



ICAO

International Civil Aviation Organization
North American, Central American and Caribbean Office

WORKING PAPER

SAR MTG — WP/02
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**NAM/CAR/SAM Search and Rescue (SAR) Implementation and Civil-military Coordination Meeting
(SAR MTG)**

Port of Spain, Trinidad and Tobago, 25 to 28 October 2016

**Agenda Item 2: SAR agreements
2.1 SAR agreements**

LETTER OF AGREEMENT

(Presented by United States)

EXECUTIVE SUMMARY

The 2015 NAM/CAR/SAM SAR Workshop discussed the SAR agreement template to be published in the 2016 edition of the IAMSAR Manual, Volume I. Discussion included explanation of the notes and use of the template, association with 'letter of agreement', and the possible value of a shorter version of the template. Since then the other five ICAO Regional Offices (Bangkok, Cairo, Dakar, Nairobi and Paris) have participated in regional SAR forums which held similar discussions. This paper proposes that recent efforts and documents provide information that should be compared so that recommendations are developed to assist States to finalize SAR agreements to meet the intent of Annex 12.

Action:	See paragraph 3.1
<i>Strategic Objectives:</i>	Safety
<i>References:</i>	<ul style="list-style-type: none">• Annex 12 - — Search and Rescue to the Convention on International Civil Aviation (Chapter 3 Cooperation)• Doc 9731 — International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual 2016 edition, Volume I, Appendix I SAR agreements

1. Introduction

1.1 This paper proposes that recent efforts and documents provide information that should be compared so that recommendations are developed to assist States to finalize SAR agreements to meet the intent of Annex 12. ICAO Universal Safety Oversight Audit Programme (USOAP) Reports and ICAO Bangkok Asia/Pacific experience confirm that many States have not established SAR agreements as called for under Annex 12. The Asia/Pacific SAR Plan provides background information. 'Letters of Agreement' was a specific topic and session at the ICAO Regional and Inter-regional Seminar and Workshop on SAR held 19-22 July 2016, in the Seychelles organized by four ICAO Regional.

1.2 ICAO Paris Europe SAR Task Force met in October 2016, and held similar discussion on SAR agreements. Also, ICAO and International Maritime Organization (IMO) have agreed to a sample SAR agreement as published in the IAMSAR Manual Volume I. Practical advice could be developed to assist SAR agencies to overcome concerns from their own managers or ministry of foreign affairs or the military or political or other reasons.

2. Discussion

2.1 The Asia/Pacific Regional Office formed a SAR Task Force which developed the Asia/Pacific SAR Plan. This SAR Plan provided insight regarding the aeronautical community's Letter of Agreement:

“Short term measures that may be implemented relatively easily include the establishment of a national SAR committee and ensuring SAR agreements are in place with neighboring States allowing for seamless cross-border transit of search assets engaged in SAR activity. A SAR agreement can be in the form of a ‘Letter of Agreement’ (LOA) or a Memorandum of Understanding or other acceptable term indicating a lower form of arrangement for operational matters between SAR service providers (such as RCCs and/or RSCs) or a more formal agreement for arrangements between governments concerned; and,

2.2 Establish SAR agreements with States having adjoining Search and Rescue Regions (SRRs) or Flight Information Regions (FIRs), including trans-regional neighbours (the agreements should include clear responsibilities for overlapping or non-adjoining aeronautical and maritime SRRs.”

2.3 Four ICAO regions met recently for the *ICAO Regional and Inter-regional Seminar and Workshop on SAR* held 19-22 July 2016 in the Seychelles Offices (Bangkok, Cairo, Dakar and Nairobi). A key presentation was ‘SAR Letters of Agreement and Search and Rescue Exercises’. After this presentation the Workshop broke into small groups to complete bilateral SAR agreements. Key points made about the “SAR letter of agreement (LoA)” included:

a) Contracting States should enter into agreements with neighbouring States to strengthen search and rescue cooperation and coordination, setting forth the conditions for entry of each other's SAR units into their respective territories. These agreements should also provide for expediting entry of such units with the least possible formalities (Annex 12 Recommendation 3.1.5). Listed below is the general content that most States believed should be in an agreement. **Note:** *text below in square brackets [] were inserted for consideration by the US author of this paper.*

- a) States or organization concerned
- b) Effective date of the agreement
- c) Contact details
- d) Media through which contact for assistance will be executed
- e) Procedures/conditions for entry of each other's SAR units into their respective territories [international waters within the SAR region was not mentioned]
- f) Facilitation of personnel [rapid immigration clearance]
- g) Who is going to provide what (fuel, accommodation, repatriation, etc?)
- h) Removal of supplies or temporary structures [is this SAR or ‘recovery’]
- i) Cost recovery mechanisms
- j) Insurance in case of damages incurred
- k) Accountability [signature]

2.4 ICAO Paris Europe SAR Task Force met 11-14 October 2016, and had extended discussion on the SAR agreement template and letter of agreement. Some States expressed concern about their government being able to complete such an agreement; and would prefer a basic, shorter format.

2.5 The 2016 edition of IAMSAR Manual, Volume I, Appendix J *SAR agreements* provides one page of notes explaining aspects about agreements and then a 4-page sample agreement. (Appendix I is available as a separate Word file.) The sample agreement has 10 sections, some of which are different from that discussed in the ICAO Regional and Inter-regional session held July 2016. These sections are:

- a) Introduction
- b) Objectives and scope
- c) Responsibilities [including provisions for entry into or over the territory]
- d) SAR Regions [including geographic coordinates]
- e) Rescue Coordination Centers [names of RCC and other general information]
- f) Cooperation [operational and other matters such as exercises and liaison visits]
- g) Finances [international practice that each Party is to fund its own expenses]
- h) Application of this Agreement [legal aspects]
- i) Modification [allows for amendments]
- j) Duration, Withdrawal and Discontinuation

2.6 The international community has many terms similar to “agreement” and the term agreement can have strong legal implications. Therefore, the “Notes” on the first page Appendix I *SAR agreements* in the 2016 edition of IAMSAR Manual Volume I are provided in the Appendix to this paper.

2.7 Developing a SAR agreement can benefit from a clear understanding on matters such as:

- a) which agency will sign?
- b) do other agencies need to be informed, such as Ministry of Foreign Affairs, Military, and other agencies that provide SAR response?
- c) does the agreement meet the intent of Annex 12, Chapter 3, Section 3.1 and paragraph 3.3.1?
- d) can the IAMSAR template be an overall formal arrangement under which specific operational agreements could be considered, such as a LoA?

3. Suggested actions

3.1 The meeting is invited to:

- a) compare information in the Asia/Pacific SAR Plan, the text from the ICAO Regional and Inter-regional Seminar and Workshop on SAR held July 2016, and the SAR agreement template shown as Appendix I to IAMSAR Manual Volume I;
- b) discuss how a Letter of Agreement is different from the agreement template;
- c) develop ideas to assist States to finalize SAR agreements; and
- d) discuss if there is also a need for a short, more basic format in addition to the more formal SAR agreement template in the IAMSAR Manual.

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APPENDIX
2016 IAMSAR Manual, Volume I, Appendix I SAR Agreements

Notes regarding SAR agreements and the sample agreement that begins on the following page:

Parties may be organizations within a State, maritime and/or aeronautical SAR authorities of two or more different States (particularly with neighbouring search and rescue regions), or higher authorities of two or more States, i.e. the sample agreement can be adapted for local, national, or international use.

Each section of the sample agreement may be optionally used or adapted as the Parties agree, bearing in mind consistency with the principles of international law, and the goals of IMO, ICAO and the States and organizations concerned.

It is generally advisable to include **specific information, such as phone numbers or addresses, in appendices or other documents separate from the basic signed agreement.**

When SRRs are addressed in the agreements, normally only the lines separating the SRRs of the Parties are described, since other delimitation of the SRRs would normally involve States other than the Parties. **Agreements between national organizations may or may not need to address geographic areas of responsibility.** It should be recognized among the Parties that the establishment of SRRs is mainly for ensuring the availability of SAR services, and to facilitate proper distribution of distress alerts to RCCs; SRRs should not be viewed as affecting political boundaries, and do not need to align with political boundaries if the Parties so agree for the sake of improving or simplifying SAR operations. SRR delimitation over international waters is not intended to obstruct the provision of SAR services in any way. Furthermore, the provision of SAR services within an SRR shall be without regard to the nationality or circumstances of the persons indistress.

If agreements discuss territorial entry for SAR, provisions should account for a balance of concerns for sovereignty and concerns for saving lives.

The concept of “territory” is understood to include territorial land, territorial sea and the airspace above them.

It is advisable that SAR agreements address sensitive issues to the degree necessary for practical SAR cooperation between or among the Parties, while emphasizing the humanitarian nature of SAR, and avoiding topics which are unrelated to SAR, or which are both politically sensitive and unnecessary.

IMO and ICAO use the term “agreement” but many States view this as a type of legal instrument. **Different terms may be used for the title of a legal instrument, such as “Agreement”, “Memorandum of Understanding”, “Arrangement” and other related terms.** The type of instrument can be decided by the States involved as long as the document **meets the intent of the international conventions to serve as the basis for cooperation and the provision of expeditious and effective SAR services.**

In some cases, the term “Search and Rescue Point of Contact (SPOC)” can be used in lieu of Rescue Coordination Centre (RCC). The definition of SPOC includes the RCC and some national SAR authorities that may not have an internationally designated RCC.

This template serves as guidance for States to draft a SAR Agreement (which may take the form of an MOU or Arrangement or other) and the text to be included in this document is for the Parties to decide.

[*Note: Bold font inserted by US author of this paper to highlight key points.*]