

TREATY OF FRIENDSHIP BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE REPUBLIC OF INDIA

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Note: The Agreement was concurred in by the Senate, S. R. No. 131, May 13, 1952. The Philippine instrument of ratification was signed by the President, November 16, 1953. The Agreement entered into force, April 29, 1954, upon the exchange of ratification between the Parties. It was declared by the President, Proc. No. 228, S. 1955.

Reference: This Agreement is also published in II DFA TS No. 2, p. 1, and 203 UNTS, p. 73. The Presidential proclamation of the Agreement is published in 51 O.G., p. 6052 (Dec. 1955).

The Republic of the Philippines and the Republic of India 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, Secretary of Foreign Affairs;

His Excellency the President of India;

His Excellency MIRZA RASHID ALI BAIG, Envoy Extraordinary and Minister

Plenipotentiary of India in Manila;

who, after communicating 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 Republic of India 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 however apply to disputes relating to matters which are essentially within the domestic jurisdiction of one of the High Contracting Parties. If the parties cannot agree as to whether the dispute is international in character or is exclusively within the domestic jurisdiction of one of the High Contracting Parties, the question of jurisdiction shall be submitted for decision to the International Court of Justice, unless the parties agree to have the question decided by other means.

ARTICLE III

Each High Contracting Party shall endeavor to accredit to the other, subject to its approval, 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 the other, Consuls General, Consuls, Vice-Consuls, and Consular-Agents, who after being received and duly recognized whether by exequaturs or otherwise, 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 reciprocally 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, by the Other.

ARTICLE VI

The High Contracting Parties agree to conclude as soon as practicable a comprehensive treaty or treaties of commerce and navigation, consular rights and privileges, copyrights and patents and all other matters of common interest to both the parties.

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 the instruments of ratification, which shall take place at Manila (Philippines) and shall thereafter remain in force unless and until terminated by one year's written notice on either side.

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

DONE in duplicate in the English and Hindi languages in Manila this 11th day of July of the One Thousand Nine Hundred and Fifty Second year ANNO DOMINE; and of the Independence of the Philippines, the seventh.

For the Republic of the Philippines:

(Sgd.) J. M. ELIZALDE

For the Republic of India:

(Sgd.) M. R. A. BAIG

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