



# CHARTER OF THE INDIAN OCEAN RIM ASSOCIATION (IORA)

## PREAMBLE

The Governments 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, Federation of Malaysia, Republic of Mauritius, Republic of Mozambique, Sultanate of Oman, Republic of Seychelles, Republic of Singapore, Republic of South Africa, Democratic Socialist Republic of Sri Lanka, United Republic of Tanzania, Kingdom of Thailand, United Arab Emirates and Republic of Yemen:

**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.

**INTENDING** the present Charter to replace the Charter of the Association as adopted in 1997 and amended in 2010; **Australia, Bangladesh, India, Indonesia, Islamic Republic of Iran, Kenya, Madagascar, Malaysia, Mauritius, Mozambique, Sultanate of Oman, Singapore, South Africa, Sri Lanka, Tanzania, Thailand, United Arab Emirates and Yemen**

**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);

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/Organizations 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) Indian Ocean Rim Academic Group (IORAG) means the Group of nominated academics from Member States;
- (i) Indian Ocean Rim Business Forum (IORBF) means the nominated representatives of the private sector;
- (j) Working Group on Trade and Investment (WGTI) means the nominated representatives from Government responsible for trade and economic cooperation;
- (k) "Working Group of Heads of Mission" (WGHM) means the Ambassadors/Heads of Mission of the IORA Member States based in Pretoria, Republic of South Africa or as decided otherwise;
- (l) "Specialized Agencies" means the organs of IORA established by the decision of the Member States.
- (m) "Secretariat" means the Secretariat of the IORA in Mauritius;
- (n) "Secretary-General" means the Secretary-General of the IORA;
- (o) "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 programmes.

### **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 which 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 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 consonance with the growing global emphasis on the unique geo-strategic primacy of the Indian Ocean rim. The priority areas are: (i) Maritime Safety and Security; (ii) Trade and Investment Facilitation; (iii) Fisheries Management; (iv) Disaster Risk Management; (v) Academic, Science & Technology Cooperation; and (vi) Tourism and Cultural Exchanges;
- (d) 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;
- (e) 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;

- (f) 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; and
- (g) 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.

#### **4. MEMBERSHIP**

- (a) 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) 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.

#### **5. INSTITUTIONAL MECHANISMS**

##### **(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 additional mechanisms and Specialized 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.

##### **(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 annually or as often as mutually decided. It will review implementation of the decisions taken by the Council of Ministers and in cooperation with the Indian Ocean Rim Academic Group (IORAG), Indian Ocean Rim Business Forum (IORBF) and Working Group on Trade and Investment (WGTI).
- (ii) The Committee of Senior Officials will establish the priorities for economic co-operation, develop, monitor and co-ordinate the Work Programmes, and mobilise resources for the financing of the Work Programmes. 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) Indian Ocean Rim Business Forum (IORBF), Indian Ocean Rim Academic Group (IORAG) and Working Group on Trade and Investment (WGTI)**

- (i) The Association includes bodies known as the Indian Ocean Rim Business Forum (IORBF), the Indian Ocean Rim Academic Group (IORAG) and Working Group on Trade and Investment (WGTI). They may meet together with the Council of Ministers and the Committee of Senior Officials or as mutually decided.
- (ii) IORBF will be positioned as the primary body for business representatives (business chamber representatives and other business promotion representatives) to formulate policy and project recommendations to IORA Member States. A separate session at IORBF (open only to businesses) meetings will be instituted and will report to the IORBF more broadly. IORBF will handle business facilitation, trade promotion, business events, and other business-related items.
- (iii) IORAG will be positioned as the primary vehicle for academics universities, think tanks and scientific and technological centres to formulate policy and project recommendations to IORA Member States. A separate session at IORAG (open only to academics) meetings will be instituted and will report to the IORAG more broadly. Member States should nominate IORAG focal points and support their attendance at meetings.
- (iv) The WGTI will handle items on trade facilitation, trade cooperation, investment facilitation and infrastructure, and other areas related to its mandate.

**(d) 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.

**(e) Working Group of Heads of Mission (WGHM)**

A Working Group of Heads of Mission (WGHM), consisting of Heads of Diplomatic Mission of IORA Member States based in Pretoria, South Africa or as otherwise decided, will meet to review the periodic work programme presented by the Chair of the Council of Ministers and will act as a follow-up mechanism and should focus on issues directly referred to the WGHM by the CSO and COM.

**(f) Secretariat**

- (i) There will be a Secretariat of the Association to manage, co-ordinate, service and monitor the implementation of policy decisions and Work Programmes, 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 mobilization 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 in 2014 following the change of the name of the Association.
- (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 organs. 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.

**(g) National Focal Points**

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

**(h) Specialised Agencies**

Specialised agencies may be established by the decision of the Member States to promote activities in cooperation with IORA Secretariat. A standardized Memorandum of Understanding has been created for the establishment of IORA Specialized Agencies where the need may arise

**(i) Subsidiary Instruments**

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

## 6. 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 Programmes. 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 programmes 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.

## 7. ADOPTION AND AMENDMENT OF THE CHARTER

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.

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.

## 8. SIGNATURE AND DEPOSITORY

The signed text of this Charter in English will be deposited with the Secretary-General of IORA, who will provide a certified copy to each Member State.

*Signed by Heads of Delegation at Perth, Australia on the Thursday 9 October in the 2014, in a single original in the English language*

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*Australia*

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*Union of the Comoros*

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*Republic of Indonesia*

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*Republic of Kenya*

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*People's Republic of Bangladesh*

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*Republic of India*

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*Islamic Republic of Iran*

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*Republic of Madagascar*

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*Malaysia*

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*Republic of Mozambique*

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*Republic of Seychelles*

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*Republic of South Africa*

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*United Republic of Tanzania*

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*United Arab Emirates*

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*Republic of Mauritius*

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*Sultanate of Oman*

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*Republic of Singapore*

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*Democratic Socialist Republic of Sri Lanka*

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*Kingdom of Thailand*

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*Republic of Yemen*

This Charter will replace the 2010 Charter following the change of name of the Association from Indian Ocean Rim Association for Regional Cooperation (IOR-ARC) to Indian Ocean Rim Association (IORA) adopted at the 13<sup>th</sup> Council of Ministers meeting in Perth, Australia on 1<sup>st</sup> November 2013.

Adopted by the Fourteenth Council of Ministers in its meeting held in Perth, Australia on the ninth day of October 2014.