



ASEAN AGREEMENT ON AERONAUTICAL AND MARITIME SEARCH AND RESCUE COOPERATION

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN) (hereinafter collectively referred to as "Member States" or individually as "Member State");

RECALLING the ASEAN Declaration on Cooperation in Search and Rescue of Persons and Vessels in Distress at Sea by ASEAN Foreign Ministers adopted on 27 October 2010 in Ha Noi, Viet Nam and the Joint Ministerial Statement of the 18th ASEAN Transport Ministers Meeting issued on 29 November 2012 in Bali, Indonesia, the Ministers had agreed to intensify aeronautical and maritime search and rescue (SAR) cooperation by establishing the ASEAN Transport SAR Forum to enhance cooperation for efficient aeronautical and maritime SAR operations in the region;

RECALLING also the Agreement for the Facilitation of Search for Aircrafts in Distress and Rescue of Survivors of Aircraft Accidents signed on 14 April 1972 in Singapore and the Agreement for the Facilitation of Search for Ships in Distress and Rescue of Survivors of Ship Accidents signed on 15 May 1975 in Kuala Lumpur, Malaysia;

REAFFIRMING the relevant provisions of the United Nations Convention on the Law of the Sea adopted on 10 December 1982 in Montego Bay, Jamaica;

NOTING the International Convention on Maritime Search and Rescue adopted on 27 April 1979 in Hamburg, Germany, (hereinafter referred to as the "SAR Convention"), and the relevant provisions of the Convention on International Civil Aviation signed on 7 December 1944 in Chicago, United States of America, (hereinafter referred to as the "Chicago Convention");

NOTING also the International Aeronautical and Maritime Search and Rescue Manual (hereinafter referred to as the "IAMSAR Manual");

RECOGNISING the challenges posed by the conditions faced by each Member State in SAR operations and the vital importance of providing rapid assistance to persons in distress situations;

ACKNOWLEDGING the usefulness of exchanging information and experience in the field of SAR and of conducting joint SAR training and exercises;

UNDERSCORING the great importance of cooperation among the Member States in conducting SAR operations;

REAFFIRMING our commitment to support the establishment of the ASEAN Community that is guided by the purposes and principles as contained in the ASEAN Charter,

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

Unless the context otherwise requires, the following definitions shall apply:

- (a) **rescue** means an operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety;
- (b) **rescue coordination centre (RCC)** means a unit responsible for promoting efficient organisation of SAR services and for coordinating the conduct of SAR operations within a search and rescue region (**SRR**);
- (c) **responsible authority** means the authority of each Member State designated to coordinate the implementation of this Agreement;
- (d) **search** means an operation normally coordinated by a rescue coordination centre or rescue sub-centre using available personnel and facilities to locate aircraft, ships, or persons in distress;
- (e) **search and rescue facility** means any mobile resource, including designated SAR units, used to conduct SAR operations;
- (f) **search and rescue region (SRR)** means an area of defined dimensions, associated with a rescue coordination centre, within which SAR services are provided; and

- (g) **territory** means the land territory, internal waters, territorial sea, archipelagic waters, the seabed and the sub-soil thereof, and the airspace over them.

Article 2 Objective

The objective of the ASEAN Agreement on Aeronautical and Maritime Search and Rescue Cooperation (hereinafter referred to as the "Agreement") is to develop and strengthen aeronautical and maritime SAR cooperation among the Member States.

Article 3 Areas of Cooperation

1. The Member States shall, subject to the laws, rules, regulations, procedures, and national policies in force, relating to SAR cooperation and operations in their respective countries, cooperate in the following areas:

- (a) exchanging and sharing of SAR-related information and experiences;
- (b) conducting joint SAR exercises and training;
- (c) providing support in joint SAR operations;
- (d) providing technical assistance to enhance SAR capability; and
- (e) promoting SAR coordination.

2. The Member States shall, with mutual consent, also cooperate in any other areas of SAR cooperation.

3. The Member States shall exchange information that may serve to improve the effectiveness of SAR operations. This may include:

- (a) SAR incident details;
- (b) SAR facilities;
- (c) medical and other relevant facilities;
- (d) training of SAR personnel;
- (e) SAR operation plan; and
- (f) SAR communications plan.

4. The Member States shall promote mutual SAR cooperation by giving due consideration to collaborative efforts including:

- (a) arranging exchanges of visits between SAR personnel;
- (b) sharing all available ship reporting systems for SAR purposes;
- (c) sharing SAR procedures and techniques;
- (d) providing relevant services in support of SAR operations;
- (e) supporting and implementing joint research and development initiatives;
- (f) reviewing joint SAR operations; and

- (g) conducting regular communications checks and exercises, including the use of alternative means of communications for handling communication overloads during major SAR operations.

5. The delimitation of SRRs is not covered by this Agreement. This Agreement does not prevent a Member State from entering into bilateral arrangements with another Member State on SRRs.

Article 4 Scope of Application

This Agreement shall apply to any person, a ship or other craft, including an aircraft, in distress, within the ASEAN region.

Article 5 Sovereign Immunity

Nothing in this Agreement affects the immunities under international law of state aircraft, warships, and other government ships operated for non-commercial purposes.

Article 6 Responsible Authorities of the Member States

1. Each Member State shall transmit the name and contact details of its Responsible Authority to the ASEAN Secretariat and to the other Member States.
2. Each Member State shall promptly notify in writing, any changes regarding its Responsible Authority, to the ASEAN Secretariat and to the other Member States.

Article 7
Rescue Coordination Centres

1. Each Member State shall establish its RCC and transmit, in writing, the name and contact details of its appointed RCC, to the ASEAN Secretariat and to the other Member States.
2. Each Member State shall promptly notify in writing, through its Responsible Authority, of any changes regarding its RCC, to the ASEAN Secretariat and to the other Member States.

Article 8
Conduct of Aeronautical and Maritime SAR Operations

1. The SAR Convention and the Chicago Convention form the basis for conducting SAR operations under this Agreement.
2. The IAMSAR Manual shall serve as additional guidelines for implementing this Agreement.
3. Without prejudice to paragraphs 1 and 2, the Member States shall conduct aeronautical and maritime SAR operations pursuant to this Agreement consistent with the following:
 - (a) SAR operations conducted pursuant to this Agreement in the territory of a Member State shall be carried out consistently with and subject to the laws and regulations and national policies in force in that Member State;
 - (b) if the RCC of a Member State receives information that any person, a ship or other craft, including an aircraft, is, or appears to be, in distress, that Member State shall take urgent steps to ensure that necessary assistance is provided;

- (c) any Member State having reason to believe that any person, a ship or other craft, including an aircraft, is in a state of emergency in the SRR of another Member State shall forward as soon as possible all available information to that Member State or Member States concerned;
- (d) the RCC of a Member State that has received information concerning a situation provided for in subparagraph (b) may request assistance from the other Member States;
- (e) the Member State to whom a request for assistance is submitted shall promptly decide and inform the requesting Member State whether or not it is in a position to render the assistance requested and shall promptly indicate the scope and the terms of the assistance that can be rendered;
- (f) the Member States shall ensure that assistance is provided as soon as possible to any person in distress, regardless of the nationality or status of such a person and the circumstances in which that person is found; and
- (g) the Member States shall promptly provide all relevant information regarding the SAR of that person to the consular or diplomatic authorities concerned.

Article 9

Facilitation of Entry

1. A Member State requesting permission to enter the territory of another Member State for SAR purposes, including for

refuelling, shall send its request to the RCC of that receiving Member State.

2. The RCC of the Member State receiving such a request shall confirm its receipt with minimum delay. The receiving Member State, through its RCCs, shall inform, as soon as possible whether entry into its territory has been permitted and the conditions, if any, under which the mission may be undertaken.

3. The Member State receiving such a request, as well as any Member State through whose territory permission to transit is needed, shall apply, in accordance with the laws, rules, regulations, procedures, and national policies in force, relating to SAR cooperation and operations in their respective countries, the most expeditious border crossing procedure possible.

Article 10 Meetings

The Member States shall meet, when necessary, in order to enhance cooperation on aeronautical and maritime SAR issues under this Agreement.

Article 11 Financial Arrangement

1. Each Member State shall bear its own costs incurred from its implementation of this Agreement, unless otherwise agreed by the Member States.

2. Implementation of this Agreement shall be subject to the availability of relevant resources.

Article 12
Amendment

1. Any Member State may request in writing an amendment to any part of this Agreement.
2. Any amendment to this Agreement shall be subject to the consent of the Member States and shall become effective on any date to be agreed upon by the Member States.

Article 13
Relationship with Other Agreements

This Agreement or any actions taken thereto shall not affect the rights and obligations of a Member State under any agreements or international conventions to which it is a party.

Article 14
Settlement of Disputes

Any difference or dispute between any Member States concerning the interpretation, or application of any of the provisions of this Agreement, shall be settled amicably through mutual consultation or negotiations between the Member States involved, without reference to any third party or international tribunal.

Article 15
Reservations

No reservations or exceptions shall be made, except in relation to Article 4 and subparagraph 3 (c) of Article 8, where a Member State may make reservation in writing to the Depositary that this

Agreement shall be applicable only to civil ship or aircraft in distress, provided that those reservations do not prejudice any Member State's rights and obligations under the SAR Convention and Annex 12 of the Chicago Convention.

Article 16 Confidentiality

1. The Member States shall observe the confidentiality and secrecy of documents, information, and other data received from, or supplied to, the other Member States during the period of the implementation of this Agreement or any other agreements made pursuant to this Agreement.
2. Notwithstanding paragraph 1, a Member State may disclose such documents, information and data to the extent as may be necessary in order to ensure that assistance is provided as soon as possible to any person in distress in accordance with subparagraph 3 (f) of Article 8.
3. The provisions of this Article shall continue to be binding between the Member States notwithstanding the termination of this Agreement.

Article 17 Depositary

This Agreement shall be deposited with the Secretary-General of ASEAN.

Article 18

Entry into Force

1. This Agreement shall be subject to ratification, approval, or acceptance by the Member States in accordance with their respective internal procedures.
2. This Agreement shall enter into force upon the deposit of the instruments of ratification, approval, or acceptance by the Member States with the Depositary, who shall promptly notify the Member States of such deposit.
3. Upon this Agreement's entry into force, the Member States confirm that the Agreement for the Facilitation of Search for Aircrafts in Distress and Rescue of Survivors of Aircraft Accidents signed on 14 April 1972 in Singapore and the Agreement for the Facilitation of Search for Ships in Distress and Rescue of Survivors of Ship Accidents signed on 15 May 1975 in Kuala Lumpur, Malaysia, shall have no effect.

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

DONE at Jakarta, Indonesia, this Twentieth Day of
January in the Year Two Thousand and Twenty-Three
in a single original copy in the English Language.