

No. 49647

Multilateral

Southern Indian Ocean Fisheries Agreement (with final act, appendices and map). Rome, 7 July 2006

Entry into force: *21 June 2012, in accordance with article 24*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *Food and Agriculture Organization of the United Nations, 21 June 2012*

Multilatéral

Accord relatif aux pêches dans le sud de l'océan Indien (avec acte final, annexes et carte). Rome, 7 juillet 2006

Entrée en vigueur : *21 juin 2012, conformément à l'article 24*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat des Nations Unies : *Organisation des Nations Unies pour l'alimentation et l'agriculture, 21 juin 2012*

Participant	Ratification and approval (AA)		
Australia	23 Mar	2012	
European Union	15 Oct	2008	AA
Mauritius (with reservation)	10 Dec	2010	
Seychelles	5 Nov	2007	

Participant	Ratification et approbation (AA)		
Australie	23 mars	2012	
Maurice (avec réserve)	10 déc	2010	
Seychelles	5 nov	2007	
Union européenne	15 oct	2008	AA

Note: The text of the reservation is published after the list of Parties -- Le texte de la réserve est reproduit après la liste des Parties.

Reservation made upon ratification

Réserve faite lors de la ratification

MAURITIUS

MAURICE

[ENGLISH TEXT – TEXTE ANGLAIS]

" (i) The State of Mauritius is defined in the Laws of Mauritius as including the island of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius;
(ii) The State of Mauritius reiterates its rights to exercise complete and full sovereignty over its territory, including the territory and maritime zones of the Chagos Archipelago and Tromelin as defined in the Constitution of Mauritius; and
(iii) Membership acquired to the Southern Indian Ocean Fisheries Agreement through territories found partly within the South West Indian Ocean region covered by the Agreement shall not constitute a basis for denying the rights of the Republic of Mauritius regarding the exercise of its sovereignty or territorial and maritime jurisdiction on the Chagos Archipelago, Tromelin and surrounding maritime areas."

[FRENCH TEXT – TEXTE FRANÇAIS]

«(i) L'État mauricien est défini dans la législation mauricienne comme comprenant les îles de Maurice, Rodrigues, Agalega, Tromelin, Cargados Carajos et l'archipel des Chagos, y compris l'île de Diego Garcia et toute autre île comprise dans l'État de Maurice;
(ii) Maurice réitère des droits à l'exercice de souveraineté complète et totale sur son territoire, y compris le territoire et les zones maritimes de l'archipel de Chagos et de Tromelin comme établi à la Constitution de Maurice ; et
(iii) L'adhésion à l'Accord relatif aux pêches dans le sud de l'Océan Indien, fondée sur des territoires se trouvant partialement dans la région du Sud-Ouest de l'Océan Indien couverte par l'Accord, ne constitue pas une base de dénégations des droits de la République de Maurice en ce qui concerne l'exercice de sa souveraineté ou de sa juridiction territoriale et maritime sur l'archipel de Chagos, l'île de Tromelin et les zones maritimes qui les entourent. »

SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT

THE CONTRACTING PARTIES

HAVING A MUTUAL INTEREST in the proper management, long-term conservation and sustainable use of fishery resources in the Southern Indian Ocean, and desiring to further the attainment of their objectives through international cooperation;

TAKING INTO CONSIDERATION that the coastal States have waters under national jurisdiction in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 and general principles of international law, within which they exercise their sovereign rights for the purpose of exploring and exploiting, conserving and managing fishery resources and conserving living marine resources upon which fishing has an impact;

RECALLING THE RELEVANT PROVISIONS of the United Nations Convention on the Law of the Sea of 10 December 1982, the 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 of 4 December 1995, and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and taking into account the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organization of the United Nations on 31 October 1995;

RECALLING FURTHER article 17 of the 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 1995, and the need for non-Contracting Parties to this Southern Indian Ocean Fisheries Agreement to apply the conservation and management measures adopted hereunder and not to authorise vessels flying their flag to engage in fishing activities inconsistent with the conservation and sustainable use of the fishery resources to which this Agreement applies;

RECOGNIZING economic and geographical considerations and the special requirements of developing States, in particular the least-developed among them and small island developing States and their coastal communities, for equitable benefit from fishery resources;

DESIRING cooperation between coastal States and all other States, organizations and fishing entities having an interest in the fishery resources of the Southern Indian Ocean to ensure compatible conservation and management measures;

BEARING IN MIND that the achievement of the above will contribute to the realization of a just and equitable economic order in the interests of all humankind, and in particular the special interests and needs of developing States, in particular the least-developed among them and small island developing States;

CONVINCED that the conclusion of a multilateral agreement for the long-term conservation and sustainable use of fishery resources in waters beyond national jurisdiction in the Southern Indian Ocean would best serve these objectives;

AGREE AS FOLLOWS:

ARTICLE 1 – DEFINITIONS

For the purposes of this Agreement:

- (a) “1982 Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982;
- (b) “1995 Agreement” means the 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 of 4 December 1995;
- (c) “Area” means the area to which this Agreement applies, as prescribed in article 3;
- (d) “Code of Conduct” means the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organization of the United Nations on 31 October 1995;
- (e) “Contracting Party” means any State or regional economic integration organization which has consented to be bound by this Agreement and for which the Agreement is in force;
- (f) “fishery resources” means resources of fish, molluscs, crustaceans and other sedentary species within the Area, but excluding:
 - (i) sedentary species subject to the fishery jurisdiction of coastal States pursuant to article 77(4) of the 1982 Convention; and
 - (ii) highly migratory species listed in Annex I of the 1982 Convention;
- (g) “fishing” means:
 - (i) the actual or attempted searching for, catching, taking or harvesting of fishery resources;
 - (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fishery resources for any purpose including scientific research;
 - (iii) placing, searching for or recovering any aggregating device for fishery resources or associated equipment including radio beacons;
 - (iv) any operation at sea in support of, or in preparation for, any activity described in this definition, except for any operation in emergencies involving the health or safety of crew members or the safety of a vessel; or
 - (v) the use of an aircraft in relation to any activity described in this definition except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;
- (h) “fishing entity” means a fishing entity as referred to in article 1(3) of the 1995 Agreement;
- (i) “fishing vessel” means any vessel used or intended for fishing, including a mother ship, any other vessel directly engaged in fishing operations, and any vessel engaged in transshipment;
- (j) “nationals” includes both natural and legal persons;