

ภาคผนวก
รัฐธรรมนูญแห่งสาธารณรัฐอินโดนีเซีย

พ.ศ. ๒๕๔๘

อารัมภบท

โดยที่เอกราช เป็นสิทธิของทุกประชาชาติ ดังนั้นการถืออำนาจเข้ายึดครองไม่ว่าด้วย
แบบใด ๆ ในโลกนี้ อันเป็นการขัดแย้งกับมนุษยธรรมและความยุติธรรมจักต้องถูกล้มล้าง ไปสิ้น
การต่อสู้ของเราเพื่อความเป็นเอกราชของอินโดนีเซียได้บรรลุถึงขั้นที่น่าพึงพอใจ
ซึ่งประชากรชาวอินโดนีเซียได้รับการนำไปสู่หजारแห่งรัฐอินโดนีเซีย อันตรงไว้ซึ่งความเป็น
เอกราชเป็นอันหนึ่งอันเดียวกัน พร้อมด้วยอำนาจสูงสุด ความยุติธรรมและความเจริญรุ่งเรือง
ด้วยพรแห่งพระเป็นเจ้าอันศักดิ์สิทธิ์และด้วยอาศัยอุดมคติอันสูงส่งในอันที่จะนำวิถี
ประชาชาติเสรี ประชากรชาวอินโดนีเซียจึงขอประกาศเอกราชไว้ ณ ที่นี้

อีกประการหนึ่งเพื่อที่จะจัดตั้งรัฐบาลสำหรับรัฐอินโดนีเซีย เพื่อที่จะปกป้องคุ้มครอง
ประชากรและประเทศอินโดนีเซีย เพื่อที่จะส่งเสริมการประชาสงเคราะห์ เพื่อที่จะยกระดับ
มาตรฐานการครองชีพ และเพื่อที่จะเข้ามีส่วนร่วมในการสถาปนาระเบียบแบบแผนแห่งโลก ซึ่ง
ก่อกำเนิดขึ้นจากอิสรภาพ สันติภาพอันสถาพรและความยุติธรรมทางสังคม จึงได้กำหนดความ
เป็นเอกราชแห่งชาติไว้ในรัฐธรรมนูญของอินโดนีเซียอันเป็นสาธารณรัฐที่อธิปไตยของ
ประชาชนเป็นพื้นฐานและก่อกำเนิดขึ้นจากความศรัทธาในพระผู้เป็นเจ้าอันศักดิ์สิทธิ์ในความ
เที่ยงธรรมและมนุษยธรรมในความเป็นเอกภาพแห่งอินโดนีเซีย และในประชานิยมไทยซึ่งได้รับ
การนำไปด้วยคำแนะนำแนวทางอันชาญฉลาดด้วยการปรึกษาหารือและกรรมวิธีที่แท้เป็นหลัก
ประจักษ์ในความยุติธรรมทางสังคมสำหรับประชากรชาวอินโดนีเซียทั้งหมด

พวบทที่ ๑ ...

หมวดที่ ๑

รูปลักษณะและอำนาจอธิปไตยของรัฐ

มาตรา ๑

- ๑. รัฐไทยได้เขียนเป็นรัฐเดี่ยวมีรูปลักษณะเป็นสาธารณรัฐ
- ๒. อำนาจอธิปไตยเป็นของปวงชนและจะนำมาใช้อย่างสมบูรณ์โดยทางสภาแห่งประชาชน

หมวดที่ ๒

สภาแห่งประชาชน



มาตรา ๒

- ๑. สภาแห่งประชาชนพึงประกอบด้วยสมาชิกของสภาผู้แทนของท้องถิ่นกับผู้แทนของกลุ่มบุคคลต่าง ๆ ตามมติบัญญัติที่จะได้กำหนดขึ้นไว้เป็นกฎหมาย
- ๒. สภาแห่งประชาชนพึงเปิดการประชุมขึ้นในเมืองหลวงของรัฐอย่างน้อยที่สุดครั้งหนึ่งในทุก ๆ ระยะเวลาปี
- ๓. การวินิจฉัยชี้ขาดทั้งปวงของสภาแห่งประชาชนพึงกระทำได้โดยถือคะแนนเสียงข้างมาก

มาตรา ๓

สภาแห่งประชาชนพึงประกาศรัฐธรรมนูญออกใช้ เป็นกฎหมายและกำหนดแนวนโยบายแห่งชาติ

หมวดที่ ๓

อำนาจของรัฐบาล

มาตรา ๔

- ๑. ประธานาธิบดีย่อมทรงไว้ซึ่งอำนาจของรัฐบาลตามรัฐธรรมนูญปัจจุบัน
- ๒. ในการปฏิบัติหน้าที่ประธานาธิบดีพึงได้รับการช่วยเหลือโดยรองประธานาธิบดี

มาตรา ๕ ...

มาตรา ๕

- ๑. ประธานาธิบดีพึงมีอำนาจนิติบัญญัติด้วยความยินยอมเห็นชอบของสภาผู้แทน
- ๒. ประธานาธิบดีพึงประกาศใช้กฎหมาย เพื่อให้การใช้อำนาจได้เป็นไปโดยถูกต้องสมบูรณ์

มาตรา ๖

- ๑. ประธานาธิบดีพึงเป็นชาวอินโดนีเซีย
- ๒. ประธานาธิบดีและรองประธานาธิบดีพึงได้รับเลือกตั้งโดยสภาแห่งประชาชนด้วยคะแนนเสียงข้างมาก

มาตรา ๗

ประธานาธิบดีและรองประธานาธิบดีจะดำรงอยู่ในตำแหน่งได้คราวละห้าปี และจะมีสิทธิที่จะได้รับเลือกตั้งใหม่อีก

มาตรา ๘

ในกรณีที่ประธานาธิบดีตาย ลาออก หรือไม่สามารถปฏิบัติหน้าที่ได้ในระหว่างที่ยังดำรงอยู่ในตำแหน่ง รองประธานาธิบดีพึงเข้าปฏิบัติหน้าที่แทนจนกว่าจะสิ้นกำหนดเวลาอยู่ในตำแหน่งของประธานาธิบดี

มาตรา ๙

ก่อนเข้ารับตำแหน่งหน้าที่ประธานาธิบดีและรองประธานาธิบดีพึงกล่าวคำปฏิญาณตามความเชื่อต่อทางศาสนาของแต่ละคน หรือมีถ้อยคำให้คำมั่นสัญญาดังต่อไปนี้ต่อสภาแห่งประชาชนหรือสภาผู้แทน

คำปฏิญาณของประธานาธิบดี (รองประธานาธิบดี)

"ข้าพเจ้าขอปฏิญาณว่า ข้าพเจ้าจะปฏิบัติหน้าที่ของประธานาธิบดีแห่งสาธารณรัฐอินโดนีเซีย (รองประธานาธิบดีแห่งสาธารณรัฐอินโดนีเซีย) ด้วยความซื่อสัตย์

สุจริตและสุจริตกัมภีรภาพ ข้าพเจ้าจะยึดมั่นอยู่ในรัฐธรรมนูญและใช้กฎหมายข้อบังคับต่าง ๆ ด้วยความรอบคอบ ทั้งจะยอมอุทิศตนเองเพื่อรับใช้ประเทศชาติและประชาชน ขอพระเป็นเจ้าได้โปรดอนุเคราะห์ข้าพเจ้าด้วยเถิด"

คำมั่นสัญญาของประธานาธิบดี (รองประธานาธิบดี)

"ข้าพเจ้าขอให้คำมั่นสัญญาว่า ข้าพเจ้าจะปฏิบัติหน้าที่ของประธานาธิบดีแห่งสาธารณรัฐอินโดนีเซีย (รองประธานาธิบดีแห่งสาธารณรัฐอินโดนีเซีย) ด้วยความซื่อสัตย์สุจริตและสุจริตกัมภีรภาพ ข้าพเจ้าจะยึดมั่นอยู่ในรัฐธรรมนูญและใช้กฎหมายข้อบังคับต่าง ๆ ด้วยความรอบคอบ ทั้งจะยอมอุทิศตนเองเพื่อรับใช้ประเทศชาติและประชาชน"

มาตรา ๑๐

ประธานาธิบดีพึงเป็นผู้นับถวายเป็นผู้บัญชาการทหารสูงสุดของกองทัพบก กองทัพอากาศ และกองทัเรือ

มาตรา ๑๑

ประธานาธิบดียอมประกาศสงคราม ทำสัญญาสันติภาพ และทำสนธิสัญญากับประเทศอื่น ๆ ได้ เมื่อได้รับอนุมัติจากสภาผู้แทน

มาตรา ๑๒

ประธานาธิบดียอมประกาศสถานการณ์ฉุกเฉินได้ คักขณะและรูปการณ์แห่งสถานการณ์ฉุกเฉินจะได้อำนาจไว้โดยกฎหมาย

มาตรา ๑๓

- ๑. ประธานาธิบดีพึงแต่งตั้งเอกอัครราชทูตและกงสุล
- ๒. ประธานาธิบดีพึงรับเอกอัครราชทูตของประเทศอื่น ๆ

มาตรา ๑๔

ประธานาธิบดีมีอำนาจให้ภัยโทษ ให้ริบโทษกรรม สั่งเลิกการฟ้องคดีอาญา และช่วยให้กลับเข้าสู่สภาพเดิม

มาตรา ๑๕

ประธานาธิบดีมีอำนาจให้บรรดาศักดิ์ เครื่องหมายคุณความดี และเครื่องหมายแห่งเกียรติยศอย่างอื่น

หมวดที่ ๔สภาที่ปรึกษาสูงสุด

มาตรา ๑๖

๑. องค์ประกอบของสภาที่ปรึกษาสูงสุดพึงกำหนดไว้ในกฎหมาย
๒. สภาที่ปรึกษาสูงสุดพึงมีหน้าที่ตอบคำถามทั้งหลายที่ประธานาธิบดีส่งมา และพึงมีสิทธิในอำนาจที่จะเสนอความเห็นต่อรัฐบาล

หมวดที่ ๕กระทรวงแห่งรัฐ

มาตรา ๑๗

๑. ประธานาธิบดีพึงได้รับการช่วยเหลือจากรัฐมนตรีแห่งรัฐ
๒. บรรดารัฐมนตรีพึงได้รับการแต่งตั้งและถอดถอนจากหน้าที่โดยประธานาธิบดี
๓. บรรดารัฐมนตรีพึงรับผิดชอบดำเนินการกระทรวงทบวงกรมของรัฐบาล

หมวดที่ ๖การบริหารงานส่วนภูมิภาค

มาตรา ๑๘

การแบ่งส่วนภูมิของอินโดนีเซียออกเป็นหน่วยใหญ่และหน่วยเล็ก รวมทั้งแบบ

... วิธีการ

วิธีการบริหาร พึ่งได้กำหนดไว้ในกฎหมาย โดยคำนึงถึงและปฏิบัติตามหลักแห่งการปรึกษาหารือในระบบของรัฐบาลแห่งรัฐ รวมทั้งสิทธิตามจารีตประเพณีเฉพาะท้องถิ่นด้วย

หมวดที่ ๗

สภาผู้แทน

มาตรา ๑๙

๑. องค์ประกอบของสภาผู้แทนพึงกำหนดไว้ในกฎหมาย
๒. สภาผู้แทนพึงประชุมกันอย่างน้อยปีละครั้ง

มาตรา ๒๐

๑. กฎหมายทุกฉบับจะต้องได้รับอนุมัติของสภาผู้แทน
๒. ในกรณีที่ร่างกฎหมายฉบับใดไม่ได้รับอนุมัติของสภาผู้แทน ห้ามมิให้เสนอร่างกฎหมายฉบับนั้นเป็นครั้งที่สองในระหว่างสมัยประชุมเดียวกันของสภาผู้แทน

มาตรา ๒๑

๑. สมาชิกแห่งสภาผู้แทนย่อมมีสิทธิที่จะเสนอกฎหมาย
๒. ในกรณีที่ประธานาธิบดีไม่เห็นชอบด้วยกับร่างกฎหมายที่ได้ผ่านการพิจารณาอนุมัติของสภาผู้แทนแล้ว ห้ามมิให้เสนอร่างกฎหมายนั้นเป็นครั้งที่สองในระหว่างสมัยประชุมเดียวกันของสภาผู้แทน

มาตรา ๒๒

๑. ในกรณีที่ถูกเงินรับควม ประธานาธิบดีย่อมมีสิทธิที่จะตรากฎออกใช้บังคับเป็นกฎหมาย
๒. กฎดังกล่าวนี้จะต้องได้รับอนุมัติของสภาผู้แทนในการประชุมสมัยต่อไป
๓. ในกรณีที่มิได้รับอนุมัติ กฎดังกล่าวนี้เป็นอันยกเลิกไป

หมวดที่ ๔

การคลัง

- ๑. การประมาณรายได้และรายจ่ายพึงกำหนดไว้เป็นกฎหมายทุกปี ในกรณีที่สภาผู้แทนไม่เห็นชอบด้วยงบประมาณซึ่งรัฐบาลได้เสนอให้ร่างงบประมาณปีกล่อมมาใช้บังคับ
- ๒. ภาษีทุกแบบที่เรียกเก็บในนามของรัฐบาลจะต้อง เป็นไปตามกฎหมาย
- ๓. ชนิดและระยะเวลาของเงินตราจะต้องกำหนดไว้ในกฎหมาย
- ๔. เรื่องอื่นใดอันเกี่ยวกับการคลังสาธารณะจะต้องกำหนดไว้ในกฎหมาย
- ๕. สำนักงานข้าราชการบัญชีกลางซึ่งมีกฎหมายวางบทบัญญัติไว้แล้ว พึงได้รับการก่อตั้งขึ้นเพื่อควบคุมความรับผิดชอบในการคลังสาธารณะ บรรดาข้อเท็จจริงที่สำนักงานนี้ค้นหาได้พึงนำเสนอต่อสภาผู้แทน



หมวดที่ ๕

อำนาจตุลาการ

มาตรา ๒๔

- ๑. อำนาจตุลาการพึงใช้โดยศาลสูงสุดและศาลอื่น ๆ ซึ่งได้รับการสถาปนาขึ้นตามกฎหมาย
- ๒. องค์การและเขตอำนาจของศาลพึงกำหนดไว้ในกฎหมาย

มาตรา ๒๕

เงื่อนไขในการที่จะรับบุคคลเข้าเป็นสมาชิกในตำแหน่งหน้าที่ตุลาการและในการปลดออกจากตำแหน่งหน้าที่ดังกล่าวนี้พึงกำหนดไว้ในกฎหมาย

หมวดที่ ๑๐

พลเมือง

มาตรา ๒๖

- ๑. พลเมืองย่อมได้แก่ผู้ที่ เป็นชาวอินโดนีเซียโดยกำเนิด ตลอดจากบุคคลสัญชาติอื่นซึ่งได้ถือการ

รับรองให้เป็นพลเมืองอินโดนีเซียได้ตามกฎหมาย

๒. บรรดาเรื่องที่เกี่ยวข้องกับการเป็นพลเมืองนี้พึงกำหนดไว้ในกฎหมาย

มาตรา ๒๗

- ๑. พลเมืองทั้งปวงย่อมเสมอภาคกันต่อกฎหมายและในกรณีเกี่ยวกับรัฐบาล แต่พลเมืองทั้งหมดพึงเคารพต่อกฎหมายและรัฐบาลโดยปราศจากข้อยกเว้น
- ๒. พลเมืองทุกคนย่อมทรงไว้ซึ่งสิทธิในการหาประโยชน์และการดำรงอยู่ผสมตามคุณค่าแห่งความเป็นมนุษย์

มาตรา ๒๘

สิทธิในการรวมชุมนุมและตั้งสมาคมอิสระ สิทธิในการแสดงความคิดเห็นด้วยวาจาหรือเป็นลายลักษณ์อักษร ฯลฯ พึงกำหนดไว้เป็นกฎหมาย

หมวดที่ ๑๑

ศาสนา

มาตรา ๒๘

- ๑. รัฐพึงมีรากฐานอยู่บนความศรัทธาเลื่อมใสในอาณาภาคแห่งพระเป็นเจ้า
- ๒. รัฐพึงไต่ประจักษ์เสรีภาพของประชาชนทุกคนในอันที่จะนับถือศาสนาและในการที่จะประกอบกิจกรรมตามความเลื่อมใสศรัทธาของตน

หมวดที่ ๑๒

การป้องกันแห่งชาติ

มาตรา ๓๐

- ๑. พลเมืองทุกคนย่อมทรงไว้ซึ่งสิทธิและหน้าที่ในอันที่จะเข้ามีส่วนร่วมในการป้องกันรัฐ
- ๒. บรรดาเรื่องที่เกี่ยวข้องกับการป้องกันนี้พึงกำหนดไว้เป็นกฎหมาย

หมวดที่ ๑๓

การศึกษา

มาตรา ๓๑

- ๑. พลเมืองทุกคนยอมรับว่าซึ่งสิทธิในการศึกษา
- ๒. รัฐบาลพึงสถาปนาระบบของการศึกษาแห่งชาติ ซึ่งยอมกำหนดไว้เป็นกฎหมาย

มาตรา ๓๒

รัฐบาลพึงส่งเสริมวัฒนธรรมแห่งชาติของอินโดนีเซีย

หมวดที่ ๑๔

สวัสดิการสังคม

มาตรา ๓๓

- ๑. เศรษฐกิจพึงได้รับการจัดขึ้นบนพื้นฐานของการสหกรณ์และพึงก่อตั้งขึ้นจากครอบครัวเป็นหลัก
- ๒. สาขาแห่งการผลิตทั้งหลายซึ่งมีความสำคัญต่อรัฐ และซึ่งมีผลอยู่เหนือชีวิตของประชาชนทั่วไปพึงอยู่ใต้อาณัติของรัฐบาล
- ๓. พินดินและน้ำอันอุดมสมบูรณ์ตามธรรมชาติที่มีอยู่ในสิ่งเหล่านั้นพึงอยู่ใต้อาณัติของรัฐบาลและพึงใช้เพื่อความเจริญรุ่งเรืองอย่างเต็มที่ของประชาชน

มาตรา ๓๔

รัฐพึงจัดการช่วยเหลือคนยากจนและคนเร่รอน

หมวดที่ ๑๕

ธงและภาษา

มาตรา ๓๕

ธงทางราชการของอินโดนีเซียมีสีแดง — ขาว

มาตรา ๓๖ ...

มาตรา ๓๖

ภาษาทางราชการคือภาษาอินโดนีเซีย

หมวดที่ ๑๖

การแก้ไขเพิ่มเติมรัฐธรรมนูญ

มาตรา ๓๗

- ๑. ในการที่จะแก้ไขเพิ่มเติมรัฐธรรมนูญ จะต้อง^{มี}สมาชิกของสภาประชาชนมารวมประชุมอย่างน้อยสองในสามของสมาชิกทั้งหมด
- ๒. มติเพื่อการแก้ไขจะต้องมีคะแนนเสียงส่วนใหญ่ไม่น้อยกว่าสองในสามของจำนวนสมาชิกทั้งหมดที่มาประชุม

บทเฉพาะกาล

- ๑. คณะกรรมการเตรียมการเพื่อเอกราชของอินโดนีเซียพึงจัดและดำเนินการบริหารประเทศในระยะที่เมืองไปจนถึงมีรัฐบาลอินโดนีเซีย
- ๒. บรรดาสถาบันและกฎข้อบังคับของทางราชการที่มีอยู่แล้ว ให้คงมีผลไว้บังคับอยู่ไปจนกว่าสถาบันหรือกฎข้อบังคับใหม่จะได้รับการจัดตั้งขึ้นตามรัฐธรรมนูญฉบับปัจจุบัน
- ๓. ในระยะเริ่มแรกประธานาธิบดีและรองประธานาธิบดีพึงได้รับเลือกตั้งขึ้นโดยคณะกรรมการเตรียมการเพื่อเอกราชของอินโดนีเซีย
- ๔. ก่อนที่จะจัดตั้งสภาประชาชนขึ้น ให้ประธานาธิบดีมีอำนาจบริหารกิจการในหน้าที่ของสภาผู้แทนและสภาที่ปรึกษาสูงสุดตามรัฐธรรมนูญ ฉบับปัจจุบัน ด้วยความช่วยเหลือของคณะกรรมการแห่งชาติ

บทบัญญัติเพิ่มเติม

- ๑. ภายในหกเดือนหลังจากเสร็จสิ้นสงครามมหาเอเชียบูรพา ให้ประธานาธิบดีมีอำนาจจัดการและบริหารภายในเรื่องทั้งปวงที่บัญญัติไว้ในรัฐธรรมนูญฉบับปัจจุบัน

๒. ภายในหกเดือนหลังจากการจัดตั้งสภาประชาชนแล้ว ให้สภานี้ประชุมปรึกษาเพื่อประกาศรัฐธรรมนูญนี้ให้ใช้เป็นกฎหมาย

กฎบัตรยาคาร์ตา

โดยที่เอกราชเป็นสิทธิของทุกประชาชาติ ดังนั้นการถืออำนาจเข้ายึดครองไม่ว่าด้วยแบบใด ๆ ในโลกนี้ อันเป็นการขัดแย้งกับมนุษยธรรมและความยุติธรรม จึงต้องถูกล้มล้างไปสิ้น

การต่อสู้เพื่อความเป็นเอกราชของอินโดนีเซียได้บรรลุถึงขั้นที่น่าพึงพอใจ ซึ่งประชากรชาวอินโดนีเซียได้รับการนำไปสู่ทวาร แห่งรัฐอินโดนีเซียอันทรงไว้ซึ่งความเป็นเอกราชเป็นอันหนึ่งอันเดียวกัน พระองค์ควยอำนาจอธิปไตยโดยความยุติธรรมและความเจริญรุ่งเรือง ภายพระแห่งพระเป็นเจ้าอันศักดิ์สิทธิ์และควยอาศัยอุดมคติอันสูงส่งในอันที่จะนำชีวิตประชาชาติเสรี ประชากรชาวอินโดนีเซียจึงขอประกาศเอกราชไว้ ณ ที่นี้

อีกประการหนึ่ง เพื่อที่จะจัดตั้งรัฐบาลสำหรับอินโดนีเซีย เพื่อคุ้มครองประชากรและประเทศอินโดนีเซีย เพื่อที่จะส่งเสริมการประชาสงเคราะห์ เพื่อที่จะยกระดับมาตรฐานการครองชีพ และเพื่อที่จะเข้ามีส่วนร่วมในการสถาปนาระเบียบแบบแผนแห่งโลกซึ่งก่อกำเนิดขึ้นจากอิสรภาพ สันติภาพอันสถาพร และความยุติธรรมทางสังคม จึงได้กำหนดความเป็นเอกราชแห่งชาติขึ้นไว้ในรัฐธรรมนูญของรัฐอินโดนีเซียอันเป็นสาธารณรัฐที่มีอธิปไตยของประชาชนเป็นพื้นฐานและก่อกำเนิดขึ้นจากความศรัทธาในพระเป็นเจ้า ภายหน้าที่สำหรับ ศาสดาจารย์แห่งศาสนาอิสลามที่ยอมรับตามกฎหมายอิสลาม อันสอดคล้องกับหลักแห่งความยุติธรรมและศีลธรรมของมนุษย์ ความเป็นอันหนึ่งอันเดียวกันของอินโดนีเซียและระบอบประชาธิปไตย มุ่งนำไปด้วยวิธีการอันชาญฉลาด โดยทางปรึกษาหารือ การส่งผู้แทน เพื่อเป็นหลักประกันในความยุติธรรมทางสังคมสำหรับประชากรชาวอินโดนีเซียทั้งหมด

ยาคาร์ตา, ...

ปากการตา, ๒๒ มี.ย. ๒๕๐๕

(ลงชื่อ) ชูการโน

คร. โมธัมมัต อัททา

เอ.เอ.มารามิส

อานิกุสโนโยโกสสุโยไซ

อัมคูลกาฮาร์ มุฆากีร์

เฮ.เอ.ชาลิม

อานมัต สุมารด์ใจ

วาฮิก ฮาสยิม

มุธัมมัต ยามิน.



.....

(๑) เท่ากับปี ค.ศ. ๑๙๕๕

The English text of the Treaty is as follows:

"TREATY OF FRIENDSHIP
BETWEEN
THE FEDERATION OF MALAYA
AND
THE REPUBLIC OF INDONESIA

Aware of the existing ties of history, race and culture, which from time immemorial have bound together the people of both countries,

prompted by the desire to restore the relations, which have interrupted by accidents of history and to bring about and strengthen close mutual co-operation on matters exclusively affecting both countries consistent with the spirit of the Charter of the United Nations and the principles as enunciated at the Asia-African Conference in Bandung in 1955,

THE FEDERATION OF MALAYA
AND
THE REPUBLIC OF INDONESIA

have decided to conclude a Treaty of Friendship and to this end have appointed as their plenipotentiaries:

THE HONOURABLE DATO 'ABDUL RAZAK BIN DATO'

HUSSEIN, PRIME MINISTER, FEDERATION OF MALAYA

H.E. DR. H DJUANDA KARTAWIDJAJA,

PRIME MINISTER REPUBLIC OF INDONESIA.

who, having examined each other's credentials

...and

and having found them good and in due form, have agreed as follows:

ARTICLE 1

1. The two High Contracting Parties shall respect the independence and sovereignty of each other and shall strive to maintain the traditional, cultural and historical ties that have bound them together.

ARTICLE 2

2. The two High Contracting Parties agree to maintain and continue between them diplomatic and consular representatives of either Party shall enjoy, on a reciprocal basis, all the rights, privileges, exemptions and immunities accorded to officers of their status and rank in conformity with the generally accepted principles of international law and usage.

ARTICLE 3

3. The two High Contracting Parties, recognising that, subject to consideration of security, public order, public health and immigration control of their respective countries, their nationals should be subject to the minimum of restrictions when

(a) travelling between and within; and

(b) residing

in the two countries, agree to examine any restrictions imposed on, and inconvenience now suffered by, their nationals so travelling and residing with a view to the conclusion

of agreements alleviating such inconvenience or modifying or removing such restrictions on a reciprocal basis.

ARTICLE 4

4. The two High Contracting Parties agree that in case any dispute on matters directly and exclusively affecting them should arise they shall endeavour to settle such dispute through usual diplomatic channels in a true spirit of friendship and goodwill. If a settlement cannot be found through such channels within a reasonable time, they shall endeavour to settle them by other ways and means in accordance with the United Nations Charter and the principles enunciated at the Asia-African Conference in Bandung in 1955.

ARTICLE 5

5. The two High Contracting Parties, in order to bring about closer cooperation, agree to examine questions relating to consular relations, trade communications, the surrender of fugitive offenders and all other matters of common interest with a view, wherever and whenever possible, to the conclusion of agreements on a reciprocal basis.

ARTICLE 6

6. The two High Contracting Parties, conscious of the fact that the Malay and Indonesian languages have a common origin, shall strive through cooperation, collaboration and consultation to achieve the greatest

...possible

possible uniformity in their use and development.



ARTICLE 7

7. The two High Contracting Parties, desiring to achieve the maximum cooperation in the cultural, intellectual, scientific and educational fields, agree subject to considerations of security and public order in their respective countries:

(a) to promote the exchange of educationists, scientists, teachers, students, study groups, artists and representatives of social, and cultural organisations;

(b) to promote the exchange of the findings and results of scientific and general research;

(c) to promote the exchange through official channels of educational and cultural publication, films, newspapers, reviews and radio broadcasts in order to increase knowledge and mutual understanding;

(d) to promote the exchange of objects of archaeological, historical and cultural interest;

(e) to assist each other in the promotion of training in the educational, scientific, technical and industrial fields;

(f) to encourage and facilitate the holding of concerts, and of art, scientific and literary exhibitions;

(g) to encourage their students to study in the universities and educational institutions of each other;

(h) to encourage and promote activities in

...the

the field of sports between their two countries; and

(i) to protect the cultural and archaeological property of each other in so far as this is not covered by general agreements of an international character.

ARTICLE 8

8. This treaty shall come into force on the date of the exchange of the Instruments of Ratification which shall take place as soon as possible in Djakarta.

ARTICLE 9

9. Each High Contracting Party reserves the right to terminate this Treaty by means of a notification to the other High Contracting Party and such termination shall have effect at the expiration of six months from the date of such notification.

ARTICLE 10

10. This Treaty is drawn up in the Malay, Indonesian and English languages which have equal value. Any divergent interpretation of the three texts shall be settled by negotiation.

IN FAITH THEREOF the Plenipotentiaries of the High Contracting Parties have signed the Treaty and have hereto affixed their seals.

Done in Kuala Lumpur on the Seventeenth Day of April in the year one Thousand Nine Hundred and Fiftynine

For the Federation of
Malaya

For the Republic of
Indonesia

DATO' ABDUL RAZAK BIN

DR. H. DJUANDA KARTI-

DATO' HUSSEIN

WIDJAJA

(SEAL)

(SEAL)

This is to certify that the text reproduced herein is a true and complete copy of the treaty and it includes all reservations made by the parties thereto"

TRIPARTITE SUMMIT MEETING--MANILA ACCORD

1. The Governments of the Federation of Malaya, the Republic of Indonesia and the Republic of the Philippines, prompted by their keen and common desire to have a general exchange of views on current problems concerning stability, security, economic development and social progress of the three countries and of the region and upon the initiative of President Diosdado Macapagal, agreed that a Conference of Ministers of the three countries be held in Manila on 7th June, 1963, for the purpose of achieving common understanding and close fraternal cooperation among themselves. Accordingly, Tun Abdul Fazak, Deputy Prime Minister of the Federation of Malaya; Dr. Subandrio, Deputy First Minister/Minister for Foreign Affairs of the Republic of Indonesia; and Honourable Emmanuel Pelaez, Vice President of the Philippines and concurrently Secretary of Foreign Affairs, met in Manila from 7 to 11 June, 1963.

2. The deliberations were held in a frank manner and in a most cordial atmosphere in keeping with the spirit of friendship prevailing in the various meetings held between President Soekarno of the Republic of Indonesia, and Prime Minister Tunku Abdul Rahman Putra of the Federation of Malaya, and President Diosdado Macapagal.

...This

This Ministerial Conference was a manifestation of the determination of the nations in this region to achieve closer cooperation in the endeavour to chart their common future.

3. The Ministers were of one mind that the three countries share a primary responsibility for the maintenance of the stability and security of the area from subversion in any form or manifestation in order to preserve their respective national identities, and to ensure the peaceful development of their respective countries and of their region, in accordance with the ideals and aspirations of their peoples.

4. In the same spirit of common and constructive endeavour, they exchanged views on the proposed Confederation of nations of Malay origin, the proposed Federation of Malaysia, the Philippine claim to North Borneo and related problems.

THE MACAPAGAL PLAN

5. Recognising that it is in the common interest of their countries to maintain fraternal relations and to strengthen cooperation among their peoples who are bound together by ties of race and culture, the three Ministers agreed to intensify the joint and individual efforts of their countries to secure lasting peace, progress and prosperity

...for

for themselves and for their neighbours.

6. In this context, the three Ministers supported President Macapagal's plan envisaging the grouping of the three nations of Malay origin working together in closest harmony but without surrendering any portion of their sovereignty. This calls for the establishment of the necessary common organ.

7. The three Ministers agreed to take the initial steps towards this ultimate aim by establishing machinery for frequent and regular consultations. The details of such machinery will be further defined. This machinery will enable the three governments to hold regular consultations at all levels to deal with matters of mutual interest and concern consistent with the national, regional and international responsibilities or obligations of each country prejudice to its sovereignty and independence. The Ministers agreed that their countries will endeavour to achieve close understanding and cooperation in dealing with common problems relating to security, stability, economic, social and cultural development.

8. In order to accelerate the process of growth towards the ultimate establishment of President Macapagal's plan, the Ministers agreed that each country shall

set up its own National Secretariat. Pending the establishment of a Central Secretariat for the consultative machinery, the National Secretaries should coordinate and cooperate with each other in the fulfilment of their tasks.

9. The Ministers further agreed to recommend that Heads of Government and Foreign Ministers meet at least once a year for the purpose of consultations on matters of importance and common concern.

MALAYSIA AND NORTH BORNEO .

10. The Ministers reaffirmed their countries' adherence to the principle of self-determination for the peoples of non-self-governing territories, In this context Indonesia and the Philippines stated that they would welcome the formation of Malaysia provided the support of the people of the Borneo territories is ascertained by an independent and impartial authority, the Secretary-General of the United Nations or his representative.

11. The Federation of Malaya expressed appreciation for this attitude of Indonesia and the Philippines and undertook to consult the British Government and the Governments of the Borneo territories with a view to inviting the Secretary-General of the United Nations

or his representative to take the necessary steps in order to ascertain the wishes of the people of those territories.

12. The Philippines made it clear that its position on the inclusion of North Borneo in the Federation of Malaysia is subject to the final outcome of the Philippine claim to North Borneo. The Ministers took note of the Philippine claim and the right of the Philippines to continue to pursue it in accordance with international law and the principle of the pacific settlement of disputes. They agreed that the inclusion of North Borneo in the Federation of Malaysia would not prejudice either the claim or any right thereunder. Moreover, in the context of their close association, the three countries agreed to exert their best endeavours to bring the claim to a just and expeditious solution by peaceful means, such as negotiation, conciliation, arbitration, or judicial settlement as well as other peaceful means of the parties' own choice, in conformity with the Charter of the United Nations and the Bandung Declaration.

13. In particular, considering the close historical ties between the peoples of the Philippines and North Borneo as well as their geographical propinquity, the Ministers agreed that in the event of North Borneo joining

the proposed Federation of Malaysia the Government of the latter and the Government of the Philippines should maintain and promote the harmony and the friendly relations subsisting in their region to ensure the security and stability of the area.

MEETING OF HEADS OF GOVERNMENT

14. The Ministers agreed to recommend that a Meeting of their respective Heads of Government be held in Manila not later than the end of July 1963.

15. The Ministers expressed satisfaction over the atmosphere of brotherliness and cordiality which pervaded their Meeting and considered it as a confirmation of their close fraternal ties and as a happy augury for the success of future consultations among their leaders.

16. The Ministers agreed to place on record their profound appreciation of and gratitude for the statesmanlike efforts of President Macapagal whose courage, vision and inspiration not only facilitated the holding of this historic Meeting but also contributed towards the achievement for the first time of a unity of purpose and a sense of common dedication among the peoples of Malaya, Indonesia and the Philippines.

...Approved

Approved and Accepted.

MANILA.

July 31, 1963



SOEKARNO,

President of the Republic of Indonesia

DIOSDADO MACAPAGAL,

President of the Philippines

TUNKU ABDUL RAHMAN PUTRA AL-HAJ,

Prime Minister of the Federation of Malaya

TRIPARTITE SUMMIT MEETING-MANILA
DECLARATION

The President of the Republic of Indonesia, the President of the Philippines and the Prime Minister of the Federation of Malay, assembled in a Summit Conference in Manila from July 30 to August 5, 1963, following the Meeting of their Foreign Ministers held in Manila from June 7 to 11, 1963:

Conscious of the historic significance of their coming together for the first time as leaders of sovereign States that have emerged after long struggles from colonial status to independence;

Inspired also by the spirit of Asian-African solidarity forged in the Bandung Conference of 1955;

Convinced that their countries, which are bound together by close historical ties of race and culture, share a primary responsibility for the maintenance of the stability and security of the area from subversion in any form or manifestation in order to preserve their respective national identities and to ensure the peaceful development of their respective countries and their region in accordance with the ideals and aspirations of their peoples; and

...Determined

Determined to intensify the joint and individual efforts of their countries to secure lasting peace, progress and prosperity for themselves and their neighbors in a world dedicated to freedom and justice;

DO HEREBY DECLARE:

First, that they reaffirm their adherence to the principle of equal rights and self-determination of peoples as enunciated in the United Nations Charter and the Bandung Declaration;

Second, that they are determined, in the common interest of their countries, to maintain fraternal relations, to strengthen cooperation among their peoples in the economic progress and social well-being in the region, and to put an end to the exploitation of man by man and of one nation by another;

Third, that the three nations shall combine their efforts in the common struggle against colonialism and imperialism in all their forms and manifestations and for the eradication of the vestiges thereof in the region in particular and the world in general;

Fourth, that the three nations, as new emerging forces in the region, shall cooperate in building a new and better world based on national freedom, social justice and lasting peace; and

Fifth, that in the context of the joint

...endeavours

endeavours of the three nations to achieve the foregoing objectives, they have agreed to take initial steps towards the establishment of Maphilindo by holding frequent and regular consultations at all levels to be known as Mushawarah Maphilindo,

MANILA,

August 5, 1963.

SOEKARNO,

President of the Republic of
Indonesia

DIOSDADO MACAPAGAL,

President of the Philippines

TUNKU ABDUL RAHMAN PUTRA AL-HAJ

Prime Minister of the Federation
of Malaya

TRIPARTITE SUMMIT MEETING-JOINT STATEMENT

The President of the Republic of Indonesia, the President of the Philippines, and the Prime Minister of the Federation of Malaya met at a summit conference in Manila from July 30 to August 5, 1963.

1. Moved by a sincere desire to solve their common problems in an atmosphere of fraternal understanding, they considered, approved and accepted the report and recommendations of the Foreign Ministers of the three countries adopted in Manila on June 11, 1963 (hereafter to be known as the Manila Accord).

2. In order to provide guiding principles for the implementation of the Manila accord the Heads of Government have issued a declaration known as the Manila declaration, embodying the common aspirations and objectives of the peoples and governments of the three countries.

3. As a result of the consultations amongst the three heads of Government in accordance with the principles enunciated in the Manila declaration, they have resolved various current problems of common concern.

4. Pursuant to paragraphs 10 and 11 of the Manila accord the United Nations Secretary-General or his representative should ascertain prior to the establishment of the Federation of Malaysia the wishes of the people of Sabah (North Borneo) and Sarawak within the context of General Assembly Resolution 1541 (15), principle 9 of the annex, by a fresh approach, which in the opinion of the Secretary-General is necessary to ensure complete compliance with the principle of self-determination within the requirements embodied in principle 9, taking into consideration:

(I) the recent elections in Sabah (North Borneo) and Sarawak but nevertheless further examining, verifying and satisfying himself as to whether

(a) Malaysia was a major issue, if not the issue;

(b) Electoral registers were properly compiled;

(c) Elections were free and there was no coercion; and

(d) Votes were properly polled and properly counted; and

(II) the wishes of those who, being qualified to vote, would have exercised their right of self-determination in the recent elections had it not been for their detention for political activities, imprisonment for political offences or absence from Sabah (North Borneo) or Sarawak.

5. The Secretary-General will be requested to send working teams to carry out the task set out in paragraph 4.

6. The Federation of Malaya, having undertaken to consult the British Government and the Governments of Sabah (North Borneo) and Sarawak under paragraph 11 of the Manila accord on behalf of the three Heads of Government, further undertake to request them to cooperate with the Secretary-General and to extend to him the necessary facilities so as to enable him to carry out his task as set out in paragraph 4.

7. In the interest of the countries concerned. The three Heads of Government deem it desirable to send observers to witness the carrying out of the task to be undertaken by the working teams and the Federation of Malaya will use its best endeavors to obtain the co-operation of the British Government and the Governments of Sabah (North Borneo) and Sarawak in furtherance of this purpose.

8. In accordance with paragraph 12 of the Manila accord, the three Heads of Government decided to request the British Government to agree to seek a just and expeditious solution to the dispute between the British Government and the Philippines Government concerning Sabah (North Borneo)

by means of negotiation, conciliation and arbitration, judicial settlement, or other peaceful means of the parties' own choice in conformity with the Charter of the United Nations. The three Heads of Government take cognizance of the position regarding the Philippine claim to Sabah (North Borneo) after the establishment of the Federation of Malaysia as provided under paragraph 12 of the Manila accord, that is, that the inclusion of Sabah (North Borneo) in the Federation of Malaysia does not prejudice either the claim or any right thereunder.

9. Pursuant to paragraphs 6,7,8, and 9 of the Manila accord and the fifth principle of the Manila declaration, that is, that initial steps should be taken towards the establishment of Maphilindo by holding frequent and regular consultations at all levels to be known as Mushawarah Maphilindo, it is agreed that each country shall set up a national secretariat for Maphilindo affairs and as a first step the respective national secretariats will consult together with a view to coordinating and co-operating with each other in the study on the setting up of the necessary machinery for Maphilindo.

10. The three Heads of Government emphasized that the responsibility for the preservation of the national independence of the three countries and of the peace

...and

and security in their region lies primarily in the hands of the governments and the peoples of the countries concerned, and that the three Governments undertake to have close consultation (MUSHAWARAH) among themselves on these matters.

11. The three Heads of Government further agreed that foreign bases-temporary in nature-should not be allowed to be used directly or indirectly to subvert the national independence of any of the three countries. In accordance with the principle enunciated in the Bandung Declaration, the three countries will abstain from the use of : arrangements of collective defence to serve the particular interests of any of the big powers.

12. President Sukarno and Prime Minister Tunku Abdul Rahman express their deep appreciation for the initiative taken by President Macapagal in calling the summit conference which, in addition to resolving their differences concerning the proposed Federation of Malaysia, resulted in paving the way for the establishment of Maphilindo. The three Heads of Government conclude this conference, which has greatly strengthened the fraternal ties which bind their three countries and extended the scope of their co-operation and understanding, with renewed confidence that their governments and peoples will together

...make

make a significant contribution to the attainment of just
and enduring peace, stability and prosperity in the region.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERATION
OF MALAYA ON EXTERNAL DEFENCE AND MUTUAL ASSISTANCE

- - - - -

Kuala Lumpur,1957.

WHEREAS the Federation of Malaya is fully self-governing and independent within the Commonwealth;

AND WHEREAS the Government of the Federation of Malaya and the Government of the United Kingdom of Great Britain and Northern Ireland recognise that it is in their common interest to preserve peace and to provide for their mutual defence;

AND WHEREAS the Government of the Federation of Malaya has now assumed responsibility for the external defence of its territory;

NOW THEREFORE the Government of the Federation of Malaya and the Government of the United Kingdom of Great Britain and Northern Ireland have agreed as follows :

ARTICLE I

The Government of the United Kingdom undertake to afford to the Government of the Federation of Malaya such assistance as the Government of the Federation of Malaya may require for the external defence of its territory.

ARTICLE II

The Government of the United Kingdom will furnish the Government of the Federation of Malaya with assistance of the kind referred to in Annex 1 of this Agreement, as may from time to time be agreed between the two Governments for the training and development of the armed forces of the Federation.

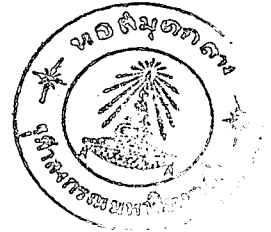
ARTICLE III

The Government of the Federation of Malaya will afford to the Government of the United Kingdom the right to maintain in the Federation such naval, land and air forces including a Commonwealth Strategic Reserve as are agreed between the two Governments to be necessary for the purposes of Article I of this Agreement and for the fulfilment of Commonwealth and international obligations. It is agreed that the forces referred

to in this Article may be accompanied by authorised service organisations and civilian components (of such size as may be agreed between the two Governments to be necessary) and dependants.

ARTICLE IV

The Government of the Federation of Malaya agrees that the Government of the United Kingdom may for the purposes of this Agreement have, maintain and use bases and facilities in the Federation in accordance with the provisions of Annexes 2 and 4 of this Agreement and may establish, maintain and use such additional bases and facilities as may from time to time be agreed between the two Governments. The Government of the United Kingdom shall at the request of the Government of the Federation of Malaya vacate any base or part thereof; in such event the Government of the Federation of Malaya shall provide at its expense agreed alternative accommodation and facilities.



ARTICLE V

The conditions contained in Annex 3 of this Agreement shall apply to the forces, the authorised service organisations, the civilian components and the dependants referred to in Article III while in the territory of the Federation of Malaya in pursuance of this Agreement.

ARTICLE VI

In the event of a threat of armed attack against any of the territories or forces of the Federation of Malaya or any of the territories or protectorates of the United Kingdom in the Far East or any of the forces of the United Kingdom within those territories or protectorates or within the Federation of Malaya, or other threat to the preservation of peace in the Far East, the Governments of the Federation of Malaya and of the United Kingdom will consult together on the measures to be taken jointly or separately to ensure the fullest co-operation between them for the purpose of meeting the situation effectively.

ARTICLE VII

In the event of an armed attack against any of the territories or forces of the Federation of Malaya or any of the territories or protectorates of the United Kingdom in the Far East or any of the forces of the United Kingdom within any of those territories or protectorates or within the Federation of Malaya, the Governments of the Federation of Malaya and of the United Kingdom undertake to co-operate with each other and will take such action as each considers necessary for the purpose of meeting the situation effectively.

ARTICLE VIII

In the event of a threat to the preservation of peace or the outbreak of hostilities elsewhere than in the area covered by Articles VI and VII the Government of the United Kingdom shall obtain the prior agreement of the Government of the Federation of Malaya before committing United Kingdom forces to active operations involving the use of bases in the Federation of Malaya; but this shall not affect the right of the Government of the United Kingdom to withdraw forces from the Federation of Malaya.

ARTICLE IX

The Government of the United Kingdom will consult the Government of the Federation of Malaya when major changes in the character or deployment of the forces maintained in the Federation of Malaya as provided for in accordance with Article III are contemplated.

ARTICLE X

The Government of the Federation of Malaya and the Government of the United Kingdom will afford each other an adequate opportunity for comment upon any major administrative or legislative proposals which may affect the operation of this Agreement.

ARTICLE XI

For the purpose of this Agreement, unless the context otherwise requires :

"bases" means areas in the Federation made available by the Government of the Federation of Malaya to the Government of the United Kingdom for the purposes of this Agreement and includes the immovable property and installations situated thereon or constructed therein;

"force" means any body, contingent, or detachment of any naval, land or air forces, or of any such forces, including a Commonwealth Strategic Reserve when in the territory of the Federation pursuant to this Agreement but shall not include any forces of the Federation of Malaya;

"the Federation" means the Federation of Malaya;

"Service authorities" means the authorities of a force who are empowered by the law of the country to which the force belongs to exercise command or jurisdiction over members of a force or civilian component or dependants;

"Federation authorities" means the authority or authorities from time to time authorised or designated by the Government of the Federation of Malaya for the purpose of exercising the powers in relation to which the expression is used;

"civilian component" means the civilian personnel accompanying a force, who are employed in the service of a force or by an

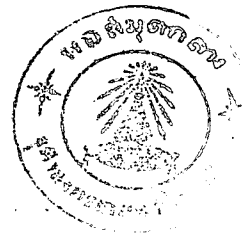
authorised service organisation accompanying a force, and who are not stateless persons, nor nationals of, nor ordinarily resident in, the Federation;

"authorised service organisation" means a body organised for the benefit of, or to serve the welfare of, a force or civilian component or dependants;

"dependant" means a person not ordinarily resident in the Federation who is the spouse of a member of a force or civilian component or who is wholly or mainly maintained or employed by any such member, or who is in his custody, charge or care, or who forms part of his family;

"service vehicles" means vehicles, including hired vehicles, which are exclusively in the service of a force or authorised service organisation;

the expression "of a force" used in relation to "vessels" or "aircraft" includes vessels and aircraft on charter for the service of a force.



ARTICLE XII

This Agreement shall come into force on the date of signature.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done at.....in duplicate, this.....day of 195.....

For the Government of the United Kingdom of Great Britain and Northern Ireland

.....

For the Government of the Federation of Malaya

.....

Initialled (ALAN LENNOX-BOYD)
Date 22.8.57.

Initialled (TUNKU ABDUL RAHMAN PUTRA)
Date 28.8.57.

ANNEX 1

ASSISTANCE BY THE UNITED KINGDOM TO THE ARMED FORCES OF THE FEDERATION

The Government of the United Kingdom, having already undertaken

to finance uncertain capital costs of expansion of the armed forces of the Federation further agree to foster the closest co-operation between the armed forces of the two countries, including joint training of unit formations; and to provide, if so requested by the Government of the Federation of Malaya :

- (a) personnel to assist in the staffing, administration and training of the armed forces of the Federation;
- (b) facilities, including instructional courses abroad, for training members of the armed forces of the Federation;
- (c) expert advice and assistance in operational and technical matters;
- (d) use of facilities within the United Kingdom bases for the maintenance and logistic support of the armed forces of the Federation;
- (e) assistance in the supply of equipment for the armed forces of the Federation.

ANNEX 2

BASES, TRAINING AND FACILITIES

Section 1 - Bases and Land

(1) The registration of ownership and the terms of tenure, of land held by the Government of the United Kingdom now or in the future, and the arrangements for acquiring further land, and for the disposal of land or property held, acquired, purchased, constructed or installed at the expense of the Government of the United Kingdom shall be in accordance with the understandings reached between the Government of the United Kingdom and the Government of the Federation of Malaya as set out in Annex 4.

(2) The Government of the Federation of Malaya agrees to afford the Government of the United Kingdom an adequate opportunity to comment before any development is authorised in the vicinity of the bases that would hamper their operation or endanger their security.

(3) The Government of the United Kingdom shall not be obliged on abandoning the use of occupation of any State land or property to leave such land or property in the condition in which it was before such use of occupation.

Section 2 - Training

(1) The Government of the United Kingdom may use such defined land and sea areas and facilities outside the bases as may be

agreed between the Government of the United Kingdom and the Government of the Federation of Malaya for the purpose of periodic training and exercises of the force.

(2) The Government of the United Kingdom shall give the Government of the Federation of Malaya such prior notice of their intention to use these further areas and facilities as may be agreed between the two Governments; and the Government of the Federation of Malaya shall take such measures as may be agreed between the two Governments to restrict civilian movement and activity in these areas during their use by the forces, and generally to facilitate the carrying out of such exercises.

Section 3 - Survey

The Government of the United Kingdom may with the agreement of the Federation authorities conduct such topographical, hydrographic, geodetic and other surveys as are required for the purposes of this Agreement in and over the territory and territorial waters of the Federation. The results of such surveys, including relevant maps, air photographs, triangulation and other control data, will be made available to the Federation authorities if required.

Section 4 - Movement of Forces, Vessels, Aircraft and Vehicles

(1) The Government of the Federation of Malaya shall grant to the forces, civilian components and dependants, and vessels, aircraft and vehicles of the forces, freedom of entry to and egress from and movement between the bases by water, land and air. Her Majesty's ships may visit Federation ports on reasonable notification.

(2) The Government of the Federation of Malaya shall allow the forces, civilian components and dependants and the vessels, aircraft and vehicles of the forces freedom of movement in and over the territory and territorial waters of the Federation of Malaya for the purposes of this Agreement. Aircraft movements shall normally be made in accordance with such regulations of the Government of the Federation of Malaya for the control of aircraft as may be agreed with the Service authorities from time to time, and the movement of vessels shall be in accordance with the normal international practice and any port regulations.

(3) (a) The Government of the United Kingdom shall have the right to pass explosives (including ammunition) through the ports of the Federation and to transport them to any place and to move them to any extent reasonably necessary within the Federation.

(b) The Government of the United Kingdom will indemnify the port authorities and the Government of the Federation against any legally enforceable claim presented against them by reason of the happening during the exercise of any of the right aforesaid

in breach of port bye-laws or other laws in the Federation in respect of the transport or storage of explosives, of any explosion of such explosives.

(c) The Government of the United Kingdom will pay compensation to the port authorities and to the Government of the Federation for any damage to property of those authorities or of that Government, as the case may be, resulting from any explosion of such explosives during the exercise by the Government of the United Kingdom of any of the rights aforesaid.

(d) The indemnity or compensation in any case arising under sub-paragraph (b) or (c) of the paragraph shall be such a sum as is agreed between the Government of the United Kingdom and the port authorities or the Government of the Federation, as the case may be, after having taken into account all the circumstances of the case.

(e) In the section the expression "Government of the Federation" includes "any State Government or local authority or any statutory authority other than port authorities exercising powers vested in it by Federal or State law".

Section 5 - Control of Aircraft, Vessels and Vehicles

(1) Save as may be otherwise agreed between the Government of the United Kingdom and the Government of the Federation of Malaya, the Government of the United Kingdom may exercise such control over aircraft, vessels and vehicles entering, leaving and within the bases as may be required for the efficient operation, safety and security of the bases.

(2) The Government of the Federation of Malaya will arrange for such control over aircraft, vessels and vehicles entering, leaving and within areas near the bases as is agreed between the Government of the United Kingdom and the Government of the Federation of Malaya to be necessary to ensure the efficient operation, safety and security of the bases.

Section 6 - Navigational Aids

The Government of the Federation of Malaya shall allow the Government of the United Kingdom to instal throughout the territory and territorial waters of the Federation of Malaya such lights and other aids to navigation as the Government of the United Kingdom may deem necessary to ensure the proper operation and safety of the forces, provided that the location of any such aid shall be agreed with the Government of the Federation of Malaya.

Section 7 - Power to Construct and Use Telecommunications, Radar and Broadcasting Systems

(1) The Government of the United Kingdom shall be entitled to link new and existing telecommunications (including radio

and electromagnetic system) and radar systems with the systems of the Government of the Federation of Malaya and with systems outside the Federation of Malaya on terms and conditions to be agreed between the Government of the United Kingdom and the Government of the Federation of Malaya.

(2) The Government of the Federation of Malaya shall facilitate the transmission of broadcast programmes suitable for members of the forces, the civilian components and dependants, and shall, if requested by the Service authorities, permit such authorities to make arrangements for relaying broadcasts within and between the bases.

(3) The Government of the United Kingdom shall continue to use and be responsible for existing registered frequencies and power of emission for their telecommunications, radio and radar systems in the Federation, unless otherwise agreed between the Government of the United Kingdom and the Government of the Federation of Malaya; and there shall be agreement between the two Governments about the use by the Government of the United Kingdom of new frequencies and powers of emission for their telecommunications, radio and radar systems in the Federation; and the Government of the Federation of Malaya, for its part, undertakes to notify the Government of the United Kingdom of any proposal to introduce any new frequencies or powers of emission for the Government of the Federation of Malaya's telecommunications, radio and radar systems in the Federation.

Section 8 - Postal Services

The Government of the Federation of Malaya shall permit the Government of the United Kingdom to operate if necessary post offices within the bases, and postal services in and between the bases and between the bases and other post offices within and outside the territory of the Federation of Malaya for the exclusive use of the authorities of the Government of the United Kingdom and members of the forces, civilian components and dependants, under arrangements to be agreed with the Government of the Federation of Malaya.

Section 9 - Local Purchases

Subject to any wishes expressed by the Government of the Federation of Malaya, the Government of the United Kingdom and their contractors and authorised service organisations shall purchase locally goods and commodities which they require for the purposes of this Agreement if they are available at a suitable price and are of the standard required.

Section 10 - Employment of Local Civilians

(1) Subject to any wish expressed by the Government of the Federation of Malaya, the Government of the United Kingdom and their contractors and authorised service organisations shall

employ such local labour as they may require, provided the labour is available and qualified to do the work. The pay and conditions of employment in such labour shall conform to those obtaining in good employment in the district in which the work is carried out, including those generally prevailing under Federation law. Having regard to the special purpose of the bases, the Government of the Federation of Malaya agrees that in exceptional circumstances laws relating to public health and public safety and for the protection of workers may be applied in a manner that will not hamper the operation of the bases for the purposes of this Agreement.

(2) In the recruitment of local civilians for clerical work, preference shall be given to persons eligible for employment in the service of the Federation Government.

Section 11 - Recruitment of enlistment in the Forces

Subject to any wish expressed by the Government of the Federation of Malaya, the Government of the United Kingdom may recruit any persons in the Federation of Malaya for voluntary enlistment in the forces.

Section 12 - Use of Public Services and Facilities

(1) The Government of the United Kingdom may employ and use for the forces, authorised service organisations, civilian components and dependants any and all public utilities, other services and facilities, airfields, ports, harbours, roads, highways, railways, bridges, viaducts, canals, lakes, rivers and streams in the Federation of Malaya under conditions generally comparable with those applicable from time to time to the armed forces of the Federation of Malaya, unless, in special circumstances, the Government of the Federation of Malaya may otherwise determine.

(2) Where, at the request of the Government of the United Kingdom, roads or other public services are developed or maintained to a level which would not have been needed but for such request, the Government of the United Kingdom shall make a contribution towards the cost of such development or maintenance as the case may be on a basis to be agreed between the Government of the United Kingdom and the Government of the Federation of Malaya.

Section 13 - Construction, Development and Maintenance of Facilities

(1) The Government of the United Kingdom may with the agreement of the Government of the Federation of Malaya construct, develop and maintain facilities including roads, railways, bridges, harbours, airfields, channels, entrances and anchorages which are necessary for the purposes of this Agreement.

(2) Where such facilities serve the needs of both Government, the costs shall be borne by the two Governments in such proportions

as are agreed between them.

Section 14 - Generation and Distribution of Light, Power and Water and Winning of Construction and Building Materials

(1) Within the bases and in such places outside the bases as are agreed with the Government of the Federation of Malaya, the Government of the United Kingdom may generate light and power for use in the bases, and transmit and distribute water and such light and power between the source and any base by means of cables, pipes or in any other way whatsoever.

(2) The Government of the United Kingdom may, but only in such places whether within or outside the bases as are agreed with the Government of the Federation of Malaya, search for and win water and search for and win materials for construction or building undertaken by or on behalf of the Government of the United Kingdom for the purposes of this Agreement.

ANNEX 3

STATUS OF FORCES

Section 1 - Criminal Jurisdiction

(1) Subject to the provisions of this section:

(a) the Service authorities shall have the right to exercise within the Federation all criminal and disciplinary jurisdiction conferred on them by the law of the country to which the force belongs over members of a force or civilian component or dependants;

(b) the Federation authorities shall have jurisdiction over the members of a force or civilian component or dependants with respect to offences committed within the Federation and punishable by the law of the Federation.

(2)(a) The Service authorities shall have the right to exercise exclusive jurisdiction over members of a force or civilian component or dependants with respect to offences punishable by the law of the country to which the force belongs but not by the law of the Federation.

(b) The Federation authorities shall have the right to exercise exclusive jurisdiction over members of a force or civilian component or dependants with respect to offences punishable by the law of the Federation but not by the law of the country to which the force belongs.

(3) In case where the right to exercise jurisdiction is concurrent, the following rules shall apply:

- (a) the Service authorities shall have the primary right to exercise jurisdiction over members of a force or civilian component or dependants in relation to:
 - (I) offences against the security of the country to which the force belongs, offences solely against the property of that country or against the person or property of another member of the force or civilian component or of a dependant;
 - (II) offences arising out of any act or omission done in the performance of official duty;
- (b) in the case of any other offence, the Federation authorities shall have the primary right to exercise jurisdiction;
- (c) if the authorities having the primary right decide not to exercise jurisdiction, they shall notify the other authorities as soon as practicable. The authorities having the primary right of jurisdiction shall give sympathetic consideration to a request from the other authorities for a waiver of their right in cases where those other authorities consider such a waiver to be of particular importance, or where suitable punishment can be applied by disciplinary action without recourse to a court.

(4) The foregoing provisions of this section shall not confer any right on the Service authorities to exercise jurisdiction over persons who are nationals of or ordinarily resident in the Federation unless they are members of the force or civilian component or dependants.

(5)(a) The Service authorities and the Federation authorities shall assist each other in arresting members of a force or civilian component or dependants and handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions. The Service authorities shall assist the Federation authorities in the arrest within the bases of other offenders against the laws of the Federation.

(b) The Federation authorities shall give prompt notification to the Service authorities of the arrest of any member of a force or civilian component or a dependant.

(c) The custody of an accused member of a force or civilian component or a dependant over whom the Federation is to exercise jurisdiction shall remain with the Service authorities until he is brought to trial by the Federation authorities.

(6)(a) The Service and Federation authorities shall assist

each other in carrying out all necessary investigations into offences and in the collection and production of evidence relating to an offence. For the purpose of this paragraph, members of the police force of the Federation may, by arrangement with the Service authorities, have reasonable access to the bases, except to premises which are enclosed and under guard.

(b) The Service and Federation authorities shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

(7) Where an accused has been tried in accordance with the provisions of this section by the Service authorities or the Federation authorities as the case may be, and has been acquitted, or has been convicted, he may not be tried again for the same offence by the Service authorities or the Federation authorities as the case may be. However, nothing in this paragraph shall prevent the Service authorities from trying a member of a force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the Federation authorities.

(8) Whenever a member of a force or civilian component or a dependant is prosecuted under the jurisdiction of the Federation he shall be entitled:

- (a) to a prompt and speedy trial;
- (b) to be informed in advance of trial of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour if they are within the jurisdiction of the Federation;
- (e) to have legal representation of his own choice for his defence, or to have free or assisted legal representation under the conditions prevailing for the time being in the Federation;
- (f) to have the services of a competent interpreter;
and
- (g) to communicate with a representative of his Government and, when the rules of the court permit, to have a representative of that Government present at his trial.

Section 2 - Security

(1) The Service authorities may take such measures as they deem necessary to ensure the security of the bases and the equipment, property, records and official information of the forces.

(2) The Federation authorities will co-operate with the Service authorities in taking such steps as from time to time may be necessary to ensure the security of the forces, members of the forces or civilian component and dependants and their property.

(3) The Government of the Federation of Malaya undertakes to enact such legislation and to take such other action as is necessary to ensure the adequate security within the territory of the Federation of the bases and the equipment, property, records and official information of the forces, and the punishment of persons who contravene the laws of the Federation relating thereto.

(4) A force shall have the right to maintain Service police for the maintenance of discipline within the force and for the security of the bases which it occupies. Members of such police may, with the agreement of and in liaison with the Federation authorities, be employed outside the bases insofar as such employment may be necessary to maintain the security of the bases or discipline and order among the members of the force.

(5) A force shall have the right to raise and maintain civil police services for the maintenance of order and security within any bases which it occupies. With the agreement of the Federation authorities members of these police services may be employed outside the bases under arrangements made between the Service and Federation authorities.

Section 3 - Compulsory Service

Members of a force or civilian component or dependants shall not be subject to any legislation in the Federation relating to liability for compulsory service of any kind.

Section 4 - Carriage of Arms

Members of a force and members of the civil police services mentioned in section 2 (5) above may possess and carry arms when authorised to do so by their orders, except that the members of the civil police when employed outside the bases shall carry arms only with the agreement of the Federation authorities.

Section 5 - Exchange Control

(1) Members of a force or civilian component and dependants shall remain subject to the foreign exchange regulations of the country to which the force belongs, but as regards acts done in the territory of the Federation shall also be subject to the exchange control regulations of the Federation in force from time to time.

(2) Remittances between the Federation and the country to which a force or a member of a force belongs shall be freely permitted in respect of:

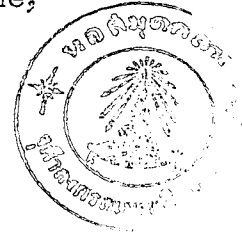
- (a) funds derived by members of the force or civilian component from services or employment in connection with the purposes of this Agreement;

- (b) funds belonging to an authorised service organisation and derived from its recognised trading activities; and
- (c) funds derived by members of the force or civilian component or dependants or by an authorised service organisation from sources outside the Federation, subject to the regulations of the country to which the force belongs;

provided that funds remitted into the Federation may be freely remitted back only to the country from which they originally came, or to some other country within the Sterling Area.

(3) The preceding paragraphs shall not preclude the transmission into or outside the Federation of foreign exchange instruments representing the official funds of a force.

(4) This section shall not apply to persons ordinarily resident in the Federation.



Section 6 - Import, Export, Taxation etc.

(1) Save as provided expressly to the contrary in this Annex, members of a force or civilian component and dependants shall be subject to the laws and regulations administered by the customs authorities of the Federation.

(2) Official documents under official seal shall not be subject to customs inspection. The package shall be accompanied by a certificate which states that only official documents are enclosed. Samples of the official seals will be lodged with the customs authorities.

(3)(a) A force may import free of duty equipment, material, vehicles, provisions, supplies and other goods for the exclusive use or consumption of the force or civilian component.

(b) On and after the day on which the Federation attains independence, an authorised service organisation may continue to import provisions, supplies and other goods for the exclusive use or consumption of the members of a force or civilian component or dependants on the same terms as to exemption or proportionate exemption from duty as those in force in the Federation on the day immediately preceding that day, provided that these arrangements may from time to time be varied by agreement between the Government of the United Kingdom and the Government of the Federation of Malaya.

(c) A member of a force or civilian component or a dependant may import free of duty such used portable articles and household effects, and goods by parcel post, the duty free importation of which is permitted such a member or dependant under the law in force in the Federation on the day immediately preceding the attainment of independence by the Federation, provided that

these arrangements may from time to time be varied by agreement between the Government of the United Kingdom and the Government of the Federation of Malaya.

(4) A member of a force or civilian component may at the time of or within a reasonable period after his entry into the Federation import temporarily and free of duty a private motor vehicle for his personal use and that of his dependants.

(5) Items which have been imported duty free under paragraphs (3) or (4) of this section:

(a) may be re-exported freely, provided that in the case of goods imported under paragraph (3) a certificate is presented to the customs office; the customs authorities may verify that goods re-exported are as described in the certificate and have been imported under the conditions of paragraphs (3) or (4) as the case may be;

(b) shall not, if they are owned by a member of a force or civilian component, be disposed of in the Federation by way of either sale or gift except to members of a force or civilian component or dependants. Disposal otherwise may only be made on such conditions, including payment of duty and tax and compliance with the requirements of the controls of trade and exchange as may be imposed by the competent Federation authorities;

(c) may, if they are owned by a force or by an authorised service organisation, be disposed of in the Federation by public sale, auction, tender or private treaty, provided that:

(I) before doing so the authorities concerned shall first offer them for sale at a reasonable price having regard to their condition and other relevant circumstances to the Government of the Federation of Malaya unless the latter shall have indicated that it is not interested in their acquisition;

(II) in so disposing of stores or goods the authorities concerned shall be liable to pay any duties which would be payable on the items so disposed of as if they were imported by a private individual into the Federation at the date of such disposal.

(6) The arrangements in paragraph (5) (c) above, shall cover only the sale or disposal of unforeseen surpluses or damaged items of official stores and equipment. Any such sale or disposal shall not be made in a manner or with such frequency as seriously to compete with or adversely affect legitimate trade or industry in the territory of the Federation. The Government of the United Kingdom or the Government of the Federation of Malaya will at the

request of the other Government be ready at any time to enter into discussions for this purpose should it appear necessary to that other Government.

(7) The Service authorities shall be allowed delivery of all fuel, oil and lubricants exclusively for use in service vehicles, aircraft and vessels of a force or civilian component or an authorised service organisation, or in the bases, free of all duties and taxes.

(8) In paragraphs (3)-(7) of this section:

- (a) "duty" means customs duties and all other duties, taxes and ad valorem registration as the case may be, except dues and taxes which are no more than charges for services rendered;
- (b) "importation" includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the Federation.

(9) The movement of vessels, vehicles or aircraft of the forces in and over the territory and territorial waters of the Federation of Malaya shall be free from compulsory pilotage, harbour charges and all dues or tolls, except charges for specific services rendered at the request of the Service authorities of a force.

(10) Service vehicles of a force or civilian component or an authorised service organisation shall be exempt from any regulations relating to the registration of vehicles in the Federation and from any tax payable in respect of the use of such vehicles on the roads of the Federation.

(11) The Federation authorities shall accept as valid, without a driving test or fee, the driving permit or licence issued by the Service authorities to a member of a force or civilian component for the purpose of driving service vehicles. For the purpose of driving other vehicles, a driving permit or licence issued by the Federation authorities must be obtained.

(12) Authorised service organisations shall be exempt in the Federation from taxes on income and profits, and shall not be liable to the Federation laws governing the constitution, management, conduct and taxation of companies or other organisations as such.

(13) The Government of the Federation of Malaya shall exempt from tax the official emoluments paid from United Kingdom or other Commonwealth Government funds to members of a force or civilian component whilst in the Federation of Malaya, in respect of their offices under the United Kingdom or other Commonwealth Governments, if such emoluments are subject to an income tax in the United Kingdom or other Commonwealth country as the case

may be, provided that nothing herein contained shall prejudice any claims for exemption or relief from taxation under arrangements for the avoidance of double taxation to which the Government of the Federation of Malaya is a party.

(14) Where land or buildings held by the Service authorities in the Federation of Malaya for the purposes of this Agreement fall within the area of a local government authority, the Service authorities shall make to the Government of the Federation of Malaya a contribution ascertained on a basis agreed between the Government of the United Kingdom and the Government of the Federation of Malaya which will take into account the extent to which the facilities or services rendered by that local authority, and normally covered by the general rating assessment, are enjoyed by the forces, and the services and facilities provided or undertaken by the forces on their own behalf.

(15) The Service authorities shall take all possible measures, and on request shall render all assistance within their power to the Federation authorities, to prevent misuse of the privileges granted and to ensure proper discharge of the obligations imposed under this section and the immediately preceding section. In particular the Service authorities shall be appropriate administrative instructions bring their rights and obligations to the notice of all members of the force and the civilian component and dependants.

(16) This section shall not apply to persons ordinarily resident in the Federation.

Section 7 - Entry and Exit

Subject to compliance with the formalities established by the Federation relating to entry and departure members of a force or a civilian component or dependants shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of the Federation. They shall also be exempt from the regulations of the Federation authorities on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of the Federation.

ANNEX 4 LAND TENURE AND DISPOSAL

Introductory

(1) The primary need for the United Kingdom Service authorities is security of tenure over the lands they occupy in the Federation of Malaya.

(2) Except in the case of one or two old alienations they

hold no registered title in their own name over any of the lands which they have acquired and paid for. In the Malay States (except in the cases mentioned above), in those cases where the documents of title have been issued, the Public Trustee is registered as the legal owner holding the lands in trust for the Service authorities. In other cases the issue of the documents of title is still pending but as soon as the documents are issued they will be registered in the name of the Public Trustee.

(3) In the former Settlements of Penang and Malacca however the practice has been for the title to all land acquired for Service purposes to be vested in the Crown.

(4) Now that the Federation of Malaya is an independent sovereign state the practice hitherto followed both in the Malay States and in Penang and Malacca requires amendment.

(5) It is the accepted policy of the Government of the Federation of Malaya that no foreign or Commonwealth Government shall be permitted to own or hold title to land in the Federation except for consular or diplomatic purposes.

Registration of Interest

(6) In view of the foregoing, and in order to permit the Service authorities to hold a registrable interest in the lands they occupy, the Government of the Federation of Malaya undertakes to enact legislation which will permit the United Kingdom Service authorities through their representative to hold registrable interest in land and property in accordance with the provisions of this Annex for the purposes of this Agreement, and which, with that object, will provide also for the incorporation in the Federation of the representative of the Service authorities.

Titles to Land

(7) The Government of the Federation of Malaya will grant to the Service authorities leases initially for a period of 30 years with a condition that the Government of the Federation of Malaya will grant to the Service authorities, if those authorities so desire, a further lease or leases on the same terms and for such further periods as may be necessary to implement the terms of this Agreement.

(8) Where the title under which the land was previously alienated does not endure for 30 years, the lease shall be for that lesser period. It shall be open to the Service authorities to seek a renewal of such lease on terms to be agreed.

Cost of Acquisition, Quit Rents and Other Charges

(9) The Service authorities shall bear the cost of the purchase, compulsory acquisition or alienation of further land required by them for the purposes of this Agreement. They shall also pay all fees due and payable in respect of any land

transaction, annual quit rent and other charges imposed by law for the time being in force in respect of any land held by them for the purpose of this Agreement. The expression "other charges" does not include local authority rates which are dealt with under Annex 3 section 6 (14)

Temporary Occupation Licence

(10) When State Land is required for a short period and no permanent structure or work is intended to be constructed on such land, the Service authorities may, with the agreement of the Government Licence direct from the State Government on such terms as may be agreed with such State Government.

Private Hirings

(11) The approval of the Federation or State Governments will not be necessary in the case of hirings of property by the Service authorities including leases not exceeding three years certain from private owners for the purpose of accommodating members of a force or civilian component or dependants.

Use of Land for purposes of laying down Pipes, etc

(12) Where land is required outside the bases for the purpose of laying down water pipes, sewers, drains, telecommunication or electric lines, the Service authorities may make suitable arrangements with the private owner of such land or, where there is no private owner, with the State Government before such work is undertaken.

Disposal of Land or Property

(13) Land occupied by the Service authorities or immovable property constructed at United Kingdom expense which becomes surplus to Service requirements will be offered to the Government of the Federation of Malaya on terms to be agreed between that Government and the Government of the United Kingdom on the basis of the original cost to the Service authorities of acquiring such land, or constructing such property and of improvements made to such land or property so that the Service authorities can recoup themselves reasonably of the expenditure incurred. If the land or immovable property is not required by the Government of the Federation of Malaya, it will dispose of the said land or immovable property in the open market on terms acceptable to the Service authorities and the net proceeds shall be paid to those authorities. On any such disposal, the Government of the Federation of Malaya undertakes to arrange for the purchaser to receive a title in perpetuity of for the balance of the term of years as the title under which the Government of the Federation of Malaya holds the land provides and which will enable the purchaser to enjoy the land for such purposes as may be approved by the appropriate authority. For the purpose of this section, any alternative accommodation and facilities provided by the Government of the Federation of Malaya at its own expense in accordance with the exchange arrangements set out in Article IV of this Agreement shall be deemed to have been provided at United Kingdom expense.

Implementation

(14) The Government of the United Kingdom and the Government of the Federation of Malaya will lay down the procedure for implementing the provisions of this Annex.

EXCHANGE OF LETTERS

(1)

(The Representative of Her Majesty's Government in the United Kingdom authorised to sign the Agreement on behalf of Her Majesty's Government in the United Kingdom) to the Prime Minister of the Federation of Malaya.

In our discussions on the Agreement on External Defence and Mutual Assistance we concluded, following a common practice as between equal partners in the Commonwealth, that it was unnecessary to insert an article dealing with the duration and review of the Agreement, but that each party would always retain the right to suggest a review of the Agreement should this seem necessary for any reason.

I should be grateful if you would confirm that this letter correctly states the understanding in this matter between our two Governments, and, if the Government of the Federation of Malaya agrees, I would suggest that this letter and your reply should be regarded as placing that understanding on record and should be read as one with the Agreement.

(2)

The Prime Minister of the Federation of Malaya to (the Representative of Her Majesty's Government in the United Kingdom authorised to sign the Agreement on behalf of Her Majesty's Government in the United Kingdom).

I refer to your letter of to-day's date about the duration and review of the Agreement on External Defence and Mutual Assistance between our two Governments, the terms of which are as follows:

"In our discussions on the Agreement on External Defence and Mutual Assistance we concluded, following a common practice as between equal partners in the Commonwealth, that it was unnecessary to insert an article dealing with the duration and review of the Agreement, but that each party would always retain the right to suggest a review of the Agreement should this seem necessary for any reason.

I should be grateful if you would confirm that this letter correctly states the understanding in this matter between our two Governments, and, if the Government of the

Federation of Malaya agrees, I would suggest that this letter and your reply should be regarded as placing that understanding on record and should be read as one with the Agreement".

In reply, I confirm that your letter correctly states the understanding between our two Governments, and, in accordance with the suggestion contained therein, your letter and this reply will be regarded as placing that understanding on record and will be read as one with the Agreement.

(3)

(The Representative of Her Majesty's Government in the United Kingdom authorised to sign the Agreement on behalf of Her Majesty's Government in the United Kingdom) to the Prime Minister of the Federation of Malaya.

In our discussions on Annex 3, Section 1 (3) (a) (II) of the Agreement on External Defence and Mutual Assistance, the United Kingdom delegation stressed the importance of following current international practice, such as governs the similar agreements in force between Her Majesty's Government and the Government of the United States of America and their other allies in the defence arrangements of the free world, in the matter of jurisdiction over offences committed in the course of duty.

The Federation delegation for their part expressed their concern that there should not in practice be any departure from the arrangements existing before independence under which the Federation civil courts have commonly exercised jurisdiction over certain types and classes of offences which are offences against both Service law and the laws of the Federation.

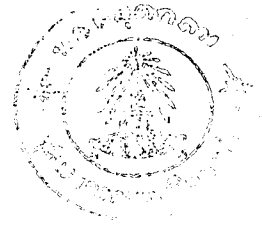
In order to satisfy both these requirements, we agreed that, while the Agreement should maintain current international practice by according to the Service authorities the primary right of jurisdiction in connection with such offences arising from acts or omissions done in the course of official duty by members of the forces, arrangements should at the same time be made administratively under which the civil courts of the Federation would commonly exercise jurisdiction over such offences in accordance with existing practice. Instructions agreed with the Government of the Federation will be issued to the Commanders-in-Chief, and copies will be lodged with the Government of the Federation of Malaya. No alternation will be made to these instructions except with the concurrence of the Government of the Federation of Malaya.

I should be grateful if you would confirm that this letter correctly states the understanding in this matter between our

two Governments, and, if the Government of the Federation of Malaya agrees, I would suggest that this letter and your reply should be regarded as placing that understanding on record and should be read as one with the Agreement.

(4)

The Prime Minister of the Federation of Malaya to (the Representative of Her Majesty's Government in the United Kingdom authorised to sign the Agreement on behalf of Her Majesty's Government in the United Kingdom).



I refer to your letter of to-day's date about the provisions of Annex 3, Section 1 (3) (a) (II) of the Agreement of External Defence and Mutual Assistance in the matter of jurisdiction over offences committed in the course of duty, the terms of which are as follows:

"In our discussions on Annex 3, Section 1 (3) (a) (II) of the Agreement on External Defence and Mutual Assistance, the United Kingdom delegation stressed the importance of following current international practice, such as governs similar agreements between Her Majesty's Government and the Government of the United States of America and their other allies in the defence arrangements of the free world, in the matter of jurisdiction over offences committed in the course of duty.

The Federation delegation for their part expressed their concern that there should not in practice be any departure from the arrangements existing before independence under which the Federation civil courts have commonly exercised jurisdiction over certain types and classes of offences which are offences against both Service law and the laws of the Federation.

In order to satisfy both these requirements, we agreed that, while the Agreement should maintain current international practice by according to the Service authorities the primary right of jurisdiction in connection with such offences arising from acts or omissions done in the course of official duty by members of the forces, arrangements should at the same time be made administratively under which the civil courts of the Federation would commonly exercise jurisdiction over such offences in accordance with existing practice. Instructions agreed with the Government of the Federation of Malaya will be issued to the Commanders-in-Chief, and copies will be lodged with the Government of the Federation of Malaya. No alteration will be made to these instructions except with the concurrence of the Government of the Federation of Malaya.

I should be grateful if you would confirm that this letter correctly states the understanding in this matter between our two Governments, and, if the Government of the Federation of Malaya agrees, I would suggest that this letter and your reply should be regarded as placing that understandings on record and should be read as one with the Agreement".

In reply, I confirm that your letter correctly states the understanding between our two Governments, and, in accordance with the suggestion contained therein, your letter and this reply will be regarded as placing that understanding on record and will be read as one with the Agreement.

(5)

The Australian and New Zealand Governments propose to associate themselves with the terms of the Agreement, insofar as these concern them, by exchanges of letters with the Federation Government.

16th September, 1957.
(MIDS. Y. 2/6)

A list of names of the Malaysian Delegation

1. Official Party

1. H.E. Deputy Prime Minister, Tun Abdul Razak.
2. H.E. Minister of Information and Broadcasting,
Enche Senu b. Abdul Rahaman.
3. H.E. Minister for Sarawak Affairs, Tan Sri
Temenggong Jugah anak Barieng.
4. H.E. Tun Mustapha bin Dato Harun.
5. Tan Sri Ghazali Shafie, Permanent Secretary,
Ministry of Foreign Affairs.
6. H.E. Ambassador of Malaysia, Tengku Ngah
Mohamed.
7. Dato Hussein Nordin, M.P.
8. The Hon'ble Enche Tahir Majid, M.P.
9. " " Enche Quek Kai Dong, M.P.
10. " " Enche Michael Chen, Parliamentary
Secretary.
11. " " Enche Shariff Ahmad, Political
Secretary.
12. Enche Zainal Abidin Sulong, Ministry of
Foreign Affairs.
13. Enche Jack de Silva, Ministry of Foreign
Affairs.
14. Enche Ahmad Nordin, Ministry of Foreign
Affairs.
15. Enche Abdul Hamid bin Pawanchee, Cunsellor,
Embassy of Malaysia.

2. Attached to Official Party

1. Enche Mohd. Hashim, Private Secretary to
Deputy Prime Minister.
2. Enche Mohd. Haniff Omar, Security Officer.
3. Enche Mohd. Amin Osman, Security Officer.

4. Enche Mathew Joseph, Private Secretary to
Tan Sri Ghazali Shafie.

3. Unofficial Party

1. Enche Ng Weng Hong, Photographer.
2. Enche Liew Choon Fatt, T.V. Malaysia.
3. Enche Idris Ahmad Shah, Radio Malaysia.
4. Enche Patrick Keith, Radio Malaysia.
5. Tuan Haji Abdul Ghani, Cameraman.
6. Enche Amin Shamsuddin, Cameraman.
7. One Representative from Utusan Melayu.
8. One Representative from Straits Times.
9. One Representative from Nanyang.
10. One Representative from Tamil Nesan.

A list of names of the Indonesian Delegation

1. H.E. Mr. Adam Malik,
Deputy Prime Minister and Minister of Foreign Affairs.
2. Mr. Anwar Sahni,
Chief of Cabinet.
3. Mr. Sudio Gandarum,
Deputy Director of Southeast Asia Directorate.
4. Col. Haeruddin Tasning,
Deputy Director of Army Intelligence.
5. Mr. Elkana Tobing,
Assistant to Minister Malik.
6. Mr. Tirta Kentjana Adhyatman,
Special Assistant to Minister Malik.
7. Mrs. Ratih Soesule,
Secretary.

PRESS STATEMENT

His Excellency Mr. Adam Malik, the Deputy Prime Minister for Social and Political Affairs/Minister of Foreign Affairs of the Republic of Indonesia and His Excellency Tun Abdul Razak bin Dato Hussein, the Deputy Prime Minister of Malaysia, met in Bangkok from 29th May to 1st June, 1966.

The two Ministers had a free and frank exchange of views in the spirit of the Manila Agreement and of brotherliness between two peoples bound together by history and culture from time immemorial.

Having had careful and thorough deliberations on problems affecting relations between their two countries, they have agreed to submit for approval to their respective Governments the principles upon which practical steps to restore friendly relations between the two countries should be based.

The two Ministers agree that direct and continuous contact between their Governments should be maintained.

His Excellency Mr. Adam Malik and His Excellency

...Tun

Tun Abdul Razak wish to place on record their profound appreciation of and gratitude for the generous hospitality of His Excellency the Prime Minister, His Excellency the Minister of Foreign Affairs, the Government and people of Thailand in providing facilities for the holding of this historic meeting which has made a signal contribution towards the achievement of peace and unity between the peoples of Indonesia and Malaysia.

Bangkok,

1st June, 1966.

AGREEMENT TO NORMALISE RELATIONS

between

THE REPUBLIC OF INDONESIA

and

MALAYSIA

Recognising the need for close and friendly relations between Indonesia and Malaysia and to create a climate conducive to co-operation between the two countries, in the spirit of the Manila Agreement and of brotherliness between the two peoples bound together by history and culture from time immemorial.

THE REPUBLIC OF INDONESIA

and

MALAYSIA

have decided to conclude an Agreement to normalise relations between the Republic of Indonesia and Malaysia and to this end have appointed as their plenipotentiaries; who, having examined each other's credentials and having found them good and in due form have agreed as follows:

ARTICLE 1

1. The Government of Malaysia, in order to resolve the problems between the two countries arising out of the formation of Malaysia, agrees to afford the people of Sabah and Sarawak who are directly involved, an opportunity to reaffirm, as soon as practicable in a free and democratic manner through General Elections, their previous decision about their status in Malaysia.

ARTICLE 2

2. The Government of the Republic of Indonesia in its desire for close co-operation and friendship between Indonesia and Malaysia, agrees, and the Government of Malaysia concurs, that diplomatic relations between the two countries shall be established immediately and that they shall exchange diplomatic representation as soon as possible.

ARTICLE 3

3. The Government of Malaysia and the Government of the Republic of Indonesia agree that in view of the above, hostile acts between the two countries shall cease forthwith.

ARTICLE 4

4. This Agreement shall come into force on the date of signature.

This in witness whereof the undersigned, being duly authorised thereto by the respective Governments, have signed this Agreement.

Done at Jakarta in duplicate, this day of 11th August, 1966.

For the Government of the
Republic of Indonesia
(seal)

For the Government of
Malaysia
(seal)

บรรณานุกรมประกอบการ เรียบเรียง
เรื่อง
"ความสัมพันธ์ระหว่างอินโดนีเซียกับมาเลเซีย"
กันยายน ๒๕๐๖ - ๒๕๐๘

ภาษาไทย

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สยามรัฐ ฉบับวันที่ ๒๔ พฤษภาคม ๒๕๐๘

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สยามรัฐสัปดาห์วิจารณ์, ปีที่ ๑๒ ฉบับที่ ๔๑ อาทิตย์ ที่ ๓ เมษายน ๒๕๐๘.

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ข่าวจากหนังสือพิมพ์, "สยามรัฐ, สยามนิกร, พิมพ์ไทย, บางกอกเว็ลด์, บางกอกโพสต์"
เกี่ยวกับอินโดนีเซีย, มาเลเซีย และฟิลิปปินส์ ตั้งแต่ พ.ศ. ๒๕๐๖-๒๕๐๘.

ข่าวบทความ ใน "สยามรัฐสัปดาห์วิจารณ์, นิวสวีท, และใหม่" ระหว่างปี ๒๕๐๖-๒๕๐๘:

เอกสาร

สนธิสัญญาความตกลงว่าด้วยการป้องกันภายนอกและความช่วยเหลือซึ่งกันและกันระหว่าง
มาเลเซียกับสหราชอาณาจักร ๒๕๐๐

รัฐธรรมนูญมาเลเซีย พ.ศ. ๒๕๐๖

รัฐธรรมนูญสาธารณรัฐอินโดนีเซีย ปี ๒๔๘๘

ถ้อยแถลงของ ดร.สุบันครีโอ ต่อสมัชชาใหญ่ เมื่อ ๒๐ พฤศจิกายน ๒๕๐๔

คำแถลงของตงกู อับดุล ราห์มาน ต่อที่ประชุมนักข่าว เมื่อ ๒๗ พฤษภาคม ๒๕๐๔ ที่โรงแรม
อเคสฟี สิงคโปร์

คำแถลงการฉวามระหว่างนายฮาโรลด์ แมคมิดแดนค์ และตงกู อับดุล ราห์มาน
เมื่อ ๑ สิงหาคม ๒๕๐๕

คำแถลงรวมของ C.V. Narasimhan ทางวิทยุ Radio Sabah จากเมือง Jeselton
เมื่อ ๒๒ เมษายน ๒๕๐๕

บันทึกจากคู่มือถึงรัฐบาลของอินโดนีเซีย, มาเลเซีย และฟิลิปปินส์ ลงวันที่ ๑๒ กันยายน ๒๕๐๖

คำแถลงของประธานาธิบดีซูการ์โนต่อประชาชนที่จากการคำ ในวันฉลองครบรอบปีแรกของกีฬา
กาเนโซ่ เมื่อ ๒๕ พฤศจิกายน ๒๕๐๗

คำแถลงของตงกู อับดุล ราห์มาน ต่อนักข่าวหนังสือพิมพ์ที่ควาซัมเปอร์
เมื่อ ๑๒ มกราคม ๒๕๐๘

สนธิสัญญาความตกลงว่าด้วยการป้องกันชายนอกและความช่วยเหลือซึ่งกันและกันระหว่าง
มาเลเซียกับสหราชอาณาจักร ปี ๒๕๐๐

ถ้อยแถลงของนายพลเซอร์ริชาร์ด ฮัลด์ เสนาธิการทหาร อังกฤษที่กรุงแคนเบอร์รา
ออสเตรเลีย เมื่อ ๒๗ กุมภาพันธ์ ๒๕๐๖

คำแถลงของปลัดกระทรวงต่างประเทศอังกฤษที่ลอนดอน เมื่อ ๑๒ มกราคม ๒๕๐๗

คำแถลงโฆษกทหารบก เรือ อากาศ ของอังกฤษ ที่กัวดาลูเปร์ เมื่อมกราคม ๒๕๐๘

แถลงการณ์ร่วมของที่ประชุมนายกรัฐมนตรีแห่งเครือจักรภพ ครั้งที่ ๑๓
เมื่อ ๑๖ กรกฎาคม ๒๕๐๗

กฎบัตรสหประชาชาติ

คำแถลงของผู้แทนมาเลเซียและผู้แทนอินโดนีเซียประจำสหประชาชาติต่อคณะมนตรี
ความมั่นคง เมื่อ ๘, ๑๐, ๑๔, ๑๕ กันยายน ๒๕๐๗

ร่างมติเสนอโดยผู้แทนเซอร์ เวตต่อคณะมนตรีความมั่นคง เมื่อ ๑๕ กันยายน ๒๕๐๗
ภายหลังจากที่ไคซิงคำแถลงของผู้แทนมาเลเซียและอินโดนีเซียแล้ว

คำแถลงของประธานาธิบดีซูการ์โนต่อประชาชนอินโดนีเซียที่กรุงจาการ์ตา เมื่อ
๑๗ สิงหาคม ๒๕๐๗

แถลงการณ์ร่วมระหว่างประธานาธิบดีซูการ์โนและนายเอ็ดเวิร์ด บังเกอร์ หลังการประชุม

แถลงการณ์ร่วมของรัฐมนตรีว่าการกระทรวงการต่างประเทศไทย ดิมโคลีเซีย พิธิปนิสต์
เมื่อ ๑๘ พฤศจิกายน ๒๕๐๖

สถิติการส่งสินค้าออกนอกประเทศของประเทศไทย จากกรมศุลกากร

แถลงการณ์รัฐบาลอินโดนีเซีย เมื่อ ๓๐ พฤษภาคม ๒๕๐๗

คำแถลง. . . .

คำแถลงของประธานาธิบดีคูการ์โนตอที่ประชุมสภาที่ปรึกษาของประชาชนที่จาการ์ตา
เมื่อ ๑๑ เมษายน ๒๕๐๘

เอกสารเกี่ยวกับสาธารณรัฐอินโดนีเซียของสำนักงานแถลงข่าวอินโดนีเซีย

สัมภาษณ์

นายอาคัม มาลิก รัฐมนตรีต่างประเทศอินโดนีเซียให้สัมภาษณ์หนังสือพิมพ์สนามบินดอนเมือง
ก่อนเดินทางกลับจาการ์ตา เมื่อ ๒ มิถุนายน ๒๕๐๘ เวลา ๑๘.๕๕ น.

นายถนัด คอมันตร์ รัฐมนตรีต่างประเทศไทยให้สัมภาษณ์หนังสือพิมพ์ที่กระทรวงการต่างประเทศ
เมื่อ ๒ มิถุนายน ๒๕๐๘ เวลา ๑๖.๐๐ น.

วิทยุ

ข่าวรับฟังทางวิทยุเกี่ยวกับอินโดนีเซียและมาเลเซีย

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