



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

## Exposer l'écart entre la rhétorique de la RPC et l'activité maritime illicite : Synthèse

### English and French Translation

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## Résumé

Le présent rapport examine les écarts apparents entre la politique et la rhétorique de la République populaire de Chine (RPC) quant à son rôle dans l'environnement maritime transnational et les activités illicites que les acteurs de la RPC auraient réalisées. Les activités maritimes illicites prétendument réalisées par des acteurs de la RPC portent atteinte à l'économie et à l'environnement des nations côtières, violent leur souveraineté et nuisent à leurs citoyens. Ces allégations d'activités illicites sont en contradiction avec la rhétorique officielle de Beijing qui exprime son soutien aux lois, règles et normes maritimes internationales. Pour mieux comprendre cette contradiction apparente, CNA a examiné 15 affaires où des acteurs de la RPC ont été accusés d'avoir réalisé des activités illicites entre 2018 et 2021 dans les zones maritimes entourant l'Asie du Sud-Est, la côte atlantique de l'Afrique et les pays insulaires du Pacifique. Dans toutes les affaires sauf une, Beijing a cherché à minimiser tout impact négatif sur l'image de la Chine en refusant ou en minimisant les accusations selon lesquelles des acteurs de la RPC avaient participé à des comportements illicites. Cette stratégie de la RPC consistant à nier et à minimiser les comportements répréhensibles est problématique et pourrait donner l'impression que, plutôt que de reconnaître et de lutter contre le comportement illicite de certains acteurs de la RPC, Beijing contrevient publiquement aux lois, règles et normes internationales.

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# Executive Summary

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## Introduction

In recent years, persons, vessels, and corporations based in or tied to the People's Republic of China (PRC) have reportedly engaged in illicit maritime activities around the globe. These alleged illicit activities are at odds with Beijing's 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.

# Préambule

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## Introduction

Au cours des dernières années, des personnes, des navires et des sociétés basées en République populaire de Chine (RPC) ou liées à cette dernière auraient participé à des activités maritimes illicites dans le monde entier. Ces allégations d'activités illicites sont en contradiction avec les politiques déclarées de Beijing sur la manière dont les acteurs de la RPC devraient se comporter dans le domaine maritime transnational. Selon ces politiques, les acteurs de la RPC devraient faire ce qui suit lorsqu'ils opèrent dans le domaine maritime transnational :

- Se conformer à la Convention des Nations Unies sur le droit de la mer (CNUDM), article 94, en vertu duquel les États du pavillon, tels que la RPC, sont tenus de (1) veiller à ce que les navires battant pavillon chinois respectent les lois maritimes auxquelles Beijing est partie et (2) veiller à ce que les auteurs de violations répondent de leurs actes.
- Respecter les lois locales et les cadres régionaux
- Lutter contre la pêche illicite, non déclarée et non réglementée (INN)
- Protéger l'environnement marin

Pour mieux comprendre les contradictions entre la rhétorique officielle de Beijing et les activités maritimes internationales illicites des acteurs étatiques et non étatiques de la RPC, CNA a examiné 15 affaires où des acteurs de la RPC ont été accusés d'avoir réalisé des activités illicites dans le domaine maritime entre 2018 et 2021. Les incidents se sont produits dans les zones maritimes entourant l'Asie du Sud-Est, la côte atlantique de l'Afrique et les pays insulaires du Pacifique. Nos principales conclusions sont présentées ci-dessous.

## Principales conclusions

***Certains acteurs de la RPC participent à différentes activités maritimes internationales illicites dans le monde entier.*** Parmi les 15 affaires que nous avons examinées, les acteurs de la RPC ont été accusés d'avoir participé aux types suivants d'activités illégales en violation de plusieurs lois, règlements ou dispositions nationaux, régionaux et internationaux :

- Participation à des pratiques de pêche illégales, non déclarées et non réglementées (INN) qui menacent les écosystèmes océaniques et la pêche durable
- Éperonnage intentionnel de navires étrangers, en les endommageant et en mettant leurs équipages en danger
- Recours au travail forcé à bord de navires de pêche et participation au trafic d'êtres humains

- Pollution marine depuis des navires et d'origine tellurique, nuisant au milieu marin et portant préjudice aux citoyens locaux
- Modification des dispositifs électroniques de suivi ou de surveillance pour « disparaître des radars » afin que les navires puissent se livrer à des activités illicites sans être suivis
- Entrée et exploitation illégales dans les eaux territoriales d'autres pays

***Les contrevenants les plus fréquents sont des navires de pêche commerciale appartenant à la vaste flotte de pêche hauturière (DWF) de la RPC.***

- La RPC possède la plus grande flotte de pêche hauturière au monde, et ses navires opèrent dans les eaux du monde entier. Ces navires reçoivent d'importantes subventions de l'État et sont soumis à la surveillance du gouvernement de la RPC.
- Des navires de pêche battant pavillon chinois ont été impliqués dans 13 des 15 affaires d'activité maritime illicite examinées dans le cadre de cette étude. Au moins deux incidents auraient impliqué des navires du gouvernement—un navire de la Garde côtière de la RPC et un navire de recherche.
- Notre analyse a révélé que certains navires de pêche hauturière battant pavillon chinois seraient responsables de graves violations du droit du travail et de l'éperonnage et du naufrage de petits bateaux de pêche étrangers, tous deux ayant entraîné des décès.

***Il existe un écart persistant entre la rhétorique de la RPC et le comportement illicite des acteurs de la RPC dans le domaine maritime transnational.***

- Cet écart était apparent dans les 15 affaires examinées dans le cadre de cette étude.
- Beijing met en avant le fait que la RPC est un acteur mondial responsable qui gouverne efficacement sa flotte de pêche hauturière et d'autres navires océaniques.
- Les responsables gouvernementaux et les médias cherchent également à présenter la RPC comme une source bienvenue d'investissements dans les secteurs de la pêche étrangère, notamment en Afrique. Ils décrivent l'activité économique de la RPC dans les secteurs de la pêche d'autres pays comme « gagnant-gagnant », « mutuellement bénéfique » et destinée à favoriser le développement économique local.
- Ces discours contrastent avec les activités illégales récemment signalées de certains acteurs de la RPC.

***Les réponses publiques de Beijing aux allégations d'activités illicites des acteurs de la RPC suggèrent une tentative d'orientation du débat public de manière à minimiser tout impact négatif sur l'image de la RPC.***

- En réponse aux allégations d'actes répréhensibles des acteurs de la RPC, les représentants de la RPC et les médias ont gardé le silence, dans le but éventuel de minimiser les incidents.
- Dans d'autres affaires, les représentants de la RPC et les médias ont publiquement démenti ces allégations, allant parfois jusqu'à présenter des contre-accusations afin de rejeter la faute ou discréditer leurs accusateurs.

***Les efforts de Beijing pour minimiser et nier les allégations d'actes maritimes illicites des acteurs de la RPC semblent contredire des rapports crédibles de comportements répréhensibles.***

- Dans les affaires examinées dans le cadre de cette étude, les allégations d'activités illicites ont été présentées par des autorités étrangères, des organisations non gouvernementales et des médias. Les rapports comprenaient souvent des données justificatives provenant de technologies maritimes, de journaux de bord de navires de pêche, des interviews en personne et des preuves vidéo ou photo.
- Face à de telles preuves, les réponses de Beijing donnent l'impression que, plutôt que de reconnaître et de lutter contre le comportement de certains acteurs de la RPC, Beijing contrevient publiquement aux lois, règles et normes internationales.



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# 1. Introduction

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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).<sup>1</sup> 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.<sup>2</sup>

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

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### 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.<sup>3</sup> 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.”<sup>4</sup> This stated PRC policy likewise extends to abiding by other UN maritime conventions, including those safeguarding maritime safety and prohibiting marine pollution.<sup>5</sup>
- ***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.”<sup>6</sup> 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.<sup>7</sup>
- ***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.”<sup>8</sup>
- ***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.”<sup>9</sup>

## 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.<sup>10</sup> 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.”<sup>11</sup> 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

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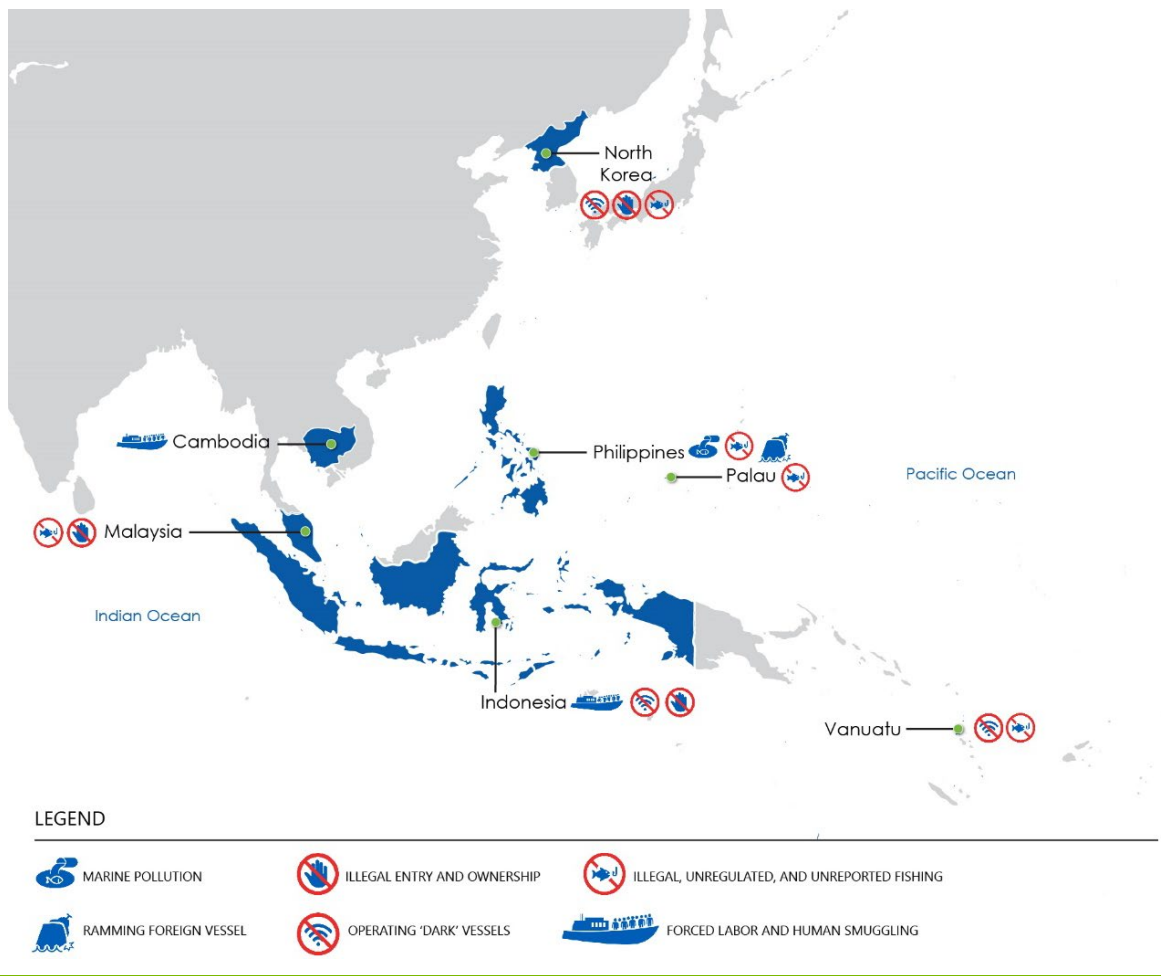
In recent years, international news media, NGOs, and foreign governments have all published reports detailing illicit maritime activity involving PRC actors, including PRC nationals, PRC-flagged vessels, vessels beneficially owned by PRC entities, and PRC-based criminal organizations. In addition, in the 2016 South China Sea Arbitration (Philippines vs. China), the Permanent Court of Arbitration detailed multiple instances of illegal behavior.<sup>12</sup> 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.

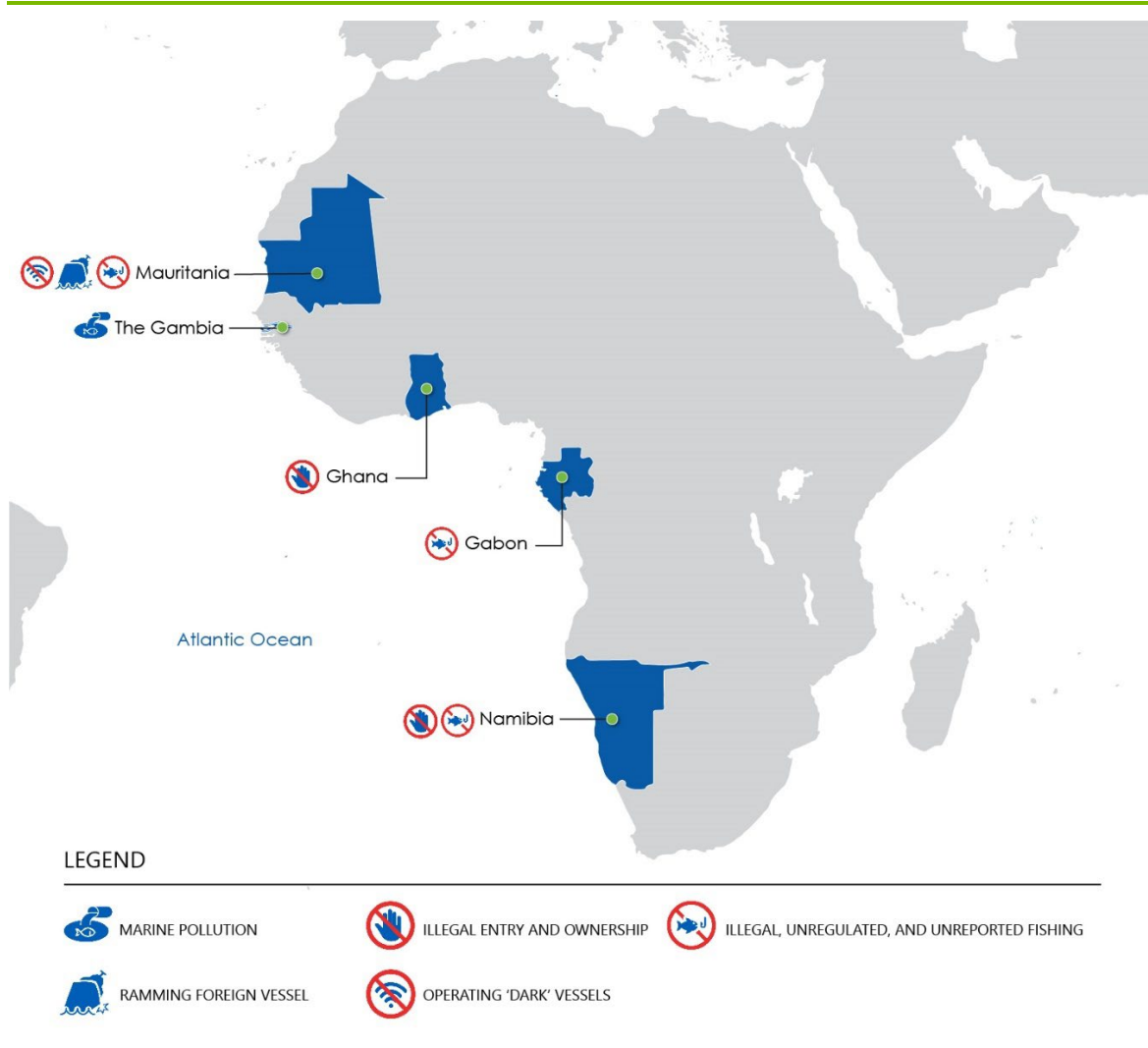


Figure 1. Alleged illicit activities by PRC actors in Southeast Asian waters



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.<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup>

### 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.”<sup>16</sup> 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.”<sup>17</sup> 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.”<sup>18</sup>

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.<sup>19</sup>

### 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 RFMO<sup>20</sup>
- 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.<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup>

***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.<sup>25</sup> 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.<sup>26</sup>

***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).<sup>27</sup> The inspection found illegally harvested rough-head catfish and endangered daisy stingrays, in violation of Gabonese law.<sup>28</sup> Gabonese authorities aboard the Sea Shepherd vessel arrested and escorted both vessels to port, where investigations uncovered additional rays and ray fins.<sup>29</sup> 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.<sup>30</sup> Philippine media also asserted that the PRC coast guard is aware of the illegal harvesting around Scarborough Shoal.<sup>31</sup> 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.<sup>32</sup>

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.<sup>33</sup> It asserted that the six PRC vessels were conducting “innocent navigation” and not engaging in any “wrongful acts.”<sup>34</sup> The PRC embassy also characterized the Namibian navy’s interdiction of the PRC vessels as “humanitarian assistance” in response to dangerous weather.<sup>35</sup>
- 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.<sup>36</sup> At least two English-language PRC media outlets and the PRC embassy in the nearby Solomon Islands echoed these remarks.<sup>37</sup>

#### ***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.<sup>38</sup>
- Official PRC figures from 2020 show that the country has approximately 170 firms and 2,600 vessels involved in its DWF sector.<sup>39</sup>
- Estimates of the number of vessels in the PRC DWF fleet from international NGOs and academics range higher, from 3,400 to 17,000.<sup>40</sup>
- In 2017, the PRC government issued guidance to reduce the number of older wooden fishing vessels and subsidize their replacement with larger steel vessels.<sup>41</sup> The resulting PRC DWF fleet comprises many new large steel vessels.
- Most PRC DWF vessels are trawlers, longliners, or squid jiggers.<sup>42</sup>
- 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.<sup>43</sup>



## 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).<sup>44</sup>

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."<sup>45</sup> 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.<sup>46</sup> The PRC also promulgates safety at sea regulations, including fishery-specific maritime safety laws on the prevention of fishing vessel collisions.<sup>47</sup>

### 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.<sup>48</sup> 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.<sup>49</sup> *Yuemaobinyu 42212* sailed away from the scene, leaving the 22 crewmembers stranded at sea until they were saved by Vietnamese fishermen.<sup>50</sup>
- **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.<sup>51</sup> The vessel sank, and three Mauritians were killed.<sup>52</sup>



- **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).<sup>53</sup> The PRC coast guard vessel then reportedly chased and stopped nearby Vietnamese vessels and confiscated and erased their crews' cell phones.<sup>54</sup>
- **Senegal.** On September 19, 2020, a PRC-operated trawler reportedly tried to capsize a Senegalese-captained 11-person fishing canoe.<sup>55</sup> 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.<sup>56</sup>
- **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.<sup>57</sup>

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.<sup>58</sup>

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.<sup>59</sup>

#### ***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.<sup>60</sup> 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.<sup>61</sup>

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.’”<sup>62</sup>

- PRC foreign-directed media blamed Vietnamese and Philippine vessels for instigating the incidents that resulted in the collisions.<sup>63</sup> 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.<sup>64</sup>
- 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.”<sup>65</sup> 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.<sup>66</sup> The ILO has established at least three conventions against forced labor, including a convention specifically targeting forced and unsafe labor in the fishing sector.<sup>67</sup> Similarly, the UN High Commissioner for Human Rights has promulgated a convention to protect migrant workers.<sup>68</sup> 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).<sup>69</sup>

Regarding trafficking in persons, the UN has promulgated a convention to prevent and combat this type of crime.<sup>70</sup> 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.<sup>71</sup>

### 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.***<sup>72</sup> PRC law explicitly prohibits labor abuses.<sup>73</sup> The PRC Ministry of Agriculture and Rural Affairs outlines labor protections within its “program for introducing foreign crews to the ocean fishing industry.”<sup>74</sup> 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.<sup>75</sup> 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.<sup>76</sup>

### 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.<sup>77</sup> 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.<sup>78</sup> 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.<sup>79</sup>

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*.<sup>80</sup> Since then, Indonesian media have continued to report cases of human trafficking, abuse, and death of Indonesians aboard PRC-flagged vessels (see Figure 5).<sup>81</sup> 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."<sup>82</sup> Dalian Ocean Fishing Co., Ltd. is the owner of at least two ships implicated in the forced labor of Indonesian crewmembers.<sup>83</sup>

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.<sup>84</sup> 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.<sup>85</sup> 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.<sup>86</sup>

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.<sup>87</sup> However, by 2021, PRC officials had changed their tune and dismissed reports of abuses as politically motivated false accusations.<sup>88</sup> 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.<sup>89</sup>

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.<sup>90</sup>

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."<sup>91</sup> 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.<sup>92</sup>

### 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.<sup>93</sup> 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.<sup>94</sup> 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.<sup>95</sup>

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.<sup>96</sup> In addition, Philippine lawmakers issued statements noting that both domestic and international law bar ships from dumping their sewage in the waters as reported.<sup>97</sup> In addition to the Philippines Marine Pollution Law,<sup>98</sup> this case of alleged vessel pollution contravenes the IMO International Convention for the Prevention of Pollution from Ships.<sup>99</sup>

***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).<sup>100</sup> The factories' actions violated the Gambia's environmental<sup>101</sup> and fishery<sup>102</sup> 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.<sup>103</sup>

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.<sup>104</sup> 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.<sup>105</sup> The plants have since reopened and reportedly continue to pollute local waters.<sup>106</sup> In March 2021, the NEA issued a "stop notice" to one factory for violating the nation's environmental laws.<sup>107</sup> Despite the order, the factory continued plant expansion work, according to Gambian media.<sup>108</sup> During the same period, local protestors burned a second PRC-owned fishmeal factory in response to a constellation of alleged environmental and criminal complaints.<sup>109</sup>



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:

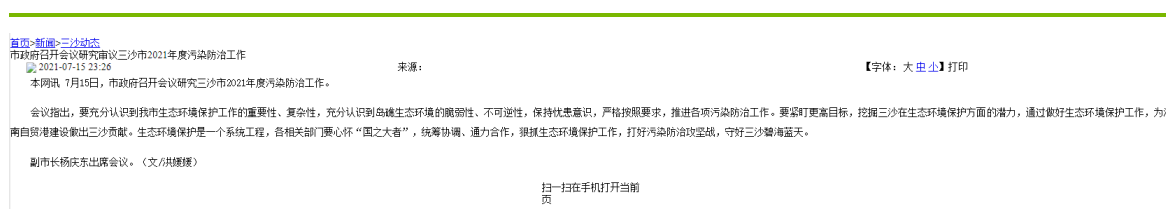
- In response to Similarity's report alleging that PRC vessels anchored in the Spratly Islands had been illegally dumping sewage, the PRC MFA and PRC embassy in the Philippines condemned the report as "fake news."<sup>110</sup> PRC media directed at audiences in the region similarly portrayed the report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

- Similarly, an embassy spokesperson said that allegations against the factories “lack evidence.”<sup>114</sup>
- 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.”<sup>115</sup>

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).<sup>116</sup>

**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](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.<sup>117</sup>



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.<sup>118</sup> 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.<sup>119</sup> 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.<sup>120</sup>

#### ***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.”<sup>121</sup> 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.<sup>122</sup> 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.<sup>123</sup>

**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.<sup>124</sup>

**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.<sup>125</sup>

**VIIRS** – Visible infrared imaging radiometer (VIIRS) is a polar-orbiting satellite that uses highly sensitive optical sensors to see lights at night.<sup>126</sup> 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.<sup>127</sup>

### **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.”<sup>128</sup> These remarks were widely republished by PRC

foreign-directed media in multiple languages, including Indonesian, French, Spanish, and English.<sup>129</sup> 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."<sup>130</sup>

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."<sup>131</sup> 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.<sup>132</sup>

### 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.<sup>133</sup> 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),<sup>134</sup> Ecuador,<sup>135</sup> Vanuatu,<sup>136</sup> The Gambia, Namibia,<sup>137</sup> the Philippines,<sup>138</sup> and Indonesia.<sup>139</sup>

- **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.<sup>140</sup> 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.<sup>141</sup>
- **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.<sup>142</sup> 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.<sup>143</sup>
- **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.<sup>144</sup> 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.<sup>145</sup>

- **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.<sup>146</sup>
- **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.<sup>147</sup> According to Indonesian and international regulations, all ships transiting Indonesia's archipelagic sea lanes are required to have functioning AIS.<sup>148</sup>
- **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.<sup>149</sup> The PRC vessel sailed away from the scene, leaving the 22 crewmembers stranded at sea until they were saved by Vietnamese fishermen.<sup>150</sup>
- **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.<sup>151</sup> Namibian authorities stated that the PRC vessels entered Namibia illegally and had not received authorization to anchor.<sup>152</sup> The Namibian navy also noted that the vessels had deactivated their AIS.<sup>153</sup>

### 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.<sup>154</sup> 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.”<sup>155</sup>

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.<sup>156</sup>

#### ***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.”<sup>157</sup> 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.”<sup>158</sup> 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.<sup>159</sup> 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.<sup>160</sup>



## **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.<sup>161</sup> 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.<sup>162</sup> 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).<sup>163</sup> 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.”<sup>164</sup>

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.”<sup>165</sup> 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.<sup>166</sup>

### 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.<sup>167</sup> Indonesian authorities reportedly suspected the vessel was conducting unauthorized activities in the Sunda Strait while its AIS was off.<sup>168</sup> Media reports speculated that the PRC vessel was gathering oceanographic information to inform PRC navy submarine operations.<sup>169</sup>
- ***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.<sup>170</sup> 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.<sup>171</sup> Upon their release, the same six PRC vessels sailed into South African waters, where they were again detained and fined for illegal entry.<sup>172</sup>
- ***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.<sup>173</sup> Similarly, UNCLOS Article 91 requires a “genuine link” between the flag state and ship owners.<sup>174</sup> 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.<sup>175</sup> 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.<sup>176</sup> This illegal practice results in Ghana losing up to \$23 million annually in fishing license fees.<sup>177</sup>

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

Lihat Foto



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.”<sup>178</sup>

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.<sup>179</sup>



## 4. Conclusion

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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

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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.<sup>180,181</sup>
- **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.<sup>182</sup>

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**

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

Source: CNA.

## Appendix B: Case Studies

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### 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.<sup>216</sup> The US Coast Guard assisted Palau maritime authorities with locating the PRC vessel.<sup>217</sup> 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.<sup>218</sup> 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.<sup>219</sup>

### 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.<sup>220</sup> 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.<sup>221</sup> The ships' owner, Zhuhai Dong Gang Xing Ocean Fishing Co., refuted these charges at the time of the arrest of the ships and crew.<sup>222</sup> On May 18, 2021, the 14 detained PRC nationals pleaded not guilty on all charges in Vanuatu's Supreme Court.<sup>223</sup> 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.<sup>224</sup> According to Sea Shepherd and local media reports, the inspection found illegally harvested rough-head sea catfish, endangered daisy stingrays, and other rays.<sup>225</sup> Gabonese authorities aboard the Sea Shepherd vessel arrested and escorted both vessels to port, where further investigation uncovered additional rays and ray fins.<sup>226</sup> The ship's captain, a PRC national, told authorities that he was unaware that the catch was illegal.<sup>227</sup> 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.<sup>228</sup>

#### **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.<sup>229</sup> 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.<sup>230</sup> Philippine media also assert that the PRC coast guard is aware of the illegal harvesting around Scarborough Shoal.<sup>231</sup> 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.<sup>232</sup> 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.<sup>233</sup>

#### **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.<sup>234</sup> 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.<sup>235</sup> 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.<sup>236</sup> 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.<sup>237</sup>

#### **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.<sup>238</sup>

## 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.<sup>239</sup> 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*.<sup>240</sup> 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."<sup>241</sup> Dalian is the owner of at least two ships implicated in the forced labor of Indonesian crewmembers.<sup>242</sup>

## 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*.<sup>243</sup> 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.<sup>244</sup> 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.<sup>245</sup> 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.<sup>246</sup> 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.<sup>247</sup>

## 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.<sup>248</sup> 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.<sup>249</sup> 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.<sup>250</sup> 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.<sup>251</sup> 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.<sup>252</sup> 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.<sup>253</sup> Testing initiated by local groups reportedly showed unsafe levels of arsenate, phosphates, and arsenic.<sup>254</sup> A 2017 lawsuit brought by the NEA resulted in one PRC-owned factory being fined and all three being forced to suspend operations.<sup>255</sup> The plants have since reopened and reportedly continue to pollute local waters.<sup>256</sup> In March 2021, the NEA issued a "stop notice" to one factory for violating the nation's environmental laws.<sup>257</sup> Despite the order, the factory continued plant expansion work, according to Gambian media.<sup>258</sup> During the same period, local protestors burned a second PRC-owned fishmeal factory in response to a constellation of alleged environmental and criminal complaints.<sup>259</sup>

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

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

submarine operations.<sup>273</sup> 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.<sup>274</sup>

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

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

### **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.<sup>285</sup> It is illegal in Ghana for foreign companies to hold beneficial ownership of Ghanaian-flagged trawlers.<sup>286</sup> 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.<sup>287</sup> According to one US-based NGO, this illegal practice results in Ghana losing up to \$23 million annually in fishing license fees.<sup>288</sup> In addition, the practice also leads to IUU fishing and a decreasing catch per fishing effort, negatively affecting local fisherfolk.<sup>289</sup>



# 1. Introduction

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Au cours des dernières années, des personnes, des navires et des sociétés basées en République populaire de Chine (RPC) ou liées à cette dernière auraient participé à des activités maritimes illicites dans le monde entier. Les médias internationaux, les organisations non gouvernementales (ONG) et les gouvernements étrangers ont tous publié des rapports détaillant des activités maritimes illicites persistantes impliquant des acteurs de la RPC, y compris des ressortissants de la RPC, des organisations criminelles basées en RPC, des navires battant pavillon chinois et des navires dont des entités de la RPC ont la propriété effective (un bénéficiaire effectif bénéficie des avantages de propriété même si le titre de propriété est enregistré sous un autre nom).<sup>290</sup> Les allégations d'activités maritimes illicites des acteurs de la RPC sont souvent en contradiction avec la rhétorique de Beijing exprimant son soutien aux lois (y compris la Convention des Nations Unies sur le droit de la mer, ou CNUDM), aux règles et aux normes maritimes internationales. À moins que cela ne soit résolu, cette différence entre la rhétorique de Beijing et le comportement des acteurs de la RPC compromettent le système mondial de lois, normes et conventions internationales régissant le domaine maritime.<sup>291</sup>

Le but de cette analyse est d'examiner les contradictions possibles entre la rhétorique officielle de la RPC et les activités maritimes internationales illicites qui seraient menées par des acteurs basés en RPC. Pour y parvenir, CNA a examiné 15 affaires dans lesquelles des acteurs de la RPC ont été accusés d'avoir réalisé des activités illicites dans le domaine maritime entre 2018 et 2021. Ces études de cas sont axées sur le plan géographique sur les zones maritimes entourant l'Asie du Sud-Est, la côte atlantique de l'Afrique et les pays insulaires du Pacifique. Pour chaque étude de cas, nous avons examiné les points suivants :

- L'activité illégale présumée de la RPC et les types d'acteurs de la RPC impliqués
- Les politiques officielles de la RPC et les déclarations sur ce type d'activité (p. ex. pêche illicite, non déclarée et non réglementée [INN] ou trafic d'êtres humains)
- Les lois, politiques et normes internationales, locales et chinoises pouvant être violées par l'activité alléguée
- Réponses des représentants de la RPC et des médias à ces incidents

Pour compiler ces études de cas, nous avons examiné les sources de données qui comprenaient des déclarations officielles de la RPC, des médias de la RPC nationaux et à destination de l'étranger, des rapports des médias locaux dans les pays concernés par le comportement présumé de la RPC, les bases de données sur le domaine maritime et le suivi des navires, les experts en la matière, les bases de données sur le droit et la réglementation maritimes, et les

ressources documentaires secondaires publiées par des organisations non gouvernementales et d'autres organismes de recherche.

## 2. La RPC et le domaine maritime : Politique et rhétorique

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### 2.1 Politiques maritimes de la RPC

Beijing a publié des politiques sur la manière dont les acteurs de la RPC devaient se comporter dans le domaine maritime international. Conformément à ces politiques, les acteurs de la RPC, y compris les ressortissants de la RPC, les navires battant pavillon chinois, les navires dont des entités de la RPC ont la propriété effective et les sociétés de la RPC, doivent procéder comme suit lorsqu'ils opèrent dans le domaine maritime international :

- **Respecter la CNUDM.** La RPC est signataire de la CNUDM et a ratifié la Convention en 1996.<sup>292</sup> Selon l'ambassadeur de la RPC auprès des Nations unies (ONU), la Chine « préserve résolument l'intégrité et le caractère sacré de la CNUDM » et « tous les pays doivent défendre fermement l'ordre maritime international fondé sur le droit international, et résoudre les différends maritimes par le biais de négociations et de consultations de bonne foi ». <sup>293</sup> Cette politique affichée de la RPC porte également sur le respect d'autres conventions maritimes de l'ONU, y compris celles qui protègent la sécurité maritime et interdisent la pollution marine.<sup>294</sup>
- **Respecter les lois locales et les cadres régionaux.** Beijing exhorte également les ressortissants et les entreprises de la RPC à se conformer aux lois locales lorsqu'ils exercent leurs opérations à l'étranger. Selon un porte-parole du ministère des Affaires étrangères, « en principe, le gouvernement chinois demande toujours aux citoyens chinois à l'étranger de se conformer aux lois et règlements locaux. »<sup>295</sup> De même, les cadres politiques de la RPC, tels que le *Règlement de gestion des pêches en haute mer*, reconnaissent les organisations régionales de gestion des pêches (ORGP) comme l'autorité réglementaire régissant les activités liées à la pêche en haute mer.<sup>296</sup>
- **Lutter contre la pêche INN.** Beijing encourage la conservation des ressources halieutiques et s'oppose à la pêche INN parmi ses flottes de pêche dans les eaux nationales et de pêche hauturière (DWF). Selon un porte-parole du ministère des Affaires étrangères, « la Chine a une tolérance zéro pour les violations des lois et règlements en vigueur commises par ses navires de pêche hauturière ». <sup>297</sup>
- **Protéger l'environnement marin.** La politique affichée de Beijing est de poursuivre la coopération avec d'autres pays pour protéger le milieu marin. Selon Fu Ying, ancien vice-ministre des Affaires étrangères et président en exercice de la Commission des Affaires étrangères du Congrès national du peuple, « la Chine a activement encouragé

la coopération avec d'autres pays concernant la politique et la gestion maritimes pour la protection de l'environnement marin, de l'écosystème marin et de la biodiversité ».298

## 2.2 Donner une image positive du rôle de la RPC dans le domaine maritime

Le Parti communiste chinois cherche activement à façonner la perception internationale de la RPC.<sup>299</sup> Le Parti-État chinois maintient un système étendu, mature et expérimenté d'organisations du gouvernement et du parti, y compris un important complexe médiatique dirigé par l'État, chargé de mener à bien ce « travail de propagande externe ».300 Beijing utilise ce vaste appareil de propagande pour communiquer ses politiques officielles et promouvoir des discours qu'elle veut voir repris par les médias internationaux, y compris des discours visant à donner une image positive de la Chine en tant qu'acteur maritime. Parmi les 15 affaires que nous avons examinées, nous avons observé deux discours principaux que Beijing cherchait à promouvoir concernant le rôle de la Chine dans le domaine maritime :

- ***La RPC est un acteur maritime responsable.*** Les représentants et les médias de la RPC ont constamment cherché à représenter la Chine comme un acteur maritime responsable et respectueux des lois, qui contribue à la sûreté, à la sécurité environnementale, à l'exploration scientifique et à une exploitation durable des océans.
- ***Les investissements de la RPC dans les secteurs maritimes étrangers sont mutuellement bénéfiques.*** Les responsables et les médias de la RPC ont cherché à présenter la RPC comme une source bienvenue d'investissements dans les secteurs de la pêche et les activités de pêche à l'étranger, notamment en Afrique. Ils décrivent l'activité économique de la RPC dans les secteurs de la pêche d'autres pays comme « gagnant-gagnant », « mutuellement bénéfique » et destinée à favoriser le développement économique local.

## 2.3 Réponses publiques de la RPC face aux allégations de violation

Lorsque des acteurs de la RPC sont publiquement accusés de violation dans le cadre maritime, Beijing cherche souvent à compenser les effets négatifs potentiels sur l'image de la Chine à l'international. Dans de nombreux cas, elle mobilise des éléments de son vaste appareil de propagande à cette fin. (Pour plus d'informations à ce sujet, voir l'annexe B.) Les réponses

officielles et médiatiques de la Chine aux allégations publiques étrangères d'activités maritimes illicites des acteurs de la RPC sont classées selon les catégories générales suivantes :

- **Reconnaissance.** Les représentants de la RPC ont reconnu publiquement l'incident et les préoccupations de l'autre ou des autres pays concerné(s) et ont promis de répondre aux allégations. Cette reconnaissance a également été relayée par les médias de la RPC.
- **Déni.** Les représentants de la RPC ont démenti les allégations d'actes répréhensibles et/ou ont défendu les actions des acteurs de la RPC en question. Les médias de la RPC ont fait écho à leur indignation, décrivant les acteurs de la RPC en question comme innocents.
- **Contre-accusations.** Les représentants de la RPC et les médias ont accusé les autres parties d'avoir causé l'incident ou d'être coupables des actes illicites en question. Dans certains cas, les représentants de la RPC et les médias ont publiquement accusé les victimes.
- **Détournement de l'attention.** Beijing a cherché à détourner l'attention en accusant un tiers d'être coupable d'une activité illicite particulière.
- **Silence.** Ni les représentants de la RPC ni les médias n'ont abordé publiquement l'incident.

### 3. Acteurs de la RPC et activités maritimes internationales illicites

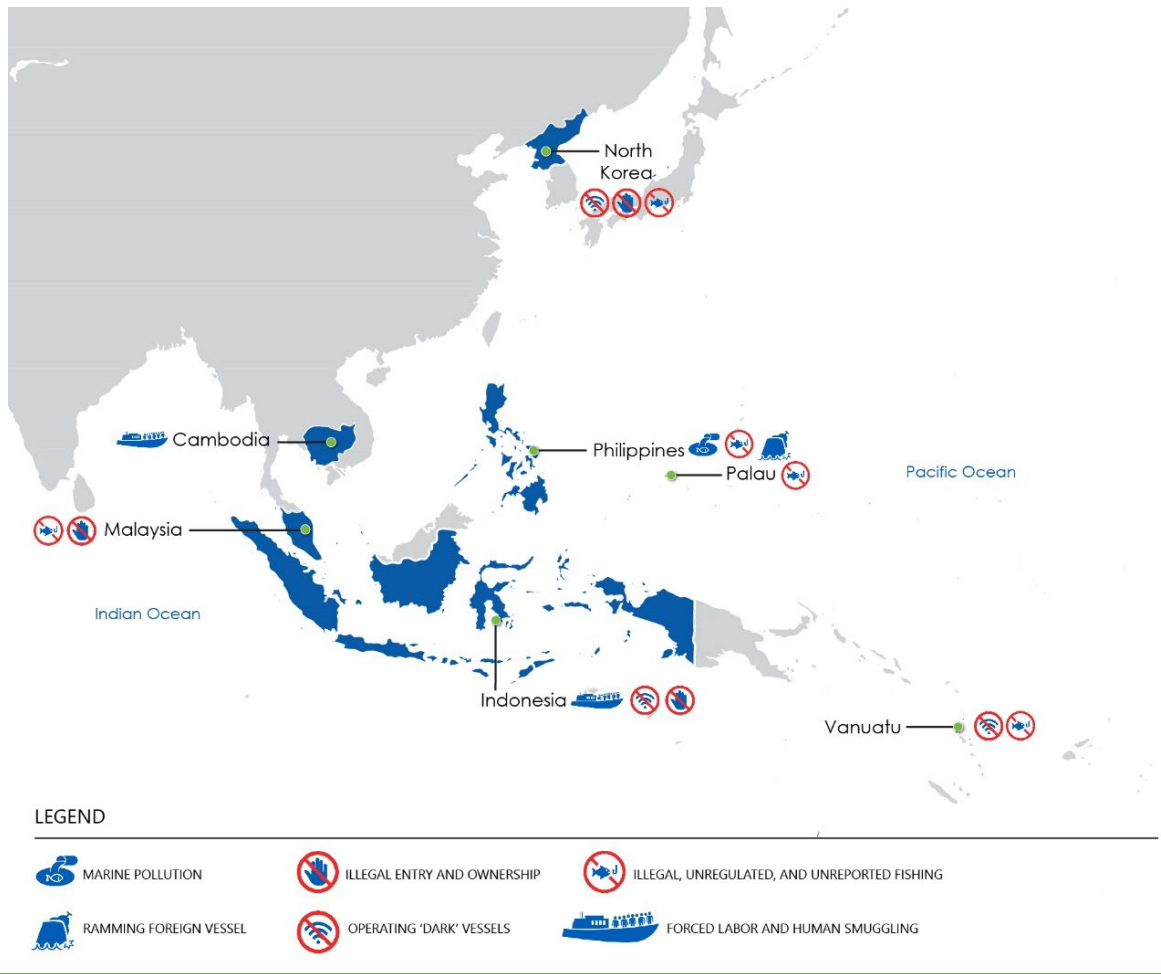
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Au cours des dernières années, les médias internationaux, les ONG et les gouvernements étrangers ont tous publié des rapports détaillant les activités maritimes illicites impliquant des acteurs de la RPC, y compris des ressortissants de la RPC, des navires battant pavillon chinois, des navires dont des entités de la RPC ont la propriété effective et des organisations criminelles basées en RPC. En outre, dans le cadre de l'arbitrage en mer de Chine du Sud en 2016 (Philippines contre Chine), la Cour permanente d'arbitrage a mis en évidence plusieurs cas de comportement illégal.<sup>301</sup> Parmi les 15 affaires que nous avons examinées, les acteurs de la RPC ont été accusés d'avoir participé aux types suivants d'activités illégales :

- **Pêche INN.** Activités de pêche illicites qui menacent les écosystèmes océaniques et la pêche durable
- **Éperonnage de navires étrangers.** Collision intentionnelle avec un autre navire
- **Travail forcé et trafic d'êtres humains.** Activités maritimes illicites impliquant des victimes humaines
- **Pollution marine.** Immersion depuis des navires et d'origine tellurique
- **Exploitation de navires « fantômes ».** Altération des dispositifs de suivi ou de surveillance électroniques
- **Entrée et propriété illégales.** Activités interdites et relations d'affaires dans une zone économique exclusive étrangère (ZEE)

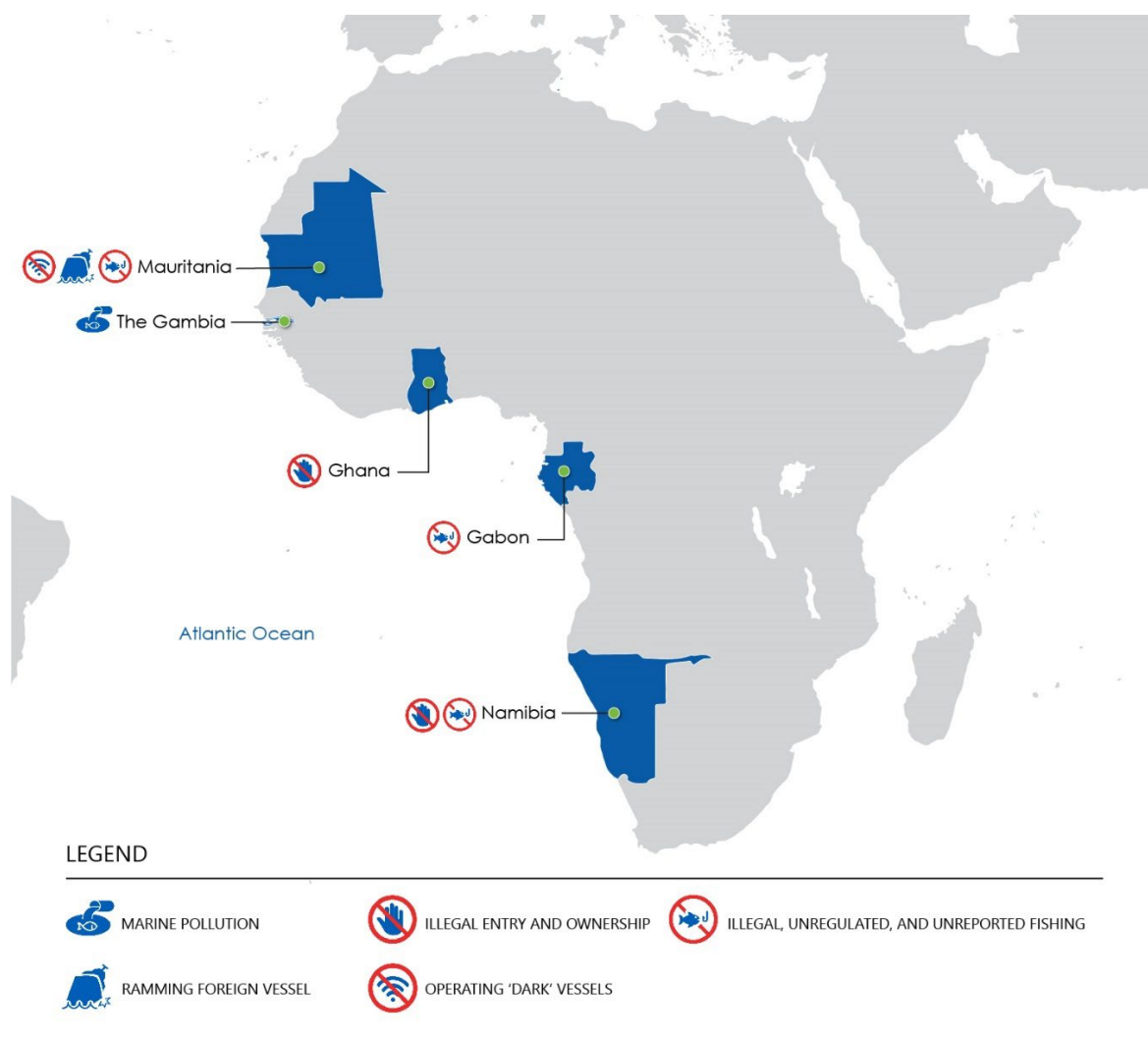
Aux points suivants, nous abordons les politiques officielles de la Chine concernant chacune de ces activités, des exemples de manquements présumés de la part des acteurs de la RPC, la réponse publique de Beijing aux allégations, et les différences potentielles entre le comportement des acteurs de la RPC et la rhétorique de Beijing qui risquent de porter atteinte aux lois, règles et normes internationales. Les Illustration 1 et Illustration 2 indiquent les types d'activités illicites que les acteurs de la République populaire de Chine auraient menées dans les 15 études de cas et où ces activités ont eu lieu.

Illustration 9. Activités illicites présumées des acteurs de la RPC dans les eaux de l'Asie du Sud-Est



Source : CNA.

Illustration 10. Activités illicites présumées des acteurs de la RPC au large des côtes africaines



Source : CNA.



### 3.1 Pêche INN

La pêche INN est un terme général qui englobe de nombreuses activités de pêche illicite. Le Plan d'action international des Nations Unies (PAI-INDNR) sur la pêche INN décrit la pêche INN comme incluant une grande diversité d'activités de pêche interdites par les règlements, lois et conventions nationaux, internationaux et régionaux.<sup>302</sup> Selon l'Organisation des Nations Unies pour l'alimentation et l'agriculture, la pêche INN est l'une des plus grandes menaces pour les écosystèmes marins, car elle compromet grandement les efforts nationaux et régionaux visant à gérer les pêches de manière durable et à préserver la biodiversité marine.



En conséquence, la pêche INN menace les moyens de subsistance, exacerbe la pauvreté et contribue à l'insécurité alimentaire.<sup>303</sup>

L'ONU a promulgué de multiples cadres visant à interdire la pêche INN qui semblent présenter un risque de subversion par les acteurs faisant l'objet de cette étude. Parmi les exemples figurent le Plan d'action international visant à prévenir, à contrecarrer et à éliminer la pêche INN, la Convention de 1992 sur la diversité biologique et une résolution des Nations Unies interdisant la pêche au filet dérivant.<sup>304</sup>

### 3.1.1 Politique de la RPC

***Les responsables et les médias de la RPC cherchent à présenter la Chine comme une « nation de pêche responsable » qui promeut la conservation des ressources halieutiques et s'oppose à la pêche INN au sein de ses flottes nationales et flottes de pêche hauturière.***

Par exemple, un porte-parole du ministère des Affaires étrangères de la RPC a déclaré que la Chine « attache une grande importance à la gestion scientifique de la conservation, à l'utilisation durable des ressources halieutiques, et exécute activement ses obligations internationales ». <sup>305</sup> À une autre occasion, un porte-parole du ministère des Affaires étrangères a affirmé que « la Chine a une tolérance zéro pour les violations des lois et règlements en vigueur commises par ses navires de pêche hauturière ». <sup>306</sup> En février 2021, le directeur du Bureau de l'administration de la pêche de la RPC du ministère de l'Agriculture et des Affaires rurales a déclaré que le gouvernement de la RPC « respecte l'esprit et la responsabilité » du « Code de conduite pour une pêche responsable » et suit le « chemin vers un développement responsable de la pêche et de l'aquaculture avec des caractéristiques chinoises ». <sup>307</sup>

Il convient de noter que la RPC dispose de lois, de règlements et de cadres interdisant les activités de pêche INN. On peut citer par exemple les Règlements de contrôle sur la pêche hauturière, les Lois sur la pêche et le Livre blanc sur la conformité de la pêche hauturière en Chine. <sup>308</sup>

### 3.1.2 Exemples de comportements répréhensibles présumés des acteurs de la RPC

Dans 5 des 15 affaires que nous avons examinées, les navires de pêche commerciale battant pavillon chinois ont été accusés d'activités que l'ONU qualifie de pêche INN. Il s'agit notamment des types d'activités suivants :

- Pêche dans les eaux relevant de la juridiction d'un État côtier sans l'autorisation de l'État ou en violation des lois et règlements locaux
- Pêche qui n'a pas été déclarée ou qui a été déclarée de façon erronée à l'autorité nationale compétente ou aux ORGP<sup>309</sup>

- Pêche d'une manière qui n'est pas conforme ou qui contrevient aux mesures de préservation et de gestion émises par l'autorité nationale ou l'ORGP concernée

***Les navires de pêche battant pavillon chinois auraient pêché dans des eaux relevant de la juridiction d'un État côtier sans l'autorisation de l'État ou en violation des lois et règlements locaux.*** Par exemple, en décembre 2020, un patrouilleur des forces de l'ordre maritimes des Palaos aurait intercepté le navire de pêche *Qiong Sanya Yu* portant le pavillon de la RPC pour suspicion de récolte illégale de concombres de mer à Helen Reef, dans les eaux territoriales des Palaos et dans la ZEE.<sup>310</sup> Selon les médias locaux, le ministère de la Justice des Palaos a trouvé des preuves que l'équipage du *Qiong Sanya Yu* a braconné 225 kilogrammes (496 livres) de concombre de mer pour une valeur approximative de 180 000 dollars.<sup>311</sup> De même, le 19 janvier 2021, un navire de la police maritime du Vanuatu aurait intercepté deux navires de pêche portant le pavillon de la RPC, *Dong Gang Xing 13* et *Dong Gang Xing 16*, pour des activités de pêche INN dans les eaux territoriales du Vanuatu.<sup>312</sup> Les procureurs du Vanuatu ont allégué que les exploitants des navires qui pratiquaient la pêche illégale sans permis, avaient illégalement éteint leurs transpondeurs satellites dans les eaux du Vanuatu et possédaient un filet dérivant en violation de la loi sur les pêches du Vanuatu.<sup>313</sup>

***Des navires de pêche battant pavillon chinois qui auraient participé à des activités de pêche qui n'ont pas été déclarées ou qui ont été déclarées de façon erronée à l'autorité nationale compétente ou à l'ORGP.*** Par exemple, en mars 2020, les médias locaux ont signalé que la marine namibienne avait intercepté six navires de pêche appartenant à la RPC dans un lieu de pêche populaire situé à 17 milles au large de la côte namibienne en raison de plaintes pour activité illégale.<sup>314</sup> L'enquête n'a finalement trouvé aucune preuve de pêche illégale, mais a identifié des incohérences et des preuves de comportements qui pourraient être utilisées pour dissimuler des activités illicites. Par exemple, les navires de pêche de la RPC avaient des enregistrements de captures pour l'Angola se terminant en mars 2019, mais aucun registre ni permis pour les 11 mois suivants dans les eaux au large de la Guinée équatoriale et de la Namibie.<sup>315</sup>

***Les navires de pêche portant le pavillon de la RPC auraient pêché d'une manière qui n'est pas conforme ou contrevient aux mesures de préservation et de gestion émises par l'autorité nationale ou l'ORGP concernée.*** Par exemple, le 8 août 2020, les autorités gabonaises, en collaboration avec Sea Shepherd, une organisation à but non lucratif basée aux Pays-Bas, ont arrêté deux chalutiers battant pavillon chinois, *Guo Ji 826* et *Guo Ji 866*, pour une inspection de routine (voir l'illustration 3).<sup>316</sup> L'inspection a permis de trouver des poissons-chats à tête rugueuse illégalement pêchés et des raies *Dasyatis margarita*, qui est une espèce menacée, en violation de la loi gabonaise.<sup>317</sup> Les autorités gabonaises à bord du navire Sea Shepherd ont arrêté et escorté les deux navires jusqu'au port, où des raies et des ailerons supplémentaires ont été découverts.<sup>318</sup> De même, en mars 2021, la marine et les médias philippins ont indiqué que des pêcheurs de la RPC opérant à proximité de l'île contestée de Thitu (administrée par les Philippines) et du récif de Scarborough (administré par la RPC) en mer de Chine méridionale continuaient d'utiliser des méthodes dommageables pour pêcher illégalement des bénitiers protégés.<sup>319</sup> Les médias philippins ont également affirmé que les garde-côtes de la RPC étaient au courant de la pêche illégale autour du récif de Scarborough.<sup>320</sup>

Les médias philippins ont indiqué que des navires de la RPC ont été observés en utilisant des « bateaux rapides », des explosifs, des produits chimiques, des pompes à eau et des aspirateurs sur les récifs coralliens pour récolter les bénitiers, dont les coquilles sont vendues à des prix élevés en Chine.<sup>321</sup>

Illustration 11. Rapport de Gabon Review sur l'arrestation de navires battant pavillon chinois pour pêche INN en 2020



POLITIQUE

ÉCONOMIE

SOCIÉTÉ

SPORT

ENVIRONNEMENT

CULTURE

FAITS DIVERS

AFRIQUE

SOS CONSO

## Pêche illicite : Deux chalutiers dans les filets de l'opération Albacore

poste par *Stevie Mounombou* / 20 août, 2020



Source : Stevie Mounombou, « Pêche illicite : Deux chalutiers dans les filets de l'opération Albacore » (Pêche illicite: Deux chalutiers dans les filets de l'opération Albacore), *Gabon Review*, 20 août 2020, <https://www.gabonreview.com/peche-illicite-deux-chalutiers-dans-les-fillets-de-loperation-albacore/>.

### 3.1.3 Réponses publiques de la RPC aux allégations

Les responsables et les médias de la RPC cherchent à présenter la Chine comme une « nation de pêche responsable » qui promeut la conservation des ressources halieutiques et s'oppose à la pêche INN au sein de ses flottes nationales et flottes de pêche hauturière. Toutefois, dans les affaires examinées dans le cadre de cette étude, les représentants et les médias de la RPC ont généralement cherché à minimiser, à détourner ou à nier les allégations selon lesquelles des navires battant pavillon chinois participaient à des activités de pêche INN à l'étranger. Voici quelques exemples :

- Dans les cinq affaires examinées, le silence était la réponse la plus courante. Dans un effort possible de minimiser les allégations, les représentants et les médias de la RPC ne semblaient pas commenter publiquement les allégations selon lesquelles des navires battant pavillon chinois participaient à des activités de pêche INN dans les eaux au large du Vanuatu, du Gabon ou des Philippines.
- Dans l'affaire de la Namibie, les représentants de la RPC ont publiquement démenti les accusations portées contre les navires de pêche battant pavillon chinois. Dans un post Facebook, l'ambassade de la RPC en Namibie a partagé une autre version des faits.<sup>322</sup> Elle a affirmé que les six navires de la RPC « naviguaient innocemment » et ne réalisaient aucun « acte illicite ». <sup>323</sup> L'ambassade de la RPC a également indiqué que les navires visés par l'interdiction de la marine namibienne apportaient une « aide humanitaire » en réponse à des conditions météorologiques dangereuses.<sup>324</sup>
- Dans une seule affaire, les représentants de la RPC ont tacitement reconnu l'incident. En réponse à l'immobilisation du *Qiong Sanya Yu* par les Palaos, les représentants de la RPC ont publiquement exhorté les ressortissants de la RPC à se conformer aux lois locales à l'étranger.<sup>325</sup> Au moins deux médias de langue anglaise de la RPC et l'ambassade de la RPC dans les îles Salomon voisines ont fait écho à ces remarques.<sup>326</sup>

#### **Résumé des faits : La flotte chinoise de pêche hauturière**

Les acteurs de la RPC les plus fréquemment impliqués dans des activités maritimes illicites alléguées dans cette étude sont des navires appartenant à la flotte chinoise de pêche hauturière. Voici quelques faits clés concernant la flotte chinoise de pêche hauturière :

- La RPC possède la plus grande flotte de pêche hauturière au monde et cette flotte opère dans le monde entier.<sup>327</sup>
- Les chiffres officiels de la RPC en 2020 indiquent que le pays compte environ 170 entreprises et 2 600 navires dans son secteur de pêche hauturière.<sup>328</sup>

- Les estimations du nombre de navires de la flotte de pêche hauturière de la RPC provenant d'ONG et d'universitaires internationaux sont plus élevées, de 3 400 à 17 000.<sup>329</sup>
- En 2017, le gouvernement de la RPC a publié des directives visant à réduire le nombre de vieux bateaux de pêche en bois et à subventionner leur remplacement par de plus grands bateaux en acier.<sup>330</sup> La flotte de pêche hauturière de la RPC qui en résulte comprend de nombreux nouveaux grands navires en acier.
- La plupart des navires de pêche hauturière de la RPC sont des chalutiers, des palangriers ou des bateaux de pêche à l'encornet.<sup>331</sup>
- L'Initiative mondiale contre la criminalité transnationale organisée et Poseidon Aquatic Resource Management estiment que, parmi les flottes de pêche dans le monde, la flotte chinoise de pêche hauturière avait la plus forte prévalence de pêche INN en 2019.<sup>332</sup>



## 3.2 Éperonnage de navires de pêche étrangers

Dans le cadre de cette étude, nous définissons l'éperonnage comme une collision intentionnelle avec un autre navire. L'Organisation maritime internationale (OMI) des Nations Unies promulgue plusieurs conventions exigeant que les navires utilisent tous les moyens disponibles pour éviter les risques de collision et pour aider les personnes en détresse. Trois de ces conventions sont la Convention sur le règlement international pour prévenir les abordages en mer (COLREG), la Convention pour la répression d'actes illicites contre la sécurité de la navigation maritime (SUA) et la Convention pour la sauvegarde de la vie humaine en mer (SOLAS).<sup>333</sup>

De nombreux témoignages oculaires, comptes rendus officiels et de nombreuses vidéos, photos, et enquêtes d'éperonnage sont disponibles en ligne. Les incidents d'éperonnage entre des navires de pêche sont généralement le résultat d'une concurrence sur des zones de pêche ou d'autres ressources naturelles contestées, souvent dans des eaux faisant l'objet de différends territoriaux maritimes. Ces éperonnages auraient intimidé des pêcheurs rivaux, endommagé des équipements, coulé des navires, et même blessé, fait naufrager ou tué des membres d'équipage.

### 3.2.1 Politique de la RPC

***Beijing exige que les navires de la RPC respectent strictement les lois, les conventions et les normes internationales en matière de sécurité maritime.*** Par exemple, le livre blanc intitulé *The Development of China's Marine Programs*, présenté par la mission permanente de la RPC auprès de l'ONU et d'autres organisations internationales à Vienne, indique que la Chine « attache une grande importance [à] » et « renforce constamment » les questions maritimes

d'intérêt international, notamment la « sécurité maritime » et les « lois liées à la mer ».<sup>334</sup> De même, l'ambassade de la RPC au Vietnam a publié en 2020 un communiqué de presse en langue vietnamienne affirmant que « la Chine applique toujours strictement les lois internationales, y compris la Convention des Nations Unies sur le droit de la mer » et « protège activement la sécurité » dans le domaine maritime.<sup>335</sup> La RPC promulgue également des réglementations sur la sécurité en mer, y compris des lois sur la sécurité maritime propres à la pêche concernant la prévention des collisions avec des navires de pêche.<sup>336</sup>

### 3.2.2 Exemples de comportements répréhensibles présumés des acteurs de la RPC

Depuis 2018, des navires battant pavillon chinois auraient éperonné à au moins cinq reprises des bateaux de pêche étrangers.<sup>337</sup> Ces incidents comprennent ce qui suit :

- **Philippines.** Dans la nuit du 9 juin 2019, le navire de la RPC à coque en acier de 44 mètres *Yuemaobinyu 42212*, a éperonné le navire philippin à coque en bois de 19 mètres, *Gem Ver*. Le système d'identification automatique (AIS) du navire de la RPC a été désactivé et ses voyants étaient éteints.<sup>338</sup> *Yuemaobinyu 42212* s'éloigna du lieu, laissant les 22 membres d'équipage en pleine mer jusqu'à ce qu'ils soient sauvés par des pêcheurs vietnamiens.<sup>339</sup>
- **Mauritanie.** Dans la nuit du 9 octobre 2020, un grand chalutier de la RPC, dont les lumières étaient éteintes et l'AIS désactivé, a éperonné un bateau de pêche artisanal mauritanien.<sup>340</sup> Le navire a coulé et trois Mauritanien ont été tués.<sup>341</sup>
- **Vietnam.** Dans la nuit du 2 avril 2020, le navire 4301 des garde-côtes de la RPC a éperonné le navire de pêche vietnamien QNg90617, le coulant, et a récupéré ses huit membres d'équipage (voir l'illustration 4).<sup>342</sup> Le navire des garde-côtes de la RPC aurait alors pris en chasse et arrêté les navires vietnamiens voisins et confisqué et effacé les téléphones cellulaires de leurs équipages.<sup>343</sup>
- **Sénégal.** Le 19 septembre 2020, un chalutier exploité par la RPC aurait tenté de faire chavirer une pirogue de pêche de 11 personnes dont le capitaine était sénégalais.<sup>344</sup> La pirogue étant contre le chalutier, le capitaine sénégalais a grimpé à bord du chalutier pour confronter l'équipage de la RPC au sujet de ses manœuvres dangereuses et a été battu et brûlé avec de l'essence.<sup>345</sup>
- **Brésil.** Le 22 novembre 2018, le thonier de 49 mètres de la RPC, *Chang Rong 4*, a éperonné six fois *Oceano Pesca* de 22 mètres, entraînant des dommages à hauteur de 90 000 \$.<sup>346</sup>



Illustration 12. Un rapport des médias vietnamiens montre trois navires des garde-côtes de la RPC, dont un aurait éperonné et coulé un navire de pêche vietnamien en 2020



Source : « Les pêcheurs disent avoir été éperonné et coulé par des navires chinois dans les Paracels » (Ngư dân kể chuyện bị tàu Trung Quốc đâm chìm ở Hoàng Sa), *Thanh Nien*. 4 mai 2020, <https://thanhnien.vn/ngu-dan-ke-chuyen-bi-tau-trung-quoc-dam-chim-o-hoang-sa-post943046.html>.

Les navires de la RPC impliqués dans ces incidents étaient généralement des navires à coque en acier de plus grande taille, et les autres navires étaient plus petits et de construction en bois ou non métallique. Il convient de noter que la taille de la flotte chinoise de pêche hauturière est non seulement supérieure aux flottes étrangères de pêche hauturière, mais elle comprend également plus de gros navires à coque en acier. En outre, selon les rapports, une partie de la flotte chinoise de pêche hauturière sert de milice maritime des Forces armées chinoises et est chargée de défier la capacité des autres parties à conserver le contrôle sur les eaux contestées.<sup>347</sup>

Dans au moins deux des affaires examinées ci-dessus (celles impliquant des navires de Mauritanie et des Philippines) le navire de la RPC avait éteint ses feux et désactivé son AIS

pendant l'incident. Peter Hammarstedt, directeur des campagnes pour Sea Shepherd Global, une organisation à but non lucratif qui travaille pour supprimer la pêche INN, a déclaré que de telles tactiques sont communes parmi les chalutiers qui ne veulent pas être détectés dans des eaux protégées.<sup>348</sup>

#### ***Subventions à la pêche de la RPC***

Le gouvernement de la RPC subventionne largement sa flotte de pêche hauturière. Les subventions qui augmentent artificiellement les bénéfices en réduisant le coût de la pêche entraînent une surcapacité parmi les flottes de pêche hauturière. Cette surcapacité entraîne une surpêche et un environnement maritime plus congestionné. L'ONU et l'Organisation mondiale du commerce qualifient cette catégorie dangereuse de subventions de « renforcement des capacités ». Étant donné l'épuisement rapide des stocks de poissons en raison de la surpêche, l'Organisation mondiale du commerce cherche à supprimer les subventions de pêche qui renforcent les capacités.<sup>349</sup> Néanmoins, les subventions de la RPC continuent de promouvoir la surcapacité de la flotte chinoise de pêche hauturière, pour un total estimé à **5,87 milliards \$** ; dont environ la moitié est allouée au secteur de pêche hauturière de la Chine et l'autre moitié à la pêche domestique.<sup>350</sup>

Les subventions persistantes de renforcement des capacités de la RPC vont probablement continuer à entraîner une surcapacité de la flotte de pêche hauturière de la RPC, ce qui pourrait inciter à participer à des activités maritimes illicites telles que la pêche INN et le travail forcé à mesure que les stocks de poissons diminuent et que la pression pour rester en mer plus longtemps augmente.

### **3.2.3 Réponses publiques de la RPC aux allégations**

Les responsables et les médias de la RPC cherchent à présenter la Chine comme une nation maritime responsable dont les navires respectent les conventions internationales pour la sauvegarde de la vie humaine et la sécurité des navires en mer. Cependant, dans les affaires d'éperonnage examinées dans le cadre de cette étude, le comportement de certains acteurs de la RPC, y compris de navires gouvernementaux, ne correspond pas à la rhétorique officielle de Beijing. Les responsables et les médias de la RPC ont tenté de minimiser, de détourner ou de nier les allégations d'éperonnage afin que celles-ci ne compromettent pas le discours officiel de Beijing. Voici quelques exemples :

- En réponse à des témoignages de témoins oculaires et des articles de médias qui faisaient état d'un chalutier à coque d'acier de la RPC éperonnant un navire de pêche philippin en bois, les représentants et les médias à destination de l'étranger de la RPC ont affirmé que la collision était un accident survenu parce que le navire de la RPC était « soudainement assiégé par des bateaux philippins » et ont nié qu'il s'agissait « d'un « délit de fuite » intentionnel ». <sup>351</sup>



- Les médias de la RPC à destination de l'étranger ont accusé les navires vietnamiens et philippins d'être à l'origine des incidents qui ont entraîné les collisions.<sup>352</sup> Par exemple, les médias de la RPC en langue vietnamienne ont allégué qu'un navire vietnamien avait coulé après avoir « attaqué et être entré en collision » avec un navire de la RPC et ils ont affirmé que la RPC avait sauvé l'équipage vietnamien.<sup>353</sup>
- Les responsables et les médias de la RPC n'ont pas publiquement pris la parole concernant les incidents présumés d'éperonnage de la RPC en 2020 dans les eaux mauritaniennes et sénégalaises, ou concernant l'éperonnage en 2018 de *Oceano Pesca* brésilien en haute mer au large de la côte est de l'Amérique du Sud.



### 3.3 Travail forcé et trafic d'êtres humains

Le travail forcé et le trafic d'êtres humains en mer sont deux types d'activités maritimes illicites qui impliquent des victimes humaines. La Convention sur le travail forcé de l'Organisation internationale du travail (OIT) définit le travail forcé comme « tout travail ou service exigé d'un individu sous la menace d'une peine quelconque et pour lequel ledit individu ne s'est pas offert de plein gré ». <sup>354</sup> Le secteur de pêche hauturière dans les eaux internationales ou dans des eaux étrangères fait de plus en plus l'objet d'un examen attentif par les médias, le gouvernement et les ONG pour la prévalence du travail forcé dans le secteur. <sup>355</sup> L'OIT a établi au moins trois conventions contre le travail forcé, y compris une convention visant spécifiquement le travail forcé et dangereux dans le secteur de la pêche. <sup>356</sup> De même, le Haut-Commissaire des Nations Unies aux droits de l'homme a promulgué une convention visant à protéger les travailleurs migrants. <sup>357</sup> Les conventions des ORGP visent également à promouvoir les normes de travail pour les équipages de navires autorisés dans leurs zones de convention. Dans le cas de violations du droit du travail signalées contre des travailleurs indonésiens à bord de navires de pêche de la RPC, le mécanisme pertinent de l'ORGP est une résolution non contraignante sur les normes du travail (un projet de résolution contraignante est en cours d'examen). <sup>358</sup>

En ce qui concerne la traite d'êtres humains, l'ONU a promulgué une convention visant à prévenir et à lutter contre ce type de crime. <sup>359</sup> Selon le Haut-Commissaire des Nations Unies aux droits de l'homme, la traite d'êtres humains et le trafic de migrants par mer (c'est-à-dire le transport illégal de personnes, soit sous la contrainte, soit de leur propre gré, par mer) justifie une réponse prioritaire en raison des dangers uniques des déplacements clandestins par mer. Selon l'Office des Nations Unies contre la drogue et le crime, même si le trafic de migrants par mer ne représente qu'une petite partie du trafic total de migrants, le plus grand nombre de décès se produit par mer, et non par terre ou par air. <sup>360</sup>

### 3.3.1 Politique de la RPC

***Les représentants de la RPC décrivent la Chine comme une nation de pêche respectueuse des lois et « responsable » dont les navires ne commettent pas de crimes tels que le travail forcé.***<sup>361</sup> La loi de la RPC interdit explicitement les violations du droit du travail.<sup>362</sup> Le ministère de l'Agriculture et des Affaires rurales de la RPC prévoit des mesures de protection du travail dans le cadre de son « programme d'introduction d'équipages étrangers dans le secteur de la pêche maritime ».<sup>363</sup> De même, les responsables et les médias de la RPC décrivent la Chine comme un défenseur du droit international en soulignant les efforts de Beijing pour lutter contre la traite des êtres humains et l'immigration illégale dans la région.<sup>364</sup> Les représentants de la RPC ont également souligné publiquement que de nombreuses victimes du trafic d'êtres humains dans la région sont des citoyens de la RPC et ont encouragé la coopération avec les autorités locales.<sup>365</sup>

### 3.3.2 Exemples de comportements répréhensibles présumés des acteurs de la RPC

La RPC possède la plus grande flotte de pêche hauturière au monde, et les navires de pêche battant pavillon chinois auraient eu recours à du travail forcé pour maximiser le temps de pêche tout en réduisant les coûts de main-d'œuvre. Selon une enquête conjointe menée par Greenpeace et Serikat Buruh Migran Indonesia (également connu sous le nom de Syndicat des travailleurs migrants indonésiens ou SBMI), publiée en septembre 2021, l'Indonésie est largement considérée comme le plus grand fournisseur de main-d'œuvre du secteur de pêche hauturière. Les ONG internationales Greenpeace et Destructive Fishing Watch rapportent qu'entre fin 2019 et mi-2021, des dizaines d'Indonésiens ont été victimes d'exploitation par des navires de pêche battant pavillon chinois et beaucoup sont morts de maladies, de maltraitances, de conditions de travail inadéquates ou de manque de nourriture et d'eau.<sup>366</sup> Selon Greenpeace, 32 des 42 allégations de travail forcé en mer par des travailleurs migrants indonésiens déposées entre mai 2019 à juin 2020 ont été déposées contre des navires de pêche appartenant à la RPC.<sup>367</sup> De même, un rapport du Center for Advanced Defense Studies, une organisation à but non lucratif basée aux États-Unis, qui a analysé la prévalence du travail forcé documenté pendant les escales, a noté que les escales de la RPC se classent au premier rang des incidents de travail forcé signalés.<sup>368</sup>

En avril 2020, les responsables indonésiens ont commencé à s'attaquer publiquement à cette question lorsqu'ils ont signalé la mort de quatre membres d'équipage indonésiens sur le *Long Xin 629*, battant pavillon chinois.<sup>369</sup> Depuis, les médias indonésiens ont continué de signaler des cas de traite d'êtres humains, d'abus et de décès d'Indonésiens à bord de navires battant pavillon chinois (voir l'Illustration 5).<sup>370</sup> Il convient de noter qu'en mai 2021, les services de douane et de protection des frontières (CBP) des États-Unis ont interdit l'entrée de toutes les marchandises produites par la flotte de Dalian Ocean Fishing Co., Ltd. de la Chine « sur la base d'informations indiquant raisonnablement le recours au travail forcé dans le cadre des

opérations de pêche de l'entité », <sup>371</sup> Dalian Ocean Fishing Co., Ltd. est propriétaire d'au moins deux navires impliqués dans le travail forcé des membres d'équipage indonésiens. <sup>372</sup>

Outre les allégations de travail forcé contre les navires de pêche battant pavillon chinois, nous avons observé un cas où des ressortissants de la RPC semblaient être impliqués dans le trafic d'êtres humains. En juillet 2021, 36 ressortissants de la RPC ont navigué depuis la Chine à bord du navire *Tong Hai* battant pavillon cambodgien, vers des eaux situées à l'extérieur de Sihanoukville, au Cambodge, où les autorités cambodgiennes ont arrêté les 36 personnes pour entrée illégale au Cambodge par la mer. <sup>373</sup> Bien que les déclarations de la police cambodgienne indiquent que les raisons pour lesquelles les ressortissants de la RPC ont tenté d'entrer illégalement au Cambodge étaient inconnues, certains médias ont affirmé que les ressortissants de la RPC à bord étaient « trompés et faisaient l'objet d'un trafic » au Cambodge pour travailler pour des parieurs illégaux de jeu en ligne basés à Sihanoukville qui ciblent les joueurs en Chine. <sup>374</sup> Les autorités et les médias cambodgiens n'ont pas fourni de détails sur le propriétaire ou l'exploitant du navire, mais des photographies de l'intérieur du navire postées par les médias locaux montrent du matériel informatique avec des caractères chinois, ce qui peut indiquer qu'une entité de la RPC exploite le navire. <sup>375</sup>

Illustration 13. Rapport des médias indonésiens sur le décès d'un Indonésien sur un bateau de pêche de la RPC

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

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



Source : « Des membres d'équipage indonésiens sont à nouveau morts sur un navire chinois, le chef de la police nationale a demandé que des mesures soient prises » (Kasus ABK WNI Meninggal di Kapal China Kembali Terjadi, Kapolri Diminta Bertindak), *Kompas*, 9 juillet 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 Réponses publiques de la RPC aux allégations

Au départ, les représentants de la RPC ont reconnu les préoccupations de l'Indonésie concernant les abus signalés concernant des travailleurs indonésiens sur les navires battant pavillon chinois et ont proposé de coopérer avec les autorités indonésiennes menant les enquêtes.<sup>376</sup> Cependant, en 2021, les représentants de la RPC ont changé de discours et contesté les rapports d'abus en les qualifiant de fausses accusations à caractère politique.<sup>377</sup> En outre, à la suite de l'inscription sur la liste noire du Dalian Ocean Fishing Co., Ltd chinois par le CBP américain en mai 2021, les médias de la RPC ont commencé à rejeter les accusations

d'abus commis par des navires battant pavillon chinois en les qualifiant de mensonges américains conçus pour « créer un conflit » entre l'Indonésie et la Chine.<sup>378</sup>

Beijing a gardé le silence en réponse aux allégations selon lesquelles des ressortissants de la RPC étaient impliqués dans le trafic d'êtres humains au Cambodge et s'est abstenu de commenter publiquement l'incident. Cependant, les remarques officielles de la RPC et les reportages des médias destinés au public au Cambodge ont cherché à détourner les critiques en présentant les États-Unis comme une zone sensible pour la traite des êtres humains et le travail forcé.<sup>379</sup>

Si cela est vrai, les allégations de travail forcé à bord de navires de pêche battant pavillon chinois entraveraient les efforts des représentants de la RPC de présenter la Chine comme une nation de pêche respectueuse des lois et « responsable ». De même, s'il est exploité par une entité de la RPC, le trafic de ressortissants de la RPC au Cambodge par le *Tong Hai* compromettrait les efforts de Beijing pour mettre en avant la contribution de la Chine à la lutte contre la traite des êtres humains et l'immigration illégale dans la région.



## 3.4 Pollution marine

Les rejets de polluants dans le milieu marin sont réglementés par les autorités nationales, internationales et régionales. Ces autorités cherchent à réduire les effets nocifs des polluants d'origine humaine (qu'il s'agisse des déchets humains, des effluents de transformation du poisson, des microplastiques ou des métaux lourds) sur l'écosystème marin. De tels polluants nuisent à l'écosystème de nombreuses façons, notamment en endommageant les récifs coralliens, en contribuant à la perte de l'habitat et en appauvrissant les stocks de poissons.

### 3.4.1 Politique de la RPC

***Les responsables et les médias de la RPC cherchent à présenter la Chine comme un gardien et un défenseur responsable de l'environnement marin.*** Dans un article publié par le journal officiel chinois en langue anglaise, *China Daily*, Fu Ying, ancien vice-ministre des Affaires étrangères et président en exercice de la Commission des Affaires étrangères du Congrès national du peuple, écrit « la Chine a activement encouragé la coopération avec d'autres pays concernant la politique et la gestion maritimes pour la protection de l'environnement marin, de l'écosystème marin et de la biodiversité ».<sup>380</sup> De même, un article publié en 2021 par le service bahasa indonésien du radiodiffuseur officiel chinois à l'étranger, China Radio International, décrit la coopération régionale de la Chine en matière de protection de l'environnement maritime et de la pêche.<sup>381</sup>

### 3.4.2 Exemples de comportements répréhensibles présumés des acteurs de la RPC

Deux des affaires examinées dans le cadre de cette étude concernaient des acteurs de la RPC rejetant des polluants dans le milieu marin en violation apparente des lois nationales et des conventions internationales applicables. Chacune d'entre elles est abordée ci-dessous.

***Déversement illégal de déchets dans les îles Spratleys.*** Un rapport de juillet 2021 de Similarity, une société américaine d'analyse d'images commerciales, a révélé que plus de 200 navires au mouillage dans les îles Spratleys avaient déversé des eaux usées dans les eaux fragiles sur le plan écologique au printemps 2021.<sup>382</sup> Similarity a estimé que les navires observés au mouillage dans l'Union Banks en juin déversaient environ 1 177 litres d'eaux usées par jour dans l'eau.<sup>383</sup> Selon Similarity, les navires déversaient des eaux usées non traitées ou sous-traitées, ce qui a conduit à des proliférations de chlorophylle-A. En cas de concentrations excessives, la chlorophylle-A peut entraîner des conditions océaniques hypoxiques, pouvant avoir des effets négatifs sur les organismes et les écosystèmes marins. Le rapport a également affirmé que les navires étaient probablement les mêmes navires de la RPC que ceux que les garde-côtes des Philippines avaient observés au même endroit des semaines plus tôt.<sup>384</sup>

Le rejet présumé a eu lieu dans les eaux contestées qui sont revendiquées par les Philippines ainsi que par la RPC. En réponse au rapport de Similarity, le gouvernement philippin aurait entrepris une analyse *in situ* des eaux et des fonds marins pour déterminer si les navires avaient déversé des eaux usées dommageables.<sup>385</sup> En outre, les législateurs philippins ont publié des déclarations indiquant que le droit national et international interdit aux navires de déverser leurs eaux usées dans les eaux, comme signalé.<sup>386</sup> Outre la loi philippine sur la pollution marine,<sup>387</sup> ce cas de pollution présumée par les navires viole la Convention internationale de l'OMI pour la prévention de la pollution par les navires.<sup>388</sup>

***Pollution par les usines de farine de poisson de la RPC en Gambie.*** Les usines de farine de poisson appartenant à la RPC auraient rejeté des eaux usées non traitées et des produits chimiques dangereux dans une réserve maritime et les eaux côtières de la Gambie entre 2017 et 2021 (voir l'illustration 6).<sup>389</sup> Les actions des usines ont violé les lois gambiennes sur l'environnement<sup>390</sup> et la pêche<sup>391</sup> et semblent être contraires à l'article 194 de la CNUDM sur la prévention de la pollution marine provenant de sources telluriques ainsi qu'à la Convention de 1972 sur la prévention de la pollution des mers résultant de l'immersion de déchets. (Convention de Londres).<sup>392</sup>

Ce rejet a entraîné la mort de poissons, endommagé des plantes aquatiques et blessé des habitants qui utilisent l'eau pour se laver. Les tests réalisés par des groupes locaux montreraient des niveaux dangereux d'arséniate, de phosphates et d'arsenic.<sup>393</sup> En 2017, des poursuites intentées par l'Agence nationale pour l'environnement (AEN) gambienne ont



conduit à une amende pour une usine appartenant à la RPC et les trois ont été forcées de suspendre leurs opérations.<sup>394</sup> Les usines ont depuis rouvert et continueraient de polluer les eaux locales.<sup>395</sup> En mars 2021, l'AEN a émis un « avis de suspension » vis-à-vis d'une usine pour avoir enfreint les lois environnementales du pays.<sup>396</sup> Malgré cette ordonnance, l'usine a poursuivi ses travaux d'expansion, selon les médias gambiens.<sup>397</sup> Au cours de la même période, des manifestants locaux ont brûlé une deuxième usine de farine de poisson appartenant à la RPC en réponse à de très nombreuses plaintes environnementales et pénales présumées.<sup>398</sup>

Illustration 14. Rapport régional des médias concernant le paiement d'une amende par l'entreprise de farine de poisson appartenant à la RPC pour pollution marine en Gambie en 2017



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

### 3.4.3 Réponses publiques de la RPC aux allégations

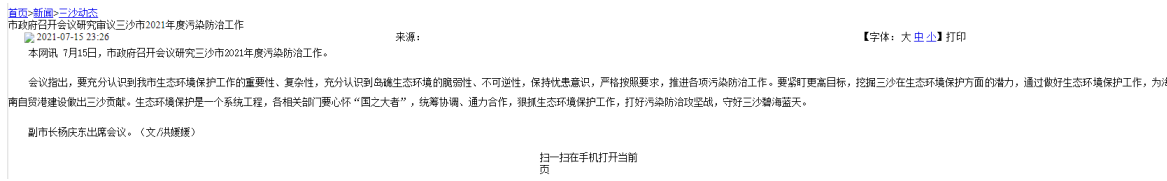
Dans les deux affaires, les représentants et les médias de la RPC ont cherché à nier les allégations selon lesquelles des acteurs de la RPC avaient pollué le milieu marin. Voici quelques exemples :

- En réponse au rapport de Similarity alléguant que les navires de la RPC en mouillage dans les îles Spratleys déversaient illégalement des eaux usées, le ministère des Affaires étrangères de la RPC et l'ambassade de la RPC aux Philippines ont condamné le rapport en le qualifiant de « fake news ». <sup>399</sup> Les médias de la RPC destinés au public de la région ont également présenté le rapport comme une tentative de dénigrement de la Chine. <sup>400</sup>
- Les représentants de la RPC ont publié des déclarations visant à contester le rôle des usines appartenant à la RPC dans la dégradation de l'environnement local en Gambie : <sup>401</sup>
  - L'ambassadeur de la RPC dans le pays a déclaré aux médias locaux que les enquêtes de l'ambassade n'avaient trouvé aucune substance nocive dans les effluents d'usine et que la Chine exige que les entités de la RPC « se conforment aux lois locales et s'acquittent de leurs responsabilités sociales ». <sup>402</sup>
  - De même, un porte-parole de l'ambassade a déclaré que les allégations contre les usines « ne reposaient sur aucune preuve ». <sup>403</sup>
  - L'ambassadeur de la RPC a affirmé que les eaux usées en question « fournissent une nutrition abondante » et que « les agriculteurs chinois achètent ce type d'eaux usées pour les ajouter à leurs étangs à poissons ». <sup>404</sup>

Peu de temps après que l'attention internationale s'est portée sur les rapports des navires de la RPC déversant des eaux usées dans les îles Spratleys, certains responsables gouvernementaux de la RPC chargés de l'administration des îles Spratleys ont publié un communiqué de presse déclarant que « la fragilité et l'irréversibilité de l'environnement écologique de l'île et des récifs devraient être pleinement reconnues » et qu'« il est important de respecter strictement les exigences de promotion des divers programmes de prévention de la pollution » (voir Illustration 7). <sup>405</sup>



## Illustration 15. Gouvernement de Sansha, RPC, communiqué de presse demandant une meilleure protection maritime, diffusé trois jours après que Simularity a publié son rapport



Traduction : « La réunion a noté qu'il est important de saisir pleinement l'importance et la complexité du travail de protection de l'environnement écologique entourant la ville de [Sanya], et que la fragilité et l'irréversibilité de l'environnement écologique de l'île et des récifs doivent être pleinement reconnues. Il est important de respecter strictement les exigences de promotion des différents programmes de prévention de la pollution. »

Source : « Le gouvernement municipal a tenu une réunion pour étudier et examiner les travaux de prévention et de contrôle de la pollution de la ville de Sansha en 2021 » [市政府召开会议研究审议三沙市2021年度污染防治工作], Gouvernement municipal de Sansha, 15 juillet 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](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 Exploitation de navires « fantômes »

Les navires « disparaissent » en dissimulant leur emplacement, leur mouvement ou leurs transmissions ou en manipulant les données transmises par leurs signaux. L'une des façons pour les navires de « disparaître » est de désactiver ou de trafiquer leurs dispositifs électroniques de suivi ou de surveillance, tels que leur AIS ou leur système de surveillance des navires (VMS). Dans de nombreux cas, l'évitement des contrôles va de pair avec des activités maritimes illicites comme la pêche INN.<sup>406</sup>

AIS est un système de suivi automatique à source ouverte qui aide à la navigation en toute sécurité d'un navire et permet aux autorités côtières de suivre et de surveiller les mouvements des navires.<sup>407</sup> Les conventions de l'OMI pour la SOLAS appellent à l'utilisation de l'AIS pour tous les navires ayant un tonnage brut supérieur à 300 qui sont sur un « voyage international ». Les directives révisées de l'OMI relatives à l'utilisation de l'AIS à bord des navires indiquent que l'AIS de ces navires doit toujours être en marche lorsque les navires font route ou sont au mouillage.<sup>408</sup> Les VMS suivent les navires de la même manière que l'AIS. Cependant, contrairement à l'AIS, les données des VMS ont toujours été réservées aux organismes réglementaires gouvernementaux ou aux autres autorités de la pêche et ne sont généralement pas accessibles au public.<sup>409</sup>

*Technologies de surveillance de la pêche et des navires*

Plusieurs technologies de surveillance sont disponibles pour suivre et surveiller les navires de pêche en mer, notamment :

**AIS** – les transpondeurs AIS fournissent automatiquement la position, l'identification et d'autres informations sur un navire à d'autres navires et aux autorités côtières. La règle V/19 de la convention SOLAS exige que l'AIS « soit installé à bord de tous les navires ayant un tonnage brut de 300 ou plus réalisant des voyages internationaux ». <sup>410</sup> Les données AIS sont généralement disponibles publiquement en temps réel.

**VMS** – VMS suit les navires de la même manière que les AIS, mais ses données ont toujours été limitées aux organismes réglementaires gouvernementaux ou autres autorités de pêche et ne sont généralement pas accessibles au public. <sup>411</sup> Chaque pays a ses propres VMS.

**EM** – la surveillance électronique (EM) utilise des caméras, des capteurs et une analyse sophistiquée des données pour rendre compte des activités de pêche. L'utilisation des EM présente plusieurs avantages, notamment des niveaux élevés de conformité, la documentation des pratiques de pêche durables et l'accès aux marchés qui exigent des niveaux élevés de transparence et de durabilité. Moins de 1 pour cent des navires de pêche dans le monde sont équipés d'EM. <sup>412</sup>

**RF** – l'analyse spatiale des radiofréquences (FR) utilise une gamme de signaux RF tels que le radar marin et la bande X pour localiser et suivre les navires qui ne transmettent pas de signaux VMS ou AIS. <sup>413</sup>

**SAR** – le radar à synthèse d'ouverture (SAR) utilise des capteurs actifs spatiaux pour produire des images spatiales haute résolution à partir d'images en couches ou « de synthèse ». Le SAR peut être utilisé pour détecter et identifier les navires qui ne transmettent pas de signaux VMS ou AIS. <sup>414</sup>

**VIIRS** – le radiomètre imageur infrarouge visible (VIIRS) est un satellite en orbite polaire qui utilise des capteurs optiques très sensibles pour voir la lumière la nuit. <sup>415</sup> Le VIIRS peut être utilisé pour détecter les navires de pêche qui ne diffusent pas de signaux VMS ou AIS. Plus de 85 pour cent des navires de pêche de la base de données VIIRS ne diffusent pas de signaux AIS ou de VMS. <sup>416</sup>

### 3.5.1 Politique de la RPC

***Les représentants et les médias à destination de l'étranger de la RPC promeuvent le fait que les navires de la RPC respectent « les exigences les plus strictes du monde en matière de système de surveillance des navires ».*** Lors d'au moins quatre conférences de presse du ministère des Affaires étrangères en 2020, les porte-parole ont affirmé que « la Chine met en œuvre le système de surveillance des navires le plus rigoureux au monde ». <sup>417</sup> Ces remarques ont été largement reprises par les médias de la RPC à destination de l'étranger dans plusieurs langues, dont l'indonésien, le français, l'espagnol et l'anglais. <sup>418</sup> Les discussions sur l'AIS dans les médias de la RPC à destination de l'étranger ont porté sur le développement par la Chine de satellites compatibles avec les AIS et d'infrastructures AIS terrestres pour « accroître la surveillance et le suivi ». <sup>419</sup>

La RPC a également des lois nationales exigeant des VMS et/ou des AIS pour sa flotte de pêche hauturière. Par exemple, les *Mesures pour l'administration de la surveillance de la position des*

*navires de pêche en mer* prises par le ministère de l'Agriculture et des Affaires rurales de la RPC prévoient que ses navires de pêche hauturière « doivent être équipés d'équipements de suivi de la position des navires » et que, lorsqu'ils opèrent dans les eaux de pays qui interdisent le VMS, « ils doivent utiliser l'équipement d'identification automatique des navires (AIS) installé pour soumettre les informations pertinentes. »<sup>420</sup> En outre, l'article 24, paragraphes 1 et 2 (12) du *Règlement de la République populaire de Chine sur les affaires maritimes et les sanctions administratives* prévoit que « le personnel des navires et installations [qui] ne conserve pas l'AIS dans des conditions de fonctionnement normales conformément aux règlements, ou ne saisit pas d'informations précises dans l'équipement AIS conformément aux règlements », est passible d'une amende ou d'une annulation de la licence.<sup>421</sup>

### 3.5.2 Exemples de comportements répréhensibles présumés des acteurs de la RPC

Dans au moins 7 des 15 affaires que nous avons examinées, les acteurs de la RPC auraient trafiqué les systèmes de surveillance ou d'identification de leur navire, généralement pour dissimuler ou permettre d'autres activités illicites, comme la pêche INN ou le transbordement illégal.<sup>422</sup> Entre 2018 et 2021, des navires de la RPC auraient éteint ou falsifié leur AIS afin de dissimuler des activités illicites dans les eaux de la République populaire démocratique de Corée (RPDC),<sup>423</sup> de l'Équateur,<sup>424</sup> du Vanuatu,<sup>425</sup> de la Gambie, de la Namibie,<sup>426</sup> des Philippines et<sup>427</sup> de l'Indonésie.<sup>428</sup>

- **RPDC.** Selon une étude menée par huit institutions utilisant une technologie satellitaire ne dépendant pas des signaux AIS, près de 1 000 navires « fantômes » ayant pour origine la RPC ont pêché illégalement dans les eaux de la RPDC en 2017 et 2018, l'activité se poursuivant au moins en 2019.<sup>429</sup> De même, l'organisation commerciale maritime Windward a signalé que des navires de la RPC utilisent de multiples moyens pour échapper aux sanctions de l'ONU en RPDC, notamment la désactivation des AIS et la modification des numéros d'identification de service mobile maritime (identification MMSI), des États de pavillon et des noms de navire.<sup>430</sup>
- **Équateur.** De 2018 à 2021, des rapports d'enquête publiés par des médias internationaux et des ONG ont documenté des bateaux de pêche à l'encornet et des chalutiers de la RPC qui « disparaissaient » en haute mer au large de l'Amérique du Sud, y compris près des îles Galapagos en Équateur, site classé au patrimoine mondial de l'UNESCO.<sup>431</sup> De même, une analyse des opérations de certains navires battant pavillon chinois près des Galapagos en 2020 a révélé de nombreux cas de navires modifiant leur tirant d'eau, leur longueur ou leur propriété et qui disparaissent près de la ZEE des Galapagos.<sup>432</sup>
- **Vanuatu.** Le 19 janvier 2021, un navire de la police maritime du Vanuatu a intercepté deux navires de pêche portant le pavillon de la RPC, *Dong Gang Xing 13* et *Dong Gang*

*Xing 16*, pour suspicion d'activités de pêche INN dans les eaux territoriales du Vanuatu.<sup>433</sup> Les navires avaient la permission de pêcher dans la ZEE du Vanuatu, mais pas dans ses 12 milles des eaux territoriales, où ils ont été pris avec leur AIS éteint, selon les procureurs du Vanuatu.<sup>434</sup>

- **Gambie.** Une analyse de 2019-2020 des navires de pêche opérant dans les eaux au large de la Gambie et d'autres pays membres de la Communauté économique des États d'Afrique de l'Ouest a révélé que les navires battant pavillon chinois modifient les données AIS de sorte que plusieurs navires partagent des noms ou des numéros OMI et MMSI, qui sont légalement tenus d'être distincts.<sup>435</sup>
- **Indonésie.** Le 11 janvier 2021, les médias indonésiens ont indiqué que l'Agence indonésienne de sécurité maritime avait intercepté le navire de recherche de la RPC *Xiang Yang Hong 03* dans le détroit de la Sonde pour avoir opéré dans les eaux indonésiennes avec son AIS désactivé.<sup>436</sup> Selon les réglementations indonésiennes et internationales, tous les navires qui transitent par les voies maritimes de l'archipel indonésien doivent disposer d'un AIS opérationnel.<sup>437</sup>
- **Philippines.** Dans la nuit du 9 juin 2019, le navire de la RPC à coque en acier de 44 mètres, *Yuemaobinyu 42212*, a éperonné le navire à coque en bois philippin de 19 mètres, *Gem Ver*, avec son AIS désactivé et éteint, selon l'équipage à bord du *Gem Ver* et des reportages des médias philippins.<sup>438</sup> Le bateau de la RPC s'est éloigné de la scène, laissant les 22 membres d'équipage en pleine mer jusqu'à ce qu'ils soient sauvés par les pêcheurs vietnamiens.<sup>439</sup>
- **Namibie.** En mars 2020, les médias locaux ont indiqué que la marine namibienne avait intercepté six navires de pêche appartenant à la RPC dans un lieu de pêche populaire situé à 17 milles au large de la côte namibienne.<sup>440</sup> Les autorités namibiennes ont déclaré que les navires de la RPC étaient entrés illégalement en Namibie et n'avaient pas reçu d'autorisation de mouillage.<sup>441</sup> La marine namibienne a également noté que les navires avaient désactivé leur AIS.<sup>442</sup>

### 3.5.3 Réponses publiques de la RPC aux allégations

Les responsables et les médias de la RPC cherchent à présenter la Chine comme une « nation de pêche responsable » qui met en œuvre une surveillance stricte de sa flotte de navires de pêche hauturière et d'autres navires. Toutefois, dans les affaires examinées dans le cadre de cette étude, les représentants et les médias de la RPC ont généralement cherché à minimiser, à détourner ou à nier les allégations selon lesquelles des navires battant pavillon chinois falsifiaient ou désactivaient les AIS à bord pour dissimuler des activités maritimes illicites.

Dans un effort probable de minimiser les incidents, les responsables et les médias de la RPC n'ont pas fait de commentaires publics sur les allégations selon lesquelles des navires battant

pavillon chinois avaient falsifié leur AIS dans les eaux au large des Philippines, du Vanuatu, de l'Indonésie et de la Gambie. Dans d'autres cas, plutôt que de répondre directement aux allégations, les représentants de la RPC et les médias à destination de l'étranger ont cherché à détourner les critiques en affirmant que les navires de la RPC respectaient les exigences « les plus strictes » en matière de VMS.<sup>443</sup> Par exemple, lorsqu'on lui a demandé si des navires de la RPC étaient exploités sans AIS près des îles Galapagos en Équateur, un porte-parole du ministère des Affaires étrangères a affirmé que « tous les navires de pêche chinois utilisent le système de surveillance des navires reconnu par les organisations régionales de gestion des pêches, qui indique leur position toutes les heures ».<sup>444</sup>

Dans une affaire, l'ambassade de la RPC en Namibie semblait nier l'allégation de la marine namibienne selon laquelle les navires de la RPC qu'elle avait arrêtés pour entrée illégale et potentielle pêche INN dans ses eaux avaient désactivé leur AIS. L'ambassade de la République populaire de Chine a affirmé que « des enregistrements informatiques continus de l'itinéraire maritime des bateaux de pêche » démontreraient que les navires ne pêchaient pas illégalement.<sup>445</sup>

#### ***Approche des médias de la RPC concernant la falsification de l'AIS***

Les médias de la RPC destinés à un public étranger restent muets sur la question de la falsification de l'AIS à bord des navires de la RPC, indiquant plutôt que les navires de la RPC adhèrent strictement à un régime VMS distinct qui n'est pas accessible au public. Les reportages des médias de la RPC destinés à des publics nationaux en Chine soulignent toutefois les efforts de la Chine pour lutter contre « l'utilisation illégale ou incorrecte des équipements AIS », reconnaissant que de telles actions « soulèvent des problèmes pour l'ordre maritime ».<sup>446</sup> Un rapport publié par un journal en ligne populaire en 2020 déplore la « situation actuelle de la qualité de l'information illégale et chaotique sur les équipements AIS embarqués » et appelle à « promouvoir conjointement l'utilisation des équipements AIS ».<sup>447</sup> De même, un rapport publié en 2021 par l'Agence de presse officielle chinoise, Xinhua, détaille la manière dont une autorité maritime régionale de la RPC a enquêté et sanctionné « l'installation illégale de l'AIS par un navire de pêche », en référence à un navire transmettant des signaux de manière inexacte en tant que vraquier et non en tant que navire de pêche.<sup>448</sup> Un troisième rapport dresse la liste de trois cas de vachers de la RPC utilisant de façon abusive l'AIS, résume les réglementations internationales et de la RPC sur l'AIS et attire l'attention sur la question de la saisie d'identificateurs de navire incorrects ou multiples, tels que le nom du navire, l'indicatif d'appel, le numéro OMI, le type de navire et le numéro MMSI.<sup>449</sup>



### **3.6 Entrée et propriété illégales**

Les États côtiers ont le droit, en vertu de la CNUDM, de réglementer les activités économiques et scientifiques étrangères dans et sur la colonne d'eau de leurs propres ZEE de 200 milles.<sup>450</sup> En outre, au sein de la mer territoriale d'un État côtier de 12 milles, ils jouissent d'une souveraineté sur l'eau et le fond marin, tout en permettant des passages inoffensifs par

des navires étrangers.<sup>451</sup> La conduite d'activités économiques telles que la pêche ou des activités scientifiques telles que les relevés océanographiques dans la ZEE ou dans les eaux territoriales d'un État côtier sans son consentement constitue une infraction à la CNUDM. De nombreux États côtiers ont également des lois nationales codifiant les exigences de la CNUDM afin que les navires étrangers reçoivent des autorisations pour des activités commerciales ou scientifiques dans leur ZEE ou leurs eaux territoriales. Récemment, certains États côtiers appliquent des lois qui exigent que les navires de pêche opérant dans leur ZEE ou dans leur mer territoriale aient un pavillon, un exploitant ou une relation de propriété spécifique avec l'État côtier.

### 3.6.1 Politique de la RPC

La RPC a ratifié la CNUDM, selon laquelle les États côtiers ont le droit de régir l'accès aux points d'amarrage pour les navires étrangers et d'établir des règles pour l'octroi de licences et la propriété étrangère des navires relevant de leur registre (pavillon).<sup>452</sup> L'ambassadeur de la RPC auprès de l'ONU a déclaré en juin 2021 que la Chine « préserve résolument l'intégrité et le caractère sacré de la CNUDM » et que « tous les pays doivent défendre fermement l'ordre maritime international fondé sur le droit international, et résoudre les différends maritimes par le biais de négociations et de consultations de bonne foi ». <sup>453</sup>

Beijing exhorte également les ressortissants et les entreprises de la RPC à se conformer aux lois locales lorsqu'ils exercent leurs opérations à l'étranger. Le ministère des Affaires étrangères de la RPC a déclaré qu'« en principe, le gouvernement chinois demande toujours aux citoyens chinois à l'étranger de se conformer aux lois et règlements locaux. »<sup>454</sup> Il convient de noter que les représentants et les médias de la RPC réitèrent généralement cette politique en réponse aux rapports des médias internationaux sur les acteurs de la RPC se livrant à des activités illicites, y compris en mer.<sup>455</sup>

### 3.6.2 Exemples de comportements répréhensibles présumés des acteurs de la RPC

Dans cette étude, plusieurs affaires concernaient des allégations selon lesquelles des navires de la RPC avaient illégalement pénétré dans des ZEE étrangères pour mener des activités commerciales et autres activités non transitoires sans les autorisations requises de l'État côtier. Dans une affaire, les sociétés de la RPC auraient détenu la propriété effective de navires de pêche opérant dans les eaux d'un pays, en violation des lois nationales de ce pays. Voici des exemples de comportements répréhensibles présumés des acteurs de la RPC :

- ***Des navires de la RPC auraient effectué des relevés océanographiques illégaux.*** Le 11 janvier 2021, les médias ont indiqué que l'Agence indonésienne de sécurité maritime avait intercepté le navire de recherche de la RPC *Xiang Yang Hong 03* dans

le détroit de la Sonde pour avoir opéré dans les eaux territoriales indonésiennes avec son AIS désactivé.<sup>456</sup> Les autorités indonésiennes soupçonnaient que le navire effectuait des activités non autorisées dans le détroit de la Sonde alors que son AIS était éteint.<sup>457</sup> Les médias ont émis l'hypothèse que le navire de la RPC recueillait des informations océanographiques afin d'informer les opérations sous-marines de la marine de la RPC.<sup>458</sup>

- **Navires de la RPC accusés d'entrée et de mouillage illégaux.** En octobre 2020, l'Agence malaisienne d'application de la loi maritime (MMEA) a annoncé avoir arrêté six navires de pêche battant pavillon chinois et leur équipage pour avoir pénétré dans les eaux territoriales de la Malaisie et jeté l'ancre sans autorisation.<sup>459</sup> De même, en mars 2020, la marine namibienne a intercepté six navires de pêche appartenant à la RPC dans un lieu de pêche populaire situé à 17 milles au large de la côte namibienne. Selon les autorités namubiennes, les navires de la RPC étaient entrés illégalement en Namibie et n'avaient pas reçu d'autorisation de mouillage.<sup>460</sup> À leur libération, les six mêmes navires de la RPC ont navigué dans les eaux sud-africaines, où ils ont de nouveau été arrêtés et condamnés à une amende pour entrée illégale.<sup>461</sup>
- **Sociétés de la RPC détenant illégalement la propriété effective de navires de pêche opérant au Ghana.** En vertu de la loi sur la pêche du Ghana, il est interdit aux navires de pêche commerciaux dont le contrôle ou la propriété effective n'est pas ghanéen(ne) de pêcher dans la ZEE du Ghana.<sup>462</sup> De même, l'article 91 de la CNUDM exige un « lien substantiel » entre l'État du pavillon et les propriétaires de navires.<sup>463</sup> Cependant, de nombreux rapports d'enquête publiés par des ONG américaines environnementales entre 2019 et 2021 ont révélé que des sociétés de la RPC sont les propriétaires effectifs de presque tous les chalutiers du Ghana.<sup>464</sup> Selon les rapports, des sociétés de la RPC enregistrent les chalutiers auprès du ministère chinois de l'Agriculture pour bénéficier de subventions publiques en matière de carburant et des avantages fiscaux, tout en enregistrant les navires sous pavillon ghanéen via des sociétés écrans constituées localement pour pouvoir pêcher dans la ZEE du Ghana et obtenir des licences de pêche locales à faible coût.<sup>465</sup> Cette pratique illégale fait perdre au Ghana jusqu'à 23 millions de dollars par an en droits de licence de pêche.<sup>466</sup>



**Illustration 16. Les médias indonésiens rapportent l'interception d'un navire de recherche de la RPC opérant dans le détroit de la Sonde avec son AIS désactivé**

**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, « L'Agence de la sécurité maritime soupçonne un navire de recherche chinois d'utiliser des capteurs sous-marins dans les eaux indonésiennes » (Bakamla Curiga Kapal Survei China Operasikan Sensor Bawah Air di Perairan Indonesia), *Nasional Kompas* (Nasional Kompas), 2 février 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 Réponses publiques de la RPC aux allégations

Les représentants et les médias de la RPC cherchent à présenter la Chine comme une « nation de pêche responsable » qui défend les droits des États côtiers en vertu de la CNUDM, et Beijing exhorte publiquement les entités de la RPC à se conformer aux lois locales lorsqu'elles opèrent à l'étranger. Conformément à ce discours, Beijing a reconnu publiquement que des navires de la RPC avaient été arrêtés dans les eaux territoriales de la Malaisie. Tant le ministère des Affaires étrangères que l'ambassade de la RPC ont appelé les autorités malaisiennes à mener une « enquête équitable, garantissant les droits et les intérêts des ressortissants chinois concernés ». <sup>467</sup>

Cependant, des différences perdurent entre la rhétorique et les actions de la RPC : dans une tentative possible de minimiser les allégations, les fonctionnaires de la RPC et les médias à destination de l'étranger sont restés muets en réponse aux allégations selon lesquelles des



entités de la RPC avaient violé la loi ghanéenne en détenant en propriété effective des navires de pêche locaux. De même, Beijing n'a pas répondu publiquement à l'interception par l'Indonésie d'un navire de recherche de la RPC qui aurait pu réaliser un relevé océanographique dans les eaux indonésiennes avec son AIS désactivé et sans l'autorisation du gouvernement indonésien. Dans l'affaire de la Namibie, l'ambassade de la RPC en Namibie a contesté le fait que les navires de la RPC étaient « illégalement » arrêtés dans les eaux namibiennes et a affirmé que les navires exerçaient un passage inoffensif.<sup>468</sup>

## 4. Conclusion

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Sur la base des affaires examinées dans le cadre de cette étude, certains acteurs de la RPC semblent participer à diverses activités maritimes illicites dans le monde entier. En règle générale, les acteurs de la RPC participent à plus d'un type d'activité illicite. Les contrevenants les plus courants semblent être des navires de pêche commerciaux appartenant à la vaste flotte de pêche hauturière chinoise. Cependant, nous avons identifié au moins deux incidents où des navires gouvernementaux, un navire des garde-côtes de la RPC et un navire de recherche, auraient commis des actes répréhensibles.

La rhétorique officielle de la RPC cherche à présenter la Chine comme un acteur maritime responsable qui gouverne efficacement sa flotte de pêche hauturière et d'autres navires océaniques. ***Le comportement illicite des acteurs de la RPC crée ainsi un écart persistant entre la rhétorique et le comportement de la RPC, qui était manifeste dans les 15 affaires.*** Les réponses publiques de Beijing aux allégations d'activités illicites des acteurs de la RPC suggèrent une tentative d'orientation du débat public de manière à minimiser tout impact négatif sur l'image de la Chine. Dans sept affaires, les représentants de la RPC et les médias ont gardé le silence, dans le but éventuel de minimiser les incidents. Dans d'autres affaires, les représentants de la RPC et les médias ont publiquement démenti ces allégations, allant parfois jusqu'à présenter des contre-accusations afin de rejeter la faute ou discréditer leurs accusateurs. Ces réponses pourraient donner l'impression que, plutôt que de reconnaître le problème, Beijing tente de compromettre publiquement ou de refondre les règles, lois et normes internationales.

La présence et les investissements de la Chine sont présentés comme bénéfiques pour les populations locales par Beijing, qui en fait la promotion auprès des publics étrangers. Parmi les affaires examinées dans le cadre de cette étude, ce discours est mis en évidence dans les messages de la RPC ciblant les nations africaines côtières et vise probablement à présenter la RPC comme un bienfaiteur qui soutient le développement économique de ces pays. Toutefois, dans de nombreuses affaires examinées dans cette étude, les investissements en RPC ont eu un coût : ils ont profité au développement économique des pays, mais ont également entraîné des dommages environnementaux et économiques pour les communautés locales.

En résumé, les activités maritimes illicites présumées des acteurs de la RPC portent atteinte à l'économie et à l'environnement des nations côtières, violent leur souveraineté et nuisent à leurs citoyens. Les responsables et les médias de la RPC cherchent activement à conserver la réputation de la Chine en niant publiquement, en détournant ou en minimisant les incidents impliquant des comportements illicites de la part des acteurs de la RPC.

## Annexe A : Les intervenants de Beijing

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Dans les affaires que nous avons examinées, les éléments suivants de l'appareil de propagande de la RPC ont joué un rôle prépondérant dans les efforts déployés par Beijing pour promouvoir une image positive de la Chine en tant qu'acteur maritime responsable et pour répondre aux allégations d'actes répréhensibles des acteurs de la RPC :

- **Porte-parole du ministère des Affaires étrangères.** Les porte-parole du ministère des Affaires étrangères ont commenté 6 des 15 incidents examinés. Beijing a commencé à nommer des porte-parole du gouvernement au début des années 1980. Depuis lors, le recours à ces porte-parole sont devenus l'une des méthodes les plus courantes et les plus directes que le gouvernement chinois emploie pour interagir avec les publics nationaux et étrangers.<sup>469,470</sup>
- **Représentants de l'ambassade de la RPC.** L'ambassadeur de la RPC ou d'autres représentants locaux de l'ambassade ont publiquement commenté 8 des 15 affaires. Les diplomates de la RPC détachés à l'étranger jouent un rôle de premier plan dans les efforts de diplomatie publique de Beijing, y compris dans ses réponses aux allégations d'actes répréhensibles de la part d'acteurs de la RPC à l'étranger.
- **Médias de la RPC à destination de l'étranger.** Les médias publics de la RPC ont fait état de 6 des 15 affaires. En général, ces articles reprenaient les commentaires des porte-parole du ministère des Affaires étrangères de la RPC ou des représentants de l'ambassade. Dans certains cas, ils comprenaient également des commentaires renforçant ou développant le discours officiel de Beijing. Pour le rendre accessible aux publics cibles, les articles des médias de la RPC étaient publiés dans les langues locales, y compris l'anglais, le français, l'indonésien, le philippin, le malais et vietnamien.<sup>471</sup>

Voir Tableau 1 à la page suivante un récapitulatif des intervenants dans chaque étude de cas.

**Tableau 2. Éléments de l'appareil de propagande de la RPC ayant répondu aux 15 affaires d'activités maritimes illicites présumées de la RPC**

<b>Activité présumée de la RPC</b>	<b>Réponse du ministère des Affaires étrangères</b>	<b>Ambassade de la RPC</b>	<b>Médias à destination de l'étranger</b>
Rapports concernant des navires de la RPC déversant des eaux usées dans la ZEE des Philippines	Oui <sup>472</sup>	Oui <sup>473</sup>	Oui <sup>474</sup>
Récolte illégale de concombre de mer par un navire de la RPC dans la ZEE des Palaos	Oui <sup>475</sup>	Oui <sup>476</sup>	Oui <sup>477</sup>
Travail forcé de main-d'œuvre indonésienne à bord de navires battant pavillon de la RPC	Oui <sup>478</sup>	Oui <sup>479</sup>	Oui <sup>480</sup>
Navires de la RPC arrêtés pour pêche illégale dans la ZEE du Vanuatu	Non <sup>481</sup>	Non <sup>482</sup>	Non <sup>483</sup>
Navires de la RPC pratiquant la pêche illégale au Gabon	Non	Non <sup>484</sup>	Non <sup>485</sup>
Pollution de l'eau par les usines de farine de poisson appartenant à la RPC en Gambie	Non	Oui <sup>486</sup>	Non <sup>487</sup>
Propriété illégale d'une flotte de chalutiers au Ghana	Non	Non	Non <sup>488</sup>
Entrée et mouillage illégaux dans les eaux territoriales de la Malaisie	Oui <sup>489</sup>	Oui <sup>490</sup>	Oui <sup>491</sup>
Récolte de bénéitiers par la RPC dans les eaux administrées par les Philippines	Non	Non	Non <sup>492</sup>
Navire de recherche de la RPC opérant dans les eaux indonésiennes sans AIS	Non	Non	Non <sup>493</sup>
Modification de l'AIS sur les navires de la RPC	Oui <sup>494</sup>	Oui <sup>495</sup>	Oui <sup>496</sup>
Un chalutier de la RPC dans la zone réglementée mauritanienne éperonne un bateau local	Non	Non	Non <sup>497</sup>
Les navires de la RPC auraient éperonné des navires de pêche étrangers	Oui <sup>498</sup>	Oui <sup>499</sup>	Oui <sup>500</sup>
La Namibie enquête sur l'entrée et la pêche illégales de navires de la RPC	Non	Oui <sup>501</sup>	Non <sup>502</sup>
Des ressortissants de la RPC introduits clandestinement au Cambodge par la mer	Non	Non <sup>503</sup>	Non <sup>504</sup>
<b>Réponses totales sur 15 affaires</b>	<b>6</b>	<b>8</b>	<b>6</b>

Source : CNA.

## Annexe B : Études de cas

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### 16. Récolte illégale de concombre de mer par un navire de la RPC dans la ZEE des Palaos

En décembre 2020, les médias des Palaos ont indiqué qu'un patrouilleur des forces de l'ordre maritimes des Palaos avait intercepté le navire de pêche *Qiong Sanya Yu* portant le pavillon de la RPC pour suspicion de récolte illégale de concombres de mer à Helen Reef, dans les eaux territoriales des Palaos et dans la ZEE.<sup>505</sup> Les garde-côte américains ont aidé les autorités maritimes des Palaos à localiser le navire de la RPC.<sup>506</sup> Le ministère de la Justice des Palaos a trouvé des preuves que l'équipage du *Qiong Sanya Yu* a braconné 225 kilogrammes (496 livres) de concombre de mer pour une valeur approximative de 180 000 dollars.<sup>507</sup> L'équipage composé de 28 membres – tous ressortissants de la RPC – a accepté un accord proposé par le ministère de la Justice des Palaos afin de ne pas être poursuivi, ce qui les a obligés à donner l'équipement de pêche du navire et cinq petits bateaux et à payer 200 000 \$.<sup>508</sup>

### 17. Navires de la RPC arrêtés pour pêche illégale dans la ZEE du Vanuatu

Le 19 janvier 2021, un navire de la police maritime du Vanuatu a intercepté deux navires de pêche portant le pavillon de la RPC, *Dong Gang Xing 13* et *Dong Gang Xing 16*, pour suspicion d'activités de pêche INN dans les eaux territoriales du Vanuatu.<sup>509</sup> Les procureurs du Vanuatu ont allégué que les exploitants des navires qui pratiquaient la pêche illégale sans permis, avaient éteint leurs transpondeurs satellites dans les eaux du Vanuatu et possédaient un filet dérivant en violation de la loi sur les pêches du Vanuatu.<sup>510</sup> Le propriétaire du navire, Zhuhai Dong Gang Xing Ocean Fishing Co., a réfuté ces accusations au moment de l'arrestation des navires et de l'équipage.<sup>511</sup> Le 18 mai 2021, les 14 ressortissants de la RPC détenus ont plaidé non coupable de toutes accusations portées devant la Cour suprême du Vanuatu.<sup>512</sup> Le 18 août 2021, la décision rendue dans l'affaire n'a pas été rendue publique et les autorités du Vanuatu n'ont pas répondu aux demandes de renseignements.

### 18. Navires de la RPC pratiquant la pêche illégale au Gabon

Le 8 août 2020, les autorités gabonaises, en collaboration avec Sea Shepherd, une organisation à but non lucratif basée aux Pays-Bas, ont arrêté deux chalutiers battant pavillon chinois, *Guo Ji 826* et *Guo Ji 866*, pour une inspection de routine.<sup>513</sup> Selon Sea Shepherd et les médias locaux, l'inspection a trouvé des poissons-chats à tête rugueuse illégalement pêchés, des raies *Dasyatis*

margarita et d'autres raies.<sup>514</sup> Les autorités gabonaises à bord du navire Sea Shepherd ont arrêté et escorté les deux navires jusqu'au port, où des raies et des ailerons supplémentaires ont été découverts.<sup>515</sup> Le capitaine du navire, un ressortissant de la RPC, a déclaré aux autorités qu'il ignorait que la capture était illégale.<sup>516</sup> Selon les médias locaux, un an plus tôt, les autorités gabonaises avaient arrêté deux autres navires battant pavillon chinois : *Guo Ji 827* (exploité par le même propriétaire que *Guo Ji 826* et *866*) et *Haixin 27* pour pêche INN dans les eaux gabonaises protégées.<sup>517</sup>

## 19. Récolte de bécotiers par la RPC dans les eaux administrées par les Philippines

Les bécotiers sont classés comme une espèce vulnérable par de multiples conventions internationales, et les Philippines et la RPC ont interdit leur pêche.<sup>518</sup> La marine philippine et les médias affirment que les pêcheurs de la RPC opérant à proximité de l'île contestée de Thitu (administrée par les Philippines) et du récif de Scarborough (administré par la RPC) en mer de Chine méridionale continuent de pêcher illégalement des bécotiers en utilisant des méthodes dommageables pour l'environnement.<sup>519</sup> Les médias philippins affirment également que les garde-côtes de la RPC étaient au courant de la pêche illégale autour du récif de Scarborough.<sup>520</sup> Des journalistes philippins ont indiqué que la RPC utilisait des « bateaux rapides », des explosifs, des produits chimiques, des pompes à eau et des aspirateurs sur les récifs coralliens pour récolter les bécotiers, dont les coquilles sont vendues à des prix élevés en Chine.<sup>521</sup> Ces méthodes de récolte auraient détruit plus de 104 kilomètres carrés de récifs coralliens en mer de Chine méridionale, ce qui aurait pour effet d'épuiser encore davantage les stocks de poissons et de nuire aux moyens de subsistance des pêcheurs des Philippines et d'autres pays.<sup>522</sup>

## 20. Chalutier de la RPC dans la zone de pêche artisanale de Mauritanie éperonne un bateau local

Selon des informations des médias mauritaniens début septembre 2020, un chalutier battant pavillon chinois a éperonné un navire de pêche mauritanien durant la nuit, tuant trois membres de l'équipage mauritanien.<sup>523</sup> Les médias locaux et régionaux ont indiqué que le navire de pêche de la RPC a heurté le bateau mauritanien artisanal dans les eaux au large de Nouadhibou, dans une zone réservée à la pêche artisanale où les chalutiers industriels sont interdits. Le responsable de l'association locale de pêche artisanale a allégué que l'incident n'était pas un accident et a affirmé que le navire de la RPC avait éteint ses lumières, désactivé son AIS et avait volontairement éperonné le navire de pêche local.<sup>524</sup> Les autorités mauritaniennes auraient arrêté le capitaine du navire de la RPC, et des membres de la communauté locale ont organisé des manifestations contre la RPC et d'autres chalutiers étrangers pour leurs pratiques de pêche illégales et dangereuses présumées.<sup>525</sup> Selon les

médias mauritaniens, un cas similaire s'est produit en 2017 lorsqu'un autre navire de la RPC aurait éperonné plusieurs navires de pêche locaux, tuant au moins quatre personnes.<sup>526</sup>

## 21. Les navires de la RPC auraient éperonné des navires de pêche étrangers

Les incidents d'éperonnage entre des navires de pêche sont généralement le résultat d'une concurrence sur des zones de pêche ou d'autres ressources naturelles contestées, souvent dans des eaux faisant l'objet de différends territoriaux maritimes. Des incidents d'éperonnages ont intimidé des pêcheurs rivaux, endommagé des équipements, coulé des navires, et blessé, fait naufrager ou tué des membres d'équipage. À au moins cinq reprises entre 2018 et 2021, les médias ont signalé que des navires battant pavillon chinois avaient volontairement éperonné des navires de pêche des Philippines, de la Mauritanie, du Vietnam, du Sénégal et du Brésil.<sup>527</sup>

## 22. Travail forcé de main-d'œuvre indonésienne à bord de navires battant pavillon de la RPC

Selon les rapports d'ONG basées en Indonésie, en Allemagne et aux États-Unis, entre fin 2019 et mi-2021, des navires de pêche battant pavillon de la RPC ont exploité des dizaines de membres d'équipage indonésiens, dont beaucoup sont morts de maladie, de maltraitance, de conditions de travail dangereuses ou de manque de nourriture et d'eau.<sup>528</sup> En avril 2020, les responsables indonésiens ont commencé à s'attaquer publiquement à cette question lorsqu'ils ont appris la mort de quatre membres d'équipage indonésiens sur le *Long Xin 629*, battant pavillon chinois.<sup>529</sup> Depuis, les autorités indonésiennes ont annoncé d'autres cas de traite d'êtres humains, d'abus et de décès d'Indonésiens à bord de navires battant pavillon chinois. Par la suite, en mai 2021, les services de douane et de protection des États-Unis ont interdit l'entrée de toutes les marchandises produites par la flotte de Dalian Ocean Fishing Co., Ltd. de la Chine « sur la base d'informations indiquant raisonnablement le recours au travail forcé dans le cadre des opérations de pêche de l'entité »<sup>530</sup> Dalian est propriétaire d'au moins deux navires impliqués dans le travail forcé des membres d'équipage indonésiens.<sup>531</sup>

## 23. Des ressortissants de la RPC introduits clandestinement au Cambodge par la mer

Selon un rapport de la police cambodgienne et les médias locaux, les autorités maritimes cambodgiennes ont arrêté 36 ressortissants de la RPC et 2 Cambodgiens le 26 juillet 2020 pour entrée illégale dans le pays à bord du navire battant pavillon cambodgien *Tong Hai*.<sup>532</sup> Les autorités cambodgiennes ont déclaré que *Tong Hai* avait quitté le port de Fu'an dans la province du Fujian en RPC le 18 juillet et avait navigué sur environ 2 000 milles nautiques vers

les eaux situées à l'extérieur de Sihanoukville, où les autorités cambodgiennes ont embarqué à bord du navire.<sup>533</sup> Les autorités et les médias cambodgiens n'ont pas fourni de détails sur le propriétaire ou l'exploitant du navire, mais des photographies de l'intérieur du navire postées par les médias locaux montrent du matériel informatique avec des caractères chinois, ce qui peut indiquer qu'une entité de la RPC exploite le navire.<sup>534</sup> Selon les médias locaux, la police cambodgienne n'a trouvé aucune cargaison suspecte outre les migrants clandestins et on ignore encore pourquoi les ressortissants de la RPC ont tenté d'entrer illégalement au Cambodge.<sup>535</sup> La police cambodgienne a indiqué dans un communiqué de presse qu'elle était prête à expulser les ressortissants de la RPC un jour après leur arrestation, mais elle n'a pas communiqué d'informations supplémentaires sur l'affaire.<sup>536</sup>

## **24. Rapports concernant des navires de la RPC déversant des eaux usées dans la ZEE des Philippines**

Un rapport publié en juillet 2021 par Similarity, une société américaine d'analyse d'images commerciales, a révélé que plus de 200 navires au mouillage dans les îles Spratleys avaient déversé des eaux usées dans l'eau.<sup>537</sup> Similarity a estimé que les navires au mouillage dans l'Union Banks en juin déversaient environ 1 177 litres d'eaux usées par jour dans l'eau.<sup>538</sup> Le rapport indique que les navires déversaient des eaux usées non traitées ou sous-traitées dans des eaux peu profondes, ce qui a conduit à des proliférations de chlorophylle-A. Ces proliférations, qui, selon Similarity, étaient visibles sur les images satellites, peuvent entraîner des conditions océaniques hypoxiques susceptibles de nuire aux organismes et aux écosystèmes marins.<sup>539</sup> Le rapport a également affirmé que ces navires étaient probablement les mêmes navires de la RPC que ceux que les garde-côtes des Philippines avaient observés au même endroit des semaines plus tôt.<sup>540</sup> Le gouvernement philippin enquête de manière indépendante sur les allégations de Similarity.

## **25. Pollution de l'eau par les usines de farine de poisson appartenant à la RPC en Gambie**

Les médias gambiens rapportent que trois usines de farine de poisson appartenant à la RPC ont déversé des eaux usées non traitées et des produits chimiques dangereux dans une réserve maritime et dans les eaux côtières du pays.<sup>541</sup> Selon les médias locaux, la pollution de ces usines a endommagé les ressources marines d'eau douce et côtières, tué la vie marine et provoqué des maladies de peau chez les habitants.<sup>542</sup> Les tests réalisés par des groupes locaux montreraient des niveaux dangereux d'arséniate, de phosphates et d'arsenic.<sup>543</sup> En 2017, des poursuites intentées par l'Agence nationale pour l'environnement gambienne ont conduit à une amende pour une usine appartenant à la RPC et les trois ont été forcées de suspendre leurs opérations.<sup>544</sup> Les usines ont depuis rouvert et continueraient de polluer les eaux locales.<sup>545</sup> En mars 2021, l'AEN a émis un « avis de suspension » vis-à-vis d'une usine pour avoir enfreint les



lois environnementales du pays.<sup>546</sup> Malgré cette ordonnance, l'usine a poursuivi ses travaux d'expansion, selon les médias gambiens.<sup>547</sup> Au cours de la même période, des manifestants locaux ont brûlé une deuxième usine de farine de poisson appartenant à la RPC en réponse à de très nombreuses plaintes environnementales et pénales présumées.<sup>548</sup>

## 26. Modification de l'AIS sur les navires de la RPC

Les navires « disparaissent » en dissimulant leur emplacement, leur mouvement ou leurs transmissions ou en manipulant les données transmises par leurs signaux. L'une des façons pour les navires de « disparaître » est de désactiver ou modifier leur AIS, un système de suivi automatique à source ouverte qui aide à la navigation en toute sécurité d'un navire et permet aux autorités de suivre et de surveiller les mouvements des navires.<sup>549</sup> Les conventions internationales et les lois de la RPC exigent que les navires ayant un tonnage brut supérieur à 300 soient équipés d'un AIS en état de marche tout en naviguant à l'étranger.<sup>550</sup> Selon des experts, les navires éteignent parfois ou modifient leur AIS pour dissimuler leurs activités illicites.<sup>551</sup> Les navires de pêche hauturière et d'autres types de navires de la RPC auraient modifié leur système AIS à bord alors qu'ils opéraient dans le monde entier.<sup>552</sup> Entre 2018 et 2021, des navires de la RPC auraient éteint ou falsifié leur AIS afin de dissimuler des activités illicites dans les eaux de la RPDC,<sup>553</sup> de l'Équateur,<sup>554</sup> du Vanuatu,<sup>555</sup> de l'Afrique de l'Ouest,<sup>556</sup> des Philippines et<sup>557</sup> de l'Indonésie.<sup>558</sup>

## 27. Navire de recherche de la RPC opérant dans les eaux indonésiennes sans AIS

Le 11 janvier 2021, les médias indonésiens ont indiqué que l'Agence indonésienne de sécurité maritime avait intercepté le navire de recherche de la RPC *Xiang Yang Hong* 03 dans le détroit de la Sonde pour avoir opéré dans les eaux indonésiennes avec son AIS désactivé.<sup>559</sup> Selon les réglementations indonésiennes et internationales, tous les navires qui transitent par les voies maritimes de l'archipel indonésien doivent disposer d'un AIS opérationnel.<sup>560</sup> Les autorités indonésiennes soupçonnaient que le navire effectuait des activités non autorisées dans le détroit de la Sonde alors que son AIS était éteint.<sup>561</sup> Les médias ont émis l'hypothèse que le navire de la RPC recueillait des informations océanographiques afin d'informer les opérations sous-marines de la marine de la RPC.<sup>562</sup> La loi indonésienne exige que les navires étrangers obtiennent une autorisation pour mener des recherches océanographiques dans la ZEE ou les eaux territoriales de l'Indonésie. Le ministère indonésien des Affaires étrangères a indiqué qu'aucune autorisation de ce type n'avait été accordée au navire de la RPC.<sup>563</sup>

## 28. Entrée et mouillage illégaux dans les eaux territoriales de la Malaisie

Le 9 octobre 2020, les médias malaisiens et internationaux ont indiqué que l'Agence malaisienne d'application de la loi maritime (MMEA) avait annoncé avoir arrêté six navires de pêche battant pavillon chinois et leur équipage pour avoir pénétré dans les eaux territoriales de la Malaisie et jeté l'ancre sans les autorisations légales requises.<sup>564</sup> Les membres de l'équipage des navires auraient dit aux autorités qu'ils venaient de la Chine et allaient vers la Mauritanie et qu'ils avaient jeté l'ancre en raison de « dysfonctionnements » non précisés.<sup>565</sup> Au moment de l'arrestation, les médias malaisiens et internationaux ont indiqué que les autorités malaisiennes enquêtaient sur cette affaire en vertu d'articles de la loi malaisienne prévoyant des amendes et des peines de prison en cas de condamnation.<sup>566</sup> Toutefois, les autorités malaisiennes ont libéré l'équipage deux semaines après avoir leur arrestation sans faire de déclaration publique concernant leur libération ou l'état de l'enquête.<sup>567</sup>

## 29. La Namibie enquête sur l'entrée et la pêche illégales de navires de la RPC

En mars 2020, les médias locaux ont indiqué que la marine namibienne avait intercepté six navires de pêche appartenant à la RPC dans un lieu de pêche populaire situé à 17 milles au large de la côte namibienne.<sup>568</sup> Selon les médias locaux, les autorités namibiennes ont déclaré que les navires de la RPC étaient entrés illégalement en Namibie et n'avaient pas reçu d'autorisation de mouillage.<sup>569</sup> L'enquête n'a finalement trouvé aucune preuve de pêche illégale, mais a identifié des incohérences et des preuves de comportements qui pourraient être utilisées pour dissimuler des activités illicites. Premièrement, les navires de pêche de la RPC avaient des enregistrements de captures pour l'Angola se terminant en mars 2019, mais aucun registre ni permis pour les 11 mois suivants dans les eaux au large de la Guinée équatoriale et de la Namibie.<sup>570</sup> Deuxièmement, la marine namibienne a également noté que les navires avaient désactivé leur AIS.<sup>571</sup> Troisièmement, l'équipage de la RPC a affirmé avoir jeté l'ancre pour éviter les intempéries, mais la marine namibienne n'a pas pu corroborer cette allégation.<sup>572</sup> Il est à noter qu'après leur libération, les navires de la RPC ont navigué dans les eaux sud-africaines sans autorisation, où ils ont été arrêtés et condamnés à des amendes.<sup>573</sup>

## 30. Propriété illégale d'une flotte de chalutiers au Ghana

Deux rapports d'enquête publiés par des ONG américaines environnementales en 2019 et 2021 ont révélé que des sociétés de la RPC sont les propriétaires effectifs de presque tous les chalutiers du Ghana.<sup>574</sup> Il est illégal au Ghana pour des entreprises étrangères de détenir des droits de propriété sur des chalutiers battant pavillon ghanéen.<sup>575</sup> Selon les ONG basées aux États-Unis, les sociétés de la RPC enregistrent les chalutiers auprès du ministère chinois de l'Agriculture, tout en enregistrant les navires sous le pavillon ghanéen par l'intermédiaire de sociétés-écrans constituées localement. Cette pratique leur permet de bénéficier des subventions de la RPC sur le carburant et des avantages fiscaux, et d'obtenir des permis de

pêche locaux à faible coût auprès des autorités ghanéennes et de pêcher dans la ZEE du Ghana.<sup>576</sup> Selon une ONG basée aux États-Unis, cette pratique illégale fait perdre au Ghana jusqu'à 23 millions de dollars par an en droits de licence de pêche.<sup>577</sup> En outre, la pratique entraîne également la pêche INN et une diminution des prises par effort de pêche, ce qui a des répercussions négatives sur les pêcheurs locaux.<sup>578</sup>

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# Abbreviations

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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

# Abréviations

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AIS	Système d'identification automatique ( <i>automatic identification system</i> )
CBP	Services de douane et de protection des États-Unis ( <i>Customs and Border Protection</i> )
RPDC	République populaire démocratique de Corée
DWF	Pêche hauturière( <i>distant water fishing</i> )
EEZ	Zone économique exclusive ( <i>exclusive economic zone</i> )
EM	Surveillance électronique ( <i>electronic monitoring</i> )
OIT	Organisation internationale du travail
OMI	Organisation maritime internationale
PAI	Plan d'action international
INN	Illicite, non déclarée et non réglementée
MAF	Ministère des Affaires étrangères
MMEA	Agence malaisienne d'application de la loi maritime ( <i>Malaysian Maritime Enforcement Agency</i> )
MMSI	Identification de service mobile maritime ( <i>Marine Mobile Service Identity</i> )
MOJ	Ministère de la Justice
NEA	Agence nationale pour l'environnement gambienne ( <i>Gambian National Environmental Agency</i> )
ONG	Organisation non gouvernementale
RPC	République populaire de Chine
RF	Radiofréquence
ORGP	Organisation régionale de gestion des pêches
SAR	Radar à synthèse d'ouverture
SOLAS	Sauvegarde de la vie humaine en mer
ONU	Organisation des Nations Unies
CNUDM	Convention des Nations Unies sur le droit de la mer
VIIRS	Radiomètre imageur infrarouge visible
VMS	Système de surveillance des navires ( <i>vessel monitoring system</i> )

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<sup>182</sup> See, for example, “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.”; “Vietnam Disrupts Chinese Company’s Exploration of Xisha Islands, Illegal — Chinese Ambassador to Australia.”; “US Urged to Stop Spying in the South China Sea,” AS Digesa Hentikan Kegiatan Pengintipan di Laut China Selatan, Malay CRI, Dec. 18, 2016,

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<sup>183</sup> Chinese Embassy Spokesperson Answers Question on a Report of Alleged Chinese Ships Dumping Waste in the South China Sea, “Foreign Ministry Spokesperson Zhao Lijian’s Regular Press Conference on July 15, 2021.”

<sup>184</sup> Chinese Embassy Spokesperson Answers Question on a Report of Alleged Chinese Ships Dumping Waste in the South China Sea, *ibid*.

<sup>185</sup> See, for example, a July 15, 2021, article published by the *Global Times*, a widely read and influential nonauthoritative subsidiary of the *People’s Daily* with a strong nationalist bent, which echoed the PRC MFA response, calling the report of PRC vessels dumping “fabricated and malicious.” “Chinese FM Condemns ‘Fabricated, Malicious’ Report of US Company Accusing Chinese Ships of Dumping Sewage in South China Sea.”;

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<sup>186</sup> Wenbin, “Foreign Ministry Spokesperson Wang Wenbin’s Regular Press Conference on December 15, 2020.”

<sup>187</sup> See, for example, “Foreign Ministry Spokesperson Wang Wenbin’s Regular Press Conference on December 15, 2020.”; “Regular Press Conference (2020-12-15).”; Wenbin, “Foreign Ministry Spokesperson Wang Wenbin’s Regular Press Conference on December 25, 2020.”

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<sup>188</sup> See, for example, “Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on December 15, 2020.”; “Regular Press Conference (2020-12-15).”; Wenbin, “Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on December 25, 2020.”

<sup>189</sup> See, for example, Jingjing, “US Mounts ‘Forced Labor’ Lies on Fishing Firm to Serve Strategy of Containing China Following Attack on Xinjiang Industries.” Wenbin, Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on May 31, 2021; “China's Ministry of Foreign Affairs: Alleged Forced Labor Is a Conspiracy.”

<sup>190</sup> 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].”

<sup>191</sup> “China Is a Responsible Fishing Country.”

<sup>192</sup> 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](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-yachtS>.

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

<sup>194</sup> 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.

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

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

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

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

<sup>199</sup> 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/gzzd/201203/20120308044957.html> accessed via: *China's Hidden Fleet in West Africa: A Spotlight on Illegal Practices Within Ghana's Industrial Trawl Sector*.

<sup>200</sup> “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.”

<sup>201</sup> “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

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Seeks Protection for Legitimate Rights of Detained Chinese Sailors.”; “Foreign Ministry Spokesperson Zhao Lijian’s Regular Press Conference on October 12, 2020.”

<sup>202</sup> “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.”

<sup>203</sup> 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](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](http://www.xinhuanet.com/english/2019-05/19/c_138070724.htm).

<sup>204</sup> 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.

<sup>205</sup> 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.”

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

<sup>207</sup> 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.”

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

<sup>209</sup> 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.”

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

<sup>211</sup> 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.”

<sup>212</sup> 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

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Fishing.”; “Navy Intercepts Suspicious Fishing Vessels.”; “Chinese Vessels Found in Namibian Waters: Something Fishy?”

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

<sup>214</sup> 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.”

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

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

<sup>217</sup> 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>.

<sup>218</sup> “Chinese Poachers Barred from Returning to Palau.”

<sup>219</sup> 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/>.

<sup>220</sup> Willie, “Chinese Fishing Vessels Seized.”

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

<sup>222</sup> *Ibid.*

<sup>223</sup> 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](https://www.dailypost.vu/news/14-plead-not-guilty/article_5d5df734-b82d-11eb-bc45-a38a2e0ce52e.html).

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

<sup>225</sup> *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.”

<sup>226</sup> “Leveraging NGOs and Volunteerism for Maritime Surveillance Against IUU Fishing.”

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

<sup>228</sup> “Chinese trawler caught illegal fishing in protected waters of Loango National Park,” Un chalutier 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-chalutier-chinois-pris-en-flagrant-delit-de-peche-illegale-dans-les-eaux-protegees-du-parc-national-de-loango/>.

<sup>229</sup> *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/zfxxgkzl/bm/gongsj/gkml/202105/t20210524\\_2983261.html](http://qionghai.hainan.gov.cn/zfxxgkzl/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-9417/>; *Giant Clams Convention on International Trade in Endangered Species (CITES) – Vulnerable*, 1985; *Tridacna gigas IUCN Red List of Threatened Species*, 2004.

<sup>230</sup> See, for example, “Filipino Scientists Seeded Giant Clams, Chinese Fishermen Stole Them.”; “Life in the Wake of Hainan’s Clam Shell Clampdown.”

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



<sup>232</sup> 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.”

<sup>233</sup> 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>.

<sup>234</sup> See, for example, “Fujian subsidies to the fishing sector bring trouble to West African waters,” *الدعم الفوجياني 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](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](http://www.bjreview.com/World/201906/t20190618_800171021.html); “Mauritania: 3 Fishermen Were Killed After Their Boat Collided with a Chinese Ship.”

<sup>235</sup> “Mauritanians Protest Chinese Fishing After Deadly Incident.”

<sup>236</sup> “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.”

<sup>237</sup> “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](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.

<sup>238</sup> 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.”

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

<sup>240</sup> “China Responds ‘Positively’ to Indonesian Request on Human Trafficking.”

<sup>241</sup> “CBP Issues Withhold Release Order on Chinese Fishing Fleet.”

<sup>242</sup> *Forced Labor at Sea: The Case of Indonesian Migrant Fishers*.

<sup>243</sup> “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,” *សាវត្រីកជនជាតិចិន៣៦នាក់*

*លួចឆ្លងដែនចូលកម្ពុជាដោយខុសច្បាប់ ត្រូវសមត្ថកិច្ចបង្ក្រាបបាននៅក្រុងកោះរុង*, Cambodia Police, July 26, 2021, [https://cambodiapolice-com.translate.google/policekh/297249?\\_x\\_tr\\_sl=km&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=nui,sc](https://cambodiapolice-com.translate.google/policekh/297249?_x_tr_sl=km&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=nui,sc).

<sup>244</sup> “36 Chinese nationals arrested for illegally entering Cambodia via sea,” *Khmer Times*, July 26, 2021, <https://www.khmertimeskh.com/50901093/36-chinese-nationals-arrested-for-illegally-entering-cambodia-via-sea/>; “Thirty-Six Chinese Ships Smuggling into Cambodia Were Cracked Down on Koh Rong (Video Inside).”

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

<sup>246</sup> “36 Chinese Nationals Detained in Cambodian Waters.”; “36 Chinese Nationals Arrested for Illegally Entering Cambodia on a Ship from China.”

<sup>247</sup> Chun Chanboth, “Authorities ready to deport 36 Chinese nationals after illegally entering Cambodia by water,” អាជ្ញាធរគ្រប់គ្រងជនជាតិចិន ព្រឹត្តិបត្រសេដ្ឋកិច្ច កម្ពុជា, Radio Free Asia, July 27, 2021, [https://www-rfa-org.translate.google.com/khmer/news/social-economy/authorities-ready-to-deport-36-chinese-back-country-after-smuggling-into-cambodia-07272021162935.html?\\_x\\_tr\\_sl=km&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=nui,sc](https://www-rfa-org.translate.google.com/khmer/news/social-economy/authorities-ready-to-deport-36-chinese-back-country-after-smuggling-into-cambodia-07272021162935.html?_x_tr_sl=km&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=nui,sc); “Thirty-six Chinese ships smuggling into Cambodia were cracked down on in Koh Rong.”

<sup>248</sup> “Sewage from Anchored Ships Is Damaging Spratly Reefs.”

<sup>249</sup> Ochona, “More Chinese Ships May Be Dumping Wastes in Spratlys: Satellite Imagery Expert.”

<sup>250</sup> Tilstone et al., “Performance of Ocean Colour Chlorophyll a Algorithms for Sentinel-3 OLCI, MODIS-Aqua and Suomi-VIIRS in Open-Ocean Waters of the Atlantic.”;

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<sup>252</sup> “The Gambia: Chinese Fishmeal Company Burnt Down by Angry Protesters.”; Boechat, “Alleged Chinese Factory Pollution Kills Dolphin in Gambia.” Lily Kuo, “Gambians Are Accusing a Chinese Company of Destroying Their Coastline,” *Quartz*, May 29, 2017, accessed Aug. 19, 2021

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<sup>268</sup> "The Sinking of Gem-Ver."

<sup>269</sup> See Septiari and Santosa, "Bakamla Intercepts Chinese Research Vessel in Sunda Strait."; Yahya, "Bakamla Suspects Chinese Survey Vessel Operates Underwater Sensors in Indonesian Waters."; Mai, "The Indonesian Patrol Vessel Blocked the Chinese Research Vessel in Sunda Strait."; "Chinese Research Vessel Intercepted in Indonesian Waters; Hints at Underwater Ops."

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<sup>469</sup> Pour un aperçu complet du système de porte-parole du gouvernement de la RPC, y compris la manière dont le système s'est développé au fil du temps et comment les porte-parole sont sélectionnés et formés, voir Ni Chen, « The Evolving Chinese Government Spokesperson System, » *Soft Power in China: Public Diplomacy through Communication*, éd. Jian Wang (New York : Palgrave MacMillan, 2011), 73-93.

<sup>470</sup> Bachman and Bellacqua, *Black and White and Red All Over: China's Improving Foreign-Directed Media*.

<sup>471</sup> Voir, par exemple, "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."; "Vietnam Disrupts Chinese Company's Exploration of Xisha Islands, Illegal — Chinese Ambassador to Australia."; "US Urged to Stop Spying in the South China Sea," *AS Digesa Hentikan Kegiatan Pengintipan di Laut China Selatan*, Malay CRI, Dec. 18, 2016, <http://webcache.googleusercontent.com/search?q=cache:GPweZ83g1jcj:malay.cri.cn/601/2016/12/18/27s166433.htm+&cd=7&hl=en&ct=clnk&gl=us>; "The Second Batch of Chinese Medical Aid Delivered to Mauritania," *CRI Arabic*, Apr. 21, 2020, [https://arabic-cri-cn.translate.goog/news/china/438/20200421/456053.html?\\_x\\_tr\\_sch=http&\\_x\\_tr\\_sl=ar&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=nui,sc](https://arabic-cri-cn.translate.goog/news/china/438/20200421/456053.html?_x_tr_sch=http&_x_tr_sl=ar&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=nui,sc); "It Is Better to Advance the Fisheries Agreement with China," *Mas magandang isulong ang Fisheries Agreement sa Tsina*, Filipino CRI, Nov. 17, 2017, [https://filipino-cri-cn.translate.goog/301/2017/11/17/109s152848.htm?\\_x\\_tr\\_sch=http&\\_x\\_tr\\_sl=tl&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=nui,sc,elem](https://filipino-cri-cn.translate.goog/301/2017/11/17/109s152848.htm?_x_tr_sch=http&_x_tr_sl=tl&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=nui,sc,elem); "Interview: Chairman of the Ruling Party in Mauritania: The Chinese Communist Party Is Leading China to Achieve Unprecedented Development," *CRI Arabic*, July 16, 2021, [http://arabic.news.cn/2021-07/16/c\\_1310065216.htm](http://arabic.news.cn/2021-07/16/c_1310065216.htm); "Indonesia Ends KRI Nanggala 402 Submarine Lifting Operation," *Indonesia Akhiri Operasi Pengangkatan Kapal Selam KRI Nanggala 402*, Indonesian CRI, June 3, 2021, <http://indonesian.cri.cn/20210603/d326421e-f138-8ee8-906b-999eb8f6e624.html>; "Pollution: Clandestine Treatment of Garbage in China."

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<sup>472</sup> Le porte-parole de l'ambassade chinoise répond à une question sur un rapport de déversements de déchets présumés depuis des navires chinois en mer de Chine méridionale, "Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on July 15, 2021."

<sup>473</sup> Le porte-parole de l'ambassade chinoise répond à une question sur un rapport de déversements de déchets présumés depuis des navires chinois en mer de Chine méridionale, *ibid.*

<sup>474</sup> Voir, par exemple, un article du 15 juillet 2021 publié par le *Global Times*, une filiale sans autorité largement lue et influente du *People's Daily*, avec un fort penchant nationaliste, qui faisait écho à la réponse ministère des Affaires étrangères de la RPC, qualifiant le rapport sur les navires de la RPC de « monté de toutes pièces et malveillant ». "Chinese FM Condemns 'Fabricated, Malicious' Report of US Company Accusing Chinese Ships of Dumping Sewage in South China Sea." ; "Twitter Thread about Similarity Report Funding." ; "Twitter Thread About Similarity Report Chlorophyll Analysis." ;

"Chinese Embassy Spokesperson Answers Question on a Report of Alleged Chinese Ships Dumping Waste in the South China Sea." ;

"Take a Picture, the Rest is All up to Editing! This American Image Company Did It."

<sup>475</sup> Wenbin, "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on December 15, 2020."

<sup>476</sup> Voir, par exemple, "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on December 15, 2020." ; "Regular Press Conference (2020-12-15)." ; Wenbin, "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on December 25, 2020."

<sup>477</sup> Voir, par exemple, "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on December 15, 2020." ; "Regular Press Conference (2020-12-15)." ; Wenbin, "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on December 25, 2020."

<sup>478</sup> Voir, par exemple, Jingjing, "US Mounts 'Forced Labor' Lies on Fishing Firm to Serve Strategy of Containing China Following Attack on Xinjiang Industries." Wenbin, Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on May 31, 2021; "China's Ministry of Foreign Affairs: Alleged Forced Labor Is a Conspiracy."

<sup>479</sup> Par exemple, lors d'une conférence de presse à l'ambassade de la RPC à Jakarta, un porte-parole de l'ambassade chinoise en Indonésie a répondu aux questions des journalistes concernant la mort de membres d'équipage indonésiens à bord de navires de pêche de la RPC. La réponse du porte-parole à l'époque indique son inquiétude quant aux décès signalés et promet une coopération avec les autorités indonésiennes en ce qui concerne les enquêtes. "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]."

<sup>480</sup> "China Is a Responsible Fishing Country."

<sup>481</sup> Voir, par exemple, 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](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-yachtS>.

<sup>482</sup> Voir, par exemple, Willie, "The Chinese Embassy in Port Vila Did Not Respond to Requests for Comment." ; "Vanuatu Detains Chinese Fishing Boats, Russian Yacht."

<sup>483</sup> CNA n'a trouvé aucun article des médias de la RPC sur l'incident en français ou en anglais, deux langues officielles du Vanuatu. Les quelques articles de médias de la RPC en langue chinoise ont déclaré que c'était la première fois que le Vanuatu arrêta un bateau de pêche chinois.

<sup>484</sup> CNA n'a trouvé aucun article des médias de la RPC sur l'incident en français, la langue officielle du Gabon.

<sup>485</sup> CNA n'a trouvé aucun article des médias de la RPC sur l'incident en français, la langue officielle du Gabon.

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<sup>486</sup> “Discussions on the Burnt-Down Sanyang Fishmeal Factory Should Be Constructive.” “China Moves Forward with Investments in Gambia, Despite Protests.”

<sup>487</sup> CNA n'a trouvé aucun article des médias de la RPC sur l'incident en anglais, la langue officielle de la Gambie.

<sup>488</sup> Un représentant de l'ambassade de la RPC au Ghana aurait reconnu la flotte de chalutiers comme appartenant à la RPC lors d'un entretien avec les médias en 2012. Voir 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> via : *China's Hidden Fleet in West Africa: A Spotlight on Illegal Practices Within Ghana's Industrial Trawl Sector.*

<sup>489</sup> “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.”

<sup>490</sup> “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.”

<sup>491</sup> “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.”

<sup>492</sup> Un article anglais du *Global Times*, journal d'État à tendance nationaliste, a accusé « le soutien trompeur du gouvernement et la promotion de l'industrie du bénéitier à Tanmen, dans la province de Hainan » d'être à l'origine de « surexploitation » et de la « destruction des écosystèmes de récifs coralliens ». Voir “S. China Sea Corals on Brink of Extinction,” *Global Times*, May 24, 2016, <https://www.globaltimes.cn/content/984745.shtml>. Un autre rapport anglais a reconnu que les « opportunités économiques considérables » qu'offrait le commerce des coquilles de bénéitiers ont conduit à « des méthodes de pêche non durables qui ont non seulement entraîné un déclin rapide du nombre de bénéitiers dans la mer de Chine méridionale, mais ont également gravement endommagé l'écosystème des récifs coralliens ». Voir “Giant Clams Still on Sale in South China Despite Bans,” *Global Times*, Apr. 25, 2019, <https://www.globaltimes.cn/content/1147431.shtml>. Pour d'autres exemples, voir, “Shenzhen Authorities Intercept Clam Shell Products,” *China Daily*, Sept. 19, 2017, [https://www.chinadaily.com.cn/china/2017-09/19/content\\_32198728.htm](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](http://www.xinhuanet.com/english/2019-05/19/c_138070724.htm).

<sup>493</sup> Les médias de la RPC en langue anglaise et indonésienne ont également cherché à présenter les navires de recherche de la RPC de manière favorable, soulignant leurs efforts pour aider la marine indonésienne à récupérer son sous-marin KRI *Nanggala* 402, coulé.

<sup>494</sup> Les déclarations du ministère des Affaires étrangères de la RPC soutiennent que les navires de la RPC respectent rigoureusement les exigences VMS de la RPC distinctes, mais connexes. Voir “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.”

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- <sup>495</sup> Les ambassades de la RPC ont communiqué à nouveau les remarques du ministère des Affaires étrangères concernant les navires de la RPC respectant les exigences VMS rigoureuses. Elles ne mentionnent pas spécifiquement la modification ou la désactivation du système AIS.
- <sup>496</sup> Voir, par exemple, “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.”
- <sup>497</sup> CNA n'a trouvé aucun article des médias de la RPC sur l'incident en arabe, la langue officielle de la Mauritanie.
- <sup>498</sup> Voir, par exemple, “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.”
- <sup>499</sup> Voir, par exemple, “Press Release on the So-Called Collision of Fishing Boats Between China and the Philippines.”
- <sup>500</sup> Voir, par exemple, “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.”
- <sup>501</sup> Selon un responsable de la marine namibienne, la marine a arrêté les navires de la RPC en réponse à des rapports d'activité illégale et à des déclarations contradictoires de l'équipage, précisant que l'équipage de la RPC « avait initialement refusé de coopérer et voulait rentrer en Chine ». Voir “Chinese Vessels Cleared of Illegal Fishing.”; “Navy Intercepts Suspicious Fishing Vessels.”; “Chinese Vessels Found in Namibian Waters: Something Fishy?”
- <sup>502</sup> CNA n'a trouvé aucun article des médias de la RPC sur l'incident en anglais, la langue officielle de la Namibie.
- <sup>503</sup> L'ambassade de la RPC au Cambodge a publié un communiqué de presse le 8 septembre 2021, deux mois après l'incident de *Tong Hai*, en réponse aux articles des médias locaux sur le trafic d'êtres humains et les jeux de hasard illégaux dans le « quartier chinois » de Sihanoukville. Ce communiqué de presse a souligné que « la plupart des victimes » sont des citoyens de la RPC et a encouragé la coopération avec les autorités locales. Voir “The Spokesperson of the Chinese Embassy in Cambodia Made a Statement on the Cambodian Media's Report on the "China Town" In Sihanoukville.”
- <sup>504</sup> CNA n'a trouvé aucun article des médias de la RPC sur l'incident en khmer, la langue officielle du Cambodge.
- <sup>505</sup> Somers, “US Embassy Commends ROP Government and Condemns Chinese IUU Fishing.”
- <sup>506</sup> 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>.
- <sup>507</sup> “Chinese Poachers Barred from Returning to Palau.”
- <sup>508</sup> 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/>.
- <sup>509</sup> Willie, “Chinese Fishing Vessels Seized.”
- <sup>510</sup> McGarry, “Chinese Fishing Captains Face Jail, Big Fines for Alleged Illegal Fishing in Vanuatu.”
- <sup>511</sup> Ibid.
- <sup>512</sup> 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](https://www.dailypost.vu/news/14-plead-not-guilty/article_5d5df734-b82d-11eb-bc45-a38a2e0ce52e.html).
- <sup>513</sup> “Two Trawlers Arrested with Over One Ton of Rays and Fins in Gabon.”
- <sup>514</sup> *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.”
- <sup>515</sup> “Leveraging NGOs and Volunteerism for Maritime Surveillance Against IUU Fishing.”

<sup>516</sup> “Gabon Cracks Down on Illegal Trawlers,” Livestock and Fisheries Chamber, 2020, accessed Aug. 27, 2021, <https://livestockandfisherieschamber.com/gabon-cracks-down-on-illegal-trawlers/>.

<sup>517</sup> “Chinese trawler caught illegal fishing in protected waters of Loango National Park,” Un chalutier 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-chalutier-chinois-pris-en-flagrant-delit-de-peche-illegale-dans-les-eaux-protegees-du-parc-national-de-loango/>.

<sup>518</sup> *Regulations on the protection of coral reefs and clams in Hainan Province* (), Qionghai, Hainan, China Government, (May 24, 2021), accessed Sept. 27, 2021,

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<https://www.officialgazette.gov.ph/2001/07/30/republic-act-no-9417/>; *Giant Clams Convention on International Trade in Endangered Species (CITES) – Vulnerable*, 1985; *Tridacna gigas IUCN Red List of Threatened Species*, 2004.

<sup>519</sup> Voir, par exemple, “Filipino Scientists Seeded Giant Clams, Chinese Fishermen Stole Them.”; “Life in the Wake of Hainan’s Clam Shell Clampdown.”

<sup>520</sup> “Sino Poachers Target Giant Clams in Palawan Waters.”; “PH Protests China’s Harvest of Giant Clams.”

<sup>521</sup> Voir, par exemple, “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.”

<sup>522</sup> 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>.

<sup>523</sup> Voir, par exemple, “Fujian subsidies to the fishing sector bring trouble to West African waters,” Africa Defense Forum, Aug. 11, 2021, . 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](http://www.bjreview.com/World/201906/t20190618_800171021.html); “Mauritania: 3 Fishermen Were Killed After Their Boat Collided with a Chinese Ship.”

<sup>524</sup> “Mauritanians Protest Chinese Fishing After Deadly Incident.”

<sup>525</sup> “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.”

<sup>526</sup> “Nouadhibou: A Chinese ship kills four Mauritanian fishermen,” باخرة صينية تتسبب في مقتل أربعة صيادين موريتانيين, El Hiyad, July 26, 2017, [https://elhiyad-](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)

[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](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). En octobre 2021, aucun rapport n'a été établi sur l'issue des procédures engagées contre les pêcheurs de la RPC.

<sup>527</sup> Voir les rapports suivants pour des exemples impliquant des navires étrangers en provenance (1) **des 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) **du 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) **du Sénégal** : “Fisherman Burned in Confrontation with Chinese Trawler.” (4) **de la Mauritanie** : “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) **du Brésil** : “Fishing Wars in South Atlantic. Chinese vs. Brazilian.”

<sup>528</sup> “DFW: 35 Indonesian Migrant Fishing Vessel Crew Die Abroad.”; *Forced Labor at Sea: The Case of Indonesian Migrant Fishers*.

<sup>529</sup> “China Responds ‘Positively’ to Indonesian Request on Human Trafficking.”



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<sup>530</sup> “CBP Issues Withhold Release Order on Chinese Fishing Fleet.”

<sup>531</sup> *Forced Labor at Sea: The Case of Indonesian Migrant Fishers.*

<sup>532</sup> “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,” Cambodia Police, July 26, 2021, [https://cambodiapolice-com.translate.google.com/policekh/297249?\\_x\\_tr\\_sl=km&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=nui,sc](https://cambodiapolice-com.translate.google.com/policekh/297249?_x_tr_sl=km&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=nui,sc).

<sup>533</sup> “36 Chinese nationals arrested for illegally entering Cambodia via sea,” Khmer Times, July 26, 2021, <https://www.khmertimeskh.com/50901093/36-chinese-nationals-arrested-for-illegally-entering-cambodia-via-sea/>; “Thirty-Six Chinese Ships Smuggling into Cambodia Were Cracked Down on Koh Rong (Video Inside).”

<sup>534</sup> “Thirty-Six Chinese Ships Smuggling into Cambodia Were Cracked Down on Koh Rong (Video Inside).”

<sup>535</sup> “36 Chinese Nationals Detained in Cambodian Waters.”; “36 Chinese Nationals Arrested for Illegally Entering Cambodia on a Ship from China.”

<sup>536</sup> Chun Chanboth, “Authorities ready to deport 36 Chinese nationals after illegally entering Cambodia by water,” Radio Free Asia, July 27, 2021, [https://www.rfa-org.translate.google.com/khmer/news/social-economy/authorities-ready-to-deport-36-chinese-back-country-after-smuggling-into-cambodia-07272021162935.html?\\_x\\_tr\\_sl=km&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=nui,sc](https://www.rfa-org.translate.google.com/khmer/news/social-economy/authorities-ready-to-deport-36-chinese-back-country-after-smuggling-into-cambodia-07272021162935.html?_x_tr_sl=km&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=nui,sc); “Thirty-six Chinese ships smuggling into Cambodia were cracked down on in Koh Rong.”

<sup>537</sup> “Sewage from Anchored Ships Is Damaging Spratly Reefs.”

<sup>538</sup> Ochona, “More Chinese Ships May Be Dumping Wastes in Spratlys: Satellite Imagery Expert.”

<sup>539</sup> Tilstone et al., “Performance of Ocean Colour Chlorophyll a Algorithms for Sentinel-3 OLCI, MODIS-Aqua and Suomi-VIIRS in Open-Ocean Waters of the Atlantic.” ; “Water Quality from Space,” Brockmann Consult GmbH, accessed Aug. 9, 2021, <https://www.brockmann-consult.de/portfolio/water-quality-from-space/>. ; NASA, “Chlorophyll a (chlor\_a),” Earth Data, accessed Aug. 9, 2021, [https://oceancolor.gsfc.nasa.gov/atbd/chlor\\_a/](https://oceancolor.gsfc.nasa.gov/atbd/chlor_a/); “What is Eutrophication?,” GEO Blue Planet, accessed July 22, 2021, <https://chlorophyll-esriocceans.hub.arcgis.com/pages/eutrophication>.

<sup>540</sup> “Statement on the Presence of China’s Maritime Militia at the West Philippine Sea.”

<sup>541</sup> “The Gambia: Chinese Fishmeal Company Burnt Down by Angry Protesters.”; Boechat, “Alleged Chinese Factory Pollution Kills Dolphin in Gambia.” Lily Kuo, “Gambians Are Accusing a Chinese Company of Destroying Their Coastline,” *Quartz*, May 29, 2017, accessed Aug. 19, 2021 <https://qz.com/africa/993840/gambians-and-environmentalists-are-accusing-chinese-company-golden-leaf-of-destroying-their-coastline/>.

<sup>542</sup> Voir, par exemple, “Gunjur – Court Orders Stay on Chinese Golden Lead Fish-Meal Expansion Spree.” Mustapha K Daboe, “Gambians protest alleged pollution from Chinese plant,” *Anadolu Agency*, Mar. 22, 2018, accessed Aug. 19, 2021, <https://www.aa.com.tr/en/africa/gambians-protest-alleged-pollution-from-chinese-plant/1096560#>. Urbina, “Fish Farming Is Feeding the Globe. What’s the Cost for Locals?.”

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<sup>546</sup> National Environmental Agency Gambia, STOP NOTICE, Mar. 10, 2021. “Gunjur – Court Orders Stay on Chinese Golden Lead Fish-Meal Expansion Spree.”; “A Good Day for People and for the Ocean: Greenpeace Lauds Gambia’s Government for Stopping the Expansion of Major Fishmeal and Fish Oil Plant.”

<sup>547</sup> “Gunjur – Court Orders Stay on Chinese Golden Lead Fish-Meal Expansion Spree.”

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<sup>548</sup> Selon les médias gambiens, des manifestants en Gambie ont incendié l'usine de farine de poisson de Nassim à la suite du meurtre présumé d'un gambien par un employé sénégalais de l'usine de Nassim appartenant à la RPC, ainsi que des critiques croissantes de l'opinion publique concernant le mépris affiché par l'usine au regard des questions de sûreté et d'environnement liées son fonctionnement, notamment en matière d'élimination des déchets. Voir "The Gambia: Chinese Fishmeal Company Burnt Down by Angry Protesters."; "Gambians Torch Chinese Fishmeal Plant."

<sup>549</sup> "Automatic Identification System Overview."

<sup>550</sup> Voir, par exemple, *Article 24, Paragraph 1 and Paragraph 2 (12) of the "Regulations of the People's Republic of China on Maritime Affairs and Administrative Penalties (十二)"*, Sept. 1, 2021; *Notice of the Ministry of Agriculture and Rural Affairs on the Issuance of the "Measures for the Administration of Monitoring the Position of Ocean Fishing Vessels" ()*, Aug. 19, 2018; *Decision of the People's Government of Hainan Province on Amending the "Regulations on the Administration of the Safety Production of Marine Fishing Vessels in Hainan Province" ()*, People's Government of Hainan Province () (Sept. 27, 2017), accessed Sept. 30, 2021, <https://www.hainan.gov.cn/hainan/dfzfgz/201710/c6d50c366b5b4e679d1222b11b63834b.shtml>; *UN IMO SOLAS, 1974; Revised Guidelines for the Onboard Operational Use of Shipborne Automatic Identification Systems (AIS)*, Dec. 2, 2015.

<sup>551</sup> Voir, par exemple, "What Vessels Are Required to Use AIS? What Are Global Regulations and Requirements for Vessels to Carry AIS?"; "Avoiding Detection: Global Case Studies of Possible AIS Avoidance."; "Great Wall of Lights: China's Sea Power on Darwin's Doorstep."; Carmen Ferrà et al., *Using AIS to Attempt a Quantitative Evaluation of Unobserved Trawling Activity in the Mediterranean Sea*, *Frontiers in Marine Science*, 2020, <https://www.frontiersin.org/articles/10.3389/fmars.2020.580612/full>.

<sup>552</sup> Voir, par exemple, "Lianyungang Maritime Investigation and Punishment of a Fishing Vessel Illegally Installing Cargo Ship AIS."; "AIS, the Things You Need to Know."; "Typical Case of Maritime Radio Order Rectification."; "Pollution: Clandestine Treatment of Garbage in China."

<sup>553</sup> Voir "A 2020 Analysis: Detecting the Dark Fleets in North Korea and Russia."; "How NGOs Can Help Keep Tabs on China's Illegal Fishing Activity."; "The Curious Case of the SU RI BONG."

<sup>554</sup> Voir, par exemple, le *Gang Tai 8* battant pavillon chinois (tonnage brut de 725), qui a « disparu » pendant quatre jours dans les eaux juste à l'extérieur de la ZEE de l'Équateur en juillet 2020, avant le transbordement apparent vers un navire de fret réfrigéré, soulevant des inquiétudes quant au transbordement illégal. "Great Wall of Lights: China's Sea Power on Darwin's Doorstep."; "Evolution of the Fleet: A Closer Look at the Chinese Fishing Vessels off the Galapagos."; "Looking Past Gulf of Guinea Piracy: Chinese Twins, 'Ghanaian' Fishing, and Domain Awareness."

<sup>555</sup> Field, "Murky Background to Vanuatu's Chinese Fishing Boat Arrests."

<sup>556</sup> "Looking Past Gulf of Guinea Piracy: Chinese Twins, 'Ghanaian' Fishing, and Domain Awareness."

<sup>557</sup> "The Sinking of Gem-Ver."

<sup>558</sup> Voir Septiari and Santosa, "Bakamla Intercepts Chinese Research Vessel in Sunda Strait."; Yahya, "Bakamla Suspects Chinese Survey Vessel Operates Underwater Sensors in Indonesian Waters."; Mai, "The Indonesian Patrol Vessel Blocked the Chinese Research Vessel in Sunda Strait."; "Chinese Research Vessel Intercepted in Indonesian Waters; Hints at Underwater Ops."

<sup>559</sup> Voir Septiari and Santosa, "Bakamla Intercepts Chinese Research Vessel in Sunda Strait."; Yahya, "Bakamla Suspects Chinese Survey Vessel Operates Underwater Sensors in Indonesian Waters."; Mai, "The Indonesian Patrol Vessel Blocked the Chinese Research Vessel in Sunda Strait."; "Chinese Research Vessel Intercepted in Indonesian Waters; Hints at Underwater Ops."

<sup>560</sup> "Chinese Research Vessel Intercepted in Indonesian Waters; Hints at Underwater Ops."; *Regulations for Carriage of AIS*, Dec. 31, 2004; *Indonesian Government Regulation No. 37 on the Rights and Obligations of Foreign Ships and Aircraft Exercising the Right of Archipelagic Sea Lane Passage Through Designated Archipelagic Sea Lanes, 28 June 2002*, June 28, 2020; "Chinese Research Vessel Intercepted in Indonesian Waters; Hints at Underwater Ops."

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<sup>563</sup> Voir *Indonesian Government Regulation No. 37 on the Rights and Obligations of Foreign Ships and Aircraft Exercising the Right of Archipelagic Sea Lane Passage Through Designated Archipelagic Sea Lanes*, 28 June 2002, June 28, 2020; *Act No. 6 of 8 August 1996 regarding Indonesian Waters, Third Part, Transit Crossing Rights, Article 20*, National legislation - DOALOS/OLA - United Nations - INDONESIA, (Aug. 8, 1996), accessed Sept. 20, 2021, [https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/IDN\\_1996\\_Act.pdf](https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/IDN_1996_Act.pdf); “Indonesia Says Spots Chinese Research Vessel in Its Waters, Tracker Off.”

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<sup>573</sup> “Held: Fishing Trawlers Entered South African Waters Without Permission Due to Bad Weather.”

<sup>574</sup> *At What Cost? How Ghana Is Losing Out on Fishing Arrangements with China's Distant Water Fleet*; “Investigation Ties Foreign-Owned Trawlers to Illegal Fishing in Ghana.”

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