

No. 4688

**JAPAN
and
INDONESIA**

Treaty of Peace. Signed at Djakarta, on 20 January 1958

Official texts: Japanese, Indonesian and English.

Registered by Japan on 2 March 1959.

**JAPON
et
INDONÉSIE**

Traité de paix. Signé à Djakarta, le 20 janvier 1958

Textes officiels japonais, indonésien et anglais.

Enregistré par le Japon le 2 mars 1959.

No. 4688. TREATY OF PEACE¹ BETWEEN JAPAN AND THE
REPUBLIC OF INDONESIA. SIGNED AT DJAKARTA,
ON 20 JANUARY 1958

Japan and the Republic of Indonesia,

Being desirous of terminating the state of war between the two countries and of co-operating in friendly association for the promotion of the common welfare of their peoples and the maintenance of international peace and security in conformity with the principles of the Charter of the United Nations,

Have determined to conclude this Treaty and have accordingly appointed as their Plenipotentiaries :

Japan :

Mr. Aiiichiro Fujiyama, Minister for Foreign Affairs

The Republic of Indonesia :

Mr. Subandrio, Minister for Foreign Affairs

Who, having indicated to each other their respective Full Powers found to be in good and due form, have agreed on the following Articles :

Article 1

The state of war between Japan and the Republic of Indonesia is terminated as from the date on which this Treaty comes into force.

Article 2

There shall be firm and perpetual peace and amity between the Contracting Parties and their respective peoples.

Article 3

Both Contracting Parties are desirous of strengthening further the economic relations between them in accordance with the spirit of the decisions made at the Asian-African Conference held at Bandung from 18th to 24th April, 1955. Therefore,

(a) Both Contracting Parties shall enter into negotiations for the conclusion of treaties or agreements at the earliest practicable date to place their trading,

¹ Came into force on 15 April 1958, the date of the exchange of the instruments of ratification at Tokyo, in accordance with article 7.

maritime, aviation and other economic relations on a stable and friendly basis.

(b) Pending the conclusion of the relevant treaty or agreement, both Contracting Parties shall accord to each other non-discriminatory treatment as compared with that accorded to any third country in the field of trading, maritime and other economic relations between them.

Article 4

1. Japan is prepared to pay reparations to the Republic of Indonesia in order to compensate the damage and suffering caused by Japan during the war. Nevertheless it is recognized that the resources of Japan are not sufficient, if it is to maintain a viable economy, to make complete reparation for all the damage and suffering for the Republic of Indonesia and other countries caused by Japan during the war and at the same time meet its other obligations.

Therefore,

(a) Japan agrees to supply, in accordance with detailed terms as may be agreed upon, the Republic of Indonesia by way of reparations with the products of Japan and the services of Japanese people, the total value of which will be eighty thousand three hundred and eight million eight hundred thousand yen (¥80,308,800,000), equivalent to two hundred and twenty-three million eighty thousand United States of America dollars (\$223,080,000), within the period of twelve years. The supply of such products and services shall be made at an annual average of seven thousand two hundred million yen (¥7,200,000,000), equivalent to twenty million United States of America dollars (\$20,000,000) during the period of the first eleven years, the outstanding balance to be settled on the twelfth year.

(b) (I) The Republic of Indonesia shall have the right to seize, retain, liquidate or otherwise dispose of all property, rights and interests of Japan and Japanese nationals (including juridical persons) which on the coming into force of this Treaty were subject to its jurisdiction. The property, rights and interests specified in this sub-paragraph shall include those now blocked, vested or in the possession or under the control of enemy property authorities of the Republic of Indonesia, which belonged to or were held or managed on behalf of, Japan or any Japanese nationals (including juridical persons) at the time such assets came under the control of such authorities.

(II) The following shall be excepted from the right specified in sub-paragraph (I) above :

- (i) all real property, furniture and fixtures owned by the Government of Japan and used for diplomatic or consular purposes, and all personal furniture and furnishings and other private property not of an investment nature which was normally necessary for the carrying out of diplomatic and consular functions, owned by Japanese diplomatic and consular personnel;
- (ii) property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes;
- (iii) property, rights and interests which have come within the jurisdiction of the Republic of Indonesia in consequence of the resumption of trade, financial and other relations subsequent to September 2, 1945 between Japan and the Republic of Indonesia; and
- (iv) obligations of Japan or Japanese nationals, any rights, title or interest in tangible property located in Japan, interests in enterprises organized under the laws of Japan, or any paper evidence thereof; provided that this exception shall only apply to obligations of Japan and its nationals expressed in Japanese currency.

(III) Property referred to in exceptions set forth in sub-paragraph (II) above shall be returned subject to reasonable expenses for its preservation and administration. If any such property has been liquidated, the proceeds shall be returned instead.

(IV) The right to seize, retain, liquidate or otherwise dispose of property as provided in sub-paragraph (I) above shall be exercised in accordance with the laws of the Republic of Indonesia, and the owner shall have only such rights as may be given him by those laws.

2. Except as otherwise provided in the preceding paragraph, the Republic of Indonesia waives all reparations claims of the Republic of Indonesia and all other claims of the Republic of Indonesia and its nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war.

Article 5

1. Japan waives all claims of Japan and its nationals against the Republic of Indonesia and its nationals arising out of the war or out of actions taken because of the existence of a state of war.

2. The foregoing waiver includes any claims arising out of actions taken by the former Netherlands East Indies or the Republic of Indonesia with respect

to Japanese ships between September 1, 1939, and September 2, 1945, as well as any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of the former Netherlands East Indies or the Republic of Indonesia, but does not include Japanese claims specifically recognized in the laws of the Republic of Indonesia enacted since September 2, 1945.

Article 6

Any dispute arising out of the interpretation or application of this Treaty shall be settled in the first instance by negotiation, and, if no settlement is reached within a period of six months from the commencement of negotiations, the dispute shall, at the request of either Contracting Party, be referred for decision to the International Court of Justice.

Article 7

This Treaty shall be ratified and shall come into force on the date of exchange of the instruments of ratification which shall take place as soon as possible at Tokyo.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty and have affixed hereunto their seals.

DONE in duplicate, in the Japanese, Indonesian and English languages, at Djakarta, this twentieth day of January of the year one thousand nine hundred and fifty-eight. In case of any divergence of interpretation, the English text shall prevail.

For Japan :
Aiichiro FUJIYAMA

For the Republic of Indonesia :
SOEBANDRIO