

CHARTER OF THE INDIAN OCEAN RIM ASSOCIATION (IORA)

PREAMBLE

We, the Governments of the Member States of the Indian Ocean Rim Association (IORA)

CONSCIOUS of historical bonds created through millennia among the peoples of the Indian Ocean Rim and with a sense of recovery of history;

COGNIZANT of economic transformation and speed of change the world over which is propelled significantly by increased intensity in regional economic co-operation;

REALISING that the countries washed by the Indian Ocean in their diversity, offer vast opportunities to enhance economic interaction and co-operation over a wide spectrum to mutual benefit and in a spirit of equality;

CONVINCED that the Indian Ocean Rim, by virtue of past shared experience and geo-economic linkages among Member States, is poised for the creation of an effective Association and practical modalities of economic co-operation; and

CONSCIOUS of their responsibility to promote the welfare of their peoples by improving their standards of living and quality of life.

CONSIDERING that the 13th Council of Ministers in Perth, Australia, agreed to a new name of the Association as the "Indian Ocean Rim Association" (IORA);

CONSIDERING that, at the 17th Council of Ministers in Durban, South Africa, it was agreed to amend the IORA Charter further to replace the Charter of the Association as adopted in 1997 and amended in 2010 and 2014;

Have adopted the following:

1. DEFINITIONS

For the purpose of this Charter, the terms used in the Charter are defined as follows, unless the context otherwise indicates:

- (a) "Association" means Indian Ocean Rim Association, "IORA" and which was formerly known as the Indian Ocean Rim Association for Regional Cooperation or IOR-ARC;
- (b) "Member States" means the Member States of the IORA;
- (c) "Observer" means the States/Organisations which are granted Observer Status by the IORA;
- (d) "Dialogue Partners" means States/Organizations with which IORA enjoys consultative relationships in agreed areas of common interest;
- (e) "IORA Region" means the territories of the Member States;
- (f) "Council of Ministers" '(COM)' means the Council of Ministers of the IORA;

- (g) "Committee of Senior Officials" '(CSO)' means the Committee of Senior Officials of the IORA;
- (h) "Institutional Mechanisms" means the institutional mechanisms and/or bodies of IORA established by a decision of the Member States, as adopted by the Council of Ministers (COM);
- (i) "Specialised Agencies" means the specialised agencies of IORA established by a decision of the Member States, as adopted by the Council of Ministers (COM);
- (j) "Secretariat" means the Secretariat of the IORA in Mauritius;
- (k) "Secretary-General" means the Secretary-General of the IORA; and
- (l) "Host Country/Government" means the Country/Government of the Republic of Mauritius.

2. FUNDAMENTAL PRINCIPLES

The Association will facilitate and promote economic co-operation, bringing together inter-alia representatives of Member States' governments, businesses and academia. In a spirit of multilateralism, the Association seeks to build and expand understanding and mutually beneficial co-operation through a consensus-based, evolutionary and non-intrusive approach. The Association will apply the following fundamental principles without qualification or exception to all Member States:-

- (a) Co-operation within the framework of the Association will be based on respect for the principles of sovereign equality, territorial integrity, political independence, non-interference in internal affairs, peaceful co-existence and mutual benefit;
- (b) The membership of the Association will be open to all sovereign States of the Indian Ocean Rim which subscribe to the principles and objectives of the Charter and are willing to undertake commitments under the Charter;
- (c) Decisions on all matters and issues and at all levels will be taken on the basis of consensus;
- (d) Bilateral and other issues likely to generate controversy and be an impediment to regional co-operation efforts will be excluded from deliberations;
- (e) Co-operation within the Association is without prejudice to rights and obligations entered into by Member States within the framework of other economic and trade co-operation arrangements which will not automatically apply to Member States of the Association. It will not be a substitute for, but seeks to reinforce, be complementary to and consistent with their bilateral, plurilateral and multilateral obligations;
- (f) A member-driven approach will be followed by Member States to achieve the goals and objectives of the Association.
- (g) Promotion of principles of good governance by Member States will enable smooth implementation of programs.

3. OBJECTIVES

- (a) To promote the sustained growth and balanced development of the region and of the Member States, and to create common ground for regional economic co-operation;
- (b) To focus on those areas of economic co-operation that provide maximum opportunities to develop shared interests and reap mutual benefits. Towards this end, to formulate and implement projects for economic co-operation relating to trade facilitation and liberalization, promotion of foreign investment, scientific and technological exchanges, tourism, movement of natural persons and service providers on a non-discriminatory basis; and the development of infrastructure and human resources inter-alia poverty alleviation, promotion of maritime transport and related matters, cooperation in the fields of fisheries trade, research and management, aquaculture, education and training, energy, IT, health, protection of the environment, agriculture, disaster management.
- (c) To explore all possibilities and avenues for trade liberalisation, to remove impediments to, and lower barriers towards, freer and enhanced flow of goods, services, investment, and technology within the region;
- (d) To encourage close interaction of trade and industry, academic institutions, scholars and the peoples of the Member States without any discrimination among Member States and without prejudice to obligations under other regional economic and trade co-operation arrangements;
- (e) To strengthen co-operation and dialogue among Member States in international fora on global economic issues, and where desirable to develop shared strategies and take common positions in the international fora on issues of mutual interest;
- (f) To promote co-operation in development of human resources, particularly through closer linkages among training institutions, universities and other specialised institutions of the Member States; and
- (g) To seek to reinvigorate the Association by progressing the prioritised agenda decided upon at the Council of Ministers' meeting in Bengaluru in November 2011. That meeting gave a focused direction towards formulation of a dynamic road map of cooperation, in line with the growing global emphasis on the unique geo-strategic primacy of the Indian Ocean Rim. A list of priority areas of cooperation and cross-cutting issues are listed in Annex I.

4. MEMBERSHIP

(a) Member States

- (i) All sovereign States of the Indian Ocean Rim are eligible for membership of the Association. To become members, States must adhere to the principles and objectives enshrined in the Charter of the Association. Expansion of membership of the Association will be decided by Member States;

(b) Dialogue Partners and Observers

- (i) Council of Ministers may grant the status of Dialogue Partners or Observers to other States or Organisations, having the capacity and interest to contribute to IORA.
- (c) Member States, Dialogue Partners, and Observers are listed in Annex II.

5. INSTITUTIONAL MECHANISMS

5.1 Primary Bodies

(a) Council of Ministers (COM)

- (i) There will be a Council of Ministers of the Association. The Council will meet annually, or more often as mutually decided, for the formulation of policies, review of progress of co-operation, decisions on new areas of co-operation, establishment of Functional Bodies and Specialised Agencies as deemed necessary, and decisions on other matters of general interest.
- (ii) The Council of Ministers will elect a Chair and Vice-Chair of the Association for a period of two years respectively.
- (iii) A ministerial retreat may be held during each IORA Council of Ministers' Meeting to explore and reflect on Indian Ocean issues and to exchange ideas. The IORA Chair, in consultation with other Member States, will propose elements and themes to guide discussion by Ministers at this closed meeting.
- (iv) The Council of Ministers can endorse the convening of other IORA Line Function Meetings to explore and reflect on Indian Ocean issues and exchange ideas on enhancing cooperation amongst Member States.

(b) Committee of Senior Officials (CSO)

- (i) There will be a Committee of Senior Officials of the Association composed of senior government officials of Member States. It will meet bi-annually, or as often as mutually decided. The CSO will consider reports and recommendations of the Institutional Mechanisms established by the COM, and review implementation of the decisions taken by the COM.
- (ii) The Committee of Senior Officials will establish the priorities for economic co-operation, develop, monitor and co-ordinate the Work Programs, and mobilise resources for the financing of the Work Programs. The Committee will submit periodic reports to the Council of Ministers, and refer as and when necessary, policy matters for the Council's decision.

(c) TROIKA

- (i) A "TROIKA" consisting of the Chair, the Vice-Chair and the previous Chair will apply to the Council of Ministers (COM) and the Committee of Senior Officials (CSO). It will meet in the period between the meetings of the COM and CSO as often as mutually decided.
- (ii) It will report to the Member States, on any important matters relating to the Association, including a review of progress, establishment of additional mechanisms, policy direction to IORA institutions, and the appointment and term of office, mandate, duties and the termination of the services of the Secretary-General.

(d) Secretariat

- (i) There will be a Secretariat of the Association to manage, co-ordinate, service and monitor the implementation of policy decisions and Work Programs, as well as prioritisation of projects as adopted by the Council of Ministers.
- (ii) The Secretariat will be responsible for servicing of all IORA meetings, the representation and promotion of the Association, the collation and dissemination of information, the maintenance of an archive, depository and registry for IORA documentation and research material, and mobilisation of resources.
- (iii) The Secretariat will function in accordance with the provisions of the Agreement between the Government of the Republic of Mauritius and IORA relating to the rights, privileges and immunities of IORA Secretariat approved by the Council of Ministers in 2002 signed between the Government of the host country and the Secretary-General and amended through an addendum in 2017 following the change of the name of Association in 2014.
- (iv) The Secretariat will be headed by a Secretary-General who will be assisted by Directors/Experts, on voluntary secondment from Member States. In the absence of the Secretary-General, the most senior Director will act on behalf of the Secretary-General.
- (v) The Secretary-General will be appointed by the Council of Ministers for a term of three years renewable for one additional term, from among candidates nominated by the Member States on the basis of qualification, experience and suitability as laid down in the staff regulations of the IORA Secretariat. He/she will be responsible to the Council of Ministers for all activities of the Association. He/she will participate in all meetings of the Council and will perform such other functions as are entrusted to him/her by these bodies. He/she will provide an annual report to the Council of Ministers on the work of the Association.
- (vi) The staff of the Secretariat will be appointed and governed in accordance with the terms, conditions and procedures laid down in the Staff Regulation approved by the Council of Ministers.

5.2 Functional Bodies

- (i) To strengthen and promote activities in the Association, the COM may establish or remove Functional Bodies such as Working Groups, Sub-Working Groups, Sectoral/Cluster Core Groups, and Dialogue Forums. The COM could also consider as necessary the revitalisation of existing functional bodies and specialized agencies.
- (ii) The Functional Bodies will be constituted through Modalities and Terms of Reference (TOR) as recommended by the CSO and approved by the COM.
- (iii) Functional Bodies are listed in Annex III.

5.3 Specialised Agencies

- (i) The Association includes Specialised Agencies which may be established by a decision of the Member States, as adopted by the COM, to promote activities in cooperation with IORA

Secretariat, as the need arises. Establishment of new Specialised Agencies under IORA and removal of existing Agencies, as required from time to time may be authorised by a decision of the Member States duly adopted by the COM, to promote activities in cooperation with the IORA Secretariat. A standardised Memorandum of Understanding (MOU) has been created for the establishment of IORA Specialised Agencies, where the need may arise.

- (ii) Specialised Agencies are listed in Annex IV.

5.4 Subsidiary Instruments

Secretariat will maintain Rules of Procedure, Staff Regulations, and Financial Regulations of IORA and any such subsidiary instruments as approved by the Council of Ministers.

6. SPECIAL MECHANISMS

(a) Ad Hoc Working Groups

- (i) Ad Hoc Working Groups may be established to address specific topics when required, upon recommendation by the CSO and approved by the COM. Ad Hoc Working Groups will be dissolved according to the Working Group's Terms of Reference as agreed upon by the COM.

7. NATIONAL FOCAL POINTS

- (a) Each Member State of the Association will set up appropriate National Focal Points for IORA to coordinate and advance the implementation of its activities and achievement of its objectives.
- (b) Dialogue Partners and Observers will nominate and update Focal Points for liaison with the Association.

8. FINANCIAL ARRANGEMENTS

- (a) The contribution by Member States will be determined on the basis of criteria which will be adopted by the decision of Council of Ministers.
- (b) Adequate arrangements will be made by Member States financing the implementation of the Work Programs. This will not exclude external sources of financing where appropriate.
- (c) A Special Fund will be established as a financial mechanism for supporting and complementing the funding of projects and programs adopted by the Association.
- (d) The Secretariat will prepare the Budget for each year and will submit it to Committee of Senior Officials for its consideration and recommendation for adoption by the Council of Ministers.
- (e) The Council of Ministers will consider measures to address the non-payment of annual membership contributions by any Member State.

9. ADOPTION AND AMENDMENT OF THE CHARTER

- (a) This Charter will take effect from the date of its adoption by the Council of Ministers, which will be preceded by signature of the Charter by all Member States.
- (b) This Charter may be amended at any time by mutual consent of Member States. Any amendments will be in writing and will take effect upon the approval of the Council of Ministers.
- (c) This Charter will replace and supersede the Charter signed by Heads of Delegation at Perth, Australia on Thursday 9 October 2014.

Adopted by the 18th Council of Ministers in its meeting held in Durban, eThekweni, Republic of South Africa on 2 November 2018, in a single original in the English language.

Annex amended on 2 November 2018

Annex I

LIST OF PRIORITY AREAS OF COOPERATION AND CROSS-CUTTING ISSUES

A set of prioritised agenda was decided upon at the 11th Council of Ministers' meeting in Bengaluru, India, in November 2011. Subsequently, the 13th Council of Ministers' meeting in Perth, Australia, decided on cross-cutting issues.

The Priority Areas of the Indian Ocean Rim Association:

1. Maritime Safety and Security;
2. Trade and Investment Facilitation;
3. Fisheries Management;
4. Disaster Risk Management;
5. Academic, Science and Technology Cooperation; and
6. Tourism and Cultural Exchanges.

The Cross-cutting Issues of the Indian Ocean Rim Association:

1. Blue Economy; and
2. Women's Economic Empowerment

Annex amended on 2 November 2018

Annex II

LIST OF MEMBER STATES, DIALOGUE PARTNERS, AND OBSERVERS OF THE INDIAN OCEAN RIM ASSOCIATION

Member States:

Commonwealth of Australia
People's Republic of Bangladesh
Union of the Comoros
Republic of India
Republic of Indonesia
Islamic Republic of Iran
Republic of Kenya
Republic of Madagascar
Malaysia
Republic of Maldives
Republic of Mauritius
Republic of Mozambique
Sultanate of Oman
Republic of Seychelles
Republic of Singapore
Federal Republic of Somalia
Republic of South Africa
Democratic Socialist Republic of Sri Lanka
United Republic of Tanzania
Kingdom of Thailand
United Arab Emirates
Republic of Yemen

Dialogue Partners:

People's Republic of China
Arab Republic of Egypt
Republic of France
Federal Republic of Germany
Japan
Republic of Korea
Republic of Turkey
United Kingdom of Great Britain and Northern Ireland
United States of America

Observers:

Indian Ocean Research Group

Annex amended on 2 November 2018

Annex III

FUNCTIONAL BODIES

1. Indian Ocean Rim Academic Group (IORAG)
2. Indian Ocean Rim Business Forum (IORBF)
3. Working Group on Trade and Investment (WGTI)
4. Working Group on Women's Economic Empowerment (WGWEE)
5. Working Group on Maritime Safety and Security (WGMSS)
6. Working Group on the Blue Economy (WGBE)
7. Core Group on Tourism (CGT)
8. The Indian Ocean Dialogue (IOD)

Annex amended on 2 November 2018

Annex IV

SPECIALISED AGENCIES

1. Regional Centre for Science and Technology Transfer (RCSTT)
2. Fisheries Support Unit (FSU)