

No. 8397

**UNITED STATES OF AMERICA
and
PHILIPPINES**

Exchange of notes (with attached sketch) constituting an agreement regarding the construction and installation of cable communications facilities for defense purposes. Manila, 12 August 1965

Official text: English.

Registered by the United States of America on 21 November 1966.

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

Échange de notes (avec croquis joint) constituant un accord relatif à la construction et la mise en place d'installations de transmissions par câble à des fins de défense. Manille, 12 août 1965

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 21 novembre 1966.

No. 8397. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES REGARDING THE CONSTRUCTION AND INSTALLATION OF CABLE COMMUNICATIONS FACILITIES FOR DEFENSE PURPOSES. MANILA, 12 AUGUST 1965

I

The American Ambassador to the Philippine Secretary of Foreign Affairs

No. 129

Manila, August 12, 1965

Excellency :

I have the honor to refer to Article III, sub-paragraphs 2 (d) and 2 (e) of the Philippine-United States Military Bases Agreement² 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 with a terminal facility at San Miguel Communications Station, 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 as shown on the attached sketch³ 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;

¹ Came into force on 12 August 1965, by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 43, p. 271; for subsequent actions relating to this Agreement, see Annex A in volumes 68, 185, 213, 229, 325 and 564.

³ See insert between pp. 54 and 55 of this volume.

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 Your Excellency's Government, I have the honor to propose that this note and Your Excellency's reply indicating concurrence shall constitute an agreement between our two governments.

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

William McCormick BLAIR Jr.

Enclosure :
Sketch.

His Excellency Mauro Mendez
Secretary of Foreign Affairs
Manila

II

The Philippine Secretary of Foreign Affairs to the American Ambassador

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

37180

Manila, August 12, 1965

Excellency :

I have the honor to refer to Your Excellency's note No. 129 dated August 12, 1965 which reads as follows :

[*See note I*]

I am pleased to inform Your Excellency that the terms and conditions set forth in Your Excellency's above-quoted note are acceptable to my Government and that my Government agrees that Your Excellency's note and this reply shall constitute an agreement between our two governments.

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

Mauro MENDEZ
Secretary of Foreign Affairs

His Excellency William McCormick Blair, Jr.
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Manilla