

No. 8809

**PHILIPPINES
and
MALAYSIA**

**Exchange of notes constituting an agreement relating to
the implementation of the Manila Accord of 31 July
1963 (with attached communiqué of 3 June 1966).
Kuala Lumpur and Manila, 7 February 1966**

Official text : English.

Registered by the Philippines on 24 October 1967.

**PHILIPPINES
et
MALAISIE**

**Échange de notes constituant un accord relatif à l'application
de l'Accord de Manille du 31 juillet 1963 (avec
communiqué en date du 3 juin 1966). Kuala-Lumpur
et Manille, 7 février 1966**

Texte officiel anglais.

Enregistré par les Philippines le 24 octobre 1967.

No. 8809. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE PHILIPPINES AND MALAYSIA RELATING TO THE IMPLEMENTATION OF THE MANILA ACCORD OF 31 JULY 1963.² KUALA LUMPUR AND MANILA, 7 FEBRUARY 1966

I

BY 6/66

The Ministry of External Affairs, Malaysia, presents its compliments to the Department of Foreign Affairs of the Philippines and has the honour to inform the Department that the Government of Malaysia is aware that the Philippine claim to Sabah has in the past many months affected the brotherly relations existing between the Republic of the Philippines and Malaysia. In view of their mutual desire to strengthen brotherly relations and to establish closer regional co-operation, the Government of Malaysia hereby puts it on record that it has never moved away from the Manila Accord of July 31, 1963² and the Joint Statement accompanying it and reiterates its assurance that it will abide by these agreements, particularly paragraph 12 of said Manila Accord and paragraph 8 of the Joint Statement.

The Malaysian Government has taken note of the declaration of the Government of the Philippines contained in its aide memoire of November 19, 1964.

The Malaysian Government is convinced that with goodwill and sincerity, no obstacles would be insurmountable in the way of establishing cordial and friendly relations between the two countries, so vital for the stability, peace and prosperity in the region of South East Asia.

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

Kuala Lumpur
7th February, 1966

¹ Came into force on 7 February 1966 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 550, p. 343.

II

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

No. 2587

The Department of Foreign Affairs presents its compliments to the Ministry of External Affairs of Malaysia and has the honor to acknowledge the assurance contained in its Note No. BY 6/66 dated 7 February 1966 referring to the outstanding claim of the Republic of the Philippines to Sabah.

In this connection, the Department wishes to invite attention to the Manila Accord of July 31, 1963, which provides in paragraph 12 thereof as follows :

“ 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 the right of the Philippines to continue to pursue it in accordance with international law and the principle of the pacific 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 to bring the claim to a just and expeditious solution by peaceful means, such as negotiation, conciliation, arbitration, or judicial settlement as well as other means of the parties' own choice, in conformity with the Charter of the United Nations and the Bandung Declaration. ”

The Department wishes to invite further attention to paragraph 8 of the Joint Statement accompanying the said Manila Accord which reads as follows :

“ ... 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. ”

The Department wishes to invite attention furthermore to the Philippine Government's declaration in its aide memoire of November 19, 1964 particularly its paragraph which reads as follows :

“ The Philippine Government is gratified to note that the Malaysian Government's statement to the effect ‘ that Malaysia has assumed all

rights and obligations of the United Kingdom Government in respect of the State of Sabah as from 16th September, 1963', but desires to state that the establishment of the so-called 'State of Sabah' is, in the Philippine view, subject to serious dispute. Indeed, the Malaysian Government could not have acquired more rights in North Borneo than those possessed by the United Kingdom, and the establishment of the 'Federation of Malaysia' cannot conceivably improve the standing of Malaysia vis-a-vis the Philippines."

To realize the above objective to bring the claim to a just and expeditious solution by peaceful means, the Government of the Philippines now proposes that both Governments agree as soon as possible on a mode of settlement that is mutually acceptable to both parties. The Government of the Philippines is convinced that with goodwill and sincerity on the part of both parties no obstacle would be insurmountable towards a just and equitable settlement of the Sabah claim.

The Department of Foreign Affairs avails itself of this opportunity to extend to the Ministry of External Affairs of Malaysia the renewed assurances of its highest consideration.

Manila, February 7, 1966

COMMUNIQUÉ

Animated by the mutual desire to strengthen the relations between their two countries, the Government of the Republic of the Philippines and the Government of Malaysia have agreed to raise their respective consular establishments to ambassadorial level.

Both Governments have agreed to abide by the Manila Accord of July 31, 1963, and with the Joint Statement accompanying it, for the peaceful settlement of the Philippine claim to Sabah. They have also recognized the need of sitting together, as soon as possible, for the purpose of clarifying the claim and discussing the means of settling it to the satisfaction of both parties in consonance with the said Manila Accord and Joint Statement.

Both Governments have agreed that a meeting should be arranged between the two countries as soon as possible in order that steps may be taken to carry out the assurances of the Malaysian Government to cooperate with the Philippines in the eradication of smuggling.

The strengthening of relations between the two countries will pave the way for closer cooperation between them, making it possible for both nations to pursue even greater regional collaboration through the reactivation of the Association of South East Asia.

Manila, June 3, 1966
