



2

Presidential Regulation of 17 August 2019 on the ownership of natural resources and the liability of public and private actors for infringements of such ownership

In the name of the people of the South Moluccas!

The Government of the Republic of the South Moluccas,

Concluding:

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

That a very important part of that violation is the exploitation of the natural resources belonging to the people of the South Moluccas, both by the authorities of the Republic of Indonesia and by Indonesian and foreign private parties;

That it is of the utmost importance for the future of the South Moluccan people to deprive those resources of their exploitation by the Indonesian occupying authorities and private parties working with them;

That, in that context, there is an urgent need to establish the necessary legal provisions to ensure the ownership of these resources and to hold anyone who takes or has taken unfair advantage of them liable for the damage caused thereby to the South Moluccan people and to the South Moluccan State;

In view of Articles 1 to 6 of the Presidential Regulation of 17 August 2019.

Thus, in the light of the above, it adopts the following Presidential Regulation:

ARTICLE 1

The natural resources located in the territory of the Republic of the

South Moluccas or in its subsoil, as declared on 25 April 1950, as well as those in and under the territorial waters of the state are the inalienable property of the South Moluccan people and the inheritance of their future generations.

ARTICLE 2

Any action taken by the public authorities of the Republic of Indonesia as of the date of entry into force of this Presidential Ordinance which constitutes an infringement of this property shall be unlawful and void under the law of the Republic of the South Moluccas unless expressly authorised by the Government of the Republic of the South Moluccas. Infringements within the meaning of this Article shall include the issuing of regulations relating to natural resources, including those of a biological nature, the entering into agreements with companies and other private parties in and outside the South Moluccas for the purpose of their exploitation or any other activity which can reasonably be assumed to be aimed at the economic exploitation of the abovementioned natural resources.

ARTICLE 3

Private parties who, by entering into agreements with the authorities of the Republic of Indonesia, participate in the illegal exploitation of natural resources owned by the people of the South Moluccas shall be liable for the economic and environmental damage caused unless they have obtained the express consent of the Government of the South Moluccas. The legal regulations applicable to such liability shall be determined by the Government. The Government may take all judicial and extrajudicial steps that it deems necessary in order to limit the above-mentioned damage as much as possible and to attribute the liability to relevant parties.

ARTICLE 4

The South Moluccan Government reserves the right to take further decisions on economic treaties concluded by the Republic of Indonesia with other powers concerning natural resources in the South Moluccas. These may include the denunciation of such treaties if, in the opinion of the Government, they are not in conformity with the provisions of Article 1 of this Presidential Regulation.

ARTICLE 5

The provisions of Articles 1 to 4 of this Presidential Regulation shall apply until further notice. In any case, after the entry into force of a new South Moluccan Constitution in or out of force of that Constitution, a definitive settlement will be given with regard to the matters regulated in this Presidential Regulation.

ARTICLE 6

This Presidential Regulation shall enter into force - as far as possible - on 25 April 1950.

Given at Amsterdam, 17 August 2019

The President of the Republic of the South Moluccas,

Mr. J.G. Wattilete