



**IMO**

International Maritime Law Institute



## Law on Maritime Search and Rescue

A Legislative Drafting Project to the International  
Maritime Law Institute in partial fulfillment of the  
requirements for the award of the degree of-

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In  
International Maritime Law

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## Dedication

To the Souls of the estimated 1000 Egyptian Casualties of the "AL SALAM-98" ferry disaster, on the 3<sup>rd</sup> February 2006, and to the Egyptian youths who sInk trying to cross the Mediterranean Sea to Europe seeking for work and better living conditions.

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*Ibrahim EL Diwany*

*6 April 2009*

Title of Legislation:

Law on Maritime Search and Rescue

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## EXPLANATORY NOTE

### **Introduction**

The duty to render assistance to persons in distress at sea is historically one of the main portrayed traditions in maritime navigation. In modern times, the international community worked hard over the years to develop, consolidate and codify these traditions in both maritime safety regulations to reduce accidents and search and rescue operations to limit casualties.

The principle of rescue and assistance at sea has been asserted in several international instruments. Namely<sup>1</sup>:

- The Convention for the Unification of Certain Rules of Law related to Assistance and Salvage at Sea (Salvage) 1910 stipulates<sup>2</sup> the master's obligation to render assistance to everybody found at sea in danger of being lost.
- The Geneva Convention on the High Seas, 1958 and the United Nations Convention On the Law of Sea (UNCLOS) 1982, confirm the duty to rescue people in distress at sea and express the obligation upon States to require the master of ships flying their flag to render assistance to a person found at sea in danger of being lost and to proceed to the rescue of persons in distress. Furthermore, every coastal State has to promote the establishment; operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and encourage States to enter into mutual regional agreements to cooperate with the neighboring States for this purpose.
- The Safety of Life at Sea Convention (SOLAS), 1974 set out the duty of States to provide assistance for the rescue of persons in distress at sea. In this regard States shall take the necessary arrangements for coast monitoring and maritime safety facilities.
- The Salvage convention of 1989 and the Facilitation of International Maritime Traffic (FAL) Convention contain similar provisions to those mentioned above.

Although the above conventions provide for an obligation to assist ships in distress, there was no international system in place that would cover search and rescue operations and coordination of such operations. The same was left to be organized by each State through its national coast monitoring and search and rescue services.

Difference of various search and rescue systems and procedures, combined with the lack of a coordination and links of communication led to difficulties in providing joint search and rescue services.<sup>3</sup> As a result, there was a need to set a new international convention that regulates such matters and so the Search and Rescue Convention (SAR) 1979 was adopted.

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<sup>1</sup> Samir Mankabady, The International Maritime Organization, 1st edition, 1986, p 279.

<sup>2</sup> Article 11

<sup>3</sup> Op.cit.fn 1 p 279-280



## **The International Maritime Search and Rescue Convention "SAR" 1979 and its amendments**

The International Maritime Organization (IMO) Maritime Safety Committee "MSC" worked on introducing an international agreed search and rescue policy aiming to standardize procedures of search and rescue services, to facilitate direct contact between search and rescue services of various States and to ensure cooperation between surface and air units participating in such search and rescue operations. In this regard the "MSC" prepared through its group of experts a draft convention which was presented to the diplomatic conference convened by the IMO in Hamburg in 1979.<sup>4</sup>

The SAR convention aims to establish an international search and rescue plan, responsive to the needs of maritime traffic for the rescue of persons in distress at sea, no matter where an accident occurs and co-coordinated by a search and rescue organization and, when necessary, by co-operation between neighboring search and rescue organizations.<sup>5 6</sup>

The convention which came into force on 22 June 1985, includes an annex divided into five chapters which is considered integral part of the convention. Its eight attached resolutions provide the technical requirements of the search and rescue plan which aim to ensure that search and rescue operations are conducted with maximum speed and efficiency regardless of the location of the incident.<sup>7</sup>

The convention divided the oceans into 13 Search and Rescue areas. Countries of each area establish and delimit by agreement their search and rescue region in which they are responsible. However, delimitation of search and rescue regions shall not prejudice the delimitation of boundaries between States.<sup>8</sup> The universal application of the SAR convention faced several difficulties affecting negatively its implementation and the development of the required search and rescue Plans. This was the result of the fact that many of the world's coastal States did not accept the convention due to the obligations it imposes.<sup>9</sup>

The MSC acted to overcome this setback by adopting in its 69<sup>th</sup> session, in May 1998, amendments to the technical annex of the SAR convention. These amendments clarify the responsibilities of governments and put greater emphasis on the regional approach and co-ordination between maritime and aeronautical search and rescue operations. These amendments entered into force on 1 January 2000.<sup>10</sup>

In 2004, MSC adopted further amendments to the SOLAS and SAR conventions in a process of reviewing safety measures and procedures for the treatment of persons rescued at sea which entered into force on 1 July 2006.<sup>11</sup>

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4 Ibid p 281.

5 [www.imo.org/safety/maiframe.asp?topic\\_id=765](http://www.imo.org/safety/maiframe.asp?topic_id=765)

6 Op.cit.fn 1 p 281.

7 Op.cit.fn 1 p 283.

8 Op.cit.fn 4.

9 Ibid, Op.cit.fn 1 p 282.

10 Ibid (IMO)

11 Ibid.

The revised SAR convention consists of 8 main articles, an Annex that includes 5 Chapters and 8 Resolutions of the 1979 "SAR" Conference.

The main articles of the convention deal with the general obligations under the convention and the basic regulations regarding its relation with other treaties, interpretation, ways of amendments, signature, ratification, acceptance, approval and accession and its entry into force, denunciation, deposit and registration.

**The technical Annex which is an integral part of the SAR Convention consists of 5 chapters that are described as follow:**

**Chapter 1** defines certain terms used in the convention.

**Chapter 2**, titled organization and co-ordination, includes state parties' obligations such as:

Participate, either individually or in co-operation with other States, in the development of search and rescue services in order to ensure that necessary assistance is rendered to any person in distress at sea once the responsible authorities receive information of that need.

Establish basic elements of a search and rescue service that include: Legal framework; assignment of a responsible authority; organization of available resources; communication facilities; co-ordination and operational functions; processes to improve the service including planning, domestic and international co-operative relationships and training.

Ensure the provision of adequate shore based communication infrastructure, efficient distress alert routing, and proper operational co-ordination to effectively support search and rescue services.

Establish search and rescue regions within each sea area through an agreement between the parties concerned. Parties, accepting responsibility for providing search and rescue services for a specified area, shall use search and rescue units and other available facilities for providing assistance to any person who is, or appears to be, in distress at sea regardless of his nationality or status.

Forward to the Secretary General of the International Maritime Organization (IMO) their search and rescue plans, including:

- National authority responsible for the maritime search and rescue services.
- Location of the established rescue co-ordination centers or other centers providing search and rescue co-ordination for the search and rescue regions.
- Limits of the search and rescue region or regions and the coverage provided by their shore-based distress and safety communication facilities.

Establish national procedures for the development, coordination and improvement of search and rescue services.

Support search and rescue operations by ensuring the co-coordinated use of available facilities and to establish close co-operation between services and organizations which may contribute to improve the search and rescue services in areas such as operations, planning, training, exercise and research and development.

Establish rescue co-ordination centers for their search and rescue services and such rescue sub-centers as they consider appropriate.

Arrange the rescue co-ordination centre and rescue sub-centre for the receipt of distress alerts originating from within its search and rescue region. Every centre shall arrange for communications with persons in distress, with search and rescue facilities and with other rescue co-ordination centers and rescue sub-centers.

Operate rescue co-ordination centers on a 24-hour basis with trained staff who has a working knowledge of English.

Ensure the closest practicable co-ordination between maritime and aeronautical services so as to provide effective and efficient search and rescue services in and over the search and rescue regions. Also to ensure the use of common procedures by search and rescue units established for maritime purposes and those established for aeronautical purposes.

Designation of search and rescue facilities.

Identify all facilities able to participate in search and rescue operations and designate facilities as search and rescue units provided with equipment appropriate for the task.<sup>12</sup>

**Chapter 3**, regulates the co-operation between States and obliges the parties with the following:

Co-ordinate search and rescue organizations, and, where necessary, to co-ordinate search and rescue operations with those of neighboring States.

Authorize the rescue units of other Parties for the immediate entry into or over its territorial sea or territory solely for the purpose of search and rescue operation.

Subject to any agreement between the States concerned, the party whose rescue units are going to enter into or over the territory of another party solely for search and rescue purposes shall send a request to the rescue co-ordination center or other designated authority of that party that contain full details of the intended mission and the need for it.

The party receiving the request shall immediately acknowledge it and as soon as possible indicate conditions, if any, under which the mission may be undertaken.

Enter into agreements with neighboring States setting forth the conditions for the entry of each other's search and rescue units into or over their respective territorial sea or territory.

Authorize its rescue co-ordination centers to Request from other rescue co-ordination centers such assistance, including vessels, aircraft, personnel or equipment, as may be needed and grant any necessary permission for the entry of the search and rescue units

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<sup>12</sup> www.imo.org/safety/maiframe.asp?topic\_id=765

such as: vessels, aircraft, personnel or equipment into or over its territorial sea or territory.

Make the necessary arrangements with the customs, immigration and other authorities to expediting such entry.

Ensure that its rescue co-ordination centers provide, when requested, assistance to other rescue co-ordination centers, including assistance in the form of vessels, aircraft, personnel or equipment.

Co-operate to ensure that in case masters of ships providing salvage to persons in distress at sea are released from their obligations of minimum further deviation from the ships intended voyage, providing that releasing the master of the ship from these obligations does not further endanger the safety of life at sea.

ESARC shall co-ordinate and co-operate to ensure that masters of ships providing assistance by embarking persons in distress at sea are released from their obligations with minimum further deviation from the ships intended voyage, provided that releasing the master of the ship from these obligations does not further endanger the safety of life at sea.

The Party, responsible for the search and rescue region in which such assistance is rendered, shall exercise primary responsibility for ensuring such co-ordination and co-operation occurs, so that survivors assisted are disembarked from the assisting ship and delivered to a place of safety.<sup>13</sup>

**Chapter 4**, deals with Operating Procedures and incorporates both the preparatory and operating measures.

Preparatory measures states that rescue Co-ordination Center and the Rescue Sub-Center should have:

- Up-to-date information on search and rescue facilities and communications in the area.
- Detailed plans for the conduct of search and rescue operations.
- A ready access to information regarding the position and speed of vessels within its area which may be able to provide assistance to persons, vessels or other craft in distress at sea and how to contact them.
- Detailed plans of operations for the conduct of search and rescue operations and kept informed of the state of preparedness of search and rescue units.

#### Information concerning emergencies

Parties, individually or in co-operation with others, should be capable of receiving distress alerts on a 24-hour from equipment used for this purpose within their search and distress alerts.

Operational matters include procedures in initial action and emergency phase, to be followed by rescue co-ordination centers and rescue sub-centers during emergency phases, co-ordination when two or more parties are involved, on-scene co-ordination of Search and Rescue activities, termination and suspension of rescue operations.

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<sup>13</sup> Ibid, Op.cit.fn 1 p 283.

It was emphasized that search and rescue activities should be co-coordinated on scene for the most effective results. Also search and rescue operations shall continue, when practicable, until all reasonable hope of rescuing survivors has passed.<sup>14</sup>

**Chapter 5**, on “Ship reporting systems” consists of recommendations on establishing ship reporting systems for search and rescue purposes.

This system should provide up-to-date information on the movement of vessels, in the event of a distress incident, to reduce the gap between the loss of the contact with a vessel and the launching of search and rescue operations in cases where no distress signal has been received.

It helps to permit the rapid determination of the vessels position which may be called upon to provide assistance.

Several requirements should be present in the ship reporting systems and also a ship reporting system should incorporate the sailing plan and the position report and final report.<sup>15</sup>

The eight resolutions of the 1979 SAR conference are included without changes because they are part of the final act of the conference itself, although most of them are either not implemented or out of date.

Resolution 4 urges States to use the guide-lines provided in the IMO Merchant Ship Search and Rescue Manual (MERSAR) and the IMO Search and Rescue Manual (IMOSAR), the former provides assistance for those who during emergencies at sea may require assistance from others or who may be able to render such assistance themselves and aid the master of any vessel called upon to conduct search and rescue operations at sea for persons in distress, meanwhile the latter provides guidelines for a common maritime search and rescue policy, encouraging all coastal States to develop their organizations along similar lines and enabling adjacent States to cooperate and provide mutual assistance.<sup>16</sup>

### **The SAR Convention and Egypt**

Egypt is a maritime country that has a remarkable geographical location on the junction of three continents and has a coastline that extends to more than 2000 km along the Mediterranean and Red Sea.

This long costal area is the home to over 40 percent of the country's 80 millions population, most of them living in urban centers of Alexandria, Port Said, Damietta, and Suez. Their main income depends on businesses related to shipping and fishing industries.

Moreover, it is worth mentioning that the Suez Canal is the vital artery that passes through Egypt's land linking the East to the West. Egypt's economy depends on the Suez Canal as one of the major national revenue generating facility. It earns, annually,

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<sup>14</sup> SAR convention, 2006 edition, p 15, Op.cit.fn 11.

<sup>15</sup> Ibid p 17.

<sup>16</sup> Guidelines for maritime legislation, Economic and Social Commission for Asia and the Pacific, third edition, p 72.

about US \$ 1 billion, from approximately 20,000 merchant ships and smaller vessels sailing through the Suez Canal. In addition, the foreign seaborne trade volume of Egypt represents about 90% of the Egyptian foreign trade volume.

As a maritime nation Egypt realizes its essential duty to provide assistance at all times to all vessels in distress passing through its search and rescue region. The Egyptian Search and Rescue Center (ESARC) was established in 1983, by the Presidential Decree No. 300 of 1983. The Center is based in Cairo, under the supervision of the Ministry of Defense.

The decree stated the center's objectives, which are focused on saving lives at risk and providing humanitarian aid by maintaining a high standard of search and rescue system capable of receiving and responding to S.O.S distress signals from ships and search and rescue requests from different sources. Moreover, it is the ESARC's responsibility to manage search and rescue operations in the Egyptian territorial waters and its other area of responsibility and coordinate with search and rescue centers in neighboring countries regarding operations beyond its area of responsibility.

A search and rescue committee which includes members representing several ministries is assigned to coordinate policies and consolidate efforts for the upgrading and modernization of search and rescue services in Egypt.<sup>17</sup>

These national efforts were, however, challenged by two major crises that the nation faced in the last two years. These unfortunate events showed the need to have a revolutionary development and reform in the Egyptian search and rescue organization which will be capable of facing difficult situations by approaching regional cooperation and coordinating with them in performing search and rescue operations.

### **The "AL SALAM-98" disaster**

Egyptians woke up in the morning of 3<sup>rd</sup> February 2006 with shocking news of the worst maritime disaster in Egypt's history. The sinking of the Egyptian operated Ro-Ro ferry "Al Salam Boccaccio 98" in the Red Sea, some 40 miles off the coast of Saudi Arabia, resulting to almost 1,000 casualties, mostly Egyptians out of the 1400 passengers of the ferry.

The "Al Salam 98" was a 35 years old ferry and sailing under the Panamanian flag in a liner route between Doha in Saudi Arabia and the Egyptian Port of Safage. It appeared from investigations that the ferry sank as a result of an electrical fire and due to the lack of fire extinguishers the crew used sea water to put out the fire, causing the disruption of the stability of the vessel.

The master was late in ordering the crew and the passengers to abandon the ship and allegedly did not report the problems to the port of departure or arrival, although he sent a distress message to another passing vessel saying that the ship was in danger of sinking, but the vessel did not stop to help to avoid endangering his own vessel.

The Egyptian Parliamentary Fact Finding Commission accused the Egyptian Authority for Maritime Safety of "negligence" in applying appropriate safety measures, especially regarding the number of passengers on board and the lifeboats.

The "Al Salam 98" catastrophe illustrated the deficiencies in the Egyptian search and rescue system. Such deficiencies appeared from the late search and rescue operations for the passengers of the sinking ferry,<sup>18</sup> absence of joint plans and coordination between the Egyptian search and rescue authorities and the Saudi counterparts in performing search and rescue operations, lack of essential instruments used in search and rescue operations, absence of direct communication between some operational units with the search and rescue center during operation and the long distance between the search and rescue center and place of the incident.

### **Rescue of migrants boats**

During the last two years Egypt faced the phenomenon of Sea-borne migration. Thousands of Africans refugees and illegal immigrants sail to try to cross the Mediterranean Sea to Europe each year searching for work or better living conditions.

The of risk of crossing the Mediterranean Sea starts from Libyan shores by boarding un-seaworthy small dilapidated fishing boats, suitable only for regional waters, organized by trafficking gangs and crammed with refugees. Many of these boats end up sinking with all on board. The estimated number of annual Egyptian casualties is unknown, but experts estimate that it has reached thousands.

Despite the efforts exerted in the last two years by the Egyptian Coast Guard, in co-operation with the neighboring relevant authorities, in preventing and minimizing the phenomenon of illegal trafficking through the Mediterranean Sea, it seems that the phenomenon is largely expanding and national authorities are failing to contain the exodus.

Practical solutions are required on the regional level to reduce the huge number of casualties produced from this phenomenon. Co-operation and co-ordination in performing search and rescue operations with competent search and rescue authorities in neighboring Mediterranean countries especially Libya, Cyprus, Italy, Greece and Malta is a must for the saving of lives of Egyptians that may be in distress at sea.<sup>19</sup>

In the light of the above, acceding to the Search and Rescue 1979 Convention, as amended, becomes a national priority in order to have a modern and efficient search and rescue organization capable of carrying out search and rescue functions effectively at all times and face future major challenges.

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<sup>18</sup> [http://en.wikipedia.org/wiki/Al-Salam\\_Boccaccio\\_98](http://en.wikipedia.org/wiki/Al-Salam_Boccaccio_98)

<sup>19</sup> <http://weekly.ahram.org.eg/2008/885/fo1.htm> date of article 21-27 February 2008, date of opening 17.11.08

## **Incorporation of the Convention into the Domestic Legislation**

### **The Egyptian Legal System**

The Egyptian legal system is built on the combination of "Shariah" Law<sup>20</sup> and Napoleonic Code and is considered as a civil law system, since it is based upon a well-established system of codified laws. Consequentially, the maritime legislation in Egypt is based on the civil law system.

### **How conventions are adopted in the Egyptian Legal System**

Egypt's 1980 Constitution determines the competent authorities that conclude the international treaties and defines the authorities carrying the mandate of ratification.

This is reflected in the first paragraph of Article 151 of the constitution which states that "the President of the Republic shall conclude treaties and communicate them to the People's Assembly, accompanied with suitable clarifications".

In this regard, the executive authority enjoys the privilege to conclude international treaties through the State's President, his deputy, or who is representing him, such as: the Prime Minister, the minister of foreign affairs or any person authorized for this duty.

The constitution grants the President the primary authority to conclude and ratify the international treaties and publish them according to the established procedures, and the approval of the parliament on certain types of treaties and agreements does not ascend to the degree of ratification and it is considered as only prior consent to the final engagement of the treaty.

The Third paragraph of Article 151 of the constitution articulates that the Legislative authority (parliament) is to exceptionally intervene in the process of treaty ratification, on certain types of treaties which shall acquire the approval of the People's Assembly. These treaties according to the article are: peace treaties, alliance pacts, commercial and maritime treaties and all other treaties involving modifications in the territory of the State or having connection with the rights of sovereignty, or which lay upon the treasury of the State certain charges not included in the budget.

Also article 195 of the constitution states that "The Shoura Assembly shall be consulted in the following: 4. Peace treaties, alliances and all treaties affecting the territorial integrity of the State or those concerning sovereignty rights".

International conventions are incorporated into the national law and become legally binding, executed and applied by Egyptian authorities, domestic courts and citizens, once the requirements and procedures of its ratification and publication by the competent authorities stated in the constitution are fulfilled. In this regard the international conventions are applied on the domestic level without any need for issuing a special legislation or applying any previous mechanism of transformation.<sup>21</sup>

This perspective is affirmed by the direct interpretation paragraph two of Article 151 of the constitution which states that "the treaties shall have the force of law after their

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<sup>20</sup> based on Islamic injunctions.

<sup>21</sup> Duncan Hollis, Blakeslee, National Treaty Law and Practice, 1st edition, 2005, p 238, Martinus Nijhoff Publishers.



conclusion, ratification and publication according to the established procedure", and proved by the decision of Egypt's Court of Cassation, which has stated that "agreements entered into force by Egypt shall have the full authority of the national legislation".<sup>22</sup>

However, the practice shows that legislation is usually issued after the incorporation, of specific types of international conventions which imposes wide range of obligations on states, into the national legal system. The best example to this practice was the issuing of the Child law No 12 of 1996 after the ratification and publication of the Convention on the Rights of the Child (CRC) 1989.

### **Primary v Subordinate legislation**

The constitution states that the President shall issue the necessary regulations for the implementation of the laws. Also, he shall have the right to vest others with the authority to issue them. The law may also determine who will issue the requisite decisions or its implementation.<sup>23</sup>

Article 146 of the constitution states that the president shall issue the decision necessary for organizing the public services and interests.

### **The incorporation of the International Search and Rescue Convention 1979 Convention and its amendments in the Egyptian Legal System:**

The provisions of the SAR convention shall directly have the force of law and be part of the Egyptian domestic law; executed and applied by the Egyptian authorities similarly to any domestic law and without the need for issuing any special legislation, once the required constitutional procedures for ratifying and publishing the convention are complied with.

However, the SAR Convention enjoys special characteristics, significance and numerous duties drawn by its provisions which require the involvement of several governmental apparatuses and agencies for its application on the national level. This may motivate the legislative authority to adopt the practice of legislating a new special national law that reflects the important provisions and duties of the incorporated convention, even though it has been incorporated and enjoys the force of law in the national legal system.

The Egyptian Search and Rescue law aims to establish an Egyptian Maritime search and rescue System that reflects the incorporation of the International Convention on Maritime Search and Rescue, 1979 as amended into the Egyptian law; and regulates various aspects related thereto.

### **Structure of Egyptian SAR Law**

The law on maritime search and rescue is comprised of three parts, a **preliminary part** that illustrates the principal objectives of the law, the authority entitled for applying the

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<sup>22</sup> Judgment No. 137 on 8 March 1956, Cass. Repertoire of Decisions, pt. 3. at 274.

<sup>23</sup> Article 144 of the 1980 Constitution.

SAR Convention as amended, date of the law enforcement, mechanisms of issuing its executive regulations and sub laws and amendments.

**Part 1** deals with general provisions and is divided into two chapters setting definition and matters of organization and coordination of search and rescue services. **Part 2** emphasizes on the cooperation with other sates in search and rescue services and the necessary operating procedures to acquire it and the system of ship reporting in chapters 3, 4 and 5.

The Prime Minister is to issue a decree, as stated in article 3 of the Preliminary part of the law, for promulgating the executive regulations of the law on Maritime Search and Rescue.

This Prime Minister decree does not repealing the Presidential decree No. 300 of 1983, regulating the establishment of the ESARC, but covers in detail the new enhanced objectives, functions, composition, meetings, manual and reporting of the ESARC and the functions of the rescue co-ordination centers and sub centers, and the cooperation between aeronautical rescue co-ordination centre and maritime rescue co-ordination centre.

Subsidiary laws are to be issued from the relevant ministries to determine and clarify the responsibilities and jurisdictions of each involved ministry and national agency.

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Law No.\_\_\_\_\_, Adopted on:\_\_\_\_, \_\_\_\_, \_\_\_\_

Concerning: Maritime Search and Rescue

Law No:

Date of Adoption:

Published in Official Gazette Issue:

Date of Publication:

# **Law on Maritime Search and Rescue**

## **Law on Maritime Search and Rescue**

No xxxx date xxxx

### **Preliminary Part**

In The Name of the People;  
The President of the Republic;  
The People's Assembly decrees the following law, and it is promulgated by us:

#### **Article: 1**

The principal objectives of this law are to incorporate the Search and Rescue Convention into the Egyptian law; and authorize the Egyptian Search and Rescue Center to act on behalf of the Ministry of Defense as the authority responsible for the application of the International Convention on Maritime Search and Rescue, 1979 as amended as well as other relevant conventions binding on the Republic regarding maritime and aeronautical search and rescue operations.

#### **Article: 2**

Subject to the rules and provisions prescribed in special laws, the provisions of the law on search and rescue shall come into force.

Agencies existing at the time when the present law is promulgated shall be harmonized in accordance with the provisions of the present law, within three years from the date its executive regulations are published in the Official Gazette.

The Cabinet of Ministers, upon the proposal of the Minister of Defense may extend the period mentioned in paragraph 2; this period, however, shall not exceed two years and only if the Cabinet realizes the seriousness of procedures as taken towards the implementation of the provisions of the attached law.

#### **Article: 3**

The Prime Minister upon the proposal of the Minister of Defense, and after consulting the executive committee of the ESARC shall issue the executive regulations of the law attached hereto, within a period not exceeding six months from the date the law comes into force.

The Ministers empowered by the law shall issue regulations and sub laws necessary for the implementation of its provisions within the period referred to in the previous article.

The Minister of Defense, subject to article (1), may from time to time by notice in the Gazette amend the law and sub laws to reflect any changes made to the International Convention on Maritime Search and Rescue, 1979 as amended by the

Organization, as the case may be, if these changes are binding on the Republic in terms of paragraph (2) of Article 151 of the Constitution.

**Article: 4**

The present law shall be published in the Official Gazette and shall come into force the day next to the date of its publication.

The present law shall receive the seal of the State, and shall come into force as one of its laws.

Promulgated by the President of the Republic on ---- (Islamic calendar), corresponding to ---- (Gregorian calendar).

**Hosni Mubarak**

**Part I****Chapter: 1****General Provisions****Article: 1****Definitions**

In applying the provisions of the present law, the following terms and expressions shall denote the meanings indicated next to each of them:

- (1) "Alerting post": Any facility intended to serve as an intermediary between a person reporting an emergency and a rescue coordination centre or rescue sub-centre;
- (2) "Alert phase": A situation wherein apprehension exists as to the safety of a person, a vessel or other craft;
- (3) "Distress phase": A situation wherein there is a reasonable certainty that a person, a vessel or other craft is threatened by grave and imminent danger and requires immediate assistance;
- (4) "ESARC": The Egyptian Search and Rescue Center established by the presidential decree No 300 1980 of;
- (5) "Emergency phase": A generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase;
- (6) "On-scene coordinator": A person designated to coordinate search and rescue operations within a specified area;
- (7) "Organization": International Maritime Organization.
- (8) "Rescue": An operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety;
- (9) "Rescue coordination centre": An institution 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;
- (10) "Rescue sub-centre": an appointed unit tasked to carry out duties of a rescue co-ordination centre in instances where the rescue co-ordination centre cannot exercise direct and effective control over search and rescue facilities in certain parts of a search and rescue region;
- (11) "Shall": is used to indicate a provision, the uniform application of which by all Parties is required in the interest of safety of life at sea;

- (12) "Should": is used to indicate a provision, the uniform application of which by all Parties is recommended in the interest of safety of life at sea;
- (13) "Search": An operation normally coordinated by a rescue coordination centre or rescue sub-centre, using available personnel and facilities to locate persons in distress;
- (14) "Search and rescue service": The performance of distress monitoring, communication, coordination and search and rescue functions, including provision of medical advice, initial medical assistance, or medical evacuation, through the use of public and private resources including cooperating aircraft, vessels and other craft and installations;
- (15) "Search and rescue region": An area of defined dimensions associated with a rescue coordination centre within which search and rescue services are provided;
- (16) "Search and rescue facility": Any mobile resource, including designated search and rescue units, used to conduct search and rescue operations;
- (17) "Search and rescue unit": A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations;
- (18) "Secretary-General": The Secretary-General of the International Maritime Organization;
- (19) "State parties": States parties to the Search and Rescue Convention 1979;
- (20) "Uncertainty phase" A situation wherein uncertainty exists as to the safety of a person, a vessel or other craft;
- (21) "Vessel" means any water-navigable craft of any type, whether self-propelled or not.

## **Chapter: 2**

### **Organization and Coordination**

#### **Article: 2**

#### **Organization**

##### **2.1 Arrangements for provision and co-ordination of search and rescue services**

2.1.1 The ESARC shall individually or in co-operation with relevant entities of other States and, as appropriate, with the Organization, participate in the development of search and rescue services to ensure that assistance is rendered to any person in distress at sea. On receiving information that any person is, or appears to be, in distress at sea, ESARC shall take urgent steps to ensure that the necessary assistance is provided.

2.1.2 ESARC shall ensure the provision of adequate shore-based communication infrastructure, efficient distress alert routing, and proper operational coordination to effectively support search and rescue services.

2.1.3 ESARC shall, individually or in co-operation with relevant entities in other States, ensure that sufficient, contiguous, practicable and not overlapping search and rescue regions are established. The Secretary-General shall be notified of such arrangements or agreements.

2.1.4 ESARC shall use search and rescue units and other available facilities, within the search and rescue region, for providing assistance to a person who is, or appears to be, in distress at sea.

2.1.5 ESARC shall ensure that urgent appropriate assistance be provided through the use of available facilities to any person in distress at sea, regardless of the nationality or status of such a person or the circumstances in which that person is found.

2.1.6 ESARC shall forward to the Secretary - General information on its search and rescue service, including:

- (a) National maritime search and rescue services;
- (b) Location of established rescue co-ordination centers, their communications and limits of their search and rescue region or regions and the coverage provided by their shore-based distress and safety communication facilities;
- (c) Principal types of available search and rescue units.

## **2.2 Development of national search and rescue services**

ESARC shall undertake appropriate procedures to ensure the continuous development and improvement of search and rescue services, specifically in areas of operations and planning.

### **Coordination**

#### **2.3 Establishment of rescue co-ordination centers and rescue sub-centers**

2.3.1 ESARC shall individually or in cooperation with other States establish rescue co-ordination centers for its search and rescue services and rescue sub-centers as it consider appropriate. Such establishment shall be published in the Official Gazette and international maritime publications.

2.3.2 Each rescue co-ordination centre and rescue sub-centre, established in accordance with paragraph (1), shall arrange for the receipt of distress alerts originating from within its search and rescue region. Every such centre shall also arrange for communications with persons in distress, with search and rescue facilities, and with other rescue co-ordination centers or rescue sub-centers.

2.3.3 Each rescue co-ordination centre shall be operational on a 24-hour basis and be constantly staffed by trained personnel having a working knowledge of the English language.

#### **2.4 Designation of search and rescue facilities**



ESARC shall identify all facilities able to participate in search and rescue operations, and may designate suitable facilities as search and rescue units.

## **2.5 Equipment of search and rescue units**

2.5.1 ESARC shall ensure that each search and rescue unit is provided with facilities and equipments appropriate to its task and have rapid and reliable means of communication with other units and elements engaged in the same operation.

2.5.2 ESARC should ensure that the containers and packages containing survival equipment for dropping to survivors should have the general nature of their contents indicated by markings in accordance with international standards adopted by the Organization.

## **2.6 Co-ordination with aeronautical services**

2.6.1 ESARC shall ensure the closest practicable co-ordination between maritime and aeronautical services so as to provide for the most effective and efficient search and rescue services in and over their search and rescue regions.

2.6.2 Whenever practicable, ESARC should establish joint rescue co-ordination centers and rescue sub-centers to serve both maritime and aeronautical purposes and ensure the closest practicable co-ordination between those centers or sub-centers.

2.6.3 ESARC shall ensure as far as possible the use of common procedures by search and rescue units established for maritime purposes and those established for aeronautical purposes.

## **2.7 Search and Rescue Regions**

2.7.1 The Minister of Defense must, by notice in the Gazette as well as in relevant maritime publications, publish the search and rescue regions within which search and rescue services will be provided.

2.7.2 The search and rescue regions contemplated in paragraph (1) must cover the area of responsibility of the Republic.

**Part II**

**Chapter: 3**

**Cooperation between States**

**Article: 3**

**Cooperation**

3.1 ESARC shall co-ordinate with search and rescue organizations of other States and should, whenever necessary, co-ordinate search and rescue operations with those of neighboring States.

3.2 Unless otherwise agreed with State parties, ESARC should authorize, subject to applicable national laws, rules and regulations, immediate entry into or over Egypt's territorial sea or territory of rescue units of other State parties solely for the purpose of searching for the position of maritime casualties and rescuing the survivors of such casualties, or such other authority as has been designated by the ESARC.

3.3 Unless otherwise agreed with other state parties, the authorities of a State party which wishes its rescue units to enter into or over the Egyptian territorial sea or territory solely for the purpose of searching for the position of maritime casualties and rescuing the survivors of such casualties, shall transmit a request, giving full details of the projected mission and the need for it, to the ESARC or other authority designated by the ESARC.

3.4 ESARC shall immediately acknowledge the receipt of such a request; and as soon as possible indicate the conditions, if any, under which the projected mission may be undertaken.

3.5 ESARC shall ensure that its rescue co-ordination centers provide, when requested, assistance to other rescue co-ordination centers, including assistance in the form of vessels, aircraft, personnel or equipment.

3.6 ESARC shall co-ordinate and co-operate with other state parties to ensure that masters of ships providing assistance by embarking persons in distress at sea are released from their obligations with minimum further deviation from the ships intended voyage, provided that releasing the master of the ship from these obligations does not further endanger the safety of life at sea and taking into account the particular circumstances of each case and guidelines developed by the Organization.

**Chapter: 4****Operating Producers****Article: 4****Preparatory measures**

4.1 Each rescue co-ordination centre and rescue sub-centre shall have available up-to date information relevant to search and rescue facilities and available communications relevant to search and rescue operations in its area.

4.2 Each rescue co-ordination centre and rescue sub-centre should have ready access to information regarding the position, course and speed of vessels within its area which may be able to provide assistance to persons, vessels or other craft in distress at sea, and regarding how to contact them. This information should either be kept in the rescue co-ordination centre, or be readily obtainable when necessary.

4.3 Each rescue co-ordination centre and rescue sub-centre shall have detailed plans of operation for the conduct of search and rescue operations. Where appropriate, these plans shall be developed jointly with the representatives of those who may assist in providing, or who may benefit from, the search and rescue services.

4.4 Rescue co-ordination centers or sub-centers shall be kept informed of the state of preparedness of search and rescue units.

**Article: 5****Information concerning emergencies**

5.1 ESARC, either individually or in co-operation with relevant authorities of other States, shall ensure that it is capable on a 24-hour basis of promptly and reliably receiving distress alerts from equipment used for this purpose within its search and rescue region.

5.2 Any alerting post receiving a distress alert shall immediately relay the alert to the appropriate rescue co-ordination centre or sub-centre, and then assist search and rescue communications as appropriate, and if practicable acknowledge the alert.

5.3 ESARC shall, where appropriate, ensure that effective arrangements are in place for the registration of communication equipment and for responding to emergencies, to enable any rescue co-ordination centre or sub-centre to access pertinent registration information quickly.

5.4 Rescue co-ordination centers and rescue sub-centers having reason to believe that a person, a vessel or other craft is in a state of emergency shall forward as soon as possible all available information to the rescue co-ordination centre or sub-centre concerned.

5.5 Rescue co-ordination centers and rescue sub-centers shall, immediately upon receipt of information concerning a person, a vessel, or other craft in a state of

emergency, evaluate such information and determine the phase of emergency and the extent of operations required.

### **Article: 6**

#### **Initial action**

Any search and rescue unit receiving information of a distress incident shall initially take immediate action if it is in the position to assist and shall, in any case without delay, notify the rescue co-ordination centre or rescue sub-centre in whose area the incident has occurred.

### **Article: 7**

#### **Emergency Phase**

To determine the appropriate operating procedures, the following emergency phases shall be distinguished:

(a) Uncertainty phase: when a person has been reported as missing, or a vessel or other craft has been reported overdue at its destination, or when a person or a vessel or other craft has failed to make an expected position or safety report.

(b) Alert Phase: when attempts to establish contact with a person, a vessel or other craft have failed and inquiries to other appropriate sources have been unsuccessful, or when information has been received indicating that the operating efficiency of a vessel or other craft is impaired, but not to the extent that a distress situation is likely.

(c) Distress phase: when positive information is received that a person, a vessel or other craft is in danger and in need of immediate assistance, or when unsuccessful attempts to establish contact with a person, a vessel or other craft and more widespread unsuccessful inquiries point to the probability that a distress situation exists, or when information is received which indicates that the operating efficiency of a vessel or other craft has been impaired to the extent that a distress situation is likely.

### **Article: 8**

#### **Procedures for rescue co-ordination centers**

#### **and rescue sub-centers during emergency phases**

8.1 Upon the declaration of the uncertainty phase, the rescue co-ordination center or rescue sub-centre, as appropriate, shall initiate enquiries to determine the safety of a person, vessel or craft, or shall declare the alert phase.

8.2 Upon the declaration of the alert phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall extend the enquiries for the missing person, vessel or craft, alert appropriate search and rescue services and initiate such action, as is necessary in the light of the circumstances of the particular case.

**Article: 9**

**Initiation of search and rescue operations when  
the position of the search object is unknown**

9.1 In the event of an emergency phase being declared for a search object whose position is unknown, the following shall apply:

(a) When an emergency phase exists, a rescue co-ordination centre or rescue sub-centre shall, unless it is aware that other centers are taking action, assume responsibility for initiating suitable action and confer with other centers with the objective of designating one centre to assume responsibility.

(b) Unless otherwise decided by agreement between the centers concerned, the centre to be designated shall be the centre responsible for the area in which the search object was according to its last reported position.

(c) After the declaration of the distress phase, the centre coordinating the search and rescue operations shall, if appropriate, inform other centers of all the circumstances of the emergency and of all subsequent developments.

9.2 Whenever possible, the rescue co-ordination centre or rescue sub-centre responsible for search and rescue operations shall forward to the person, a vessel or other craft for which an emergency phase has been declared, information on the search and rescue operations it has initiated.

**Article: 10**

**Co-ordination when two or more Parties are involved**

In case the search and rescue operations involve a region that it's responsibly is carried by more than one entity, each entity shall take appropriate action in accordance with the plans of operation plans or instructions so requested by the rescue co-ordination center of the region.

**Article: 11**

**On-scene co-ordination of search and rescue activities**

11.1 The activities of search and rescue units and other facilities engaged in search and rescue operations shall be coordinated on-scene to ensure the most effective results.

11.2 When multiple facilities are about to engage in search and rescue operations, and the rescue co-ordination centre or rescue sub-centre considers it necessary, the most capable person should be designated as on-scene coordinator before the facilities arrive within the specified area of operation.

11.3 The on-scene commander shall be responsible for specific tasks taking into account his apparent capabilities and operational requirements.

**Article: 12****Termination and suspension of search and rescue operations**

12.1 Search and rescue operations shall continue, when practicable, until all reasonable hope of rescuing survivors has passed.

12.2 The responsible rescue co-ordination centre or rescue sub-centre concerned shall normally decide when to discontinue search and rescue operations. If no such centre is involved in coordinating the operations, the on-scene coordinator may take this decision.

12.3 When a rescue co-ordination centre or rescue sub-centre considers, on the basis of reliable information, that a search and rescue operation has been successful, or that the emergency no longer exists, it shall terminate the search and rescue operation and promptly so inform any authority, facility or service which has been activated or notified.

12.4 If search and rescue operation on-scene becomes impracticable and the rescue co-ordination centre or rescue sub-centre concludes that survivors might still be alive, the centre may temporarily suspend the on-scene activities pending further developments, and shall promptly inform any authority, facility or service which has been activated or notified. Information received shall be evaluated and search and rescue operations resumed when justified on the basis of such information.

**Chapter: 5**

**Ship Reporting System**

**Article: 13**

**Ship Reporting**

**13.1 General**

13.1.1 ESARC shall establish a ship reporting system for application within its search and rescue region for which it is responsible, where this is considered necessary to facilitate search and rescue operations and is deemed practicable.

13.1.2 The ship reporting system should take into account the relevant recommendations of the Organization and provide up-to-date information on the movements of vessels, in case of a distress incident, to:

- (a) Reduce the interval between the loss of contact with a vessel and the initiation of search and rescue operations in cases where no distress signal has been received;
- (b) Permit rapid identification of vessels which may be called upon to provide assistance;
- (c) Permit delineation of a search area of limited size in case the position of a person, a vessel or other craft in distress is unknown or uncertain;
- (d) Facilitate the provision of urgent medical assistance or advice.

**13.2 Types of reports**

A ship reporting system should incorporate the following types of reports:

- (a) Sailing plan;
- (b) Position report; and
- (c) Final report.

**13.3 Use of systems**

13.3.1 ESARC should encourage all vessels to report their positions when traveling in areas where arrangements have been made to collect information on positions for search and rescue purposes.

13.3.2 ESARC recording information on the position of vessels should disseminate, so far as practicable, such information to other States when so requested for search and rescue purposes.

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Decree of The Prime Minister No. --- /  
Promulgating

**The Executive Regulations of The Law On Maritime Search and  
Rescue**

No. ---- date-----

**Preliminary Part**

The Prime Minister,

Upon thoroughly reviewing Law No.---- of the year----, on Maritime Search and Rescue,

With reference to the Presidential Decree No. 300 of 1983 establishing the Egyptian Search and Rescue Center and stating its role and mandate,

Upon the proposal of the Minister of Defense, after consulting the board of the Egyptian Search and Rescue Center, and

Upon the recommendations of the state Council,

**DECREES THE FOLLOWING:**

**Article: 1**

The provisions of the Executive Regulations of the Maritime Search and Rescue Law No. ---of ---- shall come into force.

**Article: 2**

Without prejudice to the provisions of article 1 of the preliminary Part of the Law No. ---- of ----, agencies wishing to extend the prescribed time limit for making the required adjustments are to submit their applications to the Egyptian Search and Rescue Center "ESARC" six months before the expiration of the three year period prescribed in the previously-mentioned article of the law. The applications shall include arguments for such an extension and provide for the procedures to be taken for the implementation of the provisions of the attached Executive Regulations.

The ESARC shall be held to verify the submitted data and shall submit a detailed report, substantiated with documents, to the Minister for Defense for presentation to the Cabinet of Ministers.

**Article: 3**

This Decree shall be published in the Official Gazette el-Wakaé el- Masreya and shall come into force on the day following the date of its publication.

Issued at the Cabinet Premiership on the ---- Hejra Year  
corresponding to the --- (Gregorian Calendar)

Prime Minister  
Dr. Ahmed Nazif



## **Part I**

### **Article: 1**

#### **Objectives of ESARC**

1.1 The Egyptian Search and Rescue Center (ESARC) objectives are to:

- (a) Save lives at risk;
- (b) Reduce the number and severity of search and rescue incidents;
- (c) Minimize loss of life and injuries at sea;
- (d) Maintain the highest professional standards and maximize search and rescue system efficiency through innovation and foster co-operative search and rescue agreements;
- (e) Provide humanitarian aid and civil assistance where possible;
- (f) Maintain the highest levels of communication readiness between search and rescue agencies inside and outside the responsibility zones; and
- (g) Receive and respond S.O.S signals form ships and the search and rescue requests from different apparatuses.

1.2 The ESARC is responsible to co-ordinate and manage search and rescue operations in the Egyptian territorial waters and the area of responsibility, to coordinate with search and rescue centers in neighboring countries regarding operations beyond the area of responsibility, and to conclude protocols of cooperation in this regard.

1.3 The center specifies the time of launching and terminating search and rescue operations and it is highly equipped with the necessary well trained human and technical resources and modern communication systems.

### **Article: 2**

#### **Functions of ESARC**

2.1 ESARC shall co-ordinate its resources to:-

(a) Search for, assist and, where appropriate, effect a rescue operation for:-

- (i) Survivors of aircraft crashes or forced landings;
- (ii) The crew and passengers of vessels in distress;
- (iii) Survivors of maritime accidents or incidents;
- (iv) Survivors of any military aircraft or vessel accident or incident if such aircraft or vessel is not engaged in an act of war; and

(b) Co-ordinate the evacuation of a seriously injured or ill person from a vessel at sea where the person's condition is such that he or she must obtain medical treatment sooner than that vessel would be able to get him or her to a suitable medical facility.

2.2 The functions set out in paragraph (2.1.a) exclude salvage operations.

2.3 ESARC, with the concurrence of the Minister of Defense, may request the Ministry of telecommunication, as contemplated in the Communications Law No. 10 of 2003 to lease or otherwise make available telecommunication facilities.

2.4 ESARC must perform its functions in a manner which promotes efficient, economic and effective use of all resources.

2.5 In performing its functions, ESARC must endeavor to co-operate with disaster management agencies established in terms of any law providing for the management of disasters.

2.6 ESARC may perform its functions outside the Republic.

### **Article: 3**

#### **Composition of ESARC**

3.1 ESARC is composed of:-

- (a) An executive committee;
- (b) A maritime committee; and
- (c) An aeronautical committee.

3.2 The executive committee consists of representatives from those governmental departments and commercial and voluntary organizations which are able to contribute services and facilities for use by ESARC, including representatives of:-

- (a) The Ministry of Defense;
- (b) The Ministry of Transport;
- (c) The Ministry of Health;
- (d) The Ministry of Foreign Affairs;
- (e) The Ministry of Interior;
- (f) The Egyptian Maritime Safety Authority;
- (g) The Egyptian Civil Aviation Authority;
- (h) The Egyptian Port Authority;
- (i) If necessary, other members may be nominated by the head of ESARC, and appointed by the Minister of Defense either permanently or on an ad hoc basis.

3.3 The executive committee must:-

- (a) Determine and put into effect the policy of ESARC; and
- (b) Discuss proposals and take decisions regarding the effective application of this law;
- (c) Discuss possible proposals to the Minister of Defense regarding amendments to this law;
- (d) Discuss any other matter deems necessary.
- (e) Determine the composition of the other committees of ESARC taking into consideration the areas of specialty of the different members of ESARC.

3.4 The maritime and the aeronautical committees must make recommendations to the executive committee in respect of the ESARC policy and whenever any change is necessary.

3.5 The executive committee is accountable to the Minister of Defense and the other committees of ESARC are accountable to the executive committee.

3.6 The Minister of Defense shall appoint suitable persons from the members of ESARC to serve as:-

- (a) The head of ESARC, who is the chairman of the executive committee and responsible for search and rescue operations by ESARC;
- (b) The head of aeronautical search and rescue operations who is the chairperson of the aeronautical committee;
- (c) The head of maritime search and rescue operations, who is the chairperson of the maritime committee.

3.7 The committees contemplated in paragraph (3.1) must ensure that search and rescue operations are conducted in accordance with standards and recommended practices as reflected in the ESARC Manual and as considering the norms in terms of international agreements.

#### **Article: 4**

##### **Meetings of ESARC Committees**

4.1 The first meeting of any committee of ESARC after the commencement of this law must be held at the time and place determined by the head of ESARC and all meetings thereafter must be held at the times and places that the committee determines .

4.2 The chairman of a committee may at any time call a special meeting of the committee to be held at the time and place determined by the chairperson.

4.3 All members of a committee must be notified in writing of any meeting of that committee.

4.4 A majority of the total number of members forms a quorum at any meeting of a committee and a decision agreed on by a majority of the members present at a duly constituted meeting of a committee is a decision of that committee.

4.5 In the event of an equality of votes on any matter, the chairperson of the relevant meeting has a casting vote in addition to a deliberative vote.

4.6 The chairperson of a committee must designate a person to act as chairperson if he or she is unable to act as chairperson.

4.7 Each committee must meet at least twice a year.

4.8 The head of ESARC must preside at any meeting of ESARC.

4.9 The executive committee must determine the rules of procedure at any meeting of ESARC.

**Article: 5**

**Personnel**

5. All administrative work in connection with the performance of the functions of ESARC must be carried out by officers in the Department designated for that purpose by the Director-General.

**Part II**

**Article: 6**

**Rescue co-ordination centers and sub-centers**

6.1 The Minister of Defense appoint, with the concurrence of the executive committee of ESARC, the chiefs of maritime rescue co-ordination centers and sub-centers as established in accordance with article 2 (3) of the law.

6.2 Each chief of a rescue co-ordination centre or rescue sub-centers must establish and preside over an operational committee to discuss, evaluate and effect operational procedures.

**Article: 7**

**Functions of rescue co-ordination centers and sub-centers**

7.1 The rescue co-ordination centre is responsible for co-coordinating available resources for the purpose of searching, assisting and, where appropriate, effecting a rescue operation in its search and rescue region.

7.2 The rescue sub-centre shall support the rescue co-ordination centre in carrying out assigned duties in a particular area or instance.

7.3 The designation of a search and rescue region contemplated in article 2 (7) of the law does not preclude a rescue co-ordination centre from:

- (a) Operating in another region; or
- (b) Performing the tasks of another rescue co-ordination centre.

**Article: 8**

**Requisitioning of aircrafts and vessels**

8.1 Subject to paragraph (8.2), the Minister of Defense may for purposes of any maritime search and rescue operation-

- (a) Engage any civil aircraft or vessel in SAR operations;
- (b) Request the assistance of any military aircraft or vessel; or

(c) Instruct any holder of an Egyptian aircraft flight crew license or the master of a vessel to assist in the operation.

8.2 In case where the Minister contemplates the engagement of a civilian aircraft or vessel or instructing a civilian holder of an Egyptian aircraft flight crew license or the master of a vessel, the Minister may do so only if-

- (a) Human life is in immediate and grave danger; and
- (b) There are no other means available to conduct the operation.

### **Article: 9**

#### **ESARC manual, and responsibilities of relevant authorities thereto**

9.1 ESARC must compile a manual regarding search and rescue services and operations and matters connected therewith and keep that manual up to date.

9.2 The responsibilities of the parties of the ESARC must be set out in the manual and be executed in accordance with it.

### **Article: 10**

#### **Search and rescue measures regarding aircraft**

10.1 Subject to the law, any search and rescue action must be undertaken in accordance with the ESARC manual.

10.2 Where an aircraft has failed to reach its destination or is reported missing, ESARC must forthwith institute search and rescue action if the flight plan was filed prior to departure.

10.3 Search and rescue action must be instituted in respect of all flights for which flight plans were filed in flight when such action is specifically requested by the pilot in-command.

10.4 Search and rescue action may be instituted-

- (a) In respect of a flight for which no flight plan has been filed, when information that the aircraft is overdue or missing is received from any source;
- (b) For any aircraft which is believed to be in need of assistance.

10.5 ESARC must forthwith institute search and rescue action where a vessel is reported missing or in distress.

### **Article: 11**

#### **Registration of emergency beacons**

11.1 The owner of any vessel required to carry emergency locator beacons in terms of the law No. 232/1989 on Safety of Ships shall register such emergency locator beacons with the relevant authorities.

11.2 The owner of a vessel registered or licensed in the Republic and which carries emergency locator beacons although not required to do so by law shall register such emergency locator beacons with the relevant authority.

**Article: 12**

**Reporting of vessel in distress**

12.1 Any person who knows or has reason to believe that a vessel is in distress shall report the occurrence at the police station nearest to that person or at such other office or facility or to a dedicated emergency number as the executive committee may determine.

12.2 The Center shall publish the addresses and telephone numbers of the offices or facilities contemplated in paragraph (12.1)

(a) By notice in the Gazette; and

(b) By means of the printed and electronic media so as to ensure wide publicity.

**Article: 13**

**Co-operation between aeronautical rescue co-ordination centre and maritime rescue co-ordination centre**

13.1 The aeronautical rescue co-ordination centre and the maritime rescue co ordination centre must exchange information freely and regularly to ensure effective and efficient provision of a search and rescue service.

13.2 The aeronautical rescue co-ordination centre and the maritime rescue co-ordination centre must, with the prior approval of the executive committee of ESARC, hold joint search and rescue exercises to:

(a) Foster and maintain close co-operation; and

(b) Test ESARC capability to deal with search and rescue operations of any magnitude.

13.3 The exercises contemplated in paragraph (13.2) may be extended to include search and rescue organizations or services of foreign countries.

13.4 The head of ESARC must ensure that the exercises contemplated in paragraph (13.3) are organized in conjunction with both the aeronautical rescue co-ordination centre and the maritime rescue co-ordination centre.

**Part III**

**Article: 14**

**Delegation and assignment**

14. The Minister of Defense may:-

(a) Delegate any power conferred or assign any duty imposed upon the Minister by this law to an officer of the Department of Defence, except the power to publish notices or to make regulations; and

(b) At any time, withdraw a delegation or assignment effected in terms of this section.

**Article: 15**

**Report**

15.1 ESARC must furnish the Minister of defense with a report on its activities:-

- (a) At least once a year; and
- (b) Whenever required by the Minister.

15.2 The Minister of Defense must introduce a copy of ESARC's annual report in Parliament within 30 days after it has been received by him.

**Article: 16**

**Regulations**

16. The Minister of Defense may, by notice in the Gazette, make regulations regarding:-

- (a) The conditions which must be complied with when a person from another country which is a party to the convention wishes to enter the Republic for purposes of any search and rescue operation;
- (b) Anything which must or may be prescribed in terms of this law;
- (c) Any matter which it is necessary or expedient to prescribe for the effective carrying out or implementation of this law.

**Article: 17**

**Transitional provisions**

17.1 Any person who occupied a post or served in a particular capacity in the ESARC immediately prior to the commencement of this law is to continue to occupy or serve in his/her corresponding post or capacity.

17.2 Unless otherwise provided for in this law, any committee or subcommittee of the ESARC which existed immediately prior to the commencement of this law continues to exist as if it were a committee referred to in paragraph (3.1).

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