ANNEX I.24

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 37 YEAR 1999
CONCERNING
FOREIGN RELATIONS
Considering:

(1) That as an independent and sovereign Unitary State of the Republic of Indonesia, its foreign relations are conducted on the principles of equality, mutual respect, mutual advantage, and non-intervention in the domestic affairs of other nations, as implied in the Pancasila and the 1945 Constitution;

(2) That in accordance with the Preamble of the 1945 Constitution, one of the aims of the Government of the Unitary State of the Republic of Indonesia is to participate in the establishment of world order based on independence, abiding peace, and social justice;

(3) That in order to attain the aim described in paragraph b, the Government of the Unitary State of the Republic of Indonesia has been conducting foreign relations with diverse countries as well as regional and international organizations;

(4) That the conduct of foreign relations activities both regionally and internationally through bilateral and multilateral fora is devoted to the national interests and based upon the principle of a free and active foreign policy;

(5) That with the amplification of foreign relations and in order that the principles of foreign policy as described in paragraph d be maintained, it is necessary that said conduct of foreign relations be regulated in a comprehensive and integrated act;

(6) That based on the considerations described in paragraphs a, b, c, d, and e, it is necessary to establish an act on foreign relations.

Bearing in mind:

Article 5, paragraph (1), Article 11, Article 13, and Article 20, paragraph (1) of the 1945 Constitution;

Act No. 1 of 1982 on the Ratification of the Vienna Convention on Diplomatic Relations and the Optional Protocol thereto concerning Acquisition of Nationality of 1961 and the Ratification of the Vienna Convention on Consular Relations and the Optional Protocol thereto concerning Acquisition of Nationality of 1963 (State Gazette of the Republic of Indonesia of 1982 No.2; Supplementary State Gazette of the Republic of Indonesia No. 3211);

Act No. 2 of 1982 on the Ratification of the Convention on Special Missions, New York, 1969 (State Gazette of the Republic of Indonesia of 1982 No.3; Supplementary State Gazette of the Republic of Indonesia No. 3212);

UPON THE JOINT APPROVAL
OF THE HOUSE OF REPRESENTATIVES
AND
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
HAVE DECIDED:
CHAPTER I
GENERAL PROVISIONS

Article 1

In this act, the following shall be construed:

1. Foreign Relations are all activities having regional and international aspects that are conducted by the central and regional governments and their agencies or state institutions, enterprises, political organizations, community organizations, non-governmental organizations, and Indonesian citizens.

2. Foreign Policy is the policy, attitude, and steps taken by the Government of the Republic of Indonesia in pursuance of relations with other states, international organizations, and other international legal subjects in the context of dealing with international issues in order to attain the national objective.

3. International Treaties are agreements in any form or denomination that are governed by international law and concluded in writing by the Government of the Republic of Indonesia with one or more states, international organizations, or other international legal subjects, and invest the Government of the Republic of Indonesia with rights and obligations that are of a public law nature.

4. Minister is the Minister responsible for foreign relations and foreign policy. International Organization is an intergovernmental organization.

Article 2

Foreign Relations and Foreign Policy shall be based upon the Pancasila, the 1945 Constitution, and the Broad Outlines of State Policy.

Article 3

Foreign Policy shall adhere to the principle of free and active, which is dedicated to the national interests.

Article 4

Foreign Policy shall be implemented through a diplomacy that is creative, active, and anticipative, and not merely routine and reactive, abides by principles and standpoint, and is rational and flexible in its approach.

CHAPTER II
CONDUCT OF FOREIGN RELATIONS
AND IMPLEMENTATION OF FOREIGN POLICY

Article 5

1. Foreign Relations shall be conducted pursuant to the Foreign Policy, national legislation, and international law and practice.

2. The provisions stipulated in Paragraph (1), shall apply to all executors of Foreign Relations, both government and non-government.

Article 6

1. Authority for conducting Foreign Relations and implementing the Foreign Policy of the Government of the Republic of Indonesia is vested in the President, whereas the declaration of war, establishment of peace, and conclusion of treaties with other countries shall require the approval of the House of Representatives.

2. The President may delegate the authority to conduct Foreign Relations and implement Foreign Policy referred to Paragraph (1), to the Minister.
The Minister may take the steps deemed necessary for the observance of the provisions stipulated in Article 5.

**Article 7**

(1) The President may designate a state official other than the Minister for Foreign Affairs, a government official, or other person to conduct Foreign Relations in a certain field.

(2) In performing his/her duties, the state official other than the Minister for Foreign Affairs, government official, or other person referred to in paragraph (1), shall consult and coordinate with the Minister.

**Article 8**

(1) The Minister, upon the advice of the leadership of the department or non-departmental government institution, shall designate an official or officials from said department or institution for assignment to Missions of the Republic of Indonesia to carry out the duties which fall under the competence of that department or institution.

(2) The official or officials referred to in paragraph (1), both operationally and administratively, constitute an inseparable part of the Missions of the Republic of Indonesia and are subject to the working rules of said Missions of the Republic of Indonesia abroad.

**Article 9**

(1) The establishment and severance of diplomatic and consular relations with other countries and the entry into or withdrawal from membership in international organizations shall be decided by the President taking into account the views of the House of Representatives.

(2) The establishment and shutting-down of a diplomatic or consular mission in other countries, or representatives offices in international organizations shall be stipulated by Presidential Decision.

**Article 10**

The President, taking into account the views of the House of Representatives, shall decide the dispatch of peacekeeping forces or missions.

**Article 11**

(1) In efforts to develop Foreign Relations, cultural institutions, friendship institutions, promotional agencies, and other Indonesian institutions and agencies may be established abroad.

(2) The establishment of such institutions or agencies as described in paragraph (1), shall only take place after having received the Minister’s consideration(s) in writing.

**Article 12**

(1) In efforts to develop Foreign Relations, foreign friendship institutions, cultural institutions and other cooperation institutions or agencies may also be established in Indonesia.

(2) Provisions on requirements and establishment procedures for foreign cooperation institutions and agencies as described in paragraph (1), shall be stipulated in Government Regulation(s).

**CHAPTER III**

**CONCLUSION AND RATIFICATION OF INTERNATIONAL TREATIES**

**Article 13**

State and government institutions, both departmental and non-departmental, that are planning to conclude international treaties shall first consult with the Minister on said plans.

**Article 14**

Officials of government institutions, both departmental and non-departmental, who are to sign international treaties concluded between the Government of the Republic of Indonesia and other Governments,
international organizations, or other international legal subjects, must first receive Full Powers from the Minister.

**Article 15**

Provisions on conclusion and ratification of international treaties shall be regulated in a separate act.

**CHAPTER IV**

**IMMUNITIES, PRIVILEGES, AND EXEMPTIONS**

**Article 16**

Immunity, privileges, and exemptions from certain obligations shall be accorded to diplomatic and consular missions, special missions, representative offices of the United Nations and United Nations specialized agencies and other international organizations in accordance with national legislation as well as international law and practice.

**Article 17**

(1) Upon certain consideration, the Government of the Republic of Indonesia may grant exemption(s) from specific obligations to parties not specified in Article 16.

(2) Such exemption as stipulated in paragraph (1), shall be carried out in conformity with national legislation.

**CHAPTER V**

**PROTECTION OF INDONESIAN CITIZENS**

**Article 18**

(1) The Government of the Republic of Indonesia shall protect the interests of Indonesian citizens and legal bodies in legal disputes with foreign missions accredited to Indonesia.

(2) Such protection as stipulated in paragraph (1), shall be effected in conformity with the provisions of international law and practice.

**Article 19**

Missions of the Republic of Indonesia are obliged to:

a. Foster unity and harmony amongst Indonesia citizens abroad;

b. Provide sense of security, protection, and legal aid to Indonesian citizens and Indonesian legal bodies abroad, in conformity with national legislation and international law and practice.

**Article 20**

In the case of a dispute between Indonesian citizens or Indonesian legal bodies abroad, the Mission of the Republic of Indonesia is obliged to assist in finding a solution on the basis of consultation or in conformity with the applicable law.

**Article 21**

In the case where Indonesian citizens are threatened with real danger, the Mission of the Republic of Indonesia is obliged to give protection and assistance and to assemble said citizens in a safe area, as well as to endeavor to repatriate them to Indonesia at the expense of the state.

**Article 22**

In the event of war and/or the severance of diplomatic relations with a country, the Minister or other official(s) appointed by the President shall coordinate efforts to safeguard national interests, including Indonesian citizens.

**Article 23**
Implementation of stipulations as laid down in Articles 21 and 22 shall be carried out through cooperation with the local government or the relevant government of other countries or international organizations.

Article 24
(1) Missions of the Republic of Indonesia are obliged to register the presence and provide certification of the birth, marriage, divorce, or death of citizens of the Republic of Indonesia, as well as to perform other consular functions within the accredited territory.
(2) In the case of marriage or divorce, the registration and issuance of certification may only be carried out if said marriage or divorce has been affected in conformity with legal provisions prevailing in the accredited territory of the respective Mission, insofar as those foreign legal provisions are not in contradiction with Indonesian legislation.

CHAPTER VI
GRANTING OF ASYLUM AND REFUGEE PROBLEMS

Article 25
(1) The authority for granting asylum to foreign nationals is vested in the President and shall take into account the views of the Minister.
(2) The exercise of said authority as described in paragraph (1) shall be regulated bye Presidential Decision.

Article 26
The granting of asylum to foreign nationals shall be exercised in accordance with national legislation taking into account international law, custom, and practice.

Article 27
(1) The President shall determine policy with respect to foreign refugees taking into account the views of the Minister.
(2) The principles of the policy referred to in paragraph (1) shall be set forth in a Presidential Decision.

CHAPTER VII
FOREIGN RELATIONS APPARATUS

Article 28
(1) The Minister shall carry out a part of the general functions of government and development in the field of Foreign Relations and Foreign Policy.
(2) The Minister shall coordinate the conduct of Foreign Relations and implementation of Foreign Policy.

Article 29
(1) An Ambassador Extraordinary and Plenipotentiary is a state official appointed and discharged by the President as Head of State.
(2) An Ambassador Extraordinary and Plenipotentiary shall represent the state and the nation of Indonesia and serves as the personal representative of the President of the Republic of Indonesia in another country or in an international organization.
(3) An Ambassador Extraordinary and Plenipotentiary who has completed his tenure shall be entitled to financial and administrative rights as prescribed in the Government Regulation.

Article 30
(1) To carry out diplomatic duties in a specific field, the President may appoint an official with rank equivalent to that of Ambassador.

(2) The official referred to in paragraph (1), shall be appointed by Presidential Decision.

Article 31

(1) A Foreign Service Officer is a Civil Servant who has completed special education and training for assignment to the Department of Foreign Affairs and the Missions of the Republic of Indonesia.

(2) Provisions regarding education and training for Foreign Service Officers as mentioned in paragraph (1), shall be stipulated in Ministerial Decision.

Article 32

(1) The Foreign Service Officer is a Diplomatic Functional Official (Pejabat Fungsional Diplomat). The Diplomatic Functional Official may hold structural positions.

(2) Procedures for appointment and assignment of Foreign Service Officers shall be stipulated by Ministerial Decision.

(3) The rights and obligations of the Foreign Service Officer shall be stipulated by Ministerial Decision.

Article 33

The order of ranks and titles of Foreign Service Officers and their assignment at Missions of the Republic of Indonesia shall be stipulated by Ministerial Decision.

Article 34

Working relations between the Department of Foreign Affairs and Missions of the Republic of Indonesia shall be stipulated by ministerial decision.

CHAPTER VIII

ISSUANCE AND RECEIPT OF CREDENTIALS

Article 35

(1) The President shall issue Credentials to an Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia for a specific state or international organization.

(2) The President shall receive Credentials from heads of foreign states on the appointment of an Ambassador Extraordinary and Plenipotentiary of the respective state to Indonesia.

Article 36

In the case where a person is appointed to represent the Republic of Indonesia at a certain event abroad, if so required, said appointee shall be provided with Credentials signed by the President. In the case where a person is appointed to represent the Government of the Republic of Indonesia in an international conference, if so required, said appointee shall be provided with Credentials signed by the Minister.

Article 37

The President shall sign a Letter of Commission for a Consul-General or Consul of the Republic of Indonesia appointed to carry out consular duties in a certain territory in a foreign country. The President shall receive the Letter of Commission for a foreign Consul-General or Consul assigned to Indonesia, as well as issue an Exequatur for said person to commence his/her duties.
**Article 38**
The President shall sign a Letter of Commission for an Honorary Consul-General or Honorary Consul for the Republic of Indonesia appointed to carry out consular duties in a certain territory in a foreign country. The President shall receive the Letter of Commission for a foreign Honorary Consul-General or Honorary Consul assigned to Indonesia, as well as issue an Exequatur therefore.

**CHAPTER IX**
**TRANSITIONAL PROVISIONS**

**Article 39**
Legislation concerning or pertinent to Foreign Relations already in existence at the time of the entry into force of this Act shall prevail insofar as it is not contradictory and has not been replaced by new legislation based upon this Act.

**CHAPTER X**
**FINAL PROVISIONS**

**Article 40**
This Act shall enter into force as of the date of promulgation.
So that all knows it, it is ordered that the promulgation of this Act be published in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
On September 14, 1999
PRESIDENT OF THE REPUBLIC OF INDONESIA
(signed)
BACHARUDDIN JUSUF HABIBIE

Promulgated in Jakarta,
On September 14, 1999
STATE MINISTER/STATE SECRETARY
OF THE REPUBLIC OF INDONESIA
(signed)
M U L A D I

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 1999 NUMBER 156