

No. 8810

**PHILIPPINES
and
MALAYSIA**

Agreement on anti-smuggling co-operation (with exchange of notes). Signed at Kuala Lumpur, on 1 September 1967

Protocol to the above-mentioned Agreement (with exchange of notes). Signed at Kuala Lumpur, on 1 September 1967

Official text: English.

Registered by the Philippines on 24 October 1967.

**PHILIPPINES
et
MALAISIE**

Accord de coopération en matière de lutte contre la contrebande (avec échange de notes). Signé à Kuala-Lumpur, le 1^{er} septembre 1967

Protocole à l'Accord susmentionné (avec échange de notes). Signé à Kuala-Lumpur, le 1^{er} septembre 1967

Texte officiel anglais.

Enregistrés par les Philippines le 24 octobre 1967.

No. 8810. AGREEMENT¹ ON ANTI-SMUGGLING CO-OPERATION BETWEEN THE GOVERNEMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF MALAYSIA. SIGNED AT KUALA LUMPUR, ON 1 SEPTEMBER 1967

The Government of the Republic of the Philippines and the Government of Malaysia,

Realising that there is a need to regulate trade between the Philippines and Sabah,

Believing that it is to their best interest and for the mutual benefit of their peoples to promote trade and to cooperate closely for the peace, progress and stability of the aforesaid area,

Have agreed as follows :

1. The Government of the Republic of the Philippines and the Government of Malaysia agree with each other in the implementation and enforcement of measures agreed upon between them to regulate trade between the Philippines and Sabah.

2. (1) The Government of Malaysia agrees that no vessel owned or controlled by a Philippine citizen, of whatever tonnage, shall be allowed entry into the ports and harbours in Sabah unless the following documents are presented :

- (a) a valid certificate of registry of such vessel issued by the Philippine authorities ;
- (b) a valid port clearance issued by the same authorities ; and
- (c) such other documents as may be necessary under Malaysian Laws.

2. (2) The Government of Malaysia further agrees that no citizen of the Republic of the Philippines shall be allowed entry into Sabah unless such person presents the following documents :

- (a) a valid passport, or seaman's identification card issued by the Philippine authorities ; provided that where the person concerned is resident in the Philippine Boarder Area, a Border Crossing Pass shall be sufficient for entry and sojourn in accordance with the Protocol to this Agreement ; and
- (b) such other documents as may be necessary under Malaysian Laws.

¹ Came into force on 1 December 1967, three months after the date of signature, in accordance with article 11 of the Agreement.

3. (1) The Government of the Republic of the Philippines agrees that no vessel owned or controlled by a citizen of Malaysia, of whatever tonnage, shall be allowed entry into the ports and harbours in Balabac and the Province of Sulu unless the following documents are presented :

- (a) a valid certificate of registry of such vessel issued by the Malaysian authorities ;
- (b) a valid port clearance issued by the same authorities ; and
- (c) such other documents as may be necessary under the Philippine Laws.

3. (2) The Government of the Republic of the Philippines further agrees that no citizen of Malaysia shall be allowed entry into Balabac and the Province of Sulu unless such person presents the following documents :

- (a) a valid passport, or seaman's identification card, issued by the Malaysian authorities ; provided that where the person concerned is resident in the Malaysian Border Area and is entering the Philippine Border Area, a Border Crossing Pass shall be sufficient for entry and sojourn in accordance with the Protocol to this Agreement.
- (b) such other documents as may be necessary under Philippine Laws.

4. For the purpose of Articles 2 and 3, the expressions „ Philippine Border Area ", " Malaysian Border Area " and " Border Crossing Pass " shall have the meanings assigned to them in the Protocol to this Agreement.

5. The Malaysian Authorities in Sabah will inform without delay the Philippine Customs representatives assigned in Sabah about the arrival and departure of vessels owned or controlled by citizens of the Republic of the Philippines and such information may include such data as the name, tonnage, type and owner of vessel, inward and outward cargo, loaded or unloaded, members of the crew, passengers and other persons disembarked or on board, and any other relevant data which may be requested by said customs representatives.

6. The Government of the Republic of the Philippines and the Government of Malaysia agree to exchange information and intelligence (including information on the values of merchandise) relating to smuggling of goods into each other's territory.

7. (1) The port clearance issued by the Philippine Authorities shall state, among other things, that a bond or bonds have been filed with the appropriate Philippine authorities in the Philippines to guarantee the payment of duties, taxes and other charges payable on goods and merchandise listed in the port clearance as among the cargo that the said vessel would carry.

7. (2) The Malaysian customs authorities shall not permit any vessel owned or controlled by citizens of the Republic of the Philippines to take out of Sabah any goods or merchandise which are not authorized or are in excess of the quantities or values stated in the said port clearance.

8. For the purpose of facilitating instantaneous transmission by the Philippine customs representatives of information pertaining to smuggling and such other types of messages as may be agreed upon, the Government of Malaysia agrees to establish, maintain and operate a direct communication network between Sabah and Batu-Batu in the Philippines provided that the cost for establishing such communication network and the cost of maintaining and operating it will be borne by the Government of the Republic of the Philippines.

9. In order to realise the objectives of this Agreement:

(a) The Government of Malaysia agrees to permit the Government of the Republic of the Philippines to assign customs representatives in Sandakan, Jesselton, and Semporna in Sabah for the following purposes:

- (i) to pass on information referred to in Article 5 and 6 above to the Philippine authorities through the telecommunication network;
- (ii) to receive the certificate of registry, clearance certificate and other related documents issued by the proper authorities in the Philippines handed for deposit by the captain or master of a Philippine vessel after arrival and due clearance of those documents by the Malaysian authorities in Sabah;
- (iii) to maintain liaison, with the Malaysian customs officials in the respective ports in Sabah.

(b) The Government of Malaysia agrees that ships of the Royal Malaysian Navy which, in their course of operations sight vessels or crafts suspected of smuggling goods into the Philippines shall report such sighting to the Philippines Navy through the communication network referred to in Article 8.

(c) The Protocol to this Agreement shall form part of this Agreement.

10. In order to facilitate the implementation of this Agreement the two Governments shall consult together upon the request of either Government to discuss any matter arising from the Agreement.

11. This Agreement shall enter into force three (3) months from the date of signing and thereafter, it shall remain in force until the expiration of six (6) months from the date on which either Government receives from the other Government a written notice of its intention to terminate this Agreement.

The Government of the Republic of the Philippines and the Government of Malaysia may at any time agree to revise or amend this Agreement and amendments so agreed shall be recorded in Notes exchanged between them.

IN WITNESS WHEREOF, the undersigned representatives of their respective Government, have signed this Agreement.

DONE at Kuala Lumpur this First day of September in the year Nineteen Hundred and Sixty-seven.

For the Government
of the Republic of the Philippines :

Narciso RAMOS

For the Government
of Malaysia :

Tun Abdul Razak BIN DATO HUSSEIN

EXCHANGE OF NOTES

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No. 321 /67

The Embassy of the Philippines presents its compliments to the Ministry of Foreign Affairs, Malaysia, and with reference to the talks on Anti-Smuggling Co-operation between the representatives of the Philippine Government and the Malaysian Government recently held in Kuala Lumpur, has the honor to state the following understanding :

“ That nothing in the Agreement on Anti-Smuggling Co-operation between the Government of the Republic of the Philippines and the Government of Malaysia signed on September 1, 1967 at Kuala Lumpur should be construed to alter or amend the undertaking expressed by both Governments in the exchange of Notes both dated February 7, 1966 (Malaysian Note No. BY 6/66 and Philippines DFA No. 2587), and in the Communiqué dated June 3, 1966, between the Government of the Philippines and the Government of Malaysia. ”

Upon receipt of a reply Note from the Ministry of Foreign Affairs confirming the above-quoted understanding, this Note and the Ministry's reply thereto will constitute an Agreement between the two Governments.

The Embassy of the Philippines avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Malaysia, the assurances of its highest consideration.

Kuala Lumpur, September 1, 1967