



IMO

International Maritime Law Institute



**Enabling Decree and Regulations for the Implementation of the
Maritime Search and Rescue Convention 1979 (SAR 79)**

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Supervisor: Mr. Norman Martinez.

To my wife Sara, and to our unborn son Juan Carlos Rivera Ordonez. You are both living proof that no matter where you are standing North always point to people that you love.



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I

INCORPORATION OF THE INTERNATIONAL SEARCH AND RESCUE CONVENTION 1979 (SAR 79)

INTRODUCCION

Search and Rescue (SAR) comprise the search for, and provision of aid to, persons who are, or are feared to be, in need of assistance. SAR is a very delicate and dangerous undertaking. As such, for SAR to be safe and successful it must be governed by universal rules and principles, it must have methods, and it must have order. SAR as a system must be embodied into a set of well defined guidelines to guide all participants in a SAR system.

Honduras is a country which has been blessed with access to both Pacific and Atlantic Oceans. These oceans can be quite unpredictable and can represent danger to the most experienced sailors.

Weather can change, especially in the Caribbean zone and in hurricane season, from calm to violent in a matter of hours. The weather is the factor which causes the majority of search and rescue operations, but emergencies aren't always weather related. They can be caused by accident or illness on board ship, or an equipment failure of some sort. Whatever the reason, it will be reassuring to know that Honduras and the Central American region has a proper legal framework which is directed to have a structure which seeks to have a highly trained and professional search and rescue organization that is always ready to swing into action if an emergency occurs at sea.

The two operations, search and rescue, may take many forms, depending on whether they are both required, on the size or complexity of the operation and on the available staff and facilities. It is necessary that the available resources be so organized and coordinated that effective and expeditious SAR operations can be assured. This requires the establishment of a SAR organization provided with a SAR plan and the means for carrying it into effect.

The International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO) coordinate, on a global basis, Member State's efforts to provide SAR services. Briefly, the goal of IMO and ICAO is to provide an effective worldwide system, so that wherever people sail or fly, SAR services will be available if needed. The overall approach a State takes in establishing, providing and improving SAR services is affected by the fact that these efforts are an integral part of a global SAR system.

A basic, practical, and humanitarian effect of having a global SAR system is that it eliminates the need for each State to provide SAR services for its own citizens wherever they travel worldwide. Instead, the globe is divided into SAR Regions, each with a Rescue Coordinating Centre (RCC) and associated SAR services, which assist anyone in distress regardless of the nationality or status of such a person or the circumstances in which is found.

Honduras, however, before aiming to a global SAR system, must center its efforts to established a regionally system in the Central American Zone. The process of implementation of the Free Trade Agreement Plan Puebla Panama will be favorable to

the proper development of a regional SAR system given that, among other issues, has a strategy directed to implement an integral and sustainable system which is expected to develop the maritime transportation systems in the zone, international port's infrastructure and general maritime services which includes the safety of human life at sea.

The Republic of Honduras can give a basic step towards this objective by incorporating the International Convention on Maritime Search and Rescue 1979 (SAR 79).

This drafting is presented with the intention to incorporate the International Convention on Maritime Search and Rescue 1979 (SAR 79) in to Honduras legislation and to create a specific legal framework which can give bases to the structure needed so as to implement the aforementioned Convention into the national administrative structure.

**INCORPORATION OF THE INTERNATIONAL SEARCH AND
RESCUE CONVENTION 1979 (SAR 79)
DECREE No. _____**

THE NATIONAL CONGRESS,

CONSIDERING: That the Maritime Search and Rescue Convention 1979 establishes an international plan for the co-coordination of search and rescue operations.

RECOGNIZING: The great importance of assistance to persons in distress at sea and the necessity to establish, by every coastal State, adequate and effective arrangements for search and rescue services.

WHEREAS: It is of extreme importance for Honduras to implement, at national and regional level, a legal framework that facilitates the cooperation among Governments and organizations that participates in operations of search, and rescue on the zone.

DESIRING: To create a legal nexus, which shall allow the establishment of the necessary bases so as to safeguard the human life in the Central American maritime zone.

THEREFORE IT DECREES THE FOLLOWING:

**INCORPORATION OF THE INTERNATIONAL MARITIME
SEARCH AND RESCUE CONVENTION 1979 (SAR 79)**

INCORPORATION

Article 1. As from the commencement of the present decree, the MARITIME SEARCH AND RESCUE CONVENTION 1979 (SAR 79), and all the annexes thereto, as amended from time to time, presented as schedule to the present decree is hereby incorporated to Honduras and forms part of the Laws of the Republic of Honduras as it literally established:

**INTERNATIONAL CONVENTION ON MARITIME SEARCH AND
RESCUE, 1979 ARTICLES OF THE CONVENTION**

THE PARTIES TO THE CONVENTION,

NOTING the great importance attached in several conventions to the rendering of assistance to persons in distress at sea and to the establishment by every coastal State of adequate and effective arrangements for coast watching and for search and rescue services,

HAVING CONSIDERED Recommendation 40 adopted by the International Conference on Safety of Life at Sea, 1960, which recognizes the desirability of co-

ordinating activities regarding safety on and over the sea among a number of inter-governmental organizations,

DESIRING to develop and promote these activities by establishing an international maritime search and rescue plan responsive to the needs of maritime traffic for the rescue of persons in distress at sea,

WISHING to promote co-operation among search and rescue organizations around the world and among those participating in search and rescue operations at sea,

HAVE AGREED as follows:

Article I. General obligations under the Convention. The Parties undertake to adopt all legislative or other appropriate measures necessary to give full effect to the Convention and its Annex, which is an integral part of the Convention. Unless expressly provided otherwise, a reference to the Convention constitutes at the same time a reference to its Annex.

Article II. Other treaties and interpretation.

(1) Nothing in the Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

(2) No provision of the Convention shall be construed as prejudicing obligations or rights of vessels provided for in other international instruments.

Article III. Amendments.

(1) The Convention may be amended by either of the procedures specified in paragraphs (2) and (3) hereinafter.

(2) Amendment after consideration within the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as the "Organization"):

(a) Any amendment proposed by a Party and transmitted to the Secretary-General of the Organization (hereinafter referred to as "the Secretary-General"), or any amendment deemed necessary by the Secretary-General as a result of an amendment to a corresponding provision of Annex 12 to the Convention on International Civil Aviation, shall be circulated to all Members of the Organization and all Parties at least six months prior to its consideration by the Maritime Safety Committee of the Organization.

(b) Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of

amendments.

(c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee on condition that at least one third of the Parties shall be present at the time of adoption of the amendment.

(d) Amendments adopted in accordance with sub-paragraph (c) shall be communicated by the Secretary-General to all Parties for acceptance.

(e) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall be deemed to have been accepted on the date on which the Secretary-General has received an instrument of acceptance from two-thirds of the Parties.

(f) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2, or 3.1.3 shall be deemed to have been accepted at the end of one year from the date on which it is communicated to the Parties for acceptance. However, if within such period of one year more than one third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.

(g) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall enter into force: (i) with respect to those Parties which have accepted it, six months after the date on which it is deemed to have been accepted; (ii) with respect to those Parties which accept it after the condition mentioned in sub-paragraph (e) has been met and before the amendment enters into force, on the date of entry into force of the amendment; (iii) with respect to those Parties which accept it after the date on which the amendment enters into force, 30 days after the deposit of an instrument of acceptance.

(h) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall enter into force with respect to all Parties, except those which have objected to the amendment under sub-paragraph (f) and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Party may give notice to the Secretary-General that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee at the time of the adoption of the amendment.

(3) Amendment by a conference:

(a) Upon the request of a Party concurred in by at least one third of the Parties, the Organization shall convene a conference of Parties to consider amendments to the Convention. Proposed amendments shall be circulated by the Secretary-General to all Parties at least six months prior to their consideration by the conference.

(b) Amendments shall be adopted by such a conference by a two-thirds majority of the Parties present and voting, on condition that at least one third of the Parties shall be

present at the time of adoption of the amendment. Amendments so adopted shall be communicated by the Secretary-General to all Parties for acceptance.

(c) Unless the conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in sub-paragraphs (2) (e), (2) (f), (2) (g) and (2) (h) respectively, provided that reference in sub-paragraph (2) (h) to the Maritime Safety Committee expanded in accordance with subparagraph (2) (b) shall be taken to mean reference to the conference.

(4) Any declaration of acceptance of, or objection to, an amendment or any notice given under sub-paragraph (2) (h) shall be submitted in writing to the Secretary-General who shall inform all Parties of any such submission and the date of its receipt.

(5) The Secretary-General shall inform States of any amendments which enter into force, together with the date on which each such amendment enters into force.

Article IV. Signature, ratification, acceptance, approval and accession.

(1) The Convention shall remain open for signature at the Headquarters of the Organization from 1 November 1979 until 31 October 1980 and shall thereafter remain open for accession. States may become Parties to the Convention by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or (c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

(3) The Secretary-General shall inform States of any signature or of the deposit of any instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article V. Entry into force.

(1) The Convention shall enter into force 12 months after the date on which 15 States have become Parties to it in accordance with Article IV.

(2) Entry into force for States which ratify, accept, approve or accede to the Convention in accordance with Article IV after the condition prescribed in paragraph (1) has been met and before the Convention enters into force, shall be on the date of entry into force of the Convention.

(3) Entry into force for States which ratify, accept, approve or accede to the Convention after the date on which the Convention enters into force shall be 30 days after the date of deposit of an instrument in accordance with Article IV.

(4) Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to the Convention in accordance with Article III shall apply to the Convention, as amended, and the Convention, as amended, shall enter into force for a State depositing such an instrument 30 days after the date of its deposit.

(5) The Secretary-General shall inform States of the date of entry into force of the Convention.

Article VI. Denunciation.

(1) The Convention may be denounced by any Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party.

(2) Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General who shall notify States of any instrument of denunciation received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General.

Article VII. Deposit and registration.

(1) The Convention shall be deposited with the Secretary-General who shall transmit certified true copies thereof to States.

(2) As soon as the Convention enters into force, the Secretary-General shall transmit the text thereof to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article VIII. Languages.

The Convention is established in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German and Italian languages shall be prepared and deposited with the signed original.

DONE AT HAMBURG this twenty-seventh day of April one thousand nine hundred and seventy-nine.

IN WITNESS WHEREOF the undersigned *, being duly authorized by their respective Governments for that purpose, have signed the Convention.

[* Signatures Omitted.] **INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979.**

ANNEX TO THE CONVENTION

CHAPTER 1

TERMS AND DEFINITIONS

1.1. "Shall" is used in the Annex to indicate a provision, the uniform application of which by all Parties is required in the interest of safety of life at sea.

1.2. "Should" is used in the Annex to indicate a provision, the uniform application of which by all Parties is recommended in the interest of safety of life at sea.

1.3. The terms listed below are used in the Annex with the following meanings:

1. "Search and rescue region". An area of defined dimensions within which search and rescue services are provided.

2. "Rescue co-ordination centre". A unit responsible for promoting efficient organization of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region.

3. "Rescue sub-centre". A unit subordinate to a rescue co-ordination centre established to complement the latter within a specified area within a search and rescue region.

4. "Coast watching unit". A land unit, stationary or mobile, designated to maintain a watch on the safety of vessels in coastal areas.

5. "Rescue unit". A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations.

6. "On-scene commander". The commander of a rescue unit designated to co-ordinate search and rescue operations within a specified search area.

7. "Co-ordinator surface search". A vessel, other than a rescue unit, designated to co-ordinate surface search and rescue operations within a specified search area.

8. "Emergency phase". A generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase.

9. "Uncertainty phase". A situation wherein uncertainty exists as to the safety of a vessel and the persons on board.

10. "Alert phase". A situation wherein apprehension exists as to the safety of a vessel and of the persons on board.

11. "Distress phase". A situation wherein there is a reasonable certainty that a vessel or a person is threatened by grave and imminent danger and requires immediate assistance.

12. "To ditch". In the case of an aircraft, to make a forced landing on water.

CHAPTER 2

ORGANIZATION

2.1. ARRANGEMENTS FOR PROVISION AND CO-ORDINATION OF SEARCH AND RESCUE SERVICES.

2.1.1. 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.

2.1.2. Parties shall forward to the Secretary-General information on their search and rescue organization and later alterations of importance, including: .1 national maritime search and rescue services; .2 location of established rescue co-ordination centres, their telephone and telex numbers and areas of responsibility; and .3 principal available rescue units at their disposal.

2.1.3. The Secretary-General shall in a suitable way transmit to all Parties the information referred to in paragraph 2.1.2.

2.1.4. Each search and rescue region shall be established by agreement among Parties concerned. The Secretary-General shall be notified of such agreement.

2.1.5. In case agreement on the exact dimensions of a search and rescue region is not reached by the Parties concerned, those Parties shall use their best endeavours to reach agreement upon appropriate arrangements under which the equivalent overall co-ordination of search and rescue services is provided in the area. The Secretary-General in the area. The Secretary-General arrangements.

2.1.6. The Secretary-General shall notify all Parties of the agreements or arrangements referred to in paragraphs 2.1.4 and 2.1.5.

2.1.7. The delimitation of search and rescue regions is not related to and shall not prejudice the delimitation of any boundary between States.

2.1.8. Parties should arrange that their search and rescue services are able to give prompt response to distress calls.

2.1.9. 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.

2.1.10. Parties shall ensure that assistance be provided to any person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

2.2 CO-ORDINATION OF SEARCH AND RESCUE FACILITIES

2.2.1. Parties shall make provision for the co-ordination of the facilities required to provide search and rescue services round their coasts.

2.2.2. Parties shall establish a national machinery for the overall co-ordination of search and rescue services.

2.3. ESTABLISHMENT OF RESCUE CO-ORDINATION CENTRES AND RESCUE SUB-CENTRES

2.3.1. To meet the requirements of paragraphs 2.2.1 and 2.2.2 Parties shall establish rescue co-ordination centres for their search and rescue services and such rescue sub-centres as they consider appropriate

2.3.2. The competent authorities of each Party shall determine the area for which a rescue sub-centre is responsible.

2.3.3. Each rescue co-ordination centre and rescue sub-centre established in accordance with paragraph 2.3.1 shall have adequate means for the receipt of distress communications via a coast radio station or otherwise. Every such centre and sub-centre shall also have adequate means for communication with its rescue units and with rescue co-ordination centres or rescue sub-centres, as appropriate, in adjacent areas.

2.4. DESIGNATION OF RESCUE UNITS

2.4.1. Parties shall designate either:

1. As rescue units, State or other appropriate public or private services suitably located and equipped, or parts thereof; or
2. As elements of the search and rescue organization, State or other appropriate public or private services or parts thereof, not suitable for designation as rescue units, but which are able to participate in search and rescue operations, and shall define the functions of those elements.

2.5. FACILITIES AND EQUIPMENT OF RESCUE UNITS

2.5.1. Each rescue unit shall be provided with facilities and equipment appropriate to its task.

2.5.2. Each rescue unit should have rapid and reliable means of communication with other units or elements engaged in the same operation.

2.5.3. Containers or packages containing survival equipment for dropping to survivors should have the general nature of their contents indicated by a colour code in accordance with paragraph 2.5.4 and by printed indication and self-explanatory symbols, to the extent that such symbols exist.

2.5.4. The colour identification of the contents of droppable containers and packages containing survival equipment should take the form of streamers coloured according to the following code:

1. Red-medical supplies and first aid equipment;
2. Blue-food and water;
3. Yellow-blankets and protective clothing; and
4. Black-miscellaneous equipment such as stoves, axes, compasses and cooking utensils.

2.5.5. Where supplies of a mixed nature are dropped in one container or package, the colour code should be used in combination.

2.5.6. Instructions on the use of the survival equipment should be enclosed in each of the droppable containers or packages. They should be printed in English and in at least two other languages.

CHAPTER 3

CO-OPERATION

3.1. CO-OPERATION BETWEEN STATES

3.1.1. Parties shall co-ordinate their search and rescue organizations and should, whenever necessary, co-ordinate search and rescue operations with those of neighbouring States.

3.1.2. Unless otherwise agreed between the States concerned, a Party should authorize, subject to applicable national laws, rules and regulations, immediate entry into or over its territorial sea or territory of rescue units of other Parties solely for the purpose of searching for the position of maritime casualties and rescuing the survivors of such casualties. In such cases, search and rescue operations shall, as far as practicable, be co-ordinated by the appropriate rescue co-ordination centre of the Party which has authorized entry, or such other authority as has been designated by that Party.

3.1.3. Unless otherwise agreed between the States concerned, the authorities of a Party which wishes its rescue units to enter into or over the territorial sea or territory of another Party 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 rescue co-ordination centre of that other Party, or to such other authority as has been designated by that Party.

3.1.4. The competent authorities of Parties shall: .1 immediately acknowledge the receipt of such a request; and .2 as soon as possible indicate the conditions, if any, under which the projected mission may be undertaken.

3.1.5. Parties should enter into agreements with neighbouring States setting forth the conditions for entry of each other's rescue units into or over their respective territorial sea or territory. These agreements should also provide for expediting entry of such units with the least possible formalities.

3.1.6. Each Party should authorize its rescue co-ordination centres:

1. To request from other rescue co-ordination centres such assistance, including vessels, aircraft, personnel or equipment, as may be needed;
2. To grant any necessary permission for the entry of such vessels, aircraft, personnel or equipment into or over its territorial sea or territory; and
3. To make the necessary arrangements with the appropriate customs, immigration or other authorities with a view to expediting such entry.

3.1.7. Each Party should authorize its rescue co-ordination centres to provide, when requested, assistance to other rescue co-ordination centres, including assistance in the form of vessels, aircraft, personnel or equipment.

3.1.8. Parties should enter into search and rescue agreements with neighbouring States regarding the pooling of facilities, establishment of common procedures, conduct of joint training and exercises, regular checks of inter-State communication channels, liaison visits by rescue co-ordination centre personnel and the exchange of search and rescue information.

3.2. CO-ORDINATION WITH AERONAUTICAL SERVICES

3.2.1. Parties 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.

3.2.2. Whenever practicable, each Party should establish joint rescue co-ordination centres and rescue sub-centres to serve both maritime and aeronautical purposes.

3.2.3. Whenever separate maritime and aeronautical rescue co-ordination centres or rescue sub-centres are established to serve the same area, the Party concerned shall ensure the closest practicable co-ordination between the centres or sub-centres.

3.2.4. Parties shall ensure as far as is possible the use of common procedures by rescue units established for maritime purposes and those established for aeronautical purposes.

CHAPTER 4

PREPARATORY MEASURES

4.1. REQUIREMENTS FOR INFORMATION

4.1.1. Each rescue co-ordination centre and rescue sub-centre shall have available up-to-date information relevant to search and rescue operations in its area including information regarding:

1. Rescue units and coast watching;
2. Any other public and private resources, including transportation facilities and fuel supplies, that are likely to be useful in search and rescue operations;
3. Means of communication that may be used in search rescue operations;
4. Names, cable and telex addresses, telephone and telex numbers of shipping agents, consular authorities, international organizations and other agencies who may be able to assist in obtaining vital information on vessels;
5. The locations, call signs or maritime mobile service identities, hours of watch and frequencies of all radio stations likely to be employed in search and rescue operations;
6. The locations, call signs or maritime mobile service identities, hours of watch and frequencies of all coast radio stations disseminating meteorological forecasts and warnings for the search and rescue region;
7. The locations and hours of watch of services keeping radio watch and the frequencies guarded;
8. Objects likely to be mistaken for unlocated or unreported wreckage; and
9. Locations where supplies of droppable emergency survival equipment are stored.

4.1.2. Each rescue co-ordination centre and rescue sub-centre should have ready access to information regarding the position, course, speed and call sign or ship station identity of vessels within its area which may be able to provide assistance to vessels or persons in

distress at sea. This information shall either be kept in the rescue co-ordination centre or be readily obtainable when necessary.

4.1.3. A large-scale map shall be provided at each rescue co-ordination centre and rescue sub-centre for the purpose of displaying and plotting information relevant to search and rescue operations in its area.

4.2. OPERATING PLANS OR INSTRUCTIONS

4.2.1. Each rescue co-ordination centre and rescue sub-centre shall prepare or have available detailed plans or instructions for the conduct of search and rescue operations in its area.

4.2.2. The plans or instructions shall specify arrangements for the servicing and refuelling, to the extent possible, of vessels, aircraft and vehicles employed in search and rescue operations, including those made available by other States.

4.2.3. The plans or instructions should contain details regarding action to be taken by those engaged in search and rescue operations in the area, including:

1. The manner in which search and rescue operations are to be conducted;
2. The use of available communications systems and facilities;
3. The action to be taken jointly with other rescue co-ordination centres or rescue sub-centres, as appropriate;
4. The methods of alerting vessels at sea and en route aircraft;
5. The duties and authority of personnel assigned to search and rescue operations;
6. Possible redeployment of equipment that may be necessitated by meteorological or other conditions;
7. The methods of obtaining essential information relevant to search and rescue operations, such as appropriate notices to mariners and reports and forecasts of weather and sea surface conditions;
8. The methods of obtaining from other rescue co-ordination centres or rescue sub-centres, as appropriate, such assistance as may be needed, including vessels, aircraft, personnel and equipment;
9. The methods of assisting rescue vessels or other vessels to rendezvous with vessels in distress; and

10. The methods of assisting distressed aircraft compelled to ditch to rendezvous with surface craft.

4.3. PREPAREDNESS OF RESCUE UNITS

4.3.1. Each designated rescue unit shall maintain a state of preparedness commensurate with its task and should keep the appropriate rescue co-ordination centre or rescue sub-centre informed of its state of preparedness.

CHAPTER 5

OPERATING PROCEDURES

5.1. INFORMATION CONCERNING EMERGENCIES

5.1.1. Parties shall ensure that continuous radio watches as are deemed practicable and necessary, are maintained on international distress frequencies. A coast radio station receiving any distress call or message shall:

1. Immediately inform the appropriate rescue co-ordination centre or rescue sub-centre;
2. Re-broadcast to the extent necessary to inform ships on one or more of the international distress frequencies or on any other appropriate frequency;
3. Precede such re-broadcasts with the appropriate automatic alarm signals unless this has already been done; and
4. take such subsequent action as decided by the competent authority.

5.1.2. Any authority or element of the search and rescue organization having reason to believe that a vessel is in a state of emergency should give as soon as possible all available information to the rescue co-ordination centre or rescue sub-centre concerned.

5.1.3. Rescue co-ordination centres and rescue sub-centres shall, immediately upon receipt of information concerning a vessel in a state of emergency, evaluate such information and determine the phase of emergency in accordance with paragraph 5.2 and the extent of operation required.

5.2. EMERGENCY PHASES

5.2.1 For operational purposes, the following emergency phases shall be distinguished:

1. "Uncertainty phase":

1.1. When a vessel has been reported overdue at its destination; or

1.2. When a vessel has failed to make an expected position or safety report.

2. "Alert phase":

2.1. When following the uncertainty phase attempts to establish contact with the vessel have failed and inquiries addressed to other appropriate sources have been unsuccessful;
or

2.2. When information has been received indicating that the operating efficiency of a vessel is impaired but not to the extent that a distress situation is likely.

3. "Distress phase":

3.1. When positive information is received that a vessel or a person is in grave and imminent danger and in need of immediate assistance; or

3.2. When following the alert phase further unsuccessful attempts to establish contact with the vessel and more widespread unsuccessful inquiries point to the probability that the vessel is in distress; or

3.3. When information is received which indicates that the operating efficiency of a vessel has been impaired to the extent that a distress situation is likely.

5.3. PROCEDURES FOR RESCUE CO-ORDINATION CENTRES AND RESCUE SUB-CENTRES DURING EMERGENCY PHASES

5.3.1. Upon the declaration of the uncertainty phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall initiate inquiries in order to determine the safety of the vessel or shall declare the alert phase.

5.3.2. Upon the declaration of the alert phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall extend the inquiries for the missing vessel alert appropriate search and rescue services and initiate such action, as described in paragraph 5.3.3, as is necessary in the light of the circumstances of the particular case.

5.3.3. Upon the declaration of the distress phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall:

1. Initiate action in accordance with the arrangements set out in paragraph 4.2;

2. Where appropriate, estimate the degree of uncertainty of the vessel's position and determine the extent of any area to be searched.

3. Notify the owner of the vessel or his agent if possible and keep him informed of developments;

4. Notify other rescue co-ordination centres or rescue sub-centres, the help of which seems likely to be required or which may be concerned in the operation;

5. Request at an early stage any help which might be available from aircraft, vessels or services not specifically included in the search and rescue organization, considering that, in the majority of distress situations in ocean areas, other vessels in the vicinity are important elements for search and rescue operations;

6. Draw up a broad plan for the conduct of the operations from the information available and communicate such plan to the authorities designated in accordance with paragraphs 5.7 and 5.8 for their guidance;

7. Amend as necessary in the light of circumstances the guidance already given in paragraph 5.3.3.6;

8. Notify the consular or diplomatic authorities concerned or, if the incident involves a refugee or displaced person, the office of the competent international organization;

9. Notify accident investigation authorities as appropriate; and .10 notify any aircraft, vessel or other services mentioned in paragraph 5.3.3.5 in consultation with the authorities designated in accordance with paragraph 5.7 or 5.8 as appropriate, when their assistance is no longer required.

5.3.4. Initiation of search and rescue operations in respect of a vessel whose position is unknown.

5.3.4.1. In the event of an emergency phase being declared in respect of a vessel whose position is unknown, the following shall apply:

1. When a rescue co-ordination centre or rescue sub-centre is notified of the existence of an emergency phase and is unaware of other centres taking appropriate action, it shall assume responsibility for initiating suitable action and confer with neighbouring centres with the objective of designating one centre to assume responsibility forthwith;

2. Unless otherwise decided by agreement between the centres concerned, the centre to be designated shall be the centre responsible for the area in which the vessel was according to its last reported position; and

3. After the declaration of the distress phase, the centre co-ordinating the search and rescue operations shall, if necessary, inform other appropriate centres of all the circumstances of the state of emergency and of all subsequent developments.

5.3.5. Passing information to vessels in respect of which an emergency phase has been declared.

5.3.5.1. Whenever applicable, the rescue co-ordination centre or rescue sub-centre responsible for search and rescue operations shall be responsible for passing to the vessel for which an emergency phase has been declared, information on the search and rescue operation it has initiated.

5.4. CO-ORDINATION WHEN TWO OR MORE PARTIES ARE INVOLVED

5.4.1. Where the conduct of operations over the entire search and rescue region is the responsibility of more than one Party, each Party shall take appropriate action in accordance with the operating plans or instructions referred to in paragraph 4.2 when so requested by the rescue co-ordination centre of the region.

5.5. TERMINATION AND SUSPENSION OF SEARCH AND RESCUE OPERATIONS

5.5.1. Uncertainty phase and alert phase

5.5.1.1. When during an uncertainty phase or an alert phase a rescue co-ordination centre or rescue sub-centre, as appropriate, is informed that the emergency no longer exists, it shall so inform any authority, unit or service which has been activated or notified.

5.5.2. Distress phase

5.5.2.1. When during a distress phase a rescue co-ordination centre or rescue sub-centre, as appropriate, is informed by the vessel in distress or other appropriate sources that the emergency no longer exists, it shall take the necessary action to terminate the search and rescue operations and to inform any authority, unit or service which has been activated or notified.

5.5.2.2. If during a distress phase it has been determined that the search should be discontinued the rescue co-ordination centre or rescue sub-centre, as appropriate, shall suspend the search and rescue operations and so inform any authority, unit or service which has been activated or notified. Information subsequently received shall be evaluated and search and rescue operations resumed when justified on the basis of such information.

5.5.2.3. If during a distress phase it has been determined that further search would be of no avail, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall terminate the search and rescue operations and so inform any authority, unit or service which has been activated or notified.

5.6. ON-SCENE CO-ORDINATION OF SEARCH AND RESCUE ACTIVITIES

5.6.1. The activities of units engaged in search and rescue operations, whether they be rescue units or other assisting units, shall be co-ordinated to ensure the most effective results.

5.7. DESIGNATION OF ON-SCENE COMMANDER AND HIS RESPONSIBILITIES

5.7.1. When rescue units are about to engage in search and rescue operations, one of them should be designated on-scene commander as early as practicable and preferable before arrival within the specified search area.

5.7.2. The appropriate rescue co-ordination centre or rescue sub-centre should designate an on-scene commander. If this is not practicable, the units involved should designate by mutual agreement an on-scene commander.

5.7.3. Until such time as an on-scene commander has been designated, the first rescue unit arriving at the scene of action should automatically assume the duties and responsibilities of an on-scene commander.

5.7.4. An on-scene commander shall be responsible for the following tasks when these have not been performed by the responsible rescue co-ordination centre or rescue sub-centre, as appropriate:

1. Determining the probable position of the object of the search, the probable margin of error in this position, and the search area;
2. Making arrangements for the separation for safety purposes of units engaged in the search;
3. Designating appropriate search patterns for the units participating in the search and assigning search areas to units or groups of units;
4. Designating appropriate units to effect rescue when the object of the search is located; and
5. Co-ordinating on-scene search and rescue communications.

5.7.5. An on-scene commander shall also be responsible for the following:

1. Making periodic reports to the rescue co-ordination centre or rescue sub-centre which is co-ordinating the search and rescue operations; and
2. Reporting the number and the names of survivors to the rescue co-ordination centre or rescue sub-centre which is co-ordinating the search and rescue operations, providing the centre with the names and destinations of units with survivors aboard, reporting which survivors are in each unit and requesting additional assistance from the centre when necessary, for example, medical evacuation of seriously injured survivors.

5.8 DESIGNATION OF CO-ORDINATOR SURFACE SEARCH AND HIS RESPONSIBILITIES

5.8.1. If rescue units (including warships) are not available to assume the duties of an on-scene commander but a number of merchant vessels or other vessels are participating in the search and rescue operations, one of them should be designated by mutual agreement as co-ordinator surface search.

5.8.2. The co-ordinator surface search should be designated as early as practicable and preferably before arrival within the specified search area.

5.8.3. The co-ordinator surface search should be responsible for as many of the tasks listed in paragraphs 5.7.4 and 5.7.5 as the vessel is capable of performing.

5.9. INITIAL ACTION

5.9.1. Any unit receiving information of a distress incident shall take whatever immediate action to assist as is within its capability or shall alert other units which might be able to assist and shall notify the rescue co-ordination centre or rescue sub-centre in whose area the incident has occurred.

5.10. SEARCH AREAS

5.10.1. Search areas determined in accordance with paragraph 5.3.3.2, 5.7.4.1 or 5.8.3 may be altered as appropriate by the on-scene commander or the co-ordinator surface search, who should notify the rescue co-ordination centre or rescue sub-centre his action and his reasons for doing so.

5.11. SEARCH PATTERNS

5.11.1. Search patterns designated in accordance with paragraph 5.3.3.6, 5.7.4.3 or 5.8.3 may be changed to other patterns if considered necessary by the on-scene commander or the co-ordinator surface search, who should notify the rescue co-ordination centre or rescue sub-centre of his action and his reasons for doing so.

5.12. SEARCH SUCCESSFUL

5.12.1. When the search has been successful the on-scene commander or the co-ordinator surface search should direct the most suitably equipped units to conduct the rescue or to provide other necessary assistance.

5.12.2. Where appropriate the units conducting the rescue should notify the on-scene commander or the co-ordinator surface search of the number and names of survivors aboard, whether all personnel have been accounted for and whether additional assistance is required, for example, medical evacuations, and the destination of the units.

5.12.3. The on-scene commander or the co-ordinator surface search should immediately notify the rescue co-ordination centre or rescue sub-centre when the search has been successful.

5.13. SEARCH UNSUCCESSFUL

5.13.1. The search should only be terminated when there is no longer any reasonable hope of rescuing survivors.

5.13.2. The rescue co-ordination centre or rescue sub-centre co-ordinating the search and rescue operations should normally be responsible for terminating the search.

5.13.3. In remote ocean areas not under the responsibility of a rescue co-ordination centre or where the responsible centre is not in a position to co-ordinate the search and rescue operations, the on-scene commander or the co-ordinator surface search may take responsibility for terminating the search.

CHAPTER 6

SHIP REPORTING SYSTEMS

6.1. GENERAL

6.1.1. Parties should establish a ship reporting system for application within any search and rescue region for which they are responsible, where this is considered necessary to facilitate search and rescue operations and is deemed practicable.

6.1.2. Parties contemplating the institution of a ship reporting system should take account of the relevant recommendations of the Organization.

6.1.3. The ship reporting system should provide up-to-date information on the movements of vessels in order, in the event of a distress incident:

1. To 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;
2. To permit rapid determination of vessels which may be called upon to provide assistance.
3. To permit delineation of a search area of limited size in case the position of a vessel in distress is unknown or uncertain; and .4 to facilitate the provision of urgent medical assistance or advice to vessels not carrying a doctor.

6.2. OPERATIONAL REQUIREMENTS

6.2.1. To achieve the objectives set out in paragraph 6.1.3, the ship reporting system should satisfy the following operational requirements:

1. Provision of information, including sailing plans and position reports, which would make it possible to predict the future positions of participating vessels;
2. Maintenance of a shipping plot;
3. Receipt of reports at appropriate intervals from participating vessels;
4. Simplicity in system design and operation; and
5. Use of an internationally agreed standard ship reporting format and internationally agreed standard procedures.

6.3. TYPES OF REPORTS

6.3.1. A ship reporting system should incorporate the following reports: 6.3.1.1 Sailing plan-giving name, call sign or ship station identity, date and time (in GMT) of departure, details of the vessel's point of departure, next port of call, intended route, speed and expected date and time (in GMT) of arrival. Significant changes should be reported as soon as possible.

6.3.1.2. Position report-giving name, call sign or ship station identity, date and time (in GMT), position, course and speed.

6.3.1.3. Final report-giving name, call sign or ship station identity, date and time (in GMT) of arrival at destination or of leaving the area covered by the system.

6.4. USE OF SYSTEMS

6.4.1. Parties 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.

6.4.2. Parties 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.

EMPOWERMENT OF AUTHORITY

Article 2. The General Directorate of the Merchant Marine of Honduras, by virtue of Title V (Chapter I) of the Organic Law of the Merchant Marine Decree 167-94 is hereby empowered to implement the provisions of the present Decree.

INTERPRETATION

Article 3. The Spanish Text of the Convention shall prevail for the purpose of its interpretation.

REGULATIONS

Article 4. The President of the Republic of Honduras, in application of Article 245 (11) of the Constitution of the Republic, Article 116 and 118 (2) of the General Law for Public Administration and Article 11 of Decree 8/85 of the seventh of February of Nineteen Hundred and Eighty-five, may make regulations-

- a) Relating to the carrying out of, and giving effect to, provisions of the Convention;
- b) Prescribing fees, and providing for the recovery of expenditure incurred, in connection with the application of the Convention: and
- c) In general, for the better achievement of the purpose of this Decree.

Article 5. The regulations made under the previous article may-

- a) In so far as they relate to matters mentioned in paragraph (a) of that article, include other and more expensive provisions than those contained in the Convention;
- b) Be applicable outside the Republic.

FINAL PROVISIONS

Article 6. The Maritime Search and Rescue Convention 1979 (SAR 79) and all the annexes thereto, as amended from time to time, shall constitute an integral part of the present Decree.

Article 7. The present Decree shall enter into force the day after its publication in the Official Gazette.

Issued in the city of Tegucigalpa, Municipality of the Central District in the Assembly Room of the National Congress the ____ day of ____ two thousand five.

PRESIDENT

SECRETARY

SECRETARY

To the Executive Power.

Execute it.

Tegucigalpa, Municipality of the Central District in the Assembly Room of the National
Congress the _____ day of _____ two thousand five

COSTITUTIONAL PRESIDENT OF THE REPUBLIC OF HONDURAS

THE SECRETARY OF PUBLIC TRANSPORTATION

II

REGULATIONS FOR THE IMPLEMENTATION OF THE *MARITIME SEARCH AND RESCUE CONVENTION 1979* (SAR 79) IN THE REPUBLIC OF HONDURAS

PRESIDENCY OF THE REPUBLIC OF HONDURAS

**EXECUTIVE DECREE NO. _____ STABLISHING THE
REGULATIONS FOR THE IMPLAMANTATION OF THE
MARITIME SEARCH AND RESCUE CONVENTION 1979 (SAR 79) IN
THE REPUBLIC OF HONDURAS**

THE CONSTITUTIONAL PRESIDENT OF THE REPUBLIC,

WHEREAS: It is the strategy of the Republic of Honduras to provide a National Search and Rescue Plan to coordinate search and rescue services to meet domestic needs and international commitments.

WHEREAS: It is of extreme importance for Honduras to implement, at national and regional level, a legal framework that facilitates the cooperation among Governments and organizations that participates in operations of search, and rescue in the zone.

WHEREAS: The implementation of the *MARITIME SEARCH AND RESCUE CONVENTION 1979 (SAR 79)* is essential in order to create a legal nexus, which shall allow the establishment of the necessary bases so as to safeguard the human life in the Central American maritime zone.

WHEREAS: The many reasons that justify the implementation of such legal framework at a national, and regional level and which can be summarized in:

- A) The fact that our Caribbean coasts it's a zone of intense maritime traffic (Merchant, fishing, sport and tourist ships).
- B) Due our geo/maritime position, Central American countries are in constant alert in view of the fact of the massive affluence illegal immigrants on improvised boats.

WHEREAS: Search and rescue shall not be possible with the mere collaboration of all States involved and that it is of an extreme importance to create a legal base, national and subsequently regional, so as to establish a solid base in order to: 1) Enforce activities and coordinate operations directed to diminish risks on the sea. 2) Evaluate, study, and propose complementary measures of management. 3) Identify maritime necessities on this specific field.

THEREFORE: In application of Article 245 (11) of the Constitution of the Republic, Article 116 and 118 (2) of the General Law for Public Administration and Article 11 of Decree 8/85 of the seventh of February of Nineteen Hundred and Eighty-five.

IT DECREES THE FOLLOWING:

**REGULATIONS FOR THE IMPLAMANTATION OF THE
MARITIME SEARCH AND RESCUE CONVENTION 1979 (SAR 79) IN
THE REPUBLIC OF HONDURAS**

CHAPTER I

TERMS AND DEFINITIONS

Article 1. The following terms and definitions are based on the **MARITIME SEARCH AND RESCUE CONVENTION 1979**, as incorporated by Decree No. _____, and the international usage for search and rescue.

- a) **Search and rescue coordinator.** A public office agency with overall responsibility for establishing and providing search and rescue services for a search and rescue region(s) for which the Republic of Honduras has primary responsibility.
- b) **The National Search and Rescue Committee (NSRC).** The Committee includes all the participants, mentioned in Article 7, in the activities hereby indicated.
- c) **Search and rescue region (SRR).** An area of defined dimensions, recognized by IMO or other cognizant international body, and associated with a rescue coordination center within which search and rescue services are provided.
- d) **Search and rescue services (SRS).** 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.
- e) **Rescue coordination center (RCC).** A unit, recognized by the International Civil Aviation Organization (ICAO), IMO or other cognizant international body, responsible for promoting efficient organization of search and rescue services and for coordinating the conduct of search and rescue operations within an SRR.
- f) **Rescue sub-center (RSC).** A unit subordinate to an RCC established to complement the latter according to particular provisions of the responsible authorities.
- g) **Joint rescue coordination center (JRCC).** An RCC responsible for more than one primary type of search and rescue services, e.g., both aeronautical and maritime search and rescue incidents.

OBJECTIVES

Article 2. The Republic of Honduras, represented by the participants described in Article 7, knowing the importance of cooperation in providing expeditious and effective search and rescue services shall:

- a) Provide a national plan for coordinating search and rescue services to meet domestic needs and international commitments, and to document related basic national policies;
- b) Support lifesaving provisions of the International Convention on Maritime Search and Rescue of IMO, the Convention on International Civil Aviation of ICAO, certain international agreements to which the Republic of Honduras is Party, and similar international instruments;
- c) Provide an overall Plan for coordination of search and rescue operations, effective use of all available resources, mutual assistance, and efforts to improve such cooperation and services; and
- d) Integrate available resources, which can be used for search and rescue into a cooperative network, public and private, for greater protection of life and property and to ensure greater efficiency and economy.

Article 3. This Regulation is further intended to:

- a) Help the Republic of Honduras to satisfy its humanitarian, national, and international search and rescue related obligations;
- b) Provide national guidance for development of search and rescue related systems;
- c) Describe its participants and their roles in a pro-lifesaving context;
- d) Recognize public offices, respectively, for the types of operations covered by this Regulation, and describe geographic regions of search and rescue responsibility, as appropriate;
- e) Account for saving property, but on a secondary basis to saving lives;
- f) Account for all operations up to and including providing initial assistance (food, clothing, medical, etc.) to survivors and delivering them to a place of safety; and
- g) Have, as a primary concept, cooperation for overall and continual development, coordination and improvement of search and rescue services.

CHAPTER II

SCOPE

Article 4. No provisions of this Regulation or any supporting plan are to be construed in such a way as to contravene responsibilities and authorities of any Participant as defined by international agreements, or of established responsibilities of other agencies and organizations which regularly assist persons and property in distress resulting from incidents of a local nature.

Article 5. This Law is intended to provide internal guidelines to all Honduran public offices or agencies. Public offices and agencies may retain established search and rescue responsibilities within their boundaries only for incidents which are primarily local. In such cases, appropriate channel of communication must be open between search and rescue coordinator(s) and relevant State organizations.

CHAPTER III

PARTICIPANTS

Article 6. The Participants to this Regulation are as follows:

- a) The National Secretariat of Transportation (SOPTRAVI) carries out broad responsibilities in transportation safety. The Merchant Marine of Honduras (DGMM) operates a fleet of merchant ships and promotes a safe merchant marine, develops, establishes, maintains and operates rescue facilities for the promotion of safety on, under and over waters subject to Honduras jurisdiction, conducts safety inspections of most merchant vessels, and investigates marine casualties.
- b) The General Directorate of Civil Aeronautic (DGAC) has air traffic control, and the National Air Force (FFAA) has a flight service available to assist in SEARCH AND RESCUE operations with the participation of private sectors, these agencies shall be supported by the participation of the Central American Corporation for Air Navigation Services (COCESNA).
- c) The National Meteorological Service of Honduras (SMN) provides nautical and aeronautical charting; information on tides and tidal currents; marine environmental forecasts and warnings for the high seas, and coastal and inland waterways.
- d) The National Commission of Telecommunications of Honduras (CONATEL) promulgates rules and regulations for non-government use of wire and radio facilities for promoting safety of life and property.
- e) Land managing components of the National Fire Department of Honduras provide SEARCH AND RESCUE services on lands and interior waters and may assist in operations in adjacent jurisdictions.

Article 7. A public office that is not a Participant on this Regulation may become a Participant by unanimous vote of the National Search and Rescue Committee, followed by written notification by the agency to the Chairman of the National Search and Rescue Committee of its accession to the Plan.

CHAPTER IV

SEARCH AND RESCUE REGIONS

Article 8. SRRs are established to ensure provision of adequate land-based communications infrastructure, efficient distress alert routing, and proper operational coordination to effectively support search and rescue services.

Article 9. SRRs should be contiguous and, as far as practicable, should not overlap.

Article 10. Establishment of SRRs is intended to effect an understanding concerning where nations have accepted primary responsibility for coordinating or providing search

and rescue services. The existence of SRR limits should not be viewed as a basis to restrict, delay, or limit in any way, prompt and effective action to relieve distress situations.

Article 11. All SRRs on Honduras shall be established, as far as possible, in cooperation with neighboring nations, are internationally recognized, and must be described in pertinent documents of IMO.

Article 12. Honduran SRRs shall be harmonized with each other to the extent practicable, recognizing, however, that lines separating SRRs must normally be agreed by governments having neighboring SRRs when possible. SRRs shall not be allowed to unduly affect or be affected by any political boundaries.

Article 13. For search and rescue operations there must be, by definition, one RCC associated with each recognized SRR. The minimum standards and guidance pertinent to these RCCs shall follow those that have been developed by IMO and ICAO which can be found in relevant Conventions. The Honduran search and rescue system becomes integrated into the global search and rescue system by establishing recognized SRRs and RCCs, which comply with international standards.

Article 14. SRRs may be subdivided as long as the delimitation of the sub-regions coincides with pertinent SRR limits. Where this is not practicable, changes to international limits should be proposed to the appropriate international organization through proper channels by the agency primarily concerned.

CHAPTER V

PARTICIPANT RESPONSIBILITIES

Primary Responsibilities

Article 15. The search and rescue Coordinators, designated below, have the overall responsibility for establishing RCCs as necessary, and for providing or arranging for search and rescue services within Honduras SRRs. Only RCCs properly established by these search and rescue Coordinators should carry out domestic and international coordination of search and rescue operations.

Article 16. The General Directorate of the Merchant Marine of Honduras shall lead and coordinate national participation in the search and rescue and safety-related initiatives of IMO.

Article 17. The General Directorate of Civil Aeronautic shall lead and coordinate national participation in safety-related initiatives of ICAO

The search and rescue operations covered by the General Directorate of Civil Aeronautic shall be supported by the participation of the Central American Corporation for Air Navigation Services (COCESNA).

CHAPTER VI

SEARCH AND RESCUE OPERATIONS OUTSIDE HONDURAS SEARCH AND RESCUE REGIONS

Article 18. Search and rescue Coordinators, as well as other Honduran authorities, may support search and rescue operations anywhere in the world, consistent with their expertise and capabilities and legal authority. This is consistent with the principles of assisting persons in distress without regard to nationality or circumstances and of using all available resources for search and rescue. It is also consistent with Honduran humanitarian goals and the advantages of domestic and international cooperation.

Article 19. In accordance with international law, Honduran search and rescue facilities, in a position to render timely and effective assistance, may exercise the right to enter into or over the territorial seas or archipelagic waters of another State for the purposes of rendering assistance to a person, ship, or aircraft whose position is reasonably well known, is in danger or distress due to perils of the seas, and requires emergency assistance.

Article 20. Participants to this Regulation, consistent with their capabilities and legal authority, shall support search and rescue operations of other countries in territory and international waters beyond recognized Honduran aeronautical and maritime SRRs. As appropriate, and within their capabilities.

Article 21. In carrying out search and rescue support functions with other nations, such as training, exercises, and liaison, each Participant shall coordinate its activities with other Participants having search and rescue expertise with respect to the support concerned.

Article 22. While it is appropriate, to the fullest extent the Participants have the authority to do so, to maintain liaison and cooperate with authorities of other nations that have comparable search and rescue responsibilities, such support should be carried out in coordination with Honduran search and rescue coordinators, and with other neighboring search and rescue authorities, as appropriate.

Article 23. Participants should not accept a search and rescue Coordinator or RCC role for search and rescue operations for SRRs for which other nations are responsible. However, the Participants may provide and support search and rescue operations in such areas when:

- a) Assistance is requested;
- b) Honduran citizens are involved; or

- c) Honduran facilities become aware of a distress situation to which no other suitable facilities are responding, or where other available search and rescue services appear to be inadequate.

Article 24. For distress situations in international waters or airspace where no SRR exists for which an RCC is responsible, or where it appears that the responsible RCC is not responding in a suitable manner, Honduran RCCs or facilities shall assist as appropriate. Such assistance shall be subject to availability of resources, legal constraints, and other applicable Honduran policies.

Provisions of international conventions dealing with search and rescue are intended to ensure that wherever any person goes in the world, suitable search and rescue services and responsibilities shall be in place to assist should that person become in danger or distress. However, there may be nations which are not Parties to, or which have not yet fully complied with, these conventions. Therefore, situations may exist for Honduras resources to supplement search and rescue capabilities in certain geographic areas, or to support these nations by training or other means, consistent with Honduras domestic law, to help develop their search and rescue capabilities.

Article 25. When assisting search and rescue authorities of other nations, or other agencies or organizations supporting these authorities, Participants to this Law should ensure that:

- a) They have appropriate legal authority and expertise to do so;
- b) Principles or provisions of conventions or agreements to which Honduras is Party are not violated;
- c) Applicable procedures set forth in the National search and rescue Supplement, and other relevant directives are known and followed;
- d) Such efforts are carried out in consultation with other Participants to this Law as appropriate; and that
- e) The authorities assisted are responsible for the search and rescue functions in that country.

Article 26. Policies on rendering assistance in foreign territories or territorial waters must have the goal of balancing concerns for saving lives, for sovereignty, and for national security. Provisions for territorial entry as necessary should be addressed in international search and rescue agreements where relevant, as discussed below, and care should be taken to ensure that such agreements are compatible with national policies in this regard.

Article 27. When any Participant to this Regulation is addressing search and rescue related inquiries or proposals from other nations or organizations outside Honduras, or when hosting or attending international meetings on search and rescue, care should be taken that interested Honduran agencies, organizations, or persons are consulted and involved as appropriate.

CHAPTER VII

CIVIL SEARCH AND RESCUE AGREEMENTS

Article 28. Bilateral or multilateral search and rescue agreements with other especially effective Honduran agencies or organizations, or with authorities of other nations, may be of practical value to search and rescue, and beneficial for purposes including:

- a) Helping to fulfill Honduras domestic or international obligations and needs;
- b) Enabling more effective use of all available resources;
- c) Better integration of Honduran search and rescue services with the global search and rescue system;
- d) Building commitment to support search and rescue;
- e) Resolving search and rescue procedures and sensitive matters in advance of time-critical distress situations; and
- f) Identifying types of cooperative matters and efforts which may enhance or support search and rescue operations, such as access to medical or fueling facilities; training and exercises; meetings; information exchanges; use of communications capabilities, or joint research and development projects.

Article 29. Negotiation and conclusion of such agreements should consider matters such as the following:

- a) Which authorities of the governments, agencies, or organizations concerned are the proper ones to be involved with the agreement;
- b) Which types of search and rescue operations (e.g., aeronautical, maritime, etc.) or search and rescue support functions should be included within the scope of the agreement;
- c) Consistency with international and domestic search and rescue principles or policies;
- d) Establishment of lines separating SRRs if relevant;
- e) Whether other treaties, agreements, etc., exist which should be superseded or accounted for in preparation of a new agreement.

Article 30. Participants, which develop any agreement dealing with search and rescue, shall ensure that such efforts are coordinated with other interested Participants.

Article 31. Any such international agreement may not be signed or otherwise concluded without prior consultation with the National Search and Rescue Committee.

CHAPTER VIII

NATIONAL SEARCH AND RESCUE COMMITTEE

Article 32. The sponsor of this Law is the National Search and Rescue Committee as described in Article 1.b. The National Search and Rescue Committee, consistent with applicable laws and executive orders shall:

- a) Coordinate implementation of this Regulation;
- b) Review matters relating to the Regulation affecting more than one Participant, including recommendations for Plan revision or amendment;
- c) Encourage State, local and private agencies to develop equipment and procedures to enhance national capabilities for implementing the Plan; and
- d) Promote coordinated development of all national resources for this purpose.

Article 33. In particular, the Committee is intended to accomplish the following:

- a) Oversee this Regulation implementation;
- b) Provide a standing national forum for coordination of administrative and operational search and rescue matters;
- c) Provide an interface with other national, regional, and international organizations involved with providing or supporting search and rescue services;
- d) Develop and maintain suitable guidance for implementation of this Law;
- e) Promote effective use of all available resources for support of search and rescue;
- f) Serve as a cooperative forum to exchange information and develop positions and policies of interest to more than one Participant;
- g) Promote close cooperation and coordination between civilian and military authorities and organizations for provision of effective search and rescue services;
- h) improve cooperation among the various search and rescue communities for the provision of effective services; and
- i) Determine other ways to enhance the overall effectiveness and efficiency of search and rescue services, and to standardize procedures, equipment, and personnel training where practicable.

CHAPTER IX

SEARCH AND RESCUE SERVICES COVERED BY THIS REGULATION

Article 34. This Regulation covers search and rescue operations such as:

- a) Maritime (involving rescue from a water environment);
- b) Aeronautical;
- c) Land (including search and rescue operations associated with environments such as wilderness areas, swift water, caves, mountains, etc.)

- d) Provision of initial assistance at or near the scene of a distress situation (e.g., initial medical assistance or advice, medical evacuations, provision of needed food or clothing to survivors, etc.);
- e) Delivery of survivors to a place of safety or where further assistance can be provided; and
- f) Saving of property when it can be done in conjunction with or for the saving of lives.

Article 35. Search and rescue activities does not include operations such as:

- a) Air ambulance services which did not result from a rescue or recovery operation;
- b) Assistance in cases of civil disturbance, insurrection or other emergencies which endanger life or property or disrupt the usual process of government;
- c) Military operations, such as combat search and rescue or other types of recovery by military operations to remove military or civilian personnel from harm's way;
- d) Salvage operations;
- e) Overall response to natural or man-made disasters or terrorist incidents; and

No provision of this Law or any supporting plan is to be construed as an obstruction to prompt and effective action by any agency or individual to relieve distress whenever and wherever found.

CHAPTER X

EXTENT OF MUTUAL ASSISTANCE

Article 36. The Participants agree to cooperate as follows:

- a) Support each other by pooling relevant facilities and support services as appropriate for operations within their respective SRRs, and consistent with each participant's relevant legal authorities;
- b) Make, and respond to, requests for operational assistance between the designated RCCs, RSCs, or comparable command centers (CCs) of the Participants as capabilities allow;
- c) Develop procedures, communications, and databases appropriate for coordination of facilities responding to distress incidents, and for coordination between the RCCs, RSCs or CCs of the Participants;
- d) Normally follow applicable guidance of the IMO, ICAO, or other relevant international bodies regarding operational procedures and communications; and
- e) In areas where more than one authority may respond to distress situations, agreed procedures should be in place, which balance concerns for saving lives and for jurisdiction.

Article 37. The Participants may also enter into other collaborative efforts with each other such as:

- a) Mutual visits, information exchanges, and cooperative projects for support of search and rescue;
- b) Joint training or exercises;
- c) Cooperation in development of procedures, techniques, equipment, or facilities;
- d) Establishment of groups subordinate to the National Search and Rescue Committee as a means for more in-depth focus on matters of common concern; and
- e) Carry out cooperative efforts similar to those indicated above on an international level.

GENERAL TERMS

Article 38. Cooperative arrangements between a Participant with operational responsibilities and State, local, and private agencies should provide for the fullest practicable cooperation of such agencies for operational missions, consistent with the willingness and ability of such agencies to act, and for such coordination by the responsible RCC, RSC, or CC of their facilities as may be necessary and practicable.

Article 39. Participants with operational responsibilities may request assistance from other State agencies having capabilities useful for a mission.

CHAPTER XI

CHARGING FOR SEARCH AND RESCUE SERVICES

Article 40. Each Participant shall fund its own activities in relation to this Law unless otherwise arranged by the Participants in advance, and shall not allow a matter of reimbursement of cost among themselves to delay response to any person in danger or distress.

Article 41. The Participants agree that search and rescue services that they provide to persons in danger or distress shall be without subsequent cost-recovery from the person(s) assisted. In case of lack of economical resources for the execution of a SEARCH AND RESCUE operation a common fund, created with the annual contributions of the participants, will be accessible. Such fund will be regulated by a special Law.

CHAPTER XII

PRINCIPLES ACCEPTED BY THE PARTICIPANTS

General

Article 42. Participants coordinating operations should, consistent with applicable laws and executive orders, organize existing agencies and their facilities through suitable agreements into a basic network to assist military and non-military persons and property

in actual or potential danger or distress, and to carry out obligations under customary international law and international instruments to which Honduras is a Party.

Article 43. The Participants shall seek to keep political, economic, jurisdictional, or other such factors secondary when dealing with civil lifesaving matters, i.e., where possible, what is best for lifesaving shall govern their decisions.

Article 44. Consistency and harmonization shall be fostered wherever practicable among plans, procedures, equipment, agreements, training, terminology, etc., for the various types of lifesaving and recovery operations, taking into account terms and definitions adopted internationally as much as possible.

Article 45. Terminology and definitions used throughout the Honduran search and rescue community shall be standardized to the extent possible, and be as consistent as possible with usage in pertinent international conventions.

Article 46. If a distress situation appears to exist or may exist, rescue or similar recovery efforts shall be based on the assumption that a distress situation does actually exist until it is known differently.

Article 47. Assistance shall always be provided to persons in distress without regard to their nationality, status, or circumstances.

Article 48. Generally, cost-effective safety, regulatory, or diplomatic measures that tend to minimize the need for Honduran search and rescue services shall be supported.

Article 49. Close cooperation shall be established between services and organizations, which may support improvements in lifesaving functions in areas such as operations, planning, training, exercises, communications and research and development.

Article 50. Recognizing the critical importance of reduced response time to the successful rescue and similar recovery efforts, a continual focus shall be maintained on developing and implementing means to reduce the time required for:

- a) Receiving alerts and information associated with distress situations;
- b) Planning and coordinating operations;
- c) Facility transits and searches;
- d) Rescues or recoveries; and
- e) Providing immediate assistance, such as medical assistance, as appropriate.

Aeronautical and Maritime Search and Rescue

Article 51. All search and rescue personnel should be generally familiar with the INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE 79 (IMO), the CONVENTION ON INTERNATIONAL CIVIL AVIATION, Annex 12

("Search and Rescue"), and other primary directives or information applicable to their work in search and rescue operations.

Article 52. Local cooperative arrangements within Honduras should be made in advance between search and rescue, air traffic, and airport authorities for close coordination in handling aircraft emergencies, unless the same authorities hold all the involved responsibilities.

Article 53. The search and rescue principles and procedures of relevant customary international law and international Conventions shall serve as the framework for coordination of any search and rescue operations, and especially those involving multiple countries, organizations or jurisdictions; Honduran organizational or operational SEARCH AND RESCUE plans and provisions of the National search and rescue Supplement shall be consistent with these international provisions to the extent practicable.

Article 54. The General Directorate of the Merchant Marine of Honduras, consistent with its capabilities, resources and legal authority, shall sponsor a global voluntary ship reporting system for maritime traffic and offer pertinent information from the associated database to recognized RCCs worldwide. This system shall be used only for search and rescue, with its information being treated as "commercial proprietary" as promised to the ships reporting. Continuation of this system as just described shall be reconsidered if need for the reporting system changes, or acceptable alternative international systems develop.

Article 55. Operational responsibilities for maritime and aeronautical search and rescue shall generally be associated with internationally-recognized geographic maritime and aeronautical SRRs, and a state agency shall be given primary responsibility for coordinating search and rescue operations within each SRR, with other agencies and organizations providing support as appropriate.

Article 56. Distress situations involving airborne aircraft shall normally be handled by the maritime or aeronautical search and rescue authorities responsible for the SRR concerned once the distressed aircraft is down, and cooperatively between these authorities and air traffic service authorities as long as the aircraft remains airborne.

Land search and rescue services may include aeronautical search and rescue operations. Involvement of Participants in such operations may be governed by agreements between search and rescue coordinators and local authorities. Participants shall support such operations as appropriate.

Coordination of Operations

Article 57. Each agency responsible for operations under this Regulation shall:

- a) Keep information readily available on the status and availability of key search and rescue facilities or other resources which may be needed for operations; and

- b) Keep each other fully and promptly informed of operations of mutual interest, or which may involve use of facilities of another Participant;

Article 58. Search and rescue Coordinators shall delegate to their RCCs the authority to:

- a) Request assistance via other RCCs/RSCs including those of other nations;
- b) Promptly respond to requests for assistance from other RCCs/RSCs, including those of other nations as discussed below;
- c) Grant permission for entry of foreign rescue units into the Honduran territory and;
- d) Make arrangements with appropriate customs, immigration, health or other authorities to expedite entry of foreign rescue units as appropriate

Article 59. search and rescue Coordinators shall authorize their RCCs to arrange promptly or in advance for entry of foreign rescue units into Honduras should it ever become necessary. Such arrangements should involve appropriate Honduran authorities as well as proper authorities of the nation or search and rescue facility involved with the entry. Such entry may include over flight or landing of search and rescue aircraft, and similar accommodation of surface (land or water) search and rescue units as circumstances dictate for fueling, medical, or other appropriate and available operational support, or delivery of survivors, or it could also be in response to a request from a Honduran RCC to the RCC of another nation for assistance of those facilities.

Article 60. Establishment of JRCCs, and of jointly sponsored and staffed RCCs or RSCs, is encouraged where appropriate.

Article 61. Operations of search and rescue facilities committed to any search and rescue mission normally should be coordinated, and, as appropriate, directed, by an appropriate RCC or RSC consistent with the provisions of this Regulation.

Article 62. On scene coordination may be delegated to any appropriate unit participating in a particular incident under the cognizance of the search and rescue mission coordinator at an RCC or an incident commander.

Article 63. No provision of this Regulation or any supporting plan is to be construed as an obstruction to prompt and effective action by any agency or individual to relieve distress whenever and wherever found.

Article 64. If an RSC is established by any agency, it must operate under the oversight of an RCC, and be responsible for certain tasks or for portions of the RCC's SRR, as determined by the agency concerned.

Article 65. Search and rescue Coordinators shall arrange for the receipt of distress alerts originating from within SRRs for which they are responsible, and ensure that every RCC and RSC can communicate with persons in distress, with search and rescue facilities, and with other RCCs/RSCs

Incident Command System

Article 66. A coordination system often used in local areas, and for emergency response scenarios involving multiple agencies and multiple jurisdictions, is the Incident Command System (ICS).

Article 67. When search and rescue forces become involved in situations where ICS is being used, an on scene incident commander shall be in charge of coordinating operations overall. In such cases the search and rescue mission coordinator or person designated by the search and rescue mission coordinator shall normally serve as a search and rescue Agency Representative to the incident commander.

Article 68. RCCs should be familiar with the ICS system, and may use or support ICS as the situation warrants.

Military Roles and Military-Civilian Relationships

Article 69. Arrangements between military and civil agencies should provide for the fullest practicable cooperation among themselves, consistent with statutory responsibilities and authorities and assigned search and rescue functions.

Article 70. Cooperative arrangements should provide for the fullest practicable use of their facilities for civil search and rescue on a not-to-interfere basis with military missions, consistent with statutory responsibilities and authorities and assigned agency functions.

Article 71. Participants with operational responsibilities should develop plans and procedures for effective use of all available search and rescue facilities, and for contingencies to continue civil search and rescue operations if military forces are withdrawn because of another emergency or a change in military missions.

Resources

Article 72. To optimize delivery of efficient and effective services, and, where practicable and consistent with agency authorities, provide the organizations and persons interested in supporting these services the opportunity to do so, all available extra resources shall join the fund described in Article 41 and be used for search and rescue services. Certain state and local governments, civil and volunteer organizations, and private enterprises have facilities, which contribute to the effectiveness of the over-all search and rescue network, although they are not Participants to this Law.

Article 73. To help identify, locate and quantify primary search and rescue facilities, Participants may designate facilities, which meet international standards for equipment and personnel training as "Search and Rescue Units" (**SRUs**). Such facilities do not need to be dedicated exclusively to the associated type of operations, and this designation is not intended to preclude use of other resources.

Article 74. Recognizing the critical role of communications in receiving information about distress situations and coordinating responses, and noting that such responses sometimes involve multiple organizations and jurisdictions, the Participants shall work aggressively to develop suitable search and rescue provisions for:

- a) Interoperability;
- b) Means of sending and receiving alerting;
- c) Means of identification;
- d) Effective provisions for equipment registration and continual access to registration data by search and rescue authorities;
- e) Rapid, automatic, and direct routing of emergency communications;
- f) High system reliability; and
- g) Preemptive or priority processing of distress communications.

Technical and Support Services

Article 75. The Participants shall strive together to:

- a) Apply the most effective systems to save the most lives at the least operational risk and cost; and
- b) Foster innovation in technical, administrative and informational systems, which shall improve the ability of the Participants and associated non-governmental organizations to carry out their civil search and rescue duties.

Article 76. Management, operational, and support personnel of the Participants shall be partners, assisting each other with the goal of maximum operational effectiveness.

Article 77. Priority goals of the Participants shall include:

- a) Make distress alerts and associated data available to operational personnel as quickly, comprehensively, and reliably as possible;
- b) Provide communications systems which are highly reliable, simple, problem-free, interoperable, and as functionally effective as possible; and
- c) Enable operational personnel to be as highly effective in planning and conducting operations as possible, by providing them with the training, equipment, procedures, facilities, information, and other tools necessary to carry out planning and operational duties in a consistent, highly professional, and effective manner.

Article 78. Participants should:

- a) Encourage development and maintenance of proficiency in search and rescue techniques and procedures by other agencies participating in civil search and rescue, and assist them as appropriate;
- b) Encourage continued development of state and local search and rescue facilities as appropriate; and

- c) Enter into agreements, as appropriate, with State, local, and private organizations to provide for the fullest practicable cooperation in search and rescue consistent with their capabilities and resources, and to account for use of national facilities in search and rescue missions with which these organizations are involved.

Suspension or Termination of Operations

Article 79. Search and rescue operations shall normally continue until all reasonable hope of rescuing survivors or victims has passed.

Article 80. The responsible RCC/RSC concerned shall normally decide when to discontinue these operations. If no such center is involved in coordinating the operations, the decision shall be made at an appropriate level of the chain-of-command of the facility conducting the operations.

Article 81. When an RCC/RSC or other appropriate authority considers, on the basis of reliable information that a rescue or recovery 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.

Article 82. If an operation on-scene becomes impracticable and the RCC/RSC or other appropriate authority concludes that survivors might still be alive, it may temporarily suspend the on-scene activities pending further developments, and shall promptly so inform any authority, facility or service which has been activated or notified. Information subsequently received shall be evaluated and operations resumed when justified on the basis of such information.

Article 83: An individual Participant, not described in Article 7, may terminate its status as a Participant to this Regulation by notifying the other Participants in writing at least six months in advance of such termination. Since the National Search and Rescue Committee sponsors this Regulation, and it is intended that the Participants to this Law correspond to the member agencies of that Committee, such termination shall be deemed to also terminate the Participant's membership on the Committee.

ENTRY INTO FORCE

Article 84. This Regulation shall enter into force and shall be effective 20 days after its publication in the official Gazzette the official newspaper just as ordered by the law.

ISSUED IN THE MEETING ROOM OF THE COUNCIL OF MINISTERS, ON THE
TWENTIETH DAY OF THE MONTH OF JANUARY OF TWO THOUSAND-FIVE.

TO BE PUBLISHED

LIC. RICARDO RODOLFO MADURO JOEST
CONSTITUTIONAL PRESIDENT OF THE REPUBLIC