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Circular Letter No.4493  
16 December 2021

To: All IMO Members  
Intergovernmental organizations  
Non-governmental organizations in consultative status

Subject: **Communication from the Government of the Republic of Turkey**

The Government of the Republic of Turkey has sent the attached communication, dated 15 December 2021, with the request that it be circulated by the Organization.

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The Permanent Representation of Turkey presents its compliments to the Secretary General of the International Maritime Organization and with reference the Note Verbale of the Permanent Representation of Greece No. 2017 dated 19 May 2021, as circulated with the Circular Letter No. 4415, has the honour to bring to the attention of the Secretary General the following:

Turkey has always acted in strict compliance with the provisions of the 1979 Hamburg International Convention on the Maritime Search and Rescue wherein it is unequivocally stipulated that SAR regions (SARs) should be established by agreement and that in case agreement is not reached by the parties concerned, those parties should use their best endeavours to reach agreement upon appropriate arrangements under which the equivalent coordination of SAR services would be provided in the area.

Despite the fact that Turkey's constant calls to that end, no maritime search and rescue region has yet been established in the Aegean Sea by agreement among parties concerned, in conformity with the provisions of the Hamburg Convention. Furthermore, the Turkish regulations for SAR have consequently been carefully drafted as to reflect this standpoint and to ensure strict compliance with the relevant provisions of the said Convention.

In line with the provisions of 1979 Hamburg International Convention, SAR responsibility areas are not areas of sovereignty by definition, they are areas of service. Turkey's SAR responsibility area, does not include areas under Greek sovereignty as baselessly claimed. Greece's allegation of violation of territorial waters in the aforementioned Note Verbale is in clear contradiction of international law and constitutes an abuse of SAR regions for its baseless claims by ignoring humanitarian approach. Greece's distorted arbitrary interpretation that SAR areas are an issue of sovereignty and jurisdiction is against the Article 2.1.7 in the Annex to the Hamburg Convention stipulating "the delimitation of search and rescue regions is not related to and shall not prejudice the delimitation of any boundary between states."

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Regarding the so-called overlapping maritime and aeronautical SRRs, it has been noted in the Annex 12 of the 1944 Chicago Convention on Civil Aviation that the establishment of maritime SAR that is coincident with flight information region (FIR) is only a recommendation, rather than an obligation. An overwhelming majority of nations deemed it necessary to enact a new instrument to codify provisions exclusive to maritime SAR activities, namely Hamburg Convention, due to the difference in the physical features of aeronautical and maritime SAR services.

In this context, Greek arguments that Turkish state aircraft operating in international airspace over the Aegean and Mediterranean Seas, while participating in search and rescue missions within Turkish SRR, violate air traffic regulations of Athens FIR, demonstrate an ill-intentioned habit of mistaking areas of service for areas of sovereignty. Such unfounded assertions of so-called infringements of air traffic regulations and baseless FIR responsibility/sovereignty claims are in contradiction with international law and the Chicago Convention.

As regards the geographical setting and the most appropriate arrangement for search and rescue services, Turkish authorities tasked with such operations have the capacity for continuous and rapid access to every section of the Turkish SRR. However, similar assets and capabilities are not fully available in Greece and are often used in an indiscriminate manner. The inhumane treatment of refugees in distress at sea by Greek authorities is well-documented and often circulated by international media outlets, whereby Greek coast guard units do not refrain from attempting to violate Turkish territorial waters and force Turkish authorities to intervene. Consequently, the Greek claims regarding Turkey's approach to the humanitarian crisis in the Aegean Sea is self-contradictory and incessant efforts of the relevant Greek authorities to vindicate themselves of their misconduct are futile.

Lastly, Greece is reminded once more that she is regularly called upon on a bilateral level to engage in discussions to establish the required cooperation arrangements on search and rescue services as stipulated in the Annexes to the Hamburg Convention, in order to ensure the safety of human life in both the Aegean Sea and the Eastern Mediterranean. In the meantime, Turkey will continue to provide SAR services within her area of responsibility in line with the available operational capacity.

Turkey kindly requests the Secretary General of the International Maritime Organization to circulate this Note Verbale to the member states of the Organization.

The Permanent Representation of Turkey avails itself of this opportunity to renew to the Secretary General of the International Maritime Organization the assurances of its highest consideration.

London, 15 December 2021

