurisdiction of the other Party, except in the cases provided for by a statute and in accordance with general principles of law, which, in these cases, shall also apply with regard to their rights and their treatment. Further provisions for the regulation of this subject shall be made in the agreement concerning consular matters to be concluded.

4. Either Party has the right, if it so desires, to permit nationals of the other Party to hold public employment in its service.

5. No national of one Party shall be compelled to serve in the armed forces of the other Party.

6. The Parties declare that the provisions of the Protocol and this exchange of letters, as well as of the agreements concluded before the signature of the Protocol, in so far as they remain in force, shall prevail over the provisions of the Parties' own legislations.

7. In connexion with the provision of Article IV, second paragraph, of the Protocol the Parties decide, with regard to the Charter of Transfer of Sovereignty, already now that this Charter shall not be amended, abrogated or replaced by a new one.

8. The Protocol and this exchange of letters shall be presented for registration to the Secretariat of the United Nations.

I shall appreciate to hear from you that you agree to the contents of this letter.

I have the honour to be

Your obedient servant,
(sd.) J. LUNS
*Chairman of the Delegation of the
Kingdom of the Netherlands.*

The Hague, August 10th, 1954.
*To the Chairman of the Delegation
of the Kingdom of the Netherlands.*

Sir,

I have the honour to acknowledge receipt of your letter of today's date, of which the contents are as follows:

"I have the honour to inform you that at the time of the discussions between our two Delegations which led to the Protocol signed today, agreement was also reached concerning the following points:

1. The diplomatic representatives, mentioned in Article V of the Protocol, shall have the rank of Ambassadors.

The diplomatic missions shall enjoy the privileges, immunities and facilities which are in accordance with International Law and international usages.

2. Until an agreement concerning consular matters, as provided for in Article VI of the Protocol, has been established, the consular officials shall, on the basis of reciprocity, have all competencies and enjoy the privileges, immunities and facilities which are in accordance with International Law and international usages and in no case less than those which are granted to persons of similar status of any third Power.

In particular the customary rules of International Law concerning the competencies of the consular officials in respect of intercourse between them and the nationals of their country shall be observed by the Parties.

3. The nationals of one Party shall have, in the area of jurisdiction of the other Party, the right of freedom of conscience, of free exercise of religion and freedom

of education, without prejudice to the right of either Party to take measures which are necessary for the safeguarding of public order and security and of good morals.

The nationals of one Party shall not be deprived of their liberty in the area of jurisdiction of the other Party, except in the cases provided for by a statute and in accordance with general principles of law, which, in these cases, shall also apply with regard to their rights and their treatment. Further provisions for the regulation of this subject shall be made in the agreement concerning consular matters to be concluded.

4. Either Party has the right, if It so desires, to permit nationals of the other Party to hold public employment in Its service.

5. No national of one Party shall be compelled to serve in the armed forces of the other Party.

6. The Parties declare that the provisions of the Protocol and this exchange of letters, as well as of the agreements concluded before the signature of the Protocol, in so far as they remain in force, shall prevail over the provisions of the Parties' own legislations.

7. In connexion with the provision of Article IV, second paragraph, of the Protocol the Parties decide, with regard to the Charter of Transfer of Sovereignty, already now that this Charter shall not be amended, abrogated or replaced by a new one.

8. The Protocol and this exchange of letters shall be presented for registration to the Secretariat of the United Nations.

I shall appreciate to hear from you that you agree to the contents of this letter.”

I inform you that the Delegation of the Republic of Indonesia agrees to the contents of this letter.

I have the honour to be

Your obedient servant,

(sd.) SUNARIO

*Chairman of the Delegation of the
Republic of Indonesia.*