

**No. 48638**

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**Philippines  
and  
Singapore**

**Confidential Memorandum of Understanding between the Government of the Republic of the Philippines and the Government of the Republic of Singapore on mutual cooperation on the deployment of air marshals. Manila, 15 February 2006**

**Entry into force:** *provisionally on 15 February 2006 by signature and definitively on 14 August 2006 by notification, in accordance with article 14*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Philippines, 6 June 2011*

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**Philippines  
et  
Singapour**

**Mémoire d'accord confidentiel entre le Gouvernement de la République des Philippines et le Gouvernement de la République de Singapour relatif à la coopération pour le déploiement d'agents de sécurité aérienne. Manille, 15 février 2006**

**Entrée en vigueur :** *provisoirement le 15 février 2006 par signature et définitivement le 14 août 2006 par notification, conformément à l'article 14*

**Texte authentique :** *anglais*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**CONFIDENTIAL MEMORANDUM OF UNDERSTANDING  
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES  
AND THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE  
ON MUTUAL COOPERATION ON THE DEPLOYMENT OF AIR MARSHALS**

The Government of the Republic of the Philippines and the Government of the Republic of Singapore, hereinafter referred to as “the Parties,”

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

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

*Recognizing* the need to strengthen international law enforcement cooperation at all levels in combating terrorism, including the enhancement of aviation security in a comprehensive manner, and pursuant to Article 6(2) of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, Article 10(1) of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, and any other relevant International Civil Aviation Organization (ICAO) conventions, protocols, and regulations on the carriage of weapons on board an aircraft, to which the Philippines and Singapore are both Parties;

*Acting* in the spirit of partnership and cooperation,

Have reached the following understandings:

**1. Definition of Terms**

For the purpose of this Memorandum of Understanding, the following definitions shall be used:

- 1.1 air marshal – a person who is employed, trained and authorized by his Government to board and travel on aircraft operated by his national carrier with the consent of that Party, with his firearm and other operational equipment necessary to provide, maintain or restore security or order to the said aircraft and the passengers and crew while it is airborne.
- 1.2 airborne – the time when the external doors of an aircraft are closed before flight, up to the time when the external doors are opened for disembarkation.

- 1.3 firearm – any lethal barreled weapon of any description from which any shot, bullet or other missile can be discharged.
- 1.4 loaded firearm – a firearm that contains shots, bullets and other missile in its magazine or chamber.
- 1.5 operational equipment – any device or contraption that can assist an air marshal in performing his 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.
- 1.6 non-lethal weapon – any weapon that can temporarily incapacitate an individual, that would enable an air marshal to control his or her behavior, such as batons, taser guns, stun guns and stun grenades.
- 1.7 national carrier – an airline registered in the Republic of the Philippines or the Republic of Singapore, as the context so requires, on whose aircraft air marshals of the respective Party shall be authorized to board and travel in accordance with this Memorandum and relevant ICAO Standards.

## **2. Objective**

- 2.1 The Parties undertake to cooperate with each other in the deployment of air marshals on board aircraft of their respective national carriers to and from the airports of the two countries.

## **3. Applicable Laws and Implementation of this Memorandum**

- 3.1 The Parties will implement this Memorandum of Understanding in accordance with their respective laws and regulations and in accordance with their international legal obligations.
- 3.2 The Parties will conclude an Implementing Agreement to set out the operational arrangements of each Party after the coming into effect of this Memorandum of Understanding.

## **4. Frequency of Flights with Air Marshals on Board**

- 4.1 Each Party will determine the frequency of the flights between the airports of the two countries on which air marshals will be deployed on their respective national carrier's aircrafts. The Parties may deploy air marshals on board their respective aircraft of their own national carriers only.

- 4.2 A Party which has relevant intelligence information concerning the other Party's national carrier may provide such information to the other Party with a request to it to deploy its air marshals on aircraft of such a carrier. The requested Party shall consider such request based on intelligence information received from the requesting Party and may accede to the request where it deems appropriate.

**5. Number of Air Marshals on Each Flight**

- 5.1 Each Party will decide on the number of its air marshals that will be deployed on board aircraft operating any particular flight of its national carrier.

**6. Equipment**

- 6.1 The air marshals will be permitted to carry the following items on board the aircraft:
- i. Loaded firearms;
  - ii. Non-lethal weapons; and
  - iii. Other operational equipment.

**7. Prior Registration of Firearm**

- 7.1 Where required by the laws of the other Party, the firearm of the air marshal shall be registered with the concerned law enforcement agency of the other Party prior to the deployment of the air marshal on board the aircraft.

**8. Notification of the Deployment of Air Marshals**

- 8.1 Each Party will notify the appropriate authority of the other Party at a reasonable and convenient time of its intention to deploy air marshals on board aircraft operating a particular flight of its national carrier and provide the other Party with the following information:
- i. The flight number, the scheduled arrival/departure time and point;
  - ii. The number of air marshals to be deployed and their equipment carried aboard the aircraft; and
  - iii. Whether the air marshals will be disembarking from the aircraft.
- 8.2 The other Party will acknowledge, in writing, receipt of the notice under subparagraph 8.1 above.

- 8.3 On occasions where an aircraft with the air marshals of one Party on flights to a third country is required to be diverted to an airport of the other Party, the other Party will extend its cooperation to that Party by allowing the aircraft to land and facilitating the return of the air marshals.

The extent and limitation of the facilitation of the return of the air marshals shall be decided by the concerned agencies of both Parties and will be included in an Implementing Agreement to this Memorandum.

## **9. Procedure upon Arrival, onboard the Aircraft and upon Departure**

- 9.1 For flights where the air marshals are required to remain on board the aircraft upon landing at the other Party's airport, the notification process as outlined in subparagraph 8.1 will continue to apply. The air marshals, however, will not disembark from the aircraft and will depart using the same aircraft.
- 9.2 For flights where the air marshals are required to disembark from the aircraft upon arrival at the other Party's airport, their firearms, ammunitions, non-lethal weapons and other operational equipment will be registered and deposited at the other Party's airport in accordance with the ground procedures as prescribed by the other Party's appropriate authority. Prior to boarding the return flight, the said air marshals will retrieve all previously registered and deposited items at the airport from the relevant authorities.
- 9.3 Each Party shall ensure that every air marshal who will board his or her respective air carrier has attained an adequate degree of proficiency on firearms handling.
- 9.4 As part of the Implementing Agreement, a protocol to be observed by air marshals while carrying and using firearms, non-lethal weapons, and other operational equipment on board the aircraft and regarding the relationship between the aircraft commander and the air marshal shall be agreed on by the concerned agencies of the Parties.

## **10. Confidentiality**

- 10.1 Each Party will preserve the confidentiality of documents, information and other data received from the other Party in connection with this Memorandum.