

MoP-07-40 rev2

7th Meeting of the Parties of the South Indian Ocean Fisheries Agreement
(MoP7)
17-20 November 2020 (online)

Latest correspondence exchanges in regards with El Shaddai

Relates to agenda item: 8

Working paper Info paper

Abstract

Attached are the latest correspondences between the SIOFA Secretariat and South African Authorities. And a letter from Braxton Shipping in regards of the draft IUU listing of the South African vessel *El Shaddai*.

Emails exchange with South African Authorities from earliest to oldest

From: Marisa Kashorte MarisaK@daff.gov.za

Sent: 18 November 2020 19:12

To: secretariat; Nosipiwo Mpalala; Mqondisi Ngadlela

Cc: kerrie.robertson@awe.gov.au; jlouys@sfa.sc; Sue Middleton; Saasa Pheeha

Subject: RE: INCLUSION OF THE MFV EL SHADDAI ON THE DRAFT SIOFA IUU LIST

Dear Mr Thierry Clot

Thank you for acknowledging receipt of the Republic of South Africa's official government letter to SIOFA.

We are well aware that the MOP for SIOFA is currently underway and wish the members of SIOFA well in their deliberations.

South Africa once again thanks you as the SIOFA Executive Secretariat for your efficient efforts in taking our matter seriously and ensuring our response has been relayed to the Commission for their consideration.

With this said, South Africa awaits in anticipation to hear from you on Friday at the close of the meeting on the adopted decision(s) taken by the MoP of SIOFA concerning the El Shaddai.

Please be assured of our highest consideration and esteem.

Sincerely

Marisa Kashorte

Sujet : Re: INCLUSION OF THE MFV EL SHADDAI ON THE DRAFT SIOFA IUU LIST

Date : Wed, 18 Nov 2020 13:53:33 +0000

De : secretariat secretariat@siofa.org

Pour : Marisa Kashorte <MarisaK@daff.gov.za>, Nosipiwo Mpalala <NosipiwoM@daff.gov.za>,

Mqondisi Ngadlela MqondisiN@daff.gov.za

Copie à : secretariat <secretariat@siofa.org>, kerrie.robertson@awe.gov.au

<kerrie.robertson@awe.gov.au>, jlouys@sfa.sc <jlouys@sfa.sc>

Dear Ms Marisa Kashorte,

Thank you for coming back to us.

Indeed, the SIOFA Secretariat has well received the letter sent yesterday by the South African government.

As you might know, the SIOFA Meeting of the Parties (MoP) is currently being held. It has been updated with all the information received concerning the inclusion of the El Shaddai on the Draft SIOFA IUU List so far.

We are fully aware of your situation and are taking this case very seriously.

However the final decision is between the hands of the MoP and is therefore pending the end of the meeting on Friday. If ever the El Shaddai was included in the IUU List, this information would be made available on our website and the Secretariat would be tasked to notify the South African Authorities.

Thank you again for your cooperation.

Kind Regards,

Thierry Clot

Sujet : RE: INCLUSION OF THE MFV EL SHADDAI ON THE DRAFT SIOFA IUU LIST

Date : Wed, 18 Nov 2020 10:08:17 +0000

De : Marisa Kashorte MarisaK@daff.gov.za

Pour : Nosipiwo Mpalala <NosipiwoM@daff.gov.za>, thierry.clot@siofa.org thierry.clot@siofa.org

Copie à : Mqondisi Ngadlala <MqondisiN@daff.gov.za>, Sue Middleton <SueM@daff.gov.za>, Saasa Pheeha <SaasaP@daff.gov.za>

Good day Mr Thierry Clot

Trust you are well.

We hope that you have received the letter from the South African government as sent yesterday as you have not acknowledged receipt thereof.

Further, can you kindly provide us feedback on whether the letter was presented to the SIOFA Commission meeting yet and when we can expect a response/ decision on the matter of the inclusion of the El Shaddai on the draft SIOFA IUU list.

Please be assured of our highest consideration and esteem.

Kind regards

Marisa Kashorte

From: Nosipiwo Mpalala

Sent: Tuesday, 17 November 2020 13:41

To: thierry.clot@siofa.orgCc: Mqondisi Ngadlala <MqondisiN@daff.gov.za>; Marisa Kashorte <MarisaK@daff.gov.za>; Sue Middleton <SueM@daff.gov.za>; Saasa Pheeha SaasaP@daff.gov.za

Subject: INCLUSION OF THE MFV EL SHADDAI ON THE DRAFT SIOFA IUU LIST

Dear Mr Clot

Please find attached for your kind attention, a letter from the Fisheries Management

Regards

Nosipiwo Mpalala

Office Administrator

Intergovernmental and International Relations

Department of Environment, Forestry and Fisheries

Tel: 021 402 3732

Fax: 021 425 3626

On 2020-11-16 14:19, Saasa Pheeha wrote:

> Dear Executive Secretary,

> Thanks very much for your detailed response below.

> Please kindly note that South Africa is in the process of preparing a formal response for your attention and consideration with regards to previous correspondences you have addresses to South Africa pertaining to listing of the South African vessel on the IUU list. Such correspondence will be transmitted in the next few hours before the commencement of the 7th Meeting of the Parties (MoP7).

> Wishing you lovely afternoon ahead.

>

> Best wishes and kind regards

> Saasa Pheeha.

>

>

> From: Thierry Clot <thierry.clot@siofa.org>

> Sent: Wednesday, November 11, 2020 6:15 AM

> To: Saasa Pheeha <SaasaP@daff.gov.za>

> Cc: secretariat@siofa.org; kerrie.robertson@awe.gov.au; jlouys@sfa.sc

> Subject: Re: South African Representative

>

>

> Dear Mr Saasa Pheeha

> Thank you for this first contact.

> To my knowledge, South Africa has been invited to participate to the SIOFA meeting and to join the SIOFA as a Contracting Partie or a Cooperating Non Contracting Partie without success for the last five years (Please see letter attached).

> I cannot recall any representative from South Africa engaging in the last SIOFA Meetings but you may consult our meeting records for more detailed information (<https://www.apsoi.org/meeting-reports>)

> Please do not hesitate to contact us if you have any further questions or observations.

>

> Kind regards

>

> Thierry

>

> Le 2020-11-10 à 14:46, Saasa Pheeha a écrit :

>

> Dear Secretariat.

> I hope that you are well and surviving.

> My name is Saasa Pheeha. I am the current acting Chief Director responsible for Marine Resources Management in South Africa.

- > I am writing to you to enquire as to who was the last representative of South Africa in the in the SIOFA Meetings. We are intending to engage with the Secretariat with regards to a possible IUU listing of a South African vessel through the Office of our representative.
- > Your assistance in the above will be very highly appreciated.
- >
- > Best wishes and kind regards
- > Saasa Pheeha.
- >
- > Mr. Saasa Pheeha | Chief Director: Marine Resources Management | Department of Agriculture, Forestry and Fisheries
- > Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8000
- > (Office: +27 (0) 21 402 3563 | Ê Fax: +27 (0) 21 402 3618 |* Email: SaasaP@daff.gov.za

Letter from Braxton Shipping to SIOFA Secretariat

Letter from Braxton Shipping to SIOFA Secretariat

Braxton Security Services cc. t/a
BRAXTON SHIPPING

159 PROBLEM MKHIZE RD
BEREA
DURBAN
4001

TEL : 031 202 2167
FAX : 086 619 4765
e-mail: braxtonshipping@telkomsa.net

POSTNET SUITE 225, PRIVATE BAG X504, NORTHWAY 4065
PSIRA NO. 424592
CK1998/05468/23
VAT REG. 4260172103

16th November 2020

Mr. Thierry CLOT
Executive Secretary SIOFA/APSOI
s/c DAAF, Parc de la providence-Batiment B
97489 Saint-Denis Cedex
La Reunion

By email: secretariat@siofa.org

Cc: Ifikizolo@environment.gov.za
SueM@daff.gov.za
MarisaK@daff.gov.za
Mqondisin@daff.gov.za
SaasaP@daff.gov.za

Dear Executive Secretary of SIOFA/APSOI, Mr. Thierry CLOT

RE: Inclusion of the *El Shaddai* on the draft SIOFA IUU List

I refer to the email correspondence sent to you on 8 October and 5 November 2020 in which Braxton Shipping responded to the Department and requested to be an Observer at the SIOFA meeting respectively. Braxton Shipping has continued to engage with the Department, and we have managed to have three discussion meetings with high ranking officials of the Department since Friday, 13 November 2020, and the last meeting took place this morning. We remain confident that from these robust discussions the Department will conduct their internal investigation into the matter, and once concluded, respond to SIOFA.

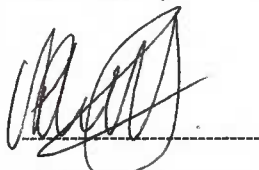
However, Braxton Shipping would like to put on record that we have fished legally in the CCAMLR region since 2010 and have done so in accordance with the South African Permit conditions and CCAMLR conservation measures. In May 2019, on completion of fishing in the CCAMLR region, we requested approval from the Department to fish on the High Seas (FAO 51) as we understood what the implications would be had we not been authorized by the Department. Furthermore, as the operator of the vessel, we ensured that it continued to conduct its fishing on the High Seas in a conservational manner. In this respect, we ensured that the vessel continued with fishing operations that were in accordance with the South African Permit conditions and CCAMLR conservation measures. The VMS system of the vessel constantly reported to the flag state and to CCAMLR, and the two observers continued to conduct scientific observations as per the Permit conditions. These observations included representative length frequency sampling, weight sampling, sex and maturity staging, fish conditions, length and weight sampling of by-catch, VME sampling, calculating tag overlap rate, otolith collection and seabird and marine mammal interactions. Our intentions were never to engage in any Illegal, Unreported and Unregulated (IUU) activities on the High Seas.

As a conservation measure, tagging provides a way to estimate total number of fish in the population. Some of the other conservation benefits of tagging and tracking data include: revealing key areas to prioritize for protection, such as mating, feeding or nursery grounds. Systematic tagging of fish for scientific purposes has been conducted for more than a century. However, tagging results have generally only been used for the qualitative evaluation of fish distribution patterns. Hence, the tag released by the vessel *El Shaddai* on 14 June 2019, may assist SIOFA in understanding the fish stocks within its Competence Area.

We are hoping that you consider removing the vessel *El Shaddai* from the draft IUU vessel list in light of the information submitted in this letter and the evidence previously sent to SIOFA. We once again wish to ensure SIOFA that we remain committed to conservation and that we had no malicious intent by releasing this tagged fish and that we conduct our fishing operations in accordance with all applicable conservation measures and fishing regulations to ensure the continued sustainability of the resource.

Thanking you in advance.

Your sincerely

A handwritten signature in black ink, appearing to read 'Pheobius Mullins', written over a horizontal dashed line.

Mr. Pheobius Mullins

Authorized Representative



environment, forestry & fisheries

Department: Environment, Forestry
and Fisheries
REPUBLIC OF SOUTH AFRICA

Department of Environment, Forestry and Fisheries: Fisheries Management, Private Bag X2, Vlaeberg, 8018. Tel: 021 402 3564. Fax: 021 425 3626

Enquiries: MA Ngadlela

Tel: 021 402 3654 **Fax:** 021 425 3626 **Email:** MgondisiN@daff.gov.za

Mr Thierry CLOT

Executive Secretary: Southern Indian Ocean Fisheries Agreement (SIOFA/PSOI)
c/o DAAF
Bâtiment B
Parc de la Providence
97489 Saint-Denis Cedex
La Réunion

By email: thierry.clot@siofa.org

Dear Executive Secretary,

RE: INCLUSION OF THE MFV EL SHADDAI ON THE DRAFT SIOFA IUU LIST

I hereby acknowledge receipt of your letter dated 6 October 2020.

I apologise on behalf of the Republic of South Africa for the delay in responding to your correspondence. The delay partly is due to the fact that the correspondence was directed to the wrong office and some other internal challenges also delayed it reaching the correct office. We would therefore wish to advise that future correspondence be directed to our international fisheries relations office on email: IR-Helpdesk@daff.gov.za or and copy Ms Marisa Kashorte email MarisaK@daff.gov.za.

Mr Clot, South Africa views this alleged conduct by our vessel in a very serious light and as the Head of the Fisheries Management Branch, I commit to conduct the necessary investigation. We therefore request that we be provided more time to conduct the said investigation and report to the



RE: INCLUSION OF THE MFV EL SHADDAI ON THE DRAFT SIOFA IUU LIST

Secretariat without further delay. We also wish to advise that we do not have any record in respect to the email dated 3 August 2020 and we would appreciate it if you can furnish us with the copy thereof. Further, we will also appreciate if you can provide us with the necessary evidence at your disposal which will be useful as a starting point of our investigation.

Lastly, I want to assure you that South Africa is a signatory to the 1982 United Nations Convention on the Law of the Sea and has ratified the FAO's Agreement on Port State Measures (PSMA), which is the first binding international agreement to specifically target illegal, unreported and unregulated (IUU) fishing. In addition, South Africa has built a credible reputation over the decades of observing and adhering to the conservation and management measures of several RFMOs and, also of acting against those who transgress against these measures.

Please accept the assurances of our highest regard.

Yours sincerely



Ms S Middleton
Acting Deputy Director-General
Fisheries Management
Letter signed by: Mr MA Ngadlela
Designation: Director: Intergovernmental and International Relations
Date: 17/11/2020