

DEFENSE

Status of Forces

**Agreement Between the
UNITED STATES OF AMERICA
and the PHILIPPINES**

Effected by Exchange of Notes at
Manila April 11 and April 12, 2006

with

Annex



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

Defense: Status of Forces

*Agreement effected by exchange of notes at
Manila April 11 and April 12, 2006;
Entered into force April 12, 2006.
With annex.*

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS
MANILA

No. **10381**

11 April 2006

Excellency:

I have the honor to refer to discussions which have recently taken place concerning the mutual desire of the Government of the Republic of the Philippines and the Government of the United States of America to enhance the cooperation on non-traditional security concerns under the Agreement between the Government of the Republic of the Philippines and the Government of the United States of America Regarding the Treatment of United States Armed Forces Visiting the Philippines, otherwise known as the RP-US Visiting Forces Agreement, signed on the 10th of February 1998 and entered into force on the 1st of June 1999.

There is hereby established a Security Engagement Board to provide a framework and mechanism for direct and continuing liaison and consultation on non-traditional security concerns such as, but not limited to, terrorism, transnational crimes, maritime security and safety, natural and man-made disasters, between the appropriate Philippine and United States authorities; develop measures and arrangements for enhanced cooperation in connection therewith; and promote the common security interests of the two sovereign countries. The Security Engagement Board shall co-exist with and complement the Mutual Defense Board created under the Mutual Defense Treaty between the Republic of the Philippines and the United States of America, signed on the 30th of August 1951 and entered into force on the 27th of August 1952. The Terms of Reference of the Security Engagement Board is attached as Annex "A" hereof, which is made an integral part of this agreement.

If the foregoing is acceptable to Your Excellency's Government, I have the honor to propose that this note and Your Excellency's reply indicating concurrence shall constitute an agreement between our two Governments on this matter effective as of the date of the reply note.

Her Excellency

KRISTIE ANNE KENNEY

Ambassador

Embassy of the United States of America

This agreement shall remain in force until the expiration of one hundred and eighty (180) days from the date on which either party gives the other party notice in writing that it desires to terminate this agreement.

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


ALBERTO G. ROMULO
Secretary of Foreign Affairs

Enclosure:

Annex "A" – Terms of Reference, Philippines-United States
Security Engagement Board

**PHILIPPINES-UNITED STATES SECURITY ENGAGEMENT BOARD
TERMS OF REFERENCE**

I. Establishment of the Board

Consistent with the mutual desire of the Government of the Republic of the Philippines and the Government of the United States of America to enhance the cooperation on non-traditional security concerns under the Agreement between the Government of the Republic of the Philippines and the Government of the United States of America Regarding the Treatment of United States Armed Forces Visiting the Philippines, otherwise known as the RP-US Visiting Forces Agreement, signed on the 10th of February 1998 and entered into force on the 1st of June 1999, there is hereby established a Security Engagement Board, hereinafter referred to as the Board, with headquarters in the Philippines.

II. Purpose

The Board shall provide a framework and mechanism for direct and continuing liaison and consultation on non-traditional security concerns such as, but not limited to, terrorism, transnational crimes, maritime security and safety, natural and man-made disasters, between the appropriate Philippine and United States authorities; develop measures and arrangements for enhanced cooperation in connection therewith; and promote the common security interests of the two sovereign countries. The Board shall co-exist with and complement the Mutual Defense Board (MDB) created under the Mutual Defense Treaty between the Republic of the Philippines and the United States of America signed on the 30th of August 1951 and entered into force on the 27th of August 1952.

III. Composition of the Board

A. The Board shall be composed of:

1. For the Philippines:

a. Co-Chairman of the Board: The Chief of Staff, Armed Forces of the Philippines or the Flag or General Officer designated by him.

b. Members of the Board: Commanding General, Philippine Army; Commanding General, Philippine Air Force; Flag Officer in Command, Philippine Navy; representative of the Department of Foreign Affairs; and representative of the Department of National Defense.

2. For the United States of America:

a. Co-Chairman of the Board: The Commander, United States Pacific Command or a Flag or General Officer designated by him.

b. Members of the Board: Flag or General Officer representing the Component Commands of U.S. Pacific Command; representative of the Chief of Mission, U.S. Embassy, Manila; and, the United States Defense Representative (USDR) – Philippines.

B. The Board and the members thereof may be assisted by such staff, military or civilian, as they consider appropriate. The Board shall have the authority to create an Executive Committee. The Board may delegate to the Executive Committee the authority to establish Standing Committees and approve the terms of reference of said committees.

IV. Terms of Reference

Pursuant to the RP-US Visiting Forces Agreement, the Board shall consider and develop measures and arrangements for enhanced RP-US cooperation on non-traditional security concerns and by agreement between the Co-Chairmen, decide on matters within their competence, as may be established by their respective policies and procedures, or recommend matters for approval by the Council of Foreign Ministers through their respective Departments of Defense.

V. Frequency of Meetings

DRAFT FOR DISCUSSION ONLY
As of 27 March 2006

The Board shall meet at the call of either Co-Chairman, but in any event, regular meetings will be held once a year, to be alternately hosted by the Philippines and the United States. The regular meetings and activities of the Board shall coincide with that of the MDB.

VI. Conduct of Meetings

All meetings of the Board shall be held in executive session. Information concerning the decisions or activities of the Board shall be released as mutually agreed upon by the Co-Chairmen of the Board.

VII. Secretariat

The MDB Secretariat shall also serve as the Secretariat of the Board. The Board shall arrange the provision of necessary clerical and administrative support.

VIII. Offices of the Board

The Board shall have the same offices as the MDB.



Embassy of the United States of America

Manila, Philippines

April 12, 2006

No. 0499

Excellency:

I have the honor to acknowledge the receipt of your note No. 10381 dated April 11, 2006, the text of which is as follows:

"I have the honor to refer to discussions which have recently taken place concerning the mutual desire of the Government of the Republic of the Philippines and the Government of the United States of America to enhance the cooperation on non-traditional security concerns under the Agreement between the Government of the Republic of the Philippines and the Government of the United States of America Regarding the Treatment of United States Armed Forces Visiting the Philippines, otherwise known as the RP-US Visiting Forces Agreement, signed on the 10th of February 1998 and entered into force on the 1st of June 1999.

There is hereby established a Security Engagement Board to provide a framework and mechanism for direct and continuing liaison and consultation on non-traditional security concerns such as, but not limited to, terrorism, transnational crimes, maritime security and safety, natural and man-made disasters, between the appropriate Philippine and United States authorities; develop measures and arrangements for enhanced cooperation in connection therewith; and promote the common security interests of the two sovereign countries. The Security Engagement Board

His Excellency

Alberto G. Romulo,

Secretary of Foreign Affairs,

Republic of the Philippines.

shall co-exist with and complement the Mutual Defense Board created under the Mutual Defense Treaty between the Republic of the Philippines and the United States of America, signed on the 30th of August 1951 and entered into force on the 27th of August 1952. The Terms of Reference of the Security Engagement Board is attached as Annex "A" hereof, which is made an integral part of this agreement.

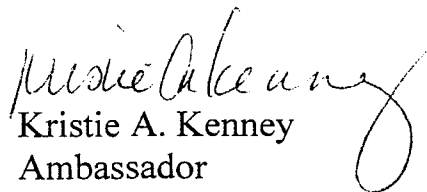
If the foregoing is acceptable to Your Excellency's Government, I have the honor to propose that this note and Your Excellency's reply indicating concurrence shall constitute an agreement between our two Governments on this matter effective as of the date of the reply note.

This agreement shall remain in force until the expiration of one hundred and eighty (180) days from the date on which either party gives the other party notice in writing that it desires to terminate this agreement.

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

I have the honor to state that the Government of the United States of America agrees with Your Excellency's note and its enclosure, Annex "A," and together with this reply, shall be regarded as constituting an agreement between our two Governments on this matter.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.


Kristie A. Kenney
Ambassador