



Exposing the Gap Between PRC Rhetoric and Illicit Maritime Activity: Summary Report

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Abstract

This report examines the apparent gaps between the People's Republic of China's (PRC's) 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 the 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 laws, rules, and norms.

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Executive Summary

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 stated policies about how PRC actors should behave in the transnational maritime domain. According to these policies, PRC actors should do the following while operating in the transnational maritime domain:

- Abide by the United Nations Convention on the Law of the Sea (UNCLOS), under Article 94 of which, flag states such as the PRC are responsible for (1) ensuring that vessels flying the PRC flag comply with the maritime laws to which Beijing is a party, and (2) holding violators accountable.
- Abide by local laws and regional frameworks
- Combat illegal, unregulated, and unreported (IUU) fishing
- Safeguard the marine environment

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 in violation of multiple national, regional, and international laws, regulations, or provisions:

- 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

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. At least two incidents allegedly involved government vessels—a PRC coast guard vessel and a survey ship.
- Our analysis found that some PRC-flagged DWF vessels are reportedly responsible for serious labor abuses and for ramming and sinking smaller foreign fishing boats, both leading to fatalities.

There is a persistent gap between PRC rhetoric and the illicit behavior of PRC actors in the transnational maritime domain.

- This gap was apparent in all 15 cases examined for this study.
- Beijing promotes the narrative that the PRC is a responsible global actor that effectively governs its DWF fleet and other oceangoing vessels.
- Government officials and media also seek 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.
- These narratives stand in contrast to the recently reported illegal activities of some PRC actors.

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 response to allegations of wrongdoing by PRC actors, PRC officials and media often remained silent in a possible attempt to downplay the incidents.

- In other cases, PRC officials and media publicly denied the allegations, sometimes going as far as lodging counteraccusations intended to shift blame or discredit their accusers.

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

- In the cases examined for this study, the alleged illicit activities were 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.

Contents

1. Introduction	1
2. The PRC and the Maritime Domain: Policy and Rhetoric	2
2.1 PRC maritime policies.....	2
2.2 Portraying a positive image of the PRC’s role in the maritime domain	3
2.3 PRC public responses to allegations of misconduct	3
3. PRC Actors and Illicit International Maritime Activities	5
3.1 IUU fishing.....	7
3.1.1 PRC policy.....	8
3.1.2 Examples of alleged misconduct by PRC actors.....	8
3.1.3 PRC public responses to the allegations	10
3.2 Ramming foreign fishing vessels.....	12
3.2.1 PRC policy.....	12
3.2.2 Examples of alleged misconduct by PRC actors.....	12
3.2.3 PRC public responses to the allegations	14
3.3 Forced labor and human smuggling at sea.....	15
3.3.1 PRC policy.....	15
3.3.2 Examples of alleged misconduct by PRC actors.....	16
3.3.3 PRC public responses to the allegations	17
3.4 Discharging marine pollution	18
3.4.1 PRC policy.....	18
3.4.2 Examples of alleged misconduct by PRC actors.....	18
3.4.3 PRC public responses to the allegations	20
3.5 Operating “dark” vessels.....	21
3.5.1 PRC policy.....	22
3.5.2 Examples of alleged misconduct by PRC actors.....	23
3.5.3 PRC public responses to the allegations	24
3.6 Illegal entry and ownership.....	25
3.6.1 PRC policy.....	26
3.6.2 Examples of alleged misconduct by PRC actors.....	26
3.6.3 PRC public responses to the allegations	28
4. Conclusion	29
Appendix A: Beijing’s Responders	30
Appendix B: Case Studies	32
Figures	38
Abbreviations	39

References	40
Endnotes	59

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1. 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).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 undermines the global system of international laws, norms, and conventions that govern the maritime domain.²

The purpose of this analysis is to examine possible contradictions between the PRC's official rhetoric and the illicit international maritime activities reportedly carried out by PRC-based actors. To achieve this, CNA examined 15 cases in which PRC actors have been accused of carrying out illicit activities in the maritime domain between 2018 and 2021. These case studies are geographically focused in the maritime areas surrounding Southeast Asia, the Atlantic coast of Africa, and the Pacific Island countries. For each case study, 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

To compile these case studies, we examined data sources that 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.

2. The PRC and the Maritime Domain: Policy and Rhetoric

2.1 PRC maritime policies

Beijing has stated policies about how PRC actors should behave in the international maritime domain. According to these policies, PRC actors—including PRC nationals, PRC-flagged vessels, vessels beneficially owned by PRC entities, and PRC corporations—should do the following while operating in the international maritime domain:

- ***Abide by UNCLOS.*** The PRC is a signatory to UNCLOS and ratified the Convention in 1996.³ According to the PRC’s ambassador to the United Nations (UN), China “resolutely safeguards the integrity and sanctity of UNCLOS” and “all countries should firmly defend the international maritime order based on international law, and properly resolve maritime disputes through negotiations and consultations in good faith.”⁴ This stated PRC policy likewise extends to abiding by other UN maritime conventions, including those safeguarding maritime safety and prohibiting marine pollution.⁵
- ***Abide by local laws and regional frameworks.*** Beijing also urges PRC nationals and companies to comply with local laws when operating overseas. According to a Ministry of Foreign Affairs (MFA) spokesperson, “As a principle, the Chinese government always asks Chinese citizens abroad to comply with local laws and regulations.”⁶ Similarly, PRC policy frameworks such as the *Management Regulations of Far Seas Fisheries* recognize regional fisheries management organizations (RFMOs) as the regulatory authority governing fishing-related activities on the high seas.⁷
- ***Combat IUU fishing.*** Beijing promotes the conservation of fisheries and opposes IUU fishing among both its domestic and distant water fishing (DWF) fleets. According to an MFA spokesperson, “China has zero tolerance for violations of relevant laws and regulations committed by its distant fishing vessels.”⁸
- ***Safeguard the marine environment.*** Beijing’s stated policy is to pursue cooperation with other countries to protect the marine environment. According to former Vice Foreign Minister and current chairperson of the National People’s Congress Foreign Affairs Committee, Fu Ying, “China has been actively promoting cooperation with other countries on maritime policy and management to protect the marine environment, marine ecosystem and biodiversity.”⁹

2.2 Portraying a positive image of the PRC's role in the maritime domain

The Chinese Communist Party actively seeks to shape international perceptions of the PRC.¹⁰ The Chinese Party-State maintains an extensive, mature, and experienced system of government and party organizations—including a massive state-directed media complex—tasked with carrying out this “external propaganda work.”¹¹ Beijing uses this vast propaganda apparatus to communicate its official policies and promote narratives that it wants told in the international media, including narratives aimed at portraying a positive image of China as a maritime actor. Among the 15 cases we examined, we observed two overarching narratives that Beijing sought to promote about China's role in the maritime domain:

- ***The PRC is a responsible maritime actor.*** PRC officials and media consistently sought to portray China as a responsible, law-abiding maritime actor that contributes to the safety, environmental security, scientific exploration, and sustainable exploitation of the oceans.
- ***PRC investment in foreign maritime sectors is mutually beneficial.*** PRC officials and media sought to portray China 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.

2.3 PRC public responses to allegations of misconduct

When PRC actors are publicly accused of misconduct in the maritime environment, Beijing often seeks to offset the potential damage to China's international image. In many cases, it mobilizes elements of its vast propaganda apparatus to do so. (For more on this subject, see Appendix B.) China's official and media responses to foreign public allegations of illicit maritime activity by PRC actors fell into the following general categories:

- ***Acknowledgement.*** PRC officials publicly acknowledged the incident and the concerns of the other country or countries involved and promised to address the allegations. This acknowledgement was also conveyed by PRC media.
- ***Denial.*** PRC officials denied allegations of wrongdoing, defended the actions of the PRC actors in question, or both. PRC media echoed their indignation, portraying the PRC actors in question as innocent of any wrongdoing.

- ***Counteraccusations.*** PRC officials and media accused other parties of being responsible for causing the incident or guilty of the illicit behavior in question. In some cases, PRC officials and media publicly blamed the victims.
- ***Deflection.*** Beijing sought to deflect attention by accusing a third party of being guilty of a particular illicit activity.
- ***Silence.*** Neither PRC officials nor media publicly discussed the incident.

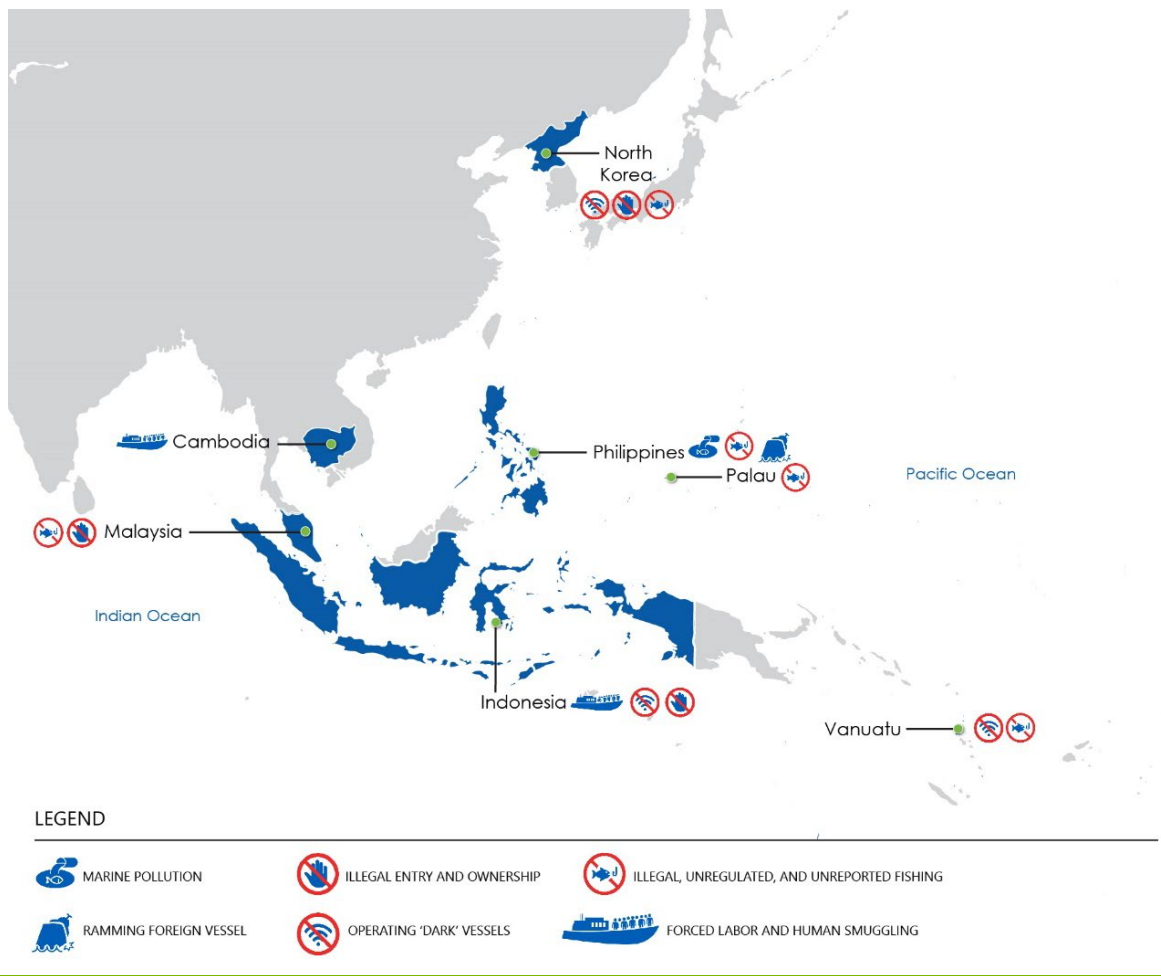
3. PRC Actors and Illicit International Maritime Activities

In recent years, international news media, NGOs, and foreign governments have all published reports detailing illicit maritime activity involving PRC actors, including PRC nationals, PRC-flagged vessels, vessels beneficially owned by PRC entities, and PRC-based criminal organizations. In addition, in the 2016 South China Sea Arbitration (Philippines vs. China), the Permanent Court of Arbitration detailed multiple instances of illegal behavior.¹² Among the 15 cases we examined, PRC actors were accused of being involved in the following types of illegal activities:

- ***IUU fishing.*** Illicit fishing activities that threaten ocean ecosystems and sustainable fisheries
- ***Ramming foreign vessels.*** Intentionally colliding with another vessel
- ***Forced labor and human smuggling.*** Illicit maritime activities involving human victims
- ***Discharging marine pollution.*** Marine dumping from vessel- and land-based sources
- ***Operating “dark” vessels.*** Tampering with electronic tracking or monitoring devices
- ***Illegal entry and ownership.*** Prohibited activities and corporate relationships in a foreign exclusive economic zone (EEZ)

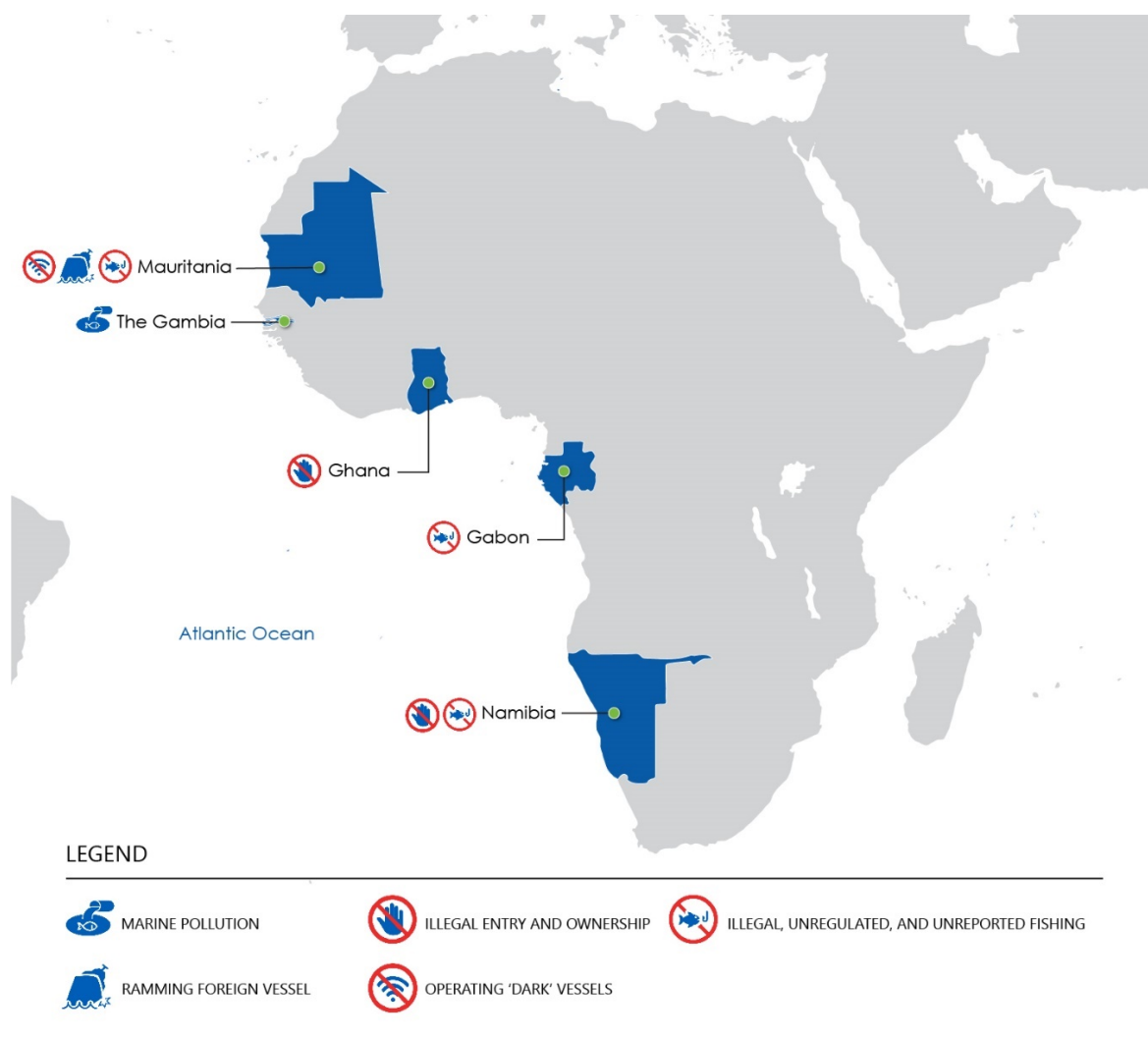
In the following sections, we discuss China’s official policies regarding each of these activities, examples of alleged misconduct by PRC actors, Beijing’s public response to the allegations, and the potential gaps between PRC actors’ behavior and Beijing’s rhetoric that risk subverting international laws, rules, and norms. Figure 1 and Figure 2 show the types of illicit activities that PRC actors allegedly committed in the 15 case studies and where the activities took place.

Figure 1. Alleged illicit activities by PRC actors in Southeast Asian waters



Source: CNA.

Figure 2. Alleged illicit activities by PRC actors off the coast of Africa



Source: CNA.

3.1 IUU fishing

IUU fishing is a broad term that captures a wide variety of illicit fishing activity. The UN International Plan of Action (IPOA) on IUU fishing describes IUU fishing as including a broad array of fishing activity prohibited by national, international, and regional regulations, laws, and conventions.¹³ According to the UN Food and Agriculture Organization, IUU fishing is one of the greatest threats to marine ecosystems because it greatly undermines national and regional efforts to manage fisheries sustainably and conserve marine biodiversity. As a result, IUU fishing threatens livelihoods, exacerbates poverty, and contributes to food insecurity.¹⁴

The UN has promulgated multiple frameworks intended to prohibit IUU fishing that appear to be at risk of subversion by actors examined in this study. Examples include the IPOA to prevent, deter, and eliminate IUU fishing, the 1992 Convention on Biological Diversity, and a UN resolution banning driftnet fishing.¹⁵

3.1.1 PRC policy

PRC officials and media seek to portray China as a “responsible fishing nation” that promotes the conservation of fisheries and opposes IUU fishing among both its domestic and DWF fleets. For example, a PRC MFA spokesperson stated that China “attaches great importance to scientific conservation, sustainable use of fishery resources, and actively fulfills its international obligations.”¹⁶ On a separate occasion, an MFA spokesperson asserted that “China has zero tolerance for violations of relevant laws and regulations committed by its distant fishing vessels.”¹⁷ In February 2021, the director of the PRC Fisheries Administration Bureau of the Ministry of Agriculture and Rural Affairs said that the PRC government “upholds the spirit and responsibility” of the “Code of Conduct for Responsible Fisheries” and follows a “path of responsible fishery and aquaculture development with Chinese characteristics.”¹⁸

Of note, the PRC has laws, regulations, and frameworks forbidding IUU fishing activity. Examples include the Distant Water Fishery Supervisory Regulations, the Fisheries Law, and the White Paper on Compliance of China’s Distant-Water Fishing.¹⁹

3.1.2 Examples of alleged misconduct by PRC actors

In 5 of the 15 cases we examined, PRC-flagged commercial fishing vessels were accused of activities that the UN categorizes as IUU fishing. These include the following types of activities:

- Fishing within waters under the jurisdiction of a coastal state without the state’s permission or in contravention of local laws and regulations
- Engaging in fishing that was either not reported or misreported to the relevant national authority or RFMO²⁰
- Fishing in a manner that is not consistent with or contravenes the conservation and management measures of the relevant national authority or RFMO

PRC-flagged fishing vessels reportedly engaged in fishing within waters under the jurisdiction of a coastal state without the state’s permission or in contravention of local laws and regulations. For example, in December 2020, a Palau Maritime Law Enforcement patrol vessel reportedly 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.²¹ According to local media reports, the Palau Ministry of Justice found evidence that the crew of the *Qiong Sanya Yu* poached 225 kilograms (496 pounds) of sea cucumber valued at roughly \$180,000.²² Similarly, on January 19, 2021, a Vanuatu Maritime Police vessel reportedly intercepted two PRC-flagged fishing vessels, *Dong Gang Xing 13* and *Dong Gang Xing*

16, for IUU fishing activities within Vanuatu's territorial waters.²³ Vanuatu prosecutors alleged that the ship operators engaged in illegal fishing without a license, illegally turned off their satellite transponders while in Vanuatu's waters, and possessed a driftnet in violation of Vanuatu's Fisheries Act.²⁴

PRC-flagged fishing vessels allegedly engaged in fishing that was either not reported or misreported to the relevant national authority or RFMO. For example, 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 amid claims of illegal activity.²⁵ 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. For example, 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.²⁶

PRC-flagged fishing vessels reportedly fished in a manner that is not consistent with or contravenes the conservation and management measures of the relevant national authority or RFMO. For example, on August 8, 2020, Gabonese authorities, in collaboration with Netherlands-based nonprofit Sea Shepherd, stopped two PRC-flagged trawlers, *Guo Ji 826* and *Guo Ji 866*, for a routine inspection (see Figure 3).²⁷ The inspection found illegally harvested rough-head catfish and endangered daisy stingrays, in violation of Gabonese law.²⁸ Gabonese authorities aboard the Sea Shepherd vessel arrested and escorted both vessels to port, where investigations uncovered additional rays and ray fins.²⁹ Similarly, in March 2021, the Philippine navy and media reported that PRC fishers operating near the contested Pagasa Islands (Philippines administered) and Scarborough Shoal (PRC administered) in the South China Sea continued to use damaging methods to illegally harvest protected giant clams.³⁰ Philippine media also asserted that the PRC coast guard is aware of the illegal harvesting around Scarborough Shoal.³¹ Philippine media reported that PRC vessels have been observed using "chopper boats," explosives, chemicals, water pumps, and vacuums on the coral reefs to harvest the giant clams, whose shells are sold for high prices in China.³²

Figure 3. Gabon Review report on the arrest of PRC-flagged vessels for IUU fishing in 2020



Source: Stevie Mounbombou, “Illegal Fishing: Two Trawlers in the Nets of Operation Albacore” (Pêche illicite: Deux chalutiers dans les filets de l’opération Albacore), *Gabon Review*, August 20, 2020, <https://www.gabonreview.com/peche-illicite-deux-chalutiers-dans-les-filets-de-loperation-albacore/>.

3.1.3 PRC public responses to the allegations

PRC officials and media seek to portray China as a “responsible fishing nation” that promotes the conservation of fisheries and opposes IUU fishing among both its domestic and DWF fleets. However, in the cases examined for this study, PRC officials and media generally sought to

downplay, deflect, or deny allegations that PRC-flagged vessels were engaging in IUU fishing overseas. Examples include the following:

- In the five cases examined, silence was the most common response. In a possible effort to downplay the allegations, PRC officials and media did not appear to comment publicly on the allegations that PRC-flagged vessels engaged in IUU fishing in waters off Vanuatu, Gabon, or the Philippines.
- In the Namibia case, PRC officials publicly denied the accusations lodged against PRC-flagged fishing vessels. In a Facebook post, the PRC embassy in Namibia offered an alternative narrative of events.³³ It asserted that the six PRC vessels were conducting “innocent navigation” and not engaging in any “wrongful acts.”³⁴ The PRC embassy also characterized the Namibian navy’s interdiction of the PRC vessels as “humanitarian assistance” in response to dangerous weather.³⁵
- In only one case did PRC officials tacitly acknowledge the incident. In response to Palau’s detention of the *Qiong Sanya Yu*, PRC officials publicly urged PRC nationals to follow local laws while overseas.³⁶ At least two English-language PRC media outlets and the PRC embassy in the nearby Solomon Islands echoed these remarks.³⁷

Quick Facts: China’s DWF Fleet

The PRC actors most frequently involved in the alleged illicit maritime activities in this study are vessels belonging to China’s DWF fleet. Key facts about China’s DWF fleet include the following:

- The PRC has the largest DWF fleet in the world and this fleet operates globally.³⁸
- Official PRC figures from 2020 show that the country has approximately 170 firms and 2,600 vessels involved in its DWF sector.³⁹
- Estimates of the number of vessels in the PRC DWF fleet from international NGOs and academics range higher, from 3,400 to 17,000.⁴⁰
- In 2017, the PRC government issued guidance to reduce the number of older wooden fishing vessels and subsidize their replacement with larger steel vessels.⁴¹ The resulting PRC DWF fleet comprises many new large steel vessels.
- Most PRC DWF vessels are trawlers, longliners, or squid jiggers.⁴²
- The Global Initiative Against Transnational Organized Crime and Poseidon Aquatic Resource Management assess that, among the world’s fishing fleets, China’s DWF fleet had the highest prevalence of IUU fishing in 2019.⁴³



3.2 Ramming foreign fishing vessels

For this study, we define ramming as intentionally colliding with another vessel. The UN International Maritime Organization (IMO) promulgates multiple conventions requiring vessels to use all available means to avoid risk of collision as well as to render assistance to persons in distress. Three such conventions are the Convention on the International Regulations for Preventing Collisions (COLREGs), the Convention on Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), and the Convention for Safety of Life at Sea (SOLAS).⁴⁴

Numerous eyewitness, video, photographic, investigative, and official accounts of ramming are readily available online. 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. Reportedly, these ramming incidents have intimidated rival fisherfolk, damaged equipment, sunk vessels, and even injured, marooned, and killed crew.

3.2.1 PRC policy

Beijing requires PRC vessels to strictly abide by maritime safety laws, conventions, and international norms. For instance, the white paper, *The Development of China's Marine Programs*, presented by the PRC's permanent mission to the UN and other international organizations in Vienna, states that China "attaches great importance [to]" and "is constantly strengthening" maritime issues of international concern, including "maritime safety" and "marine-related laws."⁴⁵ Similarly, the PRC embassy in Vietnam issued a Vietnamese-language press statement in 2020 asserting that "China always strictly implements international laws, including the United Nations Convention on the Law of the Sea" and "actively protects safety" in the maritime domain.⁴⁶ The PRC also promulgates safety at sea regulations, including fishery-specific maritime safety laws on the prevention of fishing vessel collisions.⁴⁷

3.2.2 Examples of alleged misconduct by PRC actors

PRC-flagged vessels reportedly rammed foreign fishing vessels on at least five occasions since 2018.⁴⁸ These incidents include the following:

- **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*. The PRC vessel's automatic identification system (AIS) was deactivated, and its lights were off.⁴⁹ *Yuemaobinyu* 42212 sailed away from the scene, leaving the 22 crewmembers stranded at sea until they were saved by Vietnamese fishermen.⁵⁰
- **Mauritania.** On the night of October 9, 2020, a large PRC trawler with its lights off and AIS deactivated rammed a Mauritanian artisanal fishing vessel.⁵¹ The vessel sank, and three Mauritians were killed.⁵²

- **Vietnam.** On the night of April 2, 2020, PRC coast guard vessel 4301 rammed Vietnamese fishing vessel QNg90617, sinking it and picking up its eight crewmembers (see Figure 4).⁵³ The PRC coast guard vessel then reportedly chased and stopped nearby Vietnamese vessels and confiscated and erased their crews' cell phones.⁵⁴
- **Senegal.** On September 19, 2020, a PRC-operated trawler reportedly tried to capsize a Senegalese-captained 11-person fishing canoe.⁵⁵ With the canoe up against the trawler, the Senegalese captain climbed aboard the trawler to confront the PRC crew about its dangerous maneuvers and was beaten and burned with gasoline.⁵⁶
- **Brazil.** On November 22, 2018, the 49-meter PRC tuna vessel *Chang Rong 4* rammed the 22-meter *Oceano Pesca* six times, resulting in \$90,000 of damage.⁵⁷

Figure 4. Vietnamese media report showing three PRC coast guard vessels, one of which allegedly rammed and sank a Vietnamese fishing vessel in 2020



Source: "Fishermen Tell Stories of Being Rammed and Sunk by Chinese ships in the Paracels" (Ngư dân kể chuyện bị tàu Trung Quốc đâm chìm ở Hoàng Sa), *Thanh Nien*. May 4, 2020, <https://thanhnien.vn/ngu-dan-ke-chuyen-bi-tau-trung-quoc-dam-chim-o-hoang-sa-post943046.html>.

The PRC vessels involved in these incidents were typically larger steel-hulled vessels, and the non-PRC vessels were smaller and of wooden or nonmetal construction. Of note, China's DWF fleet not only outnumbers non-PRC fleets but also includes more large steel-hulled vessels. Moreover, according to reports, some of China's DWF fleet serve as China's People's Armed Forces Maritime Militia and are charged with challenging counterclaimants' abilities to maintain control over disputed waters.⁵⁸

In at least two of the cases discussed above—those involving vessels from Mauritania and the Philippines—the PRC vessel had turned off its lights and deactivated its AIS during the incident. Peter Hammarstedt, director of campaigns for Sea Shepherd Global, a nonprofit organization that works to eliminate IUU fishing, said such tactics are common among trawlers that want to avoid detection in protected waters.⁵⁹

PRC Fishery Subsidies

The PRC government heavily subsidizes its DWF fleet. Subsidies that artificially increase profits by reducing the cost of fishing result in overcapacity among DWF fleets. This overcapacity leads to overfishing and a more congested maritime environment. The UN and World Trade Organization call this harmful category of subsidy “capacity-enhancing.” Given rapidly depleting fish stocks due to overfishing, the World Trade Organization seeks to eliminate capacity-enhancing fisheries subsidies.⁶⁰ Nevertheless, PRC subsidies continue to promote overcapacity in China's DWF fleet, totaling an estimated **\$5.87 billion**; roughly half goes to China's DWF industry and the other half goes to domestic fisheries.⁶¹

Persistent capacity-enhancing PRC subsidies are likely to continue to drive overcapacity in the PRC's DWF fleet, which may add pressure to engage in illicit maritime activities such as IUU fishing and forced labor as fish stocks decrease and pressure to stay at sea longer increases.

3.2.3 PRC public responses to the allegations

PRC officials and media seek to portray China as a responsible maritime nation whose vessels adhere to international conventions for the safety of life and vessels at sea. However, in the ramming cases examined for this study, the behavior of some PRC actors—including government vessels—does not line up with Beijing's official rhetoric. PRC officials and media attempted to downplay, deflect, or deny the allegations of ramming in an effort to prevent them from undermining Beijing's official narrative. Examples include the following:

- In response to eyewitness and media accounts of a PRC steel-hulled trawler ramming a wooden Philippine fishing vessel, PRC officials and foreign-directed media asserted

that the collision was an accident that occurred because the PRC vessel was “suddenly besieged by Filipino boats” and denied that it was “an intentional ‘hit and run.’”⁶²

- PRC foreign-directed media blamed Vietnamese and Philippine vessels for instigating the incidents that resulted in the collisions.⁶³ For example, 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.⁶⁴
- PRC officials and media have not publicly addressed the alleged 2020 PRC ramming incidents in Mauritanian or Senegalese waters nor the 2018 ramming of the Brazilian *Oceano Pesca* in the high seas off the eastern coast of South America.



3.3 Forced labor and human smuggling at sea

Forced labor and human smuggling at sea are two types of illicit maritime activities that involve human victims. The International Labour Organization's (ILO's) Forced Labour Convention defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁶⁵ The DWF industry—fishing in either international waters or those under a foreign jurisdiction—has increasingly come under scrutiny by media, government, and NGOs for the prevalence of forced labor within the industry.⁶⁶ The ILO has established at least three conventions against forced labor, including a convention specifically targeting forced and unsafe labor in the fishing sector.⁶⁷ Similarly, the UN High Commissioner for Human Rights has promulgated a convention to protect migrant workers.⁶⁸ RFMO conventions also seek to promote labor standards for crew on vessels permitted within their convention areas. In the case of reported labor abuses against Indonesian workers aboard PRC fishing vessels, the relevant RFMO mechanism is a nonbinding resolution on labor standards (a draft binding resolution is under review).⁶⁹

Regarding trafficking in persons, the UN has promulgated a convention to prevent and combat this type of crime.⁷⁰ According to the UN High Commissioner for Human Rights, human trafficking and smuggling of migrants by sea (i.e., the illegal transport of people, either forced or of their own volition, by sea) warrants a priority response because of the unique dangers of irregular travel by sea. According to the UN Office on Drugs and Crime, even though smuggling of migrants by sea accounts for only a small portion of overall migrant smuggling, more smuggling deaths occur by sea than by land or air.⁷¹

3.3.1 PRC policy

PRC officials portray China as a law-abiding and “responsible” fishing nation whose vessels would not commit crimes such as forced labor.⁷² PRC law explicitly prohibits labor abuses.⁷³ The PRC Ministry of Agriculture and Rural Affairs outlines labor protections within

its “program for introducing foreign crews to the ocean fishing industry.”⁷⁴ Similarly, PRC officials and media portray China as an upholder of international law by emphasizing Beijing’s efforts to combat human trafficking and illegal immigration in the region.⁷⁵ PRC officials have also publicly pointed out that many victims of human smuggling in the region are PRC citizens and have urged cooperation with local law enforcement.⁷⁶

3.3.2 Examples of alleged misconduct by PRC actors

The PRC is home to the world’s largest DWF fleet, and PRC-flagged fishing vessels have reportedly engaged in forced labor to maximize fishing time while reducing labor costs. According to a collaborative investigation by Greenpeace and Serikat Buruh Migran Indonesia (also known as the Indonesian Migrant Workers Union or SBMI) published in September 2021, Indonesia is widely believed to be the DWF industry’s biggest supplier of labor. International NGOs Greenpeace and Destructive Fishing Watch report that between late 2019 and mid-2021, dozens of Indonesians were victims of exploitation by PRC-flagged fishing vessels and many have died from illness, beatings, inadequate working conditions, or lack of food and water.⁷⁷ According to Greenpeace, 32 of 42 allegations of forced labor at sea by Indonesian migrant laborers filed from May 2019 to June 2020 were lodged against PRC-owned fishing vessels.⁷⁸ Similarly, a report by the US-based nonprofit Center for Advanced Defense Studies that analyzed the prevalence of forced labor documented during port calls noted that PRC port calls rank first in reported forced labor incidents.⁷⁹

In April 2020, Indonesian officials began to address the issue publicly when they reported the deaths of four Indonesian crewmembers on the PRC-flagged *Long Xin 629*.⁸⁰ Since then, Indonesian media have continued to report cases of human trafficking, abuse, and death of Indonesians aboard PRC-flagged vessels (see Figure 5).⁸¹ Of note, 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.”⁸² Dalian Ocean Fishing Co., Ltd. is the owner of at least two ships implicated in the forced labor of Indonesian crewmembers.⁸³

In addition to allegations of forced labor against PRC-flagged fishing vessels, we observed one instance in which PRC nationals appeared to be involved in human smuggling. In July 2021, 36 PRC nationals sailed from China aboard the Cambodian-flagged vessel *Tong Hai* to waters outside of Sihanoukville, Cambodia, where Cambodian authorities arrested all 36 for entering Cambodia illegally via sea.⁸⁴ Although Cambodian police statements said that the reasons the PRC nationals attempted to enter Cambodia illegally were unknown, some media reports asserted that the PRC nationals on board were “deceived and smuggled” into Cambodia to work for illegal online gambling parlors based in Sihanoukville that target gamblers in China.⁸⁵ 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.⁸⁶

Figure 5. Indonesian media report on the death of an Indonesian on a PRC fishing vessel

Kasus ABK WNI Meninggal di Kapal China Kembali Terjadi, Kapolri Diminta Bertindak

Kompas.com - 09/07/2020, 10:48 WIB



Source: “The Case of Indonesian Crew Members Who Died on a Chinese Ship Happened Again, the National Police Chief Asked to Take Action” (Kasus ABK WNI Meninggal di Kapal China Kembali Terjadi, Kapolri Diminta Bertindak), *Kompas*, July 9, 2020, <https://nasional.kompas.com/read/2020/07/09/10484891/kasus-abk-wni-meninggal-di-kapal-china-kembali-terjadi-kapolri-diminta?page=all>.

3.3.3 PRC public responses to the allegations

Initially, PRC officials acknowledged Indonesia’s concerns about the reported abuses of Indonesian workers on PRC-flagged vessels and offered to cooperate with Indonesian authorities conducting the investigations.⁸⁷ However, by 2021, PRC officials had changed their tune and dismissed reports of abuses as politically motivated false accusations.⁸⁸ In addition, following the US CBP’s blacklisting of China’s Dalian Ocean Fishing Co., Ltd. in May 2021, PRC media began to dismiss accusations of abuses by PRC-flagged vessels as US lies designed to “create contradiction” between Indonesia and China.⁸⁹

Beijing was silent in response to the allegations that PRC nationals were involved in human smuggling in Cambodia and refrained from commenting publicly on the incident. However, PRC official remarks and media reporting targeted at audiences in Cambodia have sought to deflect criticism by portraying the US as a hotspot for human trafficking and forced labor.⁹⁰

If true, allegations of forced labor aboard PRC-flagged fishing vessels would contradict PRC officials' efforts to portray China as a law-abiding and "responsible" fishing nation. Similarly, if operated by a PRC entity, the *Tong Hai's* smuggling of PRC nationals into Cambodia would undermine Beijing's efforts to tout China's contributions to the fight against human trafficking and illegal immigration in the region.



3.4 Discharging marine pollution

The discharge of pollutants into the world's marine environment is regulated by national, international, and regional authorities. These authorities seek to reduce the harmful effects of manmade pollutants—which range from human waste and fish-processing effluent to microplastics and heavy metals—on the marine ecosystem. Such pollutants harm the ecosystem in numerous ways, including damaging coral reefs, contributing to habitat loss, and depleting fish stocks.

3.4.1 PRC policy

PRC officials and media seek to portray China as a responsible steward and defender of the marine environment. In an opinion piece published by China's official English-language newspaper, *China Daily*, former Vice Foreign Minister and current chairperson of the National People's Congress Foreign Affairs Committee, Fu Ying, writes, "China has been actively promoting cooperation with other countries on maritime policy and management to protect the marine environment, marine ecosystem and biodiversity."⁹¹ Similarly, a 2021 article published by China's official overseas broadcaster China Radio International's Bahasa Indonesian service describes China's regional cooperation in protecting the maritime environment and fisheries.⁹²

3.4.2 Examples of alleged misconduct by PRC actors

Two of the cases examined for this study involved PRC actors discharging pollutants into the marine environment in apparent contravention of relevant national laws and international conventions. Each is discussed below.

Illegal waste dumping in the Spratly Islands. A July 2021 report by US-based commercial imagery analysis company Similarity found that more than 200 vessels at anchor in the Spratly Islands had dumped sewage into the ecologically fragile waters in spring 2021.⁹³ Similarity estimated that the vessels observed at anchor in the Union Banks in June were dumping

roughly 2,596 pounds of sewage per day into the water.⁹⁴ According to Similarity, the vessels were discharging untreated or undertreated sewage, leading to chlorophyll-a blooms. In excess concentrations, chlorophyll-a can lead to hypoxic ocean conditions, which can negatively affect marine organisms and ecosystems. The report also asserted that the vessels were likely the same PRC vessels that the Philippine coast guard had observed in the same location weeks earlier.⁹⁵

The alleged dumping occurred in disputed waters that are claimed by the Philippines as well as the PRC. In response to the Similarity report, the Philippine government reportedly initiated an in situ water and seafloor analysis to determine whether the vessels had discharged damaging sewage.⁹⁶ In addition, Philippine lawmakers issued statements noting that both domestic and international law bar ships from dumping their sewage in the waters as reported.⁹⁷ In addition to the Philippines Marine Pollution Law,⁹⁸ this case of alleged vessel pollution contravenes the IMO International Convention for the Prevention of Pollution from Ships.⁹⁹

Pollution by PRC fishmeal factories in the Gambia. PRC-owned fishmeal factories reportedly discharged untreated wastewater and dangerous chemicals into a maritime reserve and the coastal waters of the Gambia between 2017 and 2021 (see Figure 6).¹⁰⁰ The factories' actions violated the Gambia's environmental¹⁰¹ and fishery¹⁰² laws and appear to be in contravention to UNCLOS Article 194 on the prevention of marine pollution from land-based sources as well as the London Dumping Convention of 1972.¹⁰³

The dumping led to fish kills, damaged aquatic plants, and injured locals who use the water for bathing. Testing initiated by local groups reportedly showed unsafe levels of arsenate, phosphates, and arsenic.¹⁰⁴ 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.¹⁰⁵ The plants have since reopened and reportedly continue to pollute local waters.¹⁰⁶ In March 2021, the NEA issued a "stop notice" to one factory for violating the nation's environmental laws.¹⁰⁷ Despite the order, the factory continued plant expansion work, according to Gambian media.¹⁰⁸ During the same period, local protestors burned a second PRC-owned fishmeal factory in response to a constellation of alleged environmental and criminal complaints.¹⁰⁹

Figure 6. Regional media report on PRC-owned fishmeal company paying fine for marine pollution in the Gambia in 2017



Source: "Chinese Company to Pay \$25,000 Bond for Polluting Gambian Waters," Africa News, June 30, 2017, <https://www.africanews.com/2017/06/30/gambia-chinese-fishmeal-factory-settled-out-of-court-case/>.

3.4.3 PRC public responses to the allegations

In both cases, PRC officials and media sought to deny the allegations that PRC actors had polluted the marine environment. Examples include the following:

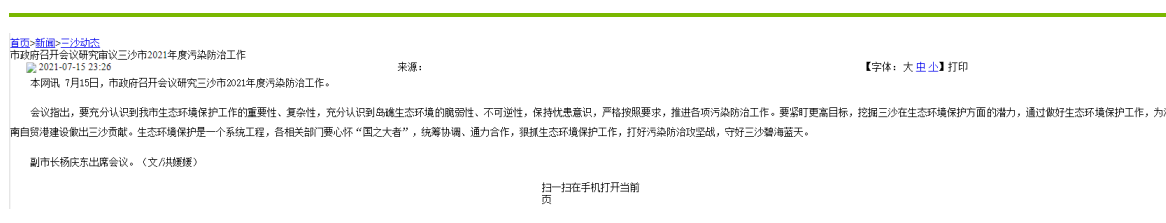
- In response to Similarity's report alleging that PRC vessels anchored in the Spratly Islands had been illegally dumping sewage, the PRC MFA and PRC embassy in the Philippines condemned the report as "fake news."¹¹⁰ PRC media directed at audiences in the region similarly portrayed the report as an attempt to smear China.¹¹¹
- PRC officials issued statements seeking to deny the PRC-owned factories' role in local environmental degradation in the Gambia:¹¹²
 - The PRC ambassador to the country told local media that the embassy's 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.”¹¹³

- Similarly, an embassy spokesperson said that allegations against the factories “lack evidence.”¹¹⁴
- The PRC ambassador claimed that the wastewater in question “provides abundant nutrition” and that “farmers in China buy this kind of wastewater to add to their fish ponds.”¹¹⁵

Of note, shortly after international attention turned to reports of PRC vessels dumping sewage in the Spratly Islands, some PRC government officials in charge of administering the Spratly Islands issued a press release stating that “the fragility and irreversibility of the ecological environment of the island and reefs should be fully recognized” and “it is important to strictly adhere to the requirements of promoting the various pollution prevention programs” (see Figure 7).¹¹⁶

Figure 7. Sansha Government, PRC, press release demanding better maritime protection, posted three days after Similarity published its report



Translation: “The meeting noted that it is important to fully grasp the importance and complexity of the work of protecting the ecological environment surrounding [Sanya] city, and the fragility and irreversibility of the ecological environment of the island and reefs should be fully recognized. it is important to strictly adhere to the requirements of promoting the various pollution prevention programs.”

Source: “The Municipal Government Held a Meeting to Study and Review the Pollution Prevention and Control Work of Sansha City in 2021” [市政府召开会议研究审议三沙市 2021 年度污染防治工作], Sansha Municipal Government, July 15, 2021, http://webcache.googleusercontent.com/search?q=cache:cvtRxVs_9-MJ:www.sansha.gov.cn/sansha/sysdt/202107/a4503cbae2d54e018ebd0864db6a2e8f.shtml+&cd=1&hl=en&ct=clnk&gl=us.



3.5 Operating “dark” vessels

Vessels “go dark” by obscuring their location, movement, or transmissions or by manipulating the data transmitted by their signals. One way that vessels “go dark” is by disabling or tampering with their electronic tracking or monitoring devices, such as their AIS or vessel monitoring system (VMS). In many cases, monitoring avoidance goes hand in hand with illicit maritime activities such as IUU fishing.¹¹⁷

AIS is an automatic open-source tracking system that assists a vessel's safe navigation and allows coastal authorities to track and monitor vessel movements.¹¹⁸ The IMO conventions for SOLAS call for the use of AIS by all vessels greater than 300 gross tonnage that are on an “international voyage.” The IMO Revised Guidelines for the Onboard Operation Use of Shipborne AIS note that AIS on these vessels should always be in operation when ships are underway or at anchor.¹¹⁹ VMS tracks vessels in a similar way as AIS. However, unlike AIS, VMS data have historically been restricted to government regulators or other fisheries authorities and are not generally publicly accessible.¹²⁰

Fisheries and Vessel Monitoring Technologies

Multiple monitoring technologies are available to track and monitor fishing vessels at sea, including the following:

AIS – AIS transponders provide position, identification, and other information about a ship to other ships and coastal authorities automatically. SOLAS regulation V/19 requires AIS “to be fitted aboard all ships of 300 gross tonnage and upwards engaged on international voyages.”¹²¹ AIS data are generally publicly available in real time.

VMS – VMS tracks vessels in a similar way as AIS, but its data have historically been restricted to government regulators or other fisheries authorities and are not generally publicly available.¹²² Individual countries have their own VMSs.

EM – Electronic monitoring (EM) uses cameras, gear sensors, and sophisticated data analysis to provide full accountability for fishing activities. The use of EM has several benefits, including high levels of compliance, documentation of sustainable fishing practices, and access to markets that demand high levels of transparency and sustainability. Less than 1 percent of the world’s fishing vessels are equipped with EM.¹²³

RF – Space-based radio frequency (RF) analysis uses a range of RF signals such as marine radar and x-band to locate and track vessels that are not transmitting VMS or AIS.¹²⁴

SAR – Synthetic aperture radar (SAR) uses space-based active sensors to produce high spatial resolution imagery from layered, or “synthetic,” images. SAR can be used to detect and identify marine vessels that are not transmitting VMS or AIS.¹²⁵

VIIRS – Visible infrared imaging radiometer (VIIRS) is a polar-orbiting satellite that uses highly sensitive optical sensors to see lights at night.¹²⁶ VIIRS can be used to detect fishing vessels that do not broadcast VMS or AIS. More than 85 percent of the fishing vessels in the VIIRS database do not broadcast AIS or VMS.¹²⁷

3.5.1 PRC policy

PRC officials and foreign-directed media promote the narrative that PRC vessels abide by “the world’s most rigorous Vessel Monitoring System requirements.” During at least four

MFA press conferences in 2020, spokespersons asserted that “China implements the world's most rigorous Vessel Monitoring System.”¹²⁸ These remarks were widely republished by PRC foreign-directed media in multiple languages, including Indonesian, French, Spanish, and English.¹²⁹ Foreign-directed PRC media discussion of AIS focused on China’s development of AIS-capable satellites and land-based AIS infrastructure for “increasing surveillance and monitoring.”¹³⁰

The PRC likewise has national laws requiring VMS, AIS, or both for its DWF fleet. For example, the PRC Ministry of Agriculture and Rural Affairs’ *Measures for the Administration of Monitoring the Position of Ocean Fishing Vessels* states that its DWF vessels “shall be equipped with ship position monitoring equipment” and that when operating in waters of countries that prohibit VMS, “they shall use the installed automatic vessel identification equipment (AIS) to submit relevant information.”¹³¹ Additionally, Article 24, Paragraph 1 and Paragraph 2 (12) of the *Regulations of the People’s Republic of China on Maritime Affairs and Administrative Penalties* stipulates that “personnel on ships and facilities [who] do not keep AIS in normal working condition in accordance with the regulations, or fail to enter accurate information in the AIS equipment in accordance with regulations” face fines or revocation of licenses.¹³²

3.5.2 Examples of alleged misconduct by PRC actors

In at least 7 of 15 cases we examined, PRC actors allegedly tampered with their vessel’s monitoring or identification systems, usually to obscure or enable other illicit activities, such as IUU fishing or illegal transshipment.¹³³ 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 People’s Republic of Korea (DPRK),¹³⁴ Ecuador,¹³⁵ Vanuatu,¹³⁶ The Gambia, Namibia,¹³⁷ the Philippines,¹³⁸ and Indonesia.¹³⁹

- **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 DPRK waters in 2017 and 2018, with the activity continuing into at least 2019.¹⁴⁰ Similarly, maritime trade organization Windward has reported that PRC vessels use multiple means of evading UN sanctions on the DPRK, including deactivating AIS as well as altering Marine Mobile Service Identity (MMSI) numbers, flag states, and vessel names.¹⁴¹
- **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.¹⁴² Similarly, an analysis of select PRC-flagged vessels’ operations near the Galapagos in 2020 found numerous instances of vessels changing draft, length, or ownership and going dark near Galapagos’ EEZ.¹⁴³
- **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.¹⁴⁴ 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.¹⁴⁵
- **The Gambia.** A 2019-2020 analysis of fishing vessels operating in waters off the Gambia and other Economic Community of Western African States members found PRC-flagged vessels altering AIS data such that multiple vessels shared names or IMO and MMSI numbers, which are legally required to be distinct.¹⁴⁶
 - **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 deactivated.¹⁴⁷ According to Indonesian and international regulations, all ships transiting Indonesia’s archipelagic sea lanes are required to have functioning AIS.¹⁴⁸
 - **Philippines.** On the night of June 9, 2019, the 44-meter steel-hulled PRC vessel *Yuemaobinyu* 42212 rammed the Philippine 19-meter wood-hulled *Gem Ver* with its AIS deactivated and lights off, according to crew aboard the *Gem Ver* and Philippine media reports.¹⁴⁹ The PRC vessel sailed away from the scene, leaving the 22 crewmembers stranded at sea until they were saved by Vietnamese fishermen.¹⁵⁰
 - **Namibia.** 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.¹⁵¹ Namibian authorities stated that the PRC vessels entered Namibia illegally and had not received authorization to anchor.¹⁵² The Namibian navy also noted that the vessels had deactivated their AIS.¹⁵³

3.5.3 PRC public responses to the allegations

PRC officials and media seek to portray China as a “responsible fishing nation” that implements strict vessel monitoring over its DWF fleet and other vessels. However, in the cases examined for this study, PRC officials and media generally sought to downplay, deflect, or deny allegations that PRC-flagged vessels were tampering with or deactivating onboard AIS to obscure illicit maritime activity.

In a likely effort to downplay the incidents, PRC officials and media did not comment publicly on the allegations that PRC-flagged vessels tampered with their AIS in waters off the Philippines, Vanuatu, Indonesia, and the Gambia. In other cases, rather than respond directly to the allegations, PRC officials and foreign-directed media sought to deflect criticism by claiming that PRC vessels abide by “the world’s most rigorous” VMS requirements.¹⁵⁴ For instance, when asked about PRC vessels operating without AIS near Ecuador’s Galapagos Islands, an MFA spokesperson asserted that “all Chinese fishing vessels are using the Vessel

Monitoring System recognized by the regional fisheries management organizations, which reports the position every hour.”¹⁵⁵

In one case, the PRC embassy in Namibia appeared to deny the Namibian navy’s allegation that the PRC vessels it had detained for illegal entry and possible IUU fishing in its waters had deactivated their AIS. The PRC embassy asserted that “continuous computer records of the fishing boats’ sailing route” would prove that the vessels were not fishing illegally.¹⁵⁶

PRC Media Discussion of AIS Tampering

PRC media reporting targeted at foreign audiences is silent on the issue of AIS tampering aboard PRC vessels, emphasizing instead that PRC vessels strictly adhere to a separate VMS regimen that is not publicly available. PRC media reporting aimed at domestic audiences in China, however, highlights China’s efforts to crack down on “illegal or incorrect use of AIS equipment,” acknowledging that such actions “pose challenges to maritime order.”¹⁵⁷ A report published by a popular online newspaper in 2020 bemoans the “current situation of illegal and chaotic information quality of shipborne AIS equipment” and calls for “jointly promoting the use of AIS equipment.”¹⁵⁸ Similarly, a 2021 report by China’s official Xinhua News Agency details how a regional PRC maritime authority investigated and penalized “the illegal installation of AIS by a fishing vessel,” referring to a vessel inaccurately transmitting as a bulk carrier instead of a fishing vessel.¹⁵⁹ A third report catalogs three cases of PRC bulk carrier vessels misusing AIS, summarizes the relevant international and PRC regulations on AIS, and draws attention to the issue of inputting incorrect or multiple vessel identifiers such as ship name, call sign, IMO number, ship type, and MMSI number.¹⁶⁰



3.6 Illegal entry and ownership

Coastal states have the right under UNCLOS to regulate foreign economic and scientific activities in and on the water column of their own 200-mile EEZs.¹⁶¹ Moreover, within a coastal state’s 12-mile territorial sea, it enjoys sovereignty over the water and seafloor while allowing for innocent passage by foreign vessels.¹⁶² Conducting economic activities such as fishing or scientific activities such as oceanographic surveys within a coastal state’s EEZ or territorial waters without its consent is a contravention of UNCLOS. Many coastal states likewise have national laws codifying UNCLOS requirements for foreign vessels to receive permissions for commercial or scientific activities within their EEZ or territorial waters. Relatedly, some coastal states implement laws that require fishing vessels operating within their EEZ or territorial sea to have a specific flag, operator, or ownership relationship with the coastal state.

3.6.1 PRC policy

The PRC has ratified UNCLOS, according to which coastal states have the right to govern anchorage access for foreign vessels and set rules for licensing and foreign ownership of vessels under their registry (flag).¹⁶³ The PRC's ambassador to the UN stated in June 2021 that China "resolutely safeguards the integrity and sanctity of UNCLOS" and that "all countries should firmly defend the international maritime order based on international law, and properly resolve maritime disputes through negotiations and consultations in good faith."¹⁶⁴

Beijing also urges PRC nationals and companies to comply with local laws when operating overseas. The PRC MFA has stated, "As a principle, the Chinese government always asks Chinese citizens abroad to comply with local laws and regulations."¹⁶⁵ Of note, PRC officials and media typically reiterate this policy in response to international media reports of PRC actors engaging in illicit activity, including at sea.¹⁶⁶

3.6.2 Examples of alleged misconduct by PRC actors

In this study, multiple cases involved allegations that PRC vessels illegally entered foreign EEZs to conduct commercial and other non-transitory activities without the required permissions from the coastal state. In one case, PRC companies allegedly held beneficial ownership of fishing vessels operating in a country's waters, in violation of that country's national laws. Examples of alleged misconduct by PRC actors are as follows:

- ***PRC vessels reportedly carrying out illegal oceanographic survey.*** On January 11, 2021, news 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 Indonesia's territorial waters with its AIS deactivated.¹⁶⁷ Indonesian authorities reportedly suspected the vessel was conducting unauthorized activities in the Sunda Strait while its AIS was off.¹⁶⁸ Media reports speculated that the PRC vessel was gathering oceanographic information to inform PRC navy submarine operations.¹⁶⁹
- ***PRC vessels accused of illegal entry and anchoring.*** In October 2020, the Malaysian Maritime Enforcement Agency (MMEA) announced it had detained six PRC-flagged fishing vessels and their crew for entering and anchoring in Malaysia's territorial waters without permission.¹⁷⁰ Similarly, in March 2020, the Namibian navy intercepted six PRC-owned fishing vessels in a popular fishing location 17 miles off the Namibian coast. According to Namibian authorities, the PRC vessels entered Namibia illegally and had not received authorization to anchor.¹⁷¹ Upon their release, the same six PRC vessels sailed into South African waters, where they were again detained and fined for illegal entry.¹⁷²

- PRC companies illegally holding beneficial ownership of fishing vessels operating in Ghana.** According to Ghana’s Fisheries Act, commercial fishing vessels with non-Ghanaian control or beneficial ownership are prohibited from fishing within Ghana’s EEZ.¹⁷³ Similarly, UNCLOS Article 91 requires a “genuine link” between the flag state and ship owners.¹⁷⁴ However, multiple investigative reports published by US-based environmental NGOs between 2019 and 2021 found that PRC corporations are the beneficial owners of nearly all trawlers in Ghana.¹⁷⁵ According to the reports, PRC corporations register the trawlers with China’s Ministry of Agriculture to benefit from state fuel subsidies and tax benefits while also registering the vessels with the Ghanaian flag via locally incorporated shell companies to benefit from fishing access in Ghana’s EEZ and low-cost local fishing licenses.¹⁷⁶ This illegal practice results in Ghana losing up to \$23 million annually in fishing license fees.¹⁷⁷

Figure 8. Indonesia media report about interception of a PRC survey vessel operating in the Sunda Strait with its AIS deactivated

Bakamla Curiga Kapal Survei China Operasikan Sensor Bawah Air di Perairan Indonesia

Kompas.com - 02/02/2021, 12:14 WIB



Badan Keamanan Laut (Bakamla) berhasil mengintersep kapal survei China, Xiang Yang Hong 03 yang terbukti mematikan Automatic Identification System (AIS) ketika melintasi perairan Selat Sunda pada Rabu (13/1/2021) malam. (Dokumen Bakamla RI)

Source: Achmad Nasrudin Yahya, “Bakamla Suspects Chinese Survey Vessel Operates Underwater Sensors in Indonesian Waters” (Bakamla Curiga Kapal Survei China Operasikan Sensor Bawah Air di Perairan Indonesia), *Nasional Kompas* (Nasional Kompas), February 2, 2021, <https://nasional.kompas.com/read/2021/02/02/12144011/bakamla-curiga-kapal-survei-china-operasikan-sensor-bawah-air-di-perairan?page=all>.

3.6.3 PRC public responses to the allegations

PRC officials and media seek to portray China as a “responsible fishing nation” that upholds coastal states’ rights under UNCLOS, and Beijing publicly urges PRC entities to comply with local laws when operating abroad. In keeping with this narrative, Beijing publicly acknowledged that PRC vessels had been detained within Malaysia’s territorial 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.”¹⁷⁸

However, gaps remain between PRC rhetoric and actions: in a possible attempt to downplay the allegations, PRC officials and foreign-directed media remained silent in response to allegations that PRC entities violated Ghanaian law by beneficially owning local fishing vessels. Likewise, Beijing did not respond publicly to Indonesia’s interception of a PRC research vessel that may have been conducting an oceanographic survey in Indonesian waters with its AIS deactivated and without the permission of the Indonesian government. In the Namibia case, the PRC embassy in Namibia denied that the PRC vessels were “illegally” stopped in Namibian waters and asserted that the vessels had been exercising innocent passage.¹⁷⁹

4. Conclusion

Based on the cases examined for this study, some PRC actors appear to be engaged in a variety of illicit maritime activities around the world. Typically, PRC actors engage in more than one type of illicit activity. The most common offenders appear to be commercial fishing vessels belonging to China's vast DWF fleet. However, we identified at least two incidents in which government vessels—a PRC coast guard vessel and a survey ship—allegedly engaged in illicit behavior.

PRC official rhetoric seeks to portray China as a responsible maritime actor that effectively governs its DWF fleet and other oceangoing vessels. ***The illicit behavior of PRC actors thus creates a persistent gap between PRC rhetoric and behavior that was apparent in all 15 cases.*** 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 China'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 going as far as lodging counteraccusations intended to shift blame or discredit their accusers. These responses could create the appearance that, rather than acknowledge the problem, Beijing is trying to publicly undermine or recast international rules, laws, and norms.

A secondary narrative that Beijing promotes to foreign audiences about PRC maritime activity portrays China's presence and investment as beneficial to local populations. Among the cases examined for this study, this narrative featured prominently in PRC messaging targeting the coastal African nations and is likely intended to portray the PRC as a benefactor that supports these countries' economic development. However, in multiple cases explored in this study, PRC investment came at a cost: it benefitted the countries' economic development, but also resulted in environmental and economic damage to local communities.

In summary, the alleged illicit maritime activities of PRC actors inflict economic and environmental damage on coastal nations, violate their sovereignty, and harm their citizens. PRC officials and media actively seek to offset the damage that this activity does to China's reputation by publicly denying, deflecting, or downplaying incidents involving illicit behavior by PRC actors.

Appendix A: Beijing's Responders

In the cases we examined, the following elements of the PRC propaganda apparatus played a prominent role in Beijing's efforts to promote a positive image of China as a responsible maritime actor as well as respond to allegations of misconduct by PRC actors:

- **MFA spokespersons.** MFA spokespersons commented on 6 of the 15 incidents examined. Beijing first started designating government spokespersons in the early 1980s. Since then, these spokespersons have become one of the most routine and direct methods that the Chinese government employs to interact with both domestic and foreign audiences.^{180,181}
- **PRC embassy officials.** The PRC ambassador or other local embassy officials publicly commented on 8 of the 15 cases. PRC diplomats posted overseas play a frontline role in Beijing's public diplomacy efforts, including its responses to allegations of misconduct by PRC actors overseas.
- **PRC foreign-directed media.** State-run PRC media outlets reported on 6 of the 15 cases. Typically, this reporting conveyed remarks by PRC MFA spokespersons or embassy officials. In some cases, it also included commentary that reinforced or expanded on Beijing's official narrative. To make it accessible to target audiences, PRC media reporting was published in local languages, including English, French, Bahasa, Filipino, Malay, and Vietnamese.¹⁸²

See Table 1 on the next page for a summary of responders in each case study.

Table 1. Elements of PRC propaganda apparatus that responded to 15 cases of alleged PRC illicit maritime activity

Alleged PRC Activity	MFA Response	PRC Embassy	Foreign-Directed Media
Reports of PRC vessels dumping sewage in Philippine EEZ	Yes ¹⁸³	Yes ¹⁸⁴	Yes ¹⁸⁵
Illegal harvest of sea cucumber by PRC vessel in Palau EEZ	Yes ¹⁸⁶	Yes ¹⁸⁷	Yes ¹⁸⁸
Forced Indonesian labor on board PRC-flagged vessels	Yes ¹⁸⁹	Yes ¹⁹⁰	Yes ¹⁹¹
PRC vessels detained for illegal fishing in Vanuatu EEZ	No ¹⁹²	No ¹⁹³	No ¹⁹⁴
PRC vessels engaging in illegal fishing in Gabon	No	No ¹⁹⁵	No ¹⁹⁶
Water pollution from PRC-owned fishmeal factories in the Gambia	No	Yes ¹⁹⁷	No ¹⁹⁸
Illegal ownership of Ghana’s fishing trawler fleet	No	No	No ¹⁹⁹
Illegal entering and anchoring in Malaysia’s territorial waters	Yes ²⁰⁰	Yes ²⁰¹	Yes ²⁰²
PRC harvesting giant clams in Philippine-administered waters	No	No	No ²⁰³
PRC research vessel operating in Indonesian waters without AIS	No	No	No ²⁰⁴
Tampering with AIS on PRC ships	Yes ²⁰⁵	Yes ²⁰⁶	Yes ²⁰⁷
PRC trawler in Mauritanian restricted area rams local boat	No	No	No ²⁰⁸
PRC vessels allegedly ramming foreign fishing vessels	Yes ²⁰⁹	Yes ²¹⁰	Yes ²¹¹
Namibia investigates PRC vessels for illegal entry and fishing	No	Yes ²¹²	No ²¹³
PRC nationals smuggled into Cambodia by sea	No	No ²¹⁴	No ²¹⁵
Total responses out of 15 cases	6	8	6

Source: CNA.

Appendix B: Case Studies

1. Illegal harvest of sea cucumber by PRC vessel in Palau EEZ

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.²¹⁶ The US Coast Guard assisted Palau maritime authorities with locating the PRC vessel.²¹⁷ 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 \$180,000.²¹⁸ 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 \$200,000.²¹⁹

2. PRC vessels detained for illegal fishing in Vanuatu EEZ

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.²²⁰ Vanuatu prosecutors alleged that 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.²²¹ The ships' owner, Zhuhai Dong Gang Xing Ocean Fishing Co., refuted these charges at the time of the arrest of the ships and crew.²²² On May 18, 2021, the 14 detained PRC nationals pleaded not guilty on all charges in Vanuatu's Supreme Court.²²³ As of August 18, 2021, the ruling in the case has not been publicly reported, and Vanuatu authorities have not responded to requests for information.

3. PRC vessels engaging in illegal fishing in Gabon

On August 8, 2020, Gabonese authorities, in collaboration with Netherlands-based nonprofit Sea Shepherd, stopped two PRC-flagged trawlers, *Guo Ji 826* and *Guo Ji 866*, for a routine inspection.²²⁴ According to Sea Shepherd and local media reports, the inspection found illegally harvested rough-head sea catfish, endangered daisy stingrays, and other rays.²²⁵ Gabonese authorities aboard the Sea Shepherd vessel arrested and escorted both vessels to port, where further investigation uncovered additional rays and ray fins.²²⁶ The ship's captain, a PRC national, told authorities that he was unaware that the catch was illegal.²²⁷ According to local media, a year earlier, Gabonese authorities arrested two other PRC-flagged vessels—*Guo Ji 827*

(operated by the same owner as *Guo Ji 826* and *866*) and *Haixin 27*—for IUU fishing in protected Gabonese waters.²²⁸

4. PRC harvesting giant clams in Philippine-administered waters

Giant clams are categorized as a vulnerable species by multiple international conventions, and both the Philippines and the PRC have banned their harvest.²²⁹ The Philippine navy and media assert that PRC fishermen operating near the contested Pagasa Island (Philippines administered) and Scarborough Shoal (PRC administered) in the South China Sea continue to harvest giant clams illegally using environmentally damaging methods.²³⁰ Philippine media also assert that the PRC coast guard is aware of the illegal harvesting around Scarborough Shoal.²³¹ Philippine journalists have observed the PRC using “chopper boats,” explosives, chemicals, water pumps, and vacuums on the coral reefs to harvest the giant clams, whose shells are sold for high prices in China.²³² 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 fisherfolk from the Philippines and other countries.²³³

5. PRC trawler in Mauritania artisanal fishing area rams local boat

According to Mauritanian media reporting from early September 2020, a PRC-flagged trawler struck a Mauritanian fishing vessel at night, killing three of the Mauritanian crew.²³⁴ 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, deactivated its AIS, and intentionally rammed the local fishing vessel.²³⁵ 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.²³⁶ According to Mauritanian media, a similar case occurred in 2017 when another PRC vessel reportedly collided with multiple local fishing vessels, killing at least four people.²³⁷

6. PRC vessels allegedly ramming foreign fishing vessels

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.²³⁸

7. Forced Indonesian labor on board PRC-flagged vessels

According to reports by 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, or lack of food and water.²³⁹ 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*.²⁴⁰ Since then, Indonesian authorities have announced additional cases of human trafficking, abuse, and death of Indonesians aboard PRC-flagged vessels. Subsequently, in May 2021, 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."²⁴¹ Dalian is the owner of at least two ships implicated in the forced labor of Indonesian crewmembers.²⁴²

8. PRC nationals smuggled into Cambodia by sea

According to a Cambodian police report and local media, Cambodian maritime authorities arrested 36 PRC nationals and 2 Cambodians on July 26, 2020, for illegal entry into the country aboard the Cambodian-flagged vessel *Tong Hai*.²⁴³ 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.²⁴⁴ 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.²⁴⁵ 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.²⁴⁶ 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.²⁴⁷

9. Reports of PRC vessels dumping sewage in Philippine EEZ

A July 2021 report by Similarity, 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.²⁴⁸ Similarity 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.²⁴⁹ The report claims that the vessels were discharging untreated or undertreated sewage into the shallow waters, leading to chlorophyll-a blooms. These blooms, which Similarity said were visible in satellite imagery, can lead to hypoxic ocean conditions that can harm marine organisms and ecosystems.²⁵⁰ 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.²⁵¹ The Philippine government is independently investigating Similarity's claims.

10. Water pollution from PRC-owned fishmeal factories in the Gambia

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.²⁵² 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.²⁵³ Testing initiated by local groups reportedly showed unsafe levels of arsenate, phosphates, and arsenic.²⁵⁴ A 2017 lawsuit brought by the NEA resulted in one PRC-owned factory being fined and all three being forced to suspend operations.²⁵⁵ The plants have since reopened and reportedly continue to pollute local waters.²⁵⁶ In March 2021, the NEA issued a "stop notice" to one factory for violating the nation's environmental laws.²⁵⁷ Despite the order, the factory continued plant expansion work, according to Gambian media.²⁵⁸ During the same period, local protestors burned a second PRC-owned fishmeal factory in response to a constellation of alleged environmental and criminal complaints.²⁵⁹

11. Tampering with AIS on PRC ships

Vessels "go dark" by obscuring their location, movement, or 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.²⁶⁰ International conventions and PRC laws require ships with more than 300 gross tonnage to carry functioning AIS while sailing internationally.²⁶¹ According to experts, vessels sometimes turn off or tamper with their AIS to mask illicit activity.²⁶² DWF and other types of PRC vessels reportedly tamper with onboard AIS while operating around the world.²⁶³ 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 DPRK,²⁶⁴ Ecuador,²⁶⁵ Vanuatu,²⁶⁶ West Africa,²⁶⁷ the Philippines,²⁶⁸ and Indonesia.²⁶⁹

12. PRC research vessel operating in Indonesian waters without AIS

On January 11, 2021, Indonesian news 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 deactivated.²⁷⁰ According to Indonesian and international regulations, all ships transiting Indonesia's archipelagic sea lanes are required to have functioning AIS.²⁷¹ Indonesian authorities reportedly suspected the vessel was conducting unauthorized activities in the Sunda Strait while its AIS was off.²⁷² Media reports speculated that the PRC vessel was gathering oceanographic information to inform PRC navy

submarine operations.²⁷³ 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.²⁷⁴

13. Illegal entering and anchoring in Malaysia's territorial waters

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.²⁷⁵ The vessels' crewmembers reportedly told authorities that they were en route from China to Mauritania and stopped to anchor because of unspecified "malfunctions."²⁷⁶ 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.²⁷⁷ 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.²⁷⁸

14. Namibia investigates PRC vessels for illegal entry and fishing

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.²⁷⁹ According to local media, Namibian authorities stated that the PRC vessels entered Namibia illegally and had not received authorization to anchor.²⁸⁰ 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.²⁸¹ Second, the Namibian navy noted that the vessels had deactivated their AIS.²⁸² Third, the PRC crew claimed that they anchored to avoid inclement weather, but the Namibian navy could not corroborate the alleged bad weather.²⁸³ Of note, after the PRC vessels were released, they sailed into South African waters without permission, where they were detained and fined.²⁸⁴

15. Illegal ownership of Ghana's fishing trawler fleet

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.²⁸⁵ It is illegal in Ghana for foreign companies to hold beneficial ownership of Ghanaian-flagged trawlers.²⁸⁶ 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 practice allows them to benefit from PRC fuel subsidies and tax benefits

and to obtain low-cost local fishing licenses from Ghanaian authorities and fish in Ghana's EEZ.²⁸⁷ According to one US-based NGO, this illegal practice results in Ghana losing up to \$23 million annually in fishing license fees.²⁸⁸ In addition, the practice also leads to IUU fishing and a decreasing catch per fishing effort, negatively affecting local fisherfolk.²⁸⁹

Figures

Figure 1.	Alleged illicit activities by PRC actors in Southeast Asian waters.....	6
Figure 2.	Alleged illicit activities by PRC actors off the coast of Africa.....	7
Figure 3.	<i>Gabon Review</i> report on the arrest of PRC-flagged vessels for IUU fishing in 2020	10
Figure 4.	Vietnamese media report showing three PRC coast guard vessels, one of which allegedly rammed and sank a Vietnamese fishing vessel in 2020	13
Figure 5.	Indonesian media report on the death of an Indonesian on a PRC fishing vessel	17
Figure 6.	Regional media report on PRC-owned fishmeal company paying fine for marine pollution in the Gambia in 2017	20
Figure 7.	Sansha Government, PRC, press release demanding better maritime protection, posted three days after Similarity published its report.....	21
Figure 8.	Indonesia media report about interception of a PRC survey vessel operating in the Sunda Strait with its AIS deactivated	27

Abbreviations

AIS	automatic identification system
CBP	US Customs and Border Protection
DPRK	Democratic People's Republic of Korea
DWF	distant water fishing
EEZ	exclusive economic zone
EM	electronic monitoring
ILO	International Labour Organization
IMO	International Maritime Organization
IPOA	International Plan of Action
IUU	illegal, unregulated, and unreported
MFA	Ministry of Foreign Affairs
MMEA	Malaysian Maritime Enforcement Agency
MMSI	Marine Mobile Service Identity
MOJ	Ministry of Justice
NEA	Gambian National Environmental Agency
NGO	nongovernmental organization
PRC	People's Republic of China
RF	radio frequency
RFMO	regional fisheries management organization
SAR	synthetic aperture radar
SOLAS	Safety of Life at Sea
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
VIIRS	visible infrared imaging radiometer
VMS	vessel monitoring system

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¹⁹⁰ For example, during a PRC embassy press conference in Jakarta, a spokesperson of the Chinese Embassy to Indonesia answered reporters' questions regarding the deaths of Indonesian crew members aboard PRC fishing vessels. The spokesperson's response at the time conveyed concern over the reported deaths and assurances of cooperation with Indonesian authorities regarding investigations. “Spokesperson of Chinese Embassy to Indonesia Answers Reporters' Question Regarding Indonesian Crew Members Who Passed Away on a Chinese Fishing Vessel and Relevant Issues [Juru Bicara Kedutaan Tiongkok untuk Indonesia kembali menjawab pertanyaan wartawan mengenai masalah yang melibatkan ABK WNI di sebuah kapal perikanan].”

¹⁹¹ “China Is a Responsible Fishing Country.”

¹⁹² See, for example, Glenda Willie, “The Chinese Embassy in Port Vila Did Not Respond to Requests for Comment,” *Daily Post Vanuatu*, Mar. 15, 2021, https://www.dailypost.vu/news/chinese-nationals-pi-next-week/article_7950988c-8517-11eb-a64d-af2fea32f071.html; “Vanuatu Detains Chinese Fishing Boats, Russian Yacht,” Agence France Press, Jan. 30, 2021, <https://www.france24.com/en/live-news/20210130-vanuatu-detains-chinese-fishing-boats-russian-yacht>.

¹⁹³ See, for example, Willie, “The Chinese Embassy in Port Vila Did Not Respond to Requests for Comment.”; “Vanuatu Detains Chinese Fishing Boats, Russian Yacht.”

¹⁹⁴ CNA did not observe any PRC media reporting on the incident in English or French—two official languages of Vanuatu. The few Chinese-language PRC media reports observed asserted that this was the first time that Vanuatu had detained a Chinese fishing boat.

¹⁹⁵ CNA did not observe any PRC media reporting on the incident in French—the official language of Gabon.

¹⁹⁶ CNA did not observe any PRC media reporting on the incident in French—the official language of Gabon.

¹⁹⁷ “Discussions on the Burnt-Down Sanyang Fishmeal Factory Should Be Constructive.” “China Moves Forward with Investments in Gambia, Despite Protests.”

¹⁹⁸ CNA did not observe any PRC media reporting on the incident in English—the official language of Gambia.

¹⁹⁹ A PRC embassy representative in Ghana reportedly acknowledged the PRC-owned trawler fleet during a 2012 media interview. See Economic and Commercial Office of the Embassy in Ghana, “Counselor Gao Wenzhi Interviewed by the Special Issue of China-Africa Trade and Economic Cooperation in the International Business Daily,” Ministry of Commerce of the People’s Republic of China, Mar. 30, 2012, accessed Feb. 28, 2018, <http://www.mofcom.gov.cn/aarticle/i/dxfw/gzdz/201203/20120308044957.html> accessed via: *China’s Hidden Fleet in West Africa: A Spotlight on Illegal Practices Within Ghana’s Industrial Trawl Sector*.

²⁰⁰ “China Urges Malaysia to Investigate Fishing Vessel Detention Case.”; “Malaysia Detained 60 Fishermen from 6 Chinese Fishing Boats? Chinese Embassy Response.”; “China Attaches Great Importance to Malaysia’s Detention of 60 Chinese Nationals: Embassy.”; “China’s Embassy in Malaysia Seeks Protection for Legitimate Rights of Detained Chinese Sailors.”; “Foreign Ministry Spokesperson Zhao Lijian’s Regular Press Conference on October 12, 2020.”

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²⁰³ 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,” *Global Times*, May 24, 2016, <https://www.globaltimes.cn/content/984745.shtml>. Another English report acknowledged that the “considerable economic opportunities” the giant clam shell trade entailed led to “unsustainable fishing methods that have not only led to a rapid decline in the number of giant clams in the South China Sea, but have also seriously damaged the coral reef ecosystem.” See “Giant Clams Still on Sale in South China Despite Bans,” *Global Times*, Apr. 25, 2019, <https://www.globaltimes.cn/content/1147431.shtml>. For other examples, see, “Shenzhen Authorities Intercept Clam Shell Products,” *China Daily*, Sept. 19, 2017, https://www.chinadaily.com.cn/china/2017-09/19/content_32198728.htm; “Over 300 Smuggled Endangered Species Items Seized in NE China,” *Xinhua*, May 19, 2019, http://www.xinhuanet.com/english/2019-05/19/c_138070724.htm.

²⁰⁴ 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.

²⁰⁵ PRC MFA statements assert that PRC vessels rigorously abide by separate, but related, PRC VMS requirements. See “Foreign Ministry Spokesperson Zhao Lijian’s Regular Press Conference on September 10, 2020.”; “Foreign Ministry Spokesperson Hua Chunying’s Regular Press Conference on October 9, 2020.”; “Foreign Ministry Spokesperson Wang Wenbin’s Regular Press Conference on September 28, 2020.”; “Foreign Ministry Spokesperson Wang Wenbin’s Regular Press Conference on December 25, 2020.”

²⁰⁶ PRC embassies have reposted MFA remarks about PRC vessels abiding by rigorous VMS requirements. They do not remark specifically on AIS tampering or deactivating.

²⁰⁷ See, for example, “Chinese Ministry of Foreign Affairs Denies Pompeo’s ‘Worried and Concerned’ Statement on Chinese Fishing Vessel Operations on the High Seas.”; “Chinese Fishing Vessels Operate in Accordance with Relevant International Laws.”; “Pollution: Clandestine Treatment of Garbage in China.”

²⁰⁸ CNA did not observe any PRC media reporting on the incident in Arabic—the official language of Mauritania.

²⁰⁹ See, for example, “The Ministry of Foreign Affairs Talks About the Collision of Chinese and Philippine Fishing Boats: I Believe the Two Sides Can Properly Handle the Matter.”

²¹⁰ See, for example, “Press Release on the So-Called Collision of Fishing Boats Between China and the Philippines.”

²¹¹ See, for example, “China in America: Stop Baseless Criticism.”; “The Japanese Destroyer Collided with a Chinese Fishing Boat and Returned to Hong Kong. The Side of the Apron Was Knocked out of a Crack.”; “Vietnam Disrupts Chinese Company’s Exploration of Xisha Islands, Illegal — Chinese Ambassador to Australia.”; “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.”

²¹² According to a Namibian navy official, the navy detained the PRC vessels in response to reports of illegal activity and contradictory statements from the crew, noting that the PRC crew “initially refused to cooperate and wanted to proceed with their way to China.” See “Chinese Vessels Cleared of Illegal Fishing.”; “Navy Intercepts Suspicious Fishing Vessels.”; “Chinese Vessels Found in Namibian Waters: Something Fishy?”

²¹³ CNA did not observe any PRC media reporting on the incident in English—the official language of Namibia.

²¹⁴ The PRC embassy in Cambodia issued a press release on September 8, 2021, two months after the *Tong Hai* incident, 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. See “The Spokesperson of the Chinese Embassy in Cambodia Made a Statement on the Cambodian Media’s Report on the ‘China Town’ In Sihanoukville.”

²¹⁵ CNA did not observe any PRC media reporting on the incident in Khmer—the official language of Cambodia.

²¹⁶ Somers, “US Embassy Commends ROP Government and Condemns Chinese IUU Fishing.”

²¹⁷ Myrtle Hazard, “Palau and USCG Bust Chinese Vessel for Illegal Fishing,” *Maritime Executive*, Dec. 24, 2020, <https://www.maritime-executive.com/article/palau-and-uscg-bust-chinese-vessel-for-illegal-fishing>.

²¹⁸ “Chinese Poachers Barred from Returning to Palau.”

²¹⁹ Adam Somers, “Chinese fishing boat stripped and escorted out of Palau,” *Island Times*, Jan. 5, 2021, <https://islandtimes.org/chinese-fishing-boat-stripped-and-escorted-out-of-palau/>.

²²⁰ Willie, “Chinese Fishing Vessels Seized.”

²²¹ McGarry, “Chinese Fishing Captains Face Jail, Big Fines for Alleged Illegal Fishing in Vanuatu.”

²²² *Ibid.*

²²³ Hilaire Bule and Glenda Willie, “14 Plead Not Guilty,” *Daily Post Vanuatu*, May 19, 2021, https://www.dailypost.vu/news/14-plead-not-guilty/article_5d5df734-b82d-11eb-bc45-a38a2e0ce52e.html.

²²⁴ “Two Trawlers Arrested with Over One Ton of Rays and Fins in Gabon.”

²²⁵ *Fisheries and Aquaculture Code Law n 015 2005 [Code des pêches et de l’aquaculture Loi n°015/2005]*, 2005; Mounombou, “Illegal Fishing: Two Trawlers in the Nets of Operation Albacore.”

²²⁶ “Leveraging NGOs and Volunteerism for Maritime Surveillance Against IUU Fishing.”

²²⁷ “Gabon Cracks Down on Illegal Trawlers,” Livestock and Fisheries Chamber, 2020, accessed Aug. 27, 2021, <https://livestockandfisherieschamber.com/gabon-cracks-down-on-illegal-trawlers/>.

²²⁸ “Chinese trawler caught illegal fishing in protected waters of Loango National Park,” Un chaluier chinois pris en flagrant délit de pêche illégale dans les eaux protégées du parc national de Loango, Direct Info Gabon, Aug. 18, 2019, <https://directinfosgabon.com/un-chaluier-chinois-pris-en-flagrant-delit-de-peche-illegale-dans-les-eaux-protégees-du-parc-national-de-loango/>.

²²⁹ *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)*, Qionghai, Hainan, China Government, (May 24, 2021), accessed Sept. 27, 2021, http://qionghai.hainan.gov.cn/zfxgkzl/bm/gongsj/gkml/202105/t20210524_2983261.html; *Philippine fisheries code Republic Act No. 8550*, Congress of the Philippines Tenth Congress, (Feb. 25, 1998), accessed Sept. 26, 2021, UN FAOLEX, <http://extwprlegs1.fao.org/docs/pdf/phi16098.pdf>; *Philippines’ Wildlife Protection Act Republic Act No. 9147*, Congress of the Philippines Eleventh Congress, (July 30, 2001), accessed Sept. 26, 2021, Philippines Official Gazette, <https://www.officialgazette.gov.ph/2001/07/30/republic-act-no-9147/>; *Giant Clams Convention on International Trade in Endangered Species (CITES) – Vulnerable*, 1985; *Tridacna gigas IUCN Red List of Threatened Species*, 2004.

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²³¹ “Sino Poachers Target Giant Clams in Palawan Waters.”; “PH Protests China’s Harvest of Giant Clams.”

²³² See, for example, “Harvesting Giant Clams Has Led to ‘Wanton Destruction’ of Scarborough Shoal: Expert.”; “Sino Poachers Kill Coral Reefs.”; “PH Protests China’s Harvest of Giant Clams.”

²³³ Dr. John McManus, *Massively Destructive Coral Reef Damage from Giant Clam Shell Digging in the South China Sea*, OpenChannels, 2019, <https://vimeo.com/342103171>; Chiara Zambrano, “EXCLUSIVE: Chinese harvesting giant clams in Scarborough Shoal,” ABS CBN, Apr. 15, 2019, <https://news.abs-cbn.com/news/04/15/19/exclusive-chinese-harvesting-giant-clams-in-scarborough-shoal>.

²³⁴ See, for example, “Fujian subsidies to the fishing sector bring trouble to West African waters,” *الدعم الفوجيانى لقطاع الصيد يجلب المتاعب لمياه غرب إفريقيا*, Africa Defense Forum, Aug. 11, 2021, https://adf-magazine-com.translate.google/ar/2021/08/%D8%A7%D9%84%D8%AF%D8%B9%D9%85-%D8%A7%D9%84%D9%81%D9%88%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%85%D8%AA/?_x_tr_sl=ar&_x_tr_tl=en&_x_tr_hl=en&_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.”

²³⁵ “Mauritanians Protest Chinese Fishing After Deadly Incident.”

²³⁶ “Mauritania: 3 Fishermen Died After Their Boat Collided with a Chinese Ship, and the Matter Worsened.”; “Mauritania: 3 Fishermen Were Killed After Their Boat Collided with a Chinese Ship.”

²³⁷ “Nouadhibou: A Chinese ship kills four Mauritanian fishermen,” *نواذيبو: باخرة صينية تتسبب في مقتل أربعة صيادين موريتانيين*, El Hiyad, July 26, 2017, https://elhiyad-info.translate.google/node/4413?_x_tr_sch=http&_x_tr_sl=ar&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=nui,s. As of October 2021, reporting on the outcome of cases brought against the PRC fishermen were not observed.

²³⁸ See the following reports for examples involving foreign vessels from (1) the **Philippines**: “The Sinking of Gem-Ver.”; “Remember Gem-Ver? Redress for PH Fishermen Still Stuck in Talks.”; “PH to Finally Get Compensation Offer for Gem-Ver Incident.” (2) **Vietnam**: “China Accused the Vietnamese Fishing Boat of Ramming the Coast Guard Ship, so It Sank.”; “US Condemns Sinking of Vietnam Fishing Vessel by Chinese Coast Guard.”; “Fishermen Tell Stories of Being Rammed and Sunk by Chinese Ships in the Paracels.” (3) **Senegal**: “Fisherman Burned in Confrontation with Chinese Trawler.” (4) **Mauritania**: “Mauritania: 3 Fishermen Were Killed After Their Boat Collided with a Chinese Ship.”; “Mauritania: 3 Fishermen Died After Their Boat Collided with a Chinese Ship, and the Matter Worsened.” (5) **Brazil**: “Fishing Wars in South Atlantic. Chinese vs. Brazilian.”

²³⁹ “DFW: 35 Indonesian Migrant Fishing Vessel Crew Die Abroad.”; *Forced Labor at Sea: The Case of Indonesian Migrant Fishers*.

²⁴⁰ “China Responds 'Positively' to Indonesian Request on Human Trafficking.”

²⁴¹ “CBP Issues Withhold Release Order on Chinese Fishing Fleet.”

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²⁴³ “Chinese People-Smuggling Ship Traveled Six Days, more than 2,500 Km: Authorities.”; “Smuggled Chinese on Ship Test Positive for COVID.”; “Thirty-six Chinese ships smuggling into Cambodia were cracked down on in Koh Rong,” នាវាដឹកជនជាតិចិន៣៦នាក់

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²⁴⁵ “Thirty-Six Chinese Ships Smuggling into Cambodia Were Cracked Down on Koh Rong (Video Inside).”

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