

of India with other governments. Such agreements are made in the name of the signatory governments, and are signed by the representatives of these governments. Full powers are granted and ratification is effected on behalf of the Government.

### 38. Indonesia

#### (a) HISTORICAL NOTE PREPARED BY THE SECRETARIAT OF THE UNITED NATIONS

1. A Round Table Conference met at The Hague from August to November 1949. There were represented at this conference the Government of the Netherlands, the Government of the Republic of Indonesia, and the (Indonesian) Federal Consultative Assembly. The purpose of this conference was to reach an agreement on the future political status of Indonesia. At that time the Republic of Indonesia consisted of a number of states bound together in a federation, and the Conference took note of a Constitution for the Republic of the United States of Indonesia. This Constitution was, however, superseded, in August 1950 (when the federal structure of the State was replaced by a unitary one), by the promulgation of the Provisional Constitution of the Republic of Indonesia, the relevant portions of which appear below. An agreement was reached at the conference regulating the conduct of foreign relations by the two States which constitute the Netherlands—Indonesian Union. This was entitled "Agreement between the Union Partners concerning foreign relations" and at the present time<sup>1</sup> is still in force.

2. By article 5 of the Agreement on Transitional Measures (*Security Council Official Records, Fourth Year, Special Supplement No. 6*, p. 102) the Kingdom of the Netherlands and the Republic of the United States of Indonesia agreed that "the rights and obligations of the Kingdom arising out of treaties and other international agreements concluded by the Kingdom shall be considered as 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".

3. On 19 May 1950, the Government of the United States of Indonesia—also acting on behalf of the member states of East Indonesia and East Sumatra—and the Government of the member state of the Republic of Indonesia reached an agreement jointly to establish a unitary state to be called the "Republic of Indonesia". This unitary state includes the old Republic of Indonesia and all the other member states of the "Republic of the United States of Indonesia". On 15 August 1950, the President of the Republic of the United States of Indonesia proclaimed a Charter declaring, "as an internal change, the establishment of the Unitary State of the Republic of Indonesia comprising the whole Indonesian country and nation of Indonesia".

<sup>1</sup> 1 April 1952.

(b) PROVISIONAL CONSTITUTION OF 13 AUGUST 1950. TEXT SUPPLIED BY THE  
INDONESIAN MISSION

*Article 120.* (1) The President concludes and ratifies all treaties and other agreements with foreign powers.

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

(2) Accession to and termination of treaties and other agreements is effected by the President by virtue of the law only.

*Article 121.* The Republic of Indonesia shall join international organizations on the basis of the treaties and agreements referred to in article 120.

*Article 123.* The President accredits representatives of the Republic of Indonesia to other Powers, and approves of the accrediting of representatives of other Powers to the Republic of Indonesia.

(c) AGREEMENT BETWEEN THE UNION PARTNERS CONCERNING FOREIGN  
RELATIONS, NOVEMBER 1949, *Official Records of the Security Council, Fourth Year, Special Supplement No. 6*, p. 101

*Article 1.* The Netherlands-Indonesian Union shall co-operate 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.<sup>1</sup>

*Article 3.* Neither Partner shall conclude a treaty, nor shall it perform any other juridical act in international intercourse, involving the interests of the other Partner, except after consultation with the other.

### 39. Iran

(a) CONSTITUTION OF 30 DECEMBER 1906. TEXT FURNISHED (IN FRENCH)  
BY THE IRANIAN GOVERNMENT

*Article 24:* L'échange de traités ou de conventions et l'octroi de concession (monopole) commerciale, industrielle ou agricole etc. aussi bien aux nationaux qu'aux étrangers, doivent être soumis à la ratification du Madjlesse, sauf pour les traités, qui dans l'intérêt de l'Etat et de la Nation, doivent être tenus secrets.

(b) CONSTITUTIONAL LAW OF 8 OCTOBER 1907. TEXT FURNISHED  
(IN FRENCH) BY THE IRANIAN GOVERNMENT

*Article 52:* Les traités qui d'après les principes de l'art. 24 de la Loi Constitutionnelle du 14 Zighadeh 1324 doivent être tenus secrets seront présentés par (de la part du) le Roi aux chambres accompagnés des motifs explicatifs, aussitôt que l'intérêt et la sécurité du pays le permettront et que les causes de les tenir secrets seront dissipées.

<sup>1</sup> See, for example, article 21 of the Financial and Economic Agreement concluded at the Round Table Conference (*Official Records of the Security Council, Fourth Year, Supplement No. 6*, p. 116).