

May 05, 1994

## **AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FOR MILITARY TRAINING AND COOPERATION**

The Government of the Republic of Singapore and the Government of the Republic of the Philippines (hereinafter referred to as the "Parties");

Invoking the two countries' partnership in the Association of Southeast Asian Nations (ASEAN);

Affirming their friendly relations and pursuing the understanding reached at the Fourth Meeting of ASEAN Heads of Government for closer intra-ASEAN security cooperation;

Recognizing the Singapore Armed Forces (SAF) and the Armed Forces of the Philippines (AFP) as the defense arms of their respective Governments;

Desiring to enhance cooperation in the field of military training and to establish a framework agreement to govern the temporary presence of forces in each other's territory pursuant or incidental to the implementation or conduct of periodic military training exercises;

Have agreed as follows:

### **ARTICLE I DEFINITIONS**

In this agreement, the terms:

- 1) "Competent Authority" means the Armed Forces of the Philippines and the Singapore Embassy or the Singapore Armed Forces and the Philippine Embassy, as the case may be.
- 2) "Detachment" means a disciplined force of military personnel when in the territory of a Receiving State for the purpose of this Agreement.
- 3) "Military Personnel" means members of the Armed Forces of one Party when in the territory of the other Party for the purpose of this agreement, and shall include members of the civilian component under the employ of the Armed Forces or Ministry of Defense of the Parties.
- 4) "Offenses in connection with official duty" means offenses arising out of an act or omission done in the performance of official duty. The determination whether an act or omission is or is not in the performance of official duty shall, in the first instance, be made by the relevant military authorities of the Sending State after appropriate consultation with the military authorities of the Receiving State. A certificate issued by the relevant military authorities of the Sending State or the Senior Officer verifying the fact that the alleged offense arose out of an act or omission done in the performance of, and inseparably bound with official duty,

which is transmitted to the Competent Authority of the Receiving State, shall be considered sufficient proof of such fact.

5) "Official duty" means the performance of tasks or duties required of military personnel in connection with the purposes of the Agreement, or as set out in the respective Protocols.

6) "Protocols" means supplementary agreements on administrative arrangements as well as implementing arrangements for training. Where there is a conflict between the terms of this Agreement or the Protocols, the terms of the Agreement will prevail over the Protocols.

7) "Receiving State" means the Party in whose territory military personnel are located.

8) "Sending State" means the Party who sends the military personnel to the Receiving State.

9) "Senior Officer" means the most senior officer who is at any given time, in command of a detachment.

## **ARTICLE II JURISDICTION**

1) The civilian authorities of the Receiving State shall have the right to exercise jurisdiction over military personnel with respect to all offenses punishable by the laws of the Receiving State. Military personnel shall not be subjected to the jurisdiction of the Receiving State's military authorities.

2) All detachments shall be under the command and control of the Senior Officer. The military authorities of the Sending State shall have the right to exercise command and control over its personnel in the Receiving State through the Senior Officer.

3) The Sending State shall have the primary right to exercise jurisdiction over military personnel in relation to the following matters;

a) Offenses against the property or security of the Sending State or against the person or property of another military personnel of the Sending State.

b) Offenses arising out of an act or omission done in the performance of official duty.

4) The civilian authorities of the Receiving State shall have the primary right of jurisdiction over military personnel with respect to offenses other than those mentioned in paragraph (3) above committed within the territory of the Receiving State and punishable by the laws of the Receiving State.

5) If the authorities having the primary right decide not to exercise jurisdiction, they shall notify the authorities of the other State as soon as practicable through the competent Authority. The authorities having the primary right of jurisdiction shall give sympathetic consideration to a request from the authorities of the other State for a waiver of their right in cases where those other authorities consider such

waiver to be of particular importance, or where suitable punishment can be applied by disciplinary action without recourse to a court.

Nothing in this Article shall require the State where the offense was committed to refrain from exercising secondary jurisdiction to enforce its own rules of criminal law should the State having the primary right decide not to exercise jurisdiction.

7) Any arrest of military personnel by the authorities of the Receiving State shall promptly be notified to the relevant military authorities of the Sending State. Where the military personnel involved is a member of the detachment, the information shall be promptly notified to the Senior Officer. The authorities of the Receiving State shall keep the relevant military authorities of the Sending State or the Senior Officer informed of all developments in the matter, including the disposition thereof.

### **ARTICLE III CLAIMS**

1) Each Party waives all its claims against the other Party for any injury to or death of military personnel and for any loss or damage to its property where the death, injury or damage was caused by military personnel in the performance of the official duty.

2) Where personal injury, death or damage to property is caused to civilians in the Receiving State as a result of the performance of official duty by military personnel and the Sending State is in law liable to pay compensation, the sending State shall promptly settle all reasonable claims. The Receiving State shall render all necessary assistance to the Sending State in determining and processing such claims.

3) In effect, third party claims may be settled either by the sending country or the individual concerned. A certificate issued by the designated authority of the party against whom the claim is made that the claim arose out of any act or omission done in the performance of official duty shall be sufficient proof of that fact.

4) Nothing herein contained shall be regarded as a waiver of sovereign immunity by either Party.

### **ARTICLE IV TRAINING ARRANGEMENTS**

1) Detachments from either Party participating in joint/combined training programmes in the territory of the other shall be permitted to undertake individual/unit training allied to or incidental to such joint/combined training.

2) Both Parties shall conclude separate agreements (to be considered as Protocols to this Agreement) for the purpose of carrying out the said training. The Protocols shall deal with the following:

- a) the subject of training;
- b) the principles of training;
- c) the period of training and its commencement and completion dates;
- d) financial arrangements; and