

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA CONCERNING THE COORDINATION AND LIAISON BY THE LAW ENFORCEMENT AGENCIES OF THE PHILIPPINES AND INDONESIA OPERATING TO PATROL THE WATERS BETWEEN THE TWO COUNTRIES.

MANILA, *July 27, 1960*

EXCELLENCY:

I have the honor to refer to Your Excellency's Note No. B/154G/60 and to previous exchanges of notes between the Department and the Indonesian Embassy concerning the proposed coordination and liaison by the law enforcement agencies of the Philippines and Indonesia operating to patrol the waters between the two countries. I am happy to learn that Your Excellency's Government finds the provisions contained in the recommendation of the technical panel attached to this note and made a part thereof as Annex A, acceptable as a basis of agreement.

In view thereof, Your Excellency's answer to this note will conclude the agreement to serve as a basis for implementing the proposed coordination. Other details not specifically covered by Annex A may be the subject of further agreement by the law enforcement agencies concerned of both governments.

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

FELIXBERTO M. SERRANO
Secretary of Foreign Affairs

His Excellency
NAZIR DATUK PAMONTJAK
*Ambassador of the Republic of Indonesia
Manila*

July 27, 1960

EXCELLENCY:

I have the honor to acknowledge with thanks the receipt of Your Excellency's Note of today, July 27th, in which Your Excellency has informed me as follows:

"I have the honor to refer to Your Excellency's Note No. B/154G/60 and to previous exchanges of notes between the Department and the Indonesian Embassy concerning the proposed coordination and liaison by the law enforcement agencies of the Philippines and Indonesia operating to patrol the waters between the two countries. I am happy to learn that Your Excellency's Government finds the provisions contained in the recommendation of the technical panel attached to this note and made a part thereof as Annex A, acceptable as a basis of agreement.

"In view thereof, Your Excellency's answer to this note will conclude the agreement to serve as a basis for implementing the proposed coordination. Other details not specifically covered by Annex A may be the subject of further agreement by the law enforcement agencies concerned of both governments."

On behalf of the Government of the Republic of Indonesia, I have the honour to convey my Government's acceptance of the points set forth in Your Excellency's Note mentioned above.

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

NAZIR DT. PAMONTJAK

His Excellency
 FELIXBERTO M. SERRANO
Secretary of Foreign Affairs
Manila

ANNEX A

RECOMMENDATION FOR COORDINATION AND DIRECT LIAISON BETWEEN THE INDONESIAN NAVY AND THE PHILIPPINE NAVY IN THE AREA BETWEEN INDONESIA AND THE PHILIPPINES.

I. *Considerations:*

1. The Government of the Republic of Indonesia and the Government of the Republic of the Philippines, because of the racial affinity of their peoples, the similarity of their historical background as well as the identity of their national purpose and aspiration, have always maintained friendly and brotherly relations and wish to strengthen and perpetuate these relations

as have been expressed in the Treaty of Friendship of June 21, 1951; the Cultural Agreement of April 28, 1959, and as manifested in the countless unrecorded friendly acts of their peoples.

2. These friendly relations have been occasionally disturbed by various incidents that have taken place in areas between Indonesia and the Philippines. These incidents have caused much concern to the government of both countries.
3. The two governments, aware of the recurring irritation on the brotherly relations existing between them as a result of these incidents, have taken appropriate steps to eliminate such irritants, by deciding on a coordinated operation on law enforcement by the Indonesian Navy and the Philippine Navy in the area between Indonesia and the Philippines.

II. *Nature of Offenses:*

The offenses covered by this agreement shall include all acts penalized by existing laws of both countries, particularly:

1. Piracy
2. Offenses against security of the state
3. Smuggling in all forms
4. Illegal entry

III. *Purpose:*

The purpose of this agreement is the furtherance of the friendly relations existing between the Republic of Indonesia and the Republic of the Philippines by minimizing, if not entirely eradicating the irritants in Indonesian-Philippine relations, caused by the above-mentioned offenses.

IV. *Measures and Implementation:*

1. *Concept of Operation:* Operations of the Indonesian Navy and the Philippine Navy will be directed towards a coordinated effort to carry out the objectives of this agreement. For this purpose other elements of the law enforcing agencies of both countries will render necessary support.
2. *Operations:*
 - a. Indonesian Navy patrol vessels will be based at Tarakan and/or Menado; Philippine Navy Patrol vessels at Ratu-Batu and/or Jolo.

- b. Naval patrols of both countries may operate within the seas between the territorial waters of the Republic of Indonesia and the Republic of the Philippines.
- c. Maximum exchange of information relative to the offenses covered by this agreement will be undertaken.

3. *Coordinating Details:*

- a. Communications to effect efficient coordination of operations will be carried out in at least two (2) radio frequencies to be determined by both countries for mutual convenience.
- b. Land-based communication centers for coordination purposes will be established in both countries. For Indonesia it will be Tarakan and/or Makasar. For the Philippines it will be Batu-Batu and/or Jolo.
- c. In case of "hot pursuit" where the object of the pursuit is expected to take refuge in the territorial waters of the other party, the party pursuing will inform the other party, who will then make available the necessary vessels and/or facilities to continue the pursuit and/or make the final apprehension.
- d. A pursuit by one party can continue up to within the territorial waters of the other only upon consent of the other party.
- e. Whenever one party succeeds in apprehending nationals of the other party, the former shall immediately inform the latter. Disposition of the offenders shall be the subject of immediate negotiations.
- f. The disposition of smuggled goods and other evidences originating from either country apprehended by the other, shall be the subject of immediate negotiations.
- g. If, in either party's territory, there are elements that have escaped the pursuing party and are then in hiding, the party in whose territory such elements are found will arrest and deliver them to the pursuing party following agreed procedures.

- h. Each party will inform the other of any sign or indication of any movement which will constitute an offense covered by this agreement.
- i. In the interest of greater facility and success of the coordinated effort, both parties may agree to specify at certain periods, places of rendezvous.
- j. Each country may provide liaison to be attached to the command headquarters of the other on a reciprocal or mutually agreed basis.

V. *Administration:*

1. Administrative matters including logistical arrangements for the conduct of the coordinated operation will be taken care of by each country in so far as their respective navies are concerned.
 2. Command headquarters for Indonesian Navy effecting coordinated patrols will be at Tarakan. Philippine Navy forces command headquarters will be at Batu-Batu.
 3. Appropriate recognition and identification signals and procedures will be as agreed upon by both countries.
- VI. Implementation of the above recommendation is suggested to be in the form of an exchange of formal diplomatic notes.

MANILA, April 8, 1960.

FOR THE INDONESIAN PANEL:

FOR THE PHILIPPINE PANEL:

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