

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1952 No. 49

Overgelegd aan de Staten-Generaal door de Minister  
van Buitenlandse Zaken

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A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden, de Republiek Indonesië en de Verenigde Staten van Amerika inzake de overdracht aan Indonesië van bepaalde rechten en verplichtingen voortvloeiend uit de Nederlands-Amerikaanse overeenkomst tot economische samenwerking;  
Washington, 11 Februari 1952*

B. TEKST

**Agreement between the Governments of the Kingdom of the Netherlands, the Republic of Indonesia, and the United States of America**

The Governments of the Kingdom of the Netherlands, the Republic of Indonesia, and the United States of America:

Considering that the Governments of the Kingdom of the Netherlands and the United States of America concluded an Economic Cooperation Agreement on the second day of July, 1948, and that the Government of the United States of America has furnished economic assistance to the Government of the Kingdom of the Netherlands under such agreement, and amendments thereto;

Considering that a portion of the aforementioned assistance was furnished for the benefit of the area now constituting the Republic of Indonesia; that under the aforementioned Economic Cooperation Agreement, the Government of the Kingdom of the Netherlands assumed certain responsibilities and obligations with respect to such assistance, and that as to such assistance furnished on a grant basis

the Government of the Kingdom of the Netherlands was given rights and powers in connection with a portion of the local currency counterpart deposited therefor pursuant to Article IV of such Agreement;

Considering further that with respect to a portion of the assistance furnished for the benefit of the area now constituting the Republic of Indonesia, the Government of the Kingdom of the Netherlands undertook an obligation to make repayment in the amount of \$ 17,200,000 to the Government of the United States of America under promissory notes executed October 28, 1948 and December 22, 1949;

Recognizing that on December 27, 1949, pursuant to the Charter of Transfer of Sovereignty as provided by the Round Table Conference Agreements, sovereignty over Indonesia was transferred to the Government of the Republic of the United States of Indonesia by the Government of the Kingdom of the Netherlands, and that the Governments of the Kingdom of the Netherlands and of the Republic of Indonesia have jointly proposed to the Government of the United States of America that the Government of the Republic of Indonesia formally assume all obligations hereinafter specified with respect to the aforementioned economic assistance furnished for the benefit of the area now constituting the Republic of Indonesia, that the Kingdom of the Netherlands be relieved of all such obligations, and that the Kingdom of the Netherlands transfer all rights in connection therewith to the Government of the Republic of Indonesia;

Recognizing that, pursuant to an exchange of notes between the Government of the United States of America and the Government of the Republic of the United States of Indonesia, concluded March 24, 1950, the Government of the Republic of Indonesia has already assumed certain obligations with respect to the aforementioned economic assistance;

Recognizing further the desire of the Government of the United States of America to conform its arrangements with respect to the aforementioned economic assistance so that they may be consistent with the change in status of the area now constituting the Republic of Indonesia;

Have agreed as follows:

#### Article I

1. The Government of the Kingdom of the Netherlands is hereby relieved of all further obligation and responsibility in connection with the aforementioned economic assistance furnished to the Government of the Kingdom of the Netherlands for the benefit of the area now constituting the Republic of Indonesia, such obligation and responsibility having been incurred by the signing of the Economic Cooperation Agreement on July 2, 1948, and amendments thereto, the exchange of notes concluded April 26, 1949, as amended, the con-

clusion of the loan agreements with the Export-Import Bank of Washington dated October 28, 1948 and December 22, 1949, and the execution and delivery of promissory notes under such loan agreements.

2. The Government of the Republic of Indonesia hereby assumes with respect to such assistance all responsibilities and obligations of the Government of the Kingdom of the Netherlands incurred under the aforementioned agreements and promissory notes: Provided, that, with respect to assistance furnished on a grant basis, the obligations assumed by the Government of the Republic of Indonesia under this Article (with the exception of the obligation to allocate for the use of the Government of the United States of America 5 percent of counterpart funds deposited, to place no restriction on the Government of the United States of America on expenditures of such funds, and to facilitate the use by the Government of the United States of America of those funds on reasonable terms no less favorable to the Government of the United States of America than those provided to nationals of other countries for the purchase, for stockpiling or other purposes, of materials originating in Indonesia which are required by the United States of America as a result of deficiencies or potential deficiencies in its resources) will be similar to the obligations of the Government of the Republic of Indonesia with respect to assistance furnished under the Economic and Technical Cooperation Agreement between the Government of the United States of America and the Government of the Republic of Indonesia signed on the sixteenth day of October 1950.

3. This Agreement supersedes the exchange of notes between the Government of the United States of America and the Government of the Republic of the United States of Indonesia dated March 24, 1950.

## Article II

1. The Government of the Kingdom of the Netherlands hereby transfers, and the Government of the United States of America hereby agrees to such transfer, all its rights with respect to the aforementioned economic assistance, and under the aforementioned Agreements and Promissory Notes, to the Government of the Republic of Indonesia.

2. It is understood that with respect to assistance furnished for the benefit of the area now constituting the Republic of Indonesia, „guilders” within the meaning of Article IV of the Economic Cooperation Agreement between the Governments of the Kingdom of the Netherlands and of the United States of America includes Indonesian guilders or rupiahs. The Government of the Kingdom of the Netherlands hereby assigns and transfers to the Government of the Republic of Indonesia any and all interest it may have in amounts of local currency deposited, or which the Government of the Republic of

Indonesia hereafter may be required to deposit, with respect to such assistance pursuant to the said Article IV, the amount of which is set forth in the Annex hereto.

### Article III

In implementation of this Agreement, on the date of its entry into force, (a) the Export-Import Bank of Washington shall surrender to the Government of the Kingdom of the Netherlands its promissory note evidencing the obligation of the Government of the Kingdom of the Netherlands under the loan agreements specified in Article I hereof, and (b) the Government of the Republic of Indonesia shall execute and deliver to the Export-Import Bank of Washington its promissory note in the amount of \$ 17,200,000 which note shall include the same terms and conditions as the note surrendered to the Government of the Kingdom of the Netherlands.

### Article IV

It at any time or from time to time the Government of the United States of America and the Government of the Republic of Indonesia shall determine that it would be in their common interest because of adverse economic conditions or for any other reason to postpone, or provide for the postponement of, any installments of interest or principal, or to alter or provide for the alteration of any provisions of the aforesaid note of the Republic of Indonesia relating to payment of interest and principal, or to modify the aforesaid promissory note in any other respect, they may by mutual agreement in writing provide for any such postponement or alteration or other modification.

### Article V

This Agreement will enter into effect upon notification from the Government of the Republic of Indonesia to the Governments of the Kingdom of the Netherlands and of the United States of America that all necessary legal requirements in connection with the conclusion of this Agreement by the Government of the Republic of Indonesia have been fulfilled.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Washington in triplicate this eleventh day of February, 1952.

*For the Government of the Kingdom of the Netherlands:*

(s.) J. H. VAN ROYEN

*For the Government of the Republic of Indonesia:*

(s.) ALI-SASTROAMIDJOJO

*For the Government of the United States of America:*

(s.) DEAN ACHESON

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ANNEX

The amount of assistance furnished on a grant basis through the Kingdom of the Netherlands for the benefit of the area now constituting the Republic of Indonesia is \$ 114,949,423.37, it being understood that such amount may be subject to adjustment by way of allowances for claims or otherwise.

The foregoing is based upon the following calculations:

Total ECA dollar disbursements (as of August 15, 1951) .....	\$ 101,425,023.37
Less conditional aid (drawing rights extended) ...	1,108,600.00
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	\$ 100,316,423.37
Less amount to be repaid pursuant to loan agreement .....	17,200,000.00
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Total Dollar assistance requiring counterpart deposit .....	\$ 83,116,423.37
Plus drawing rights utilized .....	31,833,000.00
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Total grant assistance requiring counterpart deposit .....	\$ 114,949,423.37

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**Memorandum of understanding**

It is understood that the Government of the Republic of Indonesia, pursuant to the Agreement between the Governments of the Kingdom of the Netherlands, the Republic of Indonesia and the United States of America concluded this day, will establish a Special Account in its name in the Bank of Java, which account will be separate from the Special Account established under the Economic and Technical Cooperation Agreement between the Governments of the United States of America and the Republic of Indonesia signed on October 16, 1950. The Government of the Kingdom of the Netherlands will promptly transfer to such newly established Special Account in the Bank of Java all amounts remaining in the Special Account in the Netherlands Bank relating to assistance furnished for the benefit of the area now constituting the Republic of Indonesia.

DONE at Washington in triplicate this eleventh day of February, 1952.

(s.) J. H. VAN ROYEN

*For the Government of the Kingdom of the Netherlands*

(s.) ALI-SASTROAMIDJOJO

*For the Government of the Republic of Indonesia*

(s.) DEAN ACHESON

*For the Government of the United States of America*

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Kedutaan Besar Indonesia  
Embassy of Indonesia  
Washington, D.C.

The Ambassador of the Republic of Indonesia presents his compliments to His Excellency, the Ambassador of the Kingdom of the Netherlands, and has the honor to inform His Excellency that the Minister of Justice of the Republic of Indonesia has rendered a Legal Opinion that the Republic of Indonesia has taken all action necessary under its Constitution, laws and regulations to insure that the Trilateral Agreement concluded between the Governments of the United States of America, the Kingdom of the Netherlands and the Republic of Indonesia on the 11th day of February, 1952, is legal and binding on the Republic of Indonesia in accordance with its terms.

This Note constitutes the notification provided for in Article V of said Trilateral Agreement stating that "this Agreement will enter into effect upon notification from the Government of the Republic of Indonesia to the Governments of the United States of America and the Kingdom of the Netherlands that all necessary legal requirements in connection with the conclusion of this Agreement by the Government of the Republic of Indonesia have been fulfilled."

The Ambassador of the Republic of Indonesia avails himself of this opportunity to renew to His Excellency, the Ambassador of the Kingdom of the Netherlands the assurances of his highest consideration.

Washington, D.C.

February 11, 1952.

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## Royal Netherlands Embassy

The Netherlands Chargé d'Affaires a.i. presents his compliments to His Excellency the Ambassador of the Republic of Indonesia and has the honor to acknowledge the receipt of his note of February 11, 1952 giving notification, in accordance with the provisions of Article V of the Agreement between the Governments of the United States of America, the Republic of Indonesia, and the Kingdom of the Netherlands signed at Washington February 11, 1952, that all necessary legal requirements in connection with the conclusion of this Agreement have been fulfilled by the Government of the Republic of Indonesia.

In view of the receipt by this Government on February 11, 1952 of the notification under reference, the Government of the Kingdom of the Netherlands considers the above-mentioned Agreement, pursuant to the provisions of Article V thereof, to have entered into force on February 11, 1952.

Washington D.C.  
March 5, 1952.

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#### G. INWERKINGTREDING

De Overeenkomst is ingevolge artikel V, en ingevolge de op grond van artikel V gewisselde nota's, op 11 Februari 1952 in werking getreden.

#### J. GEGEVENS

Voor de Overeenkomst tussen het Koninkrijk der Nederlanden en de Verenigde Staten van Amerika tot economische samenwerking, gesloten te 's-Gravenhage op 2 Juli 1948 en nadien gewijzigd, waarnaar in de preambule en elders in de onderhavige Overeenkomst wordt verwezen, zie *Tractatenbladen* 1951 No. 89 en 1952 No. 22.

De Akte van soevereiniteitsoverdracht en erkenning, ondertekend te Amsterdam op 27 December 1949, waarnaar in de preambule van de onderhavige Overeenkomst wordt verwezen, is bekendgemaakt in *Staatsblad* No. J 600.

De op 22 en 24 Maart 1950 te Djakarta tussen de Indonesische en de Amerikaanse Regering gewisselde nota's inzake economische samenwerking, waarnaar in de preambule en in artikel I (3) van de onderhavige Overeenkomst wordt verwezen, zijn afgedrukt in de Amerikaanse "Treaties and other International Acts Series" No. 2108.

De op 26 April 1949 te 's-Gravenhage tussen de Nederlandse en de Amerikaanse Regering gewisselde nota's inzake trekkingsrechten,

alsmede de notawisseling van 20 Februari en 4 Maart 1950 tot aanvulling van eerstgenoemde notawisseling, waarnaar in artikel I van de onderhavige Overeenkomst wordt verwezen, zijn bekendgemaakt bij Koninklijk besluit van 4 Juli 1950 (*Staatsblad* No. K 281).

Uitgegeven de vierde April 1952.

*De Minister van Buitenlandse Zaken a.i.,*  
**W. DREES.**