

ARRANGEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF AUSTRALIA ON THE DEPLOYMENT OF AIR SECURITY OFFICERS

This Arrangement expresses the understandings of the Government of the Republic of the Philippines and the Government of Australia ('the Parties') in relation to the deployment of Air Security Officers;

Realizing that trans-border terrorist activities pose a very real danger to the security of the peoples and air travellers of, and commuting, the two countries;

Recognizing that preventing the increased threat to civil aviation requires international cooperation;

Recognizing the need to strengthen international cooperation at all levels in combating terrorism, including the enhancement of aviation security, pursuant to the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal Convention), and the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention);

Acting in the spirit of partnership and cooperation; Have reached the following understanding:

PARAGRAPH 1

PURPOSE AND DEFINITIONS

1. The purpose of this Arrangement is to enhance the security of regular scheduled commercial passenger flights between the territories of the Parties by providing a framework for the deployment of Air Security Officers on such flights.

2. For the purposes of this Arrangement:

(a) 'Air Security Officer' means a person who is employed, trained and accredited by the Government of the Sending State, to a standard acceptable to the Receiving State, to travel on an aircraft to provide security for that aircraft and the passengers and crew on it.

(b) 'Sending State' means the State in which the aircraft is registered.

(c) 'Receiving State' means the State in which the aircraft lands.

(d) 'Operational equipment' means a device or contraption that can assist an Air Security Officer in performing his or her function with utmost effectiveness such as restraining devices, armor vests, wire cutters, pliers, gas masks, and the like. These may also include electronic or computer gadgets.

(e) 'Weapons' means a firearm, loaded firearm or a non-lethal weapon.

i. 'Firearm' - any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged.

ii. 'Loaded firearm' - a firearm that contains shots, bullets and other missile in its magazine or chamber.

iii. 'Non-lethal weapon' - any weapon that can temporarily incapacitate an individual and enable an Air Security Officer to control the individual's behavior such as batons, taser guns, stun guns and stun grenades.

PARAGRAPH 2

SCOPE

This Arrangement will apply to regular scheduled commercial passenger air services registered in the Sending State, which operate to and from the Receiving State.

This Arrangement will also apply to any scheduled commercial passenger air service between the territory of a Party and the territory of a third State or Territory that is diverted to the territory of the other Party.

PARAGRAPH 3

GENERAL COMMITMENTS OF THE SENDING STATE

The Sending State will:

(a) Provide information requested by the Receiving State, which is reasonably necessary for it to carry out character checks on the Air Security Officers of the Sending State;

(b) Prior to the departure of a flight carrying its Air Security Officers, ensure that they have the appropriate visa to enter the Receiving State;

(c) Prior to the departure of a flight carrying its Air Security Officers, advise them of the need to declare all firearms, loaded firearms, non-lethal weapons and operational equipment to customs or other appropriate authorities in the Receiving State on landing and to comply with the customs and other laws of that State;

(d) Prior to the departure of a flight carrying its Air Security Officers, advise the Receiving State of the identity of the Air Security Officers on board and the type and number of firearms, loaded firearms, non-lethal weapons and operational equipment that they are carrying;

(e) If there is an incident on board, advise the Receiving State as soon as it becomes aware of this incident; and

(f) If there is an incident on board the aircraft and alleged offender(s) are detained or arrested, hand those alleged offender(s) over to the Receiving State upon landing to be dealt in accordance with the laws of the Receiving State subject to Paragraph 4.2.

PARAGRAPH 4