Search and Rescue and International Law

Rick Button
Chief, Coordination Division
Office of Search and Rescue
U.S. Coast Guard Headquarters
Washington, D.C.
Global SAR Organization

International Maritime Organization (IMO)

International Civil Aviation Organization (ICAO)


Maritime SAR Convention (1979)

Provides a framework for carrying out SAR operations in the maritime environment
“2.1.10 Parties shall ensure that assistance be provided to any person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.”
Chicago Convention (1944)

Provides the basis for international cooperation between contracting States for international civil aviation SAR services
Annex 12: Chicago Convention’s primary Annex for SAR

Aligned with the Maritime SAR Convention
Global SAR Organization

International Aeronautical & Maritime Search and Rescue (IAMSAR) Manual
Global SAR Organization

IAMSAR Manual

Harmonizes aeronautical & maritime SAR organization, procedures, equipment, & terminology internationally
Nations implement the aeronautical and maritime SAR systems developed by IMO and ICAO.

SAR services are provided “individually or in cooperation with other States”
SAR Regions

- World is divided into aeronautical & maritime SAR Regions
- An area of defined dimensions associated with a rescue co-ordination centre
- Formalized by agreement between States with adjacent SAR regions
- Aeronautical & maritime SAR Regions may not be the same
SAR Regions

SAR Region “lines of delimitation” are not national borders (beyond the territorial sea)

Define a geographical area where a nation is responsible for coordinating SAR
Every SAR Region has a RCC

Rescue Coordination Center (RCC)
Global SAR Organization

RCCs coordinate SAR w/in their SAR Region and w/other RCCs

RCCs are:

- Maritime (MRCC)
- Aeronautical (ARCC)
- Joint aeronautical & maritime (JRCC)
Other Conventions that discuss SAR
Safety of Life at Sea (SOLAS) Convention (1974)
SOLAS Convention

- Most important international convention concerning merchant ship safety
- Minimum standards for construction, equipment and operation of ships, compatible with their safety
- Flag States responsible for ensuring ships under their flag comply with its requirements
Chapter V: Safety of navigation

Regulation 33 – Distress situations: obligations and procedures

Obligates ship’s master to assist persons in distress at sea regardless of nationality, status, or circumstance of the persons in distress.
SOLAS Convention

Chapter V: Safety of navigation

Regulation 33 – Distress situations: obligations and procedures

Paragraph 1-1 – Contracting Governments

- Obligated to assist ships providing assistance to persons in distress in order to minimize the impact to the ships’ intended voyage
SOLAS Convention

Paragraph 1-1 – Contracting Governments

• Primarily responsible for coordinating with the ship providing the assistance if the rescue occurred within its SAR region

• Responsible for arranging disembarkation of persons rescued to a place of safety soon as reasonably practicable
Place of safety

1. A location where rescue operations are considered to terminate
2. Where a survivor’s safety of life is no longer threatened and where their basic human needs (e.g., food, shelter & medical needs) can be met
3. A place from which transportation arrangements can be made for the survivor’s next or final destination

IAMSAR Manual - Volume I
Place of safety

- **Guidelines on the Treatment of Persons Rescued at Sea, Resolution MSC.167(78), 20 May 2004**

- A life raft, even with ample rations, is **not** considered a place of safety

- Life raft is a life-saving appliance; does not meet SOLAS requirements for a place of safety
Article 98: Duty to render assistance

- States require masters flying their flag to render assistance to persons in distress at sea (if able to do so)

- Requires ships after a collision to render assistance to the other ship, its crew and its passengers
UNCLOS

- Article 98, paragraph 1(a), sets the general obligation to render assistance to persons in distress "at sea" (i.e., anywhere in the oceans)

- Article 58, paragraph 2:
  Article 98 applicable in the exclusive economic zone (EEZ)
Duty to render assistance also addressed in Article 18 (Meaning of passage):

- **Paragraph 2:** Ship exercising innocent passage through the territorial sea may stop and anchor “for the purpose of rendering assistance to persons, ships or aircraft in danger or distress”
**UNCLOS**

- **Summary**: The duty to render assistance exists throughout the ocean, whether the territorial sea, straits used for international navigation, archipelagic waters, EEZ, or on the high seas (Also in SOLAS/ Salvage Conventions)

- Assistance is to be given to any person, ship or aircraft in distress
Article 10: Masters have a duty to render assistance to persons in distress
Questions?
Backup Slides
What international instrument(s) discuss the coordination and conduct of SAR operations in a coastal State's TTS?

SOLAS Convention, V/33: “1 The master of a ship at sea which is in a position to be able to provide assistance, on receiving information from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance…”

Salvage Convention, Article 10(1): “Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.”

UNCLOS, Article 98(1): “Every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers: (a) to render assistance to any person found at sea in danger of being lost;”
What is a distress?

“Distress,” as used in UNCLOS Articles 18, 39, 98 and 109, and as incorporated by reference in UNCLOS Articles 45 and 54, means an event of grave necessity, such as severe weather or mechanical failure in a ship or aircraft; or a human-caused event, such as a collision with another ship or aircraft.”
National SAR System
Why do SAR?

For all nations, having an effective SAR system is crucial.

- National responsibility
- Protecting citizens
- Protecting visitors
- Commerce
Key Issue: Effective SAR cooperation & coordination between:

- Civilian SAR authorities & military
- Aeronautical & maritime SAR authorities

Cultural Integration

National SAR System

Domestic Legal Framework

Organization
National SAR Coordinating Committee

Cultural Integration

National SAR Plan

Domestic Legal Framework

National SAR System

Organization
Cultural Integration

- Most difficult challenge
- A nation can have a SAR legal framework, developed the SAR policy and domestic SAR organization
- However, nations, people and agencies must be willing to work together to save lives
Barrier to Cultural Integration

“Stovepipes”

“...management and employees have narrowly and rigidly defined responsibilities”
Barrier to Cultural Integration

People, agencies and nations unwilling to share information and resources to save lives

Unwilling or reluctant to go through the process of improving SAR coordination & cooperation
Use all available resources to save lives

Other Government Agencies
Military
Local Government facilities
Volunteers (boats and planes)
Private Companies
Neighboring States
Ships at Sea
U.S. SAR System
National SAR Committee

NSARC Chair:
Ms. Dana Tulis
Director, Incident Management & Preparedness Policy
U.S. Coast Guard

NSARC Secretariat:
Coast Guard Office of Search and Rescue

All SAR:
Land, Sea, Air
DEPARTMENT OF TRANSPORTATION
Office of the Secretary

INTERAGENCY COMMITTEE ON SEARCH AND RESCUE (SAR)

Notice of Establishment

This notice announces the establishment of the Interagency Committee on Search and Rescue (SAR) under the sponsorship of the Commandant of the Coast Guard, Department of Transportation.

The purpose of the Committee is to oversee the National Search and Rescue Plan and to act as a coordinating forum for national search and rescue matters.
National SAR Committee
Objectives

“. . . oversees the National SAR Plan and coordinate interagency SAR matters.”

“. . . preliminary development of interagency positions in SAR matters.”

“. . . an interface with other national agencies involved with emergency services.”
National SAR Committee
Interagency Agreement

• NSARC is implemented via interagency agreement signed at the Cabinet level

UNITED STATES

NATIONAL SEARCH AND RESCUE COMMITTEE

INTERAGENCY AGREEMENT

PURPOSE

1. This Agreement provides for a Federal-level Committee to coordinate search and rescue (SAR) matters of interagency interest for the United States.

2. The United States National Search and Rescue Committee Interagency Agreement (2007) is superseded by this Agreement, and the adoption of this Agreement coincides with the adoption of a new National Search and Rescue Plan (NSP) of the United States.
National SAR Plan

NATIONAL SEARCH AND RESCUE PLAN
OF THE
UNITED STATES
2016

19-Page Plan:
“...coordinating search and rescue (SAR) services to meet domestic needs and international commitments.”
National SAR Plan

• Identifies NSARC member agency SAR responsibilities

• Assigns U.S. SAR Coordinators

• Overview of general SAR coordination, & national/international SAR responsibilities

• Serves as the basis for the U.S. SAR system
National SAR Supplement

- Guidance to Federal Agencies on implementing the National SAR Plan
- Builds upon the IAMSAR Manual
- Lists, by coordinate, the U.S. aeronautical and maritime SAR regions
Guidance on the conduct of Catastrophic Incident SAR
U.S. Coast Guard Addendum

Provides detailed guidance and policy on how the U.S. Coast Guard conducts SAR
Land SAR Addendum

LAND SEARCH AND RESCUE ADDENDUM
to the
National Search and Rescue Supplement
to the
International Aeronautical and Maritime
Search and Rescue Manual
Version 1.0

October 2011
Department of Homeland Security
Department of Interior
Department of Commerce
Department of Defense
Department of Transportation
National Aeronautics and Space Administration
Federal Communications Commission
(www.useq.md/nsarc)

Land SAR theory and practice
Provides guidance on land SAR operations
Unmanned Aircraft System (UAS) SAR Addendum

Provides guidance on the use of UAS for SAR

UNMANNED AIRCRAFT SYSTEM (UAS) SEARCH AND RESCUE ADDENDUM to the National Search and Rescue Supplement to the International Aeronautical and Maritime Search and Rescue Manual
Version 1.0

May, 2016

Department of Homeland Security
Department of Defense
Department of State
Department of the Interior
Department of Commerce
Department of Transportation
National Aeronautics and Space Administration
Federal Communications Commission
(www.uscg.mil/nsarc)