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## Declaration of Ministers of Eastern and Southern Africa and Indian Ocean States

Ministerial Conference on Maritime Security

in the Western Indian Ocean region

Balaclava, Republic of Mauritius - 29th April 2018

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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 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 of 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 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 of the Sea 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 on 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, Preparedness, Response and Cooperation of 27<sup>th</sup> November 1992 ;

**Considering** the Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for compensation for oil pollution damage, 1971 (Fund Protocol 92);

**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 Djibout 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 the of Financial Intelligence Units;

**Recalling the** United Nations General Assembly Resolution 67/78 of 11<sup>th</sup> December 2012 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> 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;

**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;



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**Recalling** the Declaration of the Ministerial Conference for Combatting IUU Fishing in the Southwestern Indian 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;

**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** the piracy has been suppressed but not eradicated in the Western Indian Ocean and the increase in cross-border maritime security issues at sea, including illicit traffic or environmental crimes, and the use of funds derived from illicit activities to propagate piracy and other maritime and transnational crimes;

**Committed** to taking action to ensure sustainable political, economic, social and environmental stability in the region, 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 the Union of Comoros, the Republic of Djibouti, the French Republic, the Republic of Kenya, the Republic of Madagascar, the Republic of Mauritius, the Republic of Seychelles, the Federal Government of Somalia, the United Republic of Tanzania, the Republic of Uganda, the Indian Ocean Commission (IOC), the Intergovernmental Authority for Development (IGAD), the East Africa Community (EAC), the Common Market for Eastern and Southern Africa (COMESA), agree to the following at the Ministerial Conference on Maritime Security in Western Indian Ocean held on 28<sup>th</sup> -29<sup>th</sup> April 2018, in Balaclava, Republic of Mauritius.



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## **CONCLUSIONS AND RECOMMENDATIONS**

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

1. We recall that Maritime Security in the Western Indian Ocean and Gulf of Aden is not only a regional challenge but also a worldwide challenge that requires an endogenous commitment and a collective response together with the support of the international community.
2. We recognize the importance of the two regional agreements on information sharing and coordinated actions at sea and we reiterate our joint pledge to step up efforts to ensure full regional ownership and responsibility in fighting illegal maritime activities. We therefore welcome the additional funding of the European Union to support the operationalization of the Regional Maritime Information Centre based in Madagascar and of the Regional Coordination of Operations Centres in Seychelles through capacity building. In the same vein, we welcome support to the capacity building of Information Sharing Centres of Kenya, Tanzania and Yemen.
3. We share the determination to further step up actions to improving maritime port security and maritime safety management systems to comply with international regulations on maritime governance. We welcome the efforts made by the European Union to secure an additional support to the region to enhance maritime transport security and safety in the ESA-IO Region in accordance with AIMS 2050 and applicable International Conventions.
4. We encourage the need to work on strengthening national and regional capabilities to combat maritime crime and threats.
5. We underline the importance of exchange of maritime information in line with national and international laws and regulation to enhance Maritime Situational Awareness and address more effectively the issue of sea-blindness.
6. The strengthening of regional cooperation in the fight against maritime crime and threats to remain a priority. In this respect, we underscore the need to continue and amplify the commitment of our States and regional organizations in the activities of Regional Program for the Promotion of Maritime Safety in the ESA-IO (MASE Program) and existing regional frameworks of the Djibouti Code of Conduct and Contact Group for Piracy off the Coast of Somalia (CGPCS), in particular through the regional mechanisms for sharing and exchange of maritime information and for coordination of action at sea



through dedicated regional Centres with the support of partners, namely the European Union, International Maritime Organisation and others.

7. We recognise the need to establish procedures to effectively guarantee the confidentiality of information sharing through establishment of the information sharing centres.
8. We call for the establishment and continuous improvement of regional cooperation instruments, through existing protocols and agreements between the States (ESA-IO) for more concrete cooperation between State partners and organizations.
9. We highlight the importance of national coordination through inter-ministerial and intersectoral consultation instruments as well as the setting up of a national structure to monitor all activities related to maritime security.
10. For the enhancement of maritime surveillance, we urge :
  - a) the access and use of new and relevant operational technologies for vessel detection;
  - b) cooperation and technical assistance from partners including the European Union to promote an enabling environment in individual Member States; and
  - c) knowledge management and sharing, technology transfer, training and sensitization, to build national capacity for maritime safety and security.

➤ **Combatting illegal trafficking namely drug trafficking, human trafficking, arms trafficking, illegal trade, money laundering**

11. In view of the security, social, economic and health impact of illicit trafficking by sea, we recognise the need to strengthen cooperation in information-sharing and increase resources to undertake this fight.
12. In view of the rapid evolution and adaptability of these illicit trafficking, 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 heroin trafficking, is encouraged.
13. We invite the UNODC, including the Southern Route Partnership, to use its capacity in order to improve coordination, information and best practices sharing among interested States.



14. 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.
15. We recognize the need to increase capacities of national authorities in border control and management at sea and on land in order to prevent trafficking and disrupt traffickers business models.
16. 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.
17. We highlight the need to promote the strengthening of the entire anti-money laundering process particularly through collaboration, cooperation and targeted capacity building of relevant stakeholders, including collaboration in seized asset recovery and confiscation of assets in conformity with national legislations and the full compliance to international standards. We take note that the Republic of Mauritius can provide assistance in enhancing capacity building of countries in the region where necessary.
18. 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. Regional States are called upon to consider appointment and associated training of liaison officers to regional and national centres to facilitate the exchange of information. It is also expected that these Centres will formalize the information-sharing protocols with the regional States.
19. Regional States are encouraged to consider increasing the deployment of naval resources in “maritime zones of interest” during periods of increased dhow traffic.
20. In order to fight effectively against illicit trafficking at sea, States are encouraged to consider the financial mechanisms in place and to disrupt them. In this respect, in the fight against illicit trafficking may also cover terrestrial trafficking through the strengthening of the fight against corruption, money laundering as well as seized asset recovery and confiscation of assets in conformity with national legislations as main deterrents for traffickers.
21. Consideration for the fight against illicit trafficking in the Western Indian Ocean may include maritime surveillance. We therefore encourage co-operation between the



various specialized agencies, all the regional centres specializing in maritime surveillance and the fight against cross-border crime at national and regional level. We encourage setting up of strong and standard legal framework that will support effective interventions against illegal trafficking on the highseas.

➤ **Illegal, unreported and unregulated (IUU) fishing**

22. IUU fishing activities in the ESA-IO region have a significant impact on local communities including in encouraging them to resort to armed violence, on environment and on the economies of the countries in which fisheries constitute the main source of food of the population and contributes significantly to employment and economic growth. In the fight against IUU fishing, we call for the strengthening of national means for control, surveillance and monitoring as well as repression in accordance with the laws in force and regional mechanisms such as the Monitoring, Control and Surveillance (MCS) System under the EU-Funded SmartFish programme.
23. We acknowledge the commitment of Participating States in the Regional Fisheries Surveillance Plan, supported by the European Union, and we commend the renewal of the IOC-EU partnership for the continuity of this regional mechanism under the EU-Funded EcoFish programme.
24. Fisheries surveillance at regional level constitute an effective response to IUU fishing activities. In this regard, we urge stronger coordination and synergies between national, regional and international agencies as well as between regional fisheries monitoring mechanisms.
25. We call for 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.
26. We call for the 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.

➤ **Combatting terrorism threats**

27. We urge the participating States, regional organizations and international partners to identify ways and means of addressing the endogenous and exogenous risks of



terrorism and extremism, in particular in the most vulnerable communities. In this regard, we recommend the ESA-IO Regional Organisation to undertake an assessment of the state of the terrorist risk in the region.

28. We underline that strengthening the means for combating terrorism financing mechanisms is a strong area of intervention.
29. 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.
30. For effective fight against terrorist threats we encourage strengthening security and surveillance at the port level, through the creation of 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.
31. We urge to further consolidate the efforts put in place to establish and expand effective networks to ensure real-time information sharing and close coordination among the States of the region.
32. We take note and appreciate the commitment of the European Union to continue supporting participating countries to improve port security and safety of navigation at regional level.

➤ **Marine pollution**

33. We encourage development and strengthening of capabilities and means at national level, to deal with environmental risks, including the risks of plastic and other liquid and solide wastes at sea or deliberate and accidental discharge of oil at sea.
34. In this context, we encourage exchange of satellite imagery in the region and the regulated use of the UAV (Unmanned Aerial Vehicle) for the monitoring of the environment, particularly through partnership agreements between regional and international organizations/agencies.
35. At the same time, States of the region are encouraged to strengthen the capacities of the agencies at national and regional level to improve their emergency response preparedness.
36. For effective management of marine pollution, we call for strengthening of the existing regional framework for cooperation and coordination to address marine and maritime



environmental disasters to redress sharing of good practices, training, and acquisition of appropriate equipment. In this regard, the reactivation and consolidation of the Sub Regional Centre based in Madagascar should be considered as well as the cooperation and collaboration with the national existing Centres in Kenya, Seychelles, South Africa and Tanzania.

37. Given common will to fight effectively against environmental risks and crimes, which have a clear cross-border propensity in the Western Indian Ocean, we call on States to integrate the provisions of regional and international conventions into national laws. Regional organizations and development partners can usefully support States in this endeavour.

➤ **Search and Rescue at sea**

38. We call upon countries in the region to domesticate and implement the International Convention on Maritime Search and Rescue – SAR and encourage each State to develop a SAR plan of action and establish a national structure for SAR Actions and provide mechanism to plan collaboration between ESA-IO countries through a multilateral agreement on SAR.
39. We urge the increased cooperation (bilateral and multilateral) to improve search and rescue operations at sea and the development of an information exchange mechanism with the various regional Centres.
40. In order to ensure the safety of the users of the sea, we invite the regional States and the relevant organisations 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. The regional States are invited to acquire dedicated resources and means for SAR.

➤ **Biodiversity and impacts of climate change**

41. We recommend that all countries in the region domesticate and implement the International Convention for the Control and Management of Ships' Ballast Water and Sediments.
42. 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.



43. We call for all countries to adopt mitigation and adaptation measures against the impacts of climate change.
44. We take note of the requirement to reduce global Greenhouse gas (GHG) emissions by shipping by 50% by 2050 and as such encourage regional States to partner with the Maritime Technology Cooperation Centre (MTCC Africa) for technical cooperation and capacity building at national level.
45. We encourage all States to build capacity in mitigating climate change in order to deal with GHG emissions in the shipping industry while promoting uptake of low carbon technologies anchored under projects such as the International Maritime Organisation – European Union project under the five global network Maritime Technology Cooperation Centres around the world.

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Ministers and High Representatives of Eastern and Southern Africa and Indian Ocean thank 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.

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 participation States and organisation to firmly commit to implement the recommendations.

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

We adopt this Declaration on Maritime Security in Western Indian Ocean, called “Mauritius Declaration on Maritime Security”, this 29<sup>th</sup> April 2018 at Balaclava, Republic of Mauritius, and reiterate our appreciation.