

SINGAPORE AND INTERNATIONAL LAW

This section was introduced for the first time in the December 1977 issue of the *Review* (1977) 19 Mal. L.R. 401. Its objective is to reproduce materials and information that will illustrate Singapore's attitude to, and approaches on, questions of international law and international organisations. As far as possible, primary materials will be reproduced but where unavailable, and the topics are important, secondary materials including relevant extracts from newspaper reports will be reproduced. The materials will be presented under the following headings:

- I. Policy Statements
- II. Legislation
- III. Judicial Decisions *
- IV. Treaties (other than Asean Instruments)
- V. Asean Treaties, Declarations and other Instruments
- VI. Singapore in the United Nations and other International Organisations and Conferences

Owing to limitations of space, the materials reproduced in the section will be selective. As the materials are compiled from the Law Library and other sources, it should be stressed that any texts contained herein are not to be regarded as officially supplied to the Review.

I. POLICY STATEMENTS

- (a) *Hijacking of Air Vietnam plane to Singapore: Government Statement of 17 November 1977 (Singapore Government Press Release, 17 November 1977)*

The Government has decided that the four hijackers who hijacked an Air Vietnam plane to Singapore will be tried in Singapore. Hijacking and murder are crimes which no civilised country can condone even when committed by those claiming to be political refugees.

Unfortunately, under the present laws of Singapore those hijackers cannot be tried for the specific offences of hijacking and the attendant murders. The reason is that we have ratified only the Tokyo Convention 1963 and not two other international conventions — viz. the Hague Convention 1970 and the Montreal Convention 1971. Had we ratified the Hague and Montreal Conventions, we would have the

* For this issue, there are no materials under this heading.

power to prosecute the hijackers for the crimes of hijacking and murder even though these offences were committed outside our air space. We propose to ratify these two Conventions and effect changes in our criminal law pursuant thereto in the near future. This ratification will enable us to prosecute for all future offences of hijacking and murder even when committed outside our territorial jurisdiction.

It is our understanding that the Socialist Republic of Vietnam is not a party to any of these three international conventions. Nor do we have an extradition treaty with Vietnam. Accordingly, it is not legally possible for us to extradite the hijackers.

However, the hijackers will not be allowed to go unpunished. Police investigations reveal a number of very serious crimes under our criminal laws. They are offences of armed robbery — an offence analogous to hijacking — abduction, wrongful confinement, and offences under the Arms Offences Act — that of carrying arms. In order to successfully prosecute the hijackers for offences like armed robbery and abduction committed within the aircraft whilst in Singapore air space and on the ground, it may be necessary to have the testimony of some witnesses on board the aircraft at the trial of these hijackers.

If they are found guilty, the prosecutors will urge the court of trial to mete out the severest penalties upon the accused as are permitted under our laws in respect of all or any of the offences.

The legal position set out above has been made known to representatives of the Government of the Socialist Republic of Vietnam. We have expressed to them our grave concern over the matter and explained the necessity of acting firmly and in accordance with international law and conventions.

(b) *Hijacking: Speech by Mr. Chua Sian Chin, Minister for Home Affairs and Education at the Second Reading of the Hijacking and Protection of Aircraft Bill 1978, in Parliament on 17 February 1978 (Singapore Government Press Release MC/FEB/13/78 (Home Affairs and Education))*

In recent years, the need for aviation security measures to protect life and property in air commerce has become obvious. The growing number of incidents of aerial hijacking and sabotage of aircraft on the ground and air navigation facilities make it urgent. The early cases of hijacking were usually carried out by persons seeking to reach a destination which would otherwise have been inaccessible to them. However, the nature and character of aerial hijacking and sabotage have developed from those crude and amateurish affairs to sophisticated and well-organised operations in which aircraft, passengers and crew are held as hostages for specific demands.

To meet this threat the International Civil Aviation Organisation (ICAO) signed and concluded a number of multilateral conventions. The first convention was the Tokyo Convention on Offences and Certain Other Acts committed on board Aircraft signed in 1963. This Convention was ratified by Singapore on 19 October 71 by the enactment of the Tokyo Convention Act 1971. The main objective of this Convention is to ensure that at least one State would have criminal jurisdiction over offences committed on board a civil aircraft in flight.

The Tokyo Convention has been supplemented by a further multi-lateral convention signed at the Hague on 16 December 70. This is the Hague Convention for the Suppression of Unlawful Seizure of Aircraft which came into force on 14 October 71. Singapore signed this Convention on 8 September 71. The purpose of this Convention is to provide a legal framework which will ensure that hijackers do not go unpunished. The Convention makes the act of hijacking an offence punishable by severe penalties to be imposed by Contracting States. It also obliges each Contracting State to take measures necessary for establishing its jurisdiction over the offence committed. It does not bind the State to extradite the offender except to another Contracting State with which it has signed an extradition treaty. The Convention, however, provides that the State which does not extradite the offender shall be obliged to prosecute him in the same manner as in the case of any ordinary offence of a serious nature under its laws.

Aerial hijacking is not the only danger which threatens the safety of civil aviation today. Attacks on aircraft on the ground and other acts of sabotage against air navigational facilities are also matters which undermine the confidence of the people of the world in the safety of civil aviation. To deter the commission of such acts, ICAO concluded the Montreal Convention for the Suppression of Acts against the Safety of Civil Aviation. This Convention was concluded and signed on 23 September 71 and came into force on 26 January 73. Singapore signed this Convention on 21 November 72. The Convention deals primarily with acts of sabotage, armed attacks and other forms of violence against international civil aviation and its facilities. Apart from enlarging the scope of offences, this Convention is similar to the Hague Convention.

Although Singapore is a party to the Hague and Montreal Conventions it has yet to ratify them. Both Conventions have gained wide acceptance in the world. As at November 77, a total of 79 countries were parties to the Hague Convention and 75 countries parties to the Montreal Convention. Among ASEAN countries, the Philippines and Indonesia have ratified and acceded to both Conventions.

Singapore should now ratify the Conventions. The Tokyo Convention to which Singapore is a party, is not designed as a deterrent against hijacking. There is no statute law in Singapore which makes aircraft hijacking an offence in itself. To enable the provisions of the Hague and Montreal Conventions to be implemented, this Bill will have to be enacted so that we have the laws in hand to discharge the obligations under the Conventions when they are ratified.

Clause 3 of the Bill provides that the offence of hijacking is committed by any person who, on board an aircraft in flight, unlawfully seizes or exercises control of the aircraft. The offence is committed irrespective of the nationality of the hijacker, the State of registration of the aircraft or the place of the hijacking, unless the aircraft is used in military, customs or police service.

Clause 4 provides that any act of violence against the passengers or crew of any aircraft in flight done by any person in connection with the offence of hijacking committed or attempted by him shall be deemed to have been committed in Singapore, regardless of where

the act was committed. In other words, if a person in committing hijacking were to commit murder of a member of the crew or passenger or certain specified offences, our courts will have jurisdiction to try and sentence him in accordance with our law as if the act was committed in Singapore.

Clauses 5 and 6 make it an offence to destroy or damage an aircraft in flight or to commit an act of violence on board such an aircraft which could endanger its safety; or to destroy, damage or interfere with air navigation installations. Clause 7 makes it an offence for any person in Singapore to abet the commission of the offences defined by Clauses 5 and 6.

Clause 8 provides that hijacking and other offences described in the Bill shall carry the penalty of imprisonment for life. Clause 9 provides that the consent of the Public Prosecutor is required before proceedings under the Bill are instituted. Pending such consent an offender may be arrested and charged in court.

Clause 10 seeks to make hijacking and other offences by virtue of the Bill extraditable offences. It also provides that where there is no extradition treaty between Singapore and a State which is a party to either the Hague or Montreal Convention, a Gazette Notification may be made under Section 4 of the Extradition Act applying that Act to such State as though the Convention constitutes an extradition treaty between Singapore and that State.

(c) *Opening Address by Mr. Ong Teng Cheong, Senior Minister of State for Communications, at Senior Officials Meeting on the Safety of Navigation in the Straits of Malacca and Singapore, 2nd March 1978 (Singapore Government Press Release MC/MAR/4/78 (Communications))*

On behalf of the Government of Singapore, I have much pleasure in welcoming you to this meeting of Senior Officials on Safety of Navigation in the Straits of Malacca and Singapore.

The Straits is a very old sea route. It has been traversed by ships of many countries for many centuries. From the days of sailing junks to the present supertankers, it is still being used as an important link between East and West. Today, it is one of the busiest waterways in the world. It brings trade and people to our region. We want to keep it that way, and at the same time make it safe for navigation.

Our three coastal States have met many times since 1970 to pursue this common goal. We have worked in unison on various issues affecting safety of navigation in the Straits of Malacca and Singapore. The results have been rewarding.

In 1977 we witnessed the culmination of our joint efforts in producing a routing system that is practical, safe and acceptable to all. In September last year the proposed Traffic Separation Scheme (TSS) was presented to the IMCO Sub-Committee for Safety of Navigation for endorsement and it enjoyed a smooth passage. Its subsequent adoption by the 10th General Assembly of IMCO is a further testimony of the technical competence of our three countries.

It also testifies to the spirit of co-operation and mutual understanding that have prevailed throughout the years of deliberations among us.

Even in the old days, the users were conscious of safety of navigation through the Straits. In 1955, the first detailed sailing instructions were published and made available to all mariners. The earliest chart of the Straits was made in 1667. These were followed in later years by other publications and charts — all aiming to ensure safe passage of ships.

Today, the safety of navigation in the Straits assumes greater urgency with the advent of deep draught vessels. Time and again, it has been found that accidents at sea have occurred mainly because of human errors. Therefore, it is vitally important that the users conscientiously observe and comply with the rules and regulations of the TSS when it comes into force.

There is still much to be done. We have concluded only the first phase of the work at hand. The second, and perhaps, the most crucial phase entails implementation of the TSS. Its implementation cannot readily come about without the fulfilment of previously agreed measures such as the establishment of a 23-metre navigable channel at One Fathom Bank and installation of navigational aids. These measures are essential for deep draught vessels to navigate safely. A concerted effort is again required on the part of all of us to bring the TSS a step nearer to implementation. We must keep up the momentum.

I wish you all a fruitful dialogue and a pleasant stay in Singapore.

It is now my pleasure to declare open this meeting of Senior Officials on Safety of Navigation in the Straits of Malacca and Singapore.

II. LEGISLATION

THE HIJACKING AND PROTECTION OF AIRCRAFT ACT 1978*

An Act to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16th December, 1970, and to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September, 1971, and for purposes connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:—

1. This Act may be cited as the Hijacking and Protection of Aircraft Act, 1978, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

* No. 9 of 1978. The Act was passed by Parliament on 17 February 1978 and assented to by the President on 2 March 1978 (arrangements of sections and marginal notes are omitted).

2.—(1) In this Act, unless the context otherwise requires —
 “act of violence” means —

- (a) any act done in Singapore which constitutes the offence of murder, attempted murder, culpable homicide not amounting to murder, voluntarily causing grievous hurt, voluntarily causing hurt by dangerous weapons or means, or an offence under—
 - (i) section 4 of the Arms Offences Act, 1973;
 - (ii) section 3 or 4 of the Corrosive and Explosive Substances and Offensive Weapons Act;
 - (iii) section 3 or 4 of the Explosive Substances Act; or
 - (iv) section 3 of the Kidnapping Act; and
- (b) any act done outside Singapore which, if done in Singapore, would constitute such an offence as is mentioned in paragraph (a);

“landing” includes alighting on water;

“military service” includes naval and air force service;

“unlawfully”—

- (a) in relation to the commission of an act in Singapore, means an offence that is (apart from this Act) constituted under any law in force in Singapore; and
- (b) in relation to the commission of an act outside Singapore, means the commission of the act that would (apart from this Act) have been an offence under any law in force in Singapore had it been committed in Singapore.

(2) For the purposes of this Act—

- (a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and
- (b) an aircraft shall be taken to be in service during the whole of the period which begins with the preflight preparation of the aircraft for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with paragraph (a) the aircraft is in flight.

3.—(1) Subject to subsection (2) a person on board an aircraft in flight who unlawfully, by the use of force or by threats of any kind, seizes the aircraft or exercises control of it commits the offence of hijacking, whatever his nationality or citizenship, whatever the State in which the aircraft is registered and whether the aircraft is in Singapore or elsewhere.

(2) If the aircraft is used in military, customs or police service, subsection (1) shall not apply unless —

- (a) the person seizing or exercising control of the aircraft is a citizen of Singapore; or

- (b) his act is committed in or over Singapore; or
- (c) the aircraft is used in the military, customs or police service of the Republic of Singapore.

(3) A person who commits the offence of hijacking shall be guilty of an offence under this Act.

4. Any act of violence against the passengers or crew of any aircraft in flight done by any person in connection with the offence of hijacking committed or attempted by him on board such aircraft shall be deemed to have been committed in Singapore and shall constitute an offence punishable under the law in force in Singapore applicable thereto, wherever the act of violence was committed, whatever the State of registration of the aircraft and whatever the nationality or citizenship of the offender.

5.—(1) Subject to subsection (4), any person who unlawfully and intentionally —

- (a) destroys an aircraft in service or so damages such aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or
- (b) commits on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft,

shall be guilty of an offence under this Act.

(2) Subject to subsection (4), any person who unlawfully and intentionally places or causes to be placed on an aircraft in service any device or substance which is likely to destroy the aircraft or is likely so to damage it as to render it incapable of flight or as to be likely to endanger its safety in flight shall be guilty of an offence under this Act; but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act —

- (a) may constitute an offence under subsection (1); or
- (b) may constitute attempting or conspiring to commit or abetting the commission of such offence.

(3) Except as provided by subsection (4), subsections (1) and (2) apply whether any such act therein mentioned is committed in Singapore or elsewhere, whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

(4) Subsections (1) and (2) do not apply to any act committed in relation to an aircraft used in military, customs or police service unless —

- (a) the act is committed in or over Singapore; or
- (b) where the act is committed outside Singapore, the person committing the act is a citizen of Singapore.

6.—(1) Subject to subsections (5) and (6), any person who unlawfully and intentionally destroys or damages any property to which this section applies or interferes with the operation of such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight, shall be guilty of an offence under this Act.

(2) Subsection (1) applies to any property used for the provision of air navigation facilities including any land, building or ship so used, and including any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

(3) Subject to subsections (4) and (5), any person who intentionally communicates any information which is false, misleading or deceptive in a material particular, where the communication of the information endangers the safety of an aircraft in flight or is likely to endanger the safety of an aircraft in flight, shall be guilty of an offence under this Act.

(4) It shall be a defence for a person charged with an offence under subsection (3) to prove —

- (a) that he believed, and had reasonable grounds for believing, that the information was true; or
- (b) that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

(5) Subsections (1) and (3) do not apply to the commission of any act unless either the act is committed in Singapore, or, where the act is committed outside Singapore —

- (a) the person committing the act is a citizen of Singapore; or
- (b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in Singapore or chartered by demise to a lessee whose principal place of business, or (if he has no place of business) whose permanent residence is in Singapore; or
- (c) the act is committed on board a civil aircraft which is so registered or so chartered; or
- (d) the act is committed on board a civil aircraft which lands in Singapore with the person who committed the act still on board.

(6) Subsection (1) also does not apply to any act committed outside Singapore and so committed in relation to property which is situated outside Singapore and is not used for the provision of air navigation facilities in connection with international air navigation, unless the person committing the act is a citizen of Singapore.

(7) In this section, “civil aircraft” means any aircraft other than an aircraft used in military, customs or police service.

7. Any person Singapore who abets the commission elsewhere of any act which —

- (a) would, but for subsection (2) of section 3, be the offence of hijacking; or
- (b) would, but for subsection (4) of section 5, be an offence under that section; or
- (c) would, but for subsection (5) or (6) of section 6, be an offence under that section,

shall be guilty of an offence under this Act.

8. Any person guilty of an offence under this Act shall be liable on conviction to be punished with imprisonment for life.

9.—(1) No prosecution shall be instituted under this Act without the written consent of the Public Prosecutor.

(2) Notwithstanding that a consent has not been given in relation to the offence in accordance with the provisions of subsection (1)—

- (a) a person may be arrested for an offence under this Act;
- (b) a warrant for the arrest of any person in respect of any offence under this Act may be issued and executed;
- (c) a person may be charged with an offence under this Act; and
- (d) a person charged with any offence under this Act may be remanded in custody or granted bail,

but no further steps in the proceedings in relation to the offence shall be taken until the Public Prosecutor's consent has been obtained.

10.—(1) There shall be deemed to be included in the list of extradition crimes described in the First Schedule to the Extradition Act offences under this Act and attempts to commit such offences.

(2) Where no extradition treaty is in force between Singapore and a State which is a party to the Convention, a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act as if the Convention were an extradition treaty between Singapore and that State; but where the Extradition Act is so applied, it shall have effect as if the only extradition crimes within the meaning of that Act were offences under this Act and attempts to commit such offences.

(3) For the purposes of the Extradition Act, any act, wherever committed, which—

- (a) is an offence under this Act or an attempt to commit such an offence, or would be such an offence or attempt but for subsection (2) of section 3, subsection (4) of section 5 or subsection (5) or (6) of section 6; and
- (b) is an offence against the law of any State in the case of which the Extradition Act has been applied by a notification in the *Gazette* made under section 4 of that Act, shall be deemed to be an offence within the jurisdiction of that State.

(4) In this section, "the Convention" means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16th December, 1970, or the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September, 1971.

THE SUPREME COURT OF JUDICATURE (AMENDMENT) ACT, 1978 *

An Act to amend the Supreme Court of Judicature Act (Chapter 15 of the Revised Edition).

* No. 10 of 1978. The Act was passed by Parliament on 17 February 1978 and assented to by the President on 2 March 1978 (marginal notes omitted)

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:—

1. This Act may be cited as the Supreme Court of Judicature (Amendment) Act, 1978, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

2. Subsection (1) of section 15 of the Supreme Court of Judicature Act is hereby amended—

- (a) by deleting the word “and” appearing at the end of paragraph (c) thereof;
- (b) by deleting the full-stop appearing at the end of paragraph (d) thereof and substituting therefor the expression “; and”; and
- (c) by inserting immediately thereafter the following new paragraph:—
 - “(e) by any person within or outside Singapore where the offence is punishable under and by virtue of the provisions of the Hijacking and Protection of Aircraft Act, 1978.”.

[Ed. Note: Prior to this Amendment, s. 15 of the Supreme Court of Judicature Act read:

“(1) The High Court shall have jurisdiction to try all offences committed—

- (a) within Singapore;
 - (b) on the high seas on board any ship or aircraft registered in Singapore;
 - (c) by any person who is a citizen of Singapore on the high seas or on any aircraft; and
 - (d) by any person on the high seas where the offence is piracy by the law of nations.
- (1) The High Court may pass any sentence allowed by law.”]

IV. TREATIES (OTHER THAN ASEAN INSTRUMENTS)

- (a) *Press Statement, 16 November 1977, on Avoidance of Double Taxation Convention Between Singapore and Philippines (Singapore Government Press Release MC/NOV/20/77 (Finance))*

The Convention for the Avoidance of Double Taxation between the Republic of Singapore and the Republic of the Philippines was signed in Manila on 1st August, 1977.

The Convention was brought into force on 16th November, 1977, following an exchange of Instruments of Notification between Mr. S. Rajaratnam, Minister for Foreign Affairs and Mr. Cesar Virata, Secretary of Finance, the Philippines.

The Convention takes effect in both countries as from 1st January, 1977, in respect of tax withheld or deducted at source on amounts paid to non-residents and for all other taxes, from taxation year or year of assessment beginning 1st January, 1977.

The Convention provides for limitation of tax to 15% on interest by the country of source. The other tax incentives under the Convention include a 15% tax on approved royalties from the Philippines, exemption for approved royalties from Singapore and 25% tax on other royalties. There is also provision for mutual tax sparing credit. This provision ensures that Singapore will give tax credit for the Philippines tax which has been reduced or exempted in accordance with the special economic incentive laws of the Philippines and vice versa.

The conclusion of the Convention besides minimising the effect of double taxation, will further promote flow of investment and technical know-how between the two countries.

With the ratification of the Convention, Singapore has seventeen Avoidance of Double Taxation Agreements in force, including three Agreements with ASEAN countries, namely, Malaysia, Thailand and the Philippines.

(b) *Joint Press Statement, 18 November 1977, on Agreement between the Swiss Confederation and the Republic of Singapore on the Reciprocal Promotion of Investments (MC/NOV/24/77 (Finance))*

An Agreement between the Government of the Swiss Confederation and the Government of the Republic of Singapore on the reciprocal promotion and protection of investments was initialled today by Prof. Klaus Jacobi, Ambassador, Delegate of the Swiss Federal Council for Trade Agreements, and Mr. Koh Cher Siang, Director, Development Division of the Ministry of Finance.

The Agreement represents another step forward in the expansion of economic relations between the two countries.

The Agreement is intended to promote the flow of investments between the two countries and provides for fair and equitable treatment, free transfer of capital revenue and full protection and security to investments made by nationals or companies of one party in the territory of the other party. In cases of expropriation, the Agreement provides for effective and adequate compensation.

The Agreement, once signed, will come into force on a date to be notified by both parties.

(c) *Press Statement, 29 November 1977, on Ratification of the International Rubber Agreement on Price Stabilisation. (Singapore Government Press Release MC/NOV/34/77 (Foreign Affairs))*

The International Rubber Agreement on Price Stabilisation was concluded at the Fifth Assembly of the Association of Natural Rubber Producing Countries held at Jakarta from 25th November 1976.

The Government of Singapore ratified the Agreement on 23rd November 1977, and the Instrument of Ratification was deposited with the Depository Government, the Government of Malaysia on 29 November 1977.

- (d) *Press Statement, 2 February 1978, on Air Services Agreement between Singapore and Iran (Singapore Government Press Release MC/FEB/5/78 (Communications))*

The Prime Minister of Singapore visited Iran from 14-18 September 1975 at the invitation of His Imperial Majesty Mohammad Reza Shah Pahlavi Shahanshah Aryamehr of Iran. Air services between Iran and Singapore was one of the areas of economic co-operation discussed at a meeting of the Prime Ministers of the two countries. The two Prime Ministers agreed that direct air services is a prerequisite for further economic co-operation.

Since then, the airlines of the two countries have met on a number of occasions to discuss the matter. From July 1977, when it commenced operations to Iran, SIA has been operating on a temporary permit issued by the Aeronautical Authorities of Iran.

The present air services negotiations in Singapore between the Government of Singapore and the Imperial Government of Iran from 31 January to 2 February 1978 was held to put on a firmer footing the exchange of traffic rights between the two countries.

At the conclusion of the negotiations, an Air Services Agreement was initialled. This agreement would enable the designated airlines of both countries, namely Singapore Airlines (SIA) and Iran Air, to operate air services between and beyond their respective territories.

SIA currently operates two B707 services a week through Tehran to Europe. Since the commencement of these services traffic growth on the Singapore-Tehran sector has been good: a 177% passenger growth rate was recorded in July/November 1977 over the corresponding period in the preceding year. Iran Air is studying the feasibility of operating to Singapore.

The two Delegations agreed to discuss a further liberalization of the agreement in Tehran in the first week of March 78. The subjects to be discussed will include increased frequency, the use of wide-body aircraft and additional traffic rights.

The Iran Delegation was headed by Mr. M.H. Moniri, Vice Minister of War and Administrator of Civil Aviation Organisation while Mr. Ong Teng Cheong, Senior Minister of State for Communications, was the leader of the Singapore Delegation.

- (e) *Press Statement, 3 February 1978, on Textile Agreement between Singapore and the USA (Singapore Government Press Release MC/FEB/7/78 (Finance))*

Singapore and the United States have reached agreement to extend the previous 3-year Agreement which expired last year, following negotiations held in Singapore from 30 January to 3 February 1978.

The new textile Agreement is for a duration of four years; effective from 1 January 1978. The Agreement will enable Singapore to export 232 million square yards equivalent of textiles and garments to the United States annually; which will increase by 6.25% each year. Under the terms of the Agreement, Singapore has been granted increases in

the categories of textiles and garments of export interest to Singapore for export to the United States. The Agreement also provides for flexibility provisions such as carry-over, carry-forward and swing.

- (f) Convention for the Suppression of Unlawful Seizure of Aircraft (signed at the Hague on 16th December, 1970)
- (g) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (signed at Montreal on 23rd September, 1971)

[Ed: The Hijacking and Protection of Aircraft Act 1978 (see *ante*, p. 187) was enacted to give effect to Conventions (f) and (g). The texts of these conventions are reproduced below.]

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

[Done at The Hague, December 16, 1970]

PREAMBLE

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter of grave concern;

CONSIDERING that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Any person who on board an aircraft in flight:

- (a) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or
- (b) is an accomplice of a person who performs or attempts to perform any such act

commits an offence (hereinafter referred to as "the offence").

ARTICLE 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

ARTICLE 3

1. For the purposes of this Convention, an aircraft is considered to be in flight at any time from the moment when all its external doors

are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

2. This Convention shall not apply to aircraft used in military, customs or police services.

3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.

4. In the cases mentioned in Article 5, this Convention shall not apply if the place of take-off and the place of actual landing of the aircraft on board which the offence is committed are situated within the territory of the same State where that State is one of those referred to in that Article.

5. Notwithstanding paragraphs 3 and 4 of this Article, Articles 6, 7, 8 and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

ARTICLE 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

- (a) when the offence is committed on board an aircraft registered in that State;
- (b) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;
- (c) when the offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 5

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft

which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft, the State mentioned in Article 4, paragraph 1 (c), the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offence shall be deemed to be included as an extraditable offence in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offence. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offence as an extraditable offence between themselves subject to the conditions provided by the law of the requested State.

4. The offence shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 4, paragraph 1.

ARTICLE 9

1. When any of the acts mentioned in Article 1(a) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 11

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

- (a) the circumstances of the offence;
- (b) the action taken pursuant to Article 9;
- (c) the measures taken in relation to the offender or the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 12

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer

the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

ARTICLE 13

1. This Convention shall be open for signature at The Hague on 16 December 1970, by States participating in the International Conference on Air Law held at The Hague from 1 to 16 December 1970 (hereinafter referred to as The Hague Conference). After 31 December 1970, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in The Hague Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE 14

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

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

DONE at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

[Done at Montreal, September 23, 1971]

The states parties to this Convention

CONSIDERING that unlawful acts against the safety of civil aviation jeopardize the safety of persons and property seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter of grave concern;

CONSIDERING that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Any person commits an offences if the unlawfully and intentionally:

- (a) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or
- (b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or
- (c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or
- (d) destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or
- (e) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.

2. Any person also commits an offence if he:
- (a) attempts to commit any of the offences mentioned in paragraph 1 of this Article; or
 - (b) is an accomplice of a person who commits or attempts to commit any such offence.

ARTICLE 2

For the purposes of this Convention:

- (a) an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board;
- (b) an aircraft is considered to be in service from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight as defined in paragraph (a) of this Article.

ARTICLE 3

Each Contracting State undertakes to make the offences mentioned in Article 1 punishable by severe penalties.

ARTICLE 4

1. This Convention shall not apply to aircraft used in military, customs or police services.

2. In the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall apply, irrespective of whether the aircraft is engaged in an international or domestic flight, only if:

- (a) the place of take-off or landing, actual or intended, of the aircraft is situated outside the territory of the State of registration of that aircraft; or
- (b) the offence is committed in the territory of a State other than the State of registration of the aircraft.

3. Notwithstanding paragraph 2 of this Article, in the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall also apply if the offender or the alleged offender is found in the territory of a State other than the State of registration of the aircraft.

4. With respect to the States mentioned in Article 9 and in the cases mentioned in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall not apply if the places referred to in subparagraph (a) of paragraph 2 of this Article are situated within the territory of the same State where that State is one of those

referred to in Article 9, unless the offence is committed or the offender or alleged offender is found in the territory of a State other than that State.

5. In the cases contemplated in subparagraph (d) of paragraph 1 of Article 1, this Convention shall apply only if the air navigation facilities are used in international air navigation.

6. The provisions of paragraphs 2, 3, 4 and 5 of this Article shall also apply in the cases contemplated in paragraph 2 of Article 1.

ARTICLE 5

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offences in the following cases:

- (a) when the offence is committed in the territory of that State;
- (b) when the offence is committed against or on board an aircraft registered in that State;
- (c) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;
- (d) when the offence is committed against or on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article 1, paragraph 1 (a), (b) and (c), and in Article 1, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the States mentioned in Article 5, paragraph 1, the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offences shall be deemed to be included as extraditable offences in any extradition treaty existing between Contracting States. Contracting States undertake to include the offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 5, paragraph 1 (b), (c) and (d).

ARTICLE 9

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 10

1. Contracting States shall, in accordance with international and national law, endeavour to take all practicable measures for the purpose of preventing the offences mentioned in Article 1.

2. When, due to the commission of one of the offences mentioned in Article 1, a flight has been delayed or interrupted, any Contracting State in whose territory the aircraft or passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 11

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 12

Any Contracting State having reason to believe that one of the offences mentioned in Article 1 will be committed shall, in accordance with its national law, furnish any relevant information in its possession to those States which it believes would be the States mentioned in Article 5, paragraph 1.

ARTICLE 13

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

- (a) the circumstances of the offence;
- (b) the action taken pursuant to Article 10, paragraph 2;
- (c) the measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 14

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

ARTICLE 15

1. This Convention shall be open for signature at Montreal on 23 September 1971, by States participating in the International Conference on Air Law held at Montreal from 8 to 23 September 1971 (hereinafter referred to as the Montreal Conference). After 10 October 1971, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in the Montreal Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE 16

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.

DONE at Montreal, this twenty-third day of September, one thousand nine hundred and seventy-one, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

V. ASEAN TREATIES, DECLARATIONS AND OTHER INSTRUMENTS *

- (a) The Asean Declaration of 8th August 1967.
- (b) Agreement for the Establishment of a Fund for the Association of Southeast Asian Nations of 17th December 1969.
- (c) Agreement for the Promotion of Cooperation in mass media and cultural activities of 17th December 1969.
- (d) Multilateral Agreement on Commercial Rights of Non-scheduled Air Services among the Association of South East Asian Nations of 13th March 1971.
- (e) Constitution and By-Laws of Asean Tours and Travel Association Adopted by the Inaugural Meeting held on 27th March 1971.
- (f) The Kuala Lumpur Declaration (Zone of Peace, Freedom and Neutrality) of 27th November 1971.
- (g) Agreement for the Facilitation of Search for Aircraft in Distress and Rescue of Survivors of Aircraft Accidents of 14th April 1972.
- (h) Agreement for the Facilitation of Search for Ships in Distress and Rescue of Survivors of Ship Accidents of 15th May 1975.
- (i) Agreement of the Establishment of the Asean Secretariat — of 24th February 1976.
- (j) Declaration of Asean Concord of 24th February 1976.
- (k) Treaty of Amity and Cooperation in Southeast Asia of 24th February 1976,
- (l) Asean Declaration for Mutual Assistance on Natural Disasters of 26th June 1976.
- (m) Asean Declaration of Principles to combat the abuse of Narcotic Drugs of 26th June 1976.
- (n) Agreement on Asean Preferential Trading Arrangements of 24th February 1977.
- (o) Meeting of Asean Heads of Government, Kuala Lumpur, 4 - 5 August 1977, Final Communique dated 5 August 1977.

* In the last issue (1977) 19 M.L.R. 408 *et. seq.*, the texts of (a) to (f) were reproduced. In this issue the texts of (g) and (h) are reproduced.

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

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 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 (RCCs) 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

For the Government of Malaysia

For the Government of the Republic of the Philippines

For the Government of the Republic of Singapore

For the Government of the Kingdom of Thailand

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

THE GOVERNMENTS OF THE REPUBLIC OF INDONESIA,
MALAYSIA, THE REPUBLIC OF THE PHILIPPINES, THE
REPUBLIC OF SINGAPORE AND THE KINGDOM OF THAI-
LAND.

BEING members of the Association of Southeast Asian Nations
(hereinafter referred to as "ASEAN") and of the Intergovernmental
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 Declara-
tion,

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 Inter-
national 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 terri-
tories 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, or 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 in 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 Co-ordination Centres (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 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 authorise its Rescue Co-ordination 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 for the purpose of search and rescue; 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

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

ARTICLE 9

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 the Republic of Indonesia.

In respect of a State acceding to this Agreement after the deposit of the fifth instrument of ratification, this 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 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 original copies in the English Language this 15th day of May 1975.

For the Government of the Republic of Indonesia	Signed _____
For the Government of Malaysia	Signed _____
For the Government of the Republic of Philippines	Signed _____
For the Government of the Republic of Singapore	Signed _____
For the Government of the Kingdom of Thailand	Signed _____

ANNEX

Unless the context otherwise provides, the following shall have the meaning:

Search and Rescue (SAR)

Defined as the employment of available personnel and facilities in rendering aids 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 Center (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.

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

ARTICLE 1

Regarding Article 1, the Indonesia Delegation would like to emphasize the Indonesian Government's 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.

MALAYSIAN RESERVATION
ON
DRAFT AGREEMENT FOR THE FACILITATION OF SEARCH
FOR SHIP IN DISTRESS AND RESCUE OF
SURVIVORS OF SHIP ACCIDENTS

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.

VI. SINGAPORE IN THE UNITED NATIONS AND OTHER
INTERNATIONAL ORGANISATIONS AND CONFERENCES

*International Monetary Fund: Singapore's Dispute * with IMF on
Distribution of Gold Profits: Report in Straits Times, 29 June 1978*

“Singapore has won a tussle over its status with the International Monetary Fund which has agreed to continue classifying the country as a developing country.

A Monetary Authority of Singapore (MAS) spokesman, who confirmed this yesterday, said the tussle ended in March when a three-man team from the IMF flew over to study the MAS data and was satisfied with Singapore's case for wanting to be considered “developing”.

The spokesman said: ‘We are pleased with the outcome. We put a lot of effort in convincing the IMF that we had a case.’

The major implication is in trade. About 20 per cent of Singapore's total exports now enjoy preferential treatment in entering foreign markets.

The IMF decision to treat Singapore as “developing” does not necessarily mean that its main trading partners like the EEC countries and America will automatically continue to allow Singapore goods in by a special door.

Nevertheless, the IMF is an international body and how it regards Singapore does carry some weight.

Secondly, Singapore's chances will go up in applying for “soft” loans with easier repayment terms from organisations like the World Bank and the Asian Development Bank.

Of less importance is the profit from the 25 million ounces of gold which the IMF will sell up to 1980 by public auctions to aid developing countries.

* See (1977) 19 Mal. L.R. 438 on Singapore's dispute with IMF.

Singapore's share of the profit is estimated at US\$3 million to US\$4 million (S\$6.9 million to S\$9.2 million). It received an instalment of US\$1.5 million (S\$3.45 million) in April soon after the 'developing' status issue eased.

Another point for Singapore is the IMF's decision to allow developing countries to take part 'non-competitively' at public auctions.

This means that such countries can now indicate before any of the monthly IMF auctions that they want to buy gold, within their quota share, at the average price for that particular auction.

Singapore's maximum non-competitive bid is for 32,000 ounces. The MAS spokesman said there would be 11 more auctions in the next 12 months for the country to make its bids.

The IMF had earlier said that Singapore should no longer be regarded as a developing country because of the island's prosperity.

Using the per capita Gross National Products yardstick, it said Singapore's exceeded US\$2,500 (S\$5,750), well above the measure for developing countries—below US\$1,000 (S\$2,300), even allowing for inflation.

Singapore protested strongly because its high expatriate labour level and many foreign firms artificially inflated the economy's per capita GNP.

Singapore won—but this may not be a permanent win. The spokesman said the IMF could, in future, use a different criteria in defining a "developing" country and Singapore may find itself in another battle."