

No. 26532

**UNITED STATES OF AMERICA
and
PHILIPPINES**

Exchange of notes constituting an agreement permanently locating the United States Naval Medical Research Unit Two (NAMRU-2) in the Philippines. Manila, 26 February 1979 and 5 June 1981

Authentic text: English.

Registered by the United States of America on 27 April 1989.

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

Échange de notes constituant un accord concernant l'installation permanente aux Philippines du deuxième groupe de recherche médicale de la Marine des États-Unis (NAMRU-2). Manille, 26 février 1979 et 5 juin 1981

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 27 avril 1989.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE PHILIPPINES PERMANENTLY LOCATING THE UNITED STATES NAVAL MEDICAL RESEARCH UNIT TWO (NAMRU-2) IN THE PHILIPPINES

I

No. 96

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of the Philippines and has the honor to refer to the agreement between the United States of America and the Republic of the Philippines effected by exchange of notes dated at Manila May 12 and 21, 1976,² concerning the joint medical research conducted in the Republic of the Philippines by United States Naval Medical Research Unit Two (NAMRU-2) in conjunction with the Philippine Ministry of Health. NAMRU-2 now wishes to relocate its laboratory and research facilities permanently to Manila. To this end, the Embassy has the honor to propose the following:

For the purposes of this agreement, the Ministry of Health shall be the responsible agency for the Government of the Philippines, and Naval Medical Research Unit Two (NAMRU-2) shall be the responsible agency for the United States Government. Direct liaison between the Ministry of Health and NAMRU-2 is authorized unless otherwise directed by either government.

NAMRU-2 may participate in the conduct of such joint medical research projects and studies in the field of diseases endemic and epidemic in the Philippines as are mutually agreed upon by NAMRU-2 and the Ministry of Health. In addition, other collaborative scientific and medical studies may be conducted as agreed upon between NAMRU-2 and the Ministry of Health.

Each medical and scientific research project will be agreed upon by the responsible agencies of the two governments prior to commencement of research.

The Ministry of Health shall make available, maintain and repair without cost to the Government of the United States appropriate laboratory space and office facilities necessary to accomplish the purposes of this agreement. NAMRU-2 will supply necessary equipment and supplies for the operation of the laboratory and office and may employ such local personnel as it deems necessary for the purposes of this agreement. The Ministry of Health shall assist NAMRU-2 in recruiting appropriate local personnel.

United States civilian and military personnel assigned or attached to NAMRU-2, and their dependents, will be permitted to enter the Republic of the Philippines for the purpose of carrying on agreed medical and scientific research projects. Upon entry such individuals will have in their possession appropriate

¹ Came into force on 5 June 1981, the date of the note in reply, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 1059, p. 59.

identification and necessary travel documents in compliance with Philippine immigration laws and regulations.

All United States civilian and military personnel, entering the Republic of the Philippines for purposes of medical or scientific research projects conducted pursuant to this agreement, and their dependents, shall be accorded by the Government of the Philippines privileges and immunities on the same basis as the administrative and technical staff of the United States Embassy and their dependents in the Republic of the Philippines. In order to identify the above individuals in the Republic of the Philippines participating in the research activities, and their dependents, the United States Embassy will properly notify the Ministry of Foreign Affairs upon their arrival, specifying their names and positions.

The Government of the Philippines shall permit the import or export, without tax, duty or other charge, of biological and other types of specimens as agreed to by the Ministry of Health. In addition, laboratory equipment and other supplies brought into the Republic of the Philippines for the purpose of agreed medical or scientific research projects will be exempt from duty, taxes and other charges in relation to their import, presence and use in the Philippines, and export.

Except in areas where travel might be prohibited for reasons of security or personal safety, NAMRU-2 personnel and vehicles shall be permitted to travel without restriction throughout the Philippines for the purpose of gathering research data and observing various medical and scientific phenomena under field conditions. To facilitate epidemiological and other studies requiring continual work at field locations, small field laboratories may be established outside the Manila area upon concurrence of the Ministry of Health. All costs relating to the establishment and operation of such field laboratories will be the responsibility of NAMRU-2.

Mutually agreeable programs of research and training compatible with the resources and authority of NAMRU-2 will be encouraged and cooperative programs and studies may be conducted, in consultation with the Ministry of Health, with schools of medicine, private hospitals and other civil and military health authorities of the Government of the Philippines.

NAMRU-2 shall furnish the appropriate Ministries of the Government of the Philippines with periodic progress reports and results of all research conducted in the Republic of the Philippines. All research studies conducted in the Republic of the Philippines will be reviewed and clearances obtained from the appropriate agencies of the Government of the Philippines and NAMRU-2 prior to publication.

This agreement may be terminated by either party at any time provided that at least twelve months prior notice of intention to terminate has been given.

If the foregoing is acceptable to the Government of the Philippines, the Embassy has the honor to propose that this note and the Ministry's reply to that effect shall together constitute an agreement between the Government of the Philippines and the Government of the United States of America effective on the date of the Ministry's note in reply. This agreement shall supersede the agreement of 1976 between our two governments concerning NAMRU-2.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America

Manila, February 26, 1979

II .

REPUBLIKA NG PILIPINAS
MINISTRI NG UGNAYANG PANLABAS
MAYNILA*

No. 81-1916

The Ministry 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. 96 dated 26 February 1979, referring to the agreement contained in an exchange of notes dated 12 and 21 May 1976 between the Philippines and the United States of America, concerning the joint medical research conducted in the Philippines by the United States Naval Medical Research Unit Two (NAMRU-2) in conjunction with the Ministry of Health, and proposing the permanent relocation to Manila of the laboratory and research facilities of the said Unit.

In view of the representations of the Embassy in its note No. 165 dated 13 April 1981, the Ministry has reconsidered its position on the matter and accepts the aforementioned proposal under the terms indicated in note No. 96.

Accordingly, the Embassy's note No. 96 dated 26 February 1979 and this reply shall constitute an agreement between the United States and the Philippines effective on the date of this reply, which shall supersede the exchange of notes of 12 and 21 May 1976.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Manila, 5 June 1981

* In translation reads: "Republic of Philippines, Department of Foreign Affairs, Manila"