

Associate Paper

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Co-operation in the Indian Ocean Region: Towards the Co-existence of IOMAC and IOR-ARC

Dr Y. J. Sithara N. Fernando

FDI Associate

Summary

The waters of the Indian Ocean connect four major land bodies: Africa, Asia, Australia and Antarctica. The Indian Ocean “rim” consists of 29 littoral countries and six island countries. The Indian Ocean “region” can either be limited to the “rim” countries mentioned above or it can be expanded to include land-locked countries dependent on the Indian Ocean. Thus, the number of states that comprise the Indian Ocean “region” can vary from a minimum of 35 “rim” states to a maximum of 52 states when all the landlocked countries that already are, or could become, dependent on the Indian Ocean are included.¹ East Timor, which had been a part of Indonesia, emerged as an independent state in 2002. The United Kingdom and France have territorial possessions in the Indian Ocean.² This FDI Associate Paper examines two efforts at institutionalising international co-operation in the Indian Ocean region, the Indian Ocean Marine Affairs Co-operation (IOMAC) and the Indian Ocean Rim-

¹ Roy-Choudhury, R., ‘IOR-ARC: The Indian Ocean Rim-Association for Regional Co-operation’, *Asian Strategic Review 1996-97*, Institute for Defence Studies Analyses (IDSA): New Delhi, 1997, Note 4. The 29 littoral countries are: Australia, Bahrain, Bangladesh, Burma, Djibouti, Egypt, Eritrea, India, Indonesia, Iran, Iraq, Israel, Jordan, Kenya, Kuwait, Malaysia, Mozambique, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, Somalia, South Africa, Sudan, Tanzania, Thailand, United Arab Emirates and Yemen. To the above list must be added East Timor, which subsequently became an independent state. If the Red Sea is not considered part of the Indian Ocean, the number of littoral countries would be reduced to 23. The six island countries are: Comoros, Madagascar, the Maldives, Mauritius, Seychelles and Sri Lanka. The 12 land-locked countries that have been traditionally dependent on the Indian Ocean are: Afghanistan, Bhutan, Burundi, Ethiopia, Lesotho, Malawi, Nepal, Rwanda, Swaziland, Uganda, Zambia and Zimbabwe. In addition, the five Central Asian republics – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan – could also be included in this list.

² Schofield, C., ‘A Complex Mosaic: Maritime Jurisdictional Claims in the Indian Ocean’, *Indian Ocean Survey*, Vol. 3, Nos. 1 & 2, 2007, p. 3, Endnotes 3-4. The UK’s British Indian Ocean Territory (BIOT) consists of the Chagos Archipelago, which includes the atoll of Diego Garcia. France’s Indian Ocean territorial possessions include Réunion Island, Tromelin Island, Mayotte Island, Bassas da India, Europa Island, Glorioso Islands, and Juan de Nova Island.

Association for Regional Co-operation (IOR-ARC), and makes a case for the co-existence and complementarity of IOMAC and IOR-ARC.

Indian Ocean Marine Affairs Co-operation (IOMAC)

The IOMAC programme of co-operation was developed on the basis of the identification of national priorities at the Preparatory Meeting in June 1985, and deliberations thereon at the Consultative and Final Phases of the First Conference (IOMAC-I) in July 1985 and January 1987. In view of the considerable range of varying national requirements and the wide scope of activities envisaged, it was found necessary to draw from the programme salient items of common interest which were brought together in a more focussed plan of action. For purposes of practical implementation, the Secretariat undertook to prepare and implement a work programme under the guidance of the Standing Committee. The programme of co-operation was based on the deliberations of the Consultative Phase of the First Conference and provided an identification of areas for co-operation in respect of each of the principal sectors of IOMAC activity: marine science, technology and ocean services; living resources; non-living resources; ocean law, policy and management; marine transport and communications; and the marine environment.

The Second Conference (IOMAC-II) reviewed the programme of co-operation and provided an appraisal and supplementary guidelines for future activities. In the plan of action, specific areas of co-operation were identified for implementation on an immediate, medium- or long-term basis. The First Conference noted that certain items for immediate implementation could of necessity also have a medium- and/or long-term character. The rapid implementation of a wide-ranging work programme was a major achievement of IOMAC. Initiation of a number of new activities in areas not fully addressed by earlier and existing programmes, as well as organisational mandates, served to demonstrate the usefulness and effectiveness of a collective regional undertaking committed to serving national needs. IOMAC organised comprehensive programmes of activity in each of the principle sectors through expert meetings followed by practical measures. Up to the mid-1990s, the following were the salient aspects of IOMAC activities:

1) Marine Science, Technology and Ocean Services: On a proposal made by Tanzania, the Conference adopted the Resolution on a New Era of Indian Ocean Exploration which called for a systematic, co-ordinated long-term collective international effort to explore the Indian Ocean along the lines of the International Indian Ocean Expedition (1962-1965). This new effort, however, was required to concentrate on near-shore areas and to give emphasis to the needs of developing states, as well as to secure their participation. Taken in the light of the seaward extension of national jurisdiction and the new framework for the conduct of marine scientific research under the Law of the Sea Convention of 1982, the IOMAC Declaration of a New Era of Indian Ocean Exploration was expected to go some way in providing reassurance to developed nations conducting marine scientific research, as much as to strengthen the capabilities of developing Indian Ocean states in this field. A major IOMAC international marine science symposium was held in 1992. This provided an opportunity to review existing programmes, national priorities and new avenues for co-operative activities in the region. In addition to the important IOMAC-UN Technical

Workshops held in Colombo (1986) and Karachi (1989) on space technology applications, IOMAC prepared a manual on Remote Sensing Applications for the Indian Ocean region, began initiating a number of pilot projects, and held a training workshop in the region in 1992.

2) Living Resources: The IOMAC- I Preparatory Meeting, as well as the First Conference at its Consultative Phase in 1985, and the Final Phase in 1987, for the first time took cognisance at intergovernmental level of the rapid development of a major industrial-scale distant-water tuna fishery in the Indian Ocean in the early 1980s, and called for the early establishment of an appropriate regulatory body for the management of Indian Ocean tuna. Subsequent IOMAC meetings, especially at the Standing Committee, kept relevant developments under review, and acted as a catalyst for deliberations on the establishment of such a body, which eventually emerged under the auspices of the Food and Agriculture Organisation (FAO) in the form of the Indian Ocean Tuna Commission (IOTC).

In January 1989, a group of IOMAC fisheries and legal experts met in Jakarta to prepare common positions for intergovernmental deliberations on the subject. In this context, IOMAC had consistently maintained the importance of the participation of distant water fishing nations (DWFNs) in a future management regime that would ensure its effectiveness, as well as emphasising the importance of the increased participation of developing Indian Ocean states in harnessing the resource. Furthermore, the Seventh Meeting of the IOMAC Standing Committee adopted a Declaration banning the use of large-scale drift nets in the Indian Ocean.

3) Non-Living Resources: In July 1988, the IOMAC Meeting on Offshore Prospecting for Mineral Resources in the Indian Ocean, hosted by the Government of Pakistan in Karachi, generated a strong intergovernmental mandate for initiating a programme of co-operation in this field, with the collaboration and assistance of states with technologically advanced capabilities in this field.

4) Ocean Law, Policy and Management: IOMAC regularly conducted marine affairs management training in collaboration with the International Ocean Institute (IOI). The annual IOMAC-IOI Marine Affairs Training Programmes were held in Arusha, Kuala Lumpur, Cairo, and Mauritius. Each 10-week course accommodated 25 participants from developing Indian Ocean states and provided training in integrated ocean/marine affairs management to mid-level career officers responsible for managing marine activities in their countries.

5) Maritime Transport and Communications: The Second Conference endorsed a number of proposals made by the IOMAC Meeting of Experts in Shipping and Port Development hosted by the Government of Kenya and held in Mombasa in August 1990. In July 1991, the Seventh Meeting of the Standing Committee adopted, and recommended for governmental approval, terms of reference for the IOMAC Association of Shipping and Port Authorities. It was envisaged that some of the co-operative measures identified would be taken up for implementation by the Association.

6) Marine Environment: Dumping of hazardous waste and toxic materials, pollution of the sea by oil, and potential adverse impacts on the marine environment of proposed deep

seabed mining were the relevant issues here. In 1988, the Third Meeting of the IOMAC Standing Committee reviewed these specific aspects of concern to Indian Ocean countries and recommended that the Secretary-General identify an effective mechanism to monitor and develop regional capabilities of coastal states for prevention of such environmental hazards with assistance from the competent international agencies.

Following consultations between the International Maritime Organisation (IMO) and the IOMAC Secretariat, the Seventh Meeting of the Standing Committee requested the Secretariat to take necessary steps in consultation with the IMO, United Nations Environment Programme and other interested entities for the early establishment of an Indian Ocean network. In the mid-1990s preparatory work was under way for the convening of an Indian Ocean Environment Conference which was expected to review the health of the Indian Ocean, identify environmental problems, and determine a common programme for co-operation in this field.

7) The Interests and Needs of Land-Locked States: Accommodation of the interests of land-locked nations in the context of marine affairs was recognised very early by IOMAC as a logical corollary to the rights of land-locked countries in respect of access to living resources, and access to and from the sea. Although a technical meeting on the subject was planned under the joint co-ordination of Uganda and Nepal, this was deferred in favour of an expert study on key issues and trends.

8) Training, Information and Other Fields Relevant to Co-operation in Marine Affairs: Work on the establishment of an Indian Ocean Marine Affairs and Aquatic Resources Information System (IO-MAARIS) commenced in 1987, at the Second Meeting of the Standing Committee. The Committee reviewed and endorsed the IOMAC/United Nations Conference on Trade and Development/United Nations Development Programme sponsored Mission Report, which detailed three major components of the proposed system: the institutional element involving the creation of three nodes in the region as a first step; a training and educational element; and an outputs element. The IOMAC Information Workshop held in Jakarta in February 1990 reviewed and identified a number of practical measures for putting into operation the proposed information system. The Secretariat also published an Indian Ocean Newsletter which provided an update on IOMAC activities and other related developments.³

By 1998, however, only six states (Indonesia, Kenya, Mauritius, Mozambique, Pakistan and Sri Lanka) had ratified the 1990 Arusha Agreement (IOMAC II), even though a further three (Iran, Nepal and Tanzania) had signed it. In accordance with Article 16 of that agreement, it required ratification by a minimum of eight states to enter into force. Moreover, major

³ Jayawardene, H.W., 'The Indian Ocean Marine Affairs Co-operation (IOMAC)', in Peter Bautista Payoyo, (Ed.), *Ocean Governance: Sustainable Development of the Seas*, United Nations University Press: Tokyo, New York, Paris, 1994.
<<http://www.unu.edu/unupress/unupbooks/uu15oe/uu15oe0n.htm>>.

Indian Ocean states such as India, Australia and South Africa had not become members of IOMAC for a variety of political reasons.⁴

Indian Ocean Rim-Association for Regional Cooperation (IOR-ARC)

The IOR-ARC Charter consists of 11 Articles outlining the fundamental principles, objectives, membership, institutional mechanism, national focal points, the Indian Ocean Rim Business Forum (IORBF) and Indian Ocean Rim Academic Group (IORAG), and financial arrangements. The Charter makes it clear that the focus of the association is on economic co-operation. Article 2(iv) excludes from the deliberations 'bilateral and other issues likely to generate controversy and be an impediment to regional co-operation efforts'. Article 2(iii) stipulates that all decisions are to be taken on the basis of consensus. The Chairman's Report on Indian Ocean Rim Initiative (IORI) Working Group Meetings, delivered to the Second IORI Inter-Governmental Meeting, held in September 1996, clarified that the Charter is not a treaty; the IOR-ARC is not a preferential trading bloc; and that member states are committed to the principle of non-discriminatory treatment to one another, and, on the basis of Most Favoured Nation status, to all those who are also World Trade Organisation members. Articles 2(ii) and 4 of the Charter kept open the possibility of further expansion of membership, but limited it to sovereign states of the Indian Ocean rim. The Working Group on Membership established at the first Ministerial Meeting, held in March 1997, was to go into all issues relating to membership and other forms of association such as observership, guest status, and dialogue partnership. The Work Programme endorsed by the first Ministerial Meeting consisted of the following ten projects:

- 1) Co-operation in Standards and Accreditation;
- 2) Indian Ocean Rim Business Centre and Indian Ocean Rim Network (IORNET);
- 3) Investment Facilitation and Promotion;
- 4) IOR Chair in Indian Ocean Studies and Associate Fellows;
- 5) Trade Promotion Programme and IOR Trade Fair;
- 6) Development, Upgrading and Management of Seaports, Maritime Transport, Insurance and Re-insurance;
- 7) Human Resource Development Cooperation;
- 8) Working Towards Complementarity: A Comparative Analysis of Existing Multilateral and Regional Economic and Trade Policy Arrangements and Processes;
- 9) Tourism Promotion and Development; and,
- 10) Technology Enhancement in the Indian Ocean Region

According to Article 2(vii) of the Charter, the Work Programme was to be undertaken by member states on a voluntary basis. In accordance with the tri-partite nature of IOR-ARC, Article 9 of the Charter gives IORBF and IORAG a major role in establishing priorities of economic co-operation, co-ordination of the Work Programme, and the mobilisation of resources for its financing, and provides that the IORBF and IORAG may meet together with

⁴ Roy-Choudhury, R., 'Maritime and Naval Cooperation in the Indian Ocean', *Asian Strategic Review 1997-98*, Institute for Defence Studies and Analyses (IDSA): New Delhi, 1998, p. 262.

the Council of Ministers and the Committee of Senior Officials as mutually decided. Articles 5, 6 and 7 of the Charter set out the institutional arrangements of IOR-ARC to consist of a Council of Ministers, a Committee of Senior Officials and a Secretariat. The Council is to meet at least once in two years and Committee is to meet as often as required. The Council is to formulate policies, review progress and take decisions on new areas of cooperation. The Committee will establish priorities of economic co-operation, coordinate the Work Programme, and mobilize financial resources. The Secretariat, set-up in Mauritius, was to avoid excessive bureaucracy and function as a 'pilot mechanism' for co-ordination, servicing and monitoring of policy decisions.⁵

The second Ministerial Meeting was held in Maputo, Mozambique in March 1999. Meetings of the IOR-ARC Committee of Senior Officials (CSO), IORBF and IORAG were held in Mauritius in 1998; Mozambique in 1999 and 2000; and Oman in 2001 and 2002. The third Ministerial Meeting was held in Oman in 2001. By 2002, IOR-ARC had 19 member countries, five dialogue partners and one observer.⁶ Sri Lanka hosted the Council of Ministers meetings in 2003 and 2004 in Colombo. The tenth Ministerial Meeting was held in August 2010 at Sana'a, Yemen. At present there is a proposal to carry out a review of the IOR-ARC Charter and there is also an effort to move the association towards a Preferential Trading Arrangement.⁷

Conclusion

In a paper published in 2002, the late Professor Kenneth McPherson noted that the focus of IOR-ARC had narrowed to a focus on trade facilitation and argued that the agenda of IOMAC, an initiative which has done a great deal of work on marine and maritime issues, was worth revisiting by IOR-ARC.⁸ At present, as evidenced by the fact that the four key components of the IOR-ARC roadmap are trade liberalisation, trade and investment facilitation, economic and technical co-operation, and trade and investment dialogue, the agenda of IOR-ARC continues to be dominated by trade issues.

However, its current agenda also shows signs of broadening. This includes co-operation in combating Marine Pollution and Ocean-related Disaster Management, an Instrument for the Establishment of the Fisheries Support Unit, and a Maritime Transport Council. That is to say, the current agenda of IOR-ARC is showing signs of broadening to include environmental, living resources and maritime transport issues. As evidenced by the section on IOMAC in this paper, these are areas in which IOMAC has done a substantial amount of work.

⁵ Roy-Choudhury, R., 1997, op cit, pp. 121-126, 133-136.

⁶ Kelegama, S., 'Indian Ocean Regionalism: Is there a Future?', *Economic and Political Weekly*, June 22, 2002, p. 2422. The 19 members were: Australia, Indonesia, India, Sri Lanka, Singapore, Malaysia, Oman, Yemen, Kenya, Tanzania, South Africa, Mozambique, Mauritius, Madagascar, Thailand, Bangladesh, Seychelles, United Arab Emirates, and Iran. The five dialogue partners were: Egypt, Japan, China, United Kingdom and France. The one observer was the Indian Ocean Tourism Organisation.

⁷ *The Island*, 8 August 2010, '10th Council of Ministers Meeting of the Indian Ocean Rim-Association for Regional Cooperation: Lanka Calls for Realistic Assessment of the Opportunities and Challenges'. <http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=3993>.

⁸ McPherson, K., 'SAARC and the Indian Ocean', *South Asian Survey*, Vol. 9, No 2, (2002), pp. 258, 260.

Therefore, this paper proposes that IOR-ARC utilise the work already done by IOMAC on these issues. This will have the additional benefit of avoiding duplication and saving scarce resources. In this regard, an eight volume compendium titled *IOMAC Official Documents* to be found at the IOMAC Secretariat in Colombo, Sri Lanka, which contains a comprehensive set of documents on IOMAC activities, should prove to be extremely helpful, not only to policymakers, but to all who have an interest in greater international co-operation in the Indian Ocean region. This compendium could be a valuable resource for IOR-ARC's planned expansion into the above mentioned areas. The two organisations should build on complementarities and forge a synergy, with IOR-ARC drawing upon IOMAC's long-standing track-record and specialisation. Given the widening scope of IOR-ARC's activities, this could be a highly sensible course of action to take.

About the author: Dr. Y. J. Sithara N. Fernando has recently graduated with a PhD from the Chinese Studies Division, Centre for East Asian Studies, School of International Studies, Jawaharlal Nehru University in New Delhi, India. He is at present also working on publishing his thesis, titled 'China's Maritime Relations with South Asia, 1978-2006', as a book-length study. Dr Fernando resides in Sri Lanka. He is a Recipient (2010-11) of the Kodikara Award for South Asia Strategic Studies and is a Member of the Regional Centre for Strategic Studies in Colombo.

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Desborough House, Suite 2, 1161 Hay Street, West Perth WA 6005 Australia.
Tel: +61 8 9486 1046 Fax: +61 8 9486 4000
E-mail: lluke@futuredirections.org.au Web: www.futuredirections.org.au