



10th Meeting of the Parties (MoP9)
Mauritius, 3–7 July 2023
MOP-10-INFO-10
Exchanges with South African authorities on Vessel 'El Shaddai'

SIOFA Secretariat

Document type	administrative paper <input type="checkbox"/> working paper <input type="checkbox"/> information paper <input checked="" type="checkbox"/>
Distribution	Public <input checked="" type="checkbox"/> Restricted ¹ <input type="checkbox"/> Confidential ² <input type="checkbox"/>
Abstract	
<p>This information paper presents the exchanges that occurred between the SIOFA Secretariat and the South African authorities regarding the South African vessel, El Shaddai. The owner of the vessel contacted the SIOFA Secretariat, initiating discussions with the South African authorities on this matter. The provided information paper compiles these exchanges.</p>	

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Southern Indian Ocean Fisheries Agreement
Accord relatif aux Pêches dans le Sud de l'Océan Indien

Ref. 2023-05-31-02/SIOFA/ES

Deputy Director-General:
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Department of Forestry,
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Environment
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Reunion Island, Wednesday 31th May 2023

Subject: Inquiry Regarding Removal of Vessel MFV EL SHADDAI from SIOFA IUU Vessel List

Dear Ms Sue Middleton,

I hope this letter finds you well. I am writing to bring to your attention an inquiry received from the owner of the vessel MFV EL SHADDAI regarding the removal of their vessel from the SIOFA IUU (Illegal, Unreported, and Unregulated) Vessel List.

The owner of MFV EL SHADDAI has contacted our Secretariat seeking information on the process for removing their vessel from the aforementioned list. As per the guidelines provided by the Secretariat, the request for removal must be initiated either by a Contracting Party, Cooperating Non-Contracting Party (CCP) or the flag state, which, in this case, is South Africa.

Considering this, we kindly request your guidance on how you would like to proceed in this matter. If you wish to pursue the removal of MFV EL SHADDAI from the SIOFA IUU Vessel List, we kindly request you to provide the necessary information and initiate the process accordingly.

Furthermore, we would like to remind you of the upcoming SIOFA meetings, namely the CC7 (7th Compliance Committee Meeting) and the MOP10 (10th Meeting of the Parties). These meetings provide an excellent platform for participating countries to discuss and address important matters related to the conservation and management of fisheries in the Southern Indian Ocean region.

To participate in these meetings, we encourage you to register as soon as possible. The registration forms can be accessed on the SIOFA website (www.siofa.org), where you can find the templates for registration and send them to Secretariat@siofa.org.

Please do not hesitate to reach out to us if you have any questions or require further assistance regarding the vessel removal process or the registration for the upcoming SIOFA meetings. We are here to support you in any way we can.

Thank you for your attention to this matter, and we look forward to hearing from you soon.

Yours sincerely,

Thierry CLOT
SIOFA Executive Secretary



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**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Reference: EDMS [Per Email]
Enquiries: Sue Middleton
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Attention: Mr Thierry Clot
The Executive Secretary
Southern Indian Ocean Fisheries Agreement (SIOFA)
Bâtiment B, Parc de la Providence 97489
Saint-Denis Cedex
La Réunion
France

Per email: thierry@siofa.org

Dear Sir

RE: ENQUIRY REGARDING THE REMOVAL OF THE MOTORISED FISHING VESSEL (MFV), *EL SHADDAI* REGISTRATION NO. N467 BELONGING TO BRAXTON SECURITY SERVICES CC FROM THE SIOFA ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING VESSEL LIST

I refer to your letter dated 31 May 2023 in which you informed the Department of the correspondence received from the owner of the MFV *El Shaddai* regarding the removal of the vessel from the SIOFA IUU Vessel List.

On 24 April 2023, the Department received a letter from the attorneys, representing the owners of the MFV *El Shaddai*, Braxton Security Services CC (Braxton) in which the attorneys requested the Department to motivate for the removal of the vessel, from the IUU Vessel Lists of both SIOFA and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

Enquiry regarding the removing of the MFV, *El Shaddai* registration no. N467 belonging to Braxton Security Services CC from the SIOFA IUU, fishing list.

As you are aware, South Africa previously requested the removal of the MFV *El Shaddai* which request was unsuccessful as South Africa was advised first to conduct a full investigation into the alleged IUU fishing. The Department conducted an investigation which resulted in criminal proceedings being instituted against Braxton and relevant individuals.

On 18 April 2023, the Director of Public Prosecutions (DPP), addressed an email to the Department in which he advised that he declined to prosecute the case. He undertook to provide a full and complete assessment of the evidence and the shortcomings of the case. The Department is awaiting this report as well as a formal *nolle prosequi* certificate.

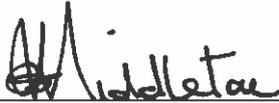
In addition to the criminal prosecution, South Africa also put in place additional measures to ensure compliance with the relevant SIOFA conservation and management measures. These included adding permit conditions to high seas fishing licences, to make it clear that fishing in the high seas remained subject to any requirements of RFMOs, making permit conditions clearer and updating the vessel monitoring system to specifically include FAO 51. Once the report is received from the DPP, the Department will be able to ensure that any additional gaps identified therein have been considered and remediated.

In light of the above, the Department intends to provide an update to SIOFA and to make further representations regarding the removal of the vessel from the IUU vessel list, once it has received the *nolle prosequi* certificate and associated assessment from the prosecutor. It is hoped that this will be prepared in time for the next meeting of the Compliance Committee commencing 28 June 2023; however, this is dependant on the DPP.

Enquiry regarding the removing of the MFV, *El Shaddai* registration no. N467 belonging to Braxton Security Services CC from the SIOFA IUU, fishing list.

I trust that you will find the above in order. Should you have any further enquiries, please do not hesitate to contact me.

Yours sincerely



SUE MIDDLETON

DEPUTY DIRECTOR-GENERAL

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

BRANCH: FISHERIES MANAGEMENT

DATE: 01/06/2023

