

AVIATION

Transport Services

Agreement Between the
UNITED STATES OF AMERICA
and the PHILIPPINES

Amending the Agreement of
September 16, 1982, as
Amended

Effected by Exchange of Notes
Signed at Manila May 29, 1987
and January 13, 1988



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

PHILIPPINES

Aviation: Transport Services

Agreement amending the agreement of September 16, 1982, as amended.

Effected by exchange of notes

Signed at Manila May 29, 1987 and January 13, 1988;

Entered into force January 13, 1988.

*The American Embassy to the Department of Foreign Affairs of
the Philippines*

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 355

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs of the Republic of the Philippines and has the honor to refer to the United States - Philippines Air Transport Agreement effected by exchange of notes dated September 16, 1982, as amended ("The Agreement").¹

The government of the United States of America proposes the following:

1. The following paragraph (3) shall be added to article 4 of the agreement:

“(3) This article does not affect either party’s rights or obligations under Article 7.”

2. The following new “Article 7” shall be substituted for the existing “Article 7”:

“Article 7

AVIATION SECURITY

(1) In accordance with their rights and obligations under international law, the parties reaffirm that their obligation to protect, in their mutual relationship, the security of civil aviation against acts of unlawful interference forms an integral part of this agreement.

(2) The parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of aircraft and other unlawful acts against the safety of passengers, crew, aircraft, airports and air navigation facilities and any other threat to aviation security.

Embassy of the United States of America

Manila, May 29, 1987

¹ TIAS 10443, 10931, 11144.

(3) The parties shall act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation signed at Montreal on 23 September 1971.¹

(4) The parties shall, in their mutual relations, act in conformity with the aviation security provisions established by the International Civil Aviation Organization and designated as annexes to the Convention on International Civil Aviation;² they shall require that operators of aircraft of their registry or operators who have their principal place of business or permanent residence in their territory and the operators of airports in their territory act in conformity with such aviation security provisions.

(5) Each party agrees to observe the security provisions required by the other party for entry into the territory of that other party and to take adequate measures to protect aircraft and to inspect passengers, crew, their carry-on items as well as cargo and aircraft stores prior to and during boarding or loading. In case either party proposes to strengthen the security measures required, both parties agree to consult expeditiously upon request as to how these measures will be implemented. Each party shall also give positive consideration to any request from the other party for special security measures to meet a particular threat.

(6) When an incident or threat of an incident of unlawful seizure of aircraft or other unlawful acts against the safety of passengers, crew, aircraft, airports and air navigation facilities occurs, the parties shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat thereof.

(7) When a party has reasonable grounds to believe that the other party has departed from the aviation security provisions of this article, the aeronautical authorities of that party may request immediate consultations with the aeronautical authorities of the other party. Failure to reach a satisfactory agreement within 15 days from the date of such request will constitute grounds to withhold, revoke, limit or impose conditions on the operating authorization or technical permission of an airline or airlines of the other party. When required by an emergency, a party may take interim action prior to the expiry of 15 days.”

¹ TIAS 6768, 7192, 7570; 20 UST 2941; 22 UST 1641; 24 UST 564.

² TIAS 1591; 3 Bevans 944.

If these proposals are acceptable to the government of the Republic of the Philippines, the Embassy proposes that this note and the Department's reply thereto shall constitute an agreement between the two governments which shall enter into force on the date of the Department's reply.

The Embassy avails itself of this opportunity to renew to the Department of Foreign Affairs the assurances of its highest consideration.

*The Philippine Secretary of Foreign Affairs to the American
Ambassador*

13 January 1988

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Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note No. 355 dated 1 June 1987, which reads as follows:

[For text of the U.S. note, see pp. 2-4.]

I am pleased to inform Your Excellency that the understanding contained in the above-quoted Note are acceptable to my Government, and that Your Excellency's Note above-quoted and this reply thereto shall constitute an Agreement between our two Governments effective on the date of this Note.

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

RAUL S. MANGLAPUS
Secretary of Foreign Affairs

His Excellency
Nicholas Platt
Ambassador of the United States of America
Manila