

GUIDELINES FOR THE PROVISION OF EMERGENCY ASSISTANCE BY ASEAN MISSIONS IN THIRD COUNTRIES TO NATIONALS OF ASEAN MEMBER COUNTRIES IN CRISIS SITUATIONS

Preamble

Consistent with the vision of building a Caring and Sharing ASEAN Community and in accordance with the "Statement by the Foreign Ministers of ASEAN Member Countries on Assistance by ASEAN Missions in Third Countries to Nationals of ASEAN Member Countries in Crisis Situations" at the 39th ASEAN Ministerial Meeting in Kuala Lumpur on 25 July 2006, the ASEAN Member Countries have agreed to adopt the following Guidelines to extend assistance to nationals of ASEAN Member Countries who are caught in conflict or crisis situations in third countries.

General Principles

1. The implementation and application of these Guidelines shall be subject to the applicable laws, rules, regulations and national policies from time to time in force in the respective ASEAN Member Countries.
2. Subject to the capacities and resources available in the circumstances of each situation, in conflict or crisis situations, Missions of ASEAN Member Countries agree to provide assistance to nationals of other ASEAN Member Countries who are not represented in the conflict or crisis areas in third countries.
3. A conflict or crisis situation is a situation wherein the general population of a given territory is placed at imminent risk because of military action, widespread violence and lawlessness, outbreak of highly contagious and dangerous diseases, massive destruction and devastation of physical infrastructure due to natural calamities and other similar situations as officially announced by the local/central authority as an emergency situation.
4. In the spirit of ASEAN cooperation and solidarity, the ASEAN Member Country requesting assistance shall endeavor to dispatch adequate personnel and resources to the Missions of ASEAN Member Countries in third countries in order to assist them in providing the necessary assistance to their own nationals in the conflict or crisis areas.
5. In extending assistance to nationals of other ASEAN Member Countries, the Member Country providing assistance shall, under no circumstances, be liable for any damage to property (including loss of use) and/or the injury or death suffered by the national which occurs as a result of or arising out of the assistance provided by the Member Country.

6. The ASEAN Member Countries requesting assistance from another Member Country shall be responsible for the safe return and repatriation of their nationals once they are handed over to them.
7. The Member Country requesting assistance will reimburse the Member Country providing assistance for expenses incurred in the conduct of such assistance.
8. The assistance provided under these Guidelines shall not be applied to nationals of ASEAN Member Countries who are known to be involved in criminal activities and other transnational crime including terrorism. The mechanism shall not be used in any way as a tool of protection from prosecution.
9. In providing assistance, priority shall be given to the nationals of the ASEAN Member Country extending such assistance.
10. The Government of the nationals of an ASEAN Member Country seeking assistance will closely coordinate with the ASEAN Member Country providing assistance in order to enable the latter to effectively and efficiently extend the necessary emergency assistance.

Courses of Action

11. ASEAN Member Countries will identify emergency contact points within their Foreign Ministries, which would serve to coordinate the provision of emergency assistance as envisaged under these Guidelines.
12. To the extent practicable, ASEAN Member Countries requesting assistance will send a note verbale to the identified emergency contact point of the ASEAN Member Countries represented in the conflict or crisis area.
13. A national of an ASEAN Member Country may also directly seek assistance from the Missions of ASEAN Member Countries or go directly to shelters provided by ASEAN Member Countries.
14. However, a Member Country providing assistance cannot be obliged to place its agents at risk with a request to locate the nationals of another ASEAN Member Country.
15. Upon reaching the premises of Mission or safe area provided by a Member Country, the nationals of a Member Country shall be registered with that Mission and appropriate information relayed to the respective emergency contact points;

16. In all instances, the ASEAN Member Countries shall be notified that their nationals had sought assistance with the Missions of another ASEAN Member Country and shall verify the claim of citizenship of that person in the speediest possible manner;
17. In case the ASEAN national seeking assistance has no travel document, they shall be provided with necessary assistance to enable them to reach a third country where they can seek the assistance of their own countries' missions;
18. An ASEAN Member Country providing assistance to the nationals of other ASEAN Member Countries may seek the assistance of other ASEAN Member Countries and international organizations in seeking zones of safety, supplies and evacuation logistics.
19. In case of natural disasters, ASEAN Member-Countries will work with the ASEAN Coordinating Center for Humanitarian Assistance to Member Countries, as appropriate to the circumstances.

Review

20. The ASEAN Directors General of Immigration and Heads of Consular Divisions of the Ministries of Foreign Affairs Meeting (DGICM) will review implementation, experiences and lessons learned when necessary, with a view to further improving implementation mechanisms.
 21. The DGICM will consider the possibility of developing a common emergency travel document for ASEAN nationals who have lost their national travel documents and are seeking assistance from the Mission of another Member Country within the framework of these Guidelines.
 22. The outcome of this review shall serve as inputs to any improvement for these Guidelines.
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