

WORLD HEALTH
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DE LA SANTÉTHIRD WORLD HEALTH ASSEMBLYA3/55 ✓
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ORIGINAL: FRENCH

APPLICATION FOR MEMBERSHIP BY
THE REPUBLIC OF THE UNITED STATES OF INDONESIA
(Provisional Agenda, item 13)

The Government of the Republic of the United States of Indonesia has applied for membership in the World Health Organization. This request was made within the time limit required by the Rules of Procedure of the Assembly.

The letters exchanged and other relevant information are reproduced below.

LETTER DATED THE HAGUE, 31 DECEMBER 1949 FROM THE ACTING PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF THE UNITED STATES OF INDONESIA TO THE DIRECTOR-GENERAL

"I have the honour to inform you that, in conformity with its established policy of close co-operation with the United Nations, it is the desire of the Government of the Republic of the United States of Indonesia to join the World Health Organization.

"To this end I am instructing Dr Darmasetiawan, my personal representative, to proceed to Geneva with a view to obtaining full information as to the necessary procedures."

TELEGRAM DATED 10 MARCH 1950 FROM THE SECRETARY-GENERAL OF THE REPUBLIC OF THE UNITED STATES OF INDONESIA TO THE DIRECTOR-GENERAL

"According to Dr. Hatta's letter of 31 December 1949, to you and the discussion held by Dr. Darmasetiawan, his personal representative, with you, we have the honour to repeat and confirm you our sincere desire to be Member of the World Health Organization, which includes that our Government fully accepts the Constitution of the World Health Organization. A formal acceptance will be submitted to the Secretary-General of the United Nations Organization, as soon as the World Health Assembly which will meet in May 1950 has accepted the Republic of the United States of Indonesia as its Member."

INFORMATION CONCERNING
THE REPUBLIC OF THE UNITED STATES OF INDONESIA¹

On November 2, 1949, the final plenary session of the Round Table Conference on Indonesia was held in The Hague. On this occasion, agreement was reached on a settlement of all points at issue in the Indonesian dispute. Representatives of the Kingdom of the Netherlands, of the Republic of Indonesia and of the Indonesian Federal Consultative Assembly signed a series of agreements and exchanges of notes establishing a new sovereign state, the Republic of the United States of Indonesia, and regulating its future relations with the Netherlands. A partial description of the more important documents in which the agreement is embodied is given below.

Charter of the Transfer of Sovereignty

The principle of the transfer of sovereignty in Indonesia was not in question at the Round Table Conference, as it had been part of a vowed Netherlands policy since 1942. Even the formulation of the instrument of transfer provided few difficulties, and it was accomplished in two articles, the second of which excludes Dutch New Guinea from the new Indonesian Federation. By the Charter, the Netherlands "unconditionally and irrevocably transfers complete sovereignty over Indonesia to the Republic of the United States of Indonesia and thereby recognizes the said Republic of the United States of Indonesia as an independent and sovereign state".

The only subject at the Round Table Conference on which the delegations could not reach a final decision was the disposition of Dutch New Guinea. This difference of opinion was recognized by the Conference and the delegations finally agreed to disagree. Thus Article 2 of the Charter stipulates that within a year from the date of transfer of sovereignty, the question of the political status of New Guinea shall be determined through negotiations between the RUSI and the Netherlands.

The Statute of Union

The Statute of Union begins by announcing the intention of the Netherlands and the RUSI "to call into being a friendly co-operation with each other and, in order to effectuate future co-operation, to create the Netherlands Indonesian Union". The purpose of the Union is to promote the co-operation of free, independent and equal partners in the service of their common interests. The primary fields for such co-operation are those of foreign relations, defence, finance and economic and cultural matters.

At the apex of the Union's structure stands the Crown of the Netherlands, Queen Juliana and her lawful successors, to be known as the "Head of the Union"

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which "embodies the concept of voluntary and lasting co-operation between the partners". A Conference of Ministers is to be established, consisting of three ministers from each partner. This Conference is to meet at least twice a year to deal with matters of common interest and may establish committees as may be required to consider specific problems. Arrangements are to be made for contact and discussion between representatives of the Parliaments of both partners and the first meeting is to take place within eight months after the establishment of the provisional Parliament of the RUSI. This Union will have a permanent secretariat, directed by two secretaries-general, one from each partner, who will alternate annually as senior officer of the secretariat.

Decisions of the Conference of Ministers must be taken by common consent and, where constitutionally necessary, must be ratified by the respective Parliaments. After ratification, the Head of the Union shall "state that agreement exists between the two partners" and the joint regulations will then have statutory effect in both countries.

The Statute provides for a Union Court of Arbitration, which is to consider legal disputes arising out of the Union Statute or the other agreements of the Round Table Conference which are presented to the Court by one or both of the partners. The Court will consist of three members from the Netherlands and three from the RUSI, all of whom shall hold office for a period of ten years. The presidency of the Court will be held in annual rotation by a Netherlander and an Indonesian.

Decisions of the Court will be by a majority vote and in case of a divided court, the President of the International Court of Justice or another international authority will be asked to appoint a person of a third nationality as an extraordinary member of the Union Court with a casting vote.

The rest of the Statute is concerned with provisions for co-operation between the partners in the fields of foreign relations, defence, financial and economic relations, cultural relations and citizenship. Finally, the Statute is given the standing of an international agreement with the provision that it may be presented to the United Nations secretariat for registration in accordance with Article 102 of the United Nations Charter.

Financial and Economic Agreement

Articles 1 to 13 of this agreement regulate in some detail the rights, concessions, licences and modes of operation of business enterprises in the RUSI. Articles 14 to 19 concern the financial relations to be followed between the Netherlands and the RUSI. Both parties agree to seek a sound monetary system based on the principles of Bretton Woods. Both countries agree that only one circulation bank shall be in operation in each country and that monetary policy shall aim at maintaining a stable currency value and promoting free convertibility. The partners agree that currency rates shall not be altered without previous consultation between the two countries and that foreign exchange policy shall be drawn up with regard to the interests of the other party. Of considerable importance to the Netherlands economy is the Indonesian guarantee that transfers can be made from Indonesia to the Netherlands for all the usual

financial transactions, i.e., interest, amortization, profits, dividends, etc. The Netherlands has agreed to lend Indonesia a government adviser in the field of monetary systems and circulation banking.

Articles 20 to 24 deal with relations between the partners in commercial and trade policies. Recognition is given to the fact that the Netherlands chief commercial interest lies in Europe, whereas that of Indonesia is principally in the Asian sphere. With regard to trade between the Netherlands and Indonesia, both countries declare themselves prepared to consider a system of mutual preferential treatment. Such a system would be devised so as not to be in contravention of international agreements. A modus vivendi which will have the status of a trade agreement has been concluded for the year ending October 1950 and discussions will be held shortly as to the implementation and possible alteration of this agreement. Arrangements are also provided to exchange commercial and trade information on a very broad basis. To assist in the implementation of the projected commercial entente, each government will send trade commissioners to the other country to maintain closest contact with and give all possible assistance to the trade authorities of the other partner.

Debt Settlement

The remaining articles contain the provisions for the solution of the problem as to what portion of the public indebtedness, internal and external, of the Government of Netherlands Indonesia should become the responsibility of the new Government of the RUSI. The Netherlands made very impressive sacrifices in this regard. The most important of these was the cancellation of two billion guilders of external debt to the Netherlands.

In arriving at the amount of debt assumed by the Republic of the United States of Indonesia at the date of the transfer of sovereignty, due consideration was given to the amount of extra military expenditures and to the amount of other expenditures attributed to military action.

The internal debt at the date of transfer of sovereignty is to the charge of the United States of Indonesia.

Cultural Agreement

The purpose of the agreement is to promote cultural relations between Indonesia and the Netherlands. To this end, a committee is to be set up consisting of seven members from each of the partners. This Cultural Committee will carry out directives given it by both governments for the realization of the aims of the agreement.

The cultural programme will seek to make better known the culture of each of the partners in the other's territory. For this, all the media of mass communication will be put to work. Exchanges of persons qualified in the fields of education, art and science will be organized. Cultural institutes may be set up by each partner in the other's territory and these will be granted all facilities by the host state. A study will be made to determine equivalence of academic degrees and technical qualifications. Opportunities in scientific research will be given to students coming from the partner country. Scholarships

will be opened up reciprocally and the results of academic research will be made available to the partner. In order to ease the flow of books, newspapers and periodicals from the one country to the other, attention will be given to the relaxation of customs restrictions.

Objects of cultural value, originating in Indonesia and now in the possession of the Netherlands Government, will be turned over to the Indonesian Government.

The Position of Civil Government Officials

The RUSI will maintain in office, for a period of at least two years after the transfer of sovereignty, the civil servants of the former Netherlands East Indies and will not alter unfavourably their terms of employment. Arrangements are designed to protect pension rights of such officials.

Defence Agreement

A draft agreement was drawn up for the implementation of Articles 2 and 21 of the Union Statute, which provides for aid to be given one partner, if requested, by the other partner. Arrangements are also made for training and the provision of personnel and material; the agreement also states that military missions will be exchanged.

The regulations concerning the Netherlands Naval Fighting Forces in Indonesia after the transfer of sovereignty provide, among other things, that:

- (a) The RIS (Republik Indonesia Serikat - The Republic of the United States of Indonesia) shall have exclusive responsibility for the defence at sea of Indonesia.
- (b) The Netherlands Government is prepared to lend aid in carrying out the tasks at sea until the RIS is able to fulfil these tasks itself.
- (c) The Netherlands Government is prepared to lend aid in building up the Navy of the RIS.
- (d) The Netherlands Naval Fighting Forces are to be withdrawn in one year, unless otherwise agreed.
- (e) The Naval Base at Soerabaja, at the moment of transfer of sovereignty, becomes the Naval Base of the RIS.
- (f) An officer of the Royal Netherlands Navy will be appointed by the Government of the RIS as Manager of the Base.
- (g) The Manager is to be directly responsible to the Minister of Defence of the RIS.

Regulations concerning the Land Fighting Forces in Indonesia under Netherlands command after the transfer of sovereignty provide, among other things, that they shall be withdrawn or re-organized as soon as possible.

The Forces awaiting shipment, or undergoing re-organization, shall not be used for any operation unless by request of the Government of the RIS, and during this time they shall have the status of guests of a friendly government.

An opportunity shall be afforded to suitable members of the Forces to be transferred to the Forces of the RIS.

Re-organization shall take place within six months from the date of publication of the conditions of enlistment into the Armed Land Forces of the RIS, and once the re-organization has been completed, the Royal Netherlands Indies Army shall cease to exist.

Regulations concerning the Air Fighting Forces in Indonesia under Netherlands command after the transfer of sovereignty provide, among other things, that:

- (a) The Air Fighting Forces shall be withdrawn.
- (b) Aid, in the nature of personnel and material, will be lent to the extent that the RIS is not then able to carry out its tasks with its own means.
- (c) Aid, in the form of a section of the Netherlands Military Mission, will be given to build up the Air Force of the RIS as quickly as possible.
- (d) Completion of the re-organization of the Air Fighting Forces within six months is to be aimed at.

Netherlands Military Mission

The task of this mission, which is to last three years unless terminated or extended, is to co-operate with the RIS in building up and training their fighting forces, and to act as advisers on military matters. A naval section, an army section, and an air force section make up the mission; its costs are to be borne by the RIS.

Nationality and Citizenship

The transfer of sovereignty in Indonesia naturally will produce some confusion regarding nationality. To regulate the situation, a detailed agreement has been drawn up. The basic principle is that Netherlanders retain Netherlands citizenship and Indonesians assume Indonesian citizenship unless they declare otherwise within a stipulated time. The time stipulated for persons already of age (18 years) is two years after the transfer of sovereignty. Subsequently, the choice of nationality must be made within six months of attaining majority.

It is agreed that there will be full consultation between the two partners before any substantial changes are made in the nationality laws.

Exchange of High Commissioners

Agreement was reached that the Netherlands and the RUSI should exchange High Commissioners on the following basis:

- (a) the High Commissioners will be accredited by letter from Head of State to Head of State following preliminary consultation to ensure that the appointment is acceptable to the receiving government;
- (b) the High Commissioners will enjoy the status of Ambassadors of foreign powers and relative precedence will be determined by the date of assumption of office;
- (c) officials of the High Commissioners' offices will have equivalent diplomatic rank;
- (d) Commissioners will be appointed with consular functions, who will have a status equivalent to Consul General, Consul, etc.

Foreign Relations

The agreement in the field of foreign relations provides that each of the partners shall have independent foreign relations and separate foreign services, but also ensures that a great measure of flexibility and co-operation shall be effected in this field. It is agreed, in principle, that both partners shall attempt to co-ordinate foreign policy as far as possible. Neither of the partners will conclude any international agreement affecting the interests of the other without prior consultation.

Wherever one of the partners has not diplomatic or consular representation, such representation shall preferably be carried out by the other partner, and both partners declare their readiness to provide all possible technical or other co-operation in the conduct of foreign relations.

Definition of Fundamental Human Rights

This statement of the basic human rights which both partners agree to respect is equivalent to the International Declaration of Human Rights and to the **relative** provisions found in most national constitutions. There is perhaps a greater than usual emphasis on the social, economic and religious rights of minorities.

Agreement on Transitional Measures

As the title of this agreement indicates, it is designed to regulate some of the problems which will arise following the establishment of a new and independent administration in Indonesia. It therefore contains a number of clauses, not all of them strictly related. In summary, these clauses provide:

- (a) that both parties recognize the right of self-determination of the population of the various districts, comprising Indonesia;
- (b) that governmental powers be transferred from the (Netherlands) Governor General of Indonesia to the RUSI and that the public leaders and officials are ipso jure liberated from their oath of allegiance to the Queen of the Netherlands;

- (c) that all rights and obligations of Indonesia under private and public law are transferred to the RUSI;
- (d) that responsibilities under international agreements concluded by the Netherlands on behalf of Indonesia shall revert to the RUSI;
- (e) that existing legal regulations and administrative ordinances remain in force unless or until they are revoked or amended by the competent organs of the RUSI;
- (f) that the Kingdom of the Netherlands shall promote the membership of the United States of Indonesia in the United Nations.

The Transfer of Sovereignty

On December 27, in a brief ceremony in the Royal Palace at Amsterdam, the Queen of the Netherlands signed the act of transfer ending three and a half centuries of Netherlands rule over the Indonesian Islands. The act of transfer was accepted on behalf of his country by Dr. Mohammed Hatta, premier of the newly formed Republic of the United States of Indonesia. In Jakarta (the former Indonesian name of the city of Batavia has been resumed) a similar ceremony took place at almost the same time, in which the Netherlands High Commissioner and the deputy premier of the Republic participated.

RECOGNITIONS OF THE REPUBLIC OF THE UNITED STATES OF INDONESIA

(communicated by the United Nations on 29 March 1950)

The following is a list of States which have extended recognition to the Republic of the United States of Indonesia. Asterisks indicate Member States of the United Nations:

Afghanistan*	29 Dec. 1949
Australia*	27 Dec. 1949
Belgium*	28 Dec. 1949
Bolivia*	30 Dec. 1949
Brazil*	25 Feb. (approx.) 1950
Burma*	27 Dec. 1949
Canada*	27 Dec. 1949
Ceylon	27 Dec. 1949
Chile*	14 Feb. 1950
China*	27 Dec. 1949
Colombia*	11 Jan. 1950
Cuba*	27 Dec. 1949
Czechoslovakia*	2 Feb. 1950
Denmark*	7 Jan. 1950
Ecuador*	31 Jan. 1950
Egypt*	28 Dec. 1949
Ethiopia*	3 Mar. (approx.) 1950
Finland	10 Feb. 1950

France*	30 Dec. 1949
Hungary	4 Feb. 1950
Iceland*	29 Dec. 1949
India*	27 Dec. 1949
Iran*	Unknown
Iraq*	1 Jan. 1950
Ireland	28 Dec. 1949
Israel*	17 Jan. 1950
Italy	29 Dec. 1949
Jordan	6 Jan. 1950
Lebanon*	6 Jan. 1950
Luxembourg*	Unknown
Netherlands*	27 Dec. 1949
New Zealand*	27 Dec. 1949
Norway*	8 Feb. 1950
Pakistan*	27 Dec. 1949
Philippines*	27 Dec. 1949
Poland*	3 Feb. 1950
Portugal	28 Dec. 1949
Saudi Arabia*	4 Jan. 1950
Republic of Korea	30 Dec. 1949
Rumania	24 Feb. 1950
Sweden*	27 Dec. 1949
Switzerland	29 Dec. 1949
Syria*	2 Jan. 1950
Thailand*	28 Dec. 1949
Turkey*	28 Dec. 1949
Union of South Africa*	27 Dec. 1949
USSR*	26 Jan. 1950
United Kingdom*	27 Dec. 1949
United States*	27 Dec. 1949
Vatican City	6 Jan. 1950
Yugoslavia*	1 Feb. 1950
Yemen*	Unknown
Argentina*	24 Mar. 1950