

No. 11248

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**UNITED STATES OF AMERICA  
and  
PHILIPPINES**

**Exchange of notes constituting an agreement regarding the installation of a submarine cable from Southern Taiwan, Republic of China, with a terminal facility at the United States Navy Communications Station, San Miguel, Zambales. Manila, 21 December 1970 and 6 January 1971**

*Authentic text: English.*

*Registered by the United States of America on 4 August 1971.*

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

**Échange de notes constituant un accord relatif à la mise en place d'un câble sous-marin qui partirait du sud de Taiwan (République de Chine) et dont l'installation terminale serait située à la station navale de transmissions de San Miguel (Zambales). Manille, 21 décembre 1970 et 6 janvier 1971**

*Texte authentique: anglais.*

*Enregistré par les États-Unis d'Amérique le 4 août 1971.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT <sup>1</sup>  
BETWEEN THE UNITED STATES OF AMERICA AND  
THE PHILIPPINES REGARDING THE INSTALLATION  
OF A SUBMARINE CABLE FROM SOUTHERN TAIWAN,  
REPUBLIC OF CHINA, WITH A TERMINAL FACILITY  
AT THE UNITED STATES NAVY COMMUNICATIONS  
STATION, SAN MIGUEL, ZAMBALES

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I

No. 798

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs of the Republic of the Philippines and has the honor to refer to Article III, sub-paragraphs 2(d) and 2(e) of the Philippines-United States Military Bases Agreement <sup>2</sup> setting forth the right of the United States to acquire rights of way for, and to construct, communications facilities including submarine and subterranean cables at United States bases, and to discussions which have taken place between representatives of our two Governments regarding the installation of a submarine cable from Southern Taiwan, Republic of China, with a terminal facility at the United States Navy Communications Station, San Miguel, Zambales, and to confirm the understandings reached as a result of these discussions as follows:

1. In its approach to the shore at San Miguel Communications Station, the cable will remain on or under the floor of the sea and will not interfere with fishing, navigation, or public access to the beach;
2. The cable communications system shall not be utilized for any private or commercial purpose, or for any purpose other than defense communications, without the prior approval of the Philippine Government;
3. In accordance with the spirit of Article XXV of the Philippine-United States Military Bases Agreement, the United States shall not transfer its rights and interests in the cable communications system to any third power or to any private person, entity or commercial concern without the prior consent of the Philippine Government;

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<sup>1</sup> Came into force on 6 January 1971, the date of the note in reply, in accordance with the provisions of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, vol. 43, p. 271.

4. The right of the United States to use the cable communications system shall be co-terminus with the Philippine-United States Military Bases Agreement, or any revision or replacement thereof, unless sooner terminated or extended by mutual agreement;

5. Upon termination of the United States' right to use the cable communications system, all rights and interests of the United States in the system shall, to the extent not covered in Article XVII of the Philippine-United States Military Bases Agreement, be the subject of talks between the two Governments.

If the foregoing is acceptable to the Government of the Republic of the Philippines, the Embassy proposes that this note and the Department's reply indicating concurrence shall constitute an agreement between the two Governments.

The Embassy avails itself of this opportunity to renew to the Department the assurances of its highest consideration.

Embassy of the United States of America

Manila, December 21, 1970.

## II

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

No. 71-61

The Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to the Embassy's note No. 798 dated 21 December 1970 which reads as follows:

[*See note I*]

The Department wishes to inform the Embassy that the United States proposal is acceptable to the Philippine Government and that the Embassy's note and this reply shall constitute an agreement on the matter.

The Department avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

Manila, 6 January 1971.

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