

GUIDE TO THE INDEX

Sources

As mentioned hereafter in Part One no official Treaty Series exists in Indonesia, nor is there a rule prescribing that international agreements as such are to be published in the State Gazette. Yet the Gazette has been one of the primary sources used in compiling the data for the index. No data have been obtained from other official Indonesian sources, such as the Foreign Ministry files and archives.

The main consideration underlying the whole project was precisely the fact that there is no comprehensive collection of data concerning the international agreements of Indonesia while the publicly available Indonesian sources do not contain these data in a sufficiently complete and accessible form. Consequently, a major part of the project consisted of the meticulous scanning of international and other non-Indonesian sources.

The main official international source used has been the Treaty Series of the United Nations¹ and, wherever relevant, that of the League of Nations and, by way of auxiliary sources, the United Nations serial documents ST/LEG/SER.A (*Statement of Treaties and International Agreements – registered or filed and recorded with the Secretariat during the month of . . .*) and ST/LEG/SER.E (*Multilateral Treaties deposited with the Secretary-General – Status as at 31 December 19 . . .*). As to official national sources of other countries the treaty series (so far as these exist) and the State Gazettes of various countries have been the major sources of information. Naturally use was made, wherever possible, of existing indexes to these sources.

The use of a variety of sources brings some (unavoidable) dangers with it, one of which lies in the differences in the publication policies followed by the different states. Practically everywhere international agreements are published on a selective basis and, consequently, it does occur that agreements belonging to a certain category (either in terms of contents or in terms of form) are published (much) more liberally or completely in one country than in another, resulting in an unbalanced and, consequently, misleading 'harvest'.

1. The irregular character of the Series and the long delays occurring in its publication and in its availability in the library have undoubtedly left some impact on the Index.

Period covered

The Index covers the period from the beginning of the existence of the Indonesian State as perceived by the Indonesians, i.e., 17 August 1945, until the end of 1990. It is, however, not limited to treaties concluded during that period but includes treaties dating from before that time with which Indonesia became involved between the above two dates. On the other hand, coverage till the end of 1990 does not imply that all treaty developments involving Indonesia until the end of 1990 are in fact included, but only that the available sources covering that period have been checked. Only in exceptional cases have sources been scrutinized which cover a later period. This was done, *inter alia*, with the United Nations Treaty Series so far as these became available.

Pre-independence treaties

The question of applicability or non-applicability to the Indonesian state of pre-independence Dutch treaties has not played an essential role in composing the present index. Data on these treaties have been included where they were available.

Selection

The first stage of the project consisted of the collection of as much data as possible. The idea of setting up a complete index in the sense of including all agreements that have ever been concluded by a government organ with an organ of one or more foreign states or inter-governmental organizations is, of course, an illusion because of the multitude and variety of organs, even if limited to those on the level of central government, which are involved in all kinds of minor or purely 'technical' agreements which may not even be administered properly, let alone published or otherwise be accessible to the researcher. The idea would, at least so far as Indonesia is concerned, also be undesirable. This undesirability stems mainly from the great number of implementation agreements which may carry great weight in terms of quantity or economic, technical, financial or even cultural relevance but are of little relevance for the legal aspects of the international relations of a state.²

Once it was decided to abandon the pursuit of completeness, the selection of agreements qualifying for inclusion in the projected Index necessarily involved a substantial measure of subjective assessment. Broadly speaking, the following

2. DEDI SOEMARDI, loc. cit. in 12 *Hukum dan Pembangunan* (1987) at p. 255 n. 14 cites information from the Central Bank about the number of 774 loan agreements concluded between 30 June 1966 and 31 March 1979.

categories of agreements have been excluded from separate entry: agreements for the funding and execution of individual development projects, in part combined with the supply of credit; loan and credit agreements; minor modifications in the network of rights and duties in the context of GATT; agreements of a contractual character for the execution of a single transaction; agreements for the periodical implementation of other, main, agreements; documents recording joint statements of, or recording the proceedings of meetings between, high state dignitaries; agreements concerning the sale of textiles and similar commodities by way of implementation of broader trade agreements; agreements concerning the sale of various agricultural commodities; agreements on the supply of food aid; and agreements on debt rescheduling. Yet in many cases reference has been made to the excluded agreements under the treaties which have been given a place in the Index.

The selection made has never been based on whether or not the treaty has entered into force, nor on it having entered into effect for Indonesia.

The chronological index

The main Index consists of two chronological indexes, one for multilateral treaties and another for bilateral treaties. The Multilateral Treaty Index is in purely chronological order. The Bilateral Treaty Index is subdivided according to the states which are the treaty-partners of Indonesia, in alphabetical order. The treaties with each of these states are placed in chronological order. An auxiliary index has been added to the Bilateral Treaty Index listing the dates of all bilateral treaties in chronological order and referring to the treaty partner and the subject matter.

In distinguishing bilateral from multilateral treaties a strict division between two and more than two parties has been applied.

The subject index

A separate Subject Index provides access to the Indonesian treaty law from the keywords used in the main Chronological Index, referring to the serial numbers of the treaties concerned.