



International Civil Aviation Organization

Search and Rescue (SAR) Meeting for the North American, Caribbean and South American Regions (SAR/NAM/CAR/SAM)

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SAR/NAM/CAR/SAM IP/16

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Agenda Item 3: Cooperation Agreements for SAR Service and COSPAS-SARSAT

SEARCH AND RESCUE AGREEMENTS: OVERVIEW

(Presented by United States)

SUMMARY

This paper discusses the need for States to enter into SAR agreements and provides guidance on what these types of agreements should include. Appendix A is a sample SAR agreement that can be used for further discussion.

REFERENCES

- Annex 12 to the International Convention on International Civil Aviation – Search and Rescue (Section 2.2 Search and rescue regions)
- International Convention on Maritime Search and Rescue
- International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual, Volume I (Appendix I)

1. BACKGROUND

1.1 Search and Rescue (SAR) agreements between States whose search and rescue regions (SRRs) are contiguous provide a common understanding for the cooperation and conduct of aeronautical and maritime SAR operations. Both the aeronautical and maritime Global SAR plans assume that States will complete these agreements with neighbouring States.

1.2 References (a) through (c) detail the requirement for SRRs to be established by agreement among the parties concerned.

1.2.1 Reference (a), Annex 12 to the International Convention on International Civil Aviation – Search and Rescue, states the following:

***Annex 12 to the International Convention on International Civil Aviation –
Search and Rescue***

(Applicable sections on SAR agreements)

2.2 Search and rescue regions

2.2.1 Contracting States shall delineate the search and rescue regions within which they will provide search and rescue services. Such regions shall not overlap and neighbouring regions shall be contiguous.

Note 1. – Search and rescue regions are established to ensure the provision of adequate communication infrastructure, efficient distress alert routing and proper operational coordination to effectively support search and rescue services. Neighbouring States may cooperate to establish search and rescue services within a single SAR region.

Note 2. – The delineation of search and rescue regions is determined on the basis of technical and operational considerations and is not related to the delineation of boundaries between States.

2.2.1.1 Recommendation. – *Search and rescue regions should, in so far as practicable, be coincident with corresponding flight information regions and, with respect to those areas over the high seas, maritime search and rescue regions.*

1.2.2 Reference (b), the International Convention on Maritime Search and Rescue, states the following:

***International Convention on Maritime Search and Rescue
(Applicable sections on SAR agreements)***

2.1.4 *Each search and rescue region shall be established by agreement among Parties concerned. The Secretary-General shall be notified of such agreement.*

2.1.5 *In case of agreement on the exact dimensions of a search and rescue region is not reached by the Parties concerned, those Parties shall use their best endeavours to reach agreement upon appropriate arrangements under which the equivalent overall co-ordination of search and rescue services is provided in the area. The Secretary-General shall be notified of such arrangements.*

2.1.6 *The Secretary-General shall notify all Parties of the agreements or arrangements referred to in paragraphs 2.1.4 and 2.1.5.*

2.1.7 *The delineation of search and rescue regions is not related to and shall not prejudice the delineation of any boundary between States.*

2. DISCUSSION

2.1 Reference (c), the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual – Volume I (Appendix I), provides guidance for States entering into SAR agreements. In addition, the following information is provided as guidance for what types of information should be included in SAR agreements.

2.1.1 A SAR agreement between States is typically recognized internationally and usually requires review by the foreign ministries of those States who sign the agreement.

2.1.2 Ideally, for States with maritime areas, SAR agreements should be both aeronautical and maritime. However, if this proves difficult, then either an aeronautical *or* maritime SAR agreement should be considered. The aeronautical and the maritime SAR authorities need to closely coordinate during the development of the agreement so that each authority knows what is expected of it.

2.1.3 When SRR geographic coordinates (latitude and longitude) are addressed in the agreement, only the lines of delimitation separating the SAR regions of the States need to be described.

2.1.4 The responsible Rescue Coordination Centres (RCC) should be identified for each respective SRR. As per reference (c), any specific information, such as phone numbers or addresses, can be included in appendices or other documents separate from the basic signed agreement. In this way, a SAR agreement will not become outdated when locations/phone numbers are changed.

2.1.5 A statement affirming that SAR region lines of delimitation are not viewed as affecting States boundaries should be included in any SAR agreement. Reference (c) states the following:

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.

2.1.6 Regional SAR agreements among more than two States are encouraged.

2.1.7 Memoranda of Understanding (MOU) describe very broad concepts of mutual understanding, goals and plans shared by the States in question, and is a non-binding arrangement. In contrast, Memoranda of Agreement (MOA) describe in detail the specific responsibilities of, and actions to be taken by, each of the parties so that their goals may be accomplished. By the very nature of organizing, coordinating, and conducting SAR operations, it is suggested that MOUs be used for SAR agreements.

2.1.8 Maritime SAR agreements should be submitted to IMO in order to update the maritime Global SAR Plan; aeronautical SAR MOUs should be submitted in accordance with ICAO guidance.

2.2 The **Appendix** is a sample SAR agreement that can be used for further discussion on this topic.

3. SUGGESTED ACTION

3.1 The Meeting is invited to note the information provided and encourage the States to consider Appendix as a sample SAR agreement when they enter into a bilateral or regional SAR agreement.

APPENDIX

Sample SAR Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING FOR COOPERATION BETWEEN THE [name of national organization] AND [name of national organization] CONCERNING AERONAUTICAL AND MARITIME SEARCH AND RESCUE

1. Introduction.

- 1.1 The [name of national organization], and [name of national organization], hereinafter referred to as the “Participants” in this Memorandum of Understanding (MOU), recognize the benefits enjoyed from previous close cooperation with regard to search and rescue (SAR) operations and training, and further recognize that additional benefits may be enjoyed from the cooperative arrangements detailed herein.
- 1.2 The Participants have been recognized by their respective governments as having primary responsibility for coordinating and providing aeronautical and maritime SAR services within their respective aeronautical and maritime SAR regions within the oceanic environment.
- 1.3 The Participants recognize the great importance of cooperation in aeronautical and maritime SAR, and in the provision of expeditious and effective SAR services to save lives and reduce suffering. The Participants also recognize the assumed responsibilities for SAR within the framework of the International Convention on Maritime Search and Rescue, 1979, the Convention on International Civil Aviation, 1944, and the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR Manual).
- 1.4 The Participants have reached the following understanding.

2. Objectives and Scope.

- 2.1 This MOU establishes a framework for cooperation among the Participants in carrying out activities related to SAR within the oceanic environment, and sets out their various responsibilities.
- 2.2 The Participants should ensure close coordination with their respective aeronautical and maritime SAR authorities to help promote common and effective SAR services.

3. Responsibilities.

- 3.1 The [name of national organization] is responsible for maintenance of safety of life at sea and waters subject to [nation’s] jurisdiction, and within its respective aeronautical and maritime SAR regions, under its Rescue Coordination Center (RCC).
- 3.2 The [name of national organization] is responsible for the maintenance of safety of life at sea and on waters subject to [nation’s] jurisdiction and within its aeronautical and maritime SAR regions under its RCCs.

- 3.3 Each Participant, on receiving information of an incident where any person is in distress within its respective SAR regions as designated in the International Civil Aviation Organization (ICAO) Regional Air Navigation Plan and the International Maritime Organization (IMO) SAR Plan, is to take urgent measures to provide the most appropriate assistance regardless of the nationality or status of such a person, or the circumstances in which the person is found.
- 3.4 SAR operations should normally be carried out in accordance with the relevant SAR manuals and recommendations of ICAO and IMO, including the IAMSAR Manual, taking into account nationally accepted SAR procedures.
- 3.5 The Participants are to make every effort to retrieve persons in distress, provide for their initial medical or other needs and deliver them to a place of safety; additionally, when it does not involve excessive risk or cost to the units involved in SAR operations, the Participants may attempt to rescue the craft that the persons in danger are aboard.
- 3.6 To ensure that SAR operations are conducted in an efficient and coordinated manner, the Participants should consult and cooperate with each other as necessary and appropriate, lending mutual assistance as their capabilities allow. If primary responsibility for coordination of a SAR response or operation cannot be immediately ascertained, the RCCs concerned should consult with each other to resolve the responsibility.
- 3.7 For any SAR operation involving coordination between the Participants, the Participants, through appropriate consultation, intend to decide in each case which Participant is to act as SAR Mission Coordinator.
- 3.8 SAR facilities of either Participant may conduct SAR operations within the SAR region of the other Participant with coordination carried out by each Participant's RCC.
- 3.9 Entry of SAR units of one Participant onto or over the territory of the country of the other Participant for the purpose of conducting SAR operations should, to the best of each Participant's ability, be expeditiously arranged via the appropriate RCCs.
- 3.10 In accordance with customary international law, solely for the purpose of rendering emergency rescue assistance to persons, vessels, or aircraft in danger or distress, when the location is reasonably well known, SAR facilities of a Participant may immediately enter onto or over the territory of the other Participant, with notification of such entry made as soon as practicable.
- 3.11 To facilitate the coordination referred to in this Section, the Participants should, to the best of their ability, keep each other fully and promptly informed of all relevant SAR operations. The Participants should develop appropriate procedures in accordance with the IAMSAR Manual to provide for the most effective and efficient means of communication.

4. SAR Regions.

- 4.1 The aeronautical and maritime SAR regions of [nation] and [nation] are separated geographically by a continuous line as per the following:

[Provide the geographic coordinates of the lines of delimitation between both States' SAR regions only. Add additional States lines of delimitation for regional SAR MOU.]

- 4.2 The establishment of SAR regions is intended only to affect an understanding concerning the regions within which a Participant accepts primary responsibility for coordinating SAR operations.
- 4.3 The delimitation of SAR regions is not related to and does not prejudice the maritime boundaries between countries.

5. Rescue Coordination Centers (RCCs).

- 5.1 The primary operational points of contact under this MOU are the internationally recognized aeronautical and maritime RCCs of the Participants.
 - 5.1.1 [Identify national RCC]
 - 5.1.2 [Identify national RCC]
- 5.2 Participants, to the best of their ability, are to provide any information which might be useful in order to expedite and improve coordination.
- 5.3 Identification of these operational points of contact, as referred to in this Section, is not intended to preclude appropriate direct coordination between any SAR facility or other organizational elements of the Participants, especially when time is of the essence in the saving of lives at sea.
- 5.4 Any transfer of SAR mission coordination responsibilities between the RCCs should be conducted by consultation between RCCs.

6. Cooperation.

- 6.1 The subordinate elements of the Participants may provide for further coordination and cooperation by the establishment of appropriate operational arrangements and procedures consistent with this MOU.
- 6.2 In addition to that related to specific SAR cases, Participants may exchange information that may serve to improve the effectiveness of SAR operations. This information may include, but not be limited to:
 - 6.2.1 communication details;
 - 6.2.2 information about SAR facilities;
 - 6.2.3 descriptions of available airfields;
 - 6.2.4 knowledge of fueling and medical facilities; and
 - 6.2.5 information useful for training SAR personnel.
- 6.3 The Participants intend to endeavor to promote mutual SAR cooperation by giving due consideration to collaboration including, but not limited to:
 - 6.3.1 arranging exchange visits between SAR personnel;
 - 6.3.2 carrying out joint SAR exercises and training;
 - 6.3.3 using ship reporting systems for SAR purposes;
 - 6.3.4 sharing information systems, SAR procedures, techniques, equipment, and facilities;
 - 6.3.5 providing services in support of SAR operations;

- 6.3.6 coordinating national positions on international SAR issues of mutual interest;
- 6.3.7 supporting and conducting joint research and development initiatives aimed at reducing search time, improving rescue effectiveness, and minimizing risk to SAR personnel; and
- 6.3.8 conducting regular communications checks and exercises, including the use of alternative means of communications that would be used to handle communication overloads during major SAR operations.

7. Finances.

- 7.1 Unless otherwise determined by the Participants, each Participant is to fund its own expenses for activities pertinent to this MOU.
- 7.2 The provisions of the MOU are contingent upon the availability of SAR personnel, facilities and funding.
- 7.3 SAR services provided by the Participants to persons in danger or distress are to be without subsequent cost recovery from the person(s) assisted.

8. Application of this MOU.

- 8.1 This MOU does not create binding obligations under international law.
- 8.2 Nothing in this MOU is intended to affect in any way rights and duties based on international agreements or other arrangements between the Participants or their respective governments.
- 8.3 All activities conducted under this MOU are subject to the regulations and policies of the Participants and to all laws, regulations, and policies to which the Participants are subject.
- 1.1 No provision of this MOU should be construed as an obstacle to prompt and effective action by any Participant to relieve distress whenever and wherever found.
- 1.2 Any dispute regarding the interpretation or implementation of this MOU, or any of its subordinate memoranda of understanding, is to be resolved by consultation between the Participants and is not to be referred to an international body or third party for settlement.

9. Modification. This MOU may be modified in writing by the Participants.

10. Duration, Withdrawal and Discontinuation.

- 10.1 Cooperation under this MOU may commence as of the date of signature and may continue indefinitely.
- 10.2 Either Participant may withdraw from this MOU at any time, but should give not less than six (6) months' notice in writing to the other Participant.
- 10.3 Cooperation under this MOU may be discontinued mutually by the Participants in writing, or by any superseding arrangement.
- 10.4 The Participants intend to consult regarding any SAR operations or other cooperation in progress at the time such discontinuation would take effect.

Signed in duplicate at [City, Nation], this ____ day of _____, 2009.
For the [national organization]:

Signed in duplicate at [City, Nation], this ____ day of _____, 2009.
For the [national organization]: