

# PRIDA WORKSHOP

*25-27 April, 2023*

INTERNATIONAL OBLIGATIONS FOR  
COUNTRIES TO IMPLEMENT SEARCH &  
RESCUE (SAR) SERVICES



# Key Legal Instruments.

- United Nations Convention on the Law of the Sea, 1982, Article 98
- International Convention on Maritime Search and Rescue, (SAR Convention) 1979, as amended
- International Convention for the Safety of Life at Sea, 1974, (SOLAS) as amended, Chapter V, Regulation 33
- Convention on International Civil Aviation, 1944 (Chicago Convention)
- International Convention on Salvage, 1989
- Convention on Facilitation of International Maritime Traffic, 1965
- IMO's Global SAR Plan
- United Nations Convention Relating to the Status of Refugees, 1951 and its 1967 Protocols
- United Nations Convention against Transnational Organized Crime, 2000 and its Protocols
- Other Resolutions on Enhancement of Safety of Life at Sea, Guidelines on Stowaway, Combating Unsafe Practices associated with the Trafficking or Transport of migrants by sea
- International Aeronautical and Maritime Safety Search and Rescue Manual (IAMSAR)

## ADOPTION OF INTERNATIONAL INSTRUMENTS: SOME DEFINITIONS

1. **Convention:** Formal meeting of members, representatives or delegates, as of a political party, fraternal society, Profession or industry, where the outcome is agreement reached in legal form.
2. **Protocol:** Forms of ceremony or etiquette observed by diplomats and heads of state, code of correct conduct: safety protocol, academic protocol, formal agreement between states or nations, written records or preliminary draft of a treaty or other agreement.
3. **Code:** Systematically arranged or comprehensive collection of laws, rules/ regulations.
4. **Ratification:** A decision to approve and give formal sanction to a binding document/ to confirm.
5. **Accession:** The act of the state to become a party to a treaty which it did not sign while it was open for ratification.

# KEY INSTRUMENTS -

## United Nations Convention on the Law of the Sea (UNCLOS):

Adopted on 10th December 1982, came into force on 16th November 1994.

Defines and delimits maritime spaces, rights and obligations of the States over these areas, specifically those relating to navigation, use of natural resources and protection and preservation of the marine environment.

Also created the International Tribunal for the Law of the Sea (ITLOS), a tribunal which is competent to hear any dispute regarding the interpretation and application of UNCLOS.

## International Convention on Maritime Search and Rescue (SAR Convention)

Adopted on 27th April 1979, entered into force on 22nd June 1985.

Its purpose is not only to enable cooperation and coordination of State actions in terms of rescue at sea but also to “encourage cooperation between search and rescue organizations worldwide and between all those who take part in search and rescue operations at sea”.

## KEY INSTRUMENTS

### International Convention for the Safety of Life at Sea (SOLAS Convention)

Adopted on 1st November 1974, it came into force on 25th May 1980 and imposes important obligations to States in terms of search and rescue. *In particular they are committed to monitoring coasts and supplying any information regarding their own rescue means.*

### FAO Article 8.1.6: Code of Conduct for Responsible Fisheries:

*"States should make arrangements individually, together with other States or with the appropriate international organization to integrate fishing operations into maritime Search and Rescue Systems"*

# KEY INSTRUMENTS - RESCUE AT SEA

## *Complementary IMO instruments*

Amendments to SAR and SOLAS, which are binding upon member States.

Through these, various resolutions and circulars which contain recommended practices are addressed to States and/or shipmaster. Even if these soft law instruments are not binding as such, States must take them into account in good faith.

*NB : all the relevant IMO conventions can be amended via the procedure of tacit acceptance (or opt-out). This means that, if a competent IMO committee adopts an amendment, this is mandatory for all State parties. If a State wishes not to be bound, it must notify to the IMO their decision not to be bound by the amendment, within no later than 1 year after the adoption of the amendment.*

## **Protocol against the Smuggling of Migrants by Land, Sea and Air (Protocol of Palermo)**

Adopted under the auspices of the United Nations on 15th November 2000, it entered into force on 28 January 2004.

Supplements the United Nations Convention against Transnational Organized Crime. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of victims of smuggling and preventing the worst forms of their exploitation.

## *ARTICLE 98 of UNCLOS – Duty to render assistance*

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;*
- (b) to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as such action may reasonably be expected of him;*
- (c) after a collision, to render assistance to the other ship, its crew and its passengers and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call. “*

# *ARTICLE 98 – Duty to render assistance*

2. Every coastal State shall promote the

a) establishment, operation and maintenance of an adequate and effective *search and rescue service* regarding safety on and over the sea

and,

b) where circumstances so require, by way of mutual regional arrangements co-operate with neighbouring States for this purpose.”



# SOLAS 74

- The SOLAS Convention incorporates the following Codes, Guidelines and Regulations:
  - *International Code for fire safety system (FSS)*
  - *International Code for application fire test procedures (FTP)*
  - *International Life-Saving Appliance Code (LSAC)*
  - *Code of Safe Practice for Cargo Stowage and Securing (LSC)*
  - *Code of Practice for Ships Carrying Timber Deck Cargoes (TC)*
  - *Code for the Safe Carriage of Grain in Bulk (GC)*
  - *Code of Safety for Nuclear Merchant Ships*
  - *International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM)*

# The SOLAS Convention incorporates the following Codes, Guidelines and Regulations (cont.)

- *International Code for Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC)*
- *International Code for Construction and Equipment of Ships carrying Liquefied Gases in Bulk (IGC)*
- *International Maritime Dangerous Goods Code (IMDG)*
- *Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF)*
  - *The International Code of Safety for High Speed Craft (HSC)*
- *Code of Safety for Dynamically Supported Craft (DSC Code)*
- *International Ship and Port Facility Security Code (ISPS)*
- *Code of Safe Practice for Solid Bulk Cargoes (BCC)*

# SOLAS 74

- 1. All ships which, in accordance with the present Convention, are required to carry a radio installation shall carry the International Code of Signals as may be amended by the Organization. The Code shall also be carried by any other ship which, in the opinion of the Administration, has a need to use it.*
- 2. All ships shall carry an up-to-date copy of Volume III of the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual.*

# Search and Rescue Services

- 1. Each Contracting Government undertakes to ensure that necessary arrangements are made for distress communication and co-ordination in their area of responsibility and for the rescue of persons in distress at sea around its coasts.*
- 2. These arrangements shall include the establishment, operation and maintenance of such search and rescue facilities as are deemed practicable and necessary, having regard to the density of the seagoing traffic and the navigational dangers and shall, so far as possible, provide adequate means of locating and rescuing such persons.*

# Search and Rescue Services

1. Each Contracting Government undertakes to make available information to the Organization concerning its existing search and rescue facilities and the plans for changes therein, if any.
2. Passenger ships to which chapter I applies shall have on board a plan for co-operation with appropriate search and rescue services in event of an emergency. The plan shall be developed in co-operation between the ship, the company, as defined in Regulation IX/1 and the search and rescue services. The plan shall include provisions for periodic exercises to be undertaken to test its effectiveness. The plan shall be developed based on the guidelines developed by the Organization.

- *The SAR Convention 79 contains provisions regarding coordination of SAR Services as well as SAR Zones.*

## Principles of the SAR Organization:

1. *The Seas of the World are divided into SRRs. One volunteer state is responsible for this SRR which may include territorial seas of other states, as far as they have accepted it.*
2. *Obligations of the responsible state are to operate permanently a Rescue Coordination Centre (RCC) and associated technical equipment for reception and centralization of all alerts in the SRR and then to coordinate SAR operations.*
3. *Any state has the obligation to participate in the SAR effort, according to its situation with regard to the length of coasts, maritime activities etc.*

## Principles of the SAR Organization:

4. *Operations coordinated by MRCCs are carried out by SAR units of its own state, SAR units of any other state able to participate and any ship at sea, with legal obligation to participate.*
5. *States have the obligation to cooperate, particularly by providing SAR resources even when the operation is not coordinated by their own MRCC, as soon as it is technically possible*
6. *Any expense in SAR operations are sustained by the operator of the facility*





# Search & Rescue Region:

- An area of enhanced obligations, not extended rights, for States.
- The purpose of having an SRR is to clearly define who has **primary responsibility** for coordinating responses to distress situations in every area of the world and to enable rapid distribution of distress alerts to the proper RCC

# IAMSAR MANUAL

- *Volume I: Organization and Management*
- *Volume II: Mission Co-ordination*
- *Volume III: Mobile Facilities*

# *IAMSAR Volume I (Organization and Management)*

1. General System Concept
2. Training, Qualification, Certification and Exercises
3. Communications
4. System Management
5. Improving Services

# *IAMSAR Volume II. (Mission Co-ordination)*

1. Search & Rescue
2. Communications
3. Awareness & Initial Actions
4. Search Planning & Evaluation Concepts
5. Search Techniques and Operations
6. Rescue Planning & Operations
7. Emergency assistance other than Search & Rescue.
8. Conclusion of Search & Rescue Operations.

# *IAMSAR Volume III (Mobile Facilities)*

1. Overview
2. Rendering Assistance
3. On scene Coordination.
4. On Board Emergencies.

# Elements of Search & Rescue Service:

1. Legal framework.
2. Assignment of a responsible authority
3. Organization of available resources
4. Communication facilities
5. Coordination and operational functions
6. Processes to improve the service including planning, domestic and international cooperative relationships and training.

# National legislation

- Issues to be described and/or defined:
  - *General policy and purpose*
  - *Objectives*
  - *Participants, including responsibilities and principles of cooperation among allied national services*
  - *Scope of services*
  - *Operational principles*
  - *Regions*
  - *International representation and cooperation, including formal procedures and SAR agreements with neighbouring states*
  - *Financing, charges and costs recovery procedures*
  - *Liabilities and warranties*



# National legislation

- *Legal forms*
  - *Criminal Code, or similar act, regulating common obligations to render assistance to person(s) in distress*
  - *Maritime Code or similar act regulating safety of navigation and safety at sea*
  - *National SAR Plan*
  - *Supplement to National SAR Plan*
  - *Operational procedures*

# Rescue Coordination Centres

- An RCC should meet technical and humanitarian requirements in order to be recognized internationally.
- IMO requires that the RCC must have certain basic capabilities before it is recognized as having responsibility for an SRR by listing in the IMO Global SAR Plan

# OBLIGATIONS PERTAINING TO SEA RESCUE

- **Provide assistance and carry rescue operations**
  - **Flag State:** according to article 98 of the UNCLOS, it is the duty of the master of a ship to render assistance to “*any person found at sea in danger of being lost*” except where this leads to serious danger to the crew, the passengers or the ship. The flag State must ensure that this duty is complied with.
  - **Coastal States:** ensure that assistance be provided to people in distress at sea: “*Parties shall ensure that necessary arrangements are made for the provision of adequate search and rescue services for persons in distress at sea round their coasts*”. (Regulation 2.1.1 SAR Convention)

# OBLIGATIONS PERTAINING TO SEA RESCUE

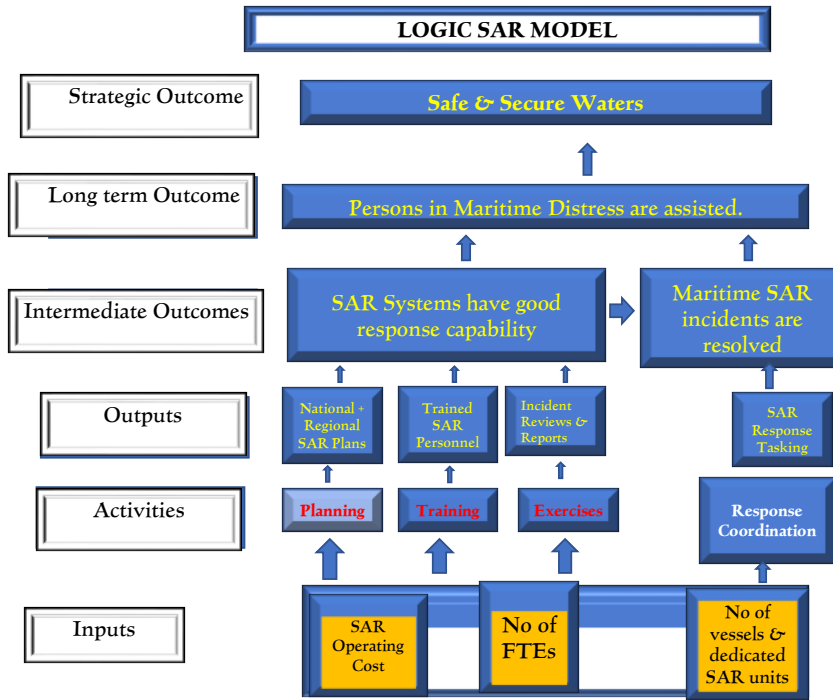
**SAR State:** provide urgent assistance to individuals in distress at sea: “On receiving information that a person is in distress at sea in an area within which a Party provides for the overall co-ordination of search and rescue operations, the responsible authorities of that Party shall take urgent steps to provide the most appropriate assistance available”. (Regulation § 2.1.9 SAR Convention)

**All States:** carry out non-discriminatory rescue operations regardless of the nationality or status of the rescued persons: “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”. (Regulation § 2.1.10 SAR Convention).

# Coordinating rescue operations, including disembarkation

- **All States:** coordinate search and rescue operations with neighbouring States: *“Parties shall co-ordinate their search and rescue organizations and should, whenever necessary, co-ordinate search and rescue operations with those of neighbouring States”*.
- **All States:** cooperate in order to identify a place of safety for disembarkation: *“Each Party should authorize its rescue co-ordination centres [...] to make the necessary arrangements in co-operation with other RCCs to identify the most appropriate*

# SAR LOGIC MODEL



*THANK YOU*