Exposing the Gap Between PRC Rhetoric and Illicit Maritime Activity: Case Study Compilation

Ryan Loomis and Heidi Holz
Abstract

This compilation of 15 case studies examines the apparent gaps between the People’s Republic of China’s (PRC) policy and rhetoric regarding its role in the transnational maritime environment and the illicit activities that PRC actors reportedly conduct. The illicit maritime activities allegedly carried out by PRC actors inflict economic and environmental damage on coastal nations, violate their sovereignty, and harm their citizens. These alleged illicit activities are at odds with Beijing’s official rhetoric expressing support for international maritime laws, rules, and norms. To develop a better understanding of this apparent contradiction, CNA examined 15 instances in which PRC actors were accused of carrying out illicit activities between 2018 and 2021 in the maritime areas surrounding Southeast Asia, the Atlantic coast of Africa, and Pacific Island Countries. In all but one case, Beijing sought to minimize any negative impact on China’s image by denying or downplaying the accusations that PRC actors had engaged in illicit behavior. This PRC strategy of denying and downplaying bad behavior is problematic and could create the appearance that, rather than acknowledging and addressing the illicit behavior of some PRC actors, Beijing is publicly subverting international rules, laws, and norms.

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It does not necessarily represent the opinion of the sponsor or client.

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Approved by:

Maryanne Kivlehan-Wise
Director, China Studies Program
CNA China & Indo-Pacific Security Affairs Division

December 2021

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Introduction

In recent years, persons, vessels, and corporations based in or tied to the People’s Republic of China (PRC) have reportedly engaged in illicit maritime activities around the globe. International news media, nongovernmental organizations (NGOs), and foreign governments have all published reports detailing persistent illicit maritime activity involving PRC actors, including PRC nationals, PRC-based criminal organizations, PRC-flagged vessels, and vessels beneficially owned by PRC entities (a beneficial owner enjoys the benefits of ownership even though the title to the property is in another name) PRC-flagged vessels, vessels beneficially owned by PRC entities, and PRC-based criminal organizations.¹ The alleged illicit maritime activities of PRC actors are often at odds with Beijing’s rhetoric expressing support for international maritime laws (including the United Nations Convention on the Law of the Sea, or UNCLOS), rules, and norms. Unless addressed, this gap between Beijing’s rhetoric and the behavior of PRC actors has the potential to undermine the global system of international laws, norms, and conventions that govern the maritime domain.²

To examine possible contradictions between the PRC’s official rhetoric and the illicit transnational maritime activities reportedly carried out by PRC-based actors, CNA examined 15 cases in which PRC actors have been accused of illegal behavior in the maritime domain between 2018 and 2021. These cases are geographically focused in the maritime areas surrounding Southeast Asia, the Atlantic coast of Africa, and the Pacific Island countries. For each case, we examined the following:

- The alleged illegal PRC activity and the types of PRC actors involved
- PRC official policies and narratives about that type of activity (e.g., illegal, unregulated, and unreported (IUU) fishing or human trafficking)
- International, local, and PRC laws, policies, and norms at risk of subversion by the alleged activity
- PRC officials’ and media responses to these incidents

Data sources for these case studies included PRC official statements, PRC foreign-directed and domestic media, local news media reports in countries affected by the alleged PRC behavior, maritime domain awareness and vessel tracking databases, subject matter experts, maritime law and regulation databases, and secondary literature published by nongovernmental and other research organizations. This document contains overviews of each of the 15 cases.¹

¹ For CNA’s cross-case analysis, see the Exposing the Gap Between PRC Rhetoric and Illicit Maritime Activity: Summary Report, available at www.cna.org. Translations of select case studies into Arabic, Bahasa Indonesian, Khmer, Filipino (Tagalog), French, and Malay are also available on CNA’s website.
1. Reports of PRC vessels dumping sewage in Philippine EEZ

A July 2021 report by Simularity, a US-based commercial imagery analysis company, found that more than 200 vessels at anchor in the Spratly Islands were dumping sewage into the water. Simularity assessed that the vessels at anchor in the Union Banks in June were dumping roughly 2,596 pounds of sewage per day into the water. The report claims that the vessels were discharging un- or under-treated sewage into the shallow waters, leading to chlorophyll-a blooms. These blooms, which Simularity said were visible in satellite imagery, may lead to hypoxic ocean conditions that can harm marine organisms and ecosystems. The report also asserted that these vessels were likely the same PRC vessels that the Philippine Coast Guard had observed in the same location weeks earlier. The Philippine government is independently investigating Simularity’s claims.

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<td>A July 2021 report by Simularity, a US-based commercial imagery analysis company, found that more than 200 vessels at anchor in the Spratly Islands were dumping sewage into the water. Simularity assessed that the vessels at anchor in the Union Banks in June were dumping roughly 2,596 pounds of sewage per day into the water. The report claims that the vessels were discharging un- or under-treated sewage into the shallow waters, leading to chlorophyll-a blooms. These blooms, which Simularity said were visible in satellite imagery, may lead to hypoxic ocean conditions that can harm marine organisms and ecosystems. The report also asserted that these vessels were likely the same PRC vessels that the Philippine Coast Guard had observed in the same location weeks earlier. The Philippine government is independently investigating Simularity’s claims.</td>
<td>PRC media reporting published in languages spoken by residents of the South China Sea region portrays the PRC as a responsible steward of the marine environment. For example, a 2021 article published by China Radio International's (CRI's) Bahasa Indonesian service describes China’s regional cooperation in efforts to protect the marine environment and fisheries. In response to Simularity's report, the PRC Ministry of Foreign Affairs (MFA) and the PRC embassy in the Philippines condemned the allegations as “fake news.” PRC media directed at audiences in the region similarly portrayed the report as an attempt to smear China.</td>
</tr>
</tbody>
</table>

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

**International Conventions**
- International Convention for the Prevention of Pollution from Ships (MARPOL),
- London Dumping Convention of 1972 and Protocols

**Regional Fishery Provisions**
- The Western and Central Pacific Fisheries Commission marine pollution provisions

**Philippines Laws**
- The Marine Pollution Law (PD 1976)
- The Philippine Fisheries Code
- The Clean Water Act of 2004

**PRC Laws, Policy**
- Regulations on the Control of Ship Pollutants in the Marine Environment
- Water Pollutant Discharge Standards for Ships

This image is from a Simularity report showing chlorophyll-a “blooms” around ships, visible in multi-spectral images. Simularity’s analysis suggests that PRC vessels have been dumping sewage into the waters around the Spratly Islands and causing damage to the marine environment.
2. Illegal harvest of sea cucumber by PRC vessel in Palau EEZ

The Chinese fishing vessel Qiong Sanya Yu in Malakal, Palau, after Palau Maritime patrol vessel Remeliik II (background) intercepted it poaching sea cucumber near Helen Reef, within Palau’s exclusive economic zone (EEZ) on December 10, 2020.


<table>
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<th>Alleged PRC activity</th>
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<tbody>
<tr>
<td>In December 2020, Palau media outlets reported that a Palau Maritime Law Enforcement patrol vessel intercepted the PRC-flagged fishing vessel Qiong Sanya Yu for suspected illegal harvesting of sea cucumber at Helen Reef, within Palau’s territorial waters and EEZ. The US Coast Guard assisted Palau maritime authorities with locating the PRC vessel. The Palau Ministry of Justice (MOJ) found evidence that the crew of the Qiong Sanya Yu poached 225 kilograms (496 pounds) of sea cucumber valued at roughly $180,000 US dollars (USD). The 28-member crew—all PRC nationals—accepted a settlement agreement offered by the Palau MOJ, in place of charges, which required them to forfeit the vessel’s fishing tackle and five small boats and pay $200,000 USD.</td>
<td></td>
</tr>
<tr>
<td>• PRC media reports published in English, an official language of Palau, portray the PRC as a responsible fishing nation that is opposed to illegal, unreported, and unregulated (IUU) fishing within its distant fishing fleet. In response to the Qiong Sanya Yu case, PRC officials publicly urged PRC nationals to follow local laws while overseas. At least two English-language PRC media outlets and the PRC embassy in the nearby Solomon Islands echoed these remarks. Just 10 days after acknowledging Palau’s detention of a PRC ship for illegal fishing, a PRC MFA spokesperson sought to deflect US criticism of PRC IUU fishing by accusing the US of illegal fishing activities.</td>
<td></td>
</tr>
</tbody>
</table>

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

**International Conventions**
- UN Convention on the Law of the Sea (UNCLOS) Part V, Articles 62 and 73
- 1992 Convention on Biological Diversity, Article 5

**Palau Laws**
- Palau National Code Regarding Foreign Fishing, Division 1 of Title 2
- Palau National Marine Sanctuary Act

**PRC Laws, Policy**
- Distant Water Fishery Supervisory Regulation, Revised 2017
- PRC Fisheries Law, Revised 2013
3. Forced Indonesian labor on board PRC-flagged vessels

According to reports by non-governmental organization (NGOs) based in Indonesia, Germany, and the US, between late 2019 and mid-2021, PRC-flagged fishing vessels exploited dozens of Indonesian crewmembers, many of whom have died from illness, beatings, unsafe working conditions, and/or lack of food and water. In April 2020, Indonesian officials began to address the issue publicly, when they acknowledged the deaths of four Indonesian crewmembers on the PRC-flagged Long Xin 629. Since then, Indonesian authorities have announced additional cases of human trafficking, abuse, and death of Indonesians aboard PRC-flagged vessels. Subsequently, in May 2021, US Customs and Border Protection (CBP) issued an entry ban for all goods produced by the fleet of China’s Dalian Ocean Fishing Co., Ltd. “based on information that reasonably indicates the use of forced labor in the entity’s fishing operations.” Dalian is the owner of at least two ships implicated in the forced labor of Indonesian crewmembers.

Laws, rules, and norms at risk

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<tr>
<th>International Conventions</th>
<th>Regional Fishery Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Labour Organization (ILO) Work in Fishing Convention No. 188 (2007)</td>
<td>A non-binding resolution on labor standards for crewmembers in the Convention Area is in effect, and a draft binding resolution is under review</td>
</tr>
<tr>
<td>ILO Forced Labour Convention, 1930 (No. 29)</td>
<td></td>
</tr>
<tr>
<td>ILO Abolition of Forced Labour Convention, 1957 (No. 105)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indonesian Laws</th>
<th>PRC Laws, Policy</th>
</tr>
</thead>
</table>

This image is a still from May 2020 video footage appearing to show the burial at sea of an Indonesian crewmember of the PRC-flagged fishing vessel Long Xing 629. Four Indonesian crew died aboard the vessel, as have dozens of crewmembers working aboard other PRC-flagged vessels in recent years, reportedly under unsafe or forced labor conditions.

Image source: South China Sea Morning Post.
4. PRC vessels detained for illegal fishing in Vanuatu EEZ

Vanuatu authorities detained PRC-flagged fishing vessels Dong Gang Xing 13 and 16 on January 19, 2021, for suspected illegal fishing within Vanuatu’s territorial waters. The vessels had permission to fish within Vanuatu's EEZ but not within its 12-mile territorial waters, where they were caught with their Automatic Identification Systems (AIS) turned off.

Image source: Daily Post Vanuatu.

<table>
<thead>
<tr>
<th>Alleged PRC activity</th>
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</tr>
</thead>
</table>
| On January 19, 2021, a Vanuatu Maritime Police vessel intercepted two PRC-flagged fishing vessels, Dong Gang Xing 13 and Dong Gang Xing 16, for suspected IUU fishing activities within Vanuatu’s territorial waters. According to Vanuatu prosecutors, the ship operators engaged in illegal fishing without a license, turned off their satellite transponders while in Vanuatu’s waters, and possessed a driftnet in violation of Vanuatu’s Fisheries Act. | • PRC media reports published in English and French—official languages of Vanuatu—portray the PRC as an enforcer of international laws and norms related to the protection of fisheries.
- In a likely effort to downplay the incident, neither the PRC embassy in Vanuatu nor the PRC MFA responded to requests for comment about the case.
- The few Chinese-language PRC media reports observed asserted that this was the first time that Vanuatu had detained a PRC fishing boat.
- A May 2021 PRC embassy publication portrays China as a source of aid that has contributed to Vanuatu’s development, including the development of its fishing industry. |

Laws, rules, and norms at risk

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<th>Regional Fishery Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNCLOS, Part V Articles 62 and 73</td>
<td>The Western and Central Pacific Fisheries Commission (WCPFC), Part V</td>
</tr>
<tr>
<td>United Nations General Assembly Resolution 52/29 Banning All Large-Scale Driftnet Fishing, June 1998</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Vanuatu Laws</th>
<th>PRC Laws, Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vanuatu Fisheries Act No. 10 (2014), Part 14</td>
<td>Distant Water Fishery Supervisory Regulation, Revised 2017</td>
</tr>
<tr>
<td>Vanuatu Maritime Zones Act 2010, Part 4</td>
<td>PRC Fisheries Law, Revised 2013</td>
</tr>
</tbody>
</table>
5. PRC vessels engaging in illegal fishing in Gabon

On August 8, 2020, Gabonese authorities, in collaboration with Netherlands-based non-profit Sea Shepherd, stopped two PRC-flagged trawlers, Guo Ji 826 and Guo Ji 866, for a routine inspection. According to Sea Shepherd and local media reports, the inspection found illegally harvested rough-head sea catfish, endangered daisy stingrays, and other finned rays. Gabonese authorities aboard the Sea Shepherd vessel arrested and escorted both vessels to port where further investigation uncovered additional rays and ray fins. The ship’s captain, a PRC national, told authorities that he was unaware that the catch was illegal. According to local media, a year earlier, Gabonese authorities arrested another vessel owned by the same PRC company for IUU fishing, making the 2020 case an apparent repeat offense.

### Alleged PRC activity

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<tr>
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<tr>
<td>PRC media reports published in French, the official language of Gabon, assert that China has “zero tolerance” for illegal fishing among its distant water fishing (DWF) fleet.</td>
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<tr>
<td>PRC French-language media reports also portray China’s presence in the local fishing industry in Gabon as a “win-win” development.</td>
</tr>
<tr>
<td>Similarly, French-language PRC media reports describe China’s DWF activities in Africa as “playing an important role in promoting the welfare of African peoples.”</td>
</tr>
<tr>
<td>However, neither PRC officials nor media publicly discussed Gabon’s 2019 or 2020 arrest of the PRC-flagged vessels for IUU fishing. Instead, the PRC embassy in Gabon continued to promote the narrative that PRC investment and cooperation in Gabon is beneficial.</td>
</tr>
</tbody>
</table>

### Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

- **International Conventions**
  - UNCLOS, Part V Articles 62 and 73
  - 1992 Convention on Biological Diversity, Article 5

- **Regional Fisheries Provisions**
  - Regional Fisheries Commission for the Gulf of Guinea (COREP), Article 3

- **Gabon Laws**
  - Gabon Fisheries and Aquaculture Law (2005), Title 4, Ch. 3, Part 1

- **PRC Laws, Policy**
  - Distant Water Fishery Supervisory Regulation, Revised 2017
  - PRC Fisheries Law, Revised 2013
6. Pollution from PRC-owned fishmeal factories in Gambia

Alleged PRC activity

Gambian media outlets report that three PRC-owned fishmeal factories have discharged untreated wastewater and dangerous chemicals into a maritime reserve and the country's coastal waters.86 Local media reports say that pollution from these factories has damaged freshwater and coastal marine resources, killed marine life, and caused locals to suffer skin ailments.81 Testing initiated by local groups reportedly showed unsafe levels of arsenate, phosphates, and arsenic.82 A 2017 lawsuit brought by the Gambian National Environmental Agency (NEA) resulted in one PRC-owned factory being fined and all three being forced to suspend operations.83 The plants have since reopened and reportedly continue to pollute local waters.84 In March 2021, the NEA issued a "stop notice" to one factory for violating the nation's environmental laws.85 Despite the order, the factory continued plant expansion work, according to Gambian media. 86 During the same period, local protestors burned a second PRC-owned fishmeal factory in response to a constellation of alleged environmental and criminal complaints.87

What the PRC says about the activity

• PRC officials issued statements seeking to deny the role of the PRC-owned companies in local environmental degradation and to portray the fishmeal factories as good for local economic and social development.88
• The PRC ambassador told local media that the embassy investigations had found no harmful substances in the factory effluent, and that China requires PRC entities to "follow local laws and fulfill their social responsibilities."89
• Similarly, an embassy spokesperson said that the allegations against the factories "lack evidence."90
• The PRC ambassador claimed the wastewater in question "provides abundant nutrition," and that "farmers in China buy this kind of wastewater to add to their fishponds."91
• PRC media did not address reports of pollution, but one report highlighted China's "offers to help Gambia" in its fish-processing industry.92

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

**International Conventions**
- The London Dumping Convention of 1972, Annex 1
- UNCLOS Article 194, prevention of marine pollution from land-based sources

**Gambia Laws**
- Gambia Fisheries Act

**PRC Laws, Policy**
- Fisheries Law Article 36
- Marine Environmental Protection Law

Image source: China Dialog Ocean.
7. Illegal ownership of Ghana’s fishing trawler fleet

According to US-based NGOs, PRC companies are the “beneficial owners” of most Ghanaian-flagged fishing vessels. This illegal ownership structure reportedly siphons resources away from Ghana and leads to destructive overfishing.

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<td>Two investigative reports published by US-based environmental NGOs in 2019 and 2021 found that PRC corporations are the beneficial owners of nearly all trawlers in Ghana. It is reportedly illegal in Ghana for foreign companies to hold beneficial ownership of Ghanaian-flagged trawlers. According to the US-based NGOs, PRC corporations register the trawlers with China’s Ministry of Agriculture, while also registering the vessels with the Ghanaian flag via locally incorporated shell companies. This allows them to benefit from PRC fuel subsidies and tax benefits and obtain low-cost local fishing licenses from Ghanaian authorities allowing them to fish in Ghana's EEZ. In addition, the practice also leads to IUU fishing and a decreasing catch per fishing effort, negatively affecting local fisherfolk.</td>
<td>• PRC officials and media have not publicly addressed the 2019 and 2021 reports that PRC companies illegally own Ghanaian trawlers. • Of note, a PRC embassy representative in Ghana reportedly acknowledged the PRC-owned trawler fleet during a 2012 media interview. • PRC officials and media portray China’s investment in Ghana's fishing industry as beneficial to the local population. • For example, multiple English-language reports by China’s state-run news agency Xinhua state that the “goal” of China’s investment in Ghana’s fishing industry is to support local and artisanal fishing. • Similarly, PRC embassy press releases portray China’s fishery investments as “greatly improving living standards” for coastal Ghanaians.</td>
</tr>
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Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

- **International Conventions**
  - UNCLOS Part V, Articles 62.4 and 72 and Article 91

- **Ghanaian Laws**
  - Fisheries Act 625: Section 41(7) & 63(1)
  - Fisheries Management Plan fleet reduction

- **PRC Laws, Policy**
  - 2020 White Paper on Compliance of China’s DWF

Image source: Environmental Justice Foundation.
8. Illegal entering and anchoring in Malaysia’s territorial waters

Malaysia’s Maritime Enforcement Agency (MMEA) detained six PRC-flagged fishing vessels in October 2020 for entering and anchoring in its territorial waters without permission. The PRC vessels, approximately 2 miles from the Malaysian coast, had failed to request both access to Malaysia’s territorial fisheries and permission to anchor.

Image source: Malaysian Maritime Enforcement Agency.

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<td>On October 9, 2020, Malaysian and international news media reported that the MMEA had detained six PRC-flagged fishing vessels and their crews for entering and anchoring in Malaysia’s territorial waters without the legally required permissions. 113 The vessels’ crew members reportedly told authorities they were on route from China to Mauritania and stopped to anchor because of unspecified “malfunctions.” 114 At the time of the detention, Malaysian and international media reports noted that Malaysian authorities were investigating the case under sections of Malaysian law that carry fines and jail time upon conviction. 115 However, Malaysian authorities released the crew two weeks after they were detained without making any public statement regarding their release or the status of the investigation. 116</td>
<td>• The PRC MFA acknowledged that the vessels were detained in “Malaysia’s waters.” Both the MFA and the PRC embassy called on Malaysian authorities to carry out a “fair investigation, ensuring the rights and interests of the Chinese citizens involved.” 117 • During the detention, the PRC foreign minister and his Malaysian counterpart issued a joint statement “underscoring the importance of maintaining peace, security and stability”; the statement did not directly address this case. 118 • Malay, English, and Chinese-language PRC media reports reiterated remarks by the PRC embassy and the MFA without providing additional detail or commentary. 119 • English-language PRC media characterized the detained PRC crews and vessels as being held for “alleged illegal fishing,” and described Malaysia as “claiming the vessels were trespassing.” 120</td>
</tr>
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Laws, rules, and norms at risk

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<th>Malaysian Laws</th>
<th>PRC Laws, Policy</th>
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</thead>
<tbody>
<tr>
<td>• UNCLOS, Part II, Articles 18 and 19 121</td>
<td>• Merchant Shipping Ordinance (OPS) 1952 – Section 449 122</td>
<td>• 2020 White Paper on Compliance of China’s DWF 125</td>
</tr>
<tr>
<td>• Fisheries Act 1985 – Part V: Foreign Fishing Vessels 123</td>
<td></td>
<td></td>
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</tbody>
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9. PRC harvesting giant clams in Philippine-administered waters

In March 2021, the Philippine Navy and media alleged that PRC fishermen illegally harvested giant clams in the vicinity of Philippines-administered Pag-asia Island (Thitu Island) in the Spratly Islands. Philippine and PRC laws prohibit giant clam harvesting because the species is vulnerable to extinction and harvesting methods destroy reefs that are critical to fish stocks.

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<tr>
<td>Multiple international conventions categorize the giant clam as a vulnerable species. Both the Philippines and the PRC have banned their harvest. The Philippine Navy and media assert that PRC fishermen operating near the contested Pag-asia Island (Philippines-administered) and Scarborough Shoal (PRC-administered) in the South China Sea continue to harvest giant clams illegally using environmentally damaging methods. Philippine media also assert that the PRC Coast Guard is aware of the illegal harvesting around Scarborough Shoal. Philippine journalists have observed the PRC using &quot;chopper boats,&quot; explosives, chemicals, water pumps, and vacuums on the coral reefs to harvest the giant clams, whose shells are sold for high prices in China. These harvesting methods have reportedly destroyed more than 104 square kilometers of coral reefs in the South China Sea, further depleting fish stocks and harming the livelihoods of fishers from the Philippines and other countries.</td>
<td>• PRC officials and media promote the narrative that the PRC &quot;cares more than any other country&quot; does about protecting the South China Sea, and that reports of illegal PRC fishing activities are false and/or politically motivated. This narrative has been observed in PRC media reporting in Filipino, English, and Chinese.</td>
</tr>
<tr>
<td>• PRC officials and media do not appear to have addressed publicly the 2019–2021 allegations that PRC vessels illegally harvested giant clams. Of note, English-language PRC media reports have discussed the damage caused by the practice. Recent PRC media reports in Filipino appear not to address the issue at all. Instead, PRC media reporting targeted at Philippine audiences reiterates PRC South China Sea sovereignty claims, portrays China as a responsible actor, calls on the Philippines to cooperate further with China, and dismisses concerns about PRC vessels swarming Filipino fishers.</td>
<td></td>
</tr>
</tbody>
</table>

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

**International Conventions**
- Convention on International Trade in Endangered Species (CITES)
- UNCLOS, Articles 58, 62, 117–119
- 1992 Convention on Biological Diversity, Article 5

**Philippine Laws**
- Philippine fisheries code
- Philippines’ Wildlife Protection Act

**PRC Laws, Policy**
- Regulations on protection of coral reefs and clams in Hainan Province, Article 10
10. PRC research vessel operating “dark” in Indonesian waters

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<tr>
<td>On January 11, 2021, Indonesian news media reported that the Indonesian Maritime Security Agency had intercepted the PRC research vessel <em>Xiang Yang Hong 03</em> in the Sunda Strait for operating in Indonesian waters with its AIS de-activated. According to Indonesian and international regulations, all ships transiting Indonesia’s archipelagic sea lanes are required to have functioning AIS. Indonesian authorities reportededly suspected the vessel was conducting unauthorized activities in the Sunda Strait while its AIS was off. Media reports speculated that the PRC vessel was gathering oceanographic information to inform PRC Navy submarine operations. Indonesian law requires foreign vessels to obtain permission to conduct oceanographic research in Indonesia’s EEZ or territorial waters; Indonesia’s foreign ministry indicated that no such permissions had been given to the PRC vessel.</td>
<td>• The PRC embassy in Indonesia declined to comment publicly on Indonesian authorities’ January 11 interception of the PRC vessel. PRC officials and media portray PRC vessels as abiding strictly by “the world’s most rigorous Vessel Monitoring System (VMS).” PRC media reporting conveyed this narrative in English and Indonesian. In a possible effort to deflect scrutiny from PRC vessels’ activities, Indonesian-language PRC media reports portrayed US survey ships as “spying” in the South China Sea. English and Indonesian-language PRC media reporting also sought to portray PRC research vessels in a positive light, highlighting their efforts to assist the Indonesian navy in the retrieval of its sunken submarine KRI Nanggala 402.</td>
</tr>
</tbody>
</table>

Indonesian authorities asserted that the PRC research vessel *Xiang Yang Hong 03* (left) had been “running dark” in Indonesian waters without broadcasting its position, as required by national and international law. The PRC vessel was escorted out of Indonesian waters by local authorities.

Image: Indonesia’s Maritime Security Agency (Baklama).

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

**International Conventions**
- Safety of Life at Sea (SOLAS) Regulation V/19 paragraph 22
- UNCLOS, Part V

**Indonesian Laws**
- Government Regulation No. 37 of 28 June 2002, Article 7
- Act No. 6 of 1996 regarding Indonesian Waters, Transit Crossing Rights

**PRC Laws, Policy**
- China is a ratified signatory of the International Maritime Organization (IMO) Convention for SOLAS, which requires active AIS on non-military vessels of 300 gross tonnage (GT) and above.

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11. PRC trawler in Mauritania restricted area rams local boat

The shaded area of the map depicts Atlantic waters around northern Mauritania that are restricted to artisanal fishing. In September 2020, Mauritanian media reported that a PRC trawler intentionally rammed a local artisanal fishing vessel in these waters, resulting in the death of three Mauritanians. The PRC vessel’s AIS allegedly was de-activated at the time.

Image source: UN Food and Agriculture Organization.

<table>
<thead>
<tr>
<th>Alleged PRC activity</th>
<th>What the PRC says about the activity</th>
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</thead>
<tbody>
<tr>
<td>According to Mauritanian news media from early September 2020, a PRC-flagged trawler struck a Mauritanian fishing vessel at night, killing three of its crew. ¹⁵⁷ Local and regional media reported that the PRC fishing vessel struck the artisanal Mauritanian boat in waters off Nouadhibou, in an area restricted to artisanal fishing where industrial trawlers are prohibited. The head of the local artisanal fishing association alleged that the incident was not an accident, and asserted that the PRC vessel had turned off its lights, de-activated its AIS, and intentionally rammed the local fishing vessel. ¹⁵⁸ Mauritanian authorities reportedly arrested the captain of the PRC vessel, and local community members carried out protests against PRC and other foreign trawlers for their alleged illegal and dangerous fishing practices. ¹⁵⁹ A similar case had taken place in 2017, when another PRC vessel reportedly collided with multiple local fishing vessels, killing at least four people, according to Mauritanian media. ¹⁶⁰</td>
<td>• PRC officials and media have not publicly addressed the alleged ramming incident in restricted Mauritanian waters. ¹⁶¹ • PRC official remarks published in Arabic, French, and Chinese promote the narrative that China contributes to Mauritania’s “stability and development” and characterize China’s presence in local fisheries as “win-win.” ¹⁶² • PRC officials also highlight PRC investment in local fish processing facilities. ¹⁶³ • PRC media reports directed at local audiences similarly seek to portray Beijing as a benefactor, highlighting medical assistance to Mauritania ¹⁶⁴ and PRC investment in local fisheries. ¹⁶⁵ • There is evidence that the PRC wants Mauritania to change its fishery area restrictions. For example, the PRC embassy issued a press release describing bilateral discussions about the “adjusting of fishing areas,” indicating Beijing’s interest in greater access to waters currently reserved for local artisanal fisherfolk. ¹⁶⁶</td>
</tr>
</tbody>
</table>

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

<table>
<thead>
<tr>
<th>International Conventions</th>
<th>Regional Fishery Provisions</th>
<th>Mauritanian Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>• International Convention for Safety of Life at Sea (IMO SOLAS 1974) ¹⁶⁷</td>
<td>• Sub-Regional Fisheries Commission (SRFC) convention ¹⁶⁸</td>
<td>• Description and evaluation of fishery resources in the Mauritanian EEZ ¹⁷⁰</td>
</tr>
<tr>
<td></td>
<td>• SRFC Dakar 2014 declaration on illegal, unregulated, and unreported fishing ¹⁶⁹</td>
<td></td>
</tr>
</tbody>
</table>
12. Namibia investigates PRC vessels for illegal entry and fishing

In response to allegations of illegal fishing and anchoring without permission in Namibian territorial waters, six PRC-owned fishing vessels and their crews were detained and investigated by Namibian authorities. While noting inconsistencies in fishing logbooks and contradictory explanations for the ships’ anchorage, Namibian authorities found no evidence of illegal fishing and released the vessels, which then sailed into South African waters without permission where they were again detained and fined.

<table>
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<tr>
<td>In March 2020, local media reported that the Namibian Navy had intercepted six PRC-owned fishing vessels in a popular fishing location 17 miles off the Namibian coast. According to local media, Namibian authorities stated that the PRC vessels entered Namibia illegally and had not received authorization to anchor. Ultimately, the investigation found no evidence of illegal fishing, but did identify discrepancies and evidence of behaviors that could be used to conceal illicit activities. First, the PRC fishing vessels had catch records for Angola ending in March 2019, but no logbooks or licenses for their subsequent 11 months in waters off Equatorial Guinea and Namibia. Second, the Namibian Navy noted that the vessels had de-activated their AIS. Third, the PRC crew claimed that they anchored to avoid inclement weather, but the Namibian Navy could not corroborate the alleged bad weather. Of note, after the PRC vessels were released, they sailed into South African waters without permission where they were detained and fined.</td>
<td>• In a Facebook post, the PRC embassy in Namibia offered an alternative narrative of events. It asserted that the six PRC vessels were conducting “innocent navigation” and were not engaging in any “wrongful acts.” The PRC embassy also characterized the Namibian Navy’s interdiction of the PRC vessels as “humanitarian assistance” in response to dangerous weather. Press releases from the PRC embassy in Namibia portray China’s investment in the Namibian fishery sector as “mutually beneficial,” crediting China for furnishing Namibia’s “ocean-going fishing vessels” and investing in fishery infrastructure. Xi Jinping himself has characterized PRC investment in Namibia positively and called for the “enhanced well-being of both parties.”</td>
</tr>
</tbody>
</table>

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

**Regional Fishery Provisions**
- South East Atlantic Fisheries Organization convention on fishing logbooks

**Namibian Laws**
- Marine Resources Act 27 of 2000
- Maritime Traffic Act

**Eqatrl Guinea Law**
- Catch declaration requirement between Equatorial Guinea and EEC

**PRC Laws, Policy**
- 2020 White Paper on Compliance of China’s Distant-water Fishing

Image source: NAMPA.
13. PRC nationals smuggled into Cambodia by sea

Cambodian authorities arrested 36 PRC nationals for attempting to enter the country illegally aboard the vessel Tong Hai. Press reports and PRC embassy statements suggest that the PRC nationals may have been “lured” into the 2000-mile journey from Fujian to work in illegal online gambling parlors based in Sihanoukville, Cambodia.

<table>
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<tr>
<td>According to a Cambodia police report and local media, Cambodian maritime authorities arrested 36 PRC nationals and two Cambodians on July 26, 2020, for illegal entry into the country aboard a Cambodian-flagged vessel named Tong Hai. Cambodian authorities said that Tong Hai left the port of Fu’an in the PRC’s Fujian province on July 18 and sailed roughly 2,000 nautical miles to waters outside of Sihanoukville, where Cambodian authorities boarded the ship. Cambodian authorities and media have not provided details on the vessel’s owner or operator, but photographs of the ship’s interior posted by local media show hardware with Chinese characters, possibly indicating that a PRC entity operates the ship. Local media reports say that Cambodian police found no suspicious cargo beyond the smuggled persons, and it is unknown why the PRC nationals were attempting to enter Cambodia illegally. Cambodian police noted in a press release that they were prepared to deport the PRC nationals one day after their arrest, but released no further details about the case.</td>
<td>• PRC official remarks and media reporting targeted at audiences in Cambodia emphasize China’s efforts to combat human trafficking and illegal immigration in the region. The PRC embassy in Cambodia issued a press release on September 8, 2021, in response to local media reporting about human smuggling and illegal gambling in Sihanoukville’s “China Town.” This press release emphasized that “most of the victims” are PRC citizens and urged cooperation with local law enforcement. One Chinese language media report on the case asserted that those on board were likely “deceived and smuggled” into Cambodia to work for illegal online gambling parlors that target gamblers in China. PRC officials’ remarks and media reporting targeted at audiences in Cambodia have also sought to deflect criticism by portraying the US as at hotspot for human trafficking and forced labor.</td>
</tr>
</tbody>
</table>

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

| International Conventions | • UN Protocol to Prevent, Suppress and Punish Trafficking in Persons 197 • 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families 198 |
| Cambodian Laws | • Law on Suppression of Human Trafficking and Sexual Exploitation, Article 18 199 |
| PRC Laws, Policy | • Criminal Law of the People’s Republic of China, Articles 240, 303 201 |
14. Tampering with Automatic Identification Systems

Image source: *The Paper* (left, AIS equipment), Global Fishing Watch (right, fishing vessel AIS tracks).

*Distant water fishing (DWF) and other types of vessels from the PRC reportedly deactivate their AIS (pictured above left), providing cover for possible illicit maritime activity, such as IUU fishing or illegal transshipment, and increasing the risk of accidents. Deactivating AIS also violates international conventions and national laws that require functioning AIS aboard nearly all large maritime vessels.*

**Background**

Vessels "go dark" by obscuring their location, movement, and transmissions, or by manipulating the data transmitted by their signals. One way that vessels "go dark" is by disabling or tampering with their AIS, an automatic open-source tracking system that assists a vessel's safe navigation and allows authorities to track and monitor vessel movements. International conventions and PRC laws require ships with 300+ gross tonnage (GT) to carry functioning AIS while sailing internationally. According to experts, vessels sometimes turn off or tamper with their AIS to mask illicit activity. DWF and other types of PRC vessels reportedly tamper with onboard AIS while operating around the world. Between 2018 and 2021, there were reports of PRC vessels allegedly shutting off or tampering with their AIS to obscure illicit activities in the waters of the Democratic Republic of Korea (DPRK), Ecuador, Vanuatu, West Africa, the Philippines, and Indonesia.

**Alleged PRC activity**

**DPRK:** According to a study conducted by eight institutions using satellite technology not reliant on AIS signals, nearly 1,000 “dark” vessels of PRC origin fished illegally in North Korean waters in 2017 and 2018, with the activity continuing into at least 2019. Similarly, maritime trade organization Windward has reported that one way that PRC vessels evade United Nation (UN) sanctions on the DPRK is by de-activating their AIS to import UNSC-prohibited commodities, including DPRK-origin coal. This behavior violates domestic regulations and UN sanctions that prohibit countries from purchasing fishing rights from North Korea or importing and exporting a wide array of commodities, including North Korean coal.

**Ecuador:** From 2018 to 2021, investigative reports by international media and NGOs documented PRC squid jiggers and trawlers "going dark" in the high seas off South America, including near Ecuador's Galapagos Islands, a UNESCO world heritage site. Similarly, an analysis of select PRC-flagged vessels' operations near the Galapagos in 2020 found numerous instances of vessels changing draft, length, and ownership, and "going dark" near Galapagos' EEZ. According to the analysis, “The obfuscation tactics may be a mix of concern about reputational harm and uncertainty about applicable law.”
Alleged PRC activity

**Vanuatu:** On January 19, 2021, a Vanuatu Maritime Police vessel intercepted two PRC-flagged fishing vessels, *Dong Gang Xing 13 and Dong Gang Xing 16*, for suspected IUU fishing activities within Vanuatu’s territorial waters. The vessels had permission to fish within Vanuatu’s EEZ but not within its 12-mile territorial waters, where they were caught with their AIS turned off, according to Vanuatu prosecutors.

**Gambia:** A 2019–2020 analysis of fishing vessels operating in waters off the Gambia and other states belonging to the Economic Community of Western African States found PRC-flagged vessels altering AIS data so that multiple vessels shared names and IMO and Maritime Mobile Service Identity numbers, each of which is required legally to be distinct.

**Indonesia:** On January 11, 2021, Indonesian media reported that the Indonesian Maritime Security Agency had intercepted the PRC research vessel *Xiang Yang Hong 03* in the Sunda Strait for operating in Indonesian waters with its AIS de-activated. According to Indonesian and international regulations, all ships transiting Indonesia’s archipelagic sea lanes are required to have functioning AIS.

**Philippines:** On the night of June 9, 2019, the 44-meter, steel-hulled PRC vessel *Yuemaobinyu 42212* rammed the 19-meter wood-hulled Philippine vessel *Gem Ver* with AIS de-activated and lights off, according to crew aboard the *Gem Ver* and Philippine media reports. The PRC vessel sailed away from the scene, leaving the 22 *Gem Ver* crewmembers stranded at sea until they were rescued by Vietnamese fishermen.

What the PRC says about the activity

- PRC officials and foreign-directed media have pushed back against allegations that PRC vessels shut off their AIS to conceal illicit activity. They contend that PRC vessels rigorously abide by separate, but related, PRC Vessel Monitoring System (VMS) requirements. Of note, VMS data is used for fisheries control and surveillance programs and is not meant to be released to the public or shared with other nations unless they are fishing within a RFMO or other countries’ EEZs. Also of note, some PRC DWF fishing vessels do not meet the 300 GT requirement for AIS carriage.

- During at least four MFA press conferences in 2020, spokespersons asserted that “China implements the world’s most rigorous Vessel Monitoring System.” These remarks were widely republished by PRC foreign-directed media in multiple languages, including Indonesian, French, Spanish, and English.

- PRC media reporting aimed at both domestic and foreign audiences discusses China’s AIS requirements and highlights China’s efforts to crack down on “illegal or incorrect use of AIS equipment,” acknowledging that such actions “pose challenges to maritime order.”

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

- **International Conventions**
  - IMO SOLAS V/19.2.4, in particular, paragraph 22

- **PRC Laws, Policy**
  - Measures for Administration of Monitoring the Position of Ocean Fishing Vessels
  - Regulations on Maritime Affairs and Administrative Penalties
15. PRC vessels allegedly ramming foreign fishing vessels

The PRC promotes the narrative that its vessels abide strictly by maritime safety laws, conventions, and norms. However, since 2018, PRC vessels have allegedly intentionally rammed fishing vessels from Vietnam, Senegal, Mauritania, the Philippines, and Brazil. At least three people have reportedly died because of these collisions, and others have been injured or marooned at sea. Beijing has attempted to downplay, deflect, or deny the allegations of ramming to prevent them from undermining its official narrative.

**Background**

Ramming incidents among fishing vessels are typically the result of competition over contested fishing grounds or other natural resources, often in waters that are the subject of maritime territorial disputes. Ramming incidents have intimidated rival fisherfolk, damaged equipment, sunk vessels, and injured, killed, and marooned crew. On at least five occasions between 2018 and 2021, news media reported that PRC-flagged vessels intentionally rammed fishing vessels from the Philippines, Mauritania, Vietnam, Senegal, and Brazil.

**Alleged PRC activity**

**Philippines:** On the night of June 9, 2019, the 44-meter, steel-hulled PRC vessel Yuemaobinyu 42212 rammed the 19-meter wood-hulled Philippine vessel Gem Ver. At the time of the incident, the PRC vessel’s AIS and lights were both off. The PRC vessel sailed away from the scene leaving the 22 crewmembers of the Gem Ver stranded at sea until they were rescued by Vietnamese fishermen.

**Mauritania:** On the night of October 9, 2020, a large PRC trawler rammed a Mauritanian artisanal fishing boat. The PRC vessel had its lights off and AIS de-activated. The Mauritanian vessel sank, and three of its crew died.

**Vietnam:** On the night of April 2, 2020, PRC Coast Guard (CG) vessel 4301 rammed Vietnamese fishing vessel QNg90617, sinking it and picking up its 8 crewmembers. The PRC CG vessel then chased and stopped nearby Vietnamese vessels and confiscated and erased their crews’ cell phones.

**Senegal:** On September 19, 2020, a PRC-operated trawler reportedly tried to capsize a Senegalese-captained 11-person fishing canoe. With the canoe up against the trawler, the Senegalese captain climbed aboard to confront the PRC crew about its dangerous maneuvers and was beaten and burned with gasoline.

**Brazil:** On November 22, 2018, the 49-meter PRC tuna vessel Chang Rong 4 allegedly rammed the 22-meter Oceano Pesca six times, resulting in $90,000 USD damage.
What the PRC says about the activity

- PRC officials and media promote the narrative that PRC vessels strictly abide by maritime safety laws, conventions, and international norms.  

- In a possible attempt to deflect criticism, PRC foreign-directed media have blamed Vietnamese and Philippine vessels for instigating the incidents that resulted in the collisions.

- Vietnamese-language PRC media reporting, alleged that a Vietnamese vessel sank after "harassing and colliding" with a PRC vessel, and claimed that the PRC side saved the Vietnamese crew.

- In another case, PRC officials and media reporting in multiple languages claimed that a PRC vessel accidentally hit a Philippine vessel after it was "Suddenly besieged by Filipino boats," and denied that it was "an intentional 'hit and run'." PRC officials further claimed that "the Chinese captain tried to rescue [them] but was afraid of being besieged by other Filipino fishing boats."

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

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<tr>
<td>Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS)</td>
<td>Regulations of Safety Management for Fishing Vessels of Hainan Province</td>
</tr>
<tr>
<td>International Convention for SOLAS</td>
<td></td>
</tr>
</tbody>
</table>

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2 Failure to ensure that a state’s flag vessels respect the laws in the exclusive economic zones of other countries reflects violations of a state’s duties under UNCLOS Articles 58 and 61. 


6 “Statement on the Presence of China’s Maritime Militia at the West Philippine Sea.”
8 Ibid.
15 Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.
During the Ministry’s routine press conference on December 25, 2020, MFA Spokesperson Wang Wenbin was asked about a US report to Congress on PRC IUU fishing activities around the world. In response, Wang stated: “I would also like to point out that U.S. seiners far exceeded the number of days they are allowed to fish on the high seas according to relevant fishing management organization, and they have been doing this for many years. This has been a cause for concern among other members of the organization. Shouldn’t the United States reflect upon its behavior and stop violating the rules?” See: Wenbin, “Foreign Ministry Spokesperson Wang Wenbin’s Regular Press Conference on December 25, 2020,” (Beijing, China, Dec. 25, 2020), http://sb.chineseembassy.org/eng/fyrth_17/t1842734.shtml.

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Including laws, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.


Fisheries Law of the People’s Republic of China (2013 Amendment) [Effective]


36 Forced Labor at Sea: The Case of Indonesian Migrant Fishers.


46 Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.

47 Notice of the Ministry of Agriculture, the Ministry of Foreign Affairs, the Ministry of Public Security, and the Ministry of Human Resources and Social Security on Continuing the Zhoushan, Zhejiang Pilot Work of Introducing Foreign Crews in the Ocean Fishing Industry [农业部 外交部 公安部 人力资源社会 保障部 公安部 外交部 公安部 人力资源社会 保障部 公安部 外交部 公安部 人力资源社会 保障部]


50 Ibid.


54 CNA did not observe any PRC media reporting on the incident in English or French—two official languages of Vanuatu.


57 UNCLOS articles governing the utilization of resources within the exclusive economic zone of a coastal state, See: UNCLOS Part V, 1982.


61 Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.

71 “National Day - 24 National Day”.
83 UNCLOS articles governing the utilization of resources within the exclusive economic zone of a coastal state, See: UNCLOS Part V, 1982.
86 Title 4 Ch. 3 Part 1 outlines types of infractions, including taking protected species see: Gabon Fisheries and Aquaculture Law (2005 No. 015) Title 4 Chapter 3 - Repression of Offenses, Section 1 -
Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.


“Gunjur – Court Orders Stay on Chinese Golden Lead Fish-Meal Expansion Spree.”


At What Cost? How Ghana Is Losing Out on Fishing Arrangements with China’s Distant Water Fleet

At What Cost? How Ghana Is Losing Out on Fishing Arrangements with China’s Distant Water Fleet


103 At What Cost? How Ghana Is Losing Out on Fishing Arrangements with China’s Distant Water Fleet.


UNCLOS requirement that there be a “genuine link” between the flag state and the ship owners as well as regarding coastal states’ rights to govern licensing, conservation, and foreign ownership, see: UNCLOS Part V, 1982.


Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.


121 Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.


One English report from the state-run, nationalist-leaning Global Times newspaper blamed “Mistaken government support for and promotion of the giant clam industry in Tanmen, Hainan Province” for “excessive exploitation” and “destruction of coral reef ecosystems.” See: "S. China Sea Corals on Brink of Extinction.” Another English report acknowledged that the “considerable economic

134 See, for example, “China and the Philippines, agreed to enhance bilateral relations and maintain dialogue on maritime issues,” Tsina at Pilipinas, sumang-ayong pasulungin ang bilateral na relasyon at malayson at panatilihin ang diyalogo sa isyung pandagat, CRI Filipino, May 22, 2021, https://filipino-cri-cn.translate.goog/20210522/a2f7772a-2b38-2dff-a7e3-b5914419f1d8-i.html?_x_tr_sch=http&_x_tr_sl=tl&_x_tr_tl=en&_x_tr_po=nui,sc,elem. “Chinese-Philippine fishing in the South China Sea, remains normal,” Pangingisda ng Tsina’t Pilipinas sa South China Sea, nananatiling normal, Filipino CRI, Feb. 13, 2019, https://filipino-cri-cn.translate.goog/301/2019/02/13/103s160771.htm?_x_tr_sch=http&_x_tr_sl=tl&_x_tr_tl=en&_x_tr_hl=de&_x_tr_po=nui,sc,elem; “Statement from the Filipino side, with a political purpose,” [Pahayag mula sa panig Pilipino, may layuning pampolitika], Filipino CRI, Jan. 20, 2016, https://filipino-cri-cn.translate.goog/301/2016/01/20/2s111441.htm?_x_tr_sch=http&_x_tr_sl=tl&_x_tr_tl=en&_x_tr_hl=de&_x_tr_po=nui,sc,elem; “It Is Better to Advance the Fisheries Agreement with China,” Mas magandang isulong ang Fisheries Agreement sa Tsina, Filipino CRI, Nov. 17, 2017, https://filipino-cri-cn.translate.goog/301/2017/11/17/109s152848.htm?_x_tr_sch=http&_x_tr_sl=tl&_x_tr_tl=en&_x_tr_hl=de&_x_tr_po=nui,sc,elem; “China: Philippine construction of school on Thitu Island, illegal,” Tsina: Pagtatayo ng Pilipinas ng eskwelahan sa Thitu Island, iligal, CRI Filipino, June 26, 2012, https://filipino-cri-cn.translate.goog/301/2012/06/26/2s141349.htm?_x_tr_sch=http&_x_tr_sl=tl&_x_tr_tl=en&_x_tr_hl=de&_x_tr_po=nui,sc,elem; “China opposes the Philippines’ construction and deployment of weapons on Thitu Island,” Tsina, tutol sa pagtayo at pagdedeploy ng Pilipinas ng mga sandata sa Thitu Island, CRI Filipino, Jan. 19, 2016, https://filipino-cri-cn.translate.goog/301/2016/01/19/102s141341.htm?_x_tr_sch=http&_x_tr_sl=tl&_x_tr_tl=en&_x_tr_hl=de&_x_tr_po=nui,sc,elem.


140 Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.

141 According to the PRC government, Hainan Province has jurisdiction to enact regulations over nearly all waters in the South China Sea, including the contested waters in this case study. Article 10 prohibits excavating, harvesting, or killing giant clams, see: Regulations on the protection of coral reefs and clams in Hainan Province (海南省珊瑚礁和砗磲保护规定) May 24, 2021.


UNCLOS provisions governing the exploration for resources and scientific surveys within the EEZ of a coastal state, see: UNCLOS Part V, 1982.

Regulations on the Rights and Obligations of Foreign Ships and Aircraft Exercising the Right of Archipelagic Sea Lane Passage, see: Indonesian Government Regulation No. 37 on the Rights and Obligations of Foreign Ships and Aircraft Exercising the Right of Archipelagic Sea Lane Passage Through Designated Archipelagic Sea Lanes, 28 June 2002, June 28, 2020.

Act No. 6 of 8 August 1996 regarding Indonesian Waters, Third Part, Transit Crossing Rights, Article 20, Aug. 8, 1996.

Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.


See, for example, “Fujian subsidies to the fishing sector bring trouble to West African waters,” Africa Defense Forum, Aug. 11, 2021, https://adf-magazine.com.translate.google.ar/ar/2021/08/%D8%A7%D9%84%D8%AF%D8%B9%D9%85-%D8%A7%D9%84%D9%81%D9%8B%D8%AC%D9%8A%D8%A7%D9%86%D9%8A-%D9%84%D9%82%D8%B7%D8%A7%D8%B9-%D8%A7%D9%84%D8%B5%D9%8A%D8%AF-%D9%8A%D8%AC%D9%84%D8%A8-%D8%A7%D9%84%D9%8B%8A?q_x_tr_sl=en&x_tr_tl=ar&x_tr_pto=nui,sc. Gitonga Njeru, “Chinese companies get go-ahead to operate in a range of industries in Mauritania,” Beijing Review, June 18, 2019, http://www.bjreview.com/World/201906/t20190618_800171021.html; “Mauritania: 3 Fishermen Were Killed After Their Boat Collided with a Chinese Ship,” موريتانيا: هلاك 3 صيادين إثر اصطدام قاربهم بسفينة صينية, Skonic, Oct. 11, 2020, https://skonic.com/en/%D9%85%D9%88%D8%B1%D9%8A%D8%AA%D8%A7%D9%86%D9%8A%D8%A7-%D9%87%D9%84%D8%A7%D9%83-3-%D8%B5%D9%8A%D8%A7%D8%AF%D9%8A%D9%86-%D8%A5%D8%AB%D8%B1-%D8%A5


Worsened; “Mauritania: 3 Fishermen Were Killed After Their Boat Collided with a Chinese Ship.”

159 “Nouadhibou: A Chinese ship kills four Mauritanian fishermen,” Embassy of the People’s Republic of China in the Islamic Republic of Mauritania, June 25, 2018, https://www.ambassade.org/chn/sgzyhd/t1507981.htm; “President Xi Jinping held talks with his Mauritanian counterpart, Mohamed Ould Abdel Aziz, and stressed efforts to be made jointly to give new impetus to Sino-Mauritanian friendly cooperation.”


“The 2017 China-Mauritania Joint Fisheries Committee meeting was held in Beijing.”

Convention provisions outline duty to render assistance to persons in distress, see: UN IMO SOLAS, 1974.


"Embassy Spokesperson Statement."


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"White Paper on Compliance of China’s Distant-Water Fishing (中国远洋渔业履约白皮书), Nov. 2020. Additionally, the 2020 PRC White Paper on China’s Offshore Fisheries Contract Performance calls to “Establish a data collection and reporting system for deep-sea fisheries. China attaches great importance to the collection and submission of basic ocean fishery production statistics and related data and has established a system covering ocean fishery enterprises and ocean fishing vessel information, vessel position monitoring, fishing logs, reprinting, national observers, information..."
vessels, port sampling, scientific investigations, and exploratory fishing. And other full range of offshore fisheries data collection system, and in accordance with relevant regulations of relevant regional fisheries management organizations, timely report all kinds of fishery data, and fulfill fishery data collection and reporting obligations.”


190 “Thirty-Six Chinese Ships Smuggling into Cambodia Were Cracked Down on Koh Rong (Video Inside).”


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“A 2020 Analysis: Detecting the Dark Fleets in North Korea and Russia.”

“The Curious Case of the SU RI BONG.”


See, for example, PRC flagged Gang Tai 8 (Gross Tonnage 725) having ‘gone dark’ for four days in waters just outside the Ecuador EEZ in July 2020 prior to apparent transshipment to a refrigerated cargo vessel, raising concerns of illegal transshipment. “Great Wall of Lights: China’s Sea Power on Darwin’s Doorstep.”; “Evolution of the Fleet: A Closer Look at the Chinese Fishing Vessels off the Galapagos.”; “Looking Past Gulf of Guinea Piracy: Chinese Twins, ‘Ghanaian’ Fishing, and Domain Awareness.”

Willie, “Chinese Fishing Vessels Seized.”

Field, “Murky Background to Vanuatu’s Chinese Fishing Boat Arrests.”


222 “The Sinking of Gem-Ver.”


224 “Avoiding Detection: Global Case Studies of Possible AIS Avoidance.”


227 See, for example, “Lianyungang Maritime Investigation and Punishment of a Fishing Vessel Illegally Installing Cargo Ship AIS.”; “AIS, the Things You Need to Know.”; “Typical Case of Maritime Radio Order Rectification.”; “Pollution: Clandestine Treatment of Garbage in China.”

228 The IMO requires AIS use by all vessels >500GT, for any vessel >300GT that is on an “international voyage” and for all passenger vessels. AIS should always be in operation when ships are underway or at anchor. If the master believes that the continual operation of AIS might compromise the safety or security of the ship or where security incidents are imminent, AIS may be switched off. Unless it would further compromise the safety or security, if the ship is operating in a mandatory ship reporting system, the master should report this action and the reason for doing so to the competent authority. Revised Guidelines for the Onboard Operational Use of Shipborne Automatic Identification Systems (AIS), Dec. 2, 2015. UN IMO SOLAS, 1974. Regulations for Carriage of AIS, Dec. 31, 2004.

229 Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.


231 Article 24, Paragraph 1 and Paragraph 2 (12) of the "Regulations of the People’s Republic of China on Maritime Affairs and Administrative Penalties (中华人民共和国海上海事行政处罚规定: 第二十四条第一款及第二款第（十二）)”, Sept 1, 2021.

232 “Satellite Data: Chinese Vessel in Reed Bank Incident Often Went ‘Dark’”; “PH to Finally Get Compensation Offer for Gem-Ver Incident.”
233 “The Sinking of Gem-Ver.”
234 “Mauritania: 3 Fishermen Died After Their Boat Collided with a Chinese Ship, and the Matter Worsened.”
235 “Mauritania: 3 Fishermen Were Killed After Their Boat Collided with a Chinese Ship.”
236 “Mauritania: 3 Fishermen Tell Stories of Being Rammed and Sunk by Chinese Ships in the Paracels.”
237 “China Accused the Vietnamese Fishing Boat of Ramming the Coast Guard Ship, so It Sank.”
238 “Fishermen Tell Stories of Being Rammed and Sunk by Chinese Ships in the Paracels.”
240 “Fishermen Burned in Confrontation with Chinese Trawler.”
243 See, for example, “China in America: Stop Baseless Criticism,” Tsina sa Amerika: Itigil ang waling batayang pagbatikos, CRI Filipino, Apr. 21, 2020, https://filipino-cricn.translate.goog/301/2020/04/21/109s167325.htm?x_tr_sch=http&x_tr_sl=tl&x_tr_tl=en&x_tr_hl=en&x_tr_pto=nui;sc; “The Japanese Destroyer Collided with a Chinese Fishing Boat and Returned to Hong
The Side of the Apron Was Knocked out of a Crack, "Japan Drives Ship with Chinese Fishing Vessel, Returns to Port"  

A Vietnamese Fishing Boat Sank While Harassing and Colliding with a Chinese Fishing Vessel in the Waters of China's Xisha Islands—The Fishermen on Board Were Rescued."  


247 UN IMO SOLAS, 1974.  

250 Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.  


252 Decision of the People's Government of Hainan Province on Amending the "Regulations on the Administration of the Safety Production of Marine Fishing Vessels in Hainan Province" (海南省人民政府关于修改《海南省海洋渔船安全生产管理规定》的决定), Sept. 27, 2017.
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