



AGREEMENT

BETWEEN THE

GOVERNMENT OF THE

REPUBLIC OF SOUTH AFRICA

AND

THE GOVERNMENT OF THE

FRENCH REPUBLIC

FOR

THE CO-ORDINATION

OF SEARCH AND RESCUE SERVICES

The Government of the Republic of South Africa and the Government of the French Republic (hereinafter jointly referred to as “the Parties” and in the singular as “a Party”);

RECOGNISING the importance of co-operation in aeronautical and maritime search and rescue and the need to ensure expeditious and effective search and rescue services;

NOTING the relevant provisions of the standards and the recommended practices contained in the Annexure to the International Convention on Maritime Search and Rescue, 1979, the International Convention on Safety of Life at Sea, 1974, and Article 98 of the United Nations Convention on the Law of the Sea, 1982;

TAKING COGNISANCE of the provisions contained in the Annexures to the Convention on International Civil Aviation, 1944; and

CONSCIOUS of the need to ensure good co-operation between the respective Search and Rescue organisations and also to ensure good co-operation between the South African aeronautical Search and Rescue organisation and the French (La Reunion) maritime Search and Rescue organisation, in the overlapping area described within this Agreement;

HEREBY AGREE as follows :

ARTICLE 1
DEFINITIONS

In this Agreement, unless the context otherwise indicates-

"SAR" means "Search and Rescue";

"Rescue Co-ordination Centre" (RCC) means "Maritime Rescue Co-ordination Centre (MRCC)", or "Aeronautical Rescue Co-ordination Centre (ARCC)".

ARTICLE 2
COMPETENT AGENCIES

- (1) The competent authorities responsible for the implementation of this Agreement shall be-
- (a) On behalf of the Republic of South Africa : The South African Search and Rescue Organisation and the Department of Transport
- (b) On behalf of the Republic of France :
- The National maritime SAR Co-ordination :
the Prime Minister
(Secrétariat général de la mer - Organisme SECMAR);
- The French Authority responsible for maritime SAR in La Reunion : *le Préfet de la Réunion, Délégué du Gouvernement pour l'action de l'Etat en mer;*

The Delegated French
Authority in charge of
maritime SAR
operations around La
Reunion : *le*
Commandant de la
Marine à la Réunion.

- (2) The RCCs of the Parties in this Agreement shall be -
- (a) On behalf of the Republic of South Africa : The MRCC Cape Town
ARCC Johannesburg
 - (b) On behalf of the Republic of France : The MRCC La Reunion

ARTICLE 3 SCOPE OF THE AGREEMENT

The RCCs of both Parties undertake to :

- (1) Promptly and regularly exchange SAR information concerning a distress or a potential distress situation;
- (2) Assist each other, to the extent possible, in the conduct of SAR missions in their respective Search and Rescue Regions ("SRRs") and across their common SRR boundaries;
- (3) Take appropriate measures for the use of facilities in each other's SRRs while engaged in SAR operations;
- (4) Exchange information on current SAR resources available to ensure mutual knowledge of each other's SAR capabilities;
- (5) Conduct communication checks with each other at least once per calendar month in order to ensure the efficiency and effectiveness of SAR communications links;

- (6) Conduct periodic SAR exercises to test their ability to conduct a SAR response across their common SRR boundary;
- (7) Exchange useful SAR operational and procedural documents in order to promote mutual understanding and common procedures without prejudicing the ownership of intellectual property and copyright;
- (8) Conduct liaison or exchange visits of RCC personnel when possible and convenient;
- (9) Also apply to aircraft, situations and procedures applicable to ships, if necessary;
- (10) Co-operate in the provision of assistance to the aeronautical SAR organisation when useful and practicable, according to provisions of this Agreement.

ARTICLE 4 SEARCH AND RESCUE REGIONS

- (1) The contact area between the maritime Search and Rescue Region of the Parties as agreed to during the Cape Town SAR Conference in 1996, is delineated by the following points:

30°S 45°E
50°S 45°E
50°S 75°E

- (2) According to the Air Navigation Plan - Africa - Indian Ocean Region, the aeronautical Search and Rescue Region of the Republic of South Africa, where it overlaps the maritime Search and Rescue Region of the French Republic (La Reunion), is delineated by the following points:

30°S 45°E
30°S 57°E
45°S 57°E
45°S 75°E
50°S 75°E
50°S 45°E
30°S 45°E

ARTICLE 5
STANDARD OPERATING PROCEDURES FOR THE
RESCUE CO-ORDINATION CENTRES

Determination of Responsible RCC

- (1) The RCC responsible for initiating SAR action shall be determined as follows:
 - (a) If the position of the vessel in distress needing assistance is known, action shall be initiated by the RCC in whose SRR the vessel is located;
 - (b) If the position of the vessel is unknown, SAR action shall be initiated by the RCC which has been alerted first. The RCC initiating an SAR operation shall remain in charge of the operation until the responsible RCC takes over, if applicable;
- (2) The responsible RCC contemplated in sub-article 5(1)(b) shall either be:
 - (a) The RCC in whose SRR the vessel was operating when the last contact was made; or
 - (b) The RCC into whose SRR the vessel was proceeding if the last contact was made at the common SRR boundary.

Transferring Overall Co-ordination Responsibility

- (3) A transfer of responsibility for overall SAR co-ordination may be necessary under the following circumstances-
 - (a) the subsequent determination of or a change in the vessel's position or route; or
 - (b) the favourable placement of a RCC to take control of the operation because of-
 - (i) better communications;
 - (ii) proximity to the search area

- (iii) more readily available SAR units or facilities; or
 - (iv) any other mutually agreed upon reasons.
- (4) If a transfer of responsibility for overall SAR co-ordination is to take place in terms of sub-article (3) the following procedures shall be adopted-
- (a) Direct discussions or communications shall be conducted between the Search and Rescue Mission Co-ordinators ("SMCs") concerned, to determine the best course of action;
 - (b) If it is decided that a transfer of responsibility is appropriate for the whole operation or part thereof, full details of the previous action taken shall be exchanged;
 - (c) The initiating RCC shall retain responsibility until the accepting RCC formally advises the initiating RCC that it has assumed responsibility for the whole operation, or part thereof.

SAR Operations or Missions in Adjacent SRRs

- (5) Each Party shall recognise the established interest of the other Party whose vessel is the subject of, or is participating in, a SAR operation or mission.
- (6) Each Party shall notify the other without delay of any SAR mission to render assistance, carried out by one of its own SAR units in the SRR of the other.
- (7) If it becomes necessary for an RCC to deploy SAR units into the SRR of the other Party, the SMC shall immediately deploy such units for the mission. The adjacent RCC shall simultaneously be advised by written message providing the following information:
 - (a) SAR mission identification;
 - (b) SAR units identification and type;
 - (c) Call signs and names;
 - (d) Point of departure, route and destination;
 - (e) Assigned search tasks;

- (f) Number of persons on board;
 - (g) Communications frequencies in use;
 - (h) Relevant equipment carried;
 - (i) Range and endurance; and
 - (j) Plans for return to base after SAR tasks.
- (8) The SMC of the adjacent RCC shall, upon receipt of the message, send an acknowledgement to the initiating RCC indicating the conditions, if any, under which the intended mission is to be undertaken. All possible assistance shall be rendered to enable the SAR mission to be carried out successfully.

Promulgation of Search Areas

- (9) When the responsible RCC has been determined in accordance with sub-articles (1), (2), (3) and (4), that RCC shall determine the area of probability and establish the search area(s). The responsible RCC and the adjacent RCC shall, if appropriate, arrange for the promulgation of a Notice to Airmen (NOTAM) defining the search area(s) and any associated Restricted or Danger area(s) within their respective SRR, and shall issue any necessary Maritime Safety Information (MSI) to shipping.

Liaison during SAR operations

- (10) During the course of an SAR operation, the responsible RCCs shall maintain close liaison in order to ensure the smooth and successful execution;
- (11) The RCC responsible for overall SAR co-ordination shall keep the other RCC informed at regular intervals of-
- (a) the number of SAR units involved in the operation;
 - (b) areas to be searched;
 - (c) actions taken to date; and
 - (d) the decision to suspend or terminate the SAR operation.

- (12) The notification contemplated in sub-article (11) shall take the form of situation reports (SITREPs) at least daily or at any time of significant change to the situation.
- (13) Direct discussion between the SMCs of both RCCs should be undertaken whenever necessary.

ARTICLE 6

USE OF OTHER PARTY'S SAR UNITS AND FACILITIES

- (1) SAR units assigned by a Party to the RCC of the other Party who is responsible for overall co-ordination of the SAR mission shall be placed under the direction of the relevant SMC for the period of their assignment. As far as direct communications are possible, the RCC shall send directly to the SAR unit all instructions and information necessary for the operation and the mission requested. The SAR unit will report directly to the responsible RCC.
- (2) The RCC of the Party requesting the assistance of SAR units or the facilities of the other Party shall provide all pertinent details concerning the type and scope of the assistance or facilities required.
- (3) The SAR unit of the Party participating in an SAR operation co-ordinated by the RCC of the other Party, shall without special request be authorised to enter into or over the territorial sea of this latter Party. Except if the co-ordinating RCC already has accurate information about the position of this unit, the requested SAR unit shall notify this RCC concerning the time and position of its entry into the territorial sea.
- (4) The SAR unit of the Party participating in an SAR operation co-ordinated by the RCC of the other Party shall be authorised to call at the appropriate ports or aerodromes of the latter Party. The RCC of this Party shall make the necessary arrangements with public services and other bodies to facilitate this call and shall transmit any useful information to the unit involved.

ARTICLE 7
SAR OPERATIONAL EXPENSES

Each Party shall be responsible for expenses incurred by its own SAR units deployed during an SAR mission.

ARTICLE 8
RECOVERY OF SUPPLIES AND EQUIPMENT

Recovery of reusable supplies and survival equipment shall be arranged between respective RCCs. If possible, the recovered items shall be returned to their owners unless other arrangements for their disposal are determined in specific instances.

ARTICLE 9
AMENDMENTS

The Agreement may be amended by mutual consent of the Parties through Exchange of Notes between the Parties through the diplomatic channel.

ARTICLE 10
SETTLEMENT OF DISPUTES

Any disputes between the Parties arising out of the interpretation or implementation of this Agreement shall be settled amicably through consultation or negotiation between the Parties.

ARTICLE 11
ENTRY INTO FORCE AND TERMINATION

- (1) This Agreement shall enter into force on the date of signature thereof by both Parties;
- (2) This Agreement may be terminated by either Party giving 90 days written notice of its intention to the other Party through the diplomatic channel.
- (3) In accordance with the provisions of the International Convention on Maritime Search and Rescue, 1979, the Secretary-General of the International Maritime Organisation shall be notified of this Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed and sealed this Agreement.

Done at Cape Town on 31 May 2001 in two originals in the English and French languages, both texts being equally authentic.

NC Zuma

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For the Government of the
Republic of South Africa

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For the Government of the
French Republic

