

No. 7484

**JAPAN
and
INDONESIA**

Treaty of Amity and Commerce (with Protocol and exchange of notes). Signed at Tokyo, on 1 July 1961

Official texts of Treaty and Protocol: Japanese, Indonesian and English.

Official text of notes: English.

Registered by Japan on 25 November 1964.

**JAPON
et
INDONÉSIE**

Traité d'amitié et de commerce (avec Protocole et échange de notes). Signé à Tokyo, le 1^{er} juillet 1961

Textes officiels du Traité et du Protocole: japonais, indonésien et anglais.

Texte officiel des notes: anglais.

Enregistré par le Japon le 25 novembre 1964.

No. 7484. TREATY¹ OF AMITY AND COMMERCE BETWEEN
JAPAN AND THE REPUBLIC OF INDONESIA. SIGNED
AT TOKYO, ON 1 JULY 1961

The Government of Japan and the Government of the Republic of Indonesia,

Mindful of the existing amicable relationship and cooperation between both countries,

Desirous of consolidating and developing further cooperative efforts to establish the closest amity between both nations, and

Desirous of facilitating and developing trade and commerce between the two countries on a mutually advantageous basis,

Have resolved to conclude a Treaty of Amity and Commerce and for that purpose have appointed as their Plenipotentiaries,

The Government of Japan :

Mr. Zentaro Kosaka, Minister for Foreign Affairs

The Government of the Republic of Indonesia :

Dr. Subandrio, Minister for Foreign Affairs

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles :

Article I

Nationals of either Party shall be permitted to enter the territory of the other Party in accordance with the provisions of the laws and regulations of such other Party and shall be accorded treatment no less favourable than that accorded to nationals of any third country with respect to all matters relating to their entry into, their sojourn, travel and residence within, and their departure from, the territory of such other Party.

Article II

1. Nationals and companies of either Party shall be accorded, within the territory of the other Party, treatment no less favourable than that accorded

¹ Came into force on 8 March 1963, one month after the date of the exchange of the instruments of ratification which took place at Djakarta on 8 February 1963, in accordance with article XI (2).

to nationals and companies of any third country with respect to all matters pertaining to the levying of taxes, access to the courts, rights to property, participation in juridical entities, and generally the conduct of all kinds of business and professional activities.

2. Notwithstanding the provisions of paragraph 1 of this Article, each Party reserves the right to accord special tax advantages on a basis of reciprocity or by virtue of agreements for the avoidance of double taxation or the mutual protection of revenue.

Article III

1. Nationals of either Party, within the territory of the other Party, shall be accorded treatment no less favourable than that accorded to nationals of such other Party and of any third country with respect to the protection and security for their persons.

2. (1) Nationals of either Party, within the territory of the other Party, shall be exempt from any compulsory military service and from any disbursement imposed in place of such service.

(2) Nationals and companies of either Party shall be accorded, within the territory of the other Party, treatment no less favourable than that accorded to nationals and companies of such other Party and of any third country with respect to all compulsory loans, military exactions, requisitions or compulsory billeting.

Article IV

Property of nationals and companies of either Party shall not be taken within the territory of the other Party except for a public purpose, nor shall it be taken without just compensation in accordance with the laws and regulations of such other Party. In all the matters dealt with in this Article, nationals and companies of either Party shall receive, within the territory of the other Party, treatment no less favourable than that accorded to nationals and companies of any third country.

Article V

1. Nationals and companies of either Party shall be accorded treatment no less favourable than that accorded to nationals and companies of any third country with respect to payments, remittances and transfers of funds or financial instru-

ments between the territories of the two Parties as well as between the territories of the other Party and of any third country.

2. Neither Party shall impose restrictions or prohibitions on the importation of any product of the other Party, or on the exportation of any product to the territory of the other Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited.

3. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, either Party may take such measures as are necessary to safeguard its external financial position and balance of payments.

Article VI

With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to the rules and formalities in connection with importation and exportation, and with respect to the application of internal taxes to exported goods, and with respect to all internal taxes or other internal charges of any kind imposed on or in connection with imported goods, and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods, any advantage, favour, privilege or immunity which has been or may hereafter be granted by either Party to any product originating in or destined for any third country shall be accorded immediately and unconditionally to the like product originating in or destined for the territory of the other Party.

Article VII

The two Parties undertake to co-operate with a view to expanding trade for mutual benefits and to strengthening economic relations between the two Parties, and to furthering the interchange and use of scientific and technical knowledge, particularly in the interests of economic development and of the improvement of standards of living within their respective territories, taking into account the specific economic features and the programmes of economic development of each Party.

Article VIII

Nothing in the present Treaty shall affect the rights and obligations that either Party has or may have as a contracting party to the General Agreement

on Tariffs and Trade¹ or the Articles of Agreement of the International Monetary Fund² or any multilateral agreement amendatory or supplementary thereto, so long as both Parties are contracting parties to the relevant agreement or agreements.

Article IX

The provisions of the present Treaty shall not be interpreted as precluding each Party from adopting or executing measures relating to :

- (a) the internal public security or national defense or the maintenance of international peace and security;
- (b) fissionable materials or the materials from which they are derived;
- (c) traffic in arms, ammunition and implements of war and such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;
- (d) the protection of public morals;
- (e) the protection of public health and the protection of animals and plants against diseases, harmful insects and parasites;
- (f) trade in gold or silver;
- (g) the protection of national treasures of artistic, historic or archaeological value; and
- (h) the fulfillment of obligations under any multilateral commodity agreement.

Article X

The Government of each Party shall accord sympathetic consideration to representations made by the Government of the other Party in respect of any matter arising from or in connection with the implementation of the present Treaty and shall afford to the Government of the other Party adequate opportunity for consultation.

Article XI

1. The present Treaty shall be ratified, and the instruments of ratification shall be exchanged at Djakarta as soon as possible.

¹ United Nations, *Treaty Series*, Vol. 55, p. 187; for subsequent actions relating to this Agreement, see references in Cumulative Indexes Nos. 1 to 4, as well as annex A in Volumes 402, 405, 411, 419, 421, 424, 425, 429, 431, 435, 438, 440, 441, 442, 444, 445, 449, 451, 452, 456, 460, 462, 463, 468, 471, 474, 475, 476, 478, 483, 489, 496 and 501.

² United Nations, *Treaty Series*, Vol. 2, p. 39.