

Letter from Ernest Bevin to Jonkheer E. Michiels van Verduynen on the principles governing civil administration and jurisdiction in the Netherlands Indies (London, 24 August 1945)

Caption: On 24 August 1945, the British Secretary of State for Foreign Affairs, Ernest Bevin, sends a letter to the Netherlands Ambassador to London, Jonkheer E. Michiels van Verduynen, in which he asks the Netherlands Government to approve a memorandum on the principles that will govern questions of civil administration and jurisdiction in the liberated territories of the Netherlands Indies.

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FOREIGN OFFICE, S.W. 1.

24th August, 1945.

Your Excellency,

The discussions which have taken place between the Netherlands and British representatives concerning the principles which will govern questions of civil administration and jurisdiction of Netherlands Indies territory liberated by Allied forces under the Supreme Allied Commander, South East Asia Command, have led to agreement on the terms of the memorandum annexed hereto.

2. The principles set out in this memorandum are designed to provide a practical solution of immediate problems and to facilitate as far as possible the task of the Supreme Allied Commander and the Netherlands Government in achieving their common purpose. It is understood that these arrangements, which have a purely temporary character, in no way affect Netherlands sovereignty.

3. His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have considered and approved this memorandum. I shall be grateful if Your Excellency will inform me whether the Netherlands Government likewise approve it and whether they agree that the present note and Your Excellency's reply thereto shall be regarded as constituting an agreement between the United Kingdom Government and the Netherlands Government in this matter.

I have the honour to be
with the highest consideration,
Your Excellency's obedient servant

(signed) Ernest Bevin.

His Excellency
Jonkheer E. Michiels van Verduynen
etc. etc. etc.
Netherlands Embassy,
21 Portman Square, W. 1.

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Principles Governing Arrangements for Civil
Administration and Jurisdiction in Netherlands Indies
Territory in the South East Asia Command.

1. In areas affected by military operations it is necessary to contemplate a first or military phase during which the Supreme Allied Commander will, to the extent necessitated by the military situation, de facto possess full authority to take all necessary measures. During this first phase in order to assist the Supreme Allied Commander in the exercise of his authority, the Netherlands Government will attach to his forces sufficient Netherlands Indies Civil Affairs Officers to conduct the administration of liberated Netherlands Indies territory under the general control of the Military Commander of the Allied Forces in the territory in question. The Netherlands Indies Civil Affairs Officers will, whenever possible, be employed in all matters concerning the administration of the civilian population including the control of such projects for the exploitation of the resources of liberated Netherlands Indies territory as military necessity may require during the first phase. It is understood that the Netherlands Indies Civil Affairs Officers will be fully competent to take all necessary measures. The requisition of civilian labour, billets and supplies, the use of lands, buildings, transportation and other services as the Supreme Allied Commander may deem necessary for the military needs of his command, will be effected where possible through Netherlands Indies authorities and in accordance with Netherlands Indies law.
2. It is agreed that the Netherlands Indies Government will resume as rapidly as practicable full responsibility for the civil administration of liberated Netherlands Indies territory. The Supreme Allied Commander will, as soon and as fully as the military situation in his judgment permits, notify the Lieutenant-Governor-General of the extent to which responsibility for the civil administration should be resumed.
3. The Netherlands Indies Government and the Netherlands Indies administrative and judicial services will be re-established as rapidly as possible. Appointments in the Netherlands Indies administrative and judicial services will be made by the competent Netherlands or Netherlands Indies authorities in accordance with Netherlands Indies law.
4. In any territory wherein responsibility for the civil administration has been resumed in accordance with paragraph 2 the Netherlands Indies Government will render all possible assistance to the Supreme Allied Commander in his military tasks, particularly with reference to the use of ports, lines of communication and airfields and other facilities of military importance, and will in accordance with Netherlands Indies law, and with due regard to the needs of the civilian population, make available to the Supreme Allied Commander such labour, billets and supplies, the use of lands, buildings, transportation and other services as he may request for the military needs of his command.

/5. Members

5. Members of the Netherlands and Netherlands Indies armed forces serving in Netherlands and Netherlands Indies units with the Allied forces in Netherlands Indies territory shall come under the exclusive jurisdiction of Netherlands or Netherlands Indies courts and authorities. Netherlands subjects who, at the time of entering the Netherlands Indies, are serving as members of the Allied forces under conditions which render them subject to the naval, military or air force law of another Allied Government, will not be regarded as members of the Netherlands or Netherlands Indies armed forces for this purpose.

6. In the exercise of jurisdiction over civilians, the Netherlands Indies authorities will make the necessary arrangements for ensuring the speedy trial in the vicinity by Netherlands Indies courts of such civilians as are alleged to have committed offences against the persons, property or security of the Allied forces, without prejudice however to the power of the Supreme Allied Commander, if military necessity in his judgment so requires, to bring to trial before a military court any such civilian.

7. Without prejudice to the provisions of paragraph 12, the service courts and authorities of the Allies whose forces are cooperating with the Netherlands or Netherlands Indies forces in the liberation of Netherlands Indies territory will have exclusive jurisdiction over all members of their respective forces and over all persons of non-Netherlands nationality not belonging to such forces who are employed by or who accompany those forces and are subject to their naval, military or air force law. The question of jurisdiction over such merchant seamen (of non-Netherlands nationality) as are not subject to Allied Service law will require special consideration and should form the subject of a separate agreement.

8. (a) Persons who are subject to the exclusive jurisdiction of Netherlands or Netherlands Indies courts and authorities as mentioned in paragraph 5, may, in the absence of Netherlands or Netherlands Indies authorities, be arrested by Allied military police and detained by them until they can be handed over to appropriate Netherlands or Netherlands Indies authorities.

(b) Persons subject to the exclusive jurisdiction of

/the Allied

the Allied Service courts and authorities, as mentioned in paragraph 7, may, however, be arrested by the Netherlands Indies police for offences against Netherlands Indies law and detained until they can be handed over to the appropriate Allied Service authority. A certificate signed by an Allied Service officer of field rank or its equivalent, that the person to whom it refers belongs to one of the classes to whom paragraph 7 applies, will be conclusive. The procedure for handing over such a person is a matter for local arrangement.

9. The Supreme Allied Commander and the Netherlands Indies authorities will take the necessary steps to provide machinery for such mutual assistance as may be required in making investigations collecting evidence and securing the attendance of witnesses in relation to cases triable under their respective jurisdictions.

10. Members of the Allied forces referred to in paragraph 7 and organisations and persons employed by or accompanying those forces and all property belonging to them or to their Governments, shall be exempt from all Netherlands Indies taxation (including customs) except as may be subsequently agreed between the Netherlands Government and the Allied Governments concerned. The authorities of such forces will take the necessary steps to ensure that such property is not sold to the public in the Netherlands Indies except in agreement with the Netherlands Indies authorities.

11. The immunity from Netherlands Indies jurisdiction and taxation resulting from paragraphs 7 and 10 will extend to such selected civilian officials and employees of the Allied Governments present in the Netherlands Indies on duty as may from time to time be notified by the Supreme Allied Commander to the Lieutenant-Governor-General.

12. Should circumstances in future be such as to require provision to be made for the exercise of jurisdiction in civil matters over non-Netherlands members of the Allied forces present in the Netherlands Indies, the Allied Governments concerned and the Netherlands Government will consult together as to the measures to be adopted.

13. Other questions arising as a result of the liberation of Netherlands Indies territory by Allied forces (in particular questions relating to finance and currency, and the handling of claims for compensation for damage or injury preferred by Netherlands subjects) which are not dealt with in this statement of principles are subject to separate agreement as far as necessary.