

Exposing the Gap Between PRC Rhetoric and Illicit Maritime Activity: Key Findings

Ryan Loomis and Heidi Holz

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Approved by:



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

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Request additional copies of this document through inquiries@cna.org.

3003 Washington Boulevard
Arlington, VA 22201
703-824-2000
www.cna.org

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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. 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 the contradictions between Beijing’s official rhetoric and the illicit international maritime activities of PRC state and nonstate actors, CNA examined 15 cases in which PRC actors were accused of carrying out illicit activities in the maritime domain between 2018 and 2021. The incidents occurred in the maritime areas surrounding Southeast Asia, the Atlantic coast of Africa, and the Pacific Island countries. Our key findings are discussed below.

Key findings

Some PRC actors are engaged in a variety of illicit international maritime activities around the world. Among the 15 cases we examined, PRC actors were accused of being involved in the following types of illegal activities:

- Engaging in illegal, unregulated, and unreported (IUU) fishing practices that threaten ocean ecosystems and sustainable fisheries
- Intentionally ramming foreign vessels, damaging the vessels and endangering their crews
- Using forced labor aboard fishing vessels and engaging in human smuggling
- Discharging marine pollution from vessels and land-based sources, harming the marine environment and injuring local citizens
- Tampering with electronic tracking or monitoring devices to “go dark” so that vessels can engage in illicit activity without being tracked
- Illegally entering and operating in other countries’ jurisdictional waters

A variety of international regulations, regional management provisions, and national laws are at risk of subversion by some PRC maritime actors.

- In each of the 15 cases examined for this study, PRC actors allegedly violated multiple national, regional, and international laws, regulations, or provisions.

Typically, PRC actors are accused of engaging in more than one type of illicit activity at a time.

- PRC-flagged vessels allegedly employed behaviors such as deactivating their automatic identification system (AIS), illegally entering into foreign waters, using forced labor, and even ramming in order to facilitate IUU fishing.
- In at least one instance, “going dark” by deactivating AIS may also have been used to facilitate an illegal oceanographic survey.
- Therefore, coastal states who observe one category of illicit activity should bear in mind that other illicit “cobehaviors” may be present.

The most frequent offenders are commercial fishing vessels belonging to the PRC’s vast distant water fishing (DWF) fleet.

- The PRC has the largest DWF fleet in the world, and its vessels operate in waters around the globe. These vessels receive sizeable state subsidies and are subject to PRC government oversight.
- PRC-flagged fishing vessels were implicated in 13 of the 15 cases of illicit maritime activity examined for this study.
- Of note, we identified at least two incidents in which government vessels—a PRC coast guard vessel and a survey ship—allegedly engaged in illicit behavior.
- Under the United Nations’ Convention on the Law of the Sea (UNCLOS) Article 94, Flag States such as the PRC are responsible for ensuring that vessels flying the PRC flag comply with the maritime laws to which Beijing is a party and for holding violators accountable. Thus, although most of these illicit activities were carried out by privately-owned vessels, the PRC government—as a signatory to UNCLOS—is responsible for their actions.

PRC officials and foreign-directed media portray Beijing as a responsible maritime actor.

- The overarching narrative promoted by Beijing portrays the PRC as a responsible global actor that effectively governs its DWF fleet and other oceangoing vessels.
- Government officials and media also sought to portray the PRC as a source of welcome investment in foreign fisheries and fishing industries, particularly in Africa. They describe PRC economic activity in other countries’ fishing sectors as “win-win,” “mutually beneficial,” and intended to benefit local economic development.
- The illicit behavior of PRC actors thus creates a persistent gap between PRC rhetoric and behavior. This gap was apparent in all 15 cases examined for this study.

Beijing's public responses to allegations of illicit activity by PRC actors suggest that it is trying to shape public discussion in ways that minimize any negative impact on the PRC's image.

- In seven cases, PRC officials and media remained silent, in a possible attempt to downplay the incidents.
- In other cases, PRC officials and media publicly denied the allegations, sometimes claiming that the accusations were false or politically motivated.
- In at least three cases, PRC officials and media accused other parties of being responsible for causing the incident or of being guilty of the illicit behavior in question. In some cases, PRC officials went so far as to blame the victims.
- We observed only two instances in which PRC officials publicly acknowledged the reported illicit behavior. In both instances, they (1) called on foreign officials to conduct a fair investigation to ensure that the rights of the PRC citizens involved were protected, and (2) asserted that the PRC government always urges its citizens and entities to abide by local laws when operating overseas.

Beijing's efforts to downplay and deny allegations of illicit maritime behavior by PRC actors appears to contradict credible reports of bad behavior.

- In the cases examined for this study, the alleged illicit activity was reported by foreign authorities, nongovernmental organizations, and media. Reports often included supporting data from maritime domain awareness technologies, fishing logbooks, first-person interviews, and video or photo evidence.
- In the face of such evidence, Beijing's responses create the appearance that, rather than acknowledging and addressing the behavior of some PRC actors, Beijing is publicly subverting international rules, laws, and norms.