



**ADDITIONAL INFORMATION FROM THE UNITED KINGDOM CONCERNING
THREE VESSELS IN THE CURRENT IOTC IUU VESSELS LIST AND FOUR
VESSELS ON THE 2022 IOTC DRAFT IUU VESSELS LIST**

Prepared by IOTC Secretariat, 29 April 2022

PURPOSE

To provide additional information, which has been received from the United Kingdom by the IOTC Secretariat, to the Compliance Committee to assist it in taking decisions on:

- three vessels included in the current IOTC IUU Vessel List: Annex 1 of document IOTC-2022-CoC19-08, and
- four vessels that are on the 2022 Draft IOTC IUU Vessels List: Annex 2 of document IOTC-2022-CoC19-08.

INFORMATION REPORTED TO THE IOTC SECRETARIAT

In response to IOTC Circulars 2022-27 on *Communication from Sri Lanka* and 2022-31 on *Draft IUU Vessels List for 2022*, the United Kingdom has provided the additional information reproduced in Appendix 1.

RECOMMENDATION/S

That the CoC19:

- 1) **NOTE** the information provided in document IOTC-2022-CoC19-08 Add1, which will assist it in its deliberations on:
 - a. the three vessels that are on the current IOTC IUU Vessels List, and
 - b. the four vessels included in the Draft IOTC IUU Vessels List for 2022.

Appendix 1



British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

28 April 2022

cc. Dr Indra Jaya Vice Chair CoC
Mr Susantha Kahawatta, and Ms Kalyani Hewapathirana, DFAR, Sri Lanka

Dear Dr O'Brien,

Regarding three Sri Lankan Vessels included in the IOTC IUU Vessels List IMULA-0730-KLT; IMULA-0846-KLT; IMULA-1028-TLE

We refer to IOTC Circular 2022-27 and note the actions reported by Sri Lanka.

IMULA-0730-KLT: This case is ongoing. We note that the skipper has not appeared in Court. No mention is made of any prosecution of the vessel owner. UK recommends that this vessel should remain on the IUU Vessels List.

IMULA-0846-KLT: This case is ongoing. We note that neither the skipper nor the owner has appeared in Court. UK recommends that this vessel should remain on the IUU Vessels List

IMULA-1028-TLE: This vessel detained in harbour until the administrative fine is paid and a further court case is heard (19.04.2022). UK recommends that that this vessel should remain on the IUU Vessels List until evidence of fine payment is provided. Furthermore, we seek clarification from Sri Lanka that before its release, that the vessel will be installed with VMS and that the owner and skipper will be placed on the IUU risk register.

Thank you.

Yours sincerely

A handwritten signature in black ink that reads "C.C. Mees".

Dr C.C. Mees
UK Delegation to IOTC



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28 April 2022

cc. Dr Indra Jaya Vice Chair CoC
Mr IA Siddique; Dr P. Pandian; Mr J. Balaji, Ministry of Fisheries, Government of India

Dear Dr O'Brien,

Recommendation to place the unregistered vessel AVEMARIYA (attributed to India) on the Provisional IUU Vessels List (Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence)

We refer to IOTC Circular 2022-31 'The Draft 2022 IOTC IUU Vessels List' dated 28 April 2022, and the checklist of information provided by the Secretariat (Annex 3E). The evidence presented for IUU in BIOT waters for the above referenced vessel appears in Annex 4E. Whilst India has questioned the flag and registration of this vessel (letter dated 24 January 2021, Annex 4E), additional information submitted by UK on 1 April 2022 (Annex 5E) following a second inspection of the same vessel in BIOT waters (on 7 March 2022) includes a statement from the Master of the vessel confirming that his nationality was Indian and that, although unregistered, the home port of the vessel is Cochin, India.

As indicated in the check list India did not respond 15 days prior to the Compliance Committee and so under the measures set out in Resolution 18/03 this vessel should automatically move to the IOTC Provisional IUU vessels list.

Furthermore, to assist the Compliance Committee in its decision we draw attention to the significant lack of Indian flag State controls over its vessels, and the substantial incursions and IUU events recorded in BIOT waters to date in 2022 (see details in letter dated 28 April 2022 regarding IND.TN.15.MM.106 (LittleSha)).

In light of the demonstrated lack of flag State controls, and given the repeated offences committed by the owner and skipper of AVEMARIYA in BIOT waters it is UK's strong recommendation that this vessel is moved to the IOTC Provisional IUU vessels List.

Thank you.

Yours sincerely

Dr C.C. Mees
UK Delegation to IOTC



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Executive Secretary
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28 April 2022

cc. Dr Indra Jaya Vice Chair CoC
Mr IA Siddique; Dr P. Pandian; Mr J. Balaji, Ministry of Fisheries, Government of India

Dear Dr O'Brien,

Recommendation to place the Indian Flagged Vessel IND.TN.15.MM.106 (LittleSha) on the Provisional IUU Vessels List (Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence)

We refer to IOTC Circular 2022-31 'The Draft 2022 IOTC IUU Vessels List' dated 28 April 2022, and the checklist of information provided by the Secretariat (Annex 3E). The evidence presented for IUU in BIOT waters for the above referenced vessel appears in Annex 4E. Additional information submitted by UK on 12 April 2022 related to involvement of the same vessel in coordinated IUU in BIOT waters a second time (on 22 March 2022), and highlighting the failure of India to impose flag State control on this vessel following the first event, appears in Annex 5E.

As indicated in the check list India did not respond 15 days prior to the Compliance Committee and so under the measures set out in Resolution 18/03 this vessel should automatically move to the IOTC Provisional IUU vessels list.

Furthermore, to assist the Compliance Committee in its decision we draw attention to the significant lack of Indian flag State controls over its vessels, and the substantial incursions and IUU events recorded in BIOT waters to date in 2022:

- All three Indian flagged vessels reported to the IOTC Compliance Committee in 2022 IND.TN.15.MM.106 (LittleSha); IND.TN.15.MM.4569 (NOVA); IND.TN.15.MM.5707 (YONA); and, the unregistered vessel AVEMARIYA, confirmed to be attributed to India, have been intercepted a second time in BIOT waters in 2022. They have not been detained in port by the Indian authorities.
- In 2022 up to 27 March we have written to the Indian authorities regarding a total 48 inspections of vessels flagged to India (noting that some are repeat inspections) including evidence of illegal fishing; coordinated IUU by groups of vessels acting together; lack of authorisation to fish (and not on the IOTC Record of Authorised vessels); obstruction of the Senior Fisheries Protection Officer (SFPO) in the conduct of his duties; repeat offences by some vessels despite prior verbal warnings by the SFPO. 47 of these inspections were since February 2022 after the 70-day reporting deadline for the draft IUU vessels list and so they could not be listed in 2022 – we will consider submissions for 2023.
- The Indian authorities have demonstrated a serious lack of willingness to engage with the UK on these IUU events. In addition to reporting these incidents, in our communications we have sought to explore opportunities to bilaterally resolve this issue. However, from our numerous communications with the Indian Authorities we have received one letter only on

the AVEMARIYA, and two emails indicating that the vessels IND.TN.15.MM.106 (LittleSha); IND.TN.15.MM.4569 (NOVA); and, IND.TN.15.MM.5707 (YONA) were 'under investigation', i.e. only in respect of those vessels reported to IOTC. No other responses have been received.

- The total number of Indian flagged vessel inspections in BIOT waters between 1 January and 7 April 2022 is 62 (since 27 March a further 13 vessels flagged to India have been inspected but not yet reported to India).

Whilst IUU by Indian vessels in BIOT waters is a long-term problem and a number of Indian vessels have been IUU listed by IOTC in the past, in 2022 the massive influx of illegal and unauthorised fishing activity reflects a current and serious lack of flag State controls.

In light of the demonstrated lack of flag State controls, and given the repeated offences committed by the owner and skipper of IND.TN.15.MM.106 (LittleSha) in BIOT waters it is UK's strong recommendation that this vessel is moved to the IOTC Provisional IUU vessels List.

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

Dr C.C. Mees
UK Delegation to IOTC



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Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
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28 April 2022

cc. Dr Indra Jaya Vice Chair CoC
Mr Susantha Kahawatta, and Ms Kalyani Hewapathirana, DFAR, Sri Lanka

Dear Dr O'Brien,

Further recommendation on the Sri Lankan Flagged Vessel IMULA-0195-TCO on the IOTC Draft IUU Vessels List (Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence)

We refer to IOTC Circular 2022-31 'The Draft 2022 IOTC IUU Vessels List' dated 28 April 2022, including the new evidence submitted by Sri Lanka at 15 days prior to the Compliance Committee Meeting (Annex 5E), and the checklist of information provided by the Secretariat (Annex 3E). The evidence presented for IUU in BIOT waters by the above referenced vessel appears in Annex 4E. For ease of reference, Table 1 summarises these details.

During 2022, due to the current situation with Coronavirus these vessels were not boarded and the BIOT Authorities were unable to conduct a full criminal investigation of the vessels' activities. Sri Lanka was requested to investigate the activities of this vessel, and we acknowledge the excellent bilateral relationship between UK and Sri Lanka, and the positive actions taken by Sri Lanka when UK reports vessels to DFAR. However, in our submission to the Secretariat for Draft IUU listing this vessel dated 25 February 2022 (Annex 4E, see also our letter dated 16 February 2022) we requested further details on the flag State controls taken by Sri Lanka in order to assist the Compliance Committee in its decision on listing this vessel (VMS; Risk Vessel List; prosecution of Skippers etc). In this regard we note IOTC Circular 2022-28 rev 1 regarding the effectiveness of the measures that Sri Lanka applies as a flag State which we welcome. Separately, Sri Lanka has written to UK with details of the Risk Vessel Register, in an extract from the 'Sri Lanka National Plan of Control and Inspection of fishing vessels (LKA- NPCI/FV)' which is still in the drafting stage.

Resolution 18/03 paragraph 14 envisages that vessels will not be included in the Provisional IUU vessel list if the conditions of sub paragraphs a-d are met. As the Checklist provided by the Secretariat (Annex 3E) shows, only para 14d applies to this vessel. At the time of writing, this case is not yet concluded and we are not in a position to determine whether '*sanctions of adequate severity to be effective in securing compliance and deterring further infringements*' have been imposed.

Noting: the excellent bilateral relationship between UK and Sri Lanka to combat IUU; the actions already taken with respect to this vessel including its detention since 23 July 2021; the demonstrated efforts of Sri Lanka to improve its flag State controls; and, the delays to the judicial process in Sri Lanka as a result of coronavirus; and subject to:

- the outcome of the trial to be held on 4th May; and,

- the provision of written assurance to UK copied to the Compliance Committee (by the 8 May) that this vessel will remain detained in port until the case is fully concluded; that the vessel will not be released until a fully functioning VMS is installed; that, as appropriate, the vessel owner and Master are recorded in the Risk Register; and, that the letter includes a response to our queries raised in our letter to the Secretariat of 25 February on how this vessel avoided close supervision;

then, UK will defer its final decision on IUU listing this vessel until 2023 and it should **not** move to the Provisional IUU vessels List. In the absence of such written assurances, however, we would recommend that this vessel, a repeat offender, moves to the Provisional IUU vessels List.

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee.

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

Dr C.C. Mees
UK Delegation to IOTC



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London SW1A 2AH

Table 1: A summary of evidence for IUU in BIOT Waters (Annex 4E) , actions taken by Sri Lanka (Annex 5E), and outstanding issues

Vessel	BIOT Inspection details	DFAR Actions at 15 days prior CoC (email dated 9/4/22)	BIOTA: Outstanding issues to consider regarding the Provisional IUU vessels list
IMUL A 0195 TCO	<p>Inspected on 15 May 2021, Details sent to DFAR 20 May 2021</p> <ul style="list-style-type: none"> • Vessel not on IOTC Record of Authorised Vessels; no authorisation to fish on the high seas • In BIOT waters, the vessel had unmarked fishing gear on deck and ready to be deployed, including wire trace, illegal in BIOT. It was not on a typical transit route. It was presumed IUU. • This vessel owner is a repeat offender. The vessel was previously detained in BIOT waters in 2020 and was not IUU listed by the Compliance Committee at the time as Sri Lanka had indicated it would prosecute the owner and place the vessel on the ‘Risk vessel list for close supervision’ • After the incident in 2020 VMS was installed on the vessel yet flag State controls appear not to have been applied to monitor the activities of the vessel in 2021 based on VMS. The vessel was also in 	<p>I)Hon. Magistrate summon to appear vessel Owner and skipper at open court for trial on 22.02.2022; II) DFAR file the plaint sheet on 22.02.2022; III) Summon for accuse to appear in court in 30th March 2022; IV) Accuse appear in court and pleaded not guilty.; (V) Next trial date on 4th May 2022.</p>	<p>Until the outcome of the Court case on 4th May is known, we are not in a position to conclude that the conditions of Resolution 18/03 para 14d are satisfied i.e. that ‘<i>effective action has been taken in response to the IUU fishing activities in question</i>’, nor that ‘<i>imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements</i>’ have been applied. Furthermore:</p> <ul style="list-style-type: none"> • Repeat offender. Sri Lanka’s flag State controls failed to prevent this.

Note Sri Lanka’s initial actions after the vessel was reported included:

- (i) Detain the vessel after arrival to the port of SL and keep under the supervision of DCG.
- (ii) Summon the skipper and crew to the head office, DFAR and conduct an inquiry in the presence of the vessel owner.
- (iii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel.
- (iv) The owner informed the repercussions of being listed IUU vessels list as per the IOTC Resolution 18/03



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Executive Secretary
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28 April 2022

cc. Dr Indra Jaya Vice Chair CoC
Mr Susantha Kahawatta, and Ms Kalyani Hewapathirana, DFAR, Sri Lanka

Dear Dr O'Brien,

Further recommendation on the Sri Lankan Flagged Vessel: IMULA-0560-KLT on the IOTC Draft IUU Vessels List (Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence)

We refer to IOTC Circular 2022-31 'The Draft 2022 IOTC IUU Vessels List' dated 28 April 2022, including the new evidence submitted by Sri Lanka at 15 days prior to the Compliance Committee Meeting (Annex 5E), and the checklist of information provided by the Secretariat (Annex 3E). The evidence presented for IUU in BIOT waters by the above referenced vessel appears in Annex 4E. For ease of reference, Table 1 summarises these details.

Resolution 18/03 paragraph 14 envisages that vessels will not be included in the Provisional IUU vessel list if the conditions of sub paragraphs a-d are met. (Annex 3E) shows that only para 14d applies to this vessel.

With respect to IMULA-0560-KLT we are satisfied that sanctions of adequate severity have been imposed and the case is concluded. We recommend that this vessel is **not** moved to the Provisional IUU vessels list. We propose that CoC recommends that Sri Lanka informs the Secretariat and CPCs when VMS is installed and the vessel is released.

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee.

Thank you.

Yours sincerely

Dr C.C. Mees
UK Delegation to IOTC



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Table: A summary of evidence for IUU in BIOT Waters (Annex 4E) , actions taken by Sri Lanka (Annex 5E), and any outstanding issues

Vessel	BIOT Inspection details	DFAR Actions at 15 days prior CoC (email dated 9/4/22)	BIOTA: Outstanding issues to consider regarding the Provisional IUU vessels list
IMULA 00560 KLT	Inspected 8 October 2021 . Details sent to DFAR on 21 October 2021 • Presumed IUU within BIOT and IOTC waters – without authorisation and not on the IOTC Record of Authorised Vessels; landed illegally on an island. • This was the third inspection of this vessel in BIOT waters (29/02/16; 07/04/21; 08/10/21)	I)Administrative penalty SLR 1,000,000 LKR has imposed for owner; II)Owner has made an appeal to secretary for take a relive period to pay the administrative fine under provision of 52B (5) sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013; III) Vessel detained at harbor until pay the administrative fine.; IV) Administrative penalty 1,000,000 LKR is paid.; V) Case is over. Suspensions lifted.; VI) The vessel is detained and the owner is in the pending list of VMS installation. ; VII) Added to the risk vessel list of DFAR	Sanctions of adequate severity have been imposed and the case is concluded

Note Sri Lanka's initial actions after the vessel was reported included:

- (i) Detain the vessel after arrival to the port of SL and keep under the supervision of DCG.
- (ii) Summon the skipper and crew to the head office, DFAR and conduct an inquiry in the presence of the vessel owner.
- (iii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel.
- (iv) The owner informed the repercussions of being listed IUU vessels list as per the IOTC Resolution 18/03