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## Declaration of the Ministerial Conference on Maritime Security in the Western Indian Ocean region

*Balaclava, Republic of Mauritius - 19th June 2019*

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### **PREAMBLE**

**Reiterating** the commitment of States to the achievement of the Goals of the United Nations 2030 Agenda for Sustainable Development, including Goal 13 on climate change, 14 on life below water, Goal 16 on Peace, Justice and Strong Institutions, and Goal 17 on Partnerships for the Goals, as well as the Objectives of Agenda 2063 of the African Union which has made security a prerequisite for long term development;

**Considering** the United Nations Convention on the Law of the Sea of 10th December 1982;

**Considering** the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 10<sup>th</sup> December 1988;

**Considering** the Convention against organised transnational crime of 15<sup>th</sup> November 2000 and its three protocols;

**Considering** the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10<sup>th</sup> March 1988 and its 2005 Protocol;

**Considering** the International Convention for the Prevention of Pollution from Ships of 2<sup>nd</sup> November 1973;

**Considering** the International Convention for the Safety of Life at Sea of 1<sup>st</sup> November 1974;

**Recalling** the Nairobi Convention for the Protection, Management and Development of Marine and Coastal Environment of the Western Indian Ocean of 21<sup>st</sup> June 1985 and its Protocols;

**Considering** the International Convention on Oil Pollution, Preparedness, Response and Cooperation of 30<sup>th</sup> November 1990;

**Considering** the International Convention on Civil Liability for Oil Pollution Damage of 27<sup>th</sup> November 1992 ;

**Considering** the International Convention on the Establishment of an International Fund for compensation for oil pollution damage (Fund Protocol 92) of 27<sup>th</sup> November 1992;

**Recalling** the responsibility of each regional State to guarantee, by its own means, the action of the State at sea in areas under its sovereignty or exclusive jurisdiction and the obligations concerning vessels flying its flag, wherever they are;

**Noting that** the Integrated African Strategy for the Seas and Oceans - Horizon 2050 (AIMS 2050) seeks to, inter alia:



- a) Encourage the implementation of joint regional surveillance, operations and the establishment of coastguards' networks around Africa with an important cross-border pursuit function; and
- b) Encourage the development, in collaboration with relevant actors, of continental and regional agreements, arrangements and capabilities, including the mobilization of resources through the development of joint programs, law enforcement, crises, emergency services;

**Considering** the Colombo Declaration on 29<sup>th</sup> October 2016 calling on the littoral States of the Indian Ocean to coordinate drug control initiative within the framework of the Southern Route Partnership ;

**Recalling** the Code of Conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct) of 29<sup>th</sup> January 2009, and the Jeddah amendments to the Djibouti Code of Conduct of 12<sup>th</sup> January 2017 which expanded its mandate to deal with other maritime activity;

**Bearing in mind** the International Plan of Action to Prevent, Deter and Eliminate the Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations adopted on 23<sup>rd</sup> June 2001;

**Considering** the United Nations Security Council Resolution 1976 (2011) calling on States and organisations to assist Somalia and other countries in the region to strengthen their counter-piracy law enforcement capacities, including implementation of anti-money laundering laws and that of Financial Intelligence Units;

**Recalling** the United Nations Security Council Resolution 2444 on Charcoal trafficking, calling on United Nations Office on Drugs and Crime (UNODC) through the Indian Ocean Forum on Maritime Crime (IOFMC) to support states to take the necessary measures to disrupt the export of charcoal from Somalia;

**Recalling the** United Nations General Assembly Resolution 73/124/78 of 11<sup>th</sup> December 2018 on oceans and the law of the sea, which recognizes the crucial role of international, regional, sub regional and bilateral cooperation in combatting maritime crimes and threats in accordance with international law;

**Recalling** the "Djibouti Declaration" adopted at the 3<sup>rd</sup> Eastern and Southern African-Indian Ocean (ESA-IO) Ministerial Meeting held in Djibouti on 15<sup>th</sup> May 2016 that urged the International Community to support the establishment of regional mechanism for maritime security and safety;



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**Recalling** the Food and Agriculture Organisation of the United Nations (FAO) Agreement on Port State Measures to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) Fishing of 22<sup>nd</sup> November 2009;

**Recalling** the Declaration of the Ministerial Conference for Combatting IUU Fishing in the Southwestern Indian Ocean of 21<sup>st</sup> July 2017;

**Considering** the International Convention for the Control and Management of Ships' Ballast Water and Sediments of 13<sup>th</sup> February 2004;

**Emphasizing** the contribution of the Contact Group for Piracy off the coast of Somalia as a tool for dialogue and international action complementary to a regional action to combat piracy and to strengthen partnerships within it to accompany the overall strengthening of maritime security capabilities of regional actors;

**Considering** the Lomé Declaration on the improvement of the provision of Search and Rescue (SAR) services in Africa;

**Recalling** the Mauritius Declaration of 29 April 2018 adopted at the end of the Ministerial Conference on Maritime Security in the Western Indian Ocean, indicating the willingness of the States of the region to deepen their cooperation to respond to all maritime crimes and threats;

**Considering** the signing in 2018 by the Union of the Comoros, the Republic of Djibouti, the French Republic, the Republic of Kenya, the Republic of Madagascar, the Republic of Mauritius and the Republic of Seychelles of two Regional Maritime Security Agreements for the setting up of a regional mechanism on the exchange and sharing of maritime information and for the setting up of a regional mechanism for coordination of joint operations at sea;

**Noting** the operationalization of the Regional Maritime Information Fusion Centres (RMIFC) in Madagascar and the Region Centre for Operational Coordination (RCOC) in Seychelles, as well as the expected collaboration with the National Centres of the Western Indian Ocean States and the Regional Information Sharing Centres in Mombasa, Dar-es-Salaam and Sanaa;

**Conscious of** the widening of the spectrum of maritime and terrestrial threats affecting the States of Eastern and Southern Africa and the Indian Ocean;

**Bearing in mind** that piracy has been suppressed but not eradicated in the Western Indian Ocean and the increase in transnational maritime security issues including illicit trafficking, environmental crimes, the deriving and usage of illicit funds/proceeds therefrom to propagate maritime insecurities, which are transnational, including piracy and other crimes;

**Committed** to taking action to ensure sustainable political, economic, social and environmental stability in the region, and, safe and secure maritime domains, a prerequisite for the development of the blue / ocean economy;



**Recalling** the added value of collective action in bilateral and multilateral cooperation through regional organizations in Eastern and Southern Africa and the Indian Ocean;

**Desiring** to strengthen, deepen and expand regional and international partnerships for security;

**Encouraging** the countries of the region to continue and accelerate national capacity-building to fully benefit from the regional mechanisms established to combat cross-border crime;

**We**, The Ministers and High Representatives of participating States and Organisations at the Ministerial Conference on Maritime Security in Western Indian Ocean held on 19<sup>th</sup> June 2019, in Balaclava, Republic of Mauritius, declare and strive to undertake the following:

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## **CONCLUSIONS AND RECOMMENDATIONS**

### **➤ Regional maritime security mechanisms**

1. Considering the diversity of maritime crimes and threats and taking into account the multiplicity of responses to them, we call for a strong coordination of maritime safety and security initiatives to improve their impact, avoid duplication, where necessary develop synergies, and facilitate the involvement of States and regional and international partners. In this regard, we call for the identification of intergovernmental organisations from Eastern and Southern Africa and the Indian Ocean to be responsible for this coordination.
2. In view of the importance of maritime security for economic and social development, stability and the preservation of ecosystems, we call for this cross-cutting issue to be taken into account by the United Nations and the African Union. We invite the regional organization that will be responsible for coordinating initiatives in the Western Indian Ocean to report (i) to the United Nations, in particular to the Department of Political Affairs and Peacebuilding and to the Contact Group on Piracy off the Coast of Somalia, (ii) to the African Union Commission through its Department for Peace and Security, as well as (iii) to regional and international stakeholders at future editions of the Ministerial Conference on Maritime Security in the Western Indian Ocean.
3. We highlight the importance of national coordination through inter-ministerial and intersectoral consultation instruments as well as the setting up of a national structure both at policy making and operational levels to monitor all activities to maritime relating security.



4. We encourage regional organizations in Eastern and Southern Africa and the Indian Ocean to maintain a strong and confident political dialogue with the International Maritime Organisation (IMO), the European Union and other development partners to support the start-up and consolidation phases of the maritime security architecture established through the Djibouti Code of Conduct and its 2017 Jeddah Amendment, supported by IMO, and the MASE programme with a view to its full ownership and sustainability by regional actors. We therefore call on regional and international technical and financial partners to continue deepening and expanding their support for the maritime security architecture in the Western Indian Ocean.
5. We take note of and we support the Declaration of the Signatory States of the Regional Agreements for the establishment of a mechanism for the exchange and sharing of maritime information and for the establishment of a mechanism for the coordination of maritime operations developed within the MASE programme implemented by the regional organisations of ESA-OI (IGAD [with FAO], COMESA, EAC [with UNODC and INTERPOL], IOC) on resources from the 10<sup>th</sup> and 11<sup>th</sup> European Development Fund.
6. We encourage the mobilization of the necessary resources and means, including legal, material and human resources, so that the Western Indian Ocean Centres, including the Kenya Information Sharing Centre, the Tanzania Information Sharing Centre, the Regional Maritime Information Fusion Centre (RMIFC) and the Regional Operational Coordination Centre (RCOC), can effectively support regional action to combat various crimes at sea. States in the region are invited to finalize the appointment of liaison officers to the regional and national centres and to facilitate the necessary training.
7. We underline the importance of exchange of maritime information in line with national and international laws and regulation to enhance Maritime Situational Awareness.
8. We commend the EAC, INTERPOL and UNODC for their successful collaboration under the MASE programme to strengthen the regional capacity of the entire judicial system to combat piracy crimes and call for the consolidation of this activity by integrating all maritime crimes and offences.
9. We encourage Western Indian Ocean states and other regional states to collaborate with UNODC on the implementation of its two maritime initiatives:
  - a) the Trilateral strategy in the disruption of organised crime networks associated with heroin trade into Mozambique, South Africa and Tanzania; and,
  - b) broader maritime security strategy for the Indian Ocean region essentially focused on building strong coordination mechanisms, support to maritime law enforcement and developing legal finish options leading to fair and effective trial and detention.



10. We welcome UNODC's offer to assist States on submarine cable security plans taking into account relevant provisions of the UN Convention on the Law of the Sea
  11. We recognize that success in the development of the blue economy depends on a secure and safe maritime domain and we therefore call for a global approach to conclusively tackle all the possible offences to maritime security including their root causes.
  12. We encourage countries of the Region to step up their engagements against piracy by accepting and prosecuting suspected pirates and ensuring that incarcerated pirates serve their sentence in accordance with national legislations and international obligations to fully cooperate in the repression of piracy.
  13. We call for adequate consultations between countries in the region and international shipping industry in the determination and review of piracy high risk areas
  14. We condemn the recent attacks against commercial ships in Gulf of Oman and in front of Al-Fujairah Port and we call upon the strengthening of cooperation to avoid the recurrence of such attacks in the region, including the Gulf of Aden.
- **Fight against Illegal, unreported and unregulated (IUU) fishing**
15. We encourage stakeholders to ensure the integration of regional fisheries monitoring, control and surveillance mechanisms into the maritime security architecture.
  16. We welcome the signing of a new regional fisheries programme called ECOFISH from the 11th European Development Fund and we encourage the States involved in the Regional Fisheries Surveillance Plan (RFSP), IOC and the European Union to relaunch the activities of this mechanism to combat illegal fishing. We also invite the World Bank to reiterate its support for the RFSP through the Fisheries Observers Programme.
  17. We call for the continuous strengthening of actions and means to combat IUU Fishing, including the implementation of relevant international instruments, in particular the 2009 FAO Agreement on Port State Measures and conservation and management measures of Regional Fisheries Management Organisations
  18. We call for stronger coordination and synergies between national, regional centres and international agencies as well as between regional fisheries monitoring mechanisms.
  19. We encourage the training of personnel at national level in the utilization of new tools (information systems for example satellite surveillance and Unmanned Aerial Vehicle etc.) and the setting up of exchange protocols among countries and specialized agencies.



➤ **Fight against transnational crimes**

○ **Money laundering**

20. We underline the positive contribution of COMESA in strengthening national and regional capacities to combat illicit financial flows and call on international partners to renew their support to relevant institutions so that the Western Indian Ocean region reaches a minimum capacity threshold to break illicit financial flows and effectively combat the financing of transnational criminal networks.
21. We call for strong and well-coordinated measures of asset tracking and recovery, in line with both national laws and international standards, thereby paralyzing criminals' source of capital and wealth and thus breaking the maritime crimes chain and money laundering.
22. In view of the security, social, economic and health impact of illicit trafficking and money laundering, we recognise the need to strengthen cooperation in information-sharing and increase resources to undertake this fight.
23. In view of the new, innovative and evolving methods of criminalities that lead to continuous changing patterns and trend in criminal activities, there is need to undertake a study on how illicit proceeds derived from these maritime related crimes are utilised.
24. In view of the central role played by illicit funds in circulation to perpetuate criminal activities at sea and land, we call for concerted effort among investigators and prosecutors to ensure that issues around money laundering are considered as key in all criminal investigations and prosecutions.
25. We highlight the need to promote the strengthening of the entire anti-money laundering process particularly through creation of awareness on money laundering, cooperation and targeted capacity building of relevant stakeholders on crucial areas including asset tracing, recovery and confiscation, and, strengthening relevant national laws in line with current international standards, including FATF recommendations.
26. In order to ensure that capacity built to key institutions that address anti-money laundering are sustained, we encourage all countries in the region to actively participate in activities of FATF-Styled Regional bodies as well as key stakeholders become part of relevant international networks such as the Egmont Group of FIUs.
27. In order to fight effectively against trafficking at sea, States are encouraged to consider the financial mechanisms in place and to disrupt them in land as well, to tackle money laundering and illicit proceeds such as corruption, bribery.



○ **Drug and arms trafficking**

28. In view of the rapid evolution and adaptability of these crimes, in particular drug trafficking, we stress the need to collaborate for surveillance and trend analysis throughout the region in order to target the new distribution channels, in particular the Southern Route for narcotics trafficking.
29. Supporting the IOC-UNODC partnership towards the implementation of the working plan of the Indian Ocean Forum on Maritime Crime (IOFMC), we invite interested States, regional and international organisations to participate in this initiative.
30. Supporting the Colombo Declaration on 29<sup>th</sup> October 2016, we invite the UNODC, including the Southern Route Partnership, to use its capacity and increase its action in order to improve coordination, information and best practices sharing among interested States.
31. We take note of the opportunity to identify “maritime zones of interest” with support of participating States to enhance surveillance at sea, sharing of information and coordinated operations.
32. We encourage participation in UNODC’s maritime law enforcement capacity building initiatives through its Visit Board Search and Seizure training programmes at the Seychelles-based Regional Fusion and Law Enforcement Centre for Safety and Security at Sea (REFLECS3), and the Prosecutors Network Forum that promotes options for a legal finish on offences at sea.
33. We call for the reinforcement of monitoring capacities, particularly in transit areas, to break the flow and to prevent these places from becoming new consumption poles.
34. We encourage the mobilization of the necessary resources and means, including legal, material and human resources, so that other information sharing centres in the Western Indian Ocean (Information Sharing Centres in Kenya and Tanzania, the Regional Maritime Information Fusion Centre -RMIFC and the Regional Coordination of Operations Centre - RCOC) can effectively support regional action to combat illicit trafficking at sea.
35. We strongly encourage strengthening port security and safety of navigation. We call for further surveillance at the port level, through national port security program (physical protection of infrastructure, capacity building through training of key actors - private and public on potential risks) and improving the legal framework and promoting good practice. We also take note of the funding from the 11th European Development Fund for a Regional Programme for Port Security and Safety of Navigation to be implemented by IOC in partnership with INTERPOL, UNODC, and the International Maritime Organisation (IMO).



36. We encourage the States of the region are encouraged to equip themselves, in accordance with international law, with the legal tools to exercise their right of hot pursuit to prosecute traffickers beyond their national jurisdictions. Where necessary, the States of the region shall agree on the cooperation agreements necessary for the exercise of hot pursuit.

○ **Human trafficking**

37. Aware of the importance of combating human trafficking through enhanced cooperation between regional organizations and the International Organisation for Migration (IOM), we encourage Regional and National Maritime Information Sharing Centres to collaborate with IOM and relevant national entities in order to better measure the evolution of migration trends, risks and related crimes and to facilitate the implementation of appropriate responses in accordance with national legislations and international conventions.

38. We stress the need to strengthen cooperation to counter transnational human trafficking. We also encourage the domestication at national level of existing international frameworks that will support effective interventions against and arrest of traffickers on the high seas.

39. We recognize the need to increase capacities of national authorities in border control and management at sea and on land in order to prevent human trafficking and to disrupt traffickers' business models.

40. We encourage IOM to support States in the region in analysing and improving national migration frameworks and border management systems in order to effectively address the challenges posed by human trafficking in terms of reception, health, combating illegal channels or repatriation, among others.

41. We take note of the preparation and forthcoming launch of the "Strengthening Institutional Mechanisms for Migration Management in the Southern African Region" regional programme on migration from the resources of the 11th European Development Fund and call for the problems of maritime insecurity and human trafficking to be taken into account in this context.

➤ **Combatting terrorism threats**

42. We recall the participating States, regional organisations and international partners to identify ways and means of addressing the endogenous and exogenous risks of terrorism and extremism leading to terrorism, including its links with transnational organised crime, in particular in the most vulnerable communities, and also strengthen the means to



combat the financing of terrorism. In this regard, we recommend the ESA-IO Regional Organisation to undertake an assessment of the state of the terrorist risk in the region and to report to the next high-level meeting on maritime security in the Western Indian Ocean.

43. We note the increased terrorist risk and the establishment of associated criminal networks in some parts of the region. We encourage States and organizations to increase cooperation and exchange of information among law enforcement and intelligence agencies and criminal justice authorities
44. We encourage States and regional organisations in Eastern and Southern Africa and the Indian Ocean to capitalize on the experience and expertise of the Djibouti Centre of Excellence for Counter-Terrorism established by IGAD by establishing fruitful collaborations, particularly for information exchange, training, capacity building, sharing of expertise and best practises.
45. Given the importance of maritime traffic and the growth of cruise tourism in the region, we call for collaboration in surveillance of commercial and passenger traffic in the fight against terrorism.

➤ **Search and Rescue**

46. In order to ensure the safety of the users of the sea, we invite the regional States to ratify 1979 Convention on Search and Rescue at sea and to collaborate to introduce incentives to equip the fishermen communities and small ship owners with communications equipment, including beacons and warning systems for enhanced safety.
47. We urge Regional States to ensure commitment at the national and regional level for the improvement of Search and Rescue (SAR) services in the Indian Ocean Region and making available adequate funds for sustainable SAR services.

➤ **Environment**

48. For the effective management of marine pollution, we reiterate our call to strengthen regional cooperation for the prevention of environmental disasters resulting from oil spill. To this regard we call on Participating States, Regional Organisations and Partners to capitalise on the existing regional frameworks to address environmental disasters by improving information exchange, good practices, capacity building and acquisition of appropriate equipment.



49. To ensure prompt and timely response to a major oil spill incident at the level of Tier 2 and above, we encourage each Participating State to enter into appropriate agreements with oil spill response companies.
50. To effectively combat environmental risks and crimes that are clearly cross-border in nature, we encourage States to take necessary measures to apply regional and international conventions into national laws and invite regional organizations and development partners to support States in this regard.
51. Given growing ports activities, we call for all countries in the region to individually or jointly take stringent measures with respect to the prevention, reduction or elimination of the transfer of harmful aquatic organisms and pathogens through the control and management of ships' Ballast Water and Sediments in line with the Ballast Convention.
52. We take note of the requirement to reduce global Greenhouse gas (GHG) emissions by shipping by 50% by 2050. As such, we encourage regional States to (i) partner with the Maritime Technology Cooperation Centre (MTCC Africa) for technical cooperation and capacity building at national level, (ii) collaborate with Port Management Authority of Eastern and Southern Africa (PMAESA) and Indian Ocean Islands Ports Association (IOIPA) to develop best practices in our ports to support Green shipping development initiatives.
53. We encourage development partners to support, where possible, national and regional projects for adaptation to the effects of climate change, including projects aiming at protecting critical infrastructure and ecosystems and those involving local communities.
54. We take note of the momentum initiated for the promotion of the blue and circular economies in African island States through the SWIOFISH2 programme implemented by IOC with funding from the World Bank and call on the States involved to mobilize relevant national institutions in this framework to combat marine pollution, particularly plastic pollution, and develop income-generating activities whose results can be shared with the interested States bordering the Western Indian Ocean.
55. We take note of the imminent launch of the activities of the regional project "Expédition plastique océan Indien" (ExPLOI – *Indian Ocean Plastic Expedition*) implemented by IOC with funding from the French Development Agency and urge project stakeholders to share good practices and lessons learned with regional stakeholders. We call on regional organizations and development partners to assess the desirability of expanding this type of activity in view of the transboundary nature of plastic pollution and the relevance of ambitious and broader action.

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We, the Ministers and High Representatives of participating States and Organisations, commend the Republic of Mauritius and the Indian Ocean Commission for organizing this high-level meeting on maritime security issues in the Western Indian Ocean and the responses that the regional and the international communities intend to contribute jointly. We also extend our gratitude to the European Union, supporting partner to this event, whose external action, based on a relevant assessment of shared interests, contributes to the maritime security of the Western Indian Ocean.

The Republic of Mauritius and the Indian Ocean Commission thank all Participating States and Organisations for their positive contribution to the proceedings of the Conference and strongly encourage the participating States and Organisations to firmly commit to implement the recommendations.

Finally, we reiterate our willingness to cooperate to ensure the maritime security which is essential for the long-term development of the region.

We adopt this Declaration of the Ministerial Conference on Maritime Security in Western Indian Ocean this 19<sup>th</sup> June 2019 at Balaclava, Republic of Mauritius.