

**July 25, 1963**

## **AGREEMENT ON NAVAL LIAISON BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE REPUBLIC OF INDONESIA**

Note : This Agreement entered into force, July 25, 1963.

### **PREAMBLE**

THE GOVERNMENTS OF THE REPUBLIC OF THE PHILIPPINES AND THE REPUBLIC OF INDONESIA in furtherance of the efforts to strengthen and to guarantee the smooth functioning of the friendly and brotherly relations between the two countries, as reflected in the TREATY OF FRIENDSHIP of June 21, 1951, the CULTURAL AGREEMENT of April 28, 1959, and the EXCHANGE OF NOTES of July 27, 1960, have agreed to improve the direct liaison and coordinated patrol operations, being carried out by the PHILIPPINE NAVY and the INDONESIAN NAVY as provided for in the AGREEMENT signed at DJAKARTA between both Navies on January 30, 1961, in order to enforce the laws governing offenses against the security of the State, smuggling, piracy, illegal entry, and illegal fishing in all areas, between the PHILIPPINES and INDONESIA, and to cause the expeditious disposition of cases involved herein.

The PHILIPPINE NAVY and the INDONESIAN NAVY, for the implementation of the above have agreed as follows:

### **ARTICLE I**

#### **COMMAND AND LIAISON**

1. The coordinated operations of law enforcement in all the areas between the PHILIPPINES and INDONESIA shall be directed by subordinate Commands for the PHILIPPINE NAVY, the Philippine Naval Station at BATU-BATU, and for the INDONESIAN NAVY, the Indonesian Naval Station at MENADO.
2. Land-based Communications Centers shall be established in BATU-BATU and DAVAO in the PHILIPPINES and MENADO in INDONESIA.
3. Repatriation points shall be BATU-BATU and DAVAO in the PHILIPPINES and TARAKAN and MENADO in INDONESIA.
4. To achieve maximum success of the coordinated effort of the operations, each Navy shall attach a Liaison Office to the subordinate Command Headquarters of the other party. For this purpose the Liaison Officer of either country attached to the subordinate Command Headquarters of the other, shall be accorded consular immunities and privileges, without the necessity of accrediting them to, and or requiring them to reside in the capital cities where their respective diplomatic mission and or consular establishments are located.

### **ARTICLE II**

#### **CONCEPT OF OPERATIONS**

1. For the purpose of coordinated operations, each Navy shall make available two (2) Naval patrol vessels, which may be increased upon mutual agreement.
2. The Commanding Officer of either Naval Station may, upon receipt of specific information may request for a "coordinated patrol operations" in the high seas between the territorial waters of both countries. For purposes of coordinated patrol operations, the Coordinated Patrol Areas shall be divided into four (4) patrol areas (ANNEX II-Chart of Patrol Areas) as follows:
  - a. Patrol Area LUMBA-LUMBA
  - b. Patrol Area TUNA
  - c. Patrol Area PALUS
  - d. Special Area BANGUS
3. The Commanding Officers of the Philippine Naval Station at BATU-BATU and of the Indonesian Naval Station at Menado shall meet periodically to exchange information, discuss and agree on methods of patrol, search, apprehension and expeditious disposition of cases involved herein.

### **ARTICLE III**

#### **COORDINATING DETAILS**

1. Patrol operations in the respective territorial waters shall be conducted by the respective Navies and/or other law enforcement agencies of each country. Apprehensions in such operations involving nationals of the other party shall be communicated expeditiously to the latter and treated in accordance with the laws of the apprehending state unless otherwise provided for in ANNEX I.
2. Apprehensions in the coordinated patrol operations shall be disposed of in accordance with pertinent provisions of ANNEX I.
3. Inspections may be carried out on all suspect vessels flying the Philippine or Indonesian flag sailing in the Coordinated Patrol Areas except warships and government ships of each country. Any such inspection made by either party shall be expeditiously communicated to the other.
4.
  - a. A pursuit by one party may continue up to within the territorial watery of the other party only with consent of the latter.
  - b. 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 shall inform the other party, who shall continue with the pursuit and make the final apprehension.
  - c. In the event that in either party's territory there are elements that have escaped pursuit or evaded arrest and are then in hiding, the party in whose territory such elements are found shall arrest them.
  - d. In cases of apprehensions under paragraphs 4-a, 4-b, and 4-c, the apprehending or arresting party shall deliver their persons and evidences to the party pursuing or requesting arrest, except when these elements have also violated laws of the country where apprehended in which case delivery shall be deferred until after final disposition of their additional violations.

5. Whenever a national of one country is apprehended by any government agency in the territory of the other, the Naval Station Commander of the apprehending country, upon receipt of such information or upon inquiry from the other, shall immediately communicate to the latter such arrest, giving the status and action taken.

#### **ARTICLE IV**

##### **EXCHANGE OF INFORMATION AND INTELLIGENCE**

In order to obtain efficiency of coordinated patrol operations, a maximum exchange of information and intelligence shall be undertaken by both Navies. The exchange shall be in accordance with the intelligence Exchange Procedure per ANNEX III.

#### **ARTICLE V**

##### **COMMUNICATIONS PROCEDURE**

Communication to effect efficient coordination of operations shall be according to the Communications Procedure per ANNEX IV.

#### **ARTICLE VI**

##### **ADMINISTRATIVE MATTERS**

Logistical arrangements for the conduct of the coordinated patrol operations and the maintenance of the office of the Liaison Officer and his official household shall be the responsibility of each country course through the respective diplomatic mission and/or consular establishment. Urgently-needed logistical items may however be provided by the Command Headquarters of either party to the Liaison Officer and units of the party on reciprocal basis.

#### **ARTICLE VII**

##### **INTERPRETATION**

1. In case of divergence of opinion on the implementation and settlement of matters laid down in this Revised Agreement, the same shall be submitted to the respective Governments for remedial guidance pending final resolution.

2. Matters not covered by this Revised Agreement shall be the subject of further negotiations.

#### **ARTICLE VIII**

##### **TEXT**

This Revised Agreement is done in the English and the Indonesian Languages which are equally valid.

#### **ARTICLE IX**

##### **EFFECTIVITY**

This Revised Agreement shall take effect upon the signing of this instrument.

Manila, 25 July 1963

JUAN B. MAGLUYAN  
Commodore PN  
Flag Officer in Command  
Philippine Navy

R. E. MARTADINATA  
Rear Admiral ALRI  
Minister /Chief of Staff  
Indonesian Navy

ANNEX 1 - Administrative Guide to  
the Revised Agreement on Direct  
Liaison and Coordinated Patrol  
Operations in All Areas Between the  
PHILIPPINES and INDONESIA by the  
Philippine Navy and the Indonesian  
Navy.

## I. SMUGGLING:

### A. Definition. —

The act of bringing into or taking out the country merchandise or articles contrary to the laws and/or rules and regulations of either country.

### B. Judicature/Jurisdiction. —

#### 1. Carriers of smuggled goods-

Carriers of smuggled goods of either Philippines or Indonesian registry apprehended during coordinated patrol operations shall be turned over to the country of the carrier's registry, or in default, the nationality of the captain/patron, for proper disposition.

#### 2. Smugglers. —

Judicature/Jurisdiction over persons apprehended for smuggling in the Coordinated Patrol Areas shall be in accordance with their nationality.

#### 3. Smuggled Goods. —

Smuggled goods and their supporting evidences coming from either country apprehended in the Coordinated Patrol Areas shall be turned over to either country where they came from, except firearms and narcotics and their supporting evidences which shall be retained by the apprehending party.

## II. Piracy:

### A. Definition - (Convention of the High Seas 1958)

Piracy consists of any of the following acts:

1. Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft and directed:

- a. On the high seas, against another ship or aircraft or against persons or property on board such ship or aircraft;
  - b. Against ship, aircraft, persons or property in a place Outside the jurisdiction of any state;
2. Any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or an aircraft;
  3. Any act of inciting or of intentionally facilitating an act described in sub-paragraph 1 or sub-paragraph 2 above.

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purposes of committing one of the acts referred to in paragraph II-A. The same applies if the ship or aircraft has been used to commit any such act, as long as it remains under the control of the persons guilty of that said act.

#### B. Judicature/Jurisdiction —

1. When a pirate ship is seized by operation of this agreement judicature/jurisdiction will be in accordance with the national laws of the apprehending country.
2. If the pirate vessel has been seized from the control of its original crew and passengers, the pirate vessel will be restituted to its rightful owner.
3. If the pirate vessel is owned by the pirates themselves, the pirate ship will be disposed of as may be ordered by the court with jurisdiction.

### III. POSSESSION AND CARRYING OF FIREARMS:

The right of a national of either country to carry duly licensed firearms while travelling will be in accordance, with the laws of the country where he is travelling.

### IV. ILLEGAL ENTRY:

#### A. Illegal Entrants -

Illegal entrants are aliens who have entered the country (1) without any inspection and admission by the immigration authorities at a designated port of entry, (2) by means of false and misleading statement or representations, or (3) at any place other than a designated port of entry,