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Presidential Regulation of 17 August 2019 concerning the promulgation and publication of Presidential Regulations

In the name of the people of the South Moluccas!

The Government of the Republic of the South Moluccas,

Concluding:

That the independent and sovereign state - the Republic of the South Moluccas - was proclaimed in Ambon on 25 April 1950;

That the Interim Constitution of the Republic of the South Moluccas entered into force on 4 September 1950;

That the Indonesian Unity State (NKRI) was established on 17 August 1950;

That thereafter the Indonesian Unity State annexed and occupied the territory of the Republic of the South Moluccas by military force in violation of international law;

Following the execution on 12 April 1966 of the 2nd President of the Republic of the South Moluccas, Dr Christaan Robert Soumoukil, under the leadership of the members of the First Government of the Republic of the South Moluccas in exile in the Netherlands in 1950, namely the Ministers ir. J.A. Manusama and P. Lokollo - as well as Dr.J.P. Nikijuluw - general representative of the Republic of South Moluccas abroad - a government in exile in the Netherlands has been formed;

That the aforementioned Government in Exile has since then exercised legal authority over the Republic of the South Moluccas and has continuously represented the aforementioned Republic both judicially and extrajudicially since 1966;

That the continuing occupation of the territory of the Republic of the South Moluccas by Indonesia constitutes a continuing violation of the sovereignty of the Republic and the right of self-determination of its people;

That this occupation made the normal functioning of the South Moluccan state bodies, as provided for in the provisional Constitution of 4 September 1950, permanently impossible, while it also made it impossible for a considerable amount of time to draw up a definitive Constitution;

That there is an urgent need for the establishment of necessary legal provisions in various areas, which concern the present and future status of the South Moluccas and its people;

That, pending the promulgation of a definitive Constitution of the Republic on the basis of the Provisional Constitution, and in view of the special situation caused by the Indonesian occupation to the extent necessary by way of derogation from it, such regulations will have to be promulgated by the Government;

Accordingly, in the light of the above, they shall be as follows adopt the Presidential Regulation:

ARTICLE 1

The Government of the Republic of the South Moluccas shall have the power to adopt, on the basis of Articles 17, 44, 53 and 54 of the Interim Constitution of the Republic of the South Moluccas and by way of derogation therefrom, general binding rules. They shall be known as Presidential Regulations. A Presidential Regulation shall have the force of law. A Presidential Regulation shall be amended by a Presidential Regulation. A Presidential Regulation shall be signed by the President and by one or more ministers who are affected by it.

ARTICLE 2

A Presidential Regulation as referred to in Article 1 shall have effect throughout the territory of the Republic of the South Moluccas, unless the Republic of the South Moluccas itself determines otherwise. It may also contain rules binding outside the territory of the Republic in so far as it relates to nationals of the Republic elsewhere in the world.

ARTICLE 3

A Presidential Regulation as referred to in Article 1 shall have effect for the future. It may have retroactive effect, but only in so far as it expressly provides so.

ARTICLE 4

A Presidential Regulation as referred to in Article 1 may delegate the power to issue further rules to the President or to one or more ministers. Such general binding rules shall be known as Presidential Decree or Ministerial Decree respectively. They shall be signed by the President and the minister or ministers concerned. A Presidential Decree or Ministerial Decree may also have the character of an order. With regard to Presidential or Ministerial Decrees of general application, the provisions of Article 2 shall apply *mutatis mutandis*.

ARTICLE 5

The Government of the Republic of the South Moluccas, when issuing Presidential Regulations within the meaning of Article 1, is not bound by the obligations under international law entered into by the occupying authorities of the Republic of Indonesia for the territory and population of the South Moluccas, nor by Indonesian law introduced by them. The detailed arrangements are laid down in the Presidential Decree.

ARTICLE 6

Presidential Regulations are published in the Official Gazette of the Republic of the South Moluccas. They are published in the Malaysian language. They enter into force at a time to be determined by the relevant Presidential Regulation itself. The same applies to acts referred to in Article 4 of this Presidential Regulation.

ARTICLE 7

This Presidential Regulation, all Presidential Regulations issued pursuant to this Presidential Regulation and all acts referred to in Article 4 shall cease to have effect at the time when, in a manner to be laid down in the final Constitution for the Republic of the South Moluccas, general binding rules or other acts have been issued to replace or repeal them. The Constitution referred to herein may also otherwise provide for the repeal of the rules of general application and other acts referred to in this Presidential Decree.

ARTICLE 8

This Presidential Regulation shall enter into force on 17 August 2019.

Given in Amsterdam on 17 August 2019

The President of the Republic of the South Moluccas,

Mr. J.G. Wattilete