

ANNEX A

TREATY OF FRIENDSHIP

BETWEEN

THE REPUBLIC OF THE PHILIPPINES AND THE

KINGDOM OF THAILAND

The Republic of the Philippines and the Kingdom of Thailand animated by the desire to strengthen and perpetuate the friendly relations so happily existing between them, by means of formal provisions designed to fortify their spiritual, cultural and economic ties, have resolved to conclude a Treaty of Friendship and, to that end, have appointed as their respective plenipotentiaries,

His Excellency the President of the Philippines.

His Excellency Joaquin M. ELIZALDE,
Ambassador Extraordinary and Plenipotentiary
to the United States of America

His Majesty the King of Thailand.

His Royal Highness Prince WAN WAITHAYAKON,
Ambassador Extraordinary and Plenipotentiary
to the United States of America;

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles.

Article I

There shall be perpetual peace and everlasting amity between the Republic of the Philippines and the Kingdom of Thailand and their peoples.

Article II

Should any dispute arise between the two High Contracting Parties which cannot satisfactorily be adjusted by diplomacy, or through mediation or arbitration, the parties shall not use force for settlement, but shall refer the dispute to the International Court of Justice for final adjudication. This undertaking shall not apply to disputes relating to matters considered respectively by the Republic of the Philippines and the Kingdom of Thailand as being essentially of their national competence, and shall not affect the application of the Charter of the United Nations.

Article III

Each of the High Contracting Parties shall accredit to the other diplomatic representatives who, after having been recognized and accepted, shall enjoy during the term of their respective missions, on the basis of reciprocity, the rights, privileges and immunities generally recognized under International Law and usage.

Article IV

Each of the High Contracting Parties shall have the right to send to, and receive from, the other, Consuls General, Consuls, Vice-Consuls, and Consular Agents, who being duly provided with exequatur or any other mode of recognition, shall be permitted to reside in the territories of the other in such places as may be agreed upon by the High Contracting Parties.

Consular officers of each of the High Contracting Parties shall, after entering upon their duties, enjoy reciprocally in the territory of the other all the rights, privileges, exemptions and immunities which are accorded to officers of their status and rank in accordance with the generally accepted principles of international law and usage.

Article V

The nationals of each of the High Contracting Parties within the territories of the other shall be permitted to enjoy, on condition of reciprocity, the right to acquire,

possess and dispose of movable and immovable property, to travel, to reside and to engage in trade, industry and other peaceful and lawful pursuits, subject always to the Constitution, laws and regulations promulgated, or which may hereafter be promulgated, by the other. They shall enjoy, in matters of procedure, the same treatment as is accorded to the nationals of the other, with respect to the protection and security of their persons and property and in regard to all judicial, administrative and other legal proceedings.

Article VI

The High Contracting Parties agree to conclude as soon as practicable Treaties on commerce and navigation, consular rights and privileges, and extradition.

Article VII

This Treaty shall be subject to ratification by the High Contracting Parties in accordance with their respective constitutional procedures. It shall enter into force upon the exchange of ratifications, which shall take place at Washington, and shall thereafter remain in force unless and until terminated by one year's written notice.

IN FAITH WHEREOF, the Plenipotentiaries of the High Contracting Parties have signed the present Treaty and have hereinto affixed their seals.

DONE in duplicate in Washington on this fourteenth day of June of the one thousand nine hundred and forty-ninth year Anno Domini; and the Independence of the Philippines the third, corresponding to the fourteenth day of the sixth month of the two thousand four hundred and ninety-second year of the Buddhist Era.

For the Republic of the Philippines.

(Seal)

(Sgd.) JOAQUIN M. ELIZALDE

For the Kingdom of Thailand.

(Seal)

(Sgd.) WAN WAITHAYAKON

June 14, 1949.

ANNEX B

AGREEMENT BETWEEN THE
GOVERNMENT OF THE KINGDOM OF THAILAND
AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
RELATING TO AIR SERVICES BETWEEN
THEIR RESPECTIVE TERRITORIES

The Government of the Kingdom of Thailand and the Government of the Republic of the Philippines,

Having in mind the development of international co-operation in the field of air transport and considering

THAT the ever-growing possibilities of commercial aviation are of increasing importance;

THAT this method of transportation, because of its essential characteristics, permitting rapid inter-communications, provides the best means of bringing nations together;

THAT it is desirable to organize in a safe and orderly manner regular international air services;

THAT to achieve these objectives it is necessary to conclude an agreement to secure regular air communications between the two countries;

HAVE appointed their representatives, who, duly authorized, have agreed upon the following.

Article I

Each Contracting Party grants to the other Contracting party the rights as specified in the Annex hereto necessary for establishing the international civil air routes and service therein described, whether such services be inaugurated immediately or at a later date at the option of the Contracting Party to whom the rights are granted.

Article II

Each of the air services so described shall be placed in operation as soon as the Contracting Party to whom the rights have been granted by Article I do designate an airline or airlines for the route concerned has authorized an airline for such route, and the contracting Party granting the rights shall, subject to Article VI hereof, be bound to give the appropriate operating permission to the airline or airlines concerned; provided that the airlines so designated may be required to qualify before the competent aeronautical authorities of the Contracting Party granting the rights under the laws and regulations normally applied by these authorities before being permitted to engage in the operations contemplated by this Agreement; and provided that in areas of hostilities or of military occupation, or in areas affected thereby, such inauguration shall be subject to the approval of the competent military authorities.

Article III

In order to prevent discriminatory practices and to assure equality of treatment, both Contracting Parties agree that:

- a. Each of the Contracting Parties may impose or permit to be imposed just and reasonable charges for the use of public airports and other facilities under its control. Each of the Contracting Parties agree, however, that these charges shall not be higher than would be paid for use of such airports and facilities by its national aircraft engaged in similar international services.
- b. Fuel, lubrication oils and spare parts introduced into or taken on board aircraft in the territory of one Contracting Party by or on behalf of the airlines designated by the other Contracting Party and intended solely for use by the aircraft of such designated airlines shall be accorded, with respect to customs duties, inspection fees or other charges imposed favourable than that granted to national airlines engaged in international transport of the airline of the most favoured nation.

c. Without prejudice to the other provisions of this Article, aircraft operated on the agreed services and supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board civil aircraft of the airlines of one Contracting Party authorized to operate the routes and services described in the Annex shall, upon arriving in or leaving the territory of the other Contracting Party, be exempt from customs, inspection fees or similar duties or charges, even though such supplies similar duties or charges, even though such supplies be used or consumed by such aircraft on flights in that territory.

d. Goods so exempted, may only be unloaded with the approval of the customs authorities of the other Contracting Party. These goods which are to be re-exported shall be kept under customs supervision until re-exportation.

Article IV

Certificates of air worthiness, certificates of competency and licenses issued or rendered valid by one Contracting Party shall be recognized as valid by the other Contracting Party for the purpose of operating the routes and services described in the Annex. Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to its own nationals by another state.

Article V

a. The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft used by the designated airline or airlines of the other Contracting Party, and shall be complied with such aircraft upon entering or departing from or while within the territory of the first party.

b. The laws and regulations of one Contracting Party relating to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine shall be complied with by or on behalf of such passengers, crew or cargo of the other Contracting Party upon entrance into of departure from or while within the territory of the first party.

Article VI

Each Contracting Party reserves the right, after consultation with the other Contracting Party, to withhold or revoke the exercise of the rights, specified in the Agreement or its Annex, by an airline designated by the other Contracting Party in the event it is not satisfied that substantial ownership and effective control of such airline are vested in nationals of the other Contracting Party, or in case of failure by the airline designated by the other Contracting Party to comply with the laws and regulations of the Contracting Party over whose territories it operates, as described in Article V hereof, or otherwise to fulfill the conditions under which the rights are granted in accordance with this Agreement and its Annex.

Article VII

This Agreement and all contracts connected therewith shall be registered with the International Civil Aviation Organization.

Article VIII

In the event either of the Contracting Parties considers it desirable to modify the routes or conditions set forth in the Agreement or its Annex, it may request consultation between the competent authorities of both Contracting Parties, such consultation to begin within a period of sixty days from the date of the request, when these authorities mutually agree on new or revised conditions affecting the Agreement or its Annex, their recommendations on the matter will come into effect after they have been confirmed by an exchange of diplomatic notes.

Article IX

If a general Multilateral Convention on traffic rights for scheduled international air services comes into force in respect of both Contracting Parties, the present Agreement shall be amended so as to conform with the provisions of such convention.

Article X

1. If any dispute arises between the Contracting Parties relating to the interpretation or application of the present Agreement, the Contracting Parties shall in the first place endeavour to settle it by negotiation between themselves.

2. If the Contracting Parties fail to reach a settlement by negotiation,

a. they may agree to refer the dispute for decision to an arbitral tribunal appointed by agreement between them or to some other person or body; or

b. if they do not agree or if, having agreed to refer the dispute to an arbitral tribunal they cannot reach agreement as to its composition, either Contracting Party may submit the dispute for decision to any tribunal competent to decide it which may here-in-after be established within the International Civil Aviation Organization, or if there is no such tribunal, to the Council of the said organization, or failing that, to the International Court of Justice.

3. The Contracting Parties undertake to comply with any decision given under paragraph 2 of this Article.

4. If and so long as either Contracting Party of a designated airline of either Contracting Party fails to comply with a decision given under paragraph 2 of this Article, the other Contracting Party may limit, withhold, or revoke any rights which it has granted by virtue of the designated airline in default.

received fourteen days after the receipt of the notice by the International Civil Aviation Organization.

Article XIII

This Agreement, including the provisions of the Annex thereto, will come into force on the day it is signed.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed the present Agreement and affixed their seals.

Done in duplicate in the English Language at Bangkok this twenty-seventh day of April in the two thousand four hundred and ninety-sixth year of the Buddhist Era, corresponding to the twenty-seventh day of April of the nineteen hundred and fifty-third year of the Christian Era, and to the seventy year of the Independence of the Republic of the Philippines.

For the Government of the Kingdom of Thailand.

(Seal)

(Signed) Naradhip Bongaprabanh

For the Government of the Republic of the Philippines.

(Seal)

(Signed) Bernabe Africa

ANNEX TO THE AGREEMENT
BETWEEN THE GOVERNMENT OF THE KINGDOM OF THAILAND
AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
RELATING TO AIR SERVICES BETWEEN
THEIR RESPECTIVE TERRITORIES

A. Airlines designated by the Government of the Kingdom of Thailand, authorized under the present Agreement are accorded rights of transit and non-traffic stops as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Manila, on a route or routes approved by the aeronautical authorities of the Philippines within the pattern indicated below.

From Thailand, direct and/or via intermediate points to Manila and thence to points beyond; in both directions.

B. Airlines designated by the Government of the Republic of the Philippines, authorized under the present Agreement, are accorded rights of transit and non-traffic stops as well as the right to pick up and discharge international traffic in passengers, cargo and mail at Bangkok, on a route or routes approved by the aeronautical authorities of Thailand within the pattern indicated below.

From the Philippines, direct and/or via intermediate points to Bangkok and thence to points beyond; in both directions.

C. It is agreed between the Contracting Parties that the foregoing rights shall be subject to the observance of the following principles.

a. There shall be a fair and equal opportunity for the airlines of the two Contracting Parties to operate on the routes specified in this Annex;

b. The services provided under the Agreement and its Annex by a designated airline shall retain as their primary objectives the provision of capacity

adequate to the traffic demands between the country by which such airline has been designated and the country of ultimate destination of the traffic;

c. The right to embark or disembark international traffic destined for/or coming from their countries at a point or points on the routes specified in this Annex shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the principle that capacity should be relaxed.

- (i) to traffic requirements between the country of origin and the countries of destination;
- (ii) to the requirements of through airline operation, and
- (iii) to the traffic requirements of the area through which the airline passes after taking account of local and regional services.

d. The aeronautical authorities of the Contracting Parties will consult together, at the request of either of them to determine whether the principle set forth above are being complied with by the airlines designated by the Contracting Parties.

e. Tariffs to be charged for the carriage of passengers and freight by the designated air of either Contracting Party shall be fixed as follows.

Designated airlines of both Contracting Parties operating simultaneously on the route specified in this Annex shall in the first instance fix the tariffs to be charged in consultation with each other.

Any such tariffs shall be subject to the approval of the respective Contracting Parties.

In the event the designated airlines of the Contracting Parties fail to agree on a route, the Contracting Parties themselves shall endeavour to reach an agreement. If the Contracting Parties should fail to agree, the matter in dispute shall be referred to arbitration as provided for in Article X of this Agreement.

ANNEX C

SOUTHEAST ASIA COLLECTIVE TREATY

The Parties to this Treaty,

RECOGNIZING the sovereign equality of all the Parties,

REITERATING their faith in the purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all governments,

REAFFIRMING that, in accordance with the Charter of the United Nations, they uphold the principle of equal rights and self-determination of peoples, and declaring that they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities,

DESIRING to strengthen the fabric of peace and freedom and to uphold the principles of democracy, individual liberty and the rule of law, and to promote the economic well-being and development of all peoples in the Treaty Area,

INTENDING to declare publicly and formally their sense of unity, so that any potential aggressor will appreciate that the Parties stand together in the area, and

DESIRING further to co-ordinate their efforts for collective defense for the preservation of peace and security,

THEREFORE agree as follows:

Article I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice

are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article II

In order more affectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

Article III

The Parties undertake to strengthen their free institutions and to co-operate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of government toward these ends.

Article IV

1. Each Party recognizes that aggression by means of armed attack in the Treaty Area against any of the Parties or against any state or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the parties, the inviolability or the integrity of the territory or the sovereignty of political independence of any Party in the Treaty Area or of any other state or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defence.

3. It is understood that no action on the territory of any state designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Article V

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall provide for consultation with regard to military and any other planning as the situation obtaining in the Treaty Area may from time to time require. The Council shall be so organized as to be able to meet at any time.

Article VI

This Treaty does not effect and shall not be interpreted as affecting in any way the rights and obligations of any of the parties under the Charter of the United Nations for the maintenance of international peace and security. Each Party declares that none of the international engagements now in force between it any other of the Parties or any third party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article VII

Any other state in a position to further the objectives of this Treaty and to contribute to the security of the area may, by unanimous agreement of the Parties, be invited to accede to this Treaty. Any state so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall inform each such instrument of accession.

Article VIII

As used in this Treaty, the "Treaty Area" is the general area of Southeast Asia, including also the entire territories of the Asian parties, and the general area of

the Southwest Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the Treaty Area the territory of any state acceding to this Treaty in accordance with Article VII or otherwise to change the Treaty Area.

Article IX

1. This Treaty shall be deposited in the archives of the Government of the Republic of the Philippines. Duly certified copies thereof shall be transmitted by that Government to the other signatories.

2. The Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional precesses. The instruments of ratification shall be deposited as soon as possible with the Government of the Republic of the Philippines, which shall notify all of the other signatories of such deposit.

3. The Treaty shall enter into force between the states which have ratified it as soon as the instruments of ratification of a majority of the signatories shall have been deposited, and shall come into effect with respect to each other state on the date of the deposit of its instrument of ratification.

Article X

This Treaty shall remain in force indefinitely, but any party may cease to be a party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Government of the other parties of the deposit of each notice of denunciation.

Article XI

The English Text of this Treaty is binding on the Parties, but when the parties have agreed to the French Text thereof and have so notified the Government of the Republic of the Philippines, the French Text shall be equally authentic and binding on the Parties.

UNDERSTANDING OF THE
UNITED STATES OF AMERICA

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to Communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

In witness thereof, the undersigned plenipotentiaries have signed this Treaty.

Done at Manila, this eighth day of September, 1954.

Signed for Australia by Richard C. Casey, Minister of External Affairs;

For France by Guy Ja Chambre, Minister of State;

For New Zealand by T. Clifton Webb, Minister of External Affairs;

For Pakistan by Chaudhri Muhammad Zafrulla Khan, Foreign Minister;

For the Republic of the Philippines by Carlos P. Garcia, Vice President and Secretary of Foreign Affairs, Francisco A. Delgado, Chairman of the Senate Committee on Foreign Relations, Senator Tomas L. Cabili, Senator Lorenzo M. Tanada, and Representative Cornelio T. Villarreal;

For Thailand by Prince Wan Waithayakon Krommun Naradhip Bongsprabandh, Minister of Foreign Affairs;

For the United Kingdom by the Marquess of Reading, Minister of State; and

For the United States by John Foster Dulles, Secretary of State, Senator H. Alexander Smight, and Senator Michael I. Mansfield.

PROTOCOL TO THE SOUTHEAST
ASIA COLLECTIVE DEFENSE TREATY

Designation of states and territory as to which provisions of Article IV and Article II are to be applicable.

The Parties to the Southeast Asia Collective Defence Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

The Parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.

This protocol shall enter into force simultaneously with the coming into force of the Treaty.

In witness whereof, the undersigned plenipotentiaries have signed this protocol to the Southeast Asia Collective Defence Treaty.

Done at Manila, this eighth day of September, 1954.

ศูนย์วิจัยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

THE PACIFIC CHARTER

The delegates of Australia, France, New Zealand, Pakistan, the Republic of the Philippines, the Kingdom of Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America

Desiring to establish a firm basis for common action to maintain peace and security in Southeast Asia and the Southwest Pacific;

Convinced that common action to this end in order to be worthy and effective, must be inspired by the highest principles of justice and liberty;

Do hereby proclaim:

First, in accordance with the provisions of the United Nations Charter, they uphold the principle of equal rights and self-determination of peoples and they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities;

Second, they are each prepared to continue taking effective practical measures to ensure conditions favourable to the orderly achievement of the foregoing purposes in accordance with their constitutional procedures;

Third, they will continue to co-operate in the economic, social and cultural fields in order to promote higher living standards, economic progress and social well-being in this region;

Fourth, as declared in the Southeast Asia Collective Defence Treaty, they are determined to prevent or counter by appropriate means any attempt in the Treaty Area to subvert their freedom or to destroy their sovereignty or territorial integrity.

Proclaimed at Manila, this eighth day of September, 1954.

ANNEX D

BANGKOK DECLARATION

The Prime Minister of the Federation of Malaya, the Secretary of Foreign Affairs of the Republic of the Philippines and the Minister of Foreign Affairs of the Kingdom of Thailand,

UPHOLDING the ideals of peace, freedom, social justice and economic well-being;

BELIEVING that these ideals can best be attained by fostering good understanding, good neighbourliness and active co-operation among nations;

DESIRING to establish a firm foundation for common action to further economic and social progress in Southeast Asia;

CONVINCED that mutual co-operation in the economic field and cultural relationship will greatly contribute to their endeavour to enhance the welfare of their respective nations and promote better understanding and mutual appreciation among their peoples;

Do hereby declare,

First, the establishment of an association for economic and cultural co-operation among the countries of Southeast Asia to be known as ASEAN--Association of Southeast Asia.

Second, that the aims and purposes of the Association shall be:

1. To establish an effective machinery for friendly consultations, collaboration and mutual assistance in the economic, social, cultural, scientific and administrative fields;
2. To provide educational, professional, technical and administrative training and research facilities in their respective countries for nationals and officials of the associated countries;

3. To exchange information on matter of common interest or concern in the economic, cultural, educational and scientific fields;
4. To co-operate in the promotion of Southeast Asian Studies;
5. To provide a machinery for fruitful collaboration in the utilization of their respective natural resources, the development of their agriculture and industry, the expansion of their trade, the improvement of their transport and communication facilities, and generally raising the living standards of their peoples;
6. To co-operate in the study of the problems of international commodity trade; and purposes of the Association as well as to contribute more effectively to the work of existing international organization and agencies.

Third, that this Association is in no way connected with any outside power or power bloc and is directed against no other country, but is essentially a free association of countries of Southeast Asia having as its objectives the promotion through joint endeavour of the well-being and the economic, social and cultural progress of this region.

This Declaration, made at Bangkok, this thirty-first day of July, nineteen hundred and sixty one, shall be known as the Bangkok Declaration.

Tunku Abdul Rahman Putra Al-Haj
Prime Minister of the Federation
of Malaya.

Felixberto M. Serrano
Secretary of Foreign Affairs
of the Republic of the Philippines

Thanat Khoman
Minister of Foreign Affairs
of the Kingdom of Thailand

ANNEX E

AGREEMENTS ESTABLISHING IAPHILINDO

I. MANILA ACCORD

The Government of the Federation of Malaya, the Republic of Indonesia and the Republic of the Philippines, prompted by their keen and common desire to have a general exchange of views on current problems concerning stability, security, economic development and social progress of the three countries and of the region and upon the initiative of President Diosdado Macapagal, agreed that a Conference of Ministers of the three countries be held in Manila on 7th June 1963 for the purpose of achieving common understanding and close fraternal co-operation among themselves. Accordingly, Tun Abdul Razak, Deputy Prime Minister of the Federation of Malaya; Dr. Subandrio, Deputy First Minister/Minister for Foreign Affairs of the Republic of Indonesia; and Honorable Emmanuel Pelaez, Vice President of the Philippines and concurrently Secretary of Foreign Affairs met in Manila from 7 to 11 June 1963.

2. The deliberations were held in a frank manner and in a most cordial atmosphere in keeping with the spirit of friendship prevailing in the various meetings held between President Sukarno of the Republic of Indonesia, and Prime Minister Tunku Abdul Raman Putra of the Federation of Malaya, and President Diosdado Macapagal. This Ministerial Conference was a manifestation of the determination of the nations in this region to achieve closer co-operation in their endeavour to chart their common future.

3. The Ministers were of one mind that the three countries share a primary responsibility for the maintenance of the stability and security of the area from subversion in any form or manifestation in order to preserve their respective national identities, and to ensure the peaceful development of their respective countries and of their region, in accordance with the ideals and aspirations of their peoples.

4. In the same spirit of common and constructive endeavour, they exchanged views on the proposed Confederation of nations of Malay origin, the proposed Federation of Malaysia, the Philippine claim to North Borneo and related problems.

THE MACAPAGAL PLAN

5. Recognizing that it is in the common interest of their countries to maintain fraternal relations and to strengthen co-operation among their peoples who are bound together by ties of race and culture, the three Ministers agreed to intensify the joint and individual efforts of their countries to secure lasting peace, progress and prosperity for themselves and for their neighbors.

6. In this context, the three Ministers supported President Macapagal's plan envisaging the grouping of the three nations of Malay origin working together in closest harmony but without surrendering any portion of their sovereignty. This calls for the establishment of the necessary common organs.

7. The three Ministers agreed to take the initial steps towards this ultimate aim by establishing machinery for frequent and regular consultations. The details of such machinery will be further defined. This machinery will enable the three governments to hold regular consultations at all levels to deal with matters of mutual interest and concern consistent with the national, regional and international responsibilities or obligations of each country without prejudice to its sovereignty and independence. The Ministers agreed that their countries will endeavour to achieve close understanding and co-operation in dealing with common problems relating to security stability, economic, social and cultural development.

8. In order to accelerate the process of growth towards the ultimate establishment of President Macapagal's plan, the Ministers agreed that each country shall set up its own National Secretariat. Pending the establishment of a Central Secretariat for the consultative machinery, the National Secretaries should co-ordinate and co-operate with each other in the fulfillment of their tasks.

9. The Ministers further agreed to recommend that Heads of Government and Foreign Ministers meet at least once a year for the purpose of consultations on matters of importance and common concern.

MALAYSIA AND NORTH BORNEO

10. The Ministers reaffirmed their countries' adherence to the principle of self-determination for the peoples of non-self-governing territories. In this context, Indonesia and the Philippines stated that they would welcome the formation of Malaysia provided the support of the people of the Borneo territories is ascertained by an independent and impartial authority, the Secretary-General of the United Nations or his representative.

11. The Federation of Malaya expressed appreciation for this attitude of Indonesia and the Philippines and undertook to consult the British Government and the Governments of the Borneo territories with view to inviting the Secretary-General of the United Nations or his representative to take the necessary steps in order to ascertain the wishes of the people of those territories.

12. The Philippines made it clear that its position on the inclusion of North Borneo in the Federation of Malaysia is subject to the final outcome of the Philippine claim to North Borneo. The Ministers took note of the Philippine claim and right of the Philippines to continue to pursue it in accordance with international law and the principle of the peaceful settlement of disputes. They agreed that the inclusion of North Borneo in the Federation of Malaysia would not prejudice either the claim or any right thereunder. Moreover, in the context of their close association, the three countries agreed to exert their best endeavours towards the claim to a just and expeditious solution by peaceful means, such as negotiation, conciliation, arbitration, or judicial settlement as well as other peaceful means of the parties' own choice, in conformity with the Charter of the United Nations and the Bandung Declaration.

13. In particular, considering the close historical ties between the peoples of the Philippines and North Borneo as well as their geographical propinquity, the Ministers agreed that in the event of North Borneo joining the proposed Federation of Malaysia the Government of the latter and the Government of the Philippines should maintain and promote the harmony and the friendly relations subsisting in the region to ensure the security and stability of the area.

II. MANILA DECLARATION

The President of the Republic of Indonesia, the President of the Philippines and the Prime Minister of the Federation of Malaya, assembled in a Summit Conference in Manila from July 30 to August 5, 1963, following the Meeting of their Foreign Ministers held in Manila from June 7 to 11, 1963;

CONSCIOUS of the historic significance of their coming together for the first time as leaders of sovereign states that have emerged after long struggles from colonial status to independence;

DESIRING to achieve better understanding and closer co-operation in their endeavour to chart their common future;

INSPIRED also by the spirit of Asian-African solidarity forged in the Bandung Conference of 1955;

CONVINCED that their countries, which are bound together by close historical ties of race and culture, share a primary responsibility for the maintenance of the stability and security of the area from subversion in any form or manifestation in order to preserve their respective national identities and to ensure the peaceful development of their respective countries and their region in accordance with the ideals and aspirations of their peoples; and

DETERMINED to intensify the joint and individual efforts of their countries to secure lasting peace, progress and prosperity for themselves and their neighbors in a world dedicated to freedom and justice;

DO HEREBY DECLARE:

First, that they reaffirm their adherence to the principle of equal rights and self-determination of peoples as enunciated in the United Nations Charter and the Bandung Declaration;

Second, that they are determined, in the common interest of their countries, to maintain fraternal relations, to strengthen co-operation among their peoples in the economic, social and cultural fields in order to promote economic progress and social well-being in the region, and to put an end to the exploitation of man by man and of one nation by another;

Third, that the three nations shall combine their efforts in the common struggle against colonialism and imperialism in all their forms and manifestations and for the eradication of the vestiges thereof in the region in particular and the world in general;

Fourth, that the three nations, as new emerging forces in the region, shall co-operate in building a new and better world based on national freedom, social justice and lasting peace; and

Fifth, that in the context of the joint endeavours of the three nations to achieve the foregoing objectives, they have agreed to take initial steps towards the establishment of Maphilindo by holding frequent and regular consultations at all levels to be known as Mushawarah Maphilindo.

Manila, August 3, 1963.

(Sgd.) SOEKARNO
President of the Republic of Indonesia

(Sgd.) DIOSDADO MACAPAGAL
President of the Philippines

(Sgd.) TUNKU ABDUL RAHMAN PUTRA AL-HAJ
Prime Minister of the Federation of Malaya

ศูนย์วิทยทรัพยากร
จุฬาลงกรณ์มหาวิทยาลัย

III. JOINT COMMUNIQUE

The President of the Republic of Indonesia, the President of the Philippines, and the Prime Minister of the Federation of Malaya met at a Summit Conference in Manila from July 30 to August 5, 1963.

1. Moved by a sincere desire to solve their common problems in an atmosphere of fraternal understanding, they considered, approved and accepted the Report and Recommendations of the Foreign Ministers of the three countries adopted in Manila on June 11, 1963 (hereafter to be known as the Manila Accord).

2. In order to provide guiding principles for the implementation of the Manila Accord the Heads of Government have issued a declaration known as the Manila declaration, embodying the common aspirations and objectives of the peoples and governments of the three countries.

3. As a result of the consultations amongst the three Heads of Government in accordance with the principles enunciated in the Manila Declaration, they have resolved various current problems of common concern.

4. Pursuant to paragraphs 10 and 11 of the Manila Accord the United Nations Secretary-General or his representative should ascertain prior to the establishment of the Federation of Malaysia the wishes of the people of Sabah (North Borneo) and Sarawak within the context of General Assembly Resolution 1541 (XV), Principle 9 of the Annex, by/fresh approach, which in the opinion of the Secretary-General is necessary to ensure complete compliance with the principle of self-determination within the requirements embodied in Principle 9, taking into consideration:

(i) the recent elections in Sabah (North Borneo) and Sarawak but nevertheless further examining, verifying and satisfying himself as to whether

(a) Malaysia was a major issue, if not the main issue;

(b) electoral registers were properly compiled;

(c) elections were free and there was no coercion; and

(d) votes were properly polled and properly counted; and

(ii) the wishes of those who, being qualified to vote, would have exercised their right of self-determination in the recent elections had is not been for their detention for political activities, imprisonment for political offenses or absence from Sabah (North Borneo) or Sarawak.

5. The Secretary-General will be requested to send working teams to carry out the task set out in paragraph 4.

6. The Federation of Malaya, having undertaken to consult the British Government and the Governments of Sabah (North Borneo) and Sarawak under paragraph 11 of the Manila Accord on behalf of the three Heads of Government, further undertake to request them to co-operate with the Secretary-general and to extend to him the necessary facilities so as to enable him to carry out his task as set out in paragraph 4.

7. In the interest of the countries concerned, the three Heads of Government deem it desirable to send observers to witness the carrying out of the task to be undertaken by the working teams, and the Federation of Malaya will use its best endeavors to obtain the co-operation of the British Government and the Governments of Sabah (North Borneo) and Sarawak in furtherance of this purpose.

8. In accordance with paragraph 12 of the Manila Accord, the three Heads of Government decided to request the British Government to agree to seek a just and expeditious solution to the dispute between the British Government and the Philippine Government concerning Sabah (North Borneo) by means of negotiation, conciliation and arbitration, judicial settlement, or other peaceful means of the Parties' own choice in conformity with the Charter of the United Nations. The three Heads of Government take cognizance of the position regarding the Philippine claim to Sabah (North Borneo) after the establishment of the Federation of Malaysia as provided under paragraph 12 of the Manila Accord, that is, that the inclusion of Sabah (North Borneo) in the Federation of Malaysia does not prejudice either the claim or any right thereunder.

9. Pursuant to paragraph 6, 7, 8, and 9, of the Manila Accord and the Fifth Principle of the Manila

Declaration, that is, that initial steps should be taken towards the establishment of Maphilindo by holding frequent and regular consultations at all levels to be known as Mushawarah Maphilindo, it is agreed that each country shall set up a National Secretariat for Maphilindo affairs and as a first step the respective National Secretariats will consult together with a view to co-ordinating and co-operating with each other in the study on the setting up of the necessary machinery for Maphilindo.

10. The three Heads of Government emphasized that the responsibility for the preservation of the national independence of the three countries and of the peace and security in their region lies primary in the hands of the governments and the peoples of the countries concerned, and that the three governments undertake to have close consultations (Mushawarah) among themselves on these matters.

11. The three Heads of Government further agreed that foreign bases--temporary in nature--should not be allowed to be used directly or indirectly to subvert the national independence of any of the three countries. In accordance with the principle enunciated in the Bandung Declaration, the three countries will abstain from the use of arrangements of collective defence to serve the particular interests of any of the big powers.

12. President Sukarno and Prime Minister Abdul Rahman express their deep appreciation for the initiative taken by President Macapagal in calling the Summit Conference which, in addition to resolving their differences concerning the proposed Federation of Malaysia, resulted in paving the way for the establishment of Maphilindo. The three Heads of Government conclude this Conference, which has greatly strengthened the fraternal ties which bind their three countries and extended the scope of their co-operation and understanding, with renewed confidence that their governments and peoples will together make a significant contribution to the attainment of just and enduring peace, stability and prosperity in the region.

Manila, August 5, 1963.

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