



THE NATIONAL ASSEMBLY OF SEYCHELLES

REPORT OF THE INTERNATIONAL AFFAIRS COMMITTEE

ON THE

Agreement between the Government of the United States of America and the Government of the Republic of Seychelles Concerning Counter Illicit Transnational Maritime Activity Operations

(Submitted for Ratification as per Article 64 (4) of the Constitution)

The Committee has considered this Bilateral Agreement and presents its report thereon to the 7th Assembly. This is the International Affairs Committee's third special report on treaties/agreements, laid before the Assembly in accordance with Article 64 (4) of the Constitution of the Third Republic of Seychelles.

The International Affairs Committee (IAC), has the parliamentary responsibility for scrutinizing all international agreements submitted to the National Assembly by Recommendation of the President of the Republic of Seychelles.

This report addresses this Bilateral Agreement that has been reviewed and considered at the meeting of the IAC on *Wednesday 31st March 2021* with the Assistance of the Department of Foreign Affairs and the Coastguard, represented by the below Officials:

Lt. Col. Leslie Benoiton - Director of National Information Sharing and Coordination Centre (NISCC)

Lt. Col- Jean Attala - Ag. Commander of the Seychelles Coast Guard

Mr. Ian Madeleine – Director of Regional Affairs, Department of Foreign Affairs

Ms. Teresa Laurencine - Second Secretary in the International Law Unit of the Department of Foreign Affairs

THE INTERNATIONAL AFFAIRS COMMITTEE is mandated to work closely with the Ministry of Foreign Affairs, other governmental and non-governmental organizations on international affairs, peace, security and defence and contribute thereon as and when necessary; maintain existing and establish new ties with foreign parliamentary organizations of interest; and perform any other tasks as may be assigned by the National Assembly.

Powers

The Committee is a Standing Sessional Committee, the powers of which are set out in the National Assembly Standing Orders, 2020, principally, SO 88-92.

Committee Staff

The Committee is assisted by the following Parliamentary Staff of the Secretariat:
Ms. Alexandria Faure (Secretary) and *Mrs. Nada Delafontaine* (Secretary Assistant).

Contact

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The following Members of the International Affairs Committee undersigned, submit this Report dated 14th April 2021:

Hon. Waven William
Chairperson



Hon. Wavel Woodcock
Vice-Chairperson



Hon. Egbert Aglae
Member



Hon. Kelly Samynadin
Member



Hon. Wallace Cosgrow
Member



Hon. Philip Monthy
Member



Hon. Philip Arissol
Member



1 SYNOPSIS OF THE AGREEMENT AND CONTENTS

- 1.1 The Committee recognizes that the Agreement is to reaffirm and strengthen the cooperation between the Seychelles and the United States, especially in the field of maritime security. The Committee also notes that the United States of America is a crucial partner for Seychelles and is assisting the country with various maritime security initiatives such as training to strengthen capacity.
- 1.2 The Committee reaffirms that the Seychelles is strategically positioned and that this has certain geo-political and transborder implications which requires multilateral, regional and international approaches and partnerships.
- 1.3 The Committee also notes that the negotiations of this agreement involved multi-stakeholder consultations with concerned entities such as the Office of the Attorney General, the Seychelles Ports Authority, the Seychelles Maritime Safety Authority and the Seychelles Civil Aviation Authority.
- 1.4 The Committee notes that various illicit maritime activities such as piracy, illegal, Unreported and Unregulated (IUU) Fishing and drug trafficking is directly impacting and impinging the sustainable development of Seychelles. In addition, these criminal activities also have a huge impact on marine conservation and economic resilience.
- 1.5 The Committee recognizes and notes that this agreement equally makes provisions to intercept the transportation by sea of weapons of mass destruction (WMD) and their delivery systems, and any related materials equipment/technology, for use in the development and production/utilization of Weapons of Mass Destruction.
- 1.6 The Committee has prepared the following short synopsis of the contents of the Agreement and presents the below observations:

The Agreement seeks to mobilise the cooperation and support of the Government of the United States of America (USA) in order to reinforce maritime security in Seychelles.

The aim of this Agreement is to therefore strengthen cooperative law enforcement actions between the Seychelles and the USA for the purpose of detecting, identifying, combating, preventing, and interdicting illicit transnational maritime activities that take place in the EEZ and beyond. It intends to do so by providing a legal framework for the US Law Enforcement personnel and assets to operate within the territory of Seychelles.

Operations to suppress illicit transnational maritime activities shall be carried out only against suspected vessels and aircrafts, including vessels without nationality and vessels assimilated to vessels without nationality.

The agreement sets out to provide access to law enforcement officers and assets including vessels and aircrafts; of the USA within the territory¹ of Seychelles.

2 MAIN DISCUSSION POINTS

2.1 Concerns Regarding Assets

The IAC expressed concerns on the access to assets that is set out in the Agreement. The Department of Foreign Affairs and the officials from Coastguard and NISCC informed the Committee that the assets mentioned in the Agreement refer to boats, aircrafts and operational resources of both parties. Article V of the Agreement defines the conditions in which such assets mentioned above will operate within the territory of Seychelles.

2.2 Sovereignty & Financial Implications for Seychelles

Discussions took place on the dual benefits of the Agreement and the officials from the Department of Foreign Affairs assured the Committee that the operations that will take place will only fall within the remit prescribed in the Agreement. The fact that the EEZ of Seychelles is so vast, the country requires a multilateral approach as detailed in this agreement in order to ensure a more efficient maritime security and surveillance capabilities. The Committee were informed that the Agreement is using existing laws such as the Maritime Zone Act and no new laws need to be introduced in order for the operations under the agreement to take place. It is expected that each side shall cover the costs related to the use of their respective assets and personnel except on Joint Operations. The Committee were also informed that there will be a plan to put in place an Intelligence Based Operations whereby Seychelles and the USA can know exactly where the boats are and operate more efficiently which should cut costs considerably.

2.3 Geopolitical Interests

The Committee discussed the geo political interests that are currently taking place in the Indian ocean region. The Committee were informed that the agreement is purely a law enforcement cooperation and technical assistance mechanism. The Committee and the officials also discussed the escalation in drug trafficking and other criminal activities in the Indian ocean region and in the interest of all parties concerned to collaborate on innovative and strategic multilateral ways to tackle these threats.

¹ Territory is defined by the Agreement as internal waters, archipelago waters, territorial sea, and airspace over such territory and waters (i.e its "National Airspace"), in accordance with international law.

3 BENEFITS OF THE AGREEMENT

The IAC recognises and notes that based on the meeting and brief from the Department of Foreign Affairs, the following are the expected benefits from this Agreement:

- **Strengthening of Maritime Security & Surveillance:** *This Agreement will enhance cooperation between the two countries as it will also entail the USA using their assets and law enforcement officers to counter maritime drug trafficking, IUU fishing in the Waters² of Seychelles. This includes greater coverage of the territory of Seychelles and greater efficiency in combating crimes at sea as a result of these operations.*
- **Economic Benefits:** *The enhancement of maritime surveillance and greater coverage of the territory of Seychelles will deter further criminal activities in the Seychelles waters and provide more protection in the channels used by international vessels. In addition, it will further protect and conserve the fish stocks and marine resources of the Seychelles.*
- **Additional Assets & Technical Assistance:** *Through this cooperation, additional assets will be made available to reinforce maritime security. Additionally, Seychelles may gain access to expertise and technical training.*

3 RECOMMENDATIONS

Taking into account the transnational importance and the expected benefits of this Agreement, the Committee presents the following recommendation:

3.1 Oil Spill & Contingency Plans

There was a concern in regards to whether or not there is an agreement that will address matters such as an oil spill in the Indian Ocean region and to stop it from reaching the shores of Seychelles. The Members were informed that there is an agreement that currently exists but that it must be revised further. It was noted that in specific instances whereby there is a case like an oil spill, it is important to have a tailored agreement with technicalities and instruments that concentrate on the specific issue rather than have an agreement that is diluted by other maritime security activities.

The Committee recommends that further assistance is called upon for maritime disasters such as oil spills in future negotiations of such bilateral agreements.

² As per the definition in the Agreement, 'Waters' refers to the territorial sea, archipelagic waters, the exclusive economic zone and continental shelf of Seychelles, in accordance with international law as reflected in the 1982 UN Law of the Sea Convention (UNCLOS).