

1975 AGREEMENT FOR THE FACILITATION OF SEARCH OF SHIPS IN DISTRESS AND RESCUE OF SURVIVORS OF SHIP ACCIDENTS

Adopted in Kuala Lumpur, Malaysia on 15 May 1975

ARTICLE 1	2
ARTICLE 2	2
ARTICLE 3	2
ARTICLE 4	3
ARTICLE 5	3
ARTICLE 6	3
ARTICLE 7	3
ARTICLE 8	4
ARTICLE 9	4
ARTICLE 10	4
ARTICLE 11	4
ANNEX	5
ANNEX 2	6
ANNEX 3	7

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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 Southeast Asian Nations (hereinafter referred to “ASEAN”) and of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as IMCO);

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

NOTING that the said Governments of the ASEAN States had on April 14, 1972 signed in Singapore an Agreement for the Facilitation of Search for Aircraft in Distress and Rescue of Survivors of Aircraft Accidents;

AND CONSIDERING that, having adopted the Regulations contained in the SAFETY OF NAVIGATION, Chapter V annex to the international Convention for the Safety of Life at Sea, 1960, it is in the interest of Contracting Parties to the Agreement to undertake to provide such measures of assistance to ship in distress in their territories as they may find practicable and to permit the owners of the ship or authorities of the State in which the ship 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 ship in distress in their territories and neighbouring seas as they may find practicable.

ARTICLE 2

The Contracting Parties, in providing assistance to ship in distress and to survivors of ship accidents shall do so regardless of the nationality of such ship 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 ship in distress, rescue survivors of ship accidents, into any areas other than prohibited. Areas in which it is believed that such ship or survivors are located. Each Contracting Party shall publish, 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 connection with ship 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 their subsequent re-exportation.

ARTICLE 5

1. The competent authorities of a Contracting Party which wish 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, therefore, to the Rescue Coordination Centres (RCC) of the Contracting Party concerned or to such by the Contracting Party for that purpose. This request shall, when appropriate, be made through the medium of a rescue plan.
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 authorities its Rescue Coordination Centre (RCC):

- a. to request from Rescue Co-ordination Centres (RCC) of other Contracting Party 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/departure of the aircraft and/or vessels concerned into 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, that such SAR vessels, aircraft and/or personnel shall be under the operational control of the local RCC.

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

ARTICLE 9

1. This Agreement shall enter into force of the date on which the fifth Instrument of ratification is deposited with the Ministry of Foreign Affairs of the Republic of Indonesia.
2. In respect of a State acceding to this Agreement after the deposit of the fifth instrument of ratification, this Agreement shall enter into force 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 of 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 any such withdrawal shall take effect one year from the date of the notification to the Ministry of Foreign Affairs of the Republic of Indonesia, which shall immediately notify all the other Contracting Parties.

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

DONE at Kuala Lumpur in five originals in the English Language this 15th day of May, 1975.

ANNEX

Unless the context otherwise provides, the following definitions shall be applied:-

SEARCH AND RESCUE (SAR)

Defined as the employment of available personnel and facilities in rendering aid to Persons and Property in distress.

RESCUE COORDINATION CENTRE (RCC)

A primary SAR facility suitably staffed by supervisory personnel and equipped for coordinating and controlling SAR operation.

LOCAL RESCUE COORDINATION CENTRE (LRCC)

The Agency of a Contracting Party tasked with the collection and dissemination of SAR information for coordination of any search and rescue efforts involved in all SAR incidents.

ANNEX 2 MALAYSIAN RESERVATIONS ON AGREEMENT FOR THE FACILITATION OF SEARCH FOR SHIP IN DISTRESS AND RESCUE OF SURVIVORS OF SHIP ACCIDENTS

I.

ARTICLE 2

- a. The Agreement shall be applicable only to Civil Ship in Distress and shall not be applicable to State Ship, and
- b. Ship used in military, customs and public services shall be deemed to be State Ship.

ANNEX 3 RESERVATION OF THE INDONESIAN DELEGATION ON THE AGREEMENT FOR THE FACILITATION OF SEARCH FOR SHIPS IN DISTRESS AND RESCUE OF SURVIVORS OF SHIP ACCIDENTS

ARTICLE 1

Regarding Article 1, the Indonesian Delegation would like to emphasize the Indonesian Governments understanding that for the purpose of this Agreement the expression of territories shall include the land, the internal waters and the territorial seas as well as the air-space above them as defined in accordance with Indonesia's national legislation.