

**No. 49783**

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**Mauritius  
and  
Seychelles**

**Treaty concerning the joint management of the continental shelf in the Mascarene Plateau region between the Government of the Republic of Seychelles and the Government of the Republic of Mauritius (with annexes). Vacoas, 13 March 2012**

**Entry into force:** *18 June 2012 by notification, in accordance with article 24*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Mauritius and Seychelles, 11 July 2012*

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**Maurice  
et  
Seychelles**

**Traité relatif à la gestion conjointe du plateau continental de la région du plateau des Mascareignes entre le Gouvernement de la République des Seychelles et le Gouvernement de la République de Maurice (avec annexes). Vacoas, 13 mars 2012**

**Entrée en vigueur :** *18 juin 2012 par notification, conformément à l'article 24*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Maurice et Seychelles, 11 juillet 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

## **Treaty Concerning the Joint Management of the Continental Shelf in the Mascarene Plateau Region**

**THE GOVERNMENT OF THE REPUBLIC OF MAURITIUS**

and

**THE GOVERNMENT OF THE REPUBLIC OF SEYCHELLES**

("the Contracting Parties")

**SEEKING** to promote the sustainable and long-term economic and social development of their respective small island countries for the benefit of present and future generations;

**COMMITTED** to maintaining, renewing and further strengthening the mutual respect, goodwill, friendship and co-operation between their two countries;

**ACKNOWLEDGING** the existence of an overlapping area of continental shelf extending beyond the Exclusive Economic Zone boundaries established by their two countries under the *Treaty between the Government of the Republic of Mauritius and the Government of the Republic of Seychelles on the Delimitation of the Exclusive Economic Zone between the two States* dated 29 July 2008;

**RECALLING** that both countries co-operated on the basis of the *Treaty between the Government of the Republic of Seychelles and the Government of the Republic of Mauritius on the Framework for a Joint Submission to the United Nations Commission on the Limits of the Continental Shelf* dated 18 September 2008, as subsequently amended, to lodge on 1 December 2008 the Joint Submission to the United Nations Commission on the Limits of the Continental Shelf ('the Commission') concerning the Mascarene Plateau region ("Joint Submission") under Article 76, paragraph 8 of the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982 ("the Convention");

**RECALLING ALSO** on 30 March 2011, the Commission adopted recommendations confirming the entitlement of their two countries to the area of continental shelf as contained in the Commission document entitled *Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Joint Submission made by Mauritius and Seychelles in respect of the Mascarene Plateau Region on 1 December 2008*;

**CONSCIOUS** that the Convention provides in Article 83 that the delimitation of the continental shelf between States with opposite coasts shall be effected by agreement on the basis of international law in order to achieve an equitable solution and, in the absence of delimitation, that States shall make every effort in a spirit of understanding and co-operation to enter into provisional arrangements of a practical nature which do not prejudice a final determination of the extended continental shelf delimitation;

**RECOGNISING** the importance of providing an equitable and co-operative legal basis for the exercise by their two countries of their sovereign rights and jurisdiction over the continental shelf in the Mascarene Plateau Region in accordance with international law;

**REAFFIRMING** the *Treaty Concerning the Joint Exercise of Sovereign Rights over the Continental Shelf in the Mascarene Plateau Region* of 13 March 2012, under which the Contracting Parties established the outer limits of the continental shelf in the Mascarene Plateau Region and agreed to exercise sovereign rights jointly for the purpose of exploring the continental shelf and exploiting its natural resources;

**MINDFUL** of the importance of jointly managing the natural resources of the continental shelf in the Mascarene Plateau Region in a manner that is sustainable and consistent with the precautionary principle and the protection of the marine environment and the biological diversity of the continental shelf;

**DESIRING** to enter into an international agreement to provide an effective and equitable framework to govern the joint management of the continental shelf in the Mascarene Plateau Region;

**HAVE AGREED** as follows:

#### **PART 1: PRELIMINARY**

##### **Article 1: Definitions**

For the purposes of this Treaty:

- (a) "Authority" means the Designated Authority established in Article 4 of this Treaty;
- (b) "bioprospecting" means the examination of biological resources for features including but not limited to chemical compounds, genes and their products and physical properties that may be of value for commercial development;
- (c) "Commission" means the Joint Commission established under Article 4 of this Treaty;
- (d) "continental shelf" has the meaning contained in Article 76 of the Convention;
- (e) "contractor" means a corporation, company or other legal entity or entities with limited liability that enter into a contract with the Designated Authority and which are duly regulated;
- (f) "Convention" means the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982;
- (g) "criminal law" means any law in force in the territory of either of the Contracting Parties, whether substantive or procedural, that makes provision for, or in relation to offences, or for or in relation to the investigation or prosecution of offences or the punishment of offenders, including the carrying out of a penalty imposed by a court. For this purpose, "investigation" includes entry to an installation or structure in the JMA, the exercise of powers of search and questioning and the apprehension of a suspected offender;

- (h) "Council" means the Ministerial Council established in Article 4 of this Treaty;
- (i) "initially processed" means processing of petroleum to a point where it is ready for off-take from the production facility and may include such processes as the removal of water, volatiles and other impurities;
- (j) "JMA" means the Joint Management Area established in Article 3 of this Treaty;
- (k) "minerals" means any naturally occurring element, compound or substance, amorphous or crystalline (including liquid crystalline compounds), formed through geological or biogeochemical processes and any naturally occurring mixture of substances, including in the form of coal, clay, evaporates, gravel, limestone, oil-shale, sand, shale, rock, and polymetallic nodules;
- (l) "natural resources" means the mineral, petroleum and other non-living resources of the seabed and subsoil of the continental shelf together with living organisms belonging to sedentary species that are at the harvestable stage either immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil;
- (m) "natural resource activities" means all activities authorised or contemplated under a contract, permit or licence that are undertaken to explore and exploit natural resources in the JMA including but not limited to development, initial processing, harvesting, production, transportation and marketing, as well as the planning and preparation for such activities;
- (n) "natural resource codes" means codes referred to in Article 8 of this Treaty;
- (o) "natural resources project" means any natural resource activity taking place with the approval of the Designated Authority in a specified area of the JMA;
- (p) "petroleum" means any naturally occurring hydrocarbon, whether in a gaseous, liquid, or solid state and any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state, together with other substances produced in association with such hydrocarbons, and includes any petroleum that has been returned to a reservoir;
- (q) "petroleum produced" means initially processed petroleum extracted from a reservoir through petroleum activities;
- (r) "reservoir" means an accumulation of petroleum in a geological unit limited by rock, water or other substances without pressure communication through liquid or gas to another accumulation of petroleum;
- (s) "Taxation Code" means the Code referred to in Article 6 of this Treaty;
- (t) "Treaty" means this Treaty, including Annexes A-D and any Annex that may subsequently be agreed by the Contracting Parties to form a part of this Treaty.

#### Article 2: Treaty without Prejudice

(a) This Treaty gives effect to international law as reflected in the Convention which under Article 83 requires States with opposite or adjacent coasts to make every effort to enter into provisional arrangements of a practical nature pending agreement on the final delimitation of the continental shelf between them in a manner consistent with international law. This Treaty is intended to adhere to such obligation.

(b) Nothing contained in this Treaty, and no act taking place while this Treaty is in force, shall be interpreted as prejudicing or affecting the legal position or rights of the Contracting Parties concerning their respective continental shelf entitlements or the delimitation of the continental shelf.

### PART 2: THE JOINT MANAGEMENT AREA

#### Article 3: Joint Management Area

(a) The Joint Management Area (JMA) is established in respect of the Joint Zone described in Article 2 of the Treaty Concerning the Joint Exercise of Sovereign Rights over the Continental Shelf in the Mascarene Plateau Region, done on 13 March 2012 and as depicted in the map at Annex A.

(b) The Contracting Parties shall jointly control, manage and facilitate the exploration of the continental shelf within the JMA and the conservation, development and exploitation of its natural resources.

(c) Natural resource activities in the JMA shall be carried out under the direction of the Designated Authority, by such means as it may determine in accordance with this Treaty, including where appropriate through the issue of licences or pursuant to contracts between the Authority and a contractor. This provision shall also apply to the successors or assignees of such contractors.

(d) The Contracting Parties shall each make it an offence under their respective national laws for any person to conduct resource activities in the JMA otherwise than in accordance with this Treaty.

### PART 3: INSTITUTIONAL AND REGULATORY ARRANGEMENTS

#### Article 4: Regulatory Bodies

(a) A three-tiered joint administrative structure consisting of a Ministerial Council, a Joint Commission and a Designated Authority, is established.

(b) Ministerial Council: