begin text: ELEMENTS OF THE INCSEA TEXT

TITLE [to be decided]

...[signatories]..., hereinafter referred to as the Parties,

Acting in good faith,

Recognizing the spirit of mutual respect, common values
and similar traditions shared by professional mariners,

Desiring to demonstrate their commitment to peaceful
co-existence, and to take concrete action in that regard,

Desiring further to encourage communication and
cooperation to ensure the safety of navigation of their ships
and flight of their aircraft,

Noting that the Parties may draw upon this agreement to
inspire other multilateral or bilateral arrangements in the
region,

Guided by the principles and rules of international law,

Have agreed as follows:

ARTICLE I - DEFINITIONS

1. For the purposes of this agreement:

a. "ship" shall mean:

[1] a warship belonging to the armed forces of a State,
bearing the external marks distinguishing such ships of its
nationality, under the command of an officer duly commissioned
by the government of the State and whose name appears in the
appropriate service list or its equivalent, and manned by a
crew which is under regular armed forces discipline; and

[2] a ship belonging to a government or authority which is
used for non-commercial purposes, including naval auxiliary
ships such as tugs or tenders, and vessels of official agencies
of that government or authority, such as coast guard, customs
and police;

b. "aircraft" shall mean any military manned
heavier-than-air or lighter-than-air craft, excluding space
craft;

c. "formation" shall mean a disposition of two or more ships
proceeding in company and maneuvering together;
2. This agreement shall apply to ships and aircraft of the Parties outside of their territorial waters.

ARTICLE II – COLLISION REGULATIONS

The Parties shall take measures to instruct the Commanding Officers of their respective ships to observe strictly the letter and spirit of the 1972 International Regulations for Preventing Collisions at Sea, hereinafter referred to as "the 1972 Collision Regulations".

ARTICLE III – PROVISIONS APPLICABLE TO SHIPS

1. In all cases, ships of the Parties operating in proximity to each other, except when required to maintain course and speed under the 1972 Collisions Regulations, shall remain well clear to avoid risk of collision.

2. Ships of one Party meeting or operating in the vicinity of a formation of another Party shall, while conforming to the 1972 Collisions Regulations, avoid maneuvering in a manner which would hinder the evolutions of the formation.

3. Formations shall not conduct maneuvers through areas of heavy traffic where internationally recognized traffic separation schemes are in effect.

4. Ships of one Party engaged in observation of ships of another Party shall stay at a distance which avoids the risk of collision and shall also avoid executing maneuvers embarrassing or endangering the ships under observation. Except when required to maintain course and speed under the 1972 Collision Regulations, an observing ship shall take positive early action so as, in the exercise of good seamanship, not to embarrass or endanger ships under observation.

5. When ships of the Parties are in sight of one another, such signals [flag, sound and light] as are prescribed by the 1972 Collision Regulations, the International Code of Signals and the Table of Special Signals set forth in the Annex to this Agreement shall be adhered to for signalling operations and intentions. The use of voice radio or flashing light is encouraged, especially when danger of collision or other hazard is imminent [in extremis], or under conditions where it is difficult to read signal flags such as at night or in daytime conditions of reduced visibility.

6. In the interests of mutual safety, ships of the Parties shall not deliberately threaten, harass or endanger each other by:
a. simulating attacks by aiming guns, missile launchers, torpedo tubes or other weapons in the direction of ships and aircraft of an other Party;

b. launching in the direction of ships or aircraft of an other Party any object, heavier-than-air or lighter-than-air, which could be hazardous to those ships and aircraft or constitute a hazard to navigation;

c. using searchlights or other illumination devices for the purpose of illuminating the navigation bridges of ships and cockpits of aircraft of an other Party;

d. using a laser in such manner as to cause harm to personnel or damage to equipment aboard a ship or an aircraft of an other Party;

e. launching signal rockets in the direction of ships or aircraft of an other Party.

7. When ships of a Party detect activity inconsistent with paragraph 6 [above], they may inform ships or aircraft of the Party believed to be the cause of such activity. Ships or aircraft receiving such communications shall take expeditious measures to terminate such activity.

8. When conducting exercises with submerged submarines, supporting ships shall show the appropriate signals prescribed by the International Code of Signals, or in the Table of Special Signals set forth in the Annex to this Agreement, to warn ships of the presence of submarines in the area.

9. Ships of one Party when approaching ships of an other Party which are conducting operations which in accordance with Rule 3[g] of the 1972 Collision Regulations are restricted in their ability to maneuver, and particularly ships engaged in launching or landing aircraft as well as ships engaged in replenishment underway, shall take appropriate measures not to hinder maneuvers of such ships and shall remain well clear.

ARTICLE IV - PROVISIONS APPLICABLE TO AIRCRAFT

1. Commanders of aircraft of the Parties shall use the greatest caution and prudence in approaching ships of another Party, and aircraft operating with, or in proximity to, those ships. In the interest of mutual safety, aircraft of the Parties shall not deliberately threaten, harass or endanger ships and aircraft of an other Party by:
a. simulated attacks or the simulated use of weapons against ships or aircraft of an other Party;

b. the performance of aerobatics over ships of an other Party;

c. the launch in the direction of ships or aircraft of an other Party any objects which could be hazardous to those ships or aircraft or constitute a hazard to navigation.

2. When aircraft of a Party detect activity inconsistent with paragraph 1 [above], they may inform ships or aircraft of the Party believed to be the cause of such activity. Ships or aircraft receiving such communications shall take expeditious measures to terminate such activity.

3. Aircraft of the Parties flying in darkness or under instrument conditions shall, whenever feasible, display navigation lights.

ARTICLE V - RADIO COMMUNICATIONS

1. The primary means of ship-to-ship radio communications will be on Very High Frequency [VHF] Channel 16 [156.8 MHz]. High Frequency Band [HF] frequency 2182.0 KHz may be used as an alternative.

2. Communication between aircraft, or between aircraft and an air traffic control or monitoring facility, will be initiated on Very High Frequency band [VHF] frequency 121.5 MHz [primary], Ultra High Frequency band [UHF] frequency 243.0 MHz [secondary] or High Frequency band [HF] frequency 4125.0 KHz [alternate 6215.0 KHz]. After initial contact is made, the working frequency is VHF 130.0 MHz, UHF 278.0 MHz, or HF 4125.0 KHz. (See footnote 1 at end of text.)

3. Communication between ships and aircraft will be established on VHF 121.5 MHz or UHF 243.0 MHz. Subsequently the working frequency will be VHF 130.0 MHz or UHF 278.0 MHz.

4. In order to establish these communications, the call signs "[name of country] Warship" or "[name of country] Aircraft" shall be used.

5. Radio communication procedure with and between ships shall follow the procedures established for use with the International Code of Signals, including the use of international phonetic English letters and numbers.
ARTICLE VI - DANGERS TO SAFETY OF NAVIGATION OR FLIGHT

1. Normally not less than three to five days in advance, the established system of radio broadcasts of information and warning to mariners and airmen shall be used for notification of actions beyond the territorial sea which represent a danger to navigation or to aircraft in flight.

2. Recognizing that deliberate interference with the command and control networks of ships and aircraft on the high seas is hazardous to the safety of navigation and flight of those ships or aircraft, and constitutes a hazard to navigation, when ships or aircraft of a Party detect such hazardous interference or activity, they may inform the ships or aircraft of the Party believed to be the cause of such interference or activity. If ships or aircraft receiving such communications are the cause of such interference, they shall take expeditious measures to terminate such interference.

ARTICLE VII - REPORTING AND EXCHANGE OF INFORMATION

1. Appropriate authorities shall, in a timely manner, exchange appropriate information concerning collisions, incidents which result in damage, or other incidents at sea between ships and aircraft.

2. Where possible such information shall be provided through Naval or Military Attaches or other agreed official channels such as the ACRS Communications Network. (See footnote 2 at end of text.) Parties involved in specific collisions or incidents shall agree upon a report which they will jointly make available to others as appropriate.

3. The same procedure as described in paragraph 2 shall also be used to exchange other relevant information of mutual interest if immediate exchange of such information may be considered important.

ARTICLE VIII - CONSULTATIONS AND REVIEW PROCESS

1. Multilateral review of this agreement will be conducted at least annually as part of an annual symposium of regional and other relevant naval and marine authorities, hosted on a rotational basis as may be agreed. This symposium will:

a. review the effectiveness of this agreement;

b. examine possible ways of assuring a higher level of safety of navigation of ships and flight of aircraft;
c. review the effectiveness of the channels of communications; and

d. exchange information on other subjects of mutual professional interest.

2. This symposium will also provide the opportunity for bilateral meetings as desired.

ARTICLE IX - APPLICABILITY

Done at ........this ......day of ......19......in the ...........languages, each text being equally authentic.

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FOOTNOTES
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1. Amendments to frequencies as follows may be required, subject to technical confirmation.

Replace  With
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4125.0  3135.0
6215.0  5608.0
130.0  120.5
278.0  361.0

2. The experts acknowledge possible future use of the ACRS Communications Network to exchange additional safety information or to supplement information broadcast by other established means.

End INCSEA text.