



ICAO

International Civil Aviation Organization

**Ninth Meeting of the ICAO Asia/Pacific Search and Rescue Working Group (APSAR/WG/9)**

Bangkok, Thailand, 07 – 10 May 2024

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## **Agenda Item 5: Asia/Pacific Regional SAR Plan**

### **ENTRY INTO A STATE'S TERRITORY FOR SAR**

(Presented by USA)

#### **SUMMARY**

IAMSAR Manual, Volumes I and II, will be amended to include a sample approval process in support of proposed amendments to Annex 12 — *Search and Rescue*. This paper proposes that the Asia/Pacific Search and Rescue (SAR) Plan be updated to include this information.

## **1. INTRODUCTION**

1.1 The thirtieth meeting of the ICAO/International Maritime Organization (IMO) Joint Working Group on Harmonization of Aeronautical and Maritime SAR (JWG 30) met from 06 to 10 November 2023. One of its significant accomplishments was to finalize proposed draft amendments to the 2025 edition of the International Aeronautical and Maritime SAR (IAMSAR) Manual. ICAO Montreal has already approved the draft amendments and the IMO is expected to also approve them at its Sub-Committee on Navigation, Communications and SAR meeting to be held at IMO Headquarters from 4 to 13 June 2024.

1.2 A major proposed amendment regarded entry into a State's territory for SAR. It outlines a national process for expeditious interagency decision making for SAR which could also be used for decisions on other matters involving more than one agency. The topic is discussed below.

1.3 The ICAO Annex 12 amendment and the IAMSAR Manual amendment regarding a national process for expeditious interagency decision making for SAR aligns with much of the discussion within the Asia/Pacific Regional SAR Plan on the issue of cross border transit of search and rescue units. Such a national process could also address the Plan's *Regional SAR Plan Monitoring and Reporting Form*, Item 12 'Pre-arranged procedures for cross-border SAR'. As stated in Asia/Pacific SAR Plan, paragraph 1.5:

- Plan Review, paragraph 1.5, "...the Plan requires regular updating to keep current with changes in ICAO Annexes and guidance material, outcomes from the ICAO/IMO JWG, the IAMSAR Manual ..."

## **2. DISCUSSION**

2.1 A frequent problem for SAR services is not having an effective procedure for expediting entry of assisting units with the least possible formalities into the territory, and sometimes (incorrectly) the SAR region, of the State benefiting from the assistance. Approval involves justified concerns and, at times, multiple national agencies. Whereas a national SAR coordinating committee can provide the administrative process for multiple agencies cooperating on SAR services, quick reaction for a SAR

case requires an established operational process. IAMSAR Manual, Volume I, section 6.4 *Cooperating to improve services*, outlines the value of effective cooperation and coordination among multiple agencies, barriers to such effort, and ideas on attaining whole-of-government agency integration. This can create the way forward on having the RCC as the SAR mission coordinator (SMC) be the focal point of the process for approval of entry into that State's territory for SAR.

2.2 The ICAO amendment to Annex 12 regards Section 4.2 *Plans of operation* to add the following content highlighted in grey shading:

"4.2.4 The search and rescue plans of operation shall contain details regarding actions to be taken by those persons engaged in search and rescue, including:

i) the methods for obtaining approval to allow search and rescue units from an assisting State to enter into the territory of the State of the RCC;"

2.3 ICAO Annex 12, chapter 4 and the IMO SAR Convention specify that RCCs shall have plans of operation. Additional guidance is in IAMSAR Manual Volume I, paragraphs 2.3.13 and 2.3.14 and in Volume II, section 1.5. It is proposed that the RCC plan of operation be developed based on the sample process shown as Attachment A to this paper. The RCC as SMC would serve as the focal point or the initiator of this interagency process to obtain national approval when necessary. The RCC would then serve as the authorization agency notifying the other SAR service that approval has been granted. The ICAO Annex 12 and the IMO SAR Convention use similar words of "Each Contracting State [Party] should **authorize** its rescue co-ordination centres... to grant any necessary permission for the entry of such vessels, aircraft, personnel or equipment into or over its territorial sea or territory."

2.4 ICAO Annex 12, paragraph 3.1.3 states: "Subject to such conditions as may be prescribed by its own authorities, a Contracting State shall permit immediate entry into its territory of search and rescue units of other States for the purpose of searching for the site of aircraft accidents and rescuing survivors of such accidents." Further, in Annex 12, chapter 3:

"3.1.6 Recommendation - Each Contracting State should authorize its rescue co-ordination centres to:

- a) request from other rescue coordination centres such assistance, including aircraft, vessels, persons or equipment, as may be needed;
- b) grant any necessary permission for the entry of such aircraft, vessels, persons or equipment into its territory; and
- c) make the necessary arrangements with the appropriate customs, immigration, or other authorities with a view to expediting such entry."

2.5 Based on the discussion above, the amendment to the IAMSAR Manual was developed and is expected to be finalized by the IMO in June 2024 since ICAO has already approved it. IAMSAR Manual Volumes I and II each have amended text. The specific paragraphs are shown below with the amendments highlighted in grey shading.

a) IAMSAR Manual Vol I: 1.3.8 International law addresses concerns for saving lives and concerns for sovereignty. Neighbouring States should seek practical means to balance these concerns for situations where entry of foreign SAR facilities into territorial waters or territory may be necessary or appropriate. RCCs need to understand the processes to be followed to obtain expeditious approval to allow SAR units from an assisting State to enter the territory of the State of the RCC for the conduct of search and rescue. Such processes may vary dependent upon which State is offering assistance. The SMC should facilitate the approval process and also be authorized to notify the assisting SAR service or units. Appendix Q provides a sample approval process. An RCC plan of operation can be developed based on the sample approval process.

b) IAMSAR Manual Vol II: 2.16.1 National plans should provide for operational matters to be handled promptly at the RCC level or below in the SAR system, including making and responding to requests for assistance. Advance provisions should be made for rapid coordination with other agencies for SAR-related territorial entry if necessary. An RCC plan of operation for expeditious approval to allow SAR units to enter the territory of the State for the conduct of search and rescue can be developed based on IAMSAR Manual Volume I, appendix Q *Sample process for expeditious approval to allow SAR units from an assisting State to enter into the territory of the State of the RCC*. Supporting guidance is in the provisions for SAR agreements as outlined in IAMSAR Manual Volume I, appendix I *SAR Agreements*.

c) IAMSAR Manual Volume I, new appendix Q *Sample process for expeditious approval to allow SAR units from an assisting State to enter into the territory of the State of the RCC*. Shown as **Attachment A** to this paper.

2.6 It is recommended that the Asia/Pacific SAR Plan be updated to consider text such as:

a) Include words similar to that used in the IAMSAR Manual amendments.

b) Refer to IAMSAR Manual Volume I, Appendix Q sample process or insert it into the Plan.

c) Review the entire Plan to see where updating may be necessary, including cross-border text in paragraphs 2.9, 6.6, 7.2 c) and d), 7.6 g), 7.12 b) and Annex 1 Regional SAR Plan Monitoring and Reporting Form, item 12.

### 3. ACTION BY THE MEETING

3.1 The meeting is invited to:

a) note the information contained in this paper; and

b) consider updating the Asia/Pacific Search and Rescue plan as outlined in paragraph 2.6.

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## IAMSAR Manual, Volume I Appendix Q

### Sample process for expeditious approval to allow SAR units from an assisting State to enter into the territory of the State of the RCC

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1. Identify the nature of the assistance being offered. (For example, number and type of SAR units, current location of SAR units and geographical areas to which assistance is being offered.)
2. Is the RCC/SMC authorized to grant approval for the type of assistance being offered from the offering State? Is the RCC authorized to notify the assisting SAR service or craft of acceptance of assistance? (For example, by existing national arrangements or SAR agreement.)

YES, take action

NO, go to next step

3. Identify other agency(s) to be involved in approval process; review scenarios below to decide which agency(s) and their role(s).

#### Examples of potential SAR units needing approval for expedited entry:

- a. civil vessel
- b. State vessel
- c. civil aircraft
- d. State aircraft
- e. land facilities
- f. vessel requests to enter port to:
  - i. refuel, resupply
  - ii. disembark survivors, human remains, debris or wreckage retrieved during the SAR operation
- g. aircraft requests to land to:
  - i. refuel, resupply
  - ii. disembark survivors, human remains, debris or wreckage retrieved during the SAR operation

#### Examples of other agencies and their roles:

- a. SAR service
  - b. Customs
  - c. Immigration
  - d. Health service
  - e. Ministry of foreign affairs
  - f. Military
4. Initiate contact with other agency(s). (Telephone conference call is outlined below but other forms of direct contact may be appropriate.) SMC representative initiates the call and guides the discussion or hands it off to a facilitator that the group has agreed to for guiding the discussion.

Telephone conference call – example sequence of discussion/agenda:

- ☐ Participants roll call (initiated by SMC or facilitator)
- ☐ Discussion to establish guidelines on conducting the meeting (SMC or facilitator)
- ☐ Purpose of the call/meeting (SMC or facilitator)
- ☐ Review of the current situation (lead agency)
  - Summary of SAR case
  - Which foreign SAR unit is requesting expedited entry and the reason for the request
  - Lead and supporting agencies
  - Amplifying information from meeting participants (led by SMC or facilitator)
  - Desired end state(s) (lead agency)
- ☐ Questions (led by SMC or facilitator)
  - What policy and legal issues must be considered?
  - What authorities are required to achieve desired end state(s)?
  - What precedents, if any, are there for allowing expedited entry of the foreign SAR unit into the State's territory?
- ☐ Proposed course of action (led by SMC or facilitator) focusing on current operations and desired outcome
  - What are the steps to attain approval?
  - What action items must be completed by each supporting agency?
  - Lead agency transitions / hand-offs
  - What additional briefings/discussions must be conducted?
  - Resolve agency disputes
- ☐ Follow-up intentions/discussions required (led by SMC or facilitator), if needed
  - Future calls
  - Email coordination
- ☐ Final comments or issues

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