



9th Meeting of the Parties (MoP9)

Reunion Island, 4–8 July 2022

MOP-09-01

SIOFA Provisional IUU Vessel List

SIOFA Compliance Committee

Submitted 01/07/2022

Document type	administrative paper ☐ working paper ☒ information paper ☐
Distribution	Public ☐ Restricted ¹ ☒ Confidential ² ☐
Abstract	
In accordance with CMM 2018/06 the Compliance Committee shall prepare a provisional IUU vessel list for the MoP consideration. The CC prepared the provisional IUU vessel list during its 6th meeting, and it contains 2 new vessels: - 1 vessel flagged from Sri Lanka - 1 vessel flagged to South Africa Supporting documentation and information exchanges are available on the CC6 page of the SIOFA website. The Current SIOFA IUU vessel list remains unchanged and contains one vessel. 2 vessels from Sri Lanka have been maintained on the Draft IUU list for re-consideration by the CC at its next meeting.	

¹ Restricted documents may contain confidential information. Please do not distribute restricted documents in any form without the explicit permission of the SIOFA Secretariat and the data owner(s)/provider(s).

² Documents available only to members invited to closed sessions as per SIOFA RoP 20.



Recommendations

- The MoP to consider the provisional IUU Vessel List
- The MoP to adopt a final IUU Vessel List

Provisional SIOFA IUU Vessel List

Detailed information for each vessel and past correspondences are provided in the annexes

Name and previous names, if any	Flag and previous flags, if any	Owner and previous owners, including beneficial owners, if any	Operator and previous operators, if any	Call sign and previous call signs, if any	IMO number, if any	Summary of activities which justify inclusion of the vessel on the IUU Vessel List	Detailed information and past correspondences annex
IMULA 1844 MTR	SRI LANKA	Unknown	Unknown	MMSI 417184441	Unknown	- Engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorized Vessels; - engaged in fishing activities contrary to any other SIOFA CMMS	Annex A
EL SHADDAI*	South Africa	Braxton Security Services CC		ZR6358	8025082	Engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorized Vessels	Annex B

* Note that El Shaddai vessel has been IUU listed by CCAMLR

ANNEX A: IMULA 1844 MTR

SIOFA Reporting form for Vessels Presumed to be Carrying Out IUU Activities

A. Details of Vessel

Please provide the following details for each vessel presumed to have carried out IUU fishing in the Agreement Area:

Item	Description	Details
(a)	Name and previous names, if any	IMULA 1844 MTR
(b)	Flag and previous flags, if any	SRI LANKA
(c)	Owner and previous owners, including beneficial owners, if any	Unknown
(d)	Operator and previous operators, if any	Unknown
(e)	Call sign and previous call signs, if any	MMSI 417184441
(f)	IMO number, if any	Unknown
(g)	Photographs, where available	Unavailable
(h)	Date first included on the IUU Vessel List, if applicable	n/a
(i)	Summary of activities which justify inclusion of the vessel on the IUU Vessel List, together with references to all relevant documents informing of and evidencing those activities Please also complete Section B below	AIS tracks of the fishing vessel 'IMULA 1844 MTR' in the period from 1 January to 31 March 2022 (see screenshots in Annex 1-3) display substantial activities on the shallow waters of the Saya de Malha Bank, indicating a very significant probability that the vessel was engaging in fishing activities falling under the purview of SIOFA. SRI LANKA is not a CCP to SIOFA and the fishing vessel 'IMULA 1844 MTR' is not on the SIOFA Record of Authorised Vessels. The vessel is also not registered with IOTC.

B. IUU fishing activities

Please indicate which IUU activities, as listed in paragraph 5 of CMM 2018/06, the vessel identified in Section A is presumed to have carried out in the Agreement Area:

Item	Description	Indicate
(a)	engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorized Vessels;	☒
(b)	engaged in fishing for fishery resources in the Agreement Area, in contravention of the vessel's fishing licences, authorisations or permits, or after its flag State has exhausted its quota/s, catch limit or effort allocation established by SIOFA CMMs	☐
(c)	not recorded or reported their catches made in the Agreement Area as required by adopted reporting procedures, or made false reports	☐
(d)	retained on board, transshipped or landed undersized fish in a way that undermines SIOFA CMMs	☐
(d bis)	fished for, retained on board, transshipped or landed fisheries resources subject to a moratorium or the retention of which is prohibited by SIOFA	☐
(e)	engaged in fishing fish during a closed fishing period or in closed areas in contravention of SIOFA CMMs	☐
(f)	used prohibited fishing gear or fishing methods in contravention of SIOFA CMMs	☐
(g)	transshipped or participated in other operations, such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies, either as an unloading or receiving vessel, with vessels included in the IUU Vessel List	☐
(h)	engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, resupplying and refueling operations in the Agreement Area having intentionally falsified or concealed their markings, identity or registration	☐
(i)	engaged in fishing activities contrary to any other SIOFA CMMS	☒
(j)	been under the control of the owner of any vessel on the SIOFA IUU Vessel List	☐

C. Supporting Evidence

List here the associated documents that are appended.

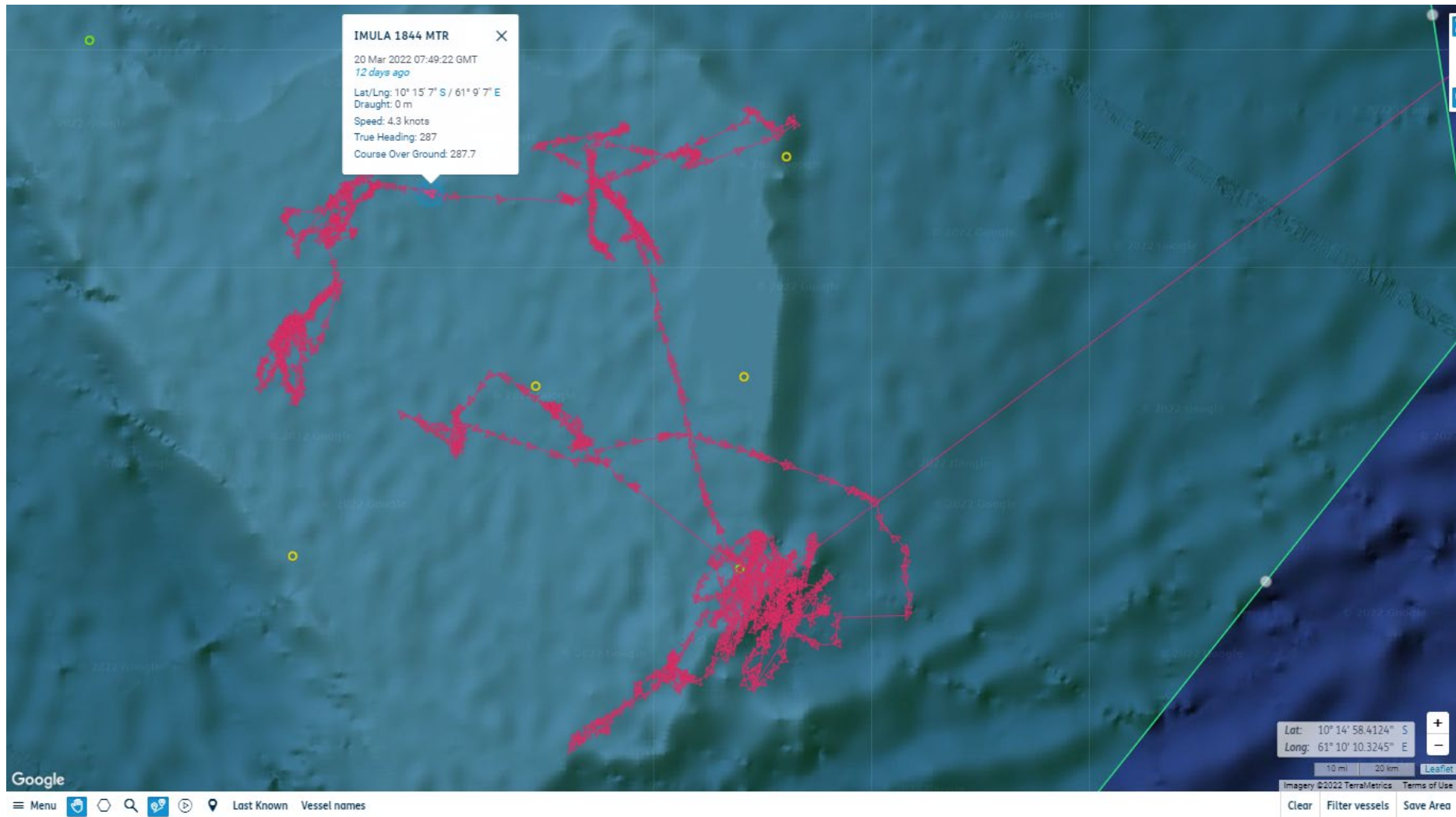
Annex 1 – AIS tracks of fishing vessel 'IMULA 1844 MTR' (screenshots 1-3)

D. Recommended Actions

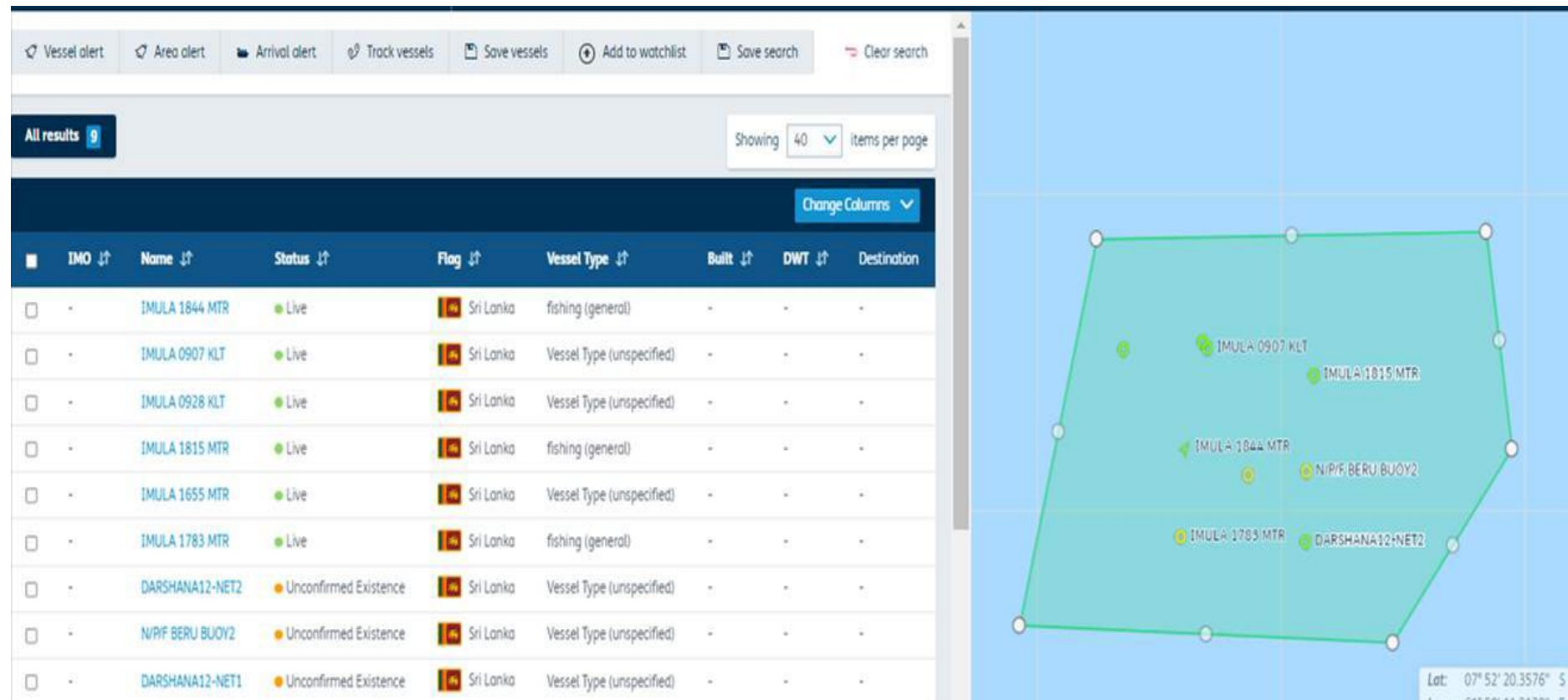
Recommended Actions		Indicate
a	Notification to SIOFA Secretariat only. No further action is recommended.	☐
b	Notification of IUU activity to SIOFA Secretariat. Recommend notification of activity to flag State.	☒
c	Recommended for inclusion on SIOFA IUU list	☒

Annex 1 - AIS tracks of fishing vessel 'IMULA 1844 MTR'

Screenshot 1



Screenshot 2



ANNEX B: EL SHADDAI
SIOFA Reporting form for Vessels Presumed to be Carrying Out IUU Activities

A. Details of Vessel

Please provide the following details for each vessel presumed to have carried out IUU fishing in the Agreement Area:

Item	Description	Details
(a)	Name and previous names, if any	El Shaddai
(b)	Flag and previous flags, if any	South Africa
(c)	Owner and previous owners, including beneficial owners, if any	
(d)	Operator and previous operators, if any	
(e)	Call sign and previous call signs, if any	
(f)	IMO number, if any	
(g)	Photographs, where available	
(h)	Date first included on the IUU Vessel List, if applicable	
(i)	Summary of activities which justify inclusion of the vessel on the IUU Vessel List, together with references to all relevant documents informing of and evidencing those activities Please also complete Section B below	

B. IUU fishing activities

Please indicate which IUU activities, as listed in paragraph 5 of CMM 2018/06, the vessel identified in Section A is presumed to have carried out in the Agreement Area:

Item	Description	Indicate
(a)	engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorized Vessels;	☒
(b)	engaged in fishing for fishery resources in the Agreement Area, in contravention of the vessel's fishing licences, authorisations or permits, or after its flag State has exhausted its quota/s, catch limit or effort allocation established by SIOFA CMMs	☐
(c)	not recorded or reported their catches made in the Agreement Area as required by adopted reporting procedures, or made false reports	☐
(d)	retained on board, transshipped or landed undersized fish in a way that undermines SIOFA CMMs	☐
(d bis)	fished for, retained on board, transshipped or landed fisheries resources subject to a moratorium or the retention of which is prohibited by SIOFA	☐
(e)	engaged in fishing fish during a closed fishing period or in closed areas in contravention of SIOFA CMMs	☐
(f)	used prohibited fishing gear or fishing methods in contravention of SIOFA CMMs	☐
(g)	transshipped or participated in other operations, such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies, either as an unloading or receiving vessel, with vessels included in the IUU Vessel List	☐
(h)	engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, resupplying and refueling operations in the Agreement Area having intentionally falsified or concealed their markings, identity or registration	☐
(i)	engaged in fishing activities contrary to any other SIOFA CMMS	☐
(j)	been under the control of the owner of any vessel on the SIOFA IUU Vessel List	☐

C. Supporting Evidence

Annex A – Email exchanges

D. Recommended Actions

Recommended Actions		Indicate
a	Notification to SIOFA Secretariat only. No further action is recommended.	☐
b	Notification of IUU activity to SIOFA Secretariat. Recommend notification of activity to flag State.	☐
c	Recommended for inclusion on SIOFA IUU list	☐

Annex B : Email exchanges

Mail from EU, on 2020-07-08, 20:35

Dear Thierry,

During the recent SIOFA WGs meetings there was information presented indicating that a toothfish tag would have been released within the SIOFA area seemingly by a f/v from South Africa.

I attach some preliminary information (to be reconfirmed by the Secretariat) for reference.

We would appreciate if the Secretariat could follow up and clarify the matter, possibly in consultation with the Compliance Committee chair.

Thank you in advance

All the best

Stamatis

3 attachments

1. ZAF_tag_2020_SIOFA.xlsx

	TAGGING									
ID	Vessel1	TL-cm	Weight-k	KG1	Y1	X1	Z1	D1	T01	T02
IB_16		80			-43.6533	41.0833		2019-06-14	A483056	A483057

RECAPTURE									
D2	Vessel2	TL-cm	Weight-k	Sex2	MS2	GW2	Y2	X2	

2020-03-25	IBSA QUINTO	82	5.9	F	2	-43.6523	41.0462
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Days at liberty	Δ weight	Δ length	Km1	Year_T	Year_R	CCAMLR SSRU TAG	AREA FAO RECAPT	AREA SIOFA RECAPT
284	5.9	2	3.262718065	2019	2020		FAO 51	SIOFA SUBAREA 3b

2. Coordinates.PNG

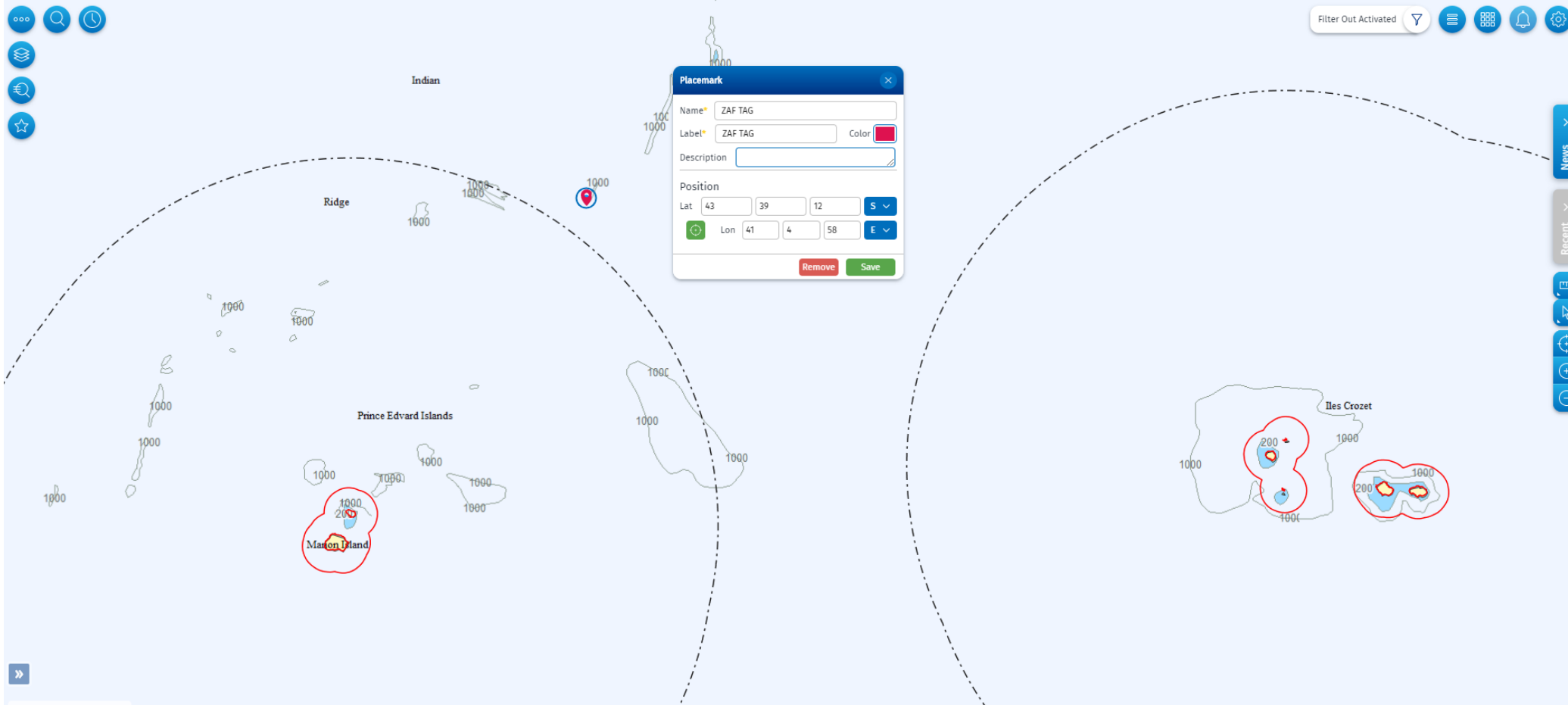
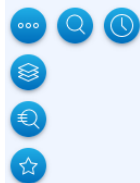
Latitude
Longitude

DMS Latitude
DMS Longitude

Convert DMS to Decimal Degrees

S: South, W: West, E: East, N: North

3. EFCA IMS.PNG



Mail to EU on 2020-07-30, 22:02

Dear Stamatis,

Thank you for these elements.

The secretariat has contacted the CCAMLR who confirmed these tags have been put in place by a South African vessel.

I know that the CCAMLR secretariat have been doing some data quality checking and engaging with South African colleagues to verify the associated fishing data.

Please find attached the draft letter that I intend to send to the South African authorities soon.

Have you any comments on it ?

Kind regards

Thierry



SIOFA | APSOI

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

Executive Secretary

Thierry CLOT

DAAF-Bâtiment B

Parc de La Providence

97489 Saint-Denis Cedex

La Réunion, France

secretariat@apsoi.org

<https://www.apsoi.org/>

August 3rd, 2020

Mr Lisolomzi Fikizolo

Chief Director

No 1 East Pier Building, East Pier Road,

V/A Waterfront Cape Town 8000

South Africa

Subject : Clarifications on a TOT tag released in SIOFA area

Dear Sir,

I shall inform you that a Cooperating Contracting Party to the Southern Indian Ocean Agreement (SIOFA) reported a suspected Illegal, Unreported and Unregulated fishing operation within the SIOFA Area from a vessel flying your flag. Indeed, according to the information received a toothfish tag would have been released within the Southern Indian Ocean Fisheries Area Competence Area by a fishing vessel from South Africa on the 14/06/2019 at the recorded position: 43°39'S-041°05'E.

We are proceeding to some investigation more to take the adapted measures. However, the European Union, as a Cooperating Contracting Party to the SIOFA, has requested clarification on the situation. To that end, we would be pleased to receive any further explanation that the Republic of South Africa could provide on this catch.

Hoping that this letter will reach you well, we would be pleased to cooperate more thoroughly with the Republic of South Africa on this matter. The Secretariat will gladly provide you with any new element at its disposal.

Yours sincerely,



Thierry CLOT
Executive Secretary
SIOFA/APSOI

DISTRIBUTION : - Meeting of the Parties Chair (MoP) : Ms Kerrie Robertson
 - Compliance Committee Chair : Mr Johnny Louys



SIOFA | APSOI

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

Executive Secretary

Thierry CLOT

Bâtiment B

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97489 Saint-Denis Cedex

La Réunion, France

secretariat@siofa.org

<https://www.apsoi.org/>

October 6th, 2020

Mr Lisolomzi Fikizolo

Chief Director

No 1 East Pier Building, East Pier Road,

V/A Waterfront Cape Town 8000

South Africa

Subject : Inclusion of the « El Shaddai » on the draft SIOFA IUU List

Dear Sir,

I sent you a letter on August 3, 2020, concerning a tag placed on an Austral toothfish released by a South African ship in the SIOFA zone.

Without any response from you, the SIOFA secretariat continued its investigation and managed to identify the vessel as EL SHADDAI.

As a remind, on July 8th, a Contracting Party to the Southern Indian Ocean Agreement (SIOFA) reported a suspected IUU fishing operation within the SIOFA Area from a vessel flying your flag. Indeed, according to the information received a toothfish tag would have been released within the Southern Indian Ocean Fisheries Area Competence Area by a fishing vessel from South Africa on the 14/06/2019 at the recorded position: 43°39'S-041°05'E.

I shall inform you that the vessel named "El Shaddai" has been included on the draft Illegal Unreported or Unregulated (IUU) Vessel List of the Southern Indian Ocean Fisheries Agreement.

However, you are welcome to provide any comment on this inclusion before October 8th. Paragraph 7 of the CMM2018/06 provides that *"Any comments related to the Draft IUU list shall be transmitted to the Secretariat, at least 40 days before the ordinary Meeting of the Parties, as appropriate, including verifiable evidence and other supporting information, showing that the vessels included on the Draft IUU vessel list have neither operated in contravention of SIOFA CMMs nor had the possibility of engaging in fishing for fishery resources in the Agreement Area"*.

This content of this IUU Vessel List will be studied at our next Compliance Committee and Meeting of the Parties, which will take place between 17th-20th November.

For you information, once the Meeting of the Parties adopts the IUU Vessel List, the following obligations are set in CMM2018/06 paragraph 19 and apply to all our Contracting Parties :

"[...] (b) ensure that its vessels do not participate in any transshipment or other operations such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving vessel, with vessels included in the IUU Vessel List;

(c) ensure that vessels on the IUU Vessel List are denied access to ports unless for the purpose of inspecting them and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing;

(d) give priority to the inspection of vessels on the IUU Vessel List, if such vessels are found in their ports; 5

(e) prohibit the chartering of vessels on the IUU Vessel List; [...]

(g) prohibit commercial transactions, such as imports, exports or re-exports, landings and transshipments of fisheries resources covered by the Agreement, as well as other operations involving such fisheries resources, from vessels on the IUU Vessel List; [...]

(i) encourage traders, importers, and transporters to refrain from transactions in, and transshipment of, fishery resources covered by the Agreement caught by vessels on the IUU Vessel List; and

(j) collect and promptly exchange with other Contracting Parties, CNCPs and PFEs, any appropriate relevant information on vessels included in the IUU Vessel List."

In order to foster cooperation with you in the future and allow you to include vessels on our Authorized Vessel List, we invite you to get acquainted with the terms of our Agreement, available on our website (<http://apsoi.org/node/3>) and rules 17 and 18 of the Rules of Procedure, that set out the process for becoming a Cooperating Non Contracting Party or an Observer of the SIOFA (<https://www.apsoi.org/about-siofa/basic-documents/RoP>). Furthermore, please note that Article 24 of the Southern Indian Ocean Fisheries Agreement specifies that *"This Agreement shall be open for accession, after its closure for signature, by any State or regional economic integration organization referred to in article 22(1), and by any other State or regional economic integration organization interested in fishing activities in relation to the fishery resources."* We would be pleased to have the Republic of South Africa cooperating with us, becoming a contracting party or a cooperation non-contracting party in the future.

Hoping that this letter will reach you well, we would be pleased to cooperate more thoroughly with the Republic of South Africa on this matter. We would appreciate to have a response from you as soon as possible.

Yours sincerely,



Thierry CLOT
Executive Secretary
SIOFA/APSOI

Good afternoon Executive Secretary

My name is Pheobius Mullins, the authorised representative of the vessel El Shaddai. I was introduced to you by Mr Issac Forster at the CCAMLR Commission meeting last year in Hobart.

Mr Lisolomzi Fikizolo forwarded SIOFA's letter to me on 6 October 2020. On 7 October 2020, I formulated a written response, with substantiating documents. This was sent to Mr Fikizolo on the same day. However, Mr Fikizolo today informed me that he has been ill since yesterday and is currently on sick leave.

Due to the urgent nature of this matter, I telephonically communicated with Mr Yamkela Mngxe, the alternative CCAMLR Commissioner, who suggested that I forward you the response and substantiating documents that I provided to Mr Fikizolo on 7 October 2020. The substantiating documents include the high seas fishing vessel license, the catch permits and the relevant correspondence with CCAMLR and the Department of Environment, Forestry and Fisheries.

I am confident that Mr Fikizolo will contact you once he has fully recovered.

We are fully cognisant of the importance of this matter and wish to assure you of our full cooperation.

Thanking you in advance.

Kindest regards

Pheobius

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

7th October 2020

Mr Lisolomzi Fikizolo
South African Commissioner to CCAMLR
No. 1 East Pier Building
East Pier Road
V/A Waterfront
Cape Town
8000

By email: LFikizolo@environment.gov.za

Dear Sir

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

Dear Mr Fikizolo

Thank you for the email you sent on the afternoon of 6 October 2020, which you received from the South Indian Ocean Fisheries Agreement (SIOFA) and refers to the inclusion of the El Shaddai on the draft SIOFA Illegal, Unreported or Unregulated (IUU) list.

The vessel El Shaddai was first introduced into the South African Fishery in 2010 and during its earlier years in the fishery, made adjustments to its equipment to adhere to the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) Conservation Measures (CM). Numerous strides have been achieved by the vessel in enabling it to be 100% compliant with the

MEMBER: E.M SHER

Conservation Measures and this has resulted in the vessel not being sighted in the CCAMLR Compliance Evaluation Procedure (CCEP – CM10-10) Summary Report and Analysis. The vessel further continues to have briefing and debriefing sessions with the Department of Environment, Forestry and Fisheries (the Department) and observer operators to be kept abreast of all applicable CCAMLR CM.

At the start of the 2018/19 CCAMLR fishing season, the vessel was issued with the following Catch Permits (1809970; 1900613; 1810034 and 181035), Fish Processing Establishment Permit (1809969) and High Seas Fishing Vessel License (32871). The vessel was authorized by the Department in accordance with CM 10-02 to fish in the CCAMLR Convention Area. The CPUE in the South African EEZ was exceptionally good compared to other years and by 21 April 2019, the vessel had caught all the allocated catch based on the sum of the 4 Catch Permits.

When we realized how quick the allocation was being caught, we investigated various options which would enable the crew and the vessel to continue working and earn a living. We approached Ziyabuya Fishing (Pty) Ltd, the owners of the Koryo Maru No. 11, to negotiate transfer of a portion of their allocation to the vessel El Shaddai; however, the negotiations were unsuccessful.

On 1 April 2019, we contacted the CCAMLR Fisheries Monitoring and Compliance Manager, Ms Bonney Webb, via email, and enquired what CCAMLR procedures and obligations the vessel needed to adhere to should the vessel fish on the High Seas (FAO 51).

The vessel waited for three days in the CCAMLR Convention Area until approval was granted by the Department to continue fishing on the High Seas. We further ensured that the vessel continued to abide by all CCAMLR CM while fishing on the high seas. The vessel VMS reported regularly to the flag state and CCAMLR (in accordance with CM 10-04). All fishing related data, i.e. the 5 day reports (CM 23-01), were sent to. The two national observers collected biological data and performed other compliance related functions on the vessel. In addition, the tagging requirements (CM 41-01) were maintained at 1 fish per ton.

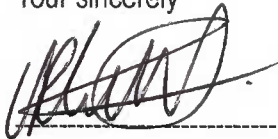
At the time of enquiring and seeking approval from the Department, our intentions were not to engage in any illegal activities on the High seas, but to ensure that we followed the correct procedures before we started fishing. We were completely unaware of SIOFA at the time of enquiring to fish on the High Seas and had we known, we would have advised the Department to register our vessel accordingly, as they annually do on the CCAMLR and other Tuna Regional Fisheries Management Organizations (RFMO) websites, to which South Africa is a signatory.

As members of CCAMLR we are bound by Resolution 18/XXI, which makes reference to harvesting of *Dissostichus eleginoides* in areas outside of Coastal State jurisdictions adjacent to the CCAMLR Area in FAO Statistical Areas 51 and 57. We further recognize and confirm that the vessel only conducted a level of harvesting which ensured the conservation of this species and that this

harvesting was done in accordance with CCAMLR CM that affirms the importance of cooperation in scientific research through the collection and exchange of data collected from this region, which could include but is not limited to biological and tagging data.

In light of the letter from SIOFA, we are willing to fully co-operate and provide any additional information that they would require to ensure that the *El Shaddai* is removed from the draft SIOFA IUU List. Furthermore, we would respectfully request that the Department commence the process of registering our vessel, *El Shaddai*, on their Authorized Vessel List with SIOFA to avoid further situations of this nature.

Your sincerely

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

Mr. Pheobius Mullins
Authorized Vessel Representative

Dear Head of Delegation

Please find attached the response and substantiating documents provided yesterday just at time and deadline to receive any comment, by Mr Phoebius Mullins, authorised representative of the vessel El Shaddai. Mr Fikizolo (South African Authority) is currently sick, and wasn't able to send by himself these documents.

The substantiating documents include several documents as the high seas fishing vessel license, the catch permits and the relevant correspondence with CCAMLR and the Department of Environment, Forestry and Fisheries which doesn't concern directly SIOFA.

Only the letter from Mr Pheobius Mullins in response to the SIOFA Secretariat letter has been put on the SIOFA Website, in the restricted area.

Don't hesitate to ask any question to the Secretariat if you need any clarification.

According to the paragraph 7 of the CMM 2018/06, the transmission of any comments related to the draft IUU list is now closed, but I kind remind you can exchange if you wish on the Forum dedicated to this issue on the restricted area on the SIOFA website.

Sincerely yours

Thierry

Attachements:

From: Bonney Webb bonney.webb@ccamlr.org

Subject: RE: CCAMLR requirements

Date: 01 April 2019 at 06:18

To: Pheobius Mullins pheobiusm@braxtonshipping.co.za, CCAMLR ccamlr@ccamlr.org

Cc: JohannesDG@daff.gov.za, Liz liz@braxtonshipping.co.za, Eldene OShea eldene.oshea@ccamlr.org, qayisomk@daff.gov.za

BC

Dear Pheobius,

Thank you for the query. In the first instance you need to seek guidance from your flag state authority.

The Secretariat can respond to any specific query regarding from the application of CCAMLR Conservation Measures outside the Convention Area to the authority of a Member.

Best regards

Bonney Webb

Bonney Webb
Fishery Monitoring and Compliance Manager
Commission for the Conservation of Antarctic Marine Living Resources
Phone +61 3 6210 1102
Mobile: +61 447 178 525
Web www.ccamlr.org
Email bonney.webb@ccamlr.org

-----Original Message-----

From: Pheobius Mullins <pheobiusm@braxtonshipping.co.za>

Sent: Monday, 1 April 2019 2:47 AM

To: Bonney Webb <bonney.webb@ccamlr.org>

Cc: JohannesDG@daff.gov.za; Liz <liz@braxtonshipping.co.za>; Eldene OShea <eldene.oshea@ccamlr.org>;
qayisomk@daff.gov.za

Subject: CCAMLR requirements

Good evening Bonney

I hope this email finds you well.

I would like to enquire what are CCAMLR rules with regards to fishing on the high seas, with particular reference to Area FAO 51.

Furthermore, the reason for my question is that we would like to fish on the high seas for toothfish later in the season and comply with CCAMLR rules and requirements.

Thanking you in advance for your assistance.

Kindest regards
Pheobius

From: Pheobius Mullins pheobiusm@braxtonshipping.co.za

Subject: Re: El Shaddai

Date: 26 April 2019 at 10:56

To: SaasaP SaasaP@daff.gov.za

Cc: JohannesDG JohannesDG@daff.gov.za, Liz liz@braxtonshipping.co.za, albino@braxtonshipping.co.za, QayisoMK QayisoMK@daff.gov.za, MandisileM MandisileM@daff.gov.za, AsandaN AsandaN@daff.gov.za

PM

Good morning Saasa

Thank you for your positive response and your suggested communication to Ops and CCAMLR are noted.

Kindest regards
Pheobius

Sent from my iPhone

On 26 Apr 2019, at 10:04, SaasaP <SaasaP@daff.gov.za> wrote:

Dear Phoebeius.

In responding to your email below, I have had a chat with Mandy and the permit conditions are very clear. You just have to notify the Department's VMS Office (daffops@daff.gov.za) accordingly, and comply with the remainder of the permit conditions.

I would also advice that, as curtesy, you also notify the Secretariat of the intended period you will be fishing in the high seas.

Best wishes and kind regards
Saasa Pheeha.

From: Pheobius Mullins <pheobiusm@braxtonshipping.co.za>

Sent: Wednesday, April 24, 2019 11:23 AM

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

Cc: JohannesDG <JohannesDG@daff.gov.za>; Liz <liz@braxtonshipping.co.za>; albino@braxtonshipping.co.za; QayisoMK <QayisoMK@daff.gov.za>; MandisileM <MandisileM@daff.gov.za>; AsandaN <AsandaN@daff.gov.za>

Subject: Re: El Shaddai

Good morning Saasa

Further to our discussions this morning, my apologies for not requesting and only notify you for the vessel to fish on the High seas.

Further to contents of the email below we further recommend the following:

3. FISHING AREAS

3.1 The permit is valid in South African Water (excluding tidal lagoons, tidal rivers and estuaries) and may be used on the high seas in conjunction with a high seas vessel license.

3.2 This Exemption is valid only for South African flagged vessels in South African waters within the Prince Edward Islands-Exclusive Economic Zone (PEI-EEZ). No fishing is permitted:

3.2.1 within 12 (twelve) nautical miles from either Marion or Prince Edward Islands and between the two islands;

3.2.2 in a Sanctuary Area of the PEI Marine Protected Area (PEI MPA)

3.2.2 in a Sanctuary Area of the PEI Marine Protected Area (PEI-MPA), extending 12 nautical miles seaward from the high water around the islands;

3.3 Fishing for Patagonian toothfish is permitted in the four restricted zones of the PEI-MPA and limited commercial fishing is permitted in a Controlled Area of the PEI-MPA as stipulated in the Regulations for the Management of the Prince Edward Islands Marine Protected Area, Government Gazette No. 36572, Vol. 576, 21 June 2013.

3.4 Fishing will be permitted in the PEMI EEZ and High Seas during the same fishing trip, provided that prior notification of movement is sent via email to the Department VMS Office (daffops@daff.gov.za).

3.5 No fishing is permitted in the EEZ of other countries.

Would you please let me know what the decision is, as we have the vessel idling on the high seas and it would be difficult to leave the vessel longer than two days out in the open without fishing.

Thanking you in advance for your consideration and assistance on this matter.

Kindest regards
Pheobius

Sent from my iPhone

On 23 Apr 2019, at 19:53, Pheobius Mullins <pheobiusm@braxtonshipping.co.za> wrote:

Good evening Saasa

Kindly note the vessel *El Shaddai* has completed fishing in the Prince Edward and Marion Islands (PEMI) and will be heading to the High Seas to continue fishing.

Furthermore, the vessel will continue to comply with all CCAMLR conservation measures and ensure that the 5-day and monthly catch and effort data reporting is maintained. The observers on board will continue with their biological and other observations in line with the Observer Monitoring Scheme.

The vessel has a high seas license onboard and the observers will ensure that the catches caught on the high seas will be stored separately from the catches from the PEMI.

Kindest regards
Pheobius



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X2, Roggebaai, 8012. Tel: +27 21 402 3911

PERMIT TO UNDERTAKE COMMERCIAL LONGLINE FISHING OF PATAGONIAN TOOTHFISH WITHIN THE EEZ

REFERENCE: V1/20/5/1/3

TELEPHONE: 0861 123 626

ENQUIRIES: Customer Service Centre

Issued in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) and the regulations promulgated thereunder, including the Antarctic Treaties Act, 1996 (Act No. 60 of 1996) and the regulations promulgated thereunder and subject to the conditions set out in Section B hereof.

SECTION A

Permit number	1900613	
Rights number	PATT169802	
Rights holder	Bato Star Fishing (Pty) Ltd	
Id :	1996/006386/07	
Street address	31 South Arm Road, Table Bay Harbour, Cape Town, 8000	
Validity period	FROM 21/12/2018 to 30/11/2019	
Name of vessel	El Shaddai	
Area number	N467	
SABS no.		
El Shaddai		
SABS no.	000722	
Harbour num	N467	
Length	45.85	
Resource (s)	Quantity	Unit
Patagonian toothfish	72.76 (a portion of)	ton

MINISTER

Receipt number

295999

Total

21 DEC 2018
DATE

Amount

R 1071.00

R 1071.00

CERTIFIED A TRUE COPY OF ORIGINAL DOCUMENT

CRAIG WEICHARDT-MYBURGH CA(SA)

Commissioner of Oaths

Member No: 04867452

Platteklouf Road, Monte Vista

Date: 22 DEC 2018

DEPT. VAN LANDBOU,
BOSBOU EN VISSERIE

TAK: VISSERIE BESTUUR
PRIVATE X2, VLAEBERG 8018

PRIVATE X2, VLAEBERG 8018
BRANCH: FISHERIES MANAGEMENT

DEPT. OF AGRICULTURE,
FORESTRY AND FISHERIES



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X2, Roggebaai, 8012. Tel: +27 21 402 3911

PERMIT TO UNDERTAKE COMMERCIAL LONGLINE FISHING OF PATAGONIAN TOOTHFISH WITHIN THE EEZ

REFERENCE: V1/20/5/1/3
TELEPHONE: 0861 123 626
ENQUIRIES: Customer Service Centre

Issued in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) and the regulations promulgated thereunder, including the Antarctic Treaties Act, 1996 (Act No. 60 of 1996) and the regulations promulgated thereunder and subject to the conditions set out in Section B hereof.

SECTION A

Permit number	1810034
Rights number	PATT169108
Rights holder	SUIDOR FISHING (PTY) LTD
	Id : 1995/001404/07
Street address	Pescanova House, Varbena Street, Paarden Eiland, 7405
Validity period	FROM 19/12/2018 to 30/11/2019
Name of vessel	El Shaddai
	Area number N467 Length of vessel 45.85
	SABS no. Callsign ZR6358
Factory name	El Shaddai
	SABS no. 000722 Harbour num N467 Length 45.85
Fishing Area	CCAMLR Area
Marine resources	Resource(s) Quantity Unit
	Patagonian toothfish 72.76 ton


MINISTER

Receipt number

295864

Total

19 DEC 2018

DATE

Amount

R 1071.00

R 1071.00

CERTIFIED A TRUE COPY OF ORIGINAL DOCUMENT


CRAIG WEICHARDT-MYBURGH CA(SA)
Commissioner of Oaths
Member No: 04867452
Platteklouf Road, Monte Vista
Date: 21/02/2019

DEPT. VAN LANDBOU,
BOSBOU EN VISSERYE

TAK: VISSERYE BESTUUR
PRIVATE X2. VLAEBERG 8018

PRIVATE X2. VLAEBERG 8018
BRANCH: FISHERIES MANAGEMENT

DEPT. OF AGRICULTURE,
FORESTRY AND FISHERIES



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X2, Roggebaai, 8012. Tel: +27 21 402 3911

PERMIT TO UNDERTAKE COMMERCIAL LONGLINE FISHING OF PATAGONIAN TOOTHFISH WITHIN THE EEZ

REFERENCE: V1/20/5/1/3

TELEPHONE: 0861 123 626

ENQUIRIES: Customer Service Centre

Issued in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) and the regulations promulgated thereunder, including the Antarctic Treaties Act, 1996 (Act No. 60 of 1996) and the regulations promulgated thereunder and subject to the conditions set out in Section B hereof.

SECTION A

Permit number	1810035					
Rights number	PATT169805					
Rights holder	ARNISTON FISH PROCESSORS (PTY) LTD					
	Id : 1999/025940/07					
Street address	15 Marine Business Park ,8 Marine Drive ,Paarden eiland,7405					
Validity period	FROM 19/12/2018 to 30/11/2019					
Name of vessel	El Shaddai					
	Area number	N467	Length of vessel	45.85		
	SABS no.		Callsign	ZR6358		
Factory name	El Shaddai					
	SABS no.	000722	Harbour num	N467	Length	45.85
Fishing Area						
Marine resources	Resource(s)	Quantity	Unit			
	Patagonian toothfish	72.76 (a portion of)	ton			

19 DEC 2018

DATE

MINISTER

Receipt number

295864

Total

Amount

R 1071.00

R 1071.00

DEPT. VAN LANDBOU,
BOSBOU EN VISSERIE

TAK: VISSERIE BESTUUR
PRIVATE X2, VLAEBERG 8018

PRIVATE X2, VLAEBERG 8018
BRANCH: FISHERIES MANAGEMENT

DEPT. OF AGRICULTURE,
FORESTRY AND FISHERIES



agriculture, forestry & fisheries

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REPUBLIC OF SOUTH AFRICA

Private Bag X2, Roggebaai, 8012. Tel: +27 21 402 3911

PERMIT TO OPERATE A FISH PROCESSING ESTABLISHMENT (VESSEL)

Reference: V3/6
Enquiries: Customer Service Centre
Telephon: 0861 123 626

Permission is hereby granted in terms of Section 13 of the Marine Living Resources Act, 1998 (Act No 18 of 1998) read together with regulations promulgated thereunder subject to the conditions attached hereto:

SECTION A

Permit number	1809969		
Rights number	FPE159330		
Rights holder	Braxton Security Services CC		
	Id : 1998/005468/23		
Street address	Suite 10 ,1 Victoria Embankment,Durban ,4001		
Validity period	FROM 19/12/2018 to 30/11/2019		
Name of vessel	El Shaddai		
Area number	N467	Length of vessel	45.85
SABS no.		Callsign	ZR6358
Fish Which May Be Processed	Patagonian Toothfish		


MINISTER

Receipt number

295714

Total

Amount

R 1902.00

R 1902.00

19 DEC 2018

DATE

DEPT. VAN LANDBOU,
BOSBOU EN VISSERIE

TAK: VISSERIE BESTUUR
PRIVATE X2, VLAEBERG 8018

PRIVATE X2 VLAEBERG 8018
BRANCH: FISHERIES MANAGEMENT

DEPT. OF AGRICULTURE,
FORESTRY AND FISHERIES



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X2, Vlaeberg, 8018. Tel: +27 21 402 3911

Fishing vessel licence High Seas Licence

Licence number: **32871**

ISSUED IN TERMS OF SECTION 41 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO 18 OF 1998) AND IN TERMS OF THE RELEVANT CATCH PERMIT

A. Particulars of fishing vessel in respect of which the licence is applicable

Name of vessel	El Shaddai	Length of vessel	45.85
Registration number	N467	Radio call sign	ZR6358
Gross registered tonnage	635.9	Number of Crew	37
Flag state	ZA - South Africa		

B. Particulars of owner(s) of fishing vessel

Name	Braxton Security Services CC	ID or registration no.	CK1998/05468/23
Address	Suite 10 1 Victoria Embankment Durban 4001	Reference no.	P23974

C. Particulars of licence

Period of validity of licence: from date 19 Dec 2018 to 27 Nov 2019

The licence is valid only if the particulars of the receipt are printed below

Receipt number	Amount
295714	R 2,202.00
Total	R 2,202.00



19 DEC 2018
Date of issue



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X2, Roggebaai, 8012. Tel: +27 21 402 3911

PERMIT TO UNDERTAKE COMMERCIAL LONGLINE FISHING OF PATAGONIAN TOOTHFISH WITHIN THE EEZ

REFERENCE: V1/20/5/1/3

TELEPHONE: 0861 123 626

ENQUIRIES: Customer Service Centre

Issued in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) and the regulations promulgated thereunder, including the Antarctic Treaties Act, 1996 (Act No. 60 of 1996) and the regulations promulgated thereunder and subject to the conditions set out in Section B hereof.

SECTION A

Permit number	1809970
Rights number	PATT169001
Rights holder	Braxton Security Services CC
	Id : 1998/005468/23
Street address	Sulte 10 ,1 Victoria Embankment,Durban ,4001
Validity period	FROM 19/12/2018 to 30/11/2019
Name of vessel	El Shaddai
	Area number N467
	SABS no.
Factory name	El Shaddai
	SABS no. 000722
	Harbour num N467
Fishing Area	Length 45.85
Marine resources	Resource (s)
	Patagonian toothfish
	Quantity 27.15
	Unit ton

19 DEC 2018

DATE

Amount

R 1071.00

R 1071.00

MINISTER

Receipt number

295714

Total

DEPT. VAN LANDBOU,
BOSBOU EN VISSERYE

TAK: VISSERYE BESTUUR
PRIVATE X2, VLAEBERG 8018

PRIVATE X2. VLAEBERG 8018
BRANCH: FISHERIES MANAGEMENT

DEPT. OF AGRICULTURE,
FORESTRY AND FISHERIES

Sujet : Re: Registering of a South African fishing vessel on the SIOFA draft IUU vessel list.

Date : Mon, 26 Oct 2020 08:25:03 +0200

De : Pheobius Mullins <pheobiusm@braxtonshipping.co.za>

Pour : Lisolomzi Fikizolo <lfikizolo@environment.gov.za>, Yamkela Mngxe
<YMngxe@environment.gov.za>

Copie à : Johannes De Goede <JohannesDG@daff.gov.za>, Qayiso Mketsu
<qayisomk@daff.gov.za>, Liz <liz@braxtonshipping.co.za>, SaasaP <SaasaP@daff.gov.za>,
secretariat@siofa.org

Good morning Lisolomzi and Yamkela

I hope this email finds you well.

I am following up if the Department has managed to draft a response to SIOFA after the last correspondence sent from Braxton Shipping and if the Department has considered becoming a Cooperating Non Contracting Party or an Observer of the SIOFA.

I will await your favourable response.

Thanking you in advance.

Kindest regards

Pheobius

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

5th November 2020

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

By email: secretariat@siofa.org
lfikizolo@environment.gov.za
YMngxe@environment.gov.za
SaasaP@daff.gov.za

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

RE: Request to be an Observer at the SIOFA meetings

My name is Pheobius Mullins and I am the authorized representative of Braxton Shipping, from South Africa. We received a copy of your letter sent to the Department of Environment, Forestry and Fisheries (DAFF) on 6th October 2020, and we note that in that letter, you mention that a previous letter was sent to the DAFF on 3rd August 2020.

On further inspection of the letter dated 6th October 2020, we as Braxton Shipping, drafted and sent a response to the Department on 7th October 2020 as we noted the due date for the response from the Department was before 8th October 2020. On 7 October 2020, I enquired, telephonically, from the South African Commissioner to CCAMLR as to whether he had received our response, at which time I learned that he had fallen ill and that he would look at the email, confirm with me and respond to SIOFA accordingly.

On 8th October 2020, as I could not get hold of the Commissioner, I contacted the alternative CCAMLR Commissioner. We discussed Braxton Shipping's response and agreed that I could forward the response to SIOFA with the respective attachments and further indicate that the Department would respond once the Commissioner had recovered.

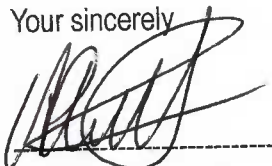
After 8 October 2020, I have on numerous occasions telephoned and sent emails attempting to obtain a response from the Department with regards to this matter; however, to no avail. This is of grave concern to Braxton Shipping as the implications of the Department not responding to SIOFA could be catastrophic for the company and all its employees, as well as the extended chain of businesses that rely on us.

I hereby officially request that I be allowed to attend the SIOFA Compliance Committee Meeting and the Meeting of the Parties, scheduled to start on 9 and 17 November 2020 respectively, as an Observer. My request is motivated by Braxton Shipping wishing to gain greater insight into SIOFA, its measures and requirements, and to ensure that we understand what is required of us as a responsible fishing company.

We are hoping that you consider our request favorably, as this matter is still to be resolved. We once again wish to ensure SIOFA that we remain committed to ensuring that we conduct our fishing operations in accordance with all applicable conservation measures and fishing regulations to ensure the continued sustainability of the resource, as well as our business.

Thanking you in advance.

Your sincerely

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

Mr. Pheobius Mullins
Authorized Representative

Report on the El Shaddai (30 June 2022) from South African Authorities

If I can request that you allow me to address the issues pertaining to the Vessel El Shaddai on both parts of the IUU list.

Since the last sanction levied on the vessel, we have since received additional information pertaining to the operation of the vessel.

The Owners of the Vessel has since been charged criminally and the gathering of evidence and criminal investigation is still ongoing by the South African Police Service this is including a criminal investigation into the conduct of the Fishing Master and the Captain of the vessel. The Investigator is awaiting a detailed statement from the Skipper of the vessel. Latest information at our disposal is that the investigating officer is engaging with the Legal Representatives of the Skipper to ensure speedy provision of the required Statement.

Colleagues will note that the vessel in question has also been provisional listed by CCMLAR in the draft list of Contracting Party vessels with conditions set that needs to be fulfilled or met intercessionally for it to be delisted. The vessel fished in Subarea 58.7 outside the South African exclusive economic zone (EEZ) during 2015 and 2016.

El Shaddai has been included on the List of CCAMLR CCP-IUU List subject to a number of conditions being met as spelt out in CM10-06, particularly Paragraph 14 and only then the vessel can be removed. One of the resolution is that, South Africa should not permit the El Shaddai to undertake future fishing activities until these issues have been resolved. We are currently in engagements with CCAMLR to ensure full compliance with the Conservation Measures.

For now, Chair I can further confirm that the vessel has been tied up and will not be undertaking any future fishing activities until all these issues have been resolved. We have also amended our Permit conditions to ensure that possible contravention of these nature do not occur.

It is for this reason Chair that we request that you keep the vessel off the Provisional List and afford us additional time to finalise the investigation in the matter, and we will revert back either intercessionally or in the next Compliance Committee Meeting.

Lastly Chair, I want to indicate to the Compliance Committee that we have commenced internal engagements with intentions to evaluate our capacity to explore the possibilities of being party to SIOFA. To this effect, we have notified the Executive Secretariat and we will continue to keep him update of the progress.