# AGREEMENT ON AN

# ADMINISTRATIVE ARRANGEMENT

# between the

# Indian Ocean Commission (IOC) and the participating states of the Regional Fisheries Surveillance Plan (PRSP)

# for the management and operationalisation of the PRSP

# Agreement on an

# administrative arrangement between the

# Indian Ocean Commission (IOC) and the participating states of the Regional Fisheries Surveillance Plan (PRSP)

# for the management and operationalisation of the PRSP

# Agreement on an

# administrative arrangement between the

# Indian Ocean Commission (IOC) and the participating states of the Regional Fisheries Surveillance Plan (PRSP)

# for the management and operationalisation of the PRSP

# Agreement on an

# administrative arrangement between the

# Indian Ocean Commission (IOC) and the participating states of the Regional Fisheries Surveillance Plan (PRSP)

# for the management and operationalisation of the PRSP

# Agreement on an

# administrative arrangement between the

# Indian Ocean Commission (IOC) and the participating states of the Regional Fisheries Surveillance Plan (PRSP)

# for the management and operationalisation of the PRSP

# Agreement on an

# administrative arrangement between the

# Indian Ocean Commission (IOC) and the participating states of the Regional Fisheries Surveillance Plan (PRSP)

# for the management and operationalisation of the PRSP

# Agreement on an

# administrative arrangement between the

# Indian Ocean Commission (IOC) and the participating states of the Regional Fisheries Surveillance Plan (PRSP)

# for the management and operationalisation of the PRSP

# Agreement on an

# administrative arrangement between the

# Indian Ocean Commission (IOC) and the participating states of the Regional Fisheries Surveillance Plan (PRSP)

# for the management and operationalisation of the PRSP

# TABLE OF CONTENTS

[PREAMBULE 4](#_Toc132362728)

[Article 1 - Use of terms 5](#_Toc132362729)

[Article 2 - Responsibility of the Indian Ocean Commission 9](#_Toc132362730)

[Article 3 - Administrative and competent authorities responsible for combating IUU fishing in the maritime area of the Southwest Indian Ocean 10](#_Toc132362731)

[Article 4 - Objective 11](#_Toc132362732)

[Article 5 - Administration and financing 12](#_Toc132362733)

[Article 6 - Sub-regional cooperative observation missions 13](#_Toc132362734)

[Article 7 - Procedures for implementation of Articles 5 and 6 14](#_Toc132362735)

[Article 8 - Sub-regional cooperative surveillance missions 15](#_Toc132362736)

[Article 9 - Relation to other agreements 16](#_Toc132362737)

[Article 10 - Annexes 17](#_Toc132362738)

[Article 11 - Procedures for application of this Arrangement to neighbouring countries 18](#_Toc132362739)

[Article 12 - Signature and accession 19](#_Toc132362740)

[Article 13 - Entry into force 20](#_Toc132362741)

[Article 14 - Compliance with this Administrative Arrangement 21](#_Toc132362742)

[Article 15 - Dispute settlement 22](#_Toc132362743)

[Article 16 - Withdrawal from this Arrangement 23](#_Toc132362744)

[Article 17 - Depositary 24](#_Toc132362745)

[Article 18 - Authentic texts 25](#_Toc132362746)

[Signature 26](#_Toc132362747)

[ANNEX 1 31](#_Toc132362748)

[TO INCLUDE MAURITIUS ZONE AROUND CHAGOS ARCHIPELAGO, SOMALIA AND COORDINATES 31](#_Toc132362749)

[ANNEX 2 33](#_Toc132362750)

[LIST OF COMPETENT AUTHORITIES FOR FISHERIES MCS 33](#_Toc132362751)

[ANNEX 3 34](#_Toc132362752)

[LIST OF COMPETENT AUTHORITIES FOR FISHERIES OBSERVER PROGRAMME 34](#_Toc132362753)

# PREAMBULE

**The Indian Ocean Commission and the Participating States of the Regional Fisheries Surveillance Plan:**

RECALLING the rights and responsibilities of coastal States under the 1982 United Nations Convention on the Law of the Sea;

RECALLING the rights and responsibilities of coastal States under the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement);

ACKNOWLEDGING that the coastal States of the South West Indian Ocean exercise, in accordance with international law, their sovereignty within their internal waters and territorial seas and their sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources in their exclusive economic zones;

ACKNOWLEDGING the responsibility of flag States to exercise effective control over their fishing vessels in accordance with international law;

RECALLING the principles of the 1995 Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO);

RECALLING that at the 2005 Indian Ocean Commission (IOC) Third Summit of the Heads of States, the Member States reiterated the urgent need for regional cooperation not only to achieve better management of the shared fisheries resources, but to fight against illegal, unreported and unregulated (IUU) fishing as well;

RECALLING the 2009 FAO Agreement on Port State Measures to prevent, deter and eliminate IUU fishing (PSMA);

;RECALLING the 1984 Victoria Agreement institutionalizing the Indian Ocean Commission and the 2020 decision of the 34th IOC Council of Ministers adopting the Agreement revising the General Cooperation Agreement between the Member States of the Indian Ocean Commission;

RECALLING the conclusion of the October 2011 meeting of the Extended Regional Coordinating Unit (ERCU) of the PRSP in which the Permanent Liaison Officers of the Indian Ocean Commission member States endorsed the recommendation to enlarge the PRSP activities to neighbouring coastal states;

RECALLING the Declaration and Recommendations of the Fisheries Ministerial Conference signed on 21 July 2017 to Prevent, Deter and Eliminate IUU Fishing in the South-West Indian Ocean;

ACKNOWLEDGING the concerns raised by the Parties regarding the ongoing problem of IUU fishing in the adjacent marine areas, in violation of national and international laws and ageed regional measures;

WHEREAS the cooperation between the Parties is of vital importance for the protection of their national interests in these marine areas;

CONSIDERING the 2014 African Union Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa;

CONSIDERING the achievements since 2007 of the Regional Action Plan for Fisheries Monitoring Control and Surveillance (MCS) in the Southwest Indian Ocean; Definition of PS

CONSIDERING the Agreement among the Indian Ocean Commission and Participating States on a Regional Fisheries Surveillance Plan for the Establishment of Regional Mechanisms for the Exchange of Fisheries Information for the Purpose of Monitoring Control and Surveillance. which provides a mechanism for cooperation for Participating States and partners to cooperate in the exchange of fisheries information and intelligence to prevent, deter and eliminate IUU fishing;

COMMITTED to building their operational capacity in order to conserve and protect all fisheries resources by undertaking joint and concerted MCS actions;

ACKNOWLEDGING the need to implement international law and promote sub-regional cooperation in order to achieve common goals,

**HAVE AGREED as follows:**

# Article 1 - Use of terms

“**Enlarged Regional Coordination Unit**” (ERCU) refers to the Enlarged Regional Coordination Unit of the Regional Fisheries Surveillance Plan of the Indian Ocean Commission in which Participating States are members, and which reports to the Regional Coordination Unit in accordance with its terms of reference;

“**fisheries information**”, or “information” in the context of fisheries activities, includes any information or data in any medium, including electronic, documented, reproduced or other that may be relevant, directly or indirectly, for any purpose of fisheries management or MCS at national, regional or international levels;

“**fishing**” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;

“**fishing related activity**” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transhipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

“**fishing vessel**" means any vessel designed or equipped to search for, attract, locate, catch, take or harvest fish or any activity which can reasonably be expected to result in attracting, locating, catching, taking or harvesting fish and includes vessels used for fishing related activities;

”I**ndian Ocean Commission**” (IOC) means the Indian Ocean Commission created in 1982 by the Port-Louis Declaration and established in 1984 by the General Agreement of Victoria;

“**inspector**” means an officer authorized under the domestic law of a Party to perform fisheries monitoring, control or surveillance operations and report to the delegated national competent authority responsible for fisheries MCS;

**“maritime area”** means the area within the Zones of Cooperation as defined in Annex 1 and areas where flag vessels of the Parties conduct operations for fishing or related activities in areas beyond their national jurisdiction; Mauritius: Includes EEZ demarcation, excludes zone of dispute, at level of Mauritius delegation, Mauritius wants thhe EEZ area for the chagos archipelago to be included and inserted not to be set out in squares as a zone of idspute. It has already been established in international law and formally wants that part to be set out. She has coordinates which have already been included in currently applicable legislation and advised UN DOALOS.

**EU:** Meeting of technical level, we are not able to proide our opinion. This is about governmental structure. Hope the Council of Ministers of IOC will take note of this. Invite Mauritius to officially request the official so they may deal with this.

**Mauritius:** On record. Takes note that there was a Council decision in Nov, 21 where the Ministers discussed zone of cooperation for PRSP, and also mentioned that there would be the ERCU But it is unclear to the Mauritius delegation what mandates ERCU o look into it. It is a national criteria, as far as Mauritius is concerned, this is integrated in national law. No dispute on this and international law makes it clear. So not having a document not showing the C Arch we would not be agreeable.

**IOC is a body of member States, and Mauritius as MS is putting forward its position.** Why can the ERCU arrest this when it is a matter of of national concern.

**IOC:** This was discussed in Council of Min in 21, after it was decided that this question should be dealt on bilateral level between the States, and no official decision. Also mentioned during meeting with SEZ and MAU. Therefore we should not discuss this it is a political matter. Secretary of COI not competent to handle this matter.

**Mauritius.** Matter of importance. With whom M is supposed to talk at level of IOC? Formally ask that CArch be inserted and not as zone of dispute.

**IOC At this level we take not of your opinion and request it is recorded, this is regional cooperation with participating States and requires the implementation of everyone.** Now cannot give opinion, but will request competent authorities to give their opinion.

**Chair:** Ecofish will proceed it in another stage.

**Mauritius:** Not proper to put in a note and have it translated after a discussion of only a few minutes.

**IOC:** This discussion can’t be solved during this meeting, promise the matter will be referred to IOC.

**Mauritius:** Not acceptable.

**Chair asked MS for their views.**

Jude: Totally agree with M and IOC, PRSP issue, Mauritius is PRSP. Marc is right in saying this is governance structure, RCU, ERCU, Council of Ministers. Propose that M request is taken note. Next step will be discussed in ERCU will be discussed again and sent again to Council of Ministers.

M: Suggested in be inserted in the plan and then sent to the Council of Ministers.

Jude: Too early.

IOC: M position is to remove the zone of dispute.

M: Squared part to be removed, so it is no longer a zone of dispute. It doesn’t reproduce EEZ accurately. Without squared part, not a zone of dispute.

Jude: Initially Chagos was not in the map. Chagos should not be a squared part .

M. Should be included in Zone of cooperation.

MADAGASCAR Requested to insert zone of difference/conflict, noted some islands. Should be a global zone of cooperation. There are some claimed islands.

Mauritius: Support Madagascar. Now proposition to remove reference to the squared part, for Chagos it is removed, so they are agreeable providing that the Chagos EEZ is fully shown. Can’t speak to Madagascar regarding any other zone of dispute.

“**Monitoring Control and Surveillance**” (MCS) refers to monitoring, control, surveillance and enforcement of fishing and fishing related activities;

“**MCS tools**” includes conventional and technological assets and methodologies used nationally for the purpose of fisheries MCS;

“**observer**” includes any person authorized under national laws and appointed by a Party to board a licensed fishing vessel to monitor the fishing activity in the maritime area concerned, and report to the designated national competent authority responsible for fisheries observers;

“**Participating State**” refers to a State or regional economic integration organization that signed the 2007 Declaration of the Ministerial Conference for Combating Illegal, Unreported and Unregulated (IUU) Fisheries in the Southwest Indian Ocean, and includes Comoros, France, Mauritius, Madagascar and Seychelles, as members of the Indian Ocean Commission, and the European Commission; Keis. Mauritius: Review definition Kenya Mozambique, Kenya and Somalia. Include. As a matter of law, participating State, we also have EU. Not comfortable with EU described as a State. Yannick: Definition needs to be reviewed because 2007 provision allows for other States to join. ... France...when it comes to kenya, Tanzania, etc., must show they were added. Jude: There is a provision for other countries to join later, so if we start putting the names of other countries what happens when others join after now. French, but need to define clearly. Should not exclude other countries. Mauritius: Although other ountries may join, the first set of signatories there, but others ... they want Kenya etc to be encompassed.

Tiana: Going to leave the participating States to take the decisions, we are going to ask each State’s view to decide.

Jude: If any country not in agreement, voice out, no round table. Any countries that have other ideas that Mauritius proposed speak out. AGREE.

Clarify whether M is suggesting whether EU did not sign the declaration

Swan: Revise the term and the definition

“Participating States” includes States that signed the 2007 Declaration of the Ministerial Conference, members of the IOC, Kenya, Mozambique, Tanzania and Somalia.

**Regional Fisheries Surveillance Plan** (PRSP)refers to the sub-regional plan relating to fisheries MCS established at the Indian Ocean Commission in 2007;

“**Regional Coordination Unit**” (RCU) refers to the Regional Coordination Unit of the Regional Fisheries Surveillance Plan of the Indian Ocean Commission and in which Participating States are members.

# Article 2 - Responsibility of the Indian Ocean Commission

1. The IOC shall be responsible for coordinating the implementation of this arrangement, and shall annually: approve a report on the implementation of the PRSP to be prepared by the RCU and transmit it to the Ministers responsible for fisheries in the Participating States and relevant donors.
2. The Council of Ministers shall have the authority to approve by consensus any request to amend the Zone of Cooperation where there is a resolution of any disputed area within the Zone of Cooperation or for such reasons that the IOC and Participating States may agree, and shall approve any request to extend the Zone of Cooperation upon accession by a new Participating State.

Mauritius...by consenus.

The IOC shall make available suitable working space and human capacity for the management and operation of the PRSP, in line with agreed governance and institutional frameworks.

# Article 3 - Administrative and competent authorities responsible for combating IUU fishing in the maritime area of the Southwest Indian Ocean

Participating states shall notified in writing the IOC of their respective competent authorities that have the responsibility for fisheries MCS, and such authorities shall be listed in Annex 2.

Mauritius Notify the IOC in writing.

Comoros, authority chosen byparticipating state but official notification ... are we waiting the approval of this in writing. competent authority...

Jude: Human resources also need to consider.

# Article 4 - Objective

The objectives of this Arrangement are to develop and maintain:

1. the rapid and regular exchange of fisheries information for the purpose of fisheries management and MCS;
2. information on national MCS activities, available surveillance assets and MCS tools of each participating State;
3. the implementation of bilateral or multilateral observation and surveillance activities;
4. new methods for collecting and sharing information on the activities of fishing vessels;
5. joint training of MCS personnel.

# Article 5 - Administration and financing

1. The Regional Coordination Unit shall plan and coordinate regional activities, and ensure that the Regional Fisheries Surveillance Action Plan shall be complementary to the national MCS plans of each Party.
2. /the Parties shall develop an agreed Regional Action Plan for MCS activities.
3. TheThe Participating States shall, at the level of the RCU, plan and coordinate... the end of each PRSP annual Regional Action Plan, each Participating State shall, inform the IOC of the national actions undertaken during the previous year and the plans for the following year, together with the budget for each.

Mauritius: If envisaged number of signatories are not gathered and it is agreed to start with 2/3 of the members, The RCU will be composed of members who have not signed. Will replace

1. Propose in second para The Participating States
2. Jude: Non signatory: Good question Already a signed agreement we must have a provisional application clause.
3. Mauritius: Look at alternates, eg provisional application. But let’s look at composition of RCU because a decision will have to be taken that will impact signatories rather than the non signatories. Usually it will be people to be signing/intend to sign that will be governed among themselves. Rather than someone signing and not represented in governance.
4. Jude: ToRs also for RCU to be discussed.

# Article 6 - Sub-regional cooperative observation missions

1. Two or more Participating States shall ... Sub-regional cooperative observation missions may be undertaken for the purpose of sharing and optimization of the observation assets of two or more Participating States.
2. Sub-regional cooperative observation measures shall be subject to a prior Memorandum of Understanding agreed between the Participating States, which shall require the:
   1. observers concerned to continue to report to their designated national competent authority; and
   2. the designated national competent authority of the observer to be responsible for channelling the observer report and information to the competent authority or authorities benefiting from a specific mission,.

Mauritius: to whom is it reporting? ERCU, RCU add. The Working Group of Southwest Indian Ocean coastal States National Observer Programme Managers (WG NOPm SWIO) shall be responsible, inter alia, for coordinating sub-regional observation missions, in accordance with its Terms of Reference. The list of National Observer Programme Managers is in Annex 3. Kenya...

Wish to update Update by written notification... should apply to all the Annexes in the document.

# Article 7 - Procedures for implementation of Articles 5 and 6

Theparticipating states at the level of the ERCU may agree on implementation procedures for Articles 5 and 6, which upon agreement shall be binding on the Parties.

Kenya: Redraft

Mauritius, reference is made to the ERCU, not the RCU This will be linked to the provisionsal application, but if only the PS may at the level of the ERCU agree on procedures (if not all the parties are members, see about provisional agreement)

# Article 8 - Sub-regional cooperative surveillance missions

1. Sub-regional cooperative surveillance missions may be undertaken for the purpose of allowing the sharing and optimization of the sea or air surveillance assets and inspectors of two or more Participating States, thereby promoting the surveillance mechanism as part of the Fisheries Monitoring Plan in the South-West Indian Ocean.
2. Sub-regional cooperative surveillance missions shall be subject to a prior Memorandum of Understanding agreed between the Participating States, which shall require the conditions and limits with which assets may be used, and shall include requirements for the:
   1. delegated authority to agree to receive the surveillance asset(s) or inspector(s) of one or more other Party;
   2. list of air and/or sea assets to be specifically utilizied;
   3. applicable standard operating procedures

Comoros MOU that is already in place for a mission,

Mauritius: para 2b

Kenya: “may” as in Art 4

# Article 9 - Relation to other agreements

Nothing in this Arrangement shall be construed to derogate from the rights and obligations of the Parties under other international agreements to which they are party at the date of signature of this Arrangement.

Mauritius: Administrative Arrangement rather than Arrangement. Throughout the document.

Kenya agree.

Comores, not Comoros Asked if there is disagreement which says this accord will not mess up the other internal agreement.

Kenya: Whenever arrangement appears, replace with agreement.

Tiana. A debate preceded this, we decided on arrangement.

Jude: The prsp in the governing structure, RCU is operational and ERCU is steering committee, it gives us direction on what needs to be done. It was the ERCU that directed us to call it an administrative arrangement rather than have one for each country. Valid proposal, but do we take it to the level of ERCU. Workshop can’t change it but a good recommendation to change it to the agreement. Meeting in April.

IOC: This is a workshop of consultation, all comments, etc are welcome, we are not here to take decisions. Suggests we record all the observations, it is up to higher authorities to decide.

Mauritius Has a problem. We are in a legal committee, to validate. How is this consistent with what he said. We amend, should the other body wixh to change they should. Next level will get instructions from...

Are decisions taken today from draft content

It is an agreement and creates binding obligations. Name is not a problematic matter.

IOC: Legal workshop to record recommendations so we may ahve a final document. Not a meeting of validation because PRSP will validate that will validate all documents after this consultation?

M. Does this mean we are not to validate

Jude: We are in a process of validation. But we are guided by the ERCU, they told participating States to amend the AA. If there is a need to change the title ... it is the ERCU give final approval. When we report to them, proposed this is to be an Agreement. If they agree, we can do this.

Mauritius: Expect that whatever was agreed re Chagos will be implemented.

**“Fisheries jurisdiction” to find another word**.

# Article 10 - Annexes

1. The Annexes form an integral part of this Arrangement.
2. Annex 1 is intended as a reference for conducting operational work and nothing in this Arrangement shall be deemed to affect the rights, claims or views of any Party regarding the limits or extent of its fisheries jurisdiction.

Replace fisheries jurisdiction (maritime zones or sovereign rights or national jurisdiction)

# Article 11 - Procedures for application of this Arrangement to neighbouring countries

The delegated authorities of participating States may, by simple agreement not to depart from requirements... between them, in particular within an ERCU meeting, define procedures for applying this administrative arrangement to regional collaboration extended to neighboring countries....but process needs to be spelt out in this document,

Delegated authorities of participating States

given differences, signatories/nonsi

Tiana: ERCU, extension to neighbouring countries. A great responsibility. This is an observation.

Jude: Question to IOC. This issue is discussed in ERCU, but a next step too... Once ERCU decides, like we did with Somalia that ERCU approved proposal for S membership then to Council of Ministers. There is a loarger procedure that approves new membership. Should be reflected in this Article.

Mauritius: Same. If extension by delegation to a nighbouring country this simple agreementt should not depart from the content of this agreement and any other obligations relevant.

If certain stpes, processes above our control and such other terms and conitions to be agreed by the participating States. Should be clear there is consensus and agreements for that neighbouring country to come in, so no differentiated approach.

Comoros, agree but clarification on extensions. Avoid to develop a document for extensions.

# Article 12 - Signature and accession

This Arrangement shall be open for signature by the Indian Ocean Commission and Participating States .

France: Communication...participant country will it be informed of engagement with other countries so they can provide their comments.

Jude: ToRs RCU and ERCU Should be included.Provides forother organizations, but not sure about other States.

Mauritius Responding to French delegate ... any provision may be included that will allow participating coutries to cooperate and have a dialogue, given that this is the document structuring theprocess, no harm to include the PS at the level of RCU may collaborate and cooperate with such other entity Also in the agreement... This is a body looking fowrard to other areas.

Jude: In the other agreements, it is also included so should be here too.

Kenya. proposal to do away with EU as participating state, hope it is still OK

# Article 13 - Entry into force

This Arrangement shall enter into force on the date of its signature by the Indian Ocean Commission and all Participating States. 4

Comores We need to add something on the scope of the arrangement. Does it address conventions, agreements, legislations, States that are participating, or legal effect based on this Act.

Kenya: Some States, e.g. PS want to seek approvals for relevant authorities e.g. cabinet, the act of putting specific dates and putting it into force not relevant. Date o signature of this Agreement, alternatively e.g. if there are 5 States that sign according to a particular time, will come into force.

Approved, x

# Article 14 - Compliance with this Administrative Arrangement

Each Party shall take all appropriate measures commensurate with its resources, in accordance with its obligations, and with current international law in order to comply and ensure compliance with this Agreement.

Mauritius: Even the provisions are intended to be binding, we can do away with this.

Tanzania ... remain as is, exception of Art 6 it is binding.

Seychelles... compliance with this administrative arrangement...

Kenya...After entry into force then obligatios for implementation

# Article 15 - Dispute settlement

In the event of doubts or disputes between two or more Parties arising from the interpretation or implementation of this Agreement and/or its Annexes, the Parties shall consult in order to settle the dispute by means of negotiations or any other peaceful means of their choosing.

Comoros: Parties that are bound to dispute settlement may fail to settle it peacefully and they can impact the parties/neighbours. If the dispute continues it will create more challenges. Suggest to put in place a dispute settlement mechanism. Should not leave the parties to settle/solve. Arbitration mechanism.

Mauritius: Have to look at financial implications. Neutral body. Maybe we could say that the Parties would agree on terms and conditions on further dispute settlement mechanism if deemed necessary.

Chair agrees.

Kenya: Conflict... when implementing .. sharing of assets during arranged activities within the arrangement. In case of conflict between two parties may be settled amicably other than looking for comples arrangements. Require any expertise. Language we use here should not limit parties limit signing... wants that is encouraging and does not connect complex legal prcesses. The purpose is for sharing assets. amicably within parties,, then meeting of ERCU, or meeting of Council of Mins but not beyond context of which we are cooperating.

Concur with Kenya and Mauitius. Latter good for interpretation, Kenya good for dispute settlement.

Mauritius: may agreed on a d.s. mechanism should disputes not be settled amicably within a certain time frame Put a time limit for amicable settlement , xsixty to ninety days or not mention timeframe in para but add another para but the participation states.

# Article 16 - Withdrawal from this Arrangement

Any Participating State may withdraw from this Arrangement may be withdrawn by giving ninety (90) days’ notice of its intention to the depositary in accordance with the Vienna Convention on the Law of Treaties.

Kenya: Providng secretariat services. It should be communicating to all other parties as it is the Secretariat. Add diplomatic channels

Not for the participating States to send to all other parties.

Define ERCU, RCU, use consistently.

Kenya: Redraft para... participating state that wishes to withdraw from this arrangement may do so.

Comores: If the country decides to come back should they do so through diplomatic channels.

Mauritius refers to aRt 77(1) provides for depositary functions. including cnveyance to other States. So can refer to depositary.

Comoros...when they wish to withdraw, communication should be official

Mauritius, take out all the communicationbe consistent with the Vienna Convention on the Law of Treaties

Mozambique: Why don’t we use the same binding mechanisms...binding...Fisheries Ministry in Moz,

# Article 17 - Depositary

The original of this Arrangement shall be deposited with the Indian Ocean Commission, which shall serve as the Depositary.

# Article 18 - Authentic texts

The English and French texts of this Arrangement are equally authentic.

Moz asks for Portugese as well, all languages of PS

Jude: Should not be a problem.

# Signature

IN WITNESS WHEREOF, the undersigned Ministers, being duly authorized thereto, have signed this Agreement.

OPENED FOR SIGNATURE at xxx, this xxx day of xxx, two thousand two hundred and twenty-three, in a single original, in the English and French languages.

**IN WITNESS WHEREOF, THE UNDERSIGNED, being DULY AUTHORIZED BY THEIR RESPECTIVE GOVERNMENT, HAVE SIGNED THIS ARRANGEMENT.**

**Made on .................., in 3 original copies, in English, these texts being equally authentic.**

**For The Union of Comoros**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**Name** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Signature**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For The Republic of France (represented by Reunion Island)**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**Name** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Signature**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For The Republic of Kenya**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**Name** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Signature**

**For The Republic of the Madagascar**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**Name** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Signature**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For The Republic of the Mauritius**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**Name** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Signature**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For The Republic of Mozambique**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**Name** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Signature**

**For The Republic of Seychelles**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**Name** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Signature**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For The United Republic of Tanzania**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**Name** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Signature**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For For Indian Ocean Commission**

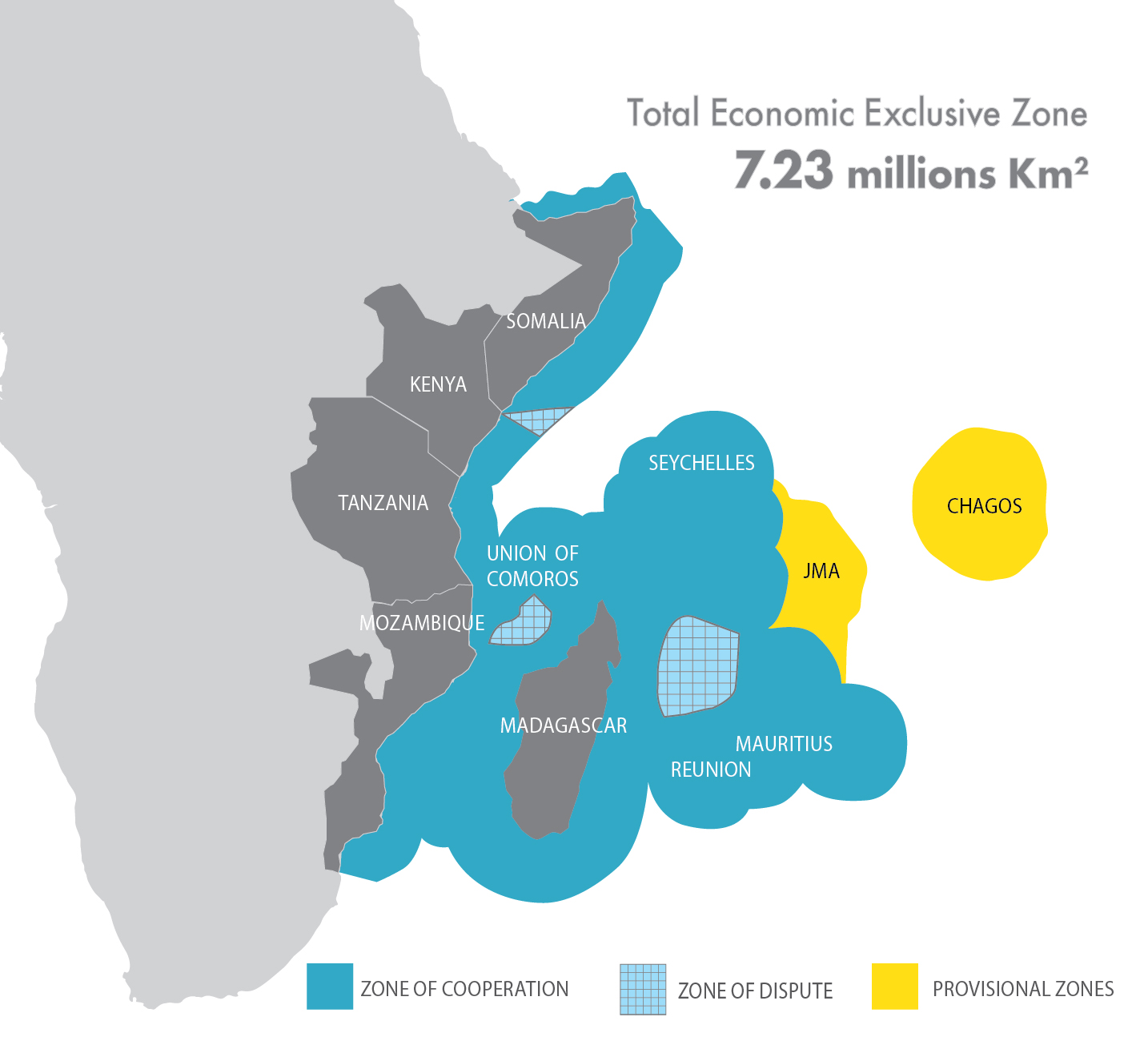
**Date:** \_\_\_\_\_\_\_\_\_\_\_\_

**General Secretary of the Indian Ocean Commisssion** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Signature**

# ANNEX 1 - ZONE OF COOPERATION [[1]](#footnote-1)

**The Zone of Cooperation includes the official EEZ demarcation of the Participating States and excludes the Zones of Dispute.**



**Jude:** 6 million square changed to 7.23, with addition of Somalia. Discussion re Chagos, if we are going to present this to ERCU for approval, we should add Chagos, we need coordinates and areas.

Madagascar, The arrangement should interpret... revisions... should it be possible to put dispositions on this.

Mauritius, would like Annex to removal of zones of dispute, needs to be a move to reflect what has gone on, by showing this, not just reporting

Madagascar...not a zone of dispute for the island that ahs been..Madagascar.

Muritius regulations on EEZ outer limits must be taken on board and definition should be amended formally for consideration by ercu and rcu.

Jude: Acknowledge receipt of email from ... Maritime Zones Act. All OK

Jude, in last ercu meeting there was a request to add another zone. But we will definiely add this zone.

If Mauritius agrees it will discussed at the next Council of Ministers.

France: France would like to recall that zone of disputed zones where patrol occurs is to remove the zone of dispute.

Madagascar: Insists that we dhould add islands surrounding madagascar in the disputed zone.

France: Why should you like to add this zone. We cannot practice surveillance of fishing in these areas.

Madagascar: Disputed zones are claimed by Mada so we insist that they should be included in Annex 1.

France: Because of the interest of France...

Mada...would be better to zones in annex the zones which shouldn’t be in the patrol zones.

France: We are shooting each other in the foot, we can’t define illegal matter.

Jude: matter was discussed in ERCU meeting in SEZ and referred to Council of Ministers.

Marc: Cof Mins took a decision on the disputed zones, also bilateral commissions between france and mada, in the case of Mauritius there was no objection but objection from France re Madagascar, need to retrace this and know the position of Mada.

# ANNEX 2

# LIST OF COMPETENT AUTHORITIES FOR FISHERIES MCS

|  |  |
| --- | --- |
| **PARTICIPATING STATES** | **COMPETENT AUTHORITY FOR MCS** |
| Comoros | National Centre of Fisheries Control and Surveillance (CNCSP)  Ccsp in French version. may not be correct. |
| France/ Reunion | National Fisheries Surveillance Center (CNSP) |
| Kenya | Kenya Fisheries Service (KeFS) |
| Madagascar | Fisheries Monitoring Centre (CSP)  Not clear, not Fisheries |
| Mauritius | Ministry of Blue Economy, Marine Resources, Fisheries and Shipping |
| Mozambique | Ministry of the Sea, Inland Waters and Fisheries  Correction to send.  Directorate National for Operation (DNOP) |
| Seychelles | Seychelles Fishing Authority (SFA) |
| Somalia | Ministry of Fisheries and Blue Economy (MFBE) |
| United republic of Tanzania | Deep Sea Fishing Authority (DSFA) |

# ANNEX 3

# LIST OF COMPETENT AUTHORITIES FOR FISHERIES OBSERVER PROGRAMME

|  |  |
| --- | --- |
| **PARTICIPATING STATES** | **COMPETENT AUTHORITY FOR FISHERIES OBSERVER PROGRAMME** |
| Comoros | Signatory page...Republic of Comoros, not a republic but a Union |
| France/ Reunion |  |
| Kenya | KeFS  Kenya Fisheries Service |
| Madagascar | Fisheries Monitoring Centre, Madagascar |
| Mauritius | Same as Annex II |
| Mozambique | Sent to Ecofish, forward to me. |
| Seychelles | Seychelles Fishing Authority (SFA) |
| Somalia |  |
| United republic of Tanzania | Deep Sea Fishing Authority |

**Numbering in French version, Art. 4, 2, 4, 5, 10, 6?** Numbering of paragraphs needs review in French version.

**Jude:** we will look at that, consultant worked on the English version.

**Moz:**

1. Provisional zone of cooperation with inclusion of CHAGOS and Joint Management Area (JMA) for the approval of the ERCU and IOC council of Ministers to have both as part of a fully fledge zone of cooperation [↑](#footnote-ref-1)