

## ANNEX A — ANNEXE A

No. 673. AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE UNITED STATES OF AMERICA CONCERNING MILITARY BASES. SIGNED AT MANILA ON 14 MARCH 1947<sup>1</sup>

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>2</sup> FURTHER AMENDING THE ABOVE-MENTIONED AGREEMENT (WITH JOINT COMMUNIQUÉS DATED 7 DECEMBER 1975 AND 4 MAY 1978, ARRANGEMENTS, ANNEXES, RELATED NOTES AND LETTERS DATED 4, 6 AND 7 JANUARY 1979, AND MAPS). MANILA, 7 JANUARY 1979

*Authentic text: English.*

*Registered by the United States of America on 18 April 1980.*

## I

*The American Ambassador to the Philippine Minister for Foreign Affairs*

Manila, January 7, 1979

No. 7

Excellency:

On December 7, 1975, at the conclusion of U.S. President Gerald R. Ford's state visit to the Philippines, a Joint Communiqué was issued by Philippine President Ferdinand E. Marcos and U.S. President Gerald R. Ford. The Joint Communiqué stated, *inter alia*, as follows:

"They agreed that negotiations on the subject of United States use of Philippine military bases should be conducted in the clear recognition of Philippine sovereignty. The two Presidents agreed that there should be an early review of the steps necessary to conclude the negotiations through the two panels already organized for that purpose."

Also, on May 4, 1978, at the conclusion of U.S. Vice President Walter F. Mondale's official visit to the Philippines, a Joint Statement was issued by Philippine President Ferdinand E. Marcos and U.S. Vice President Walter F. Mondale, in which it was agreed that representatives of their Governments would negotiate amendments to the Military Bases Agreement reflecting certain principles.

Copies of the Joint Communiqué of December 7, 1975, and of the Joint Statement of May 4, 1978, are appended hereto for reference.

Representatives of our Governments have since met and agreed on modification to the Philippine-United States Military Bases Agreement of 1947, as previously amended.<sup>1</sup> Our representatives have agreed that:

1. The bases subject of the Agreement are Philippine military bases over which Philippine sovereignty extends;

<sup>1</sup> United Nations, *Treaty Series*, vol. 43, p. 271; for subsequent actions, see references in Cumulative Indexes Nos. 1 to 4, 8, 9 and 12, as well as annex A in volume 851.

<sup>2</sup> Came into force on 7 January 1979, in accordance with the provisions of the said notes.

2. Each base shall be under the command of a Philippine base commander; and
3. The United States shall have the use of certain facilities and areas within the bases and shall have effective command and control over such facilities and over United States personnel, employees, equipment and material. Consistent with its rights and obligations under the 1947 Agreement, as amended, the United States shall be assured unhampered military operations involving its forces in the Philippines.

In implementation of the above, the two Governments have agreed on the attached implementing arrangements with annexes and accompanying maps.

They have further agreed that:

1. Only the Philippine flag shall be flown singly at the bases. The United States flag, together with the Philippine flag which shall at all times occupy the place of honor, may be displayed within buildings and other indoor sites at the United States facilities, and in front of the headquarters of the United States Commanders and, upon coordination with the Philippine Base Commanders, for appropriate outdoor ceremonies such as military honors and parades on the facilities.
2. Development of base lands subsequent to this Agreement, for other than military purposes, shall be accomplished in such a manner as to ensure that Philippine and United States military operations will remain unhampered and effective security of the bases will be maintained. The parties shall see to it that any such development will not limit the use of the facilities or in any way obstruct military operations, the safety of flight, navigation or the efficiency of communication or transportation.
3. The provisions of the Military Bases Agreement of 1947, as previously amended, regarding grant and definition of bases, as set forth in article I, article XXVI and annexes A and B of such Agreement are hereby superseded.
4. In every fifth anniversary year from the date of this modification and until the termination of the Military Bases Agreement there shall be begun and completed a complete and thorough review and reassessment of the Agreement including its objectives, its provisions, its duration, and the manner of implementation to assure that the Agreement continues to serve the mutual interest of both parties.

The two parties take note of the economic and social conditions in the areas surrounding the bases and express their joint interest in developing programs designed to upgrade them.

The two parties also take note of the decision by the Government of the Philippines to assume responsibility for perimeter security at the bases. This should significantly decrease contacts between Filipino civilians and American servicemen on official duty involving security. The parties also note the decision of the United States to retain accused personnel in the Philippines for a reasonable time, and to prevent their inadvertent departure, in order to provide opportunities for adequate discussions between the two Governments relating to the jurisdictional question in official duty cases.

If the foregoing is acceptable to the Government of the Philippines, I have the honor to propose that this Note and Your Note in reply confirming acceptance constitute an agreement between our Governments.

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

RICHARD W. MURPHY

His Excellency Carlos P. Romulo  
Minister for Foreign Affairs  
Manila

## JOINT COMMUNIQUÉ OF PRESIDENT MARCOS AND PRESIDENT FORD

December 7, 1975

During the visit of President and Mrs. Gerald R. Ford at the invitation of President and Mrs. Ferdinand E. Marcos, the two Presidents welcomed the opportunity to renew the bonds of friendship between their two nations and to review the status of their alliance in the light of changing circumstances in the Pacific region.

They affirmed that sovereign equality, territorial integrity and political independence of all states are fundamental principles which both countries scrupulously respect.

They confirmed the mutual respect for the dignity of each nation which characterizes their friendship as well as the alliance between their two countries.

The two Presidents discussed the measures which they agreed were desirable to enhance their relations, and to adjust them to current conditions and needs.

In the field of economic and commercial relations, they agreed that it was timely to conclude negotiations on a new agreement on trade, investment and related matters as a means to enhance economic cooperation between the two countries. This agreement would modernize the terms for conducting economic and commercial relations, taking account of the end of the Laurel-Langley agreement and giving due consideration to the requirements for the development of the Philippine economy. The Philippines stressed their desire regarding United States tariff treatment for such significant Philippine products as mahogany and coconut oil.

In the field of security cooperation, they declared that the alliance between the United States and the Philippines is not directed against any country, but is intended to preserve the independence and promote the welfare of their two peoples, while at the same time contributing to peace and progress to all. They considered that the treaty of August 30, 1951,<sup>1</sup> enhanced the defense of both countries, strengthened the security of the Pacific region, and contributed to the maintenance of world peace. They agreed that the military bases used by the U.S. in the Philippines remain important in maintaining an effective United States presence in the Western Pacific in support of these mutual objectives.

They agreed that negotiations on the subject of United States use of Philippine military bases should be conducted in the clear recognition of Philippine sovereignty. The two Presidents agreed that there should be an early review of the steps necessary to conclude the negotiations through the two panels already organized for that purpose.

President Marcos explained his efforts to attain military self-reliance and his policy not to allow the introduction of foreign ground troops into the Philippines for its defense except as a last resort. President Ford expressed support for these realistic policies and to this end indicated that the United States intended to continue to provide assistance to the Philippines within the framework of available resources.

The two Presidents reaffirmed their commitment to continue close association on all matters of mutual concern. They concluded that the ties between the Philippines and the U.S. remain strong and mutually beneficial.

President Ford thanked President Marcos for the magnificent hospitality extended to him and Mrs. Ford. President Marcos accepted President Ford's invitation to make a return visit to the United States at a mutually convenient time.

## JOINT STATEMENT OF PRESIDENT MARCOS AND VICE PRESIDENT MONDALE

May 4, 1978

President Marcos and Vice President Mondale discussed matters pertaining to the military bases in the Philippines. In this regard, they agreed that United States continued use of the Philippine

<sup>1</sup> See: "Mutual Defense Treaty" in United Nations, *Treaty Series*, vol. 177, p. 133.

bases contributes to the mutual benefit of both countries. They agreed on the need to conclude negotiations on amendments to the Military Bases Agreement that would allow United States continued use of Philippine military bases on terms fully consistent with Philippine sovereignty.

In this regard, they agreed that representatives of their Governments will negotiate amendments to the Military Bases Agreement reflecting, among others, the following principles:

1. The United States reaffirms that Philippine sovereignty extends over the bases.
2. Each base shall be under the command of a Philippine Base Commander.
3. The United States shall be assured effective command and control over United States personnel, employees, equipment, material, the facilities authorized for their use within the military bases, and unhampered military operations involving their own forces as provided for in this Agreement.
4. In every fifth anniversary year from the date of the amendments and until the termination of the Agreement, there shall be begun and completed a complete and thorough review and reassessment of the agreement, including its objectives, its provisions, its duration, and the manner of implementation to ensure that the Agreement continues to serve the mutual interest of both parties.

In order to expedite the conclusion of such amendments, the two sides will designate representatives to develop means of giving concrete manifestations to these principles.

#### ARRANGEMENTS REGARDING DELINEATION OF UNITED STATES FACILITIES AT CLARK AIR BASE AND SUBIC NAVAL BASE; POWERS AND RESPONSIBILITIES OF THE PHILIPPINE BASE COMMANDERS AND RELATED POWERS AND RESPONSIBILITIES OF THE UNITED STATES FACILITY COMMANDERS; AND THE TABONES TRAINING COMPLEX

The Governments of the Republic of the Philippines and the United States of America have, with respect to the above-mentioned issues relative to the Philippines-United States Military Bases Agreement of 1947, as previously amended, this date agreed to the following:

I. The boundaries of the Philippine military bases known as Clark Air Base and Subic Naval Base and their extensions, as well as the boundaries of the United States Facilities therein, their extensions and depicted areas, and the special arrangements for the use thereof by Philippine and United States forces are contained in annexes I and II hereto. The boundary lines represented on the maps and charts attached<sup>1</sup> to the annexes are symbolic, and joint surveys to be conducted by representatives of the Philippine-United States Mutual Defense Board are required to delineate precise boundaries.

II. The powers and responsibilities of Philippine Base Commanders (hereinafter referred to as Base Commanders) and the related powers and responsibilities of United States Facility Commanders (hereinafter referred to as United States Commanders), in addition to those contained in annexes I and II hereto, are set forth in annex III hereto. In the performance of their duties, the Base Commanders and the United States Commanders shall be guided by full respect for Philippine sovereignty on the one hand and the assurance of unhampered United States military operations on the other.

III. The Philippines and the United States, with respect to the United States Facilities, shall have the rights granted to each in relation to what heretofore were known as "United States bases" under the provisions of the Military Bases Agreement of 1947, as previously amended (other than article I, article XXVI and annexes A and B thereof) and as modified this date.

IV. The boundaries of the Tabones Training Complex and the special operating arrangements for its use by Philippine and United States forces, pursuant to the Exchange of Notes of De-

<sup>1</sup> See insert in a pocket at the end of this volume.

ember 22, 1965, between the Governments of the Republic of the Philippines and the United States of America,<sup>1</sup> are contained in annex IV.

V. The Philippine Government assures that United States forces access to, egress from, and movement between United States Facilities, depicted areas, other areas of the Philippine military bases which are made available for use by United States forces in this Agreement and related agreements, and the Tabones Training Complex shall be unimpeded.

## ANNEX I

### CLARK AIR BASE

#### A. *General*

The boundaries of the Philippine military base known as Clark Air Base and the United States Facility therein consisting of Clark Air Base Proper, the United States Air Force Transmitter site at O'Donnell and the United States Navy Transmitter site at Capas are portrayed on the map attached<sup>2</sup> at Tab one. The State Department Regional Radio Relay Facilities located at Clark Air Base Proper and at O'Donnell, as reflected in green on the map attached at Tab one, will be addressed as appropriate through separate Government-to-Government action.

#### B. *Delineation of the United States Facility and its extension*

##### 1. Clark Proper Land Delimitation.

a. The map attached at Tab two portrays the United States Facility boundary in that portion of the base commonly referred to as Clark Air Base Proper.

b. The map also reflects the following agreed construction constraints/access rights applicable to the base land area on the east side of Clark Air Base Proper:

- (1) Existing utilities/service lines and microwave sighting lines to remain clear and unimpeded.
- (2) No building zone.
- (3) Restrictions pertaining to occupied buildings and to structures taller than 50 feet or 80 feet.
- (4) Overhead power line restrictions.
- (5) Assured United States access to/from MacArthur Highway via the Mitchell Highway.

##### 2. Wallace Air Station

a. Wallace Air Station shall be an extension of Clark Air Base and shall be under the command of the Base Commander of Clark Air Base.

b. The United States Facility within Wallace Air Station shall be an extension of the United States Facility at Clark Air Base and shall be under the command of the United States Commander of the United States Facility at Clark Air Base.

c. The map attached at Tab three portrays the boundaries of the base extension and of the United States Facility therein.

d. Both Philippine and United States units shall be based within the United States Facility at Wallace Air Station. Philippine structures and equipment at Wallace shall be under the control of the Base Commander of Clark Air Base. The Philippine Government missions and personnel based at Wallace will be controlled by their designated organizations. United States operations, personnel, structures and equipment at Wallace will be under the command and control of the United States Commander of the United States Facility at Clark Air Base. There shall be joint utilization of the Wallace radar as agreed to by the Base Commander and the United States

<sup>1</sup> United Nations, *Treaty Series*, vol. 649, p. 306.

<sup>2</sup> See insert in a pocket at the end of this volume.

Commander. The existing United States structures and equipment at Wallace, which are jointly operated with the Philippine Air Force, shall be maintained and, as appropriate, improved by the United States Commander.

*e.* In case of a Philippine national emergency and loss of the Primary Philippine Air Defense Control Center (ADCC), the Philippine Air Force, in accordance with mutually agreed procedures, may assume control of the ADCC function at Wallace.

*f.* The Base Commander shall be responsible for providing perimeter security of the air station. The United States Commander shall be responsible for security of the facility extension.

*g.* The Voice of America Installation (reflected in green on the map attached at Tab three) will be addressed as appropriate through separate Government-to-Government action.

### *C. Special Operating Arrangements*

#### 1. Crow Valley Weapons Range

The Base Commander shall administer the Crow Valley Weapons Range which is reserved for joint use of Philippine and United States forces. The United States activities within the range shall be limited to those appropriate to the operation, maintenance, improvement and security of the range. The United States Commander shall operate, maintain, improve and secure the Crow Valley Weapons Range and associated United States equipment/installations within and without the range, reflected on the map attached at Tab four, including but not limited to the target areas, runway, fixed operating locations and mobile site locations, and provide weather and explosive ordnance disposal services. The scheduling of the range shall be the responsibility of the United States Commander. In this connection, the United States Commander shall coordinate closely with the Base Commander to insure, to the maximum extent possible, that the training requirements of Philippine and United States forces are satisfied. The utilization of the range shall be reported monthly to the Base Commander.

#### 2. John Hay Air Station

*a.* John Hay Air Station shall be an extension of Clark Air Base and shall be under the command of the Base Commander of Clark Air Base. The map attached at Tab five portrays the boundaries of the base extension.

*b.* A portion of John Hay Air Station, as depicted on the map attached at Tab five, shall be reserved for the use of United States forces primarily as a rest and recreation center and shall be under the command and control of the United States Commander of the United States Facility at Clark Air Base, who shall be responsible for the security of the Depicted Area.

*c.* Armed Forces of the Philippines personnel, in addition to United States personnel, may use United States recreational, lodging and dining activities within the Depicted Area. Other personnel, as appropriate, may use United States recreational and dining activities therein. Such uses will be in accordance with procedures to be agreed upon by the Base Commander and United States Commander.

*d.* The United States Commander of the United States Facility at Clark Air Base is also assured the right to use, control, maintain, and improve as appropriate the existing hydroelectric power production and transmission equipment located outside the Depicted Area but within John Hay Air Station. Any major improvement thereof, however, shall be subject to agreement of the Base Commander and United States Commander.

*e.* The Philippines and the United States are authorized, with respect to the Depicted Area, to exercise the rights granted to each in relation to what were heretofore known as "United States bases" under the provisions of the Military Bases Agreement of 1947, as previously amended (other than article I, article XXVI and annexes A and B thereof) and as modified this date.

*f.* The Voice of America installation, as reflected in green on the map attached at Tab five, will be addressed, as appropriate, through separate Government-to-Government action.

## ANNEX II

## SUBIC NAVAL BASE

A. *General*

The boundaries of the Philippine Military Base known as Subic Naval Base and the United States Facility therein are portrayed on the map attached at Tab one.

B. *Delineation of United States Facility and Its Extension*

## 1. Industrial Area

a. The boundary of a portion of the United States Facility commonly referred to as the Industrial Area is shown in greater detail on the map attached at Tab two.

b. United States forces shall be authorized to use jointly with Philippine forces the existing buildings in the vicinity of the Main Gate, such as the Armed Forces Police Headquarters, the Pass Office, and the Main Gate Guard House, in accordance with procedures to be mutually agreed upon between the Base Commander and the United States Commander.

c. United States recreational areas/structures, Zumwalt Housing, and the MARS building, which are located outside of the United States Facility, will be relocated within the United States Facility. They will remain available for use by United States forces at their present location until so relocated. Relocation will be accomplished as the land sites are required for improvement by the Base Commander and in accordance with a phased schedule to be agreed upon by the Base Commander and the United States Commander.

d. Arrangements for the continued operation of transportation and banking services for Philippine and United States personnel in the Main Gate area shall be worked out by the Base Commander and the United States Commander.

## 2. Kalayaan Housing Area

The map attached at Tab three portrays in greater detail the boundary of that portion of the United States Facility commonly referred to as the Kalayaan Housing Area.

## 3. San Miguel Naval Communication Station

a. San Miguel Naval Communications Station shall be an extension of Subic Naval Base and shall be under the command of the Base Commander. The United States Facility within the station shall be under the command of the United States Commander of the United States Facility at Subic Naval Base. The map attached at Tab four portrays the boundaries of the station and of United States Facility therein.

b. Activities within the station, including construction, shall be limited to those which do not interfere with United States communications.

C. *Special Operating Arrangements*

## 1. Subic Bay Waters

a. The Base Commander shall administer and control Subic Bay waters.

b. The Philippine Government assures unimpeded access to, egress from, movement within, and operational use of the waters of Subic Bay by United States Government vessels and vessels chartered or engaged wholly or partially by or on behalf of the United States. The Philippine Government also assures United States use of those anchorages depicted on the chart attached at Tab five, which are reserved for military use. The Base Commander and United States Commander shall develop and promulgate agreed policies and procedures to carry out these assurances and to provide for appropriate use of the Depicted Reserved Waters (as identified in paragraph *c* below) by vessels of the Philippine Navy.

c. A portion of Subic Bay waters as depicted on the chart attached at Tab five shall be reserved for United States forces' use, for appropriate use by vessels of the Philippine Navy, and

for such other uses as may be agreed upon by the Base Commander and the United States Commander. Within the Depicted Reserved Waters, the United States Commander is authorized to control movement and operation of ships and waterborne craft, to assign priorities of anchorages, berths and moorings, and to perform such other activities as may be appropriate for efficient and safe navigation and unhampered operation of United States forces.

*d.* The Base Commander shall be responsible for the security of the Subic Bay waters outside of the Depicted Reserved Waters. The United States Commander shall be responsible for the security of the Depicted Reserved Waters. Participation by Armed Forces of the Philippines personnel in the security activities of United States forces and by United States forces' personnel in the security activities of the Armed Forces of the Philippines shall be provided for in that portion of the agreed security plan relating to Subic Bay waters.

*e.* The United States Commander is authorized to maintain the channels within Subic Bay and to operate, maintain and improve United States navigational aids within Subic Naval Base. The channels outside the Depicted Reserved Waters are delineated on the chart attached at Tab five.

*f.* The Base Commander shall exercise port control except in the Depicted Reserved Waters, the port control of which shall be exercised by the United States Commander. The Base Commander and the United States Commander shall closely coordinate and the port control office shall be jointly manned in order to ensure that relevant policies and procedures are implemented effectively at the working level.

## 2. Grande Island

The Base Commander shall administer Grande Island (including Chiquita Island) which is reserved for military use. The United States Commander is authorized to operate, maintain, improve and secure United States existing operational and recreational equipment, structures and improvements and sales outlets, pursuant to article XVIII of the Military Bases Agreement, on the island. Activities within Grande Island, including construction, shall be limited to those which do not interfere with United States operational and recreational activities on the island. In addition to United States personnel, Armed Forces of the Philippines personnel posted in Subic Bay and such other personnel of the Armed Forces of the Philippines as may be agreed upon by the Base Commander and the United States Commander may use United States recreational activities on Grande Island. Such use by Armed Forces of the Philippines personnel will be in accordance with procedures to be agreed upon by the Base Commander and the United States Commander. The agreed security plan shall provide for joint security on the island.

## 3. Subic Watershed

*a.* The Base Commander shall administer the Subic Watershed as depicted on the map attached at Tab six. The Depicted Watershed Area shall be reserved for the water needs of the base and for such other uses as may be agreed by the Base Commander and United States Commander, and its forest resources shall be protected and preserved in conformity with the provisions set forth below.

*b.* The Base Commander and United States Commander shall agree upon a Joint Forest Resources Management Program for the Depicted Watershed Area. The program shall include, *inter alia*, provisions for preservation and protection of existing forest resources. The United States Commander is authorized to carry out the agreed Joint Forest Resources Management Program.

*c.* The Base Commander shall be responsible for security external to the Depicted Watershed Area. The United States Commander shall be responsible for the internal security of the Depicted Watershed Area. The security activities of Philippine and United States forces in fulfillment of these respective responsibilities shall be carried out in accordance with the agreed security plan for the Subic Naval Base which shall provide for participation by personnel of the Armed Forces of the Philippines in the security activities of United States forces within the Depicted Watershed Area.



*d.* United States and Philippine forces are authorized to conduct troop training within the Depicted Watershed Area. United States forces are also authorized to conduct troop training within the Jad-Jad Watershed Area. Troop training within the Depicted Watershed Area and the Jad-Jad Watershed Area shall be conducted in a manner that will not harm the watersheds and their forest resources nor interfere with the conduct of the Joint Forest Resources Management Program.

*e.* The scheduling of troop training within the Depicted Watershed Area shall be the authorized function of the United States Commander. In this connection, the United States Commander shall coordinate closely with the Base Commander to insure, to the maximum extent possible, that the training requirements of Philippine and United States forces are satisfied. The actual utilization of the Depicted Area for troop training shall be reported monthly to the Base Commander by the United States Commander. The scheduling of troop training within the Jad-Jad Watershed Area shall be the function of the Base Commander who shall coordinate closely with the United States Commander to insure, to the maximum extent possible, that the training requirements of Philippine and United States forces are satisfied.

*f.* Activities within the Depicted Watershed Area shall be limited to those appropriate to the maintenance, improvement, protection and security of the watershed and its forest resources and the conduct of troop training therein.

#### 4. Zambales Amphibious Training Area

*a.* The Base Commander shall administer the Zambales Amphibious Training Area, as portrayed on the map attached at Tab seven, which is reserved for military training use of Philippine and United States forces.

*b.* The Base Commander shall ensure the continuous availability of the Amphibious Training Area for the use of Philippine and United States forces. The scheduling of the Training Area shall be the responsibility of the United States Commander. In this connection, the United States Commander shall coordinate closely with the Base Commander to insure, to the maximum extent possible, that the training requirements of Philippine and United States forces are satisfied. The actual utilization of the Training Area shall be reported monthly to the Base Commander by the United States Commander.

*c.* The Base Commander shall be responsible for the overall security of the Training Area. The agreed security plan shall provide for joint security of the Training Area when Philippine and United States forces are conducting joint training or when United States Forces alone are using it.

*d.* The Base Commander and the United States Commander shall develop and promulgate agreed rules and procedures with respect to the utilization, safety, maintenance, and improvement of the Training Area.

*e.* Activities within the Training Area shall be limited to those appropriate to the utilization, safety, maintenance, improvement and security of the Training Area and to the conduct of military training therein.

### ANNEX III

#### POWERS AND RESPONSIBILITIES OF THE BASE COMMANDERS AND THE RELATED POWERS AND RESPONSIBILITIES OF THE UNITED STATES COMMANDERS

1. The bases covered by this Agreement are Philippine military bases and shall be under the command of Philippine Base Commanders.

2. The United States Commanders shall exercise command and control over the United States Facility, over United States military personnel, over civilian personnel in the employ of the United States forces, over United States equipment and material, and over military operations involving United States forces.

3. In the performance of their duties, the Base Commanders and United States Commanders shall be guided by full respect for Philippine sovereignty on the one hand and the assurance of

unhindered United States military operations on the other. They shall maintain close contact and coordination to ensure that the activities of the Philippine and the United States forces within the bases are conducted in a manner consistent with the provisions of this Agreement. They shall promote cooperation, understanding and harmonious relations within the base and with the general public in the proximate vicinity thereof.

4. The Base Commanders shall formulate and issue plans, policies and implementing directives concerning security, administration, maintenance of order and related matters applicable throughout the base. However, on matters affecting the United States Facility, United States military personnel, civilian personnel in the employ of United States forces, dependents of those personnel, operations of United States forces, or United States equipment or material, such plans, policies and implementing directives shall be agreed upon with the United States Commanders. The United States Commanders shall likewise issue such plans, policies and implementing directives to United States forces, to civilian personnel in the employ of United States forces, and to dependents of those personnel.

5. The Base Commanders and the United States Commanders shall create such instrumentalities as may be necessary to assist them in the formulation and coordination of such agreed plans, policies and implementing directives mentioned in paragraph 4 above.

6. The Base Commanders shall be responsible for the overall security of the base; however, the United States Commanders shall be responsible for the security of the United States Facility and certain depicted areas as provided for in this Agreement. The Base Commanders shall be responsible for control of base gates in accordance with mutually agreed rules and procedures. The United States Commanders shall participate in the security activities at the base gates and may provide security personnel to assist in the conduct of such security activities in accordance with mutually agreed rules and procedures. The United States Commanders may participate in security activities within the base but outside the United States Facility and off the base in accordance with mutually agreed procedures. The Base Commanders and United States Commanders shall contribute security forces to carry out the agreed security plan.

7. Except as otherwise provided, to the extent that a matter or issue concerns dealings by or with Philippine authorities relating to the responsibility of the Philippines with respect to the administration, security, operations and control of the base, the Base Commanders or their duly designated representative shall be the initial point of contact. The United States Commanders or their duly designated representative shall be the initial point of contact on matters or issues relating to United States forces, United States military personnel, civilian personnel in the employ of United States forces, or dependents of those personnel, and on matters or issues relating to the United States Facility or United States equipment or material.

8. The Base Commander of Clark Air Base shall station a Liaison Officer at Clark Radar Approach Control and shall designate a representative who shall have free access to the Clark Air Base Control Tower. The Base Commanders of Clark Air Base and Subic Naval Base shall each station a representative at the respective Base Operations Offices of the United States Facility at Clark Air Base and Subic Naval Base.

9. The Base Commanders shall coordinate the activities of officials of the Philippine civil agencies performing functions at the base or at the United States Facility. Appropriate administrative arrangements for these officials at the United States Facility shall be agreed upon between the Base Commanders and the United States Commanders.

10. The Base Commander and United States Commander shall undertake engineering consultations on any major construction or major alteration which results in substantial changes to existing construction within the bases and shall see to it that such construction or alteration will not hamper the operations of Philippine or United States forces.

11. An inventory listing of buildings and other permanent constructions within the United States Facility will be provided by the United States Commanders to the Base Commanders. This inventory listing will be jointly reviewed on an annual basis to ensure its accuracy.

12. The Base Commanders and the United States Commanders shall cooperate in the prevention and control of drug abuse and trafficking in dangerous drugs and other contraband within the base.

#### ANNEX IV

##### TABONES TRAINING COMPLEX

1. The Tabones Training Complex shall continue to be made available to United States forces on a combined use basis pursuant to the agreement effected by exchange of notes of December 22, 1965, and existing operating procedures established through the Mutual Defense Board.

2. The Tabones Training Complex, also referred to as the Nazasa Bay-Tabones Island impact area plus the Southwest Zambales-Troop Training Area, as depicted on the map attached at the Tab, is not part of the Subic Naval Base but is reserved for military training of Philippine and United States forces. The Training Complex specifically consists of the Tabones Islet Target Area, Los Frailes Target Area, Leon Creek Naval Gunfire Range, Wild Horse Creek Close Air Support Range, and the Southwest Zambales-Troop Training Area.

3. The scheduling of the use of the various training areas within the Training Complex shall be the joint function of the Base Commander and United States Commander in accordance with the following procedures: The Base Commander shall, in addition to his other functions, perform the functions which were previously assigned to the Philippine Military Liaison Officer, Subic, with respect to the Training Complex. The Base Commander shall ensure the continuous availability of the various training areas within the Training Complex for the use of Philippine and United States forces. The Base Commander shall, upon the request of the United States Commander, affirm the availability of the training areas on a quarterly basis to the United States Commander and shall advise the United States Commander of the training requirements of the Armed Forces of the Philippines for that quarter. The United States Commander is authorized to accomplish the detailed scheduling of the use of the training areas, including the requirements of the Armed Forces of the Philippines. The actual utilization of those areas shall be reported monthly to the Base Commander by the United States Commander.

4. The Base Commander and the United States Commander shall cooperate closely to ensure the safe and efficient use of the Training Complex. Any change to existing operating procedures for the use of the Training Complex shall be accomplished through the Mutual Defense Board.

## II

*The Philippine Minister for Foreign Affairs to the American Ambassador*

7 January 1979

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of January 7, 1979, which reads as follows:

[See note I]

I am pleased to inform Your Excellency that the understandings contained in the above-quoted Note are acceptable to my Government, and that Your Excellency's Note above quoted and this

reply thereto shall constitute an agreement between our two Governments effective January 7, 1979.

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

CARLOS P. ROMULO  
Minister for Foreign Affairs

His Excellency Richard W. Murphy  
Ambassador of the United States  
Manila

## RELATED NOTES AND LETTERS

### I

January 4, 1979

Dear Mr. President:

I was pleased to learn that our negotiators have reached agreement on an amendment to the 1947 Military Bases Agreement.

In light of this development, I wish to state that the Executive Branch of the United States Government will, during the next five fiscal years, make its best effort to obtain appropriations for the Philippines of the following amounts of security assistance:

	<i>Million</i>
Military Assistance . . . . .	\$50
Foreign Military Sales Credits . . . . .	\$250
Security Supporting Assistance . . . . .	\$200

In addition, the United States will give prompt and sympathetic consideration to requests for specific items of military equipment to be provided under these programs, and to requests for the sale of other military equipment which your Government may wish to purchase through U.S. Government or commercial channels, consistent with the world-wide policies of this Government with respect to the transfer of conventional arms.

In closing, let me state once again that I appreciate your personal efforts in bringing these negotiations to a successful conclusion. I believe that the amendment to which our two Governments have now agreed will strengthen the security not only of the Philippines and the United States but also of the entire western Pacific region.

Sincerely,

*[Signed]*  
JIMMY CARTER

His Excellency Ferdinand E. Marcos  
President of the Republic of the Philippines  
Malacanan  
Manila

### II

January 6, 1979

Dear General Romulo:

I was delighted to learn that negotiators for our two Governments have reached agreement on a comprehensive amendment to the Military Bases Agreement. I believe much significance will be

attached to this Amendment, which places our use of facilities in the Republic of the Philippines on a new and long-term basis that fully recognizes Philippine sovereignty over the bases. It will be symbolic in Asia, as well as in our two countries, of the importance which the United States attaches to continued close relations with the Philippines. It provides tangible assurance of the strong desire of the United States for close cooperation with its friends and allies.

I should like to reaffirm our obligation under article IV of the Mutual Defense Treaty to act to meet the common dangers in accordance with our constitutional processes in the event of an armed attack in the Pacific area on the Republic of the Philippines. I also reaffirm our obligations under article III of this treaty, which provides for consultations between our two Governments regarding the implementation of this treaty and whenever in the opinion of either party the territorial integrity, political independence or security of either of the parties is threatened by external armed attack in the Pacific. This assures that either party will be able to consult the other on any matter which it believes falls within this article.

Article V of the Mutual Defense Treaty states that, for the purposes of article IV, an armed attack on either of the parties is deemed to include an armed attack on the metropolitan territory of either of the parties or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific. All elements of this definition are of equal validity in terms of US commitment under the treaty. Metropolitan territory is defined below. However, as provided in article V, an attack on Philippine armed forces, public vessels or aircraft in the Pacific would not have to occur within the metropolitan territory of the Philippines or island territories under its jurisdiction in the Pacific in order to come within the definition of Pacific area in article V.

“Metropolitan territory of the Philippines” means all of the land areas and all adjacent waters subject to the sovereignty of the Republic of the Philippines, in accordance with international law, lying within the area delineated by Spain and the United States in the Treaty of Paris of December 10, 1898,<sup>1</sup> and in the Treaty of Washington of November 7, 1900,<sup>2</sup> and subsequently amended in the Treaty concluded by the United States and Great Britain on January 2, 1930.<sup>3</sup>

At the same time, the United States will support Philippine plans and efforts to achieve military self-reliance, within the guidelines of President Carter's letter. We will support those efforts by means of our security assistance programs, including the important training component. We remain receptive to discussing new ideas or concepts that might improve the capability and self-reliance of Philippine armed forces and enhance our mutual contribution to regional peace and stability.

The provisions regarding criminal jurisdiction for United States forces in the Philippines incorporate the substance of comparable arrangements applicable to United States forces in member countries of the North Atlantic Treaty<sup>4</sup> Organization and in Japan. Moreover, in those cases where official duty is at issue between the United States and Philippine Governments, United States forces have developed procedures to retain accused personnel in the Philippines for a reasonable time, and to prevent their inadvertent departure, in order to provide opportunities for discussions between the two governments relating to the jurisdictional question. I welcome the assumption by Philippine forces of responsibility for perimeter security at the bases. These new arrangements should contribute greatly to easing the problems of criminal jurisdiction.

With respect to base lands outside the United States facilities and the surrounding areas, the United States Government is ready to consider the question of economic assistance and other United States Government programs for suitable projects as well as projects that might appropriately be undertaken by private enterprise. The United States Government stands ready, for example, to

<sup>1</sup> Charles I. Bevans, *Treaties and Other International Agreements of the United States of America 1776-1949* (Department of State Publication 8728, 1974), vol. 11, p. 615.

<sup>2</sup> De Martens, *Nouveau Recueil général de Traités, deuxième série*, tome XXXII, p. 82.

<sup>3</sup> League of Nations, *Treaty Series*, vol. CXXXVII, p. 297.

<sup>4</sup> See “North Atlantic Treaty, signed at Washington on 4 April 1949” in United Nations, *Treaty Series*, vol. 34, p. 243.

work with the Philippine Government to determine what could be done to help small-farmer agriculture provide more food of the type and quality which the U.S. facilities, along with other buyers, might purchase. In addition, the United States Government is prepared to consider appropriate assistance, subject to the approval of the Congress, for improving economic and social conditions in Angeles City and Olongapo City and surrounding areas and to relate these U.S. efforts to Philippine Government plans for utilization of returned base land areas.

In the negotiations leading to the present Amendment, a number of questions have arisen regarding the Mutual Defense Treaty and the proposal to conduct a review of the Military Bases Agreement five years after the entry into force of the present Amendment. I should like to set forth the positions of the United States Government with respect to those questions as follows:

In the context of the Mutual Defense Treaty, we would define "aggression" as external armed attack. The provisions of the Mutual Defense Treaty most relevant are articles IV and V. Article IV provides that "each party recognizes that an armed attack in the Pacific area on either of the parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes." Article V provides that "an armed attack" is deemed to include "an armed attack on the metropolitan territory of either of the parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific." An external attack on any part of the metropolitan Philippines would make the Treaty applicable and would, accordingly, obligate the United States to "act to meet the common dangers in accordance with its constitutional processes."

The reference in the Treaty to "constitutional processes" serves to make clear that the Treaty could not, and was not intended to, alter those processes for either party. In the case of the United States, the powers of the President under our Constitution as Chief Executive and Commander-in-Chief are extensive and remain unimpaired by the Treaty. It should be noted that the War Powers Resolution provides that it is not intended "to alter the Constitutional authority of the Congress or of the President, or the provisions of existing treaties."

Mutuality in our relationship shapes the United States approach to all issues between the United States and the Philippines. The Mutual Defense Treaty is the most explicit statement of this mutuality. The Mutual Defense Treaty has force and effect independent of the Military Bases Agreement. In fact, the Mutual Defense Treaty, which entered into force four years after the Military Bases Agreement, states in its preamble that ". . . nothing in this present instrument shall be considered or interpreted as in any way or sense altering or diminishing any existing Agreements or understandings between the United States of America and the Republic of the Philippines." The Mutual Defense Treaty and the Military Bases Agreement have their own separate provisions for termination.

By "review" of the Military Bases Agreement after five years, we mean a complete and thorough process which would address any outstanding issues between our governments regarding the Military Bases Agreement, including its provisions, its duration, and the manner of its implementation, to assure that the Agreement continues to serve the mutual interests of both parties.

In closing, let me say that I deeply appreciate the vital role you have played in bringing these significant talks to a successful conclusion.

In this new year, I look forward to a continuation of the cooperation which has so long marked relations between our two countries and our personal relationship.

Sincerely,

[Signed]  
CYRUS VANCE

His Excellency Carlos P. Romulo  
Minister of Foreign Affairs of the Philippines  
Manila

## III a

Manila, January 7, 1979

No. 8

Excellency:

I have the honor to refer to the Exchange of Notes and Implementing Arrangements concluded today between our Governments regarding modification of the Philippines-United States Military Bases Agreement of 1947, as previously amended.

The United States proposes that subject to the Military Bases Agreement of 1947, as previously amended and as modified this date, the special arrangements regarding the sites and activities listed below remain in effect, on the same terms and conditions which have heretofore been applicable to them:

- A. The pipeline from Subic Bay Naval Base to Clark Air Base.
- B. The seismic research site within the Philippine Air Station of Del Monte, in Bukidnon Province.
- C. The communications site within the Philippine Army installation at Mt. Cabuyao, in Benguet Province.
- D. Those other sites or activities presently the subject of agreement between the parties, which have not been referred to in the Military Bases Agreement of 1947, as previously amended and as modified on this date, or listed herein.

If the foregoing is acceptable to the Government of the Philippines, I have the honor to propose that this Note and your Note in reply confirming acceptance constitute an Agreement between our Governments.

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

RICHARD W. MURPHY

His Excellency Carlos P. Romulo  
Minister for Foreign Affairs  
Manila

## III b

REPUBLIKA NG PILIPINAS  
KAGAWARAN NG SULIRANING PANLABAS  
MAYNILA<sup>1</sup>

7 January 1979

Excellency,

I have the honor to acknowledge receipt of your Excellency's Note of 7 January 1979 which reads as follows:

[See note III a]

I am pleased to inform Your Excellency that the foregoing proposal is acceptable to my Government, and that Your Excellency's Note above quoted and this reply thereto should constitute an agreement between our two Governments effective on this date.

<sup>1</sup> Republic of the Philippines, Department of Foreign Affairs, Manila.

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

CARLOS P. ROMULO  
Minister for Foreign Affairs

His Excellency Richard W. Murphy  
Ambassador of the United States of America  
Manila

IV a

Manila, January 7, 1979

No. 10

Excellency:

I have the honor to refer to the exchange of Notes and Implementing Arrangements concluded today between our Governments regarding modification of the Philippine-United States Military Bases Agreement of 1947, as previously amended, and to the Agreement between the Republic of the Philippines and the Government of the United States regarding Radio Broadcasting Facilities, dated May 6, 1963, and its amendments.<sup>1</sup>

My Government wishes to confirm the understanding arrived at between our two Governments that notwithstanding the aforementioned modification of the Philippine-United States Military Bases Agreement of 1947, the aforementioned Agreement of May 6, 1963, regarding Radio Broadcasting Facilities shall continue to be in full force and effect.

If the foregoing is acceptable to the Government of the Philippines, I have the honor to propose that this Note and your Note in reply indicating concurrence shall constitute an agreement between the two Governments concerning the aforementioned Radio Broadcasting Facilities effective on the date of your reply.

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

RICHARD W. MURPHY

His Excellency Carlos P. Romulo  
Minister for Foreign Affairs  
Manila

IV b

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FOREIGN AFFAIRS

7 January 1979

Excellency:

I have the honor to acknowledge the receipt of your Excellency's Note of January 7, 1979, which reads as follows:

[See note IV a]

I am pleased to inform Your Excellency that the understandings contained in the above-quoted Note are acceptable to my Government, and that Your Excellency's Note above-quoted and this

<sup>1</sup> United Nations, *Treaty Series*, vol. 477, p. 67, and vol. 595, pp. 368 and 374.



reply thereto shall constitute an agreement between our two Governments effective January 7, 1979.

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

CARLOS P. ROMULO  
Minister for Foreign Affairs

His Excellency Richard W. Murphy  
Ambassador of the United States of America  
Manila

V a

Manila, January 7, 1979

No. 11

Excellency:

I have the honor to refer to the exchange of Notes and implementing arrangements concluded today between our Governments regarding modification of the Philippine-United States Military Bases Agreement of 1947, as previously amended.

My Government wishes to confirm the understanding arrived at during the recent discussions that, noting the location of the Regional Relay Communications Facility within the military reservation known as the Clark Air Base which was previously a U.S. base; and recognizing the desirability of defining the precise status of the Regional Relay Communications Facility subsequent to the modification of the Military Bases Agreement; have agreed that the Regional Relay Communications Facility shall henceforth be a U.S. facility and subject to the authority and responsibility of the Embassy of the United States of America in the Philippines and that the facility and its personnel shall enjoy the rights and privileges of the Vienna Convention on Diplomatic Relations,<sup>1</sup> to which both our Governments are parties.

It is further understood that the United States Government may continue to utilize the Regional Relay Communications Facility, as depicted on the map attached to the implementing arrangements referred to above, as before.

Finally, it is understood that in every fifth anniversary year from the date of this exchange of Notes and until the termination of the Military Bases Agreement or such other termination date as may be agreed upon, there shall be begun and completed a complete and thorough review of this Agreement.

If the foregoing is agreeable to the Government of the Philippines, I have the honor to propose that this Note and your Note in reply indicating concurrence shall constitute an agreement between the two Governments concerning the aforementioned Regional Relay Communications Facility, effective on the date of your reply.

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

RICHARD W. MURPHY

His Excellency Carlos P. Romulo  
Minister for Foreign Affairs  
Manila

<sup>1</sup> United Nations, *Treaty Series*, vol. 500, p. 95.

V b

REPUBLIKA NG PILIPINAS  
KAGAWARAN NG SULIRANING PANLABAS  
MAYNILA<sup>1</sup>

January 7, 1979

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note of January 7, 1979, which reads as follows:

[See note V a]

I am pleased to inform Your Excellency that the understandings contained in the above-quoted Note are acceptable to my Government and that Your Excellency's Note above-quoted and this reply thereto shall constitute an agreement between our two Governments effective January 7, 1979.

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

CARLOS P. ROMULO  
Minister for Foreign Affairs

His Excellency Richard W. Murphy  
Ambassador of the United States of America  
Manila

VI

Manila, Philippines, January 7, 1979

Dear General Romulo:

In connection with the agreement effected by exchange of notes as of this date concerning the United States Regional Relay Communication Facility, please be advised that the United States Government assures that it shall expeditiously consider on a priority basis the pending request formally submitted to the Department of State for the establishment of direct communications between the Philippines and its Embassy in Washington, D.C., under terms consistent with United States laws.

Accordingly, the United States will be pleased to work with the Embassy of the Republic of the Philippines in Washington, D.C., or such Philippine Government officials as you may designate in an effort to meet such communication requirements of the Philippine Government.

With respect,

[Signed]  
RICHARD W. MURPHY  
Ambassador

His Excellency Carlos P. Romulo  
Minister for Foreign Affairs  
Manila

<sup>1</sup> Republic of the Philippines, Department of Foreign Affairs, Manila.

## VII

Manila, Philippines, January 7, 1979

Dear General Romulo:

In connection with the agreement reached today between our two Governments amending the Military Bases Agreement, I am pleased to confirm that the United States Government will take appropriate measures to ensure that there would be a smooth transition in the event that United States forces were to vacate any of the facilities which its forces use in the Philippines. The successful conclusion of our recent negotiations to amend the Military Bases Agreement ensures a continued United States military presence at these facilities under terms fully reflecting Philippine sovereignty. The United States Government anticipates that the close contact and coordination called for between the Philippine Base Commander and the United States Facility Commander in the amendment will result in a mutually beneficial exchange of management practices and techniques concerning base activities.

The United States Government shares your view that it would be desirable to have an agreed summary record of the negotiations which led to the present amendment. The United States Government is prepared to collaborate with representatives of the Philippine Government in developing such a record as soon as practicable. We will designate a representative or representatives to do so. We believe this process should not delay implementation of the present amendment.

Please accept, Excellency, my highest regards on this historic occasion.

Sincerely,

[Signed]  
RICHARD W. MURPHY  
Ambassador

His Excellency Carlos P. Romulo  
Minister for Foreign Affairs  
Manila

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