

No. 4583

**UNITED STATES OF AMERICA
and
PHILIPPINES**

Exchange of notes (with annexes) constituting an agreement relating to the establishment of a mutual Defense Board and the assignment of military liaison officers. Manila, 15 May 1958

Official text: English.

Registered by the United States of America on 1 December 1958.

**ÉTATS-UNIS D'AMÉRIQUE
et
PHILIPPINES**

Échange de notes (avec annexes) constituant un accord relatif à la création d'un Conseil de défense mutuel e et au détachement d'officiers de liaison. Manille, 15 mai 1958

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 1^{er} décembre 1958.

No. 4583. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES RELATING TO THE ESTABLISHMENT OF A MUTUAL DEFENSE BOARD AND THE ASSIGNMENT OF MILITARY LIAISON OFFICERS. MANILA, 15 MAY 1958

I

The American Ambassador to the Philippine Acting Secretary for Foreign Affairs

No. 1152

Manila, May 15, 1958

Excellency :

I have the honor to refer to discussions which have recently taken place concerning the mutual desire of the Government of the Republic of the Philippines and the Government of the United States to develop measures or arrangements which would enable the two Governments, through liaison and consultation on military matters of mutual concern by their appropriate military representatives, to carry out more effectively the specified purposes and objectives of the security and defense agreements which have been entered into between the two countries and thereby improve and enhance their common defense ; and to confirm the understandings reached as a result of those discussions, as follows :

- 1) There is established under the Philippine-United States Council of Foreign Ministers provided by the Mutual Defense Treaty² a permanent Philippine-United States Mutual Defense Board with terms of reference as set forth in Annex A,³ which is made an integral part of this agreement ; and
- 2) There shall be assigned a Philippine Military Liaison Officer to the staff of the Base Commander of major military bases used by the United States and the Liaison Officer shall have terms of reference as set forth in Annex B,⁴ which is made an integral part of this agreement.

If the foregoing is acceptable to Your Excellency's Government, I have the honor to propose that this note and Your Excellency's reply indicating

¹ Came into force on 15 May 1958 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 177, p. 133.

³ See p. 166 of this volume.

⁴ See p. 170 of this volume.

concurrence shall constitute an agreement between our two Governments on this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

Charles E. BOHLEN

Enclosures :

1. Annex A—Philippine-United States Mutual Defense Board ;
2. Annex B—Philippine Military Liaison Officer.

His Excellency Felixberto M. Serrano
Acting Secretary for Foreign Affairs

ANNEX A

PHILIPPINE-UNITED STATES MUTUAL DEFENSE BOARD

1. *Establishment of the Board*

In consonance with the mutual desire of the Government of the Republic of the Philippines and the Government of the United States to implement more effectively certain provisions of existing defense agreements between the two countries there is hereby established under the Philippine-United States Council of Foreign Ministers a permanent Philippine-United States Mutual Defense Board with headquarters at Manila. The Board shall report to the Council through the latter's military representatives.

2. *Purpose*

The purpose of this Board is to provide continuing intergovernmental machinery for direct liaison and consultation between appropriate Philippine and United States authorities on military matters of mutual concern so as to develop and improve, through continuing military cooperation, the common defense of the two sovereign countries.

3. *Composition of the Board*

a. The Board shall be composed of :

(1) For the Philippines :

- (a) Co-chairman of the Board : The Chief of Staff, the Armed Forces of the Philippines, or a Flag or General Officer designated by him.
- (b) Members of the Board : Chief, Philippine Constabulary ; Commanding General, Philippine Army ; Commanding General, Philippine Air Force ; and Flag Officer in Command, Philippine Navy of the Armed Forces of the Philippines.

(2) For the United States :

- (a) Co-chairman of the Board : The United States Military Representative of the Council, or a Flag or General Officer designated by him.

(b) Members of the Board : The senior United States Service representatives of the Army, Navy and Air Force on duty in the Philippines and, if not already represented, the Chief, Joint United States Military Advisory Group.

b. The Board and the members thereof may be assisted by such staff, military or civilian, as they consider appropriate.

4. *Terms of Reference*

The terms of reference of the Board shall be to consider, and by agreement between the Co-chairmen, to decide on matters within its competence as may be established by agreed policies and procedures, or when necessary, to recommend to their respective Governments how best to resolve in the mutual interest of the two sovereign countries such problems as may arise in connection with :

- a. Working relationships with regard to specific matters enumerated in or arising under the Military Bases Agreement of 1947¹ which call for joint consultation and co-operation and/or such other matters as the Philippine-United States Council of Foreign Ministers or their Military Representatives may direct the Board to consider.
- b. The preparation of joint outlined plans for the development of a system of defensive military bases in the Philippines as provided in Article II, paragraph 2 of the Military Bases Agreement of 1947.
- c. The correlation, in accordance with existing laws and policies of the respective Governments, of military matters of mutual concern which arise from the operation of the Philippine-United States Mutual Defense Treaty, the Military Bases Agreement and the Military Assistance Agreement.²

5. *Frequency of Meetings*

The Board shall meet at the call of either Co-chairman, but in any event regular meetings will be held at least once a month.

6. *Conduct of Meetings*

All meetings of the Board shall be held in executive session. The release of information concerning the decisions or activities of the Board shall be as mutually agreed upon by the Co-chairmen of the Board.

7. *Joint Military Secretariat*

The Joint Military Secretariat of the Board will be composed of such number of Philippine and United States personnel as may be mutually agreed upon by the Mutual Defense Board and will perform such specific duties as may be directed by the Board. The provision of necessary clerical and administrative support shall be arranged by the Board.

¹ United Nations, *Treaty Series*, Vol. 43, p. 271 ; Vol. 68, p. 272 ; Vol. 185, p. 334 ; Vol. 213 p. 370, and Vol. 229, p. 282.

² United Nations, *Treaty Series*, Vol. 45, p. 47 ; Vol. 70, p. 280, and Vol. 82, p. 332.

8. *Offices of the Board*

The Philippine Government shall provide suitable offices for the Board. The office of the Joint Military Secretariat, with the permanent records of the Board, will be maintained in these offices.

ANNEX B

PHILIPPINE MILITARY LIAISON OFFICER

1. *Assignment and Selection*

A Philippine Military Liaison Officer shall be assigned to the staff of the Base Commander of the United States Naval Station, Sangley Point ; United States Naval Base, Subic Bay ; Clark Air Base ; and such other major military bases used by the United States as may be mutually agreed by the Philippine-United States Mutual Defense Board. These officers shall be designated by the Chief of Staff, Armed Forces of the Philippines, and assigned by the Philippine-United States Mutual Defense Board to the United States Base Commander concerned. As Philippine military officers, they will continue to be under the administration of the Philippine Co-chairman of the Board.

2. *Duties of the Philippine Military Liaison Officer Assigned to the Staff of the United States Base Commander*

He will :

a. Establish a Military Liaison Office for the performance of normal liaison with the Base Commander.

b. Cooperate with the Base Commander by advice, suggestion and/or other appropriate action to assure observance of Philippine law and regulations within the base.

c. Advise the Base Commander concerning problems involving Philippine nationals and residents on the base, and the day-to-day relationships between the Base Commander and such nationals and residents.

d. Be the point of contact between the officials of the national, provincial, and municipal agencies and the base authorities to facilitate the performance of specific tasks of such agencies in the implementation of Philippine laws and regulations within the base.

e. Assist the Base Commander, as appropriate, in implementing actions of the Philippine-United States Mutual Defense Board.

f. Perform such other liaison duties as may be assigned to him by the Philippine-United States Mutual Defense Board.

g. Promote close cooperation, understanding, and harmonious relationships among all concerned.

3. *Qualifications of the Philippine Military Liaison Officer*

His qualifications and grade shall be left to the determination of the Philippine-United States Mutual Defense Board.

4. Reports

The Philippine Military Liaison Officer will submit such reports as may be required by the Philippine-United States Mutual Defense Board through the Joint Military Secretariat of that Board, furnishing copies thereof to the Base Commander.

5. Administrative Support

The United States Base Commander will :

- a. Provide a suitable office for the Philippine Military Liaison Officer on the Base.
- b. Provide the Philippine Military Liaison Officer with appropriate clerical and administrative support, to include quarters.

II

The Philippine Acting Secretary for Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

No. 1397-58

Manila, May 15, 1958

Excellency :

I have the honor to acknowledge the receipt of your note No. 1152 of May 15th, 1958 making reference to discussions which have recently taken place concerning the mutual desire of the Government of the Republic of the Philippines and the Government of the United States of America to develop measures or arrangements which would enable the two Governments, through liaison and consultation on military matters of mutual concern by their appropriate military representatives, to carry out more effectively the specified purposes and objectives of the security and defense agreements which have been entered into between our two countries and thereby, improve and enhance their common defense, and proposing that an agreement be made confirming the understandings reached as a result of those discussions, as follows :

[See note I]

I have the honor to state that the Government of the Republic of the Philippines approves the provisions or terms of reference set forth in the documents annexed to Your Excellency's note and marked as "Annex A" and "Annex B",

respectively, and agrees that your note and its enclosures, together with this reply, shall be regarded as constituting an agreement between our two Governments on this matter.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Felixberto M. SERRANO
Acting Secretary

His Excellency Charles E. Bohlen
American Ambassador
Manila