

# **AGREEMENT FOR THE FACILITATION OF SEARCH FOR AIRCRAFT IN DISTRESS AND RESCUE OF SURVIVORS OF AIRCRAFT ACCIDENTS**

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THE GOVERNMENTS OF THE REPUBLIC OF INDONESIA, MALAYSIA, THE REPUBLIC OF THE PHILIPPINES, THE REPUBLIC OF SINGAPORE AND THE KINGDOM OF THAILAND;

BEING members of the Association of South East Asian Nations (hereinafter referred to as 'ASEAN') and of the International Civil Aviation Organization (hereinafter referred to as 'ICAO');

DESIRING to accelerate and intensify the implementation of the aims and purposes of ASEAN as embodied in the ASEAN Declaration;

AND CONSIDERING that, having adopted the Standards and Recommended Practices contained in the SEARCH and RESCUE, ANNEX 12 to the Convention of International Civil Aviation, it is in the interest of Contracting Parties to the Agreement to undertake to provide such measures of assistance to aircraft in distress in their territories as they may find practicable and to permit the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances;

DO HEREBY AGREE AS FOLLOWS:—

## ARTICLE 1

The Contracting Parties undertake to provide such measures of assistance as may be necessitated by the circumstances to aircraft in distress in their territories and neighbouring seas as they may find practicable.

## ARTICLE 2

The Contracting Parties, in providing assistance to aircraft in distress and to survivors of aircraft accidents, shall do so regardless of the nationality of such aircraft or survivors.

## ARTICLE 3

Each Contracting Party shall, subject to the control of its own authorities, permit immediate entry of aircraft, vessels, equipment and personnel necessary to search for aircraft in distress, or rescue survivors of aircraft accidents, into any areas other than prohibited areas in which it is believed that such aircraft or survivors are located. Each Contracting Party shall publish, in their respective Aeronautical Information Publications (AIPs), all necessary information concerning such authorities and the measures of control exercised by them.

## ARTICLE 4

Subject to the control of their own authorities, the Contracting Parties shall make arrangements to ensure entry without delay into their territories on a temporary basis of qualified personnel required for search and rescue in connection with aircraft in distress. They shall facilitate the temporary entry into their territories of all aircraft, vessels, and equipment required for search and rescue and shall admit these items free from customs duties and other taxes or charges and the application of regulations of any nature restricting the importation of goods and the subsequent re-exportation thereof.

## ARTICLE 5

1. The competent authorities of a Contracting Party which wishes its search and rescue units to enter the territory of another Contracting Party for search and rescue purposes shall transmit a request, giving full details of the projected mission and the necessity therefor, to the Rescue Co-ordination Centre (RCC) of the Contracting Party

concerned or to such other authority referred to in Article 3. as has been designated by the Contracting Party for that purpose. This request shall, when appropriate, be made through the medium of a flight plan (or similar message in the case of a rescue vessel or boat).

2. The competent authorities of the Contracting Parties shall:

- (a) immediately acknowledge receipt of the request referred to in Article 5 (1), and
- (b) as soon as possible, indicate in the permission required under Article 3 the conditions, if any, under which the projected mission may be undertaken.

#### ARTICLE 6

Each Contracting Party shall authorise its Rescue Co-ordination Centre(s):

- (a) to request from Rescue Co-ordination Centre(s) of other Contracting Parties such assistance, including aircraft, vessels, personnel and equipment, as may be needed, and
- (b) at the same time to grant any necessary permission for the flight of the aircraft concerned into and over its territory, and to make the necessary arrangements with the appropriate customs, immigration, and other authorities to expedite the entry and transit of the aircraft, vessels, personnel and equipment provided for the purpose of search and rescue.

#### ARTICLE 7

The Contracting Parties shall co-ordinate their search and rescue organizations with one another.

#### ARTICLE 8

1. This Agreement is subject to ratification by the signatory Governments. The instruments of ratification shall be deposited with the Ministry of Foreign Affairs of Singapore.

2. This Agreement is open for accession by a new member of ASEAN. The instruments of accession shall be deposited with the Ministry of Foreign Affairs of Singapore.

#### ARTICLE 9

1. This Agreement shall enter into force on the date on which the fifth instrument of ratification is deposited with the Ministry of Foreign Affairs of Singapore.

2. In respect of a State acceding to this Agreement after it has come into force, the Agreement shall enter into force on the date of deposit by such State of its instrument of accession. If such an instrument of accession is deposited before the Agreement comes into force, it shall enter into force in relation to that State on the date when the Agreement comes into force in accordance with the preceding paragraph of this Article.

#### ARTICLE 10

Any Contracting Party may propose any amendment to the provisions of this Agreement. Such amendment shall only come into force after it has been accepted by all the other Contracting Parties.

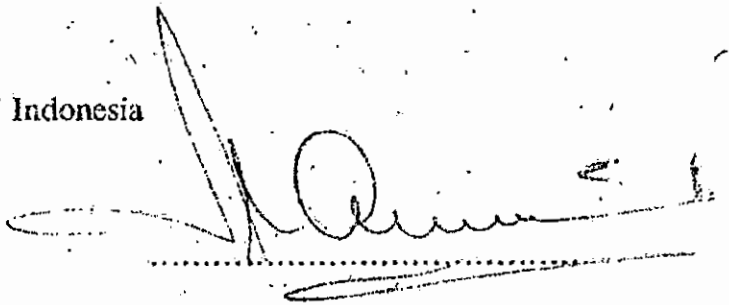
#### ARTICLE 11

A Contracting Party may at any time give formal notice of its intention to withdraw from this Agreement and such withdrawal shall take effect one year from the date of the notification to the Ministry of Foreign Affairs of Singapore, which shall immediately notify all the other Contracting Parties.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Singapore in five copies in the English Language this Fourteenth day of April, 1972.

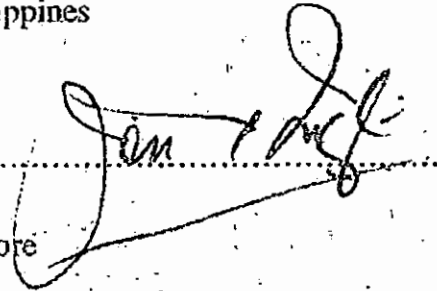
For the Government of the Republic of Indonesia

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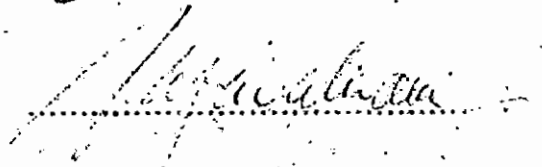
For the Government of Malaysia

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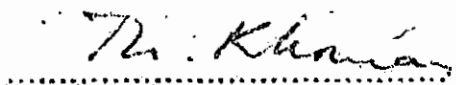
For the Government of the Republic of the Philippines

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For the Government of the Republic of Singapore

A handwritten signature in black ink, appearing to be 'S. ...', written over a horizontal dotted line.

For the Government of the Kingdom of Thailand

A handwritten signature in black ink, appearing to be 'T. Khomian', written over a horizontal dotted line.