



ICAO

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

WORKING PAPER

SAR/CM — WP/06

31/10/18

**NAM/CAR Search and Rescue (SAR) Implementation and Civil-military Coordination Meeting
(SAR/CM)**

Mexico City, Mexico, 5 – 7 November 2018

**Agenda Item: 2 SAR Agreements
2.1 SAR Agreements**

SAR AGREEMENT AND LETTER OF AGREEMENT

(Presented by United States)

EXECUTIVE SUMMARY	
This document discusses the lack of search and rescue agreements in the region and seeks to develop possible solution.	
Action:	The suggested actions are presented in Section 3.
<i>Strategic Objectives:</i>	<ul style="list-style-type: none">• Safety
<i>References:</i>	<ul style="list-style-type: none">• Annex 12 – Search and Rescue• IAMSAR Manual, Volume I, Appendix

1. Introduction

1.1 The lack of SAR agreements is a problem for both the maritime and the aeronautical SAR services. Discussions in some ICAO regional meetings have revealed concern that the sample SAR agreement (shown in IAMSAR Manual, Volume I, Appendix I) is too formal and too comprehensive for many States to complete. A solution proposed in some of these meetings is to use a simpler format than now provided in the IAMSAR Manual; and, to use the ICAO concept of 'letter of agreement' used by civil aviation authorities on an operational level between air traffic services (ATS) units.

2. Discussion

2.1 There is no clearly identified reason for why so many States do not have SAR agreements. Experience indicates a variety of reasons, including internal national coordination issues, lack of trust or cooperation with neighboring States, concern about delineating/delimiting coordinates of the SAR region, etc. If the primary problem is lack of national consensus or lack of political will for negotiating a SAR agreement then this is an internal problem beyond the sample SAR

agreement template. If the primary concern is about listing specific coordinates to delineate/delimit the SAR region, then there may be other wording to consider.

2.2 IAMSAR Manual Appendix I *SAR Agreements* provides a sample agreement with sections that may be optionally used or adapted as the Parties agree. The four-page sample agreement is comprehensive and may contain provisions not needed by all States; and, points out that different terms may be used instead of 'agreement'. If this does not provide enough flexibility for States then the one page of "notes" in Appendix I could be amended to include further guidance.

2.3 SAR agreement, or whatever term is used, is a common method to complete the IMO and ICAO requirement of delineating/delimiting SAR regions. This has added urgency as the Global Aeronautical Distress and Safety System functions of aircraft tracking and autonomous distress tracking (ADT) are implemented. As stated in the 2019 edition of the IAMSAR Manual:

Aircraft tracking and ADT alert information for aircraft emergency conditions needs to be rapidly distributed to aircraft operator, responsible ATS unit and the responsible RCC. Effective sharing of this information to the responsible stakeholders requires well defined, accurate and readily accessible global FIR and SRR data, plus reliable emergency 24-hour contact details for the aircraft operators, ATS units and RCCs.

2.4 IMO SAR Convention and ICAO Chicago Convention, Annex 12, both make it clear that some type of 'agreement' is necessary. However, ICAO and IMO appear to have a different philosophy on completing SAR agreements. Certain key provisions of both conventions are listed below with the intention of developing a possible way forward for increasing the negotiation of SAR agreements.

2.5 The SAR Convention provides many details regarding States (Parties) completing SAR agreements:

- Paragraph 2.1.4: Each SAR region shall be established by agreement among Parties concerned. The Secretary General shall be notified of such agreements;
- Paragraph 2.1.15: In case agreement on the exact dimensions of a SAR 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 SAR services is provided in the area; and
- Paragraph 2.1.16: Agreement on the regions or arrangements referred to in paragraphs 2.1.4 and 2.1.5 shall be recorded by the Parties concerned, or in written plans accepted by the Parties.

2.6 ICAO Annex 12 – Search and Rescue has provisions similar to those in the SAR Convention but there are differences. Annex 12 provisions regarding States (Parties) completing SAR agreements include:

- Paragraph 2.1.1.1: Those portions of the high seas or areas of undetermined sovereignty for which SAR services will be established shall be determined on the basis of regional air navigation agreements. Contracting States having accepted the responsibility to provide

SAR services in such areas shall thereafter, individually or in cooperation with other States, arrange for the services to be established and provided in accordance with the provisions of this Annex [Annex 12]. *Note. – The phrase 'regional air navigation agreements' refers to the agreements approved by the Council of ICAO normally on the advice of Regional Air Navigation Meetings.*

- Paragraph 2.2.1: Contracting States shall delineate the SAR regions within which they provide SAR services. *Note 2. – The delineation of SAR regions is determined on the basis of technical and operational considerations and is not related to the delineation of boundaries between States.*

2.7 A common practice within ICAO is for national civil aviation authorities to use a 'letter of agreement (LOA)' between ATS units. The ICAO Asia/Pacific Regional Office provided a clearer understanding in its *Asia/Pacific SAR Plan Version 2.0 September 2016*, paragraph 2.7: "A SAR agreement can be in the form of '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) or a more formal agreement for arrangements between governments concerned." This would mean that a 'formal agreement' could use the sample agreement shown in IAMSAR Manual, Volume I, Appendix I; and, the LOA type of document would benefit from a less comprehensive format and content.

2.8 If a less comprehensive format and content is used then a decision has to be made as to what are the required key elements. The IAMSAR Manual template has 10 elements: Introduction; Objectives and Scope; Responsibilities; SAR regions; RCCs; Cooperation; Finances; Application; Modification; and, Duration, Withdrawal and Discontinuation. The Ministry of Foreign Affairs often require these elements. An initial question may be: What is the role of the Ministry of Foreign Affairs regarding SAR agreements?

2.9 If the primary concern is about listing specific coordinates to delineate/delimit the SAR region, then there may be other wording to consider. Wording in the agreement could avoid listing specific coordinates but still provide dimensions. Examples could include:

- .1 Use the concept and similar wording from the SAR Convention, paragraph 2.1.15: "*In case agreement on the exact dimensions of a SAR 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 SAR services is provided in the area.*" In this case, coordinates for the entire region or overlap could be shown rather than two separate SRRs. Then the co-ordination arrangements would be specified.
- .2 For an aeronautical SRR, text could refer to the ICAO regional electronic Air Navigation Plan (eANP). Each ICAO region maintains an eANP which includes FIR and SRR details. Most of the ICAO regions are verifying the details already published. (ICAO practice is for the SRR to align with the lower FIR.)

2.10 Internationally, several States have talked about signing a SAR LOA. All States could benefit if an example LOA was provided for consideration.

3. Suggested Actions

3.1 The meeting is invited to:

- a) consider if it is beneficial to create an additional simple sample SAR agreement; and
- b) discuss possible beginning steps to assist States in the negotiation of SAR agreements, or comparable letters of agreement, or other acceptable term for a document or procedure to strengthen SAR cooperation and coordination between States.