BILATERAL

TREATY OF CONCILIATION BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE UNITED STATES OF AMERICA

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Note: The Treaty has not been submitted to the Senate for ratification. The original copy is filed in the Records section in of the Department of Foreign Affairs. The Republic of the Philippines and the United States of America, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have decided to conclude a treaty of conciliation and for that purpose have appointed as their plenipotentiaries.

The President of the Republic of the Philippines:

His Excellency EI.PIDIO QUIRJNO, Vice-President and concurrently Secretary of Foreign Affairs of the Republic of the Philippines; and
The President of the United States of America:

His Excellency PAUL V. McNUTT, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of
the Philippines;

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

Any disputes arising between the Government of the Republic of the Philippines, and the Government of the United States of America, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission of Conciliation constituted in the manner prescribed in the next succeeding article.

ARTICLE II

The International Commission shall be composed of five members to be appointed as follows: One member shall be chosen from each country by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be constituted within six months after the exchange of ratifications of this Treaty; and vacancies shall be filed according to the manner of the original agreement.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by

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unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third shall be retained by the Commission for its files.

The International Commission shall, together with its report, submit its recommendations for the settlement of the matter in dispute.

Should no definite settlement be reached, notwithstanding the report and recommendations of the International Commission on the matter in dispute, the High Contracting Parties agree to submit the dispute to the jurisdiction of the International Court of Justice conformably with Article 36 of its Statute, and further agree to be bound without need of special agreement by the decision of the Court.

ARTICLE IV

The present Treaty shall be ratified by the Republic of the Philippines in accordance with its constitutional laws and by the President of the United States of America by and with the advice and consent of the Senate thereof.

The ratifications shall be exchanged at Manila as soon as possible, and the Treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

IN FAITH WHEREOF the above-named plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

DONE in duplicate at Manila this 16th day of November in the year of our Lord one thousand nine hundred and forty-six and of the Independence of the Philippines the first.

For the Government of the Republic of the Philippines:

(SGD.) ELPIDIO QUIRINO

For the Government of the United States of America:

(SGD.) PAUL V. McNUTT

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