

No. 4440

UNITED STATES OF AMERICA
and
PHILIPPINES

Exchange of *aides-mémoire* constituting an agreement relating to claims for damages arising from Southeast Asia Treaty Organization maneuvers and ground field training exercises within the vicinity of the Sta. Rosa Laur-Dingalan Bay Area in November and December 1957. Manila, 1 November 1957

Official text: English.

Registered by the United States of America on 24 July 1958.

ÉTATS-UNIS D'AMÉRIQUE
et
PHILIPPINES

Échange d'aide-mémoire constituant un accord relatif aux réclamations pour dommages consécutifs à des manœuvres et à des exercices d'entraînement à terre de l'Organisation du Traité de l'Asie du Sud-Est, dans le voisinage de la zone Santa Rosa Laur-baie de Dingalan, en novembre et décembre 1957. Manille, 1^{er} novembre 1957

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 24 juillet 1958.

No. 4440. EXCHANGE OF *AIDES-MÉMOIRE* CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE PHILIPPINES RELATING TO CLAIMS FOR DAMAGES ARISING FROM SOUTHEAST ASIA TREATY² ORGANIZATION MANEUVERS AND GROUND FIELD TRAINING EXERCISES WITHIN THE VICINITY OF THE STA. ROSA LAUR - DINGALAN BAY AREA IN NOVEMBER AND DECEMBER 1957. MANILA, 1 NOVEMBER 1957

I

The American Embassy to the Philippine Department of Foreign Affairs

AIDE-MÉMOIRE

The Embassy of the United States of America wishes to refer to the conference held in the Headquarters of the Armed Forces of the Philippines on October 8 and 9, 1957, between the representatives of the Commanding General, 3rd Marine Division, United States Marine Corps, Commander U. S. Naval Forces Philippines, and the representatives of the Armed Forces of the Philippines for the purpose of working out an understanding concerning the procedures for the filing, processing, adjudication and payment of claims for damages that may be caused to civilians and their properties, and to personnel and properties of the Philippine and United States Governments in connection with the maneuvers and ground field training exercises to be conducted by the SEATO³ member nations within the vicinity of the Sta. Rosa Laur - Dingalan Bay Area in November and December 1957.

The discussions in said conference have resulted in a mutual understanding between the two Governments, as follows :

1. As participating nations in maneuvers to be conducted by the SEATO in the vicinity of the Sta. Rosa Laur - Dingalan Bay Area some time in November and December 1957, the United States and Philippine Governments recognize the desirability of coming

¹ Came into force on 1 November 1957 by the exchange of the said *aides-mémoire*.

² United Nations, *Treaty Series*, Vol. 209, p. 23.

³ Southeast Asia Treaty Organization.

into an understanding with respect to the procedure for processing, assessment and payment of claims for damages to privately-owned and government-owned properties and personnel.

2. The United States Government agrees to pay any and all damages that may be incurred by private citizens as a result of personal injuries and by private property, of all types, outside the maneuver area (meaning the Sta. Rosa Laur-Dingalan Bay Area), which damages are the proximate result of the training exercises conducted by United States personnel in the maneuvers. Likewise, the United States Government agrees to pay the Philippine Government, or cause to be repaired, any and all damages that may be incurred by government properties lying outside of the maneuver area, which damages are the proximate result of the training exercises conducted by United States personnel engaged in maneuvers, provided that the properties damaged are man-made constructions, such as buildings, roads, bridges and the like.

3. The United States Government agrees to pay any and all damages incurred by private property, of all types, within the maneuver area, which damages are the proximate result of the training exercises conducted by United States personnel involved in the maneuvers, provided that such property has existed inside the Laur Training Area prior to December 19, 1955. Likewise, the United States Government agrees to pay the Philippine Government, or cause to be repaired, any and all damages incurred by government property lying within the maneuver area, as a proximate result of the training exercises conducted by United States personnel engaged in the maneuvers, provided that such government property consists of man-made constructions, such as buildings, roads, bridges and the like.

4. The governments concerned are authorized to repair or replace damaged property where same is acceptable to the claimant in lieu of monetary payment.

5. The governments concerned will make the most vigorous efforts to remove unexploded explosives from the maneuver area, and will pay any and all damages arising from delayed explosions, provided, however, that no damages will be paid unless the explosion and damage occur within one year from the date of the termination of the maneuvers.

6. The Philippine Government agrees that the United States Government will not be required to pay to the Philippine Government for damages caused by underwater demolitions adjacent to the maneuver area, nor to pay to the Philippine Government or to anyone damages for fish in the sea which are killed as a result of explosions in the water or for interferences with fishing activities, or for alterations or changes in fishing conditions which might allegedly result from the maneuvers.

7. The Philippine Government agrees that the United States Government will not be obligated to pay for damage to standing timber, but will pay for damages caused to stockpiles of cut timber, belonging to forest concessionaires, and of firewood, charcoal, resin, and other minor forest products belonging to private license holders.

8. It is understood that all claims for damages both private and governmental, which are the proximate result of the training exercises conducted by personnel of the United States Government mentioned in paragraphs 1, 2, 3, 4 and 6 above, shall be presented to the representatives in the field of the United States Government within thirty (30) days from the date the maneuvers end ; all damages occurring later from unexploded shells must be presented within sixty (60) days from the date the damage occurs as set forth in paragraph 5 above ; and whenever practicable all said claims shall be settled in the field ; provided, however, that if the claimants failed to present their claims within the period above stipulated due to causes beyond their control, they should be allowed to present their claims to the United States Foreign Claims Commission at the U. S. Naval Station, Sangley Point, within a reasonable period of time, which in no case shall exceed one (1) year from the time the damage occurred.

9. All damages to private properties and injuries to civilians caused by Philippine troops shall be borne exclusively by the Philippine Government.

10. In case there is a conflict as to whether the physical injuries or damage to property was caused by personnel of the United States or the Philippines, the conflict should be resolved by a committee composed of one representative of the Armed Forces of the Philippines and a representative of the Commander U.S. Naval Forces Philippines. Should the representatives of the two governments fail to come to an agreement as to the identity of the personnel causing the damage and/or the extent of the damage and compensation to be awarded the injured party, the case will be decided jointly by the Chief of Staff, Armed Forces Philippines and the U.S. Commander in Chief, Pacific, or their duly authorized representatives.

11. It is also agreed that the Philippine and United States Governments waive any and all damages that may be incurred by the military properties and equipment of either government and/or damages arising out of injuries to its military personnel in connection with the exercises herein mentioned.

12. It is further understood that the appropriate Philippine authorities will give notice to all people in and about the area that maneuvers will be conducted and all adjacent towns and municipalities during the months of November and December 1957, and cause areas to be used as impact and maneuver areas to be cleared of all unauthorized persons.

13. The Philippine Government will designate the Armed Forces of the Philippines to take charge of making and carrying on such liaison arrangements as may be required further in the premises, with the Commander United States Naval Forces Philippines. An officer of the Armed Forces of the Philippines will be appointed to serve as Liaison Officer between the claimant and United States Foreign Claims Commission.

H. H. S.

Embassy of the United States of America
Manila, November 1, 1957

II

*The Philippine Department of Foreign Affairs to the American Embassy*REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

No. 2891-57

AIDE-MÉMOIRE

The Department of Foreign Affairs wishes to refer to the conference held in the Headquarters of the Armed Forces of the Philippines on October 8 and 9, 1957, between the representatives of the Commanding General, 3rd Marine Division, U. S. M. C., Commander U. S. Naval Forces Philippines, and the representatives of the Armed Forces of the Philippines for the purpose of working out an understanding concerning the procedures for the filing, processing, adjudication and payment of claims for damages that may be caused to civilians and their properties, and to personnel and properties of the Philippine and United States Governments in connection with the maneuvers and ground field training exercises to be conducted by the SEATO member nations within the vicinity of the Sta. Rosa Laur - Dingalan Bay Area in November and December, 1957.

The discussions in said conference have resulted in a mutual understanding between the two Governments, as follows :

[See aide-mémoire I]

Manila, November 1, 1957

(Initialled) [illegible]