



ADDITIONAL INFORMATION FROM THE UNITED KINGDOM CONCERNING FOUR VESSELS ON THE 2023 IOTC DRAFT IUU VESSELS LIST

Prepared by IOTC Secretariat, 22 April 2023

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 the four vessels that are on the 2023 Draft IOTC IUU Vessels List: Attachment 2 of document IOTC-2023-CoC20-09.

INFORMATION REPORTED TO THE IOTC SECRETARIAT

In response to IOTC Circular 2023-30 on *Draft IUU Vessels List for 2023*, the United Kingdom has provided the additional information reproduced in Annex 1.

RECOMMENDATION/S

That the CoC20:

- **NOTE** the information provided in document IOTC-2023-CoC20-09 Add1, which will assist it in its deliberations on the four vessels included in the Draft IOTC IUU Vessels List for 2023.



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

21 April 2023

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

Dear Dr O'Brien,

Further recommendation on the Sri Lankan Flagged Vessels: IMULA-235-KLT and IMULA-0704-NBO 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 2023-30 'The Draft 2023 IOTC IUU Vessels List' dated 20 April 2023, including the new evidence submitted by Sri Lanka at 15 days prior to the Compliance Committee Meeting, the checklist of information provided by the Secretariat and the evidence presented for IUU in BIOT / Chagos Archipelago waters by the above referenced vessels. 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 shows that only para 14d applies to these vessels.

With respect to IMULA-235-KLT and IMULA-0704-NBO we are satisfied that sanctions of adequate severity have been imposed and the cases are concluded. We recommend that these vessels are **not** moved 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 blue ink, appearing to read 'J. Moir Clark'.

Mr James Moir Clark
UK Delegation to IOTC



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

Table: A summary of evidence for IUU in BIOT/Chagos Archipelago Waters, actions taken by Sri Lanka and any outstanding issues

Vessel	BIOT/Chagos Archipelago Inspection details	DFAR Actions at 15 days prior CoC (email dated 12/4/23)	Outstanding issues to consider regarding the Provisional IUU vessels list
IMUL A-235-KLT	Inspected 21 December 2022 . Details sent to DFAR on 23 December 2023 • Presumed IUU within BIOT/Chagos Archipelago and IOTC waters – without authorisation and not on the IOTC Record of Authorised Vessels; No VMS apparent.	I) Administrative penalty SLR 500,000 LKR was imposed for owner/skipper; II) Administrative penalty paid under Section 52B of FARA No. 2 of 1996 amended by FARA No.35 of 2013; III) Evidence of VMS provided, although had been switched off ater leaving LKA EEZ; IV) Added to the risk vessel list of DFAR	Sanctions of adequate severity have been imposed and the case is concluded
IMUL A-0704-NBO	Inspected 05 January 2023 . Details sent to DFAR on 09 January 2023 • Presumed IUU within BIOT/Chagos Archipelago and IOTC waters (captain admitted to fishing in the area) – without authorisation and not on the IOTC Record of Authorised Vessels; VMS not operational.	I) Administrative penalty SLR 500,000 LKR was imposed for owner/skipper; II) Administrative penalty paid under Section 52B of FARA No. 2 of 1996 amended by FARA No.35 of 2013; III) Evidence of VMS provided, although had been switched off ater leaving LKA EEZ; IV) 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 both vessels were reported included:

- (i) Detain the vessels after arrival to the port of SL and keep under the supervision of DCG.
- (ii) Summon the skippers and crew to the head office, DFAR and conduct an inquiry in the presence of the vessel owners.
- (iii) Suspend the fishing operation licenses, skippers' license and seize the registration books and the log books issued to the vessels.
- (iv) The owners informed of the repercussions of being listed IUU vessels list as per the IOTC Resolution 18/03
- (v) Skippers and vessel owners warned over paragraph 7-3E of the new VMS regulation 2022.



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Executive Secretary
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Mahe
Seychelles

21 April 2023

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-0947-CHW 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 2023-30 'The Draft 2023 IOTC IUU Vessels List' dated 20 April 2023, including the new evidence submitted by Sri Lanka at 15 days prior to the Compliance Committee Meeting, the checklist of information provided by the Secretariat and the evidence presented for IUU in BIOT / Chagos Archipelago waters by the above referenced vessel. For ease of reference, Table 1 summarises these details.

IMULA-0947-CHW was tried through the BIOT / Chagos Archipelago courts and is currently being detained by the Sri Lankan authorities until the fine has been paid. A letter of appeal was received on 19 April 2023 by the BIOT / Chagos Archipelago authorities requesting that the fine be paid over ten instalments. This request has been considered by the magistrate and granted with the first payment due on 01 May 2023. While we note that this case is ongoing 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. In light of this cooperation and the measures so far put in place we would like to withdraw the draft IUU listing and defer our decision until 2024, requesting that Sri Lanka report intersessionally on actions taken including any legal proceedings, following advice from their legal department, as outlined in the correspondence received on 12 April 2023.

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 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 ; the demonstrated efforts of Sri Lanka to improve its flag State controls; and subject to full payment of the fine over the agreed period the UK will defer its final decision on IUU listing this vessel until 2024 and it should **not** move 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 blue ink, appearing to read 'J. Moir Clark', with a stylized flourish at the end.

Mr James Moir Clark
UK Delegation to IOTC



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

Table 1: A summary of evidence for IUU in BIOT/Chagos Archipelago Waters, actions taken by Sri Lanka, and outstanding issues.

Vessel	BIOT Inspection details	DFAR Actions at 15 days prior CoC (email dated 12/4/23)	Outstanding issues to consider regarding the Provisional IUU vessels list
IMULA-0947-CHW	Inspected 16 January 2023. Details sent to DFAR on 19 January 2023 • Presumed IUU within BIOT/Chagos Archipelago and IOTC waters – without authorisation and not on the IOTC Record of Authorised Vessels; VMS on board but not operational. • Vessel detained and tried by BIOT/Chagos Archipelago authorities. • Master of vessel convicted of fishing without a licence and fined £17,500, vessel released and returned to Sri Lanka.	I) As vessel was prosecuted by the magistrate court of BIOT/Chagos Archipelago where the fine was imposed, Sri Lanka has not initiated legal proceedings. II) Case has been referred to the legal section for future legal proceedings. III) Evidence provided that VMS was operational until 10 December 2022.	Payment of fine by owner in instalments, starting in May through to February 2024.

Note Sri Lanka's initial actions after 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
- (v) Owner advised to pay pending fine at the MC Courts in BIOT



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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-2159-CHW 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 2023-30 'The Draft 2023 IOTC IUU Vessels List' dated 20 April 2023, including the new evidence submitted by Sri Lanka at 15 days prior to the Compliance Committee Meeting the checklist of information provided by the Secretariat and the evidence presented for IUU in BIOT / Chagos Archipelago waters by the above referenced vessel. For ease of reference, Table 1 summarises these details.

IMULA-2159-CHW will be tried by Sri Lanka, with a date set for 25 May 2023, and while we note that this is an ongoing case 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. In light of this cooperation and the measures so far put in place we would like to withdraw the draft IUU listing and defer our decision until 2024, requesting that Sri Lanka report intersessionally on actions taken.

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 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 since being reported on 2 February 2023; the demonstrated efforts of Sri Lanka to improve its flag State controls; and, subject to:

- the outcome of the trial to be held on 25th May; and,
- the provision of written assurance to UK copied to the Compliance Committee (by the 30 April) that this vessel will remain detained in port until the case is fully concluded; and, that the vessel will not be released until the VMS is repaired and fully functional; that, as appropriate, the vessel owner and Master are recorded in the Risk Register.

then, UK will defer its final decision on IUU listing this vessel until 2024 and it should **not** move to the Provisional IUU vessel List. In the absence of such written assurances it should be moved to the Provisional IUU vessel List.

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

Thank you.

Yours sincerely

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Table 1: A summary of evidence for IUU in BIOT / Chagos Archipelago Waters, actions taken by Sri Lanka and outstanding issues.

Vessel	BIOT / Chagos Archipelago Inspection details	DFAR Actions at 15 days prior CoC (email dated 12/4/23)	Outstanding issues to consider regarding the Provisional IUU vessels list
IMUL A- 2159- CHW	Inspected 6/7 November 2022. Details sent to DFAR on 05 January 2023 • Presumed IUU within BIOT/Chagos Archipelago and IOTC waters – without authorisation and not on the IOTC Record of Authorised Vessels; VMS on board but not operational due to it being damaged.	I) due to the delay in reporting to Sri Lanka, vessel had departed for another fishing trip, detained after arrived back in port on 10 March 2023. II) Prosecution initiated on 17 January 2023 in courts in MC Colombo under FARA No. 2 of 1996 amended by FARA No. 35 of 2013, Case No: 84307/23.	Notification of outcomes of court case after 25 May 2023 and sanctions of adequate severity against the vessel.

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

- (i) Detain the vessel after arrival to the port of SL and keep under the supervision of DCG.
- (ii) The owner informed the repercussions of being listed IUU vessels list as per the IOTC Resolution 18/03