



Conference on Search and Rescue

(Saint Denis de La Réunion, September 3 – 7, 2007)

**WP/3 –Draft SAR Presidential Decree
(Original text in the French language)**

DECREE

Respecting the Organization of Peacetime Search and Rescue Services in _____ *[State adopting this Decree]*

The President of the Republic,

On the joint report _____ *[of the Ministers concerned]*;

Considering the Constitution;

Considering the Convention on International Civil Aviation, signed in Chicago on December 7, 1944, ratified on _____, published in its original version in French by Order N° _____ of _____;

Considering the International Convention on Maritime Search and Rescue, signed in Hamburg on April 27, 1979, ratified on _____ 1982, published in its original version in French by Order N° _____ of _____ and its subsequent amendments¹;

Considering the International Convention for the Safety of Life at Sea (SOLAS) signed in London on November 1, 1974, ratified on _____ 1982, published in its original version in French by Order N° _____ of _____ and its subsequent amendments;

Considering the Air Navigation Plan for the Africa - Indian Ocean Region, published by the International Civil Aviation Organization.

Considering [maritime equivalent of the AFI plan for maritime SRRs]

[Other appropriate recitals]

DECREES AS FOLLOWS:

Title 1: General Provisions

Article I. General

This decree covers the organization of peacetime search and rescue services on the territory of _____ *[State adopting this Decree]* and in areas in which _____ *[State adopting this Decree]* has accepted to assume responsibility for search and rescue activities. It also outlines operational guidelines for organizations charged with providing such services.

¹ Note: This draft decree covers aeronautical and maritime SAR; States that have no maritime SAR or that prefer to address their maritime and aeronautical SAR services in separate texts may delete the maritime SAR provisions in this text.

Article II. Provision of Search and Rescue Services

In peacetime, any ship or aircraft and its occupants in distress on the territory of _____ [State adopting this Decree] and in areas in which _____ [State adopting this Decree] has accepted to assume responsibility for search and rescue activities, shall receive search and rescue services, irrespective of its state of registry and the nationality of its occupants.

Article III. Definitions

Search: An operation, normally coordinated by a rescue coordination centre or rescue sub-centre, using available personnel and facilities to locate persons in distress.

Rescue: An operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety.

Search and Rescue Services: Operations normally coordinated by a rescue coordination centre or rescue sub-centre using public and private resources to locate and recover aircraft or ship accident survivors, provide them with medical care, and deliver them to a place of safety irrespective of their particular circumstances or nationalities.

Joint Search and Rescue Centre: A rescue coordination centre responsible for both aeronautical and maritime search and rescue incidents.

Rescue Coordination Centre: A unit responsible for promoting efficient organization of search and rescue services and for coordinating the conduct of search and rescue operations within a search and rescue region.

[Note: In states with no rescue coordination centres (RCC), “Rescue Coordination Centre” will be replaced by “Rescue Sub-Centre (RSC)”]

Article IV. Ministries Involved

The organization of search and rescue activities falls under the jurisdiction of the Ministry Responsible for Civil Aviation and the Merchant Marine, in concert with the ministries of _____ [to be specified for the particular State adopting this Decree].

Title 2: Organization and Operation

Article V. Role of the Ministry Responsible for Civil Aviation and the Merchant Marine

In peacetime, the Ministry Responsible for Civil Aviation and the Merchant Marine is responsible for defining, jointly with _____ [to be specified for the particular State adopting this Decree], the general policy respecting the search and rescue of aircraft and ships in distress on the territory of _____ [State adopting this Decree] and in areas in which _____ [State adopting this Decree] has accepted to assume responsibility for search and rescue activities.

The Ministry Responsible for Civil Aviation and the Merchant Marine shall sign agreements respecting search and rescue services with other ministries concerned as well as with any partner likely to take part in search and rescue operations for aircraft or ships in distress.

Article VI. [Role of the Ministry Responsible for _____; example: Interior, Defense]

[Depending on the particularities of the State adopting this Decree, the following functions will be allocated on a ministry-by-ministry basis; the role of each Ministry involved will be covered by a separate article]:

- establishment and maintenance in working order of the *[Joint]* Rescue Coordination Centre, including staff training and teaching and the determination of the type and quantity or equipment needed;
- the directorate of Operations, through the *[Joint]* Rescue Coordination Centre;
- deployment of aeronautical, land or maritime resources, under the command of the *[Joint]* Rescue Coordination Centre;
- coordination of land rescue operations, in conjunction with the *[Joint]* Rescue Coordination Centre.

Article VII. Roles of Other Ministries Concerned

The roles of other ministries concerned are covered in special texts.

Article VIII. International Cooperation

Bilateral search and rescue agreements shall be signed with other states by the Ministry Responsible for _____ *[to be specified according to current practices and laws; generally, the Ministry responsible for Civil Aviation, Defense or Foreign Affairs, pursuant to specific interministerial consultation procedures]*.

Article IX. National Search and Rescue Coordination Committee

A Search and Rescue Committee is hereby established, to be chaired by the Minister responsible for _____ *[to be specified based on current practices and laws; generally, the Ministry Responsible for Civil Aviation and the Merchant Marine]*, and shall pursue the following objectives:

- set up a forum for exchange among the various participants involved in search and rescue activities;
- supervise national search and rescue documentation;
- ensure the greatest possible standardization or interoperability of the procedures and equipment of the various stakeholders;
- validate special SAR equipment programs;

- validate draft amendments of national search and rescue documentation and of regulations governing the implementation of this decree.

The make-up and operation of the Committee shall be defined by interministerial order.

Article X. Search and Rescue Study and Coordination Department [the terms “Office” or “Section” may also be used]

A permanent department for the study and coordination of aeronautical and maritime search and rescue activities is hereby established within _____ [*generally, for Aviation: the National Civil Aviation Directorate or Agency*]. It comprises aeronautical [*and maritime*] representatives from the ministries in charge [*to be specified for the State adopting this Decree; for example: Civil Aviation and Merchant Marine, Defense (Air Force and Navy) etc.*].

Its powers, duties and functions shall be established by interministerial order.

Article XI. Joint Rescue Coordination Centre

The Ministry responsible for _____ [*to be specified for the State adopting this Decree; for example: Defense*] shall establish and staff a centre for the coordination of aeronautical [*and maritime*] search and rescue activities called the “[*Joint*] Rescue Coordination Centre.”. Under the terms prescribed by this decree and relevant international agreements, the [*Joint*] Rescue Coordination Centre shall handle the operational management of aeronautical [*and maritime*] search and rescue activities.

The Joint Rescue Coordination Centre shall have permanent access to the aeronautical and maritime resources of the Ministry responsible for _____ [*to be specified for the State adopting this Decree; generally: Defense*]. It may, under pre-established conditions, call upon all the resources of public or private organizations or agencies likely to assist in such operations.

Article XII. Suspension and Stoppage of Operations²

[*Here, a distinction is made with regard to the status of the SRR relative to the territory of the state*]

[*Option 1: State having no part of its territory covered by the SRR of another state, and whose SRR does not cover any part of the territory of another state.*]

Responsibility for suspending or calling off search and rescue operations for aircraft [*or ships*] in distress on the territory of _____ [*State adopting this Decree*] and in areas in which _____ [*State adopting this Decree*] has accepted to assume responsibility for search and rescue activities, falls on the [*Joint*] Rescue Coordination Centre [*according to*

² A document such as this one is not the ideal instrument for specifying responsibilities with respect to the initiation of SAR operations. In that regard, the provisions of § 5.2 et seq. of Appendix 12 should be considered directly applicable.

current practices and regulations; in some states, the following addition will need to be inserted: “following consultation with the competent authorities, if necessary.”]

[Option 2: State having no part of its territory covered by the SRR of another state, but whose SRR covers all or part of the territory of another state.

Responsibility for suspending or calling off search and rescue operations for aircraft *[or ships]* in distress on the territory of _____ *[State adopting this Decree]* and in areas in which _____ *[State adopting this Decree]* has accepted to assume responsibility for search and rescue activities, falls on the *[Joint]* Rescue Coordination Centre *[according to current practices and regulations; in some states, the following addition will need to be inserted: “after consultation with the competent authorities, if necessary and”]*, without prejudice to the relevant provisions of international agreements on the matter³.

[Option 3: State having part or all of its territory covered by an SRR of another state]

Responsibility for suspending or calling off search and rescue operations for aircraft *[and ships]* in distress on the territory of _____ *[State adopting this Decree]* falls on the Rescue Sub-Centre / Joint Rescue Coordination Centre, pursuant to the relevant provisions of international agreements on the matter⁴.

Article XIII. Other Serious Incidents

In the event of serious incidents other than aeronautical or maritime accidents, search and rescue services shall come to the assistance of the party requesting help to the extent allowable under their primary mission.

Article XIV. Reporting Distress Situations

Any person who witnesses an aircraft or ship that is, or appears to be, in a situation of distress is required to report the incident to the nearest police *[in states with gendarmerie services, the following will be added: “or gendarmerie”]* station, or to any other competent authority.

Title 3: Special and Final Provisions

Article XV. Damages – Liability

Government departments, agencies and territorial governments participating in search and rescue activities only have a general obligation of diligence.

Whatever their duration or outcome, services rendered in the context of search and rescue operations may never be billed to their beneficiaries. However, in cases where assistance

³ [Explanatory Note: Reference is being made here to the AFI plan and to permanent delegation agreements that may be signed between the states concerned]

⁴ [Ibid]

provided as part of such operations is for property, rescue organizations may require that beneficiaries contribute to the costs incurred. The same applies for unnecessary search and rescue operations initiated as a result of breaches to official regulations in effect.

Article XVI. Financing

[To be defined for the particular State adopting this Decree. For example, the following section presents steps taken by an African state:

Each year, the Minister of Finance, following a proposal by the Minister of Defense and the Minister of Civil Aviation and the Merchant Marine, shall include in the budget the credits needed for:

- the acquisition and maintenance of special equipment needed for search and rescue;*
- the training and instruction of search and rescue personnel.*

Moreover, the execution of search and rescue operations is financed under the State Responses budget line item.

However, certain costs relating to staffing, the equipment of search and rescue operational resources, the joint Rescue Coordination Centre, or to the execution of search and rescue operations, may be funded through revenue from aeronautical or maritime charges, in accordance with relevant rules adopted by the International Civil Aviation Organization and the International Maritime Organization.]

Article XVII. Application

The application mechanisms of this Decree shall be established by interministerial order.

Article XVIII. Final Provisions

This decree repeals all previous provisions to the contrary, particularly those _____.

The Ministers _____ *[to be specified for the particular State adopting this Decree; for example: the Minister of Transport, Minister Delegate at the Presidency in charge of Defense, the Minister of Territorial Administration and Decentralization and the Minister of the Economy and Finance]* are each responsible, under their respective jurisdictions, for applying this decree, which shall be recorded and published in the Official Gazette in French.

THE PRESIDENT OF THE REPUBLIC