



**COMPLEMENTARY ELEMENTS FOR DISCUSSION UNDER ITEM 8 OF THE  
AGENDA FOR THE COMPLIANCE COMMITTEE**

**Prepared by IOTC Secretariat, 23 March 2012**

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The Secretariat has received the following reports of IUU fishing activities in the IOTC Area from three CPCs. Since the reporting CPCs have not requested that the concerned vessels be placed on the IOTC Draft IUU Vessels List, the Secretariat is presenting the information in these reports for the consideration of CPCs and for them to take any action that they may feel is appropriate, at the 9th Session of the Compliance Committee.

**Report for the year 2011 (Madagascar)**

*Note: what follows is a translation of a correspondence received in French by the Secretariat. For more details, please refer to the original document.*



Antananarivo, 27 June 2011

From: The Director of the Centre de Surveillance des Pêches of Madagascar,

Attn: The Executive Secretary  
Indian Ocean Tuna Commission  
Dr Alejandro Anganuzzi  
Mahé, Seychelles

**Subject: Resolution 09/03 On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area**

Dear Alejandro Anganuzzi,

I have the honour of informing you of the arrest of two Sri Lankan fishing vessels having carried out IUU fishing activities in the IOTC area of competence and, more specifically, in the waters under Madagascar's jurisdiction, as per Resolution 09/03, Article 1, paragraph h. The Sri Lankan Authorities and the operator of the two vessels have been notified of the boarding procedure. It is nonetheless important to underline that, in this fishing season, both vessels were targeting sharks.

Both vessels were arrested in Malagasy waters and were rerouted towards the Mahajanga Port where they would wait for a settlement to be reached with the Ministry of Fisheries or, failing that, for the court proceedings to be completed. Please find below details about both vessels and the request by the Malagasy authorities to have those vessels listed or not on the Provisional List of Vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area. Also attached are photographs of both fishing vessels.

Vessel name	SUDHARMA	SPEED BIRD 7
Registration number	IMUL-A-0079 MTR	IMUL-A-0451 KLT
Flag	SRI LANKA	SRI LANKA
Home Port	MIRISA-SRI LANKA	BERUWALA-SRI LANKA
Length overall	13 m	11.7 m
Crew	7	5
IOTC number	011546 (03/02/2011)	012328 (03/02/2011)
Owner	SUDHARMA FISHING COMPANY SAMAN Sewana Henwala MIRISSA MATARA SRI LANKA	ROY AND BROTHERS BBSRP. JAYASURIYA Address: 23A, SAPUGODA Temple Road, MASSALA SRI LANKA
Skipper	PUNCHIHEWA Narada	KURUV AJE Vijerathna
Boarding date	25 April 2011	10 June 2011
Boarding location	14°00'S-047°11'E, off RADAMA islands	12°49'S-047°48'E on the Banc de Leven
Fishing gears	Longlines and gillnets	Longlines and gillnets
Catches on board	34 Kg of shark fins 150 Kg of fish 900 Kg of sharks 100 Kg of recently-caught fish preserved in salt	3063 Kg of sharks 41 Kg of rays preserved on ice and caught after 4 days in the Malagasy waters
IUU Activities	Fishing without authorisation in the EEZ of Madagascar	Fishing without authorisation in the EEZ of Madagascar
Outcome of actions taken	The operator paid the fine and expenses to the Malagasy Authorities. SUDHARMA was released on 07 June 2011.	The operator paid the fine and expenses to the Malagasy Authorities. SPEED BIRD 7 was released on 24 June 2011.
Actions requested of the IOTC Secretariat	Notification of illegal activity, followed by a notification to the Flag State.	Notification of illegal activity, followed by a notification to the Flag State.

Sincerely yours,



Cc: The Minister of Fisheries and Fisheries Resources (for information)



**FV SUDHARMA**



**FV SPEED BIRD 7**

**Report for the year 2011 (Mauritius)****IOTC Reporting form for Illegal Activity**

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area of competence*, attached are details of illegal activity recorded in [area in which the activity took place] **Mauritian EEZ**.....

**A. Details of Vessel**

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	<b>Jin Shyang Yih 666</b>
b	Current Flag (previous flag/s, if any)	Belize
c	Date first included on IOTC IUU Vessel List (if applicable)	<b>Belize</b>
d	Lloyds IMO Number, if available	
e	Photo	<b>Yes</b>
f	Call Sign (previous call sign, if any)	V3VD
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Jin Shyang Yih Fishing Company Ltd.
h	Operator (previous operator/s, if any) and Master/Fishing Master	
i	Date of alleged IUU fishing activities	<b>28 January 2011</b>
j	Position of alleged IUU fishing activities	18 <sup>0</sup> 56'S and 056 <sup>0</sup> 24'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing in the Mauritian EEZ without a valid fishing licence
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was escorted back to Port Louis for investigation
m	Outcome of Actions taken	Compounding commission was set up and a fine of MRU 1 million was imposed

**B. Details of IOTC Resolution Elements Contravened**

(Indicate with a "X" the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC Area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC Area of competence	
b	Harvest tuna or tuna-like species in the IOTC Area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	
c	Do not record or report their catches made in the IOTC Area of competence in accordance with IOTC reporting requirements, or make false reports	
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	

f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as resupplying or re-fuelling, vessels included in the IUU Vessels List	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area of competence without authorisation and/or infringes the coastal State.s laws and regulations	X
i	Are without nationality and harvest tuna or tuna-like species in the IOTC Area of competence	
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	

### C. Associated Documents



photographs)

### D. Recommended Actions

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	<b>Ruang Lap No 8</b>
b	Current Flag (previous flag/s, if any)	Thailand
c	Date first included on IOTC IUU Vessel List (if applicable)	<b>None</b>
d	Lloyds IMO Number, if available	
e	Photo	<b>Yes</b>
f	Call Sign (previous call sign, if any)	
g	Oner / Beneficial Owner/s (previous owner/s, if any)	
h	Operator (previous operator/s, if any) and Master/Fishing Master	
i	Date of alleged IUU fishing activities	<b>28 June 2011</b>
j	Position of alleged IUU fishing activities	<b>In the Mauritian EEZ (Near Nazareth bank)</b>
k	Summary of alleged IUU activities (see section B for more detail)	Fishing in the Mauritian EEZ without a valid fishing licence
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was escorted back to Port Louis for investigation
m	Outcome of Actions taken	Case still under court proceedings

**B. Details of IOTC Resolution Elements Contravened**

(Indicate with a "X" the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC Area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC Area of competence	
b	Harvest tuna or tuna-like species in the IOTC Area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	
c	Do not record or report their catches made in the IOTC Area of competence in accordance with IOTC reporting requirements, or make false reports	
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	
f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as resupplying or re-fuelling, vessels included in the IUU Vessels List	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area of competence without authorisation and/or infringes the coastal States laws and regulations	X
i	Are without nationality and harvest tuna or tuna-like species in the IOTC Area of competence	
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	

**C. Associated Documents**

photographs)

**D. Recommended Actions**

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

**Report for the year 2011 (Tanzania)****IOTC Reporting form for Illegal Activity**

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area of competence*, attached are details of illegal activity recorded in the Exclusive Economic Zone of Tanzania.

**A. Details of Vessel**

*(Please detail the incidents(s) in the format below)*

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	TAWARIQ 1
b	Current Flag (previous flag/s, if any)	Unknown
c	Date first included on IOTC IUU Vessel List (if applicable)	Not applicable
d	Lloyds IMO Number, if available	Unknown
e	Photo	Refer to Attachment 1
f	Call Sign (previous call sign, if any)	HLWI
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Unknown
h	Operator (previous operator/s, if any) and Master/Fishing Master	Unknown
i	Date of alleged IUU fishing activities	08/03/2009
j	Position of alleged IUU fishing activities	Lat 06 00.7 S Long 042 20.1 E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without licence in Tanzanian EEZ
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The captain and vessel agent charged with fishing illegally in Tanzanian EEZ
m	Outcome of Actions taken	Both have been sentenced to pay 1 billion Tanzanian shillings each (USD 625,975) or go to jail for twenty years. The Captain was also fined a further of 20 billion Tanzanian shillings (USD 12,519,500) for the offence of pollution.



**B. Details of IOTC Resolution Elements Contravened**

*(Indicate with a "X" the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC Area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC Area of competence	X
b	Harvest tuna or tuna-like species in the IOTC Area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	
c	Do not record or report their catches made in the IOTC Area of competence in accordance with IOTC reporting requirements, or make false reports	
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	
f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area of competence without authorisation and/or infringes the coastal State's laws and regulations	X
i	Are without nationality and harvest tuna or tuna-like species in the IOTC Area of competence	X
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	

**C. Associated Documents**

Photographs and statement of arresting officer are provided in Attachment 1

**D. Recommended Actions**

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

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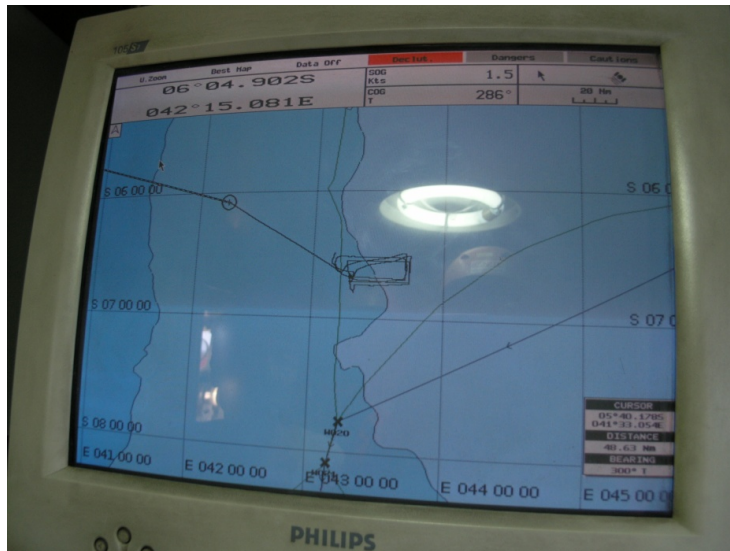
**Attachment 1****TAWARIQ 1****Report on sequence of events dated 08 March 2009**

During the evening of 07 March 2009 day 11 of the operation, the bridge of the patrol vessel observes the vessel on radar about 7 nautical miles away. After 10 – 15 minutes, the vessel observed switched off the radar and was not observed until visual observation of the vessel during morning of 08/03/2009. At 06h33 hrs on position **lat 06 00.7 S Long 042 20.1 E**, fishing vessel named TAWARIQ 1 was visually identified in the Tanzanian EEZ. The vessel was contacted by radio on channel 16 but refused to answer. The vessel increased its speed to 11 knots . The inflatable rubber boat was launched to do a physical inspection of the above mentioned vessel. Radio contact was made by the bridge and after heavy instructions by the radio operator and members on the rib the vessel decided to reduce speed and eventually came to a stop. The vessel was boarded by four inspectors namely Mr. Bupamba, Mr. Haji, Mr. Lourens and Mr. Ruppertsberg. The Captain was asked to produce any form of fishing license or any other document that allowed him to fish in the EEZ. The only permit that the Captain could produce was one that was issued to the **TAWARIQ 2 licenses No 00035909** and which **expired on the 1<sup>st</sup> of April 2008**. No other license for any other EEZ could be produced. On asking the Captain where the fish was caught the only answer we got was that it was caught in the Indian Ocean. The following documentation was confiscated which could indicate the amount of fish caught and maybe the position in which it was caught.

1. B1-Yellow note book containing handwritten times, figures and dialect
2. B2-Green Akron writing pad containing GPS information
3. B3-5 A4 papers with handwritten figures
4. B4-3 Printed A4 pages with handwritten figures
5. B5-3 Calendar pages containing handwritten figures and dialect
6. B6-Copy of license for TAWARIQ 2
7. B7-3 Passports,HSU,CHIN-TAI, BELANGO,JHOAN BAGO and CIA, DONGLI

The Captain informed us that he had a total of 70 tons of fish onboard mostly consisting of Tuna. Several fresh offals were also found on board indicating that freshly caught fish was processed not too long ago (See pictures A3 & A4). The on board navigational plotter indicated that the vessel was working in the Tanzanian EEZ on the 7<sup>th</sup> of March 2009(See picture A5). After the photo was taken the history on the plotter was erased by the Captain without permission. The vessel could not produce any kind of log book either it be for fishing or navigational. The following contraventions was observed on the vessel,

1. Radar switched off [ the antennas is not rotating]
2. No flag displayed to indicate flag state
3. No fishing license
4. Fishing in Tanzania EEZ
5. No port of registration
6. Delete fishing root on the GPS plotter.
7. No navigation log book
8. Doesn't appear on our licensed vessel list.
9. Posses expired license for TAWARIQ 2



The TAWARIQ 1 following her escort into the port of Dar Es Salaam, Tanzania