



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

Paglalantad ng agwat sa pagitan ng retorika ng PRC at ng bawal na pag-uugali sa dagat: ulat ng buod

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Abstract

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

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Executive Summary

Introduction

In recent years, persons, vessels, and corporations based in or tied to the People's Republic of China (PRC) have reportedly engaged in illicit maritime activities around the globe. These alleged illicit activities are at odds with Beijing's stated policies about how PRC actors should behave in the transnational maritime domain. According to these policies, PRC actors should do the following while operating in the transnational maritime domain:

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

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

Key findings

Some PRC actors are engaged in a variety of illicit international maritime activities around the world. Among the 15 cases we examined, PRC actors were accused of being involved in the following types of illegal activities in violation of multiple national, regional, and international laws, regulations, or provisions:

- Engaging in illegal, unregulated, and unreported (IUU) fishing practices that threaten ocean ecosystems and sustainable fisheries

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

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

- The PRC has the largest DWF fleet in the world, and its vessels operate in waters around the globe. These vessels receive sizeable state subsidies and are subject to PRC government oversight.
- PRC-flagged fishing vessels were implicated in 13 of the 15 cases of illicit maritime activity examined for this study. At least two incidents allegedly involved government vessels—a PRC coast guard vessel and a survey ship.
- Our analysis found that some PRC-flagged DWF vessels are reportedly responsible for serious labor abuses and for ramming and sinking smaller foreign fishing boats, both leading to fatalities.

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

- This gap was apparent in all 15 cases examined for this study.
- Beijing promotes the narrative that the PRC is a responsible global actor that effectively governs its DWF fleet and other oceangoing vessels.
- Government officials and media also seek to portray the PRC as a source of welcome investment in foreign fisheries and fishing industries, particularly in Africa. They describe PRC economic activity in other countries’ fishing sectors as “win-win,” “mutually beneficial,” and intended to benefit local economic development.
- These narratives stand in contrast to the recently reported illegal activities of some PRC actors.

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

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

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

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

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

Buod ng mga Pangunahing Punto

Panimula

Nitong nakalipas na mga taon, ang mga tao, sasakyang pandagat, at mga korporasyong nakabase sa o may kaugnayan sa People's Republic of China (PRC) ay naiulat na nagsasagawa ng mga ipinagbabawal na aktibidad na pandagat sa buong mundo. Itong mga ipinagbabawal na gawain diumano ay magkasalungat sa mga patakarang nabanggit ng Beijing tungkol sa kung paano ang nararapat na pagkilos ng mga tauhan ng PRC sa transnasyonal na nasasakupang pandagat. Ayon sa mga patakarang ito, dapat gawin ng mga tauhan ng PRC ang sumusunod habang ginagamit ang transnasyonal na nasasakupang pandagat.

- Sumunod sa United Nations Convention on the Law of the Sea (UNCLOS), sa ilalim ng Artikulo 94 kung saan, ang bansa kung saan nakarehistro ang sasakyang pandagat gaya ng PRC ay may responsable sa (1) pagtitiyak na ang mga sasakyang pandagat na nagpapalipad ng bandila ng PRC ay sumusunod sa mga batas pandagat kung saan ang Beijing ay isang partido, at (2) pagpapanagot sa mga lumalabag.
- Sumunod sa mga lokal na batas at mga balangkas ng rehiyon.
- Labanan ang mga ilegal, walang anumang regulasyon, at hindi naiuulat (IUU) na pangingsda.
- Pangalagaan ang kapaligiran ng dagat.

Upang magkaroon ng mas mabuting pagkaunawa sa mga pagkakasalungat sa pagitan ng opisyal na retorika ng Beijing at ng mga ipinagbabawal na internasyonal na mga aktibidad na pandagat ng mga gumaganap sa estado at hindi estado ng PRC, sinuri ng CNA ang 15 na kaso kung saan ang mga tauhan ng PRC ay naakusahan na gumagawa ng mga ipinagbabawal na aktibidad sa nasasakupang pandagat sa pagitan ng mga taong 2018 at 2021. Ang mga insidente ay naganap sa mga karagatan na nakapalibot sa South East Asia, baybayin ng Atlantiko ng Africa, at mga Bansa sa Isla ng Pasipiko. Ang aming mga pangunahing natuklasan ay tinatalakay sa ibaba.

Mahahalagang Natukalasan

Ang ilang mga tauhan ng PRC ay nakikibahagi sa iba't ibang mga ipinagbabawal na internasyonal na aktibidad na pandagat sa buong mundo. Sa 15 na mga kaso na aming sinuri, ang mga tauhan ng PRC ay inakusahan na sangkot sa mga sumusunod na uri ng mga ilegal na aktibidad na lumalabag sa maramihang pambansa, rehiyonal, at internasyonal na mga batas, regulasyon, o probisyon:

- Pagsali sa mga ilegal, di-regulado, at di-naulat (ilegal, unregulated, and unreported, IUU) na gawain sa pangingsda na nagbabanta sa mga ekosistema ng karagatan at pinapanatiling pangisdaan
- Sinasadyang pagbangga sa mga dayuhang sasakyang pandagat, pagsira sa mga sasakyang pandagat at paglagay sa panganib ng kanilang mga tripulante
- Paggamit ng sapilitang paggawa sa loob ng mga barko at pagpupuslit ng tao
- Paglabas ng polusyon sa dagat mula sa mga barko at mga basura sa lupa, pumipinsala sa kapaligiran ng dagat at nakakapinsala sa mga lokal na mamamayan
- Ang pakikialam sa mga electronic tracking o monitoring device para “go dark” (mawala) ang mga barko upang makagawa ng bawal na aktibidad nang hindi nasusubaybayan
- Iligal na pagpasok at paggamit sa mga nasasakupang katubian ng ibang bansa

Ang pinakamadalas na nagkasala ay ang mga sasakyang pandagat na ginagamit sa komersyal na pangingsda na kabilang sa malawak na distant water fishing (DWF) na plota ng PRC.

- Ang PRC ang may pinakamalaking plete ng DWF sa mundo, at ang mga sasakyang pandagat nito ay naglalayag sa mga tubig sa buong mundo. Itong mga sasakyang pandagat ay tumatanggap ng malaking subsidyo ng estado at napapailalim sa pangangasiwa ng gobyerno ng PRC.
- Ang mga sasakyang pangingsda na may bandera ng PRC ay nasangkot sa 13 sa 15 kaso ng ipinagbabawal na gawain sa dagat na sinuri para sa pag-aaral na ito. Hindi bababa sa dalawang insidente ang diumano'y may kinalaman sa mga sasakyang pandagat ng gobyerno—isang sasakyang pandagat ng coast guard ng PRC vessel at isang barko na ginagamit sa pagsisiyasat.
- Nalaman ng aming pagsusuri na ang ilang mga barkong DWF na may bandera ng PRC ay naiulat na responsable sa mga seryosong pang-aabuso sa paggawa at para sa pagbangga at paglubog ng mas maliliit na bangka ng mga dayuhan na ginagamit sa pangingsda, na parehong humahantong sa mga pagkamatay.

Mayroong nagpapatuloy na agwat sa pagitan ng retorika ng PRC at ng bawal na pag-uugali ng mga tauhan ng PRC sa transnasyonal na nasasakupang pandagat.

- Maliwanag ang agwat na ito sa lahat ng 15 kaso na sinuri para sa pag-aaral na ito.
- Isinusulong ng Beijing ang salaysay na ang PRC ay isang responsableng gumaganap sa pandaigdigang epektibong namamahala sa kanyang DWF plota at iba pang mga sasakyang pandagat.
- Sinisikap din ng mga opisyal ng gobyerno at midya na ilarawan ang PRC bilang isang pinagmumulan ng malugod na pamumuhunan sa dayuhang pangisdaan at mga industriya ng pangingsda, partikular sa Africa. Inilalarawan nila ang aktibidad na pang-ekonomiya ng PRC sa mga sektor ng pangingsda ng ibang mga bansa bilang “win-win” (parehong panalo), “mutual beneficial” (mabuti sa lahat), at nilayon upang makinabang ang lokal na pag-unlad ng ekonomiya.
- Ang mga salaysay na ito ay kabaligtaran sa kamakailang naiulat na mga ilegal na aktibidad ng ilang tauhan ng PRC.

Ang mga pampublikong tugon ng Beijing sa mga paratang ng bawal na aktibidad ng mga tauhan ng PRC ay nagmumungkahi na sinusubukan nitong hubugin ang pampublikong talakayan sa mga paraan na nagpapababa sa anumang negatibong epekto sa imahe ng PRC.

- Bilang tugon sa mga alegasyon ng maling gawain ng mga tauhan ng PRC, ang mga opisyal ng PRC at midya ay madalas na nanatiling tahimik sa posibleng pagtatangkang ipagwalang-bahala ang mga insidente.
- Sa ibang mga kaso, hayagang itinanggi ng mga opisyal ng PRC at midya ang mga paratang, kung minsan ay umaabot hanggang sa pag-uudyok ng mga pang-kontra akusasyon na nilayon upang sisihin o siraaan ang kanilang mga nag-aakusa.

Ang mga pagsisikap ng Beijing na ipagwalang-bahala at tanggihan ang mga paratang ng bawal na pag-uugaling pandagat ng mga tauhan ng PRC ay lumilitaw na sumasalungat sa mga mapagkakatiwalaang ulat ng masamang pag-uugali.

- Sa mga kaso na sinuri para sa pag-aaral na ito, ang mga sinasabing bawal na aktibidad ay iniulat ng mga dayuhang awtoridad, mga non-governmental na organisasyon, at midya. Kadalasang kasama sa mga ulat ang pagsuporta sa datos mula sa mga teknolohiya ng kamalayan sa maritime domain, logbook ng pangingsda, harapang panayam sa tao, at ebidensya sa video o larawan.
- Sa harap ng gayong katibayan, ang mga tugon ng Beijing ay lumilikha ng hitsura na, sa halip na kilalanin at tugunan ang pag-uugali ng ilang tauhan ng PRC, pampublikong binabalewala ng Beijing ang mga internasyonal na tuntunin, batas, at pamantayan.

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1. Introduction

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

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

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

To compile these case studies, we examined data sources that included PRC official statements, PRC foreign-directed and domestic media, local news media reports in countries affected by the alleged PRC behavior, maritime domain awareness and vessel tracking databases, subject matter experts, maritime law and regulation databases, and secondary literature published by nongovernmental and other research organizations.

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

2.1 PRC maritime policies

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

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

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

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

- ***The PRC is a responsible maritime actor.*** PRC officials and media consistently sought to portray China as a responsible, law-abiding maritime actor that contributes to the safety, environmental security, scientific exploration, and sustainable exploitation of the oceans.
- ***PRC investment in foreign maritime sectors is mutually beneficial.*** PRC officials and media sought to portray China as a source of welcome investment in foreign fisheries and fishing industries, particularly in Africa. They describe PRC economic activity in other countries' fishing sectors as “win-win,” “mutually beneficial,” and intended to benefit local economic development.

2.3 PRC public responses to allegations of misconduct

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

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

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

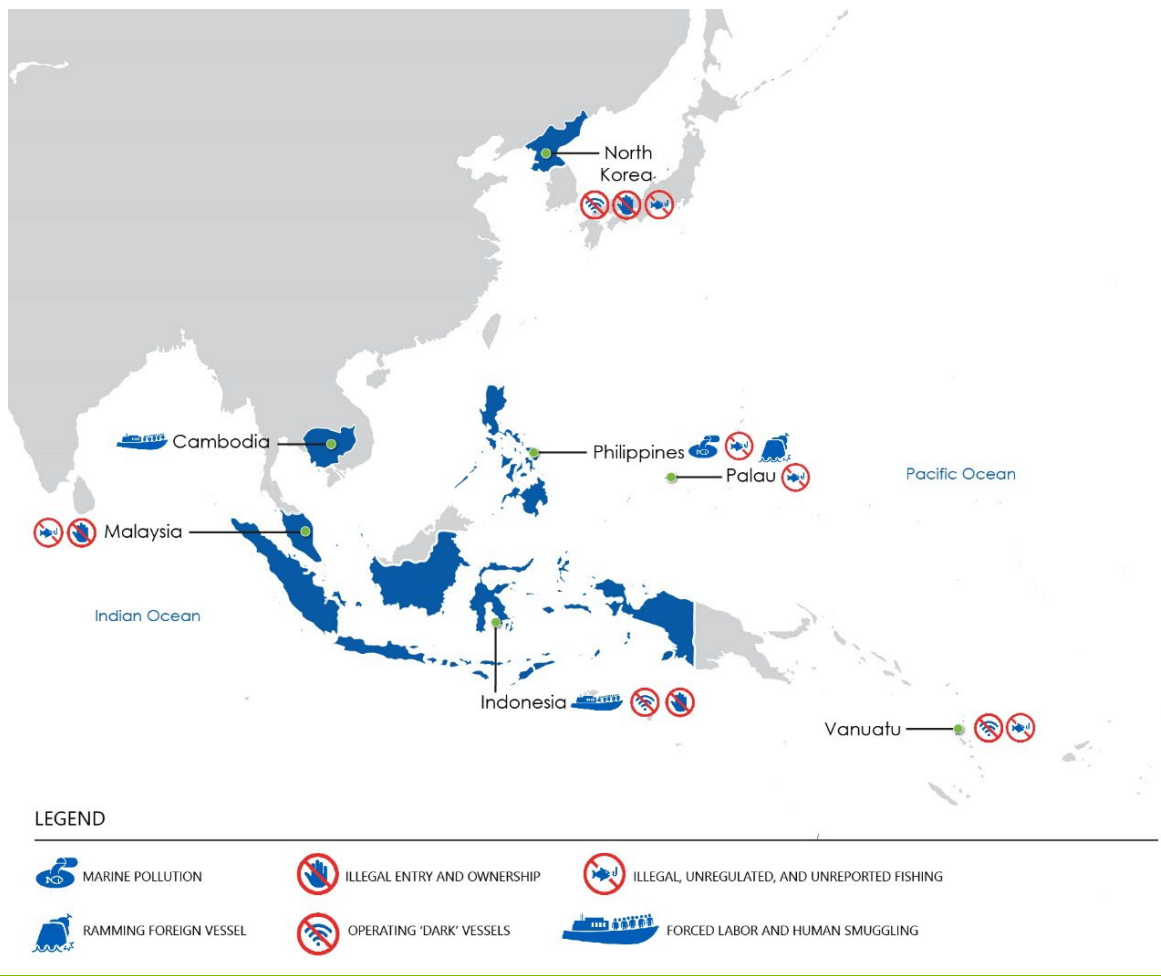
3. PRC Actors and Illicit International Maritime Activities

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

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

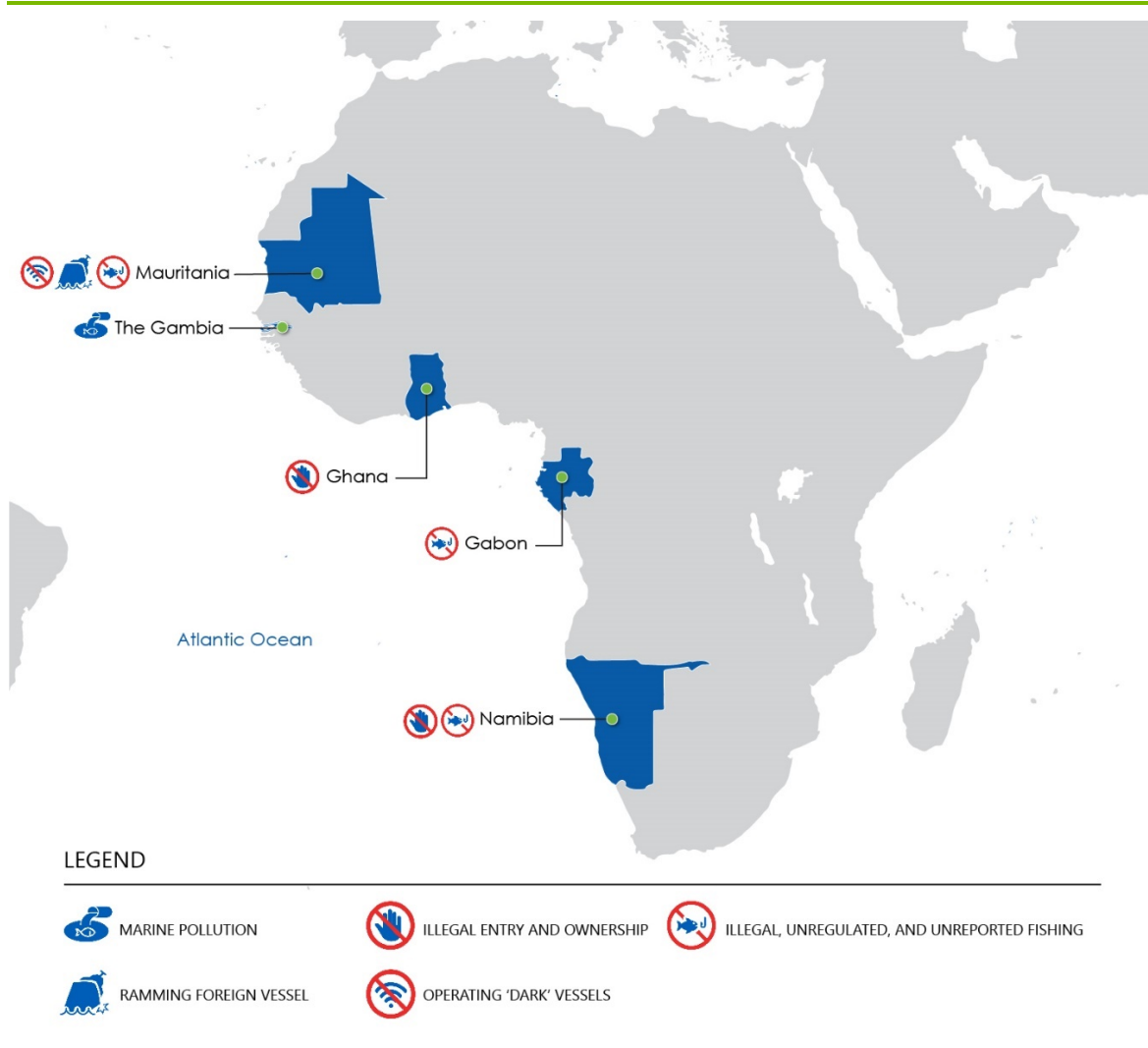
In the following sections, we discuss China’s official policies regarding each of these activities, examples of alleged misconduct by PRC actors, Beijing’s public response to the allegations, and the potential gaps between PRC actors’ behavior and Beijing’s rhetoric that risk subverting international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

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



Source: CNA.

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



Source: CNA.

3.1 IUU fishing

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

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

3.1.1 PRC policy

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

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

3.1.2 Examples of alleged misconduct by PRC actors

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

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

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

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

PRC-flagged fishing vessels allegedly engaged in fishing that was either not reported or misreported to the relevant national authority or RFMO. For example, in March 2020, local media reported that the Namibian navy had intercepted six PRC-owned fishing vessels in a popular fishing location 17 miles off the Namibian coast amid claims of illegal activity.²⁵ Ultimately, the investigation found no evidence of illegal fishing but did identify discrepancies and evidence of behaviors that could be used to conceal illicit activities. For example, the PRC fishing vessels had catch records for Angola ending in March 2019 but no logbooks or licenses for their subsequent 11 months in waters off Equatorial Guinea and Namibia.²⁶

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

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



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

3.1.3 PRC public responses to the allegations

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

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

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

Quick Facts: China’s DWF Fleet

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

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



3.2 Ramming foreign fishing vessels

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

Numerous eyewitness, video, photographic, investigative, and official accounts of ramming are readily available online. Ramming incidents among fishing vessels are typically the result of competition over contested fishing grounds or other natural resources, often in waters that are the subject of maritime territorial disputes. Reportedly, these ramming incidents have intimidated rival fisherfolk, damaged equipment, sunk vessels, and even injured, marooned, and killed crew.

3.2.1 PRC policy

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

3.2.2 Examples of alleged misconduct by PRC actors

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

- **Philippines.** On the night of June 9, 2019, the 44-meter steel-hulled PRC vessel *Yuemaobinyu* 42212 rammed the 19-meter wood-hulled Philippine vessel *Gem Ver*. The PRC vessel's automatic identification system (AIS) was deactivated, and its lights were off.⁴⁹ *Yuemaobinyu* 42212 sailed away from the scene, leaving the 22 crewmembers stranded at sea until they were saved by Vietnamese fishermen.⁵⁰
- **Mauritania.** On the night of October 9, 2020, a large PRC trawler with its lights off and AIS deactivated rammed a Mauritanian artisanal fishing vessel.⁵¹ The vessel sank, and three Mauritians were killed.⁵²

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

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



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

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

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

PRC Fishery Subsidies

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

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

3.2.3 PRC public responses to the allegations

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

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

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

- PRC foreign-directed media blamed Vietnamese and Philippine vessels for instigating the incidents that resulted in the collisions.⁶³ For example, Vietnamese-language PRC media reporting alleged that a Vietnamese vessel sank after “harassing and colliding” with a PRC vessel and claimed that the PRC side saved the Vietnamese crew.⁶⁴
- PRC officials and media have not publicly addressed the alleged 2020 PRC ramming incidents in Mauritanian or Senegalese waters nor the 2018 ramming of the Brazilian *Oceano Pesca* in the high seas off the eastern coast of South America.



3.3 Forced labor and human smuggling at sea

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

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

3.3.1 PRC policy

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

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

3.3.2 Examples of alleged misconduct by PRC actors

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

In April 2020, Indonesian officials began to address the issue publicly when they reported the deaths of four Indonesian crewmembers on the PRC-flagged *Long Xin 629*.⁸⁰ Since then, Indonesian media have continued to report cases of human trafficking, abuse, and death of Indonesians aboard PRC-flagged vessels (see Figure 5).⁸¹ Of note, in May 2021, US Customs and Border Protection (CBP) issued an entry ban for all goods produced by the fleet of China’s Dalian Ocean Fishing Co., Ltd. “based on information that reasonably indicates the use of forced labor in the entity’s fishing operations.”⁸² Dalian Ocean Fishing Co., Ltd. is the owner of at least two ships implicated in the forced labor of Indonesian crewmembers.⁸³

In addition to allegations of forced labor against PRC-flagged fishing vessels, we observed one instance in which PRC nationals appeared to be involved in human smuggling. In July 2021, 36 PRC nationals sailed from China aboard the Cambodian-flagged vessel *Tong Hai* to waters outside of Sihanoukville, Cambodia, where Cambodian authorities arrested all 36 for entering Cambodia illegally via sea.⁸⁴ Although Cambodian police statements said that the reasons the PRC nationals attempted to enter Cambodia illegally were unknown, some media reports asserted that the PRC nationals on board were “deceived and smuggled” into Cambodia to work for illegal online gambling parlors based in Sihanoukville that target gamblers in China.⁸⁵ Cambodian authorities and media have not provided details on the vessel’s owner or operator, but photographs of the ship’s interior posted by local media show hardware with Chinese characters, possibly indicating that a PRC entity operates the ship.⁸⁶

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

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

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



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

3.3.3 PRC public responses to the allegations

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

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

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



3.4 Discharging marine pollution

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

3.4.1 PRC policy

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

3.4.2 Examples of alleged misconduct by PRC actors

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

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

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

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

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

The dumping led to fish kills, damaged aquatic plants, and injured locals who use the water for bathing. Testing initiated by local groups reportedly showed unsafe levels of arsenate, phosphates, and arsenic.¹⁰⁴ A 2017 lawsuit brought by the Gambian National Environmental Agency (NEA) resulted in one PRC-owned factory being fined and all three being forced to suspend operations.¹⁰⁵ The plants have since reopened and reportedly continue to pollute local waters.¹⁰⁶ In March 2021, the NEA issued a "stop notice" to one factory for violating the nation's environmental laws.¹⁰⁷ Despite the order, the factory continued plant expansion work, according to Gambian media.¹⁰⁸ During the same period, local protestors burned a second PRC-owned fishmeal factory in response to a constellation of alleged environmental and criminal complaints.¹⁰⁹

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



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

3.4.3 PRC public responses to the allegations

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

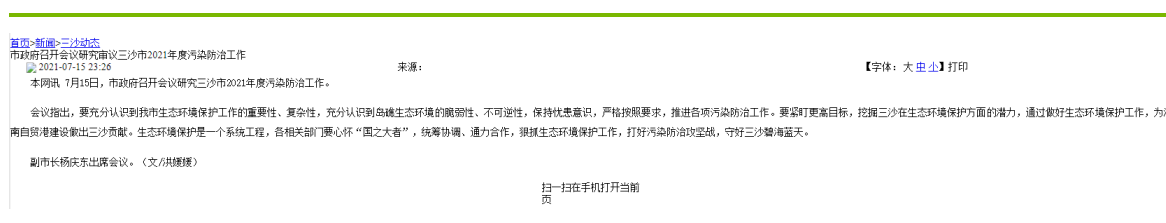
- In response to Similarity's report alleging that PRC vessels anchored in the Spratly Islands had been illegally dumping sewage, the PRC MFA and PRC embassy in the Philippines condemned the report as "fake news."¹¹⁰ PRC media directed at audiences in the region similarly portrayed the report as an attempt to smear China.¹¹¹
- PRC officials issued statements seeking to deny the PRC-owned factories' role in local environmental degradation in the Gambia:¹¹²
 - The PRC ambassador to the country told local media that the embassy's investigations had found no harmful substances in the factory effluent and that

China requires PRC entities to “follow local laws and fulfill their social responsibilities.”¹¹³

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

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

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



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

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



3.5 Operating “dark” vessels

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

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

Fisheries and Vessel Monitoring Technologies

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

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

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

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

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

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

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

3.5.1 PRC policy

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

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

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

3.5.2 Examples of alleged misconduct by PRC actors

In at least 7 of 15 cases we examined, PRC actors allegedly tampered with their vessel’s monitoring or identification systems, usually to obscure or enable other illicit activities, such as IUU fishing or illegal transshipment.¹³³ Between 2018 and 2021, there were reports of PRC vessels allegedly shutting off or tampering with their AIS to obscure illicit activities in the waters of the Democratic People’s Republic of Korea (DPRK),¹³⁴ Ecuador,¹³⁵ Vanuatu,¹³⁶ The Gambia, Namibia,¹³⁷ the Philippines,¹³⁸ and Indonesia.¹³⁹

- **DPRK.** According to a study conducted by eight institutions using satellite technology not reliant on AIS signals, nearly 1,000 “dark” vessels of PRC origin fished illegally in DPRK waters in 2017 and 2018, with the activity continuing into at least 2019.¹⁴⁰ Similarly, maritime trade organization Windward has reported that PRC vessels use multiple means of evading UN sanctions on the DPRK, including deactivating AIS as well as altering Marine Mobile Service Identity (MMSI) numbers, flag states, and vessel names.¹⁴¹
- **Ecuador.** From 2018 to 2021, investigative reports by international media and NGOs documented PRC squid jiggers and trawlers “going dark” in the high seas off South America, including near Ecuador’s Galapagos Islands, a UNESCO world heritage site.¹⁴² Similarly, an analysis of select PRC-flagged vessels’ operations near the Galapagos in 2020 found numerous instances of vessels changing draft, length, or ownership and going dark near Galapagos’ EEZ.¹⁴³
- **Vanuatu.** On January 19, 2021, a Vanuatu Maritime Police vessel intercepted two PRC-flagged fishing vessels, *Dong Gang Xing 13* and *Dong Gang Xing 16*, for suspected IUU

- fishing activities within Vanuatu’s territorial waters.¹⁴⁴ The vessels had permission to fish within Vanuatu’s EEZ but not within its 12-mile territorial waters, where they were caught with their AIS turned off, according to Vanuatu prosecutors.¹⁴⁵
- **The Gambia.** A 2019-2020 analysis of fishing vessels operating in waters off the Gambia and other Economic Community of Western African States members found PRC-flagged vessels altering AIS data such that multiple vessels shared names or IMO and MMSI numbers, which are legally required to be distinct.¹⁴⁶
 - **Indonesia.** On January 11, 2021, Indonesian media reported that the Indonesian Maritime Security Agency had intercepted the PRC research vessel *Xiang Yang Hong* 03 in the Sunda Strait for operating in Indonesian waters with its AIS deactivated.¹⁴⁷ According to Indonesian and international regulations, all ships transiting Indonesia’s archipelagic sea lanes are required to have functioning AIS.¹⁴⁸
 - **Philippines.** On the night of June 9, 2019, the 44-meter steel-hulled PRC vessel *Yuemaobinyu* 42212 rammed the Philippine 19-meter wood-hulled *Gem Ver* with its AIS deactivated and lights off, according to crew aboard the *Gem Ver* and Philippine media reports.¹⁴⁹ The PRC vessel sailed away from the scene, leaving the 22 crewmembers stranded at sea until they were saved by Vietnamese fishermen.¹⁵⁰
 - **Namibia.** In March 2020, local media reported that the Namibian navy had intercepted six PRC-owned fishing vessels in a popular fishing location 17 miles off the Namibian coast.¹⁵¹ Namibian authorities stated that the PRC vessels entered Namibia illegally and had not received authorization to anchor.¹⁵² The Namibian navy also noted that the vessels had deactivated their AIS.¹⁵³

3.5.3 PRC public responses to the allegations

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

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

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

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

PRC Media Discussion of AIS Tampering

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



3.6 Illegal entry and ownership

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

3.6.1 PRC policy

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

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

3.6.2 Examples of alleged misconduct by PRC actors

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

- ***PRC vessels reportedly carrying out illegal oceanographic survey.*** On January 11, 2021, news media reported that the Indonesian Maritime Security Agency had intercepted the PRC research vessel *Xiang Yang Hong 03* in the Sunda Strait for operating in Indonesia's territorial waters with its AIS deactivated.¹⁶⁷ Indonesian authorities reportedly suspected the vessel was conducting unauthorized activities in the Sunda Strait while its AIS was off.¹⁶⁸ Media reports speculated that the PRC vessel was gathering oceanographic information to inform PRC navy submarine operations.¹⁶⁹
- ***PRC vessels accused of illegal entry and anchoring.*** In October 2020, the Malaysian Maritime Enforcement Agency (MMEA) announced it had detained six PRC-flagged fishing vessels and their crew for entering and anchoring in Malaysia's territorial waters without permission.¹⁷⁰ Similarly, in March 2020, the Namibian navy intercepted six PRC-owned fishing vessels in a popular fishing location 17 miles off the Namibian coast. According to Namibian authorities, the PRC vessels entered Namibia illegally and had not received authorization to anchor.¹⁷¹ Upon their release, the same six PRC vessels sailed into South African waters, where they were again detained and fined for illegal entry.¹⁷²

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

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

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

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



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

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

3.6.3 PRC public responses to the allegations

PRC officials and media seek to portray China as a “responsible fishing nation” that upholds coastal states’ rights under UNCLOS, and Beijing publicly urges PRC entities to comply with local laws when operating abroad. In keeping with this narrative, Beijing publicly acknowledged that PRC vessels had been detained within Malaysia’s territorial waters. Both the MFA and the PRC embassy called on Malaysian authorities to carry out a “fair investigation, ensuring the rights and interests of the Chinese citizens involved.”¹⁷⁸

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

4. Conclusion

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

PRC official rhetoric seeks to portray China as a responsible maritime actor that effectively governs its DWF fleet and other oceangoing vessels. ***The illicit behavior of PRC actors thus creates a persistent gap between PRC rhetoric and behavior that was apparent in all 15 cases.*** Beijing's public responses to allegations of illicit activity by PRC actors suggest that it is trying to shape public discussion in ways that minimize any negative impact on China's image. In seven cases, PRC officials and media remained silent, in a possible attempt to downplay the incidents. In other cases, PRC officials and media publicly denied the allegations, sometimes going as far as lodging counteraccusations intended to shift blame or discredit their accusers. These responses could create the appearance that, rather than acknowledge the problem, Beijing is trying to publicly undermine or recast international rules, laws, and norms.

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

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

Appendix A: Beijing's Responders

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

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

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

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

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

Source: CNA.

Appendix B: Case Studies

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

In December 2020, Palau media outlets reported that a Palau Maritime Law Enforcement patrol vessel intercepted the PRC-flagged fishing vessel *Qiong Sanya Yu* for suspected illegal harvesting of sea cucumber at Helen Reef, within Palau's territorial waters and EEZ.²¹⁶ The US Coast Guard assisted Palau maritime authorities with locating the PRC vessel.²¹⁷ The Palau Ministry of Justice (MOJ) found evidence that the crew of the *Qiong Sanya Yu* poached 225 kilograms (496 pounds) of sea cucumber valued at roughly \$180,000.²¹⁸ The 28-member crew—all PRC nationals—accepted a settlement agreement offered by the Palau MOJ in place of charges, which required them to forfeit the vessel's fishing tackle and five small boats and pay \$200,000.²¹⁹

2. PRC vessels detained for illegal fishing in Vanuatu EEZ

On January 19, 2021, a Vanuatu Maritime Police vessel intercepted two PRC-flagged fishing vessels, *Dong Gang Xing 13* and *Dong Gang Xing 16*, for suspected IUU fishing activities within Vanuatu's territorial waters.²²⁰ Vanuatu prosecutors alleged that the ship operators engaged in illegal fishing without a license, turned off their satellite transponders while in Vanuatu's waters, and possessed a driftnet in violation of Vanuatu's Fisheries Act.²²¹ The ships' owner, Zhuhai Dong Gang Xing Ocean Fishing Co., refuted these charges at the time of the arrest of the ships and crew.²²² On May 18, 2021, the 14 detained PRC nationals pleaded not guilty on all charges in Vanuatu's Supreme Court.²²³ As of August 18, 2021, the ruling in the case has not been publicly reported, and Vanuatu authorities have not responded to requests for information.

3. PRC vessels engaging in illegal fishing in Gabon

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

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

4. PRC harvesting giant clams in Philippine-administered waters

Giant clams are categorized as a vulnerable species by multiple international conventions, and both the Philippines and the PRC have banned their harvest.²²⁹ The Philippine navy and media assert that PRC fishermen operating near the contested Pagasa Island (Philippines administered) and Scarborough Shoal (PRC administered) in the South China Sea continue to harvest giant clams illegally using environmentally damaging methods.²³⁰ Philippine media also assert that the PRC coast guard is aware of the illegal harvesting around Scarborough Shoal.²³¹ Philippine journalists have observed the PRC using “chopper boats,” explosives, chemicals, water pumps, and vacuums on the coral reefs to harvest the giant clams, whose shells are sold for high prices in China.²³² These harvesting methods have reportedly destroyed more than 104 square kilometers of coral reefs in the South China Sea, further depleting fish stocks and harming the livelihoods of fisherfolk from the Philippines and other countries.²³³

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

According to Mauritanian media reporting from early September 2020, a PRC-flagged trawler struck a Mauritanian fishing vessel at night, killing three of the Mauritanian crew.²³⁴ Local and regional media reported that the PRC fishing vessel struck the artisanal Mauritanian boat in waters off Nouadhibou in an area restricted to artisanal fishing where industrial trawlers are prohibited. The head of the local artisanal fishing association alleged that the incident was not an accident and asserted that the PRC vessel had turned off its lights, deactivated its AIS, and intentionally rammed the local fishing vessel.²³⁵ Mauritanian authorities reportedly arrested the captain of the PRC vessel, and local community members carried out protests against PRC and other foreign trawlers for their alleged illegal and dangerous fishing practices.²³⁶ According to Mauritanian media, a similar case occurred in 2017 when another PRC vessel reportedly collided with multiple local fishing vessels, killing at least four people.²³⁷

6. PRC vessels allegedly ramming foreign fishing vessels

Ramming incidents among fishing vessels are typically the result of competition over contested fishing grounds or other natural resources, often in waters that are the subject of maritime territorial disputes. Ramming incidents have intimidated rival fisherfolk, damaged equipment, sunk vessels, and injured, killed, and marooned crew. On at least five occasions between 2018 and 2021, news media reported that PRC-flagged vessels intentionally rammed fishing vessels from the Philippines, Mauritania, Vietnam, Senegal, and Brazil.²³⁸

7. Forced Indonesian labor on board PRC-flagged vessels

According to reports by NGOs based in Indonesia, Germany, and the US, between late 2019 and mid-2021, PRC-flagged fishing vessels exploited dozens of Indonesian crewmembers, many of whom have died from illness, beatings, unsafe working conditions, or lack of food and water.²³⁹ In April 2020, Indonesian officials began to address the issue publicly when they acknowledged the deaths of four Indonesian crewmembers on the PRC-flagged *Long Xin 629*.²⁴⁰ Since then, Indonesian authorities have announced additional cases of human trafficking, abuse, and death of Indonesians aboard PRC-flagged vessels. Subsequently, in May 2021, CBP issued an entry ban for all goods produced by the fleet of China's Dalian Ocean Fishing Co., Ltd. "based on information that reasonably indicates the use of forced labor in the entity's fishing operations."²⁴¹ Dalian is the owner of at least two ships implicated in the forced labor of Indonesian crewmembers.²⁴²

8. PRC nationals smuggled into Cambodia by sea

According to a Cambodian police report and local media, Cambodian maritime authorities arrested 36 PRC nationals and 2 Cambodians on July 26, 2020, for illegal entry into the country aboard the Cambodian-flagged vessel *Tong Hai*.²⁴³ Cambodian authorities said that *Tong Hai* left the port of Fu'an in the PRC's Fujian province on July 18 and sailed roughly 2,000 nautical miles to waters outside of Sihanoukville, where Cambodian authorities boarded the ship.²⁴⁴ Cambodian authorities and media have not provided details on the vessel's owner or operator, but photographs of the ship's interior posted by local media show hardware with Chinese characters, possibly indicating that a PRC entity operates the ship.²⁴⁵ Local media reports say that Cambodian police found no suspicious cargo beyond the smuggled persons, and it is unknown why the PRC nationals were attempting to enter Cambodia illegally.²⁴⁶ Cambodian police noted in a press release that they were prepared to deport the PRC nationals one day after their arrest but released no further details about the case.²⁴⁷

9. Reports of PRC vessels dumping sewage in Philippine EEZ

A July 2021 report by Similarity, a US-based commercial imagery analysis company, found that more than 200 vessels at anchor in the Spratly Islands were dumping sewage into the water.²⁴⁸ Similarity assessed that the vessels at anchor in the Union Banks in June were dumping roughly 2,596 pounds of sewage per day into the water.²⁴⁹ The report claims that the vessels were discharging untreated or undertreated sewage into the shallow waters, leading to chlorophyll-a blooms. These blooms, which Similarity said were visible in satellite imagery, can lead to hypoxic ocean conditions that can harm marine organisms and ecosystems.²⁵⁰ The report also asserted that these vessels were likely the same PRC vessels that the Philippine coast guard had observed in the same location weeks earlier.²⁵¹ The Philippine government is independently investigating Similarity's claims.

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

Gambian media outlets report that three PRC-owned fishmeal factories have discharged untreated wastewater and dangerous chemicals into a maritime reserve and the country's coastal waters.²⁵² Local media reports say that pollution from these factories has damaged freshwater and coastal marine resources, killed marine life, and caused locals to suffer skin ailments.²⁵³ Testing initiated by local groups reportedly showed unsafe levels of arsenate, phosphates, and arsenic.²⁵⁴ A 2017 lawsuit brought by the NEA resulted in one PRC-owned factory being fined and all three being forced to suspend operations.²⁵⁵ The plants have since reopened and reportedly continue to pollute local waters.²⁵⁶ In March 2021, the NEA issued a "stop notice" to one factory for violating the nation's environmental laws.²⁵⁷ Despite the order, the factory continued plant expansion work, according to Gambian media.²⁵⁸ During the same period, local protestors burned a second PRC-owned fishmeal factory in response to a constellation of alleged environmental and criminal complaints.²⁵⁹

11. Tampering with AIS on PRC ships

Vessels "go dark" by obscuring their location, movement, or transmissions or by manipulating the data transmitted by their signals. One way that vessels "go dark" is by disabling or tampering with their AIS, an automatic open-source tracking system that assists a vessel's safe navigation and allows authorities to track and monitor vessel movements.²⁶⁰ International conventions and PRC laws require ships with more than 300 gross tonnage to carry functioning AIS while sailing internationally.²⁶¹ According to experts, vessels sometimes turn off or tamper with their AIS to mask illicit activity.²⁶² DWF and other types of PRC vessels reportedly tamper with onboard AIS while operating around the world.²⁶³ Between 2018 and 2021, there were reports of PRC vessels allegedly shutting off or tampering with their AIS to obscure illicit activities in the waters of the DPRK,²⁶⁴ Ecuador,²⁶⁵ Vanuatu,²⁶⁶ West Africa,²⁶⁷ the Philippines,²⁶⁸ and Indonesia.²⁶⁹

12. PRC research vessel operating in Indonesian waters without AIS

On January 11, 2021, Indonesian news media reported that the Indonesian Maritime Security Agency had intercepted the PRC research vessel *Xiang Yang Hong* 03 in the Sunda Strait for operating in Indonesian waters with its AIS deactivated.²⁷⁰ According to Indonesian and international regulations, all ships transiting Indonesia's archipelagic sea lanes are required to have functioning AIS.²⁷¹ Indonesian authorities reportedly suspected the vessel was conducting unauthorized activities in the Sunda Strait while its AIS was off.²⁷² Media reports speculated that the PRC vessel was gathering oceanographic information to inform PRC navy

submarine operations.²⁷³ Indonesian law requires foreign vessels to obtain permission to conduct oceanographic research in Indonesia's EEZ or territorial waters. Indonesia's foreign ministry indicated that no such permissions had been given to the PRC vessel.²⁷⁴

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

On October 9, 2020, Malaysian and international news media reported that the MMEA had detained six PRC-flagged fishing vessels and their crews for entering and anchoring in Malaysia's territorial waters without the legally required permissions.²⁷⁵ The vessels' crewmembers reportedly told authorities that they were en route from China to Mauritania and stopped to anchor because of unspecified "malfunctions."²⁷⁶ At the time of the detention, Malaysian and international media reports noted that Malaysian authorities were investigating the case under sections of Malaysian law that carry fines and jail time upon conviction.²⁷⁷ However, Malaysian authorities released the crew two weeks after they were detained without making any public statement regarding their release or the status of the investigation.²⁷⁸

14. Namibia investigates PRC vessels for illegal entry and fishing

In March 2020, local media reported that the Namibian navy had intercepted six PRC-owned fishing vessels in a popular fishing location 17 miles off the Namibian coast.²⁷⁹ According to local media, Namibian authorities stated that the PRC vessels entered Namibia illegally and had not received authorization to anchor.²⁸⁰ Ultimately, the investigation found no evidence of illegal fishing but did identify discrepancies and evidence of behaviors that could be used to conceal illicit activities. First, the PRC fishing vessels had catch records for Angola ending in March 2019 but no logbooks or licenses for their subsequent 11 months in waters off Equatorial Guinea and Namibia.²⁸¹ Second, the Namibian navy noted that the vessels had deactivated their AIS.²⁸² Third, the PRC crew claimed that they anchored to avoid inclement weather, but the Namibian navy could not corroborate the alleged bad weather.²⁸³ Of note, after the PRC vessels were released, they sailed into South African waters without permission, where they were detained and fined.²⁸⁴

15. Illegal ownership of Ghana's fishing trawler fleet

Two investigative reports published by US-based environmental NGOs in 2019 and 2021 found that PRC corporations are the beneficial owners of nearly all trawlers in Ghana.²⁸⁵ It is illegal in Ghana for foreign companies to hold beneficial ownership of Ghanaian-flagged trawlers.²⁸⁶ According to the US-based NGOs, PRC corporations register the trawlers with China's Ministry of Agriculture while also registering the vessels with the Ghanaian flag via locally incorporated shell companies. This practice allows them to benefit from PRC fuel subsidies and tax benefits

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

1. Panimula

Nitong nakalipas na mga taon, ang mga tao, sasakyang pandagat, at mga korporasyong nakabase sa o may kaugnayan sa People's Republic of China (PRC) ay naiulat na nagsasagawa ng mga ipinagbabawal na aktibidad na pandagat sa buong mundo. Ang international news midya, nongovernment organization (NGOs), at mga dayuhang pamahalaan ay naglathala lahat ng mga ulat na nagdedetalye ng patuloy na ipinagbabawal na gawaing pandagat na kinasasangkutan ng mga tauhan ng PRC, kabilang ang mga mamamayan ng PRC, mga organisasyong kriminal na nakabase sa PRC, mga sasakyang pandagat na may bandila ng PRC, at mga sasakyang pandagat na pag-aari ng mga entidad ng PRC (tinatamasa ng beneficial owner ang mga benepisyo ng pagmamay-ari kahit na ang titulo sa ari-arian ay nasa ibang pangalan).¹ Ang di-umano'y ipinagbabawal na aktibidad na pandagat ng mga gumaganap ng PRC ay madalas na salungat sa retorika ng Beijing na nagpapahayag ng suporta para sa mga internasyonal na batas pandagat (kabilang ang United Nations Convention on the Law of the Sea, o UNCLOS), mga tuntunin, at mga pamantayan. Maliban kung matugunan, ang agwat na ito sa pagitan ng retorika ng Beijing at ang pag-uugali ng mga tauhan ng PRC ay sumisira sa pandaigdigang sistema ng mga internasyonal na batas, pamantayan, at mga kumbensyon na namamahala sa nasasakupang pandagat.²

Ang layunin ng pagsusuri na ito ay suriin ang mga posibleng kontradiksyon sa pagitan ng opisyal na retorika ng PRC at ang mga ipinagbabawal na internasyunal na aktibidad sa maritime na iniulat na isinasagawa ng mga tauhan na nakabase sa PRC. Upang makamit ito, sinuri ng CNA ang 15 na mga kaso kung saan ang mga tauhan ng PRC ay inakusahan ng pagsasagawa ng mga bawal na aktibidad sa nasasakupang pandagat sa pagitan ng 2018 at 2021. Ang mga case study na ito ay heograpikal na nakatuon sa mga pandagat na lugar na nakapalibot sa Timog-silangang Asya, baybayin ng Atlantiko ng Africa, at mga bansa sa Pacific Island. Sa bawat case study, sinuri namin ang mga sumusunod:

- Ang umano'y ilegal na aktibidad ng PRC at ang mga uri ng sangkot na gumaganap ng PRC
- Opisyal na mga patakaran at salaysay ng PRC tungkol sa ganoong uri ng aktibidad (hal., ilegal, di-regulado, at di-naiulat na (IUU) pangingsda o trafficking ng tao)
- Internasyonal, lokal, at mga batas, patakaran, at pamantayan ng PRC na nanganganib sa pagbabagsak ng di-umano'y aktibidad
- Mga tugon ng mga opisyal ng PRC at midya sa mga insidenteng ito

Upang tipunin ang mga case study na ito, sinuri namin ang mga pinagmulan ng datos na kinabibilangan ng mga opisyal na pahayag ng PRC, PRC midya na kinokontrol ng dayuhan at lokal, lokal na mga balita mula sa mga ulat ng midya sa mga bansang apektado ng di-umano'y pag-gawi ng PRC, kamalayan sa nasasakupang pandagat at mga database ng pagsusubaybay ng sasakyang pandagat, mga eksperto sa paksa, mga database ng batas at regulasyong pandagat, at pangalawang literatura na inilathala ng mga non-governmental at iba pang organisasyon ng pananaliksik.

2. Ang PRC at ang Nasasakupang Pandagat: Patakaran at Retorika

2.1 Mga patakarang pandagat ng PRC

Nagpahayag ang Beijing ng mga patakaran tungkol sa kung paano dapat kumilos ang mga gumaganap ng PRC sa internasyonal na nasasakupang pandagat. Ayon sa mga patakarang ito, ang mga gumaganap ng PRC—kabilang ang mga mamamayan ng PRC, mga sasakyang pandagat na may bandilang PRC, mga sasakyang pandagat na may benepisyong pag-aari ng mga entidad ng PRC, at mga korporasyon ng PRC—ay dapat gawin ang mga sumusunod habang ginagamit ang internasyonal na nasasakupang pandagat:

- ***Sumunod sa UNCLOS.*** Ang PRC ay lumagda sa UNCLOS at niratipikahan ang Convention noong 1996.³ Ayon sa embahador ng PRC sa United Nations (UN), ang Tsina ay “determinado na pinangangalagaan ang integridad at kabanalan ng UNCLOS” at “lahat ng mga bansa ay dapat na matatag na ipagtanggol ang pandaigdigang kaayusan sa karagatan batay sa internasyonal na batas, at maayos na lutasin ang mga alitan sa karagatan sa pamamagitan ng mga negosasyon at konsultasyon sa mabuting pananampalataya.”⁴ Ang nakasaad na patakaran ng PRC na ito ay umaabot din sa pagsunod sa iba pang mga UN convention na pandagat, kabilang ang mga nagbabantay sa kaligtasan sa dagat at nagbabawal sa polusyon ng dagat.⁵
- ***Sumunod sa mga lokal na batas at mga balangkas ng rehiyon.*** Hinihimok din ng Beijing ang mga mamamayan at kumpanya ng PRC na sumunod sa mga lokal na batas kapag nagpapatakbo sa ibang bansa. Ayon sa isang tagapagsalita ng Ministry of Foreign Affairs (MFA), “Bilang isang prinsipyo, palaging hinihiling ng gobyerno ng Tsina ang mga mamamayang Tsino sa ibang bansa na sumunod sa mga lokal na batas at regulasyon.”⁶ Katulad nito, kinikilala ng mga balangkas ng patakaran ng PRC tulad ng *Management Regulations of Far Seas Fisheries* ang mga regional fisheries management organization (RFMOs) bilang awtoridad sa regulasyon na namamahala sa mga aktibidad na nauugnay sa pangingsda sa matataas na dagat.⁷
- ***Labanan ang IUU na pangingsda.*** Isinusulong ng Beijing ang konserbasyon ng mga pangisdaan at tinututulan ang IUU na pangingsda sa mga plota ng parehong lokal at distant water fishing (DWF) nito. Ayon sa tagapagsalita ng MFA, “Hindi kinukunsintihin ng Tsina ang mga paglabag ng mga kaugnay na batas at regulasyon na nagawa ng mga malayong sasakyang pandagat na ginagamit sa pangingsda.”⁸

- ***Pangalagaan ang kapaligiran ng dagat.*** Ang nakasaad na patakaran ng Beijing ay ang itaguyod ang pakikipagtulungan sa ibang mga bansa upang protektahan ang kapaligiran ng dagat. Ayon kay dating Vice Foreign Minister at kasalukuyang tagapangulo ng National People's Congress Foreign Affairs Committee, si Fu Ying, “Aktibong isinusulong ng Tsina ang pakikipagtulungan sa ibang mga bansa sa patakarang pandagat at pamamahala upang protektahan ang kapaligiran ng dagat, ecosystem ng dagat at biodiversity.”⁹

2.2 Paglalarawan ng positibong imahe ng tungkulin ng PRC sa nasasakupang pandagat

Ang Partido Komunista ng Tsina ay aktibong naghahangad na hubugin ang mga internasyonal na pananaw sa PRC.¹⁰ Ang Party-State ng Tsina ay nagpapanatili ng isang malawak, mature, at may karanasang sistema ng gobyerno at mga organisasyon ng partido—kabilang ang isang napakalaking midya complex na pinamamahalaan ng estado—na inatasan sa pagsasagawa ng “panlabas na gawaing propaganda.”¹¹ Ginagamit ng Beijing ang malawak na propaganda apparatus na ito upang ipaalam ang mga opisyal na patakaran nito at isulong ang mga salaysay na gusto nitong sabihin sa internasyonal na midya, kabilang ang mga salaysay na naglalayong ipakita ang positibong imahe ng Tsina bilang isang gumaganap na maritimo. Kasama sa 15 na mga kaso na aming sinuri, napansin namin ang dalawang pinakapangunahing salaysay na hinahangad ng Beijing na isulong ang tungkol sa tungkulin ng Tsina sa nasasakupang pandagat:

- ***Ang PRC ay isang responsableng gumaganap sa pandagat.*** Patuloy na hinahangad ng mga opisyal at midya ng PRC na ilarawan ang China bilang isang responsable, masunurin sa batas na gumaganap sa karagatan na nag-aambag sa kaligtasan, seguridad sa kapaligiran, siyentipikong paggalugad, at napapanatiling pagsasamantala sa mga karagatan.
- ***Ang pamumuhunan ng PRC sa mga dayuhang sektor ng pandagat ay kapwa kapaki-pakinabang.*** Sinisikap din ng mga opisyal at midya ng PRC na ilarawan ang Tsina bilang isang pinagmumulan ng malugod na pamumuhunan sa dayuhang pangisdaan at mga industriya ng pangingsda, partikular sa Africa. Inilalarawan nila ang aktibidad na pang-ekonomiya ng PRC sa mga sektor ng pangingsda ng ibang mga bansa bilang “win-win” (parehong panalo), “mutual beneficial” (mabuti sa lahat), at nilayon upang makinabang ang lokal na pag-unlad ng ekonomiya.

2.3 Mga tugon ng publiko ng PRC sa mga paratang ng di-wastong paggawi

Kapag ang mga gumaganap ng PRC ay pampublikong inakusahan ng di-wastong paggawi sa kapaligirang pandagat, madalas na hinahangad ng Beijing na pigilin ang potensyal na pinsala sa internasyonal na imahe ng Tsina. Sa maraming pagkakataon, pinapakilos nito ang mga elemento ng malawak nitong kagamitan sa propaganda para gawin ito. (Para sa higit pa sa paksang ito, tingnan ang Hugpong B.) Ang opisyal at midya na tugon ng Tsina sa mga dayuhang pampublikong paratang ng bawal na aktibidad sa karagatan ng mga gumaganap ng PRC ay bumabagsak sa mga sumusunod na pangkalahatang kategorya:

- **Pagkilala.** Hayagang kinilala ng mga opisyal ng PRC ang insidente at ang mga alalahanin ng ibang bansa o mga bansang kasangkot at nangakong tutugunan ang mga paratang. Ang pagkilalang ito ay ipinahayag din ng midya ng PRC.
- **Pagtanggi.** Itinanggi ng mga opisyal ng PRC ang mga paratang ng maling gawain, ipinagtanggol ang mga aksyon ng mga gumaganap ng PRC na pinag-aalinlanganan, o pareho. Ang midya na PRC ay umalingawngaw sa kanilang galit, na naglalarawan sa mga gumaganap ng PRC na pinag-aalinlanganan bilang inosente sa anumang maling gawain.
- **Mga Balik-paratang.** Inakusahan ng mga opisyal at midya ng PRC ang ibang mga partido na responsable sa sanhi ng insidente o nagkasala sa ipinagbabawal na paggawi na pinag-aalinlanganan. Sa ilang mga kaso, pampublikong sinisisi ng mga opisyal at midya ng PRC ang mga biktima.
- **Paglihis.** Sinikap ng Beijing na ilihis ang atensyon sa pamamagitan ng pag-akusa sa ikatlong partido na nagkasala sa isang partikular na ipinagbabawal na aktibidad.
- **Katahimikan.** Walang opisyal ng PRC o ni midya ang hayagang tinalakay ang insidente.

3. Mga Gumaganap ng PRC at Mga Bawala na Internasyonal na Aktibidad na Pandagat

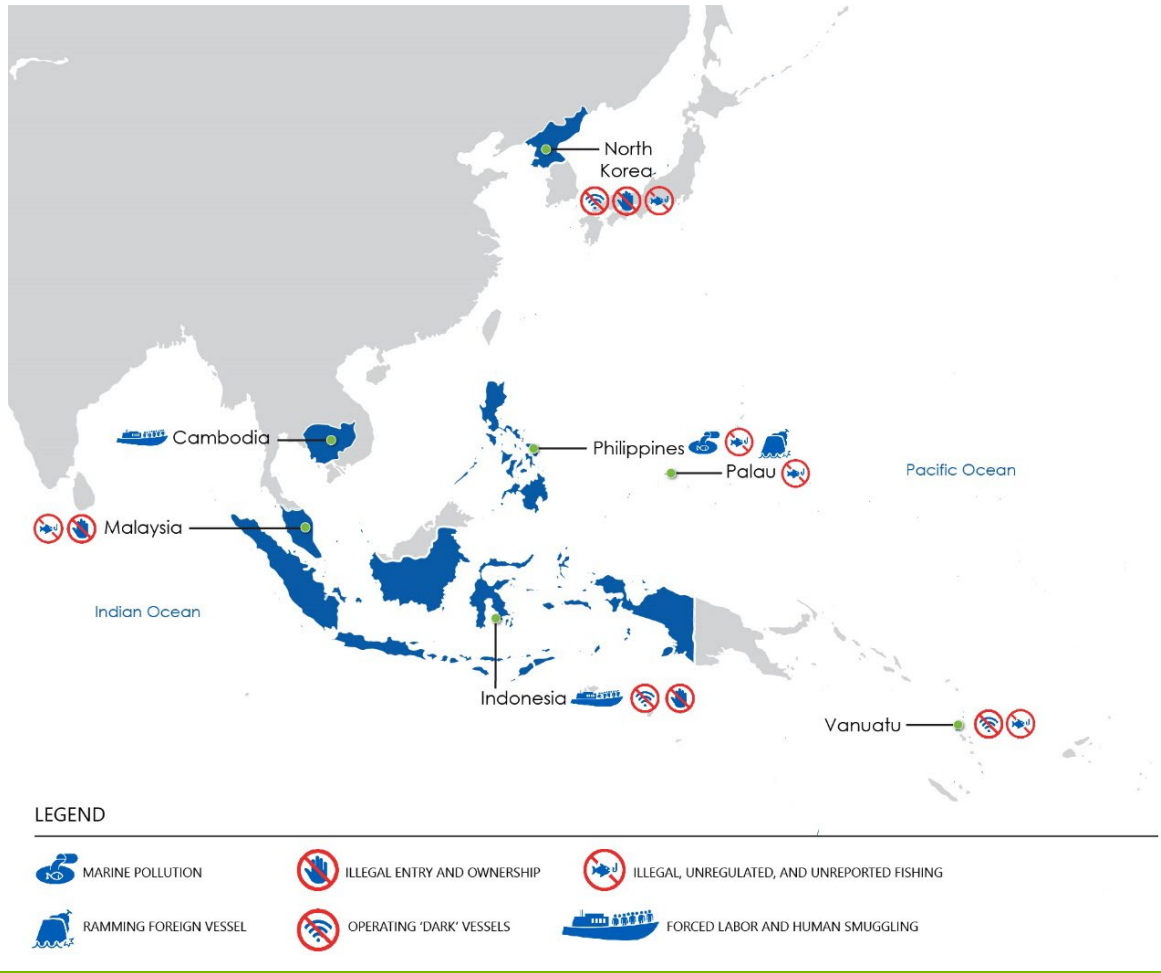
Nitong mga nakalipas na taon, ang mga internasyonal na midya ng balita, NGO, at mga dayuhang pamahalaan ay naglathala lahat ng mga ulat na nagdedetalye ng mga bawal na aktibidad na pandagat na kinasasangkutan ng mga gumaganap ng PRC, kabilang ang mga mamamayan ng PRC, mga barkong may bandera ng PRC, mga sasakyang pandagat na pag-aari ng mga entidad ng PRC, at mga organisasyong kriminal na nakabase sa PRC. Bilang karagdagan, sa 2016 Arbitrasyon ng South China Sea (Philippines vs. China), ang Permanenteng Korte ng Arbitrasyon ay nagdetalye ng maraming mga pagkakataon ng ilegal na pag-gawi.¹² Sa 15 na mga kaso na aming sinuri, ang mga gumaganap ng PRC ay inakusahan na sangkot sa mga sumusunod na uri ng ilegal na aktibidad:

- ***Pangingisdang IUU.*** Ang mga aktibidad na ipinagbabawal sa pangingisda na nagbabanta sa mga ekosistema ng karagatan at napapanatiling pangisdaan
- ***Pagbabangga sa mga sasakyang pandagat ng dayuhan.*** Sinadyang banggain ang ibang sasakyang pandagat
- ***Puwersahang pagtatrabaho at pagpupuslit ng tao.*** Ang mga ipinagbabawal na aktibidad na pandagat na kinasasangkutan ng mga biktimang tao
- ***Pagpapalabas ng polusyon sa dagat.*** Pagtatapon sa dagat mula sa sasakyang pandagat at sa mga pinagmumulang nakabase sa lupa
- ***Nagpapatakbo ng "di-nasusubaybayan" na mga sasakyang pandagat.*** Pakikialam sa mga elektronikong pangsubaybay o mga aparatong pangsubaybay
- ***Ilegal na pagpasok at pagmamay-ari.*** Mga ipinagbabawal na aktibidad at relasyon sa korporasyon sa dayuhang exclusive economic zone (EEZ)

Sa mga sumusunod na seksyon, tinatalakay natin ang mga opisyal na patakaran ng Tsina tungkol sa bawat isa sa mga aktibidad na ito, mga halimbawa ng di-umano'y maling pag-gawi ng mga gumaganap ng PRC, ang pampublikong tugon ng Beijing sa mga paratang, at ang mga potensyal na agwat sa pagitan ng pag-gawi ng mga gumaganap ng PRC at ang retorika ng Beijing na nanganganib na sirain ang mga internasyonal na batas, mga patakaran, at mga pamantayan. Figura 1 at Figura 2 ipinapakita ang mga uri ng mga bawal na aktibidad na ginawa

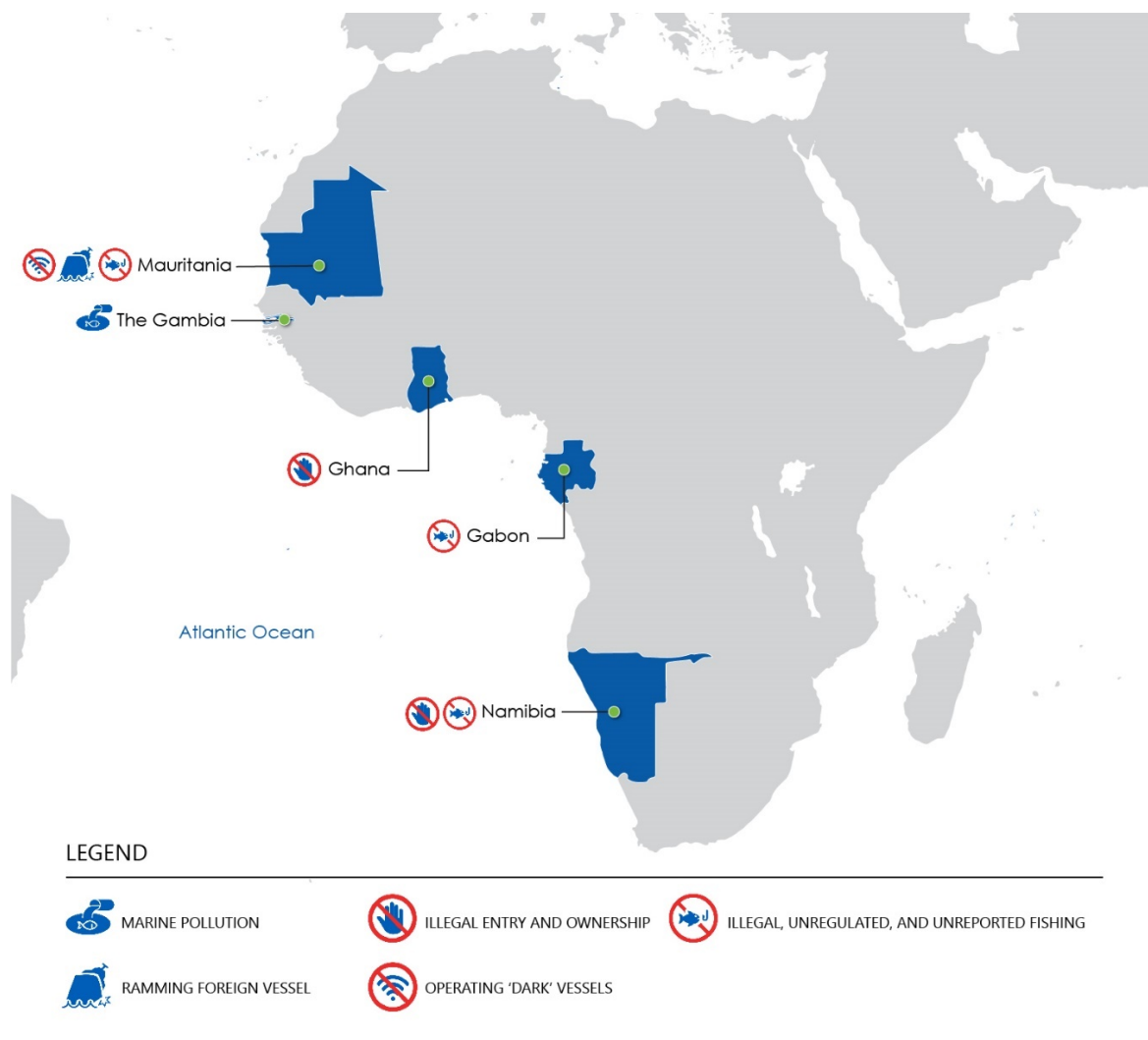
umano ng mga umaganap ng PRC sa 15 na mga case study at kung saan naganap ang mga aktibidad.

Figura 1. Ang mga umano'y bawal na aktibidad ng mga gumaganap ng PRC sa karagatan ng Southeast Asia



Pinagmulan: CNA.

Pigura 2. Ang mga umano'y bawal na aktibidad ng mga gumaganap ng PRC sa baybayin ng Africa



Pinagmulan: CNA.



3.1 Pangingsidang IUU

Ang pangingsidang IUU ay isang malawak na termino na nagpapahayag ng iba't ibang uri ng ilegal na aktibidad sa pangingsida. Inilalarawan ng UN International Plan of Action (IPOA) sa pangingsidang IUU, ang pangingsidang IUU bilang kabilang ang malawak na hanay ng aktibidad ng pangingsida na ipinagbabawal ng mga pambansa, internasyonal, at rehiyonal na regulasyon, batas, at kumbensyon.¹³ Ayon sa UN Food and Agriculture Organization, ang pangingsidang IUU ay isa sa mga pinakamalaking banta sa ecosystem ng karagatan dahil lubos

nitong pinapahina ang pambansa at rehiyonal na pagsisikap na pangasiwaan ang pangingsda nang mapanatili at pangalagaan ang biodiversity ng karagatan. Bilang resulta, ang pangingsdang IUU ay nagbabanta sa mga kabuhayan, nagpapalala ng kahirapan, at nag-aambag sa kawalan ng pagkain.¹⁴

Ang UN ay nagpahayag ng maraming mga baskagan na nilayon upang ipagbawal ang pangingsdang IUU na mukhang nasa panganib ng pagbabagsak mga gumaganap na sinuri sa pag-aaral na ito. Kabilang sa mga halimbawa ang IPOA upang pigilan, hadlangan, at alisin ang pangingsdang IUU, ang 1992 Convention on Biological Diversity, at isang resolusyon ng UN na nagbabawal sa pangingsda gamit ang driftnet.¹⁵

3.1.1 Patakaran ng PRC

Sinisikap ng mga opisyal at midya ng PRC na ilarawan ang Tsina bilang isang "responsableng bansa sa pangingsda" na nagtataguyod ng konserbasyon ng mga pangisdaan at sumasalungat sa pangingsdang IUU sa parehong mga lokal at DWF plota nito. Halimbawa, sinabi ng tagapagsalita ng PRC MFA na ang Tsina ay "naglalagay ng malaking kahalagahan sa pang-agham na konserbasyon, napapanatiling paggamit ng mga mapagkukunan na pangisdaan, at aktibong tinutupad ang mga internasyonal na obligasyon nito."¹⁶ Sa hiwalay na okasyon, iginiit ng tagapagsalita ng MFA na "ang Tsina ay hindi kinukunsinti ang mga paglabag sa mga kaugnay na batas at regulasyong ginawa ng mga malalayong sasakyang pangisda nito."¹⁷ Noong Pebrero 2021, sinabi ng direktor ng PRC Fisheries Administration Bureau ng Ministry of Agriculture at Rural Affairs na ang gobyerno ng PRC ay "nagtataguyod ng diwa at responsibilidad" ng "Code of Conduct for Responsible Fisheries" at sumusunod sa isang "landas ng responsableng pangisdaan at pagpapaunlad ng aquaculture na may mga katangiang Tsino."¹⁸

Tandaan, ang PRC ay may mga batas, regulasyon, at balangkas na nagbabawal sa aktibidad ng pangingsdang IUU. Kasama sa mga halimbawa ang Distant Water Fishery Supervisory Regulations, ang Fisheries Law, at ang White Paper on Compliance of China's Distant-Water Fishing.¹⁹

3.1.2 Mga halimbawa ng di-umano'y maling pag-gawi ng mga gumaganap ng PRC

Sa 5 sa 15 na mga kaso na aming nasuri, ang mga sasakyang pangisdang pangkomersyal na may bandera ng PRC ay inakusahan ng mga aktibidad na ikinategorya ng UN bilang pangingsdang IUU. Kabilang dito ang mga sumusunod na uri ng aktibidad:

- Pangingsda sa loob ng katubigan sa ilalim ng hurisdiksyon ng isang estadong baybayin nang walang pahintulot ng estado o sa paglabag sa mga lokal na batas at regulasyon

- Pakikibahagi sa pangingsda na hindi naiulat o mali ang naiulat sa kaugnay na pambansang awtoridad o RFMO²⁰
- Pangingsda sa paraang hindi naaayon o lumalabag sa mga hakbang sa konserbasyon at pamamahala ng naangkop na pambansang awtoridad o RFMO

Ang mga sasakyang pangisda na may bandera ng PRC ay iniulat na nakikibahagi sa pangingsda sa loob ng katubigan sa ilalim ng hurisdiksyon ng isang estadong baybayin nang walang pahintulot ng estado o sa paglabag sa mga lokal na batas at regulasyon.

Halimbawa, noong Disyembre 2020, isang sasakyang pandagat na pang-patrolya ng Palau Maritime Law Enforcement ang iniulat na humarang sa sasakyang pangisda na may bandila ng PRC *Qiong Sanya Yu* dahil sa pinaghihinalaang ilegal na pag-aani ng sea cucumber sa Helen Reef, sa loob ng katubigang teritoryal ng Palau at EEZ.²¹ Ayon sa mga ulat ng lokal na midya, ang Palau Ministry of Justice ay nakakita ng ebidensya na ang mga tripulante ng *Qiong Sanya Yu* ay nag-poach ng 225 kilo (496 pounds) ng sea cucumber na nagkakahalaga ng humigit-kumulang \$180,000.²² Katulad nito, noong Enero 19, 2021, isang sasakyang pandagat ng Vanuatu Maritime Police ang iniulat na humarang sa dalawang barkong pangisda na may bandila ng PRC, *Dong Gang Xing 13* at *Dong Gang Xing 16*, dahil sa mga aktibidad ng pangingsdang IUU sa loob ng teritoryong karagatan ng Vanuatu.²³ Inakusahan ng mga tagausig ng Vanuatu na ang mga operator ng barko ay nagsasagawa ng ilegal na pangingsda nang walang lisensya, ilegal na pinatay ang kanilang mga satellite transponder habang nasa katubigan ng Vanuatu, at nagtataglay ng driftnet na lumalabag sa Vanuatu's Fisheries Act.²⁴

Ang mga sasakyang pangisda na may bandera ng PRC ay diumanong nakikibahagi sa pangingsda na hindi naiulat o mali ang naiulat sa naangkop na pambansang awtoridad o RFMO.

Halimbawa, noong marso 2020, iniulat ng lokal na midya na naharang ng Namibian navy ang anim na sasakyang pangisda na pag-aari ng PRC sa isang sikat na lokasyon ng pangisdaan 17 milya mula sa baybayin ng Namibian sa gitna ng mga pag-aangkin ng ilegal na aktibidad.²⁵ Sa huli, ang pagsisiyasat ay walang nakitang ebidensya ng ilegal na pangingsda ngunit natukoy ang mga pagkakaiba at ebidensya ng mga pag-gawi na maaaring gamitin upang itago ang mga ipinagbabawal na aktibidad. Halimbawa, ang mga sasakyang pangisda ng PRC ay may mga nahuli na rekord para sa Angola na nagtatapos noong Marso 2019 ngunit walang mga logbook o lisensya para sa kanilang kasunod na 11 buwan sa mga katubigan sa labas ng Equatorial Guinea at Namibia.²⁶

Ang mga sasakyang pangisda na may bandila ng PRC ay iniulat na nangingisda sa paraang hindi naaayon o lumalabag sa mga hakbang sa konserbasyon at pamamahala ng naaangkop na pambansang awtoridad o RFMO.

Halimbawa, noong Agosto 8, 2020, Ang mga awtoridad ng Gabonese, sa pakikipagtulungan sa nonprofit na Sea Shepherd na nakabase sa Netherlands, ay nagpahinto ng dalawang trawler na may flag ng PRC, *Guo Ji 826* at *Guo Ji 866*, para sa isang nakagawiang inspeksyon (tingnan ang Figura 3).²⁷ Natuklasan sa inspeksyon ang ilegal na pag-aani ng magaspang na ulo na hito at mga nanganganib na daisy stingray, na lumalabag sa batas ng Gabonese.²⁸ Inaresto at inihatid ng mga awtoridad ng Gabonese na sakay ng sasakyang pandagat na Sea Shepherd ang dalawang barko patungo sa daungan, kung saan natuklasan ng mga pagsisiyasat ang mga karagdagang ray at ray fins.²⁹

Katulad nito, noong Marso 2021, iniulat ng Philippine Navy at midya na ang mga mangingisda ng PRC na tumatakbo malapit sa pinagtatalunang Pagasa Islands (Philippines administered) at Scarborough Shoal (PRC administered) sa South China Sea ay patuloy na gumagamit ng mga nakakapinsalang paraan upang ilegal na anihin ang mga protektadong higanteng kabibe.³⁰ Iginiit din ng Philippine midya na batid ng coast guard ng PRC ang ilegal na pag-aani sa paligid ng Scarborough Shoal.³¹ Iniulat ng Philippine midya na ang mga sasakyang pandagat ng PRC ay naobserbahan na gumagamit ng "chopper boat," mga pampasabog, mga kemikal, mga bomba ng tubig, at mga vacuum sa mga coral reef upang anihin ang mga higanteng kabibe, na ang mga shell ay ibinebenta sa mataas na presyo sa Tsina.³²

Figura 3. Ang Gabon Review ay nagulat sa pag-aresto sa mga barkong may bandera ng PRC dahil sa pangingsdang IUU noong 2020



Pinagmulan: Stevie Mounbombou, "Illegal na Pangingsda: Dalawang Trawler sa Nets of Operation Albacore" (Pêche illicite: Deux chalutiers dans les filets de l'opération Albacore), *Gabon Review*, noong Agosto 20, 2020, <https://www.gabonreview.com/peche-illicite-deux-chalutiers-dans-les-filets-de-loperation-albacore/>.

3.1.3 Mga pampublikong tugon ng PRC sa mga paratang

Sinisikap ng mga opisyal at midya ng PRC na ilarawan ang Tsina bilang isang "responsableng bansa sa pangingsda" na nagtataguyod ng konserbasyon ng mga pangisdaan at sumasalungat sa pangingsdang IUU sa parehong mga lokal at DWF plota nito. Gayunpaman, sa mga kaso na

sinuri para sa pag-aaral na ito, ang mga opisyal at midya ng PRC sa pangkalahatan ay hinahangad na ipagwalang-bahala, ilihis, o tanggihan ang mga paratang na ang mga barkong may bandila ng PRC ay nakikibahagi sa IUU na pangingsda sa ibang bansa. Kasama sa mga halimbawa ang sumusunod:

- Sa limang mga kaso na sinuri, ang katahimikan ang pinakakaraniwang tugon. Sa posibleng pagsisikap na ipagwalang-bahala ang mga paratang, ang mga opisyal at midya ng PRC ay hindi humaharap na magkomento sa publiko sa mga paratang na ang mga barkong may bandila ng PRC ay nakikibahagi sa pangingsdang IUU sa mga malayong karagatan ng Vanuatu, Gabon, o Pilipinas.
- Sa kaso ng Namibia, hayagang itinanggi ng mga opisyal ng PRC ang mga akusasyon na inihain laban sa mga sasakyang pangisda na may bandila ng PRC. Sa isang post sa Facebook, nag-alok ang embahada ng PRC sa Namibia ng alternatibong salaysay ng mga kaganapan.³³ Iginiit nito na ang anim na sasakyang pandagat ng PRC ay nagsasagawa ng “inosenteng nabigasyon” at hindi nagsasagawa ng anumang “maling gawain.”³⁴ Tinukoy din ng embahada ng PRC ang pagbabawal ng hukbong-dagat ng Namibian sa mga sasakyang pandagat ng PRC bilang “pagkakawangawang tulong” bilang tugon sa mapanganib na panahon.³⁵
- Sa isang pagkakataon lamang ang mahinahong inamin ng mga opisyal ng PRC ang insidente. Bilang tugon sa detensyon ng Palau sa *Qiong Sanya Yu*, hayagang hinimok ng mga opisyal ng PRC ang mga mamamayan ng PRC na sumunod sa mga lokal na batas habang nasa ibang bansa.³⁶ Hindi bababa sa dalawang PRC midya outlet na nasa wikang Ingles at ang embahada ng PRC sa kalapit na Solomon Islands ang nagulat sa mga pahayag na ito.³⁷

Mga Dagliang Katotohanan: DWF Plota ng Tsina

Ang mga gumaganap ng PRC na pinakamadalas na nasasangkot sa mga di-umano'y ipinagbabawal na aktibidad na pandagat sa pag-aaral na ito ay mga sasakyang pandagatna kabilang sa DWF fleet ng Tsina. Mga pangunahing katotohanan tungkol sa DWF Plota ng Tsina ay kinabibilangan ng mga sumusunod:

- Ang PRC ang may pinakamalaking DWF plota sa mundo at ang plota na ito ay kumikilos sa buong mundo.³⁸
- Ang mga opisyal na numero ng PRC mula 2020 ay nagpapakita na ang bansa ay may humigit-kumulang 170 kumpanya at 2,600 sasakyang pandagat na kasangkot sa sektor ng DWF nito.³⁹

- Ang mga pagtatantya ng bilang ng mga sasakyang pandagat sa DWF plota ng PRC mula sa mga internasyonal na NGO at akademya ay mas mataas, mula 3,400 hanggang 17,000.⁴⁰
- Noong 2017, naglabas ang gobyerno ng PRC ng patnubay upang bawasan ang bilang ng mga mas lumang sasakyang pangisda na gawa sa kahoy at bigyan ng subsidyo ang kanilang pagpapalit ng mas malalaking bakal na sasakyang pandagat.⁴¹ Ang resultang DWF plota ng PRC ay binubuo ng maraming bagong malalaking bakal na sasakyang pandagat.
- Karamihan sa mga sasakyang pandagat ng PRC DWF ay mga trawler, longliner, o squid jigger.⁴²
- Tinatasa ng Global Initiative Against Transnational Organized Crime at Poseidon Aquatic Resource Management na, kabilang sa mga plota ng pangingsda sa mundo, ang DWF plota ng Tsina ang may pinakamataas na paglaganap ng pangingsidang IUU noong 2019.⁴³



3.2 Pababangga sa mga dayuhang sasakyang pangisda

Para sa pag-aaral na ito, tinukoy namin ang pagbabangga bilang sinadyang pagbangga sa ibang sasakyang pandagat. Ang UN International Maritime Organization (IMO) ay nagpapahayag ng maraming mga kombensiyon na nag-uutos sa mga sasakyang pandagat na gamitin ang lahat ng magagamit na paraan upang maiwasan ang panganib ng banggaan gayundin upang magbigay ng tulong sa mga taong nasa kagipitan. Tatlo sa naturang mga kombensiyon ay ang Convention on the International Regulations for Preventing Collisions (COLREGs), ang Convention on Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), at ang Convention for Safety of Life at Sea (SOLAS).⁴⁴

Maraming saksi, video, photographic, investigative, at opisyal na mga ulat ng pagbabangga ay agarang makukuha online. Ang mga insidente ng pagbabangga sa mga sasakyang pangisda ay karaniwang resulta ng kompetisyon sa pinagtatalunang lugar ng pangisdaan o iba pang likas na yaman, kadalasan sa mga katubigan na paksa ng mga alitan sa teritoryo sa karagatan. Iniulat na, ang mga insidente ng pagbabangga ay tinakot ang karibal na mangingsda, nasira ang mga kagamitan, lumubog ang mga sasakyang pandagat, at kahit na nasugatan, na - maroon, at napatay ang mga tripulante.

3.2.1 Patakaran ng PRC

Inaatasan ng Beijing ang mga sasakyang pandagat ng PRC na mahigpit na sumunod sa mga batas sa kaligtasang pandagat, mga kombensiyon, at mga internasyonal na pamantayan. Halimbawa, ang white paper, *The Development of China's Marine Programs*, na ipinakita ng permanenteng misyon ng PRC sa UN at iba pang internasyonal na organisasyon sa Vienna, ay nagsasaad na ang Tsina ay "naglalagay ng malaking kahalagahan [sa]" at "patuloy na nagpapalakas" sa mga isyung pandagat ng internasyonal na alalahanin, kabilang ang "kaligtasan sa dagat" at "mga batas na nauugnay sa dagat."⁴⁵ Katulad nito, ang embahada ng PRC sa Vietnam ay naglabas ng pahayag sa wikang Vietnamese noong 2020 na nagsasaad na "laging mahigpit na ipinapatupad ng Tsina ang mga internasyonal na batas, kabilang ang United Nations Convention on the Law of the Sea" at "aktibong pinoprotektahan ang kaligtasan" sa nasasakupang pandagat.⁴⁶ Ipinapahayag din ng PRC ang mga regulasyong pangkaligtasan sa dagat, kabilang ang mga batas sa kaligtasan sa dagat na partikular sa pangisdaan sa pag-iwas sa mga banggaan ng sasakyang pangisda.⁴⁷

3.2.2 Mga halimbawa ng di-umano'y maling pag-gawi ng mga gumaganap ng PRC

Ang mga barkong may bandera ng PRC ay iniulat na binangga ang mga sasakyang pangisda ng dayuhan sa hindi bababa sa limang pagkakataon mula noong 2018.⁴⁸ Ang mga pangyayaring ito ay kinabibilangan ng mga sumusunod:

- ***Philippines.*** Noong gabi ng Hunyo 9, 2019, ang sasakyang pandagat na 44-meter steel-hulled ng PRC *Yuemaobinyu 42212* ay binangga ang sasakyang pandagat na 19-meter wood-hulled ng Philippine *Gem Ver*. The PRC vessel's automatic identification system (AIS) ay na-deactivate, at ang mga ilaw nito ay patay.⁴⁹ *Yuemaobinyu 42212* naglayag palayo sa pinangyarihan, naiwan ang 22 tripulante na napadpad sa dagat hanggang sila ay nailigtas ng mga mangingisdang Vietnamese.⁵⁰
- ***Mauritania.*** Noong gabi ng Oktubre 9, 2020, isang malaking PRC trawler na nakapatay ang mga ilaw nito at na-deactivate ang AIS ang bumangga sa isang Mauritanian artisanal sasakyang pangisda.⁵¹ Lumubog ang barko, at tatlong Mauritanian ang napatay.⁵²
- ***Vietnam.*** Noong gabi ng Abril 2, 2020, binangga ng PRC coast guard vessel 4301 ang Vietnamese fishing vessel na QNg90617, nilubog ito at dinampot ang walong crewmember nito (tingnan ang Figura 4).⁵³ Pagkatapos ay iniulat na hinabol at pinahinto ng PRC coast guard vessels ang mga kalapit na Vietnamese vessel at kinumpiska at binura ang mga cell phone ng kanilang mga tripulante.⁵⁴
- ***Senegal.*** Noong Setyembre 19, 2020, isang trawler na pinatatakbo ng PRC ang iniulat na sinubukang tumaob sa isang fishing canoe na ngalalaman ng 11- katao na pinamumunuan ng isang Senegalese.⁵⁵ Gamit ang bangka laban sa trawler, ang kapitan

ng Senegalese ay umakyat sa trawler upang komprontahin ang mga tauhan ng PRC tungkol sa mga mapanganib na maniobra nito at binugbog at sinunog ng gasolina.⁵⁶

- **Brazil.** Noong Nobyembre 22, 2018, anim na beses na binangga ng 49-meter PRC tuna vessel *Chang Rong 4* binangga ang 22-metro na *Oceano Pesca* na nagresulta sa \$90,000 na pinsala.⁵⁷

Figura 4. Ang ulat ng Vietnamese midya na nagpapakita ng tatlong barko ng coast guard ng PRC, na ang isa ay umano'y bumangga at nagpalubog sa isang Vietnamese fishing vessel noong 2020



Pinagmulan: “Nagkukuwento ang mga Mangingisda = Pagkakabunggo at Pagkapalubog kanilang barko ng mga barkong Tsino sa Paracels” (Ngư dân kể chuyện bị tàu Trung Quốc đâm chìm ở Hoàng Sa), *Thanh Nien*. Noong Mayo 4, 2020, <https://thanhnien.vn/ngu-dan-ke-chuyen-bi-tau-trung-quoc-dam-chim-o-hoang-sa-post943046.html>.

Ang mga sasakyang pandagat ng PRC na sangkot sa mga insidenteng ito ay kadalasang mas malalaking barkong gawa sa bakal, at ang mga sasakyang hindi PRC ay mas maliit at gawa sa kahoy o konstruksyon na hindi metal. Tandaan, ang DWF plota ng Tsina ay hindi lamang

nahihigit sa mga non-PRC plota ngunit kabilang din ang mas malalaking steel-hulled vessels. Bukod dito, ayon sa mga ulat, ang ilan sa DWF plota ng Tsina ay nagsisilbing People's Armed Forces Maritime Militia at sinisingil ng mga mapanghamong kakayahan ng mga counterclaimant na mapanatili ang kontrol sa pinagtatalunang katubigan.⁵⁸

Sa hindi bababa sa dalawa sa mga kaso na tinalakay sa itaas—yaong kinasasangkutan ng mga sasakyang pandagat mula sa Mauritania at Pilipinas—pinatay ng PRC vessel ang mga ilaw nito at na-deactivate ang AIS nito sa panahon ng insidente. Sinabi ni Peter Hammarstedt, direktor ng mga kampanya para sa Sea Shepherd Global, isang nonprofit na organisasyon na nagsisikap na alisin ang IUU na pangingsda, na ang gayong mga taktika ay karaniwan sa mga trawler na gustong maiwasan ang pagtuklas sa mga protektadong katubigan.⁵⁹

Mga Subsidya Palaisdaan ng PRC

Ang gobyerno ng PRC ay may malaking subsidyo sa kanilang DWF plota. Ang mga subsidyo na artipisyal na nagpapataas ng kita sa pamamagitan ng pagbawas sa halaga ng pangingsda ay nagreresulta sa sobrang kapasidad sa mga plota ng DWF. Ang sobrang kapasidad na ito ay humahantong sa sobrang pangingsda at isang mas masikip na kapaligiran sa dagat. Tinatawag ng UN at World Trade Organization ang mapaminsalang kategoryang ito ng subsidyo na "pagpapahusay ng kapasidad." Dahil sa mabilis na pagka-ubos ng stock ng isda dahil sa labis na pangingsda, ang World Trade Organization ay naglalayong alisin ang mga subsidyo sa pangingsda sa pagpapahusay ng kapasidad.⁶⁰ Gayunpaman, ang mga subsidyo ng PRC ay patuloy na nagsusulong ng sobrang kapasidad sa DWF plota ng Tsina, na may kabuuang tinatayang **\$5.87 billion**; humigit-kumulang kalahati ang napupunta sa industriya ng DWF ng China at ang kalahati ay napupunta sa lokal na pangingsda.⁶¹

Ang patuloy na pagpapahusay ng kapasidad ng mga susidya ng PRC ay malamang na patuloy na magtulak ng sobrang kapasidad sa DWF plota ng PRC, na maaaring magdagdag ng kadahilanan na makibahagi sa mga bawal na aktibidad sa dagat gaya ng IUU na pangingsda at sapilitang paggawa habang bumababa ang stock ng isda at mas matagal na tumataas ang kadahilanan na manatili sa dagat.

3.2.3 Mga pampublikong tugon ng PRC sa mga paratang

Sinisikap ng mga opisyal at midya ng PRC na ipakita ang Tsina bilang isang responsableng bansang pandagat na ang mga sasakyang pandagat ay sumusunod sa mga internasyonal na kombensiyon para sa kaligtasan ng buhay at mga sasakyang pandagat sa dagat. Gayunpaman, sa mga kasong pagbabangga na sinuri para sa pag-aaral na ito, ang pag-gawi ng ilang gumaganap ng PRC—kabilang ang mga sasakyang pandagat—ay hindi naaayon sa opisyal na

retorika ng Beijing. Tinangka ng mga opisyal at midya ng PRC na ipagwalang-bahala, ilihis, o tanggihan ang mga paratang ng pagbabangga sa pagsisikap na pigilan ang mga ito na sirain ang opisyal na salaysay ng Beijing. Kasama sa mga halimbawa ang sumusunod:

- Bilang tugon sa mga nakasaksi at ulat ng midya ng isang PRC steel-hulled trawler na bumangga sa isang kahoy na sasakyang pangisda ng Pilipinas, iginiit ng mga opisyal ng PRC at foreign-directed midya na ang banggaan ay isang aksidente na naganap dahil ang PRC vessel ay "biglang kinubkob ng mga bangkang Pilipino" at itinanggi na ito ay "isang sinadyang 'hit and run.'"⁶²
- Sinisi ng PRC foreign-directed midya ang mga sasakyang pandagat ng Vietnam at Pilipinas sa pag-udyok sa mga insidente na nagresulta sa mga banggaan.⁶³ Halimbawa, ang pag-uulat ng midya sa PRC na wikang Vietnamese ay nag-uulat na ang isang barkong Vietnamese ay lumubog pagkatapos ng "panliligalig at pagbangga" sa isang sasakyang pandagat ng PRC at inangkin na ang panig ng PRC ay nagligtas sa mga tauhan ng Vietnam.⁶⁴
- Ang mga opisyal at midya ng PRC ay hindi nakausap sa publiko ang mga di-umano'y 2020 na mga insidenta ng pagbabangga ng PRC sa katubigan ng Mauritanian o Senegalese o ang pagbabangga sa Brazilian noong 2018 *Oceano Pesca* sa matataas na dagat sa silangang baybayin ng Timog Amerika.



3.3 Sapilitang paggawa at pagpupuslit ng tao sa dagat

Ang sapilitang paggawa at pagpupuslit ng tao sa dagat ay dalawang uri ng mga ipinagbabawal na aktibidad sa dagat na kinasasangkutan ng mga biktima na tao. Ang Sapilitang Paggawa ng International Labor Organization (ILO's) ay tumutukoy sa sapilitang paggawa bilang "lahat ng trabaho o serbisyo na hinihingi mula sa sinumang tao sa ilalim ng banta ng anumang parusa at kung saan ang nasabing tao ay hindi kusang nag-alok ng kanyang sarili."⁶⁵ Ang industriya ng DWF—pangingisda sa alinman sa mga internasyonal na katubigan o sa mga nasa ilalim ng isang dayuhang hurisdiksyon—ay lalong dumarating sa ilalim ng pagsisiyasat ng midya, gobyerno, at NGO para sa paglaganap ng sapilitang paggawa sa loob ng industriya.⁶⁶ Ang ILO ay nagtatag ng hindi bababa sa tatlong mga kombensiyon laban sa sapilitang paggawa, kabilang ang isang kombensiyon na partikular na nagpupuntirya sa sapilitang at hindi ligtas na paggawa sa sektor ng pangingisda.⁶⁷ Katulad nito, ang UN High Commissioner for Human Rights ay nagpahayag ng isang kombensiyon upang protektahan ang mga migranteng manggagawa.⁶⁸ Ang mga kombensiyon ng RFMO ay naglalayong isulong ang mga pamantayan ng paggawa para sa mga tripulante sa mga sasakyang pandagat na pinahihintulutan sa loob ng kanilang mga lugar ng kombensiyon. Sa kaso ng mga naiulat na pang-aabuso sa paggawa laban sa mga manggagawang Indonesian na sakay ng mga sasakyang pangisda ng PRC, ang nauugnay na mekanismo ng

RFMO ay isang hindi nagbubuklod na resolusyon sa mga pamantayan sa paggawa (ang isang draft na resolusyon na nagbubuklod ay sinusuri).⁶⁹

Tungkol sa trafficking in persons, ang UN ay nagpahayag ng isang kombensiyon upang pigilan at labanan ang ganitong uri ng krimen.⁷⁰ Ayon sa UN High Commissioner for Human Rights, ang human trafficking at pagpupuslit ng mga migrante sa pamamagitan ng dagat (ibig sabihin, ang ilegal na transportasyon ng mga tao, sapilitan man o sa kanilang sariling kusa, sa pamamagitan ng dagat) ay nangangailangan ng priyoridad na tugon dahil sa mga natatanging panganib ng hindi regular na paglalakbay sa pamamagitan ng dagat. Ayon sa UN Office on Drugs and Crime, kahit na ang pagpupuslit ng mga migrante sa pamamagitan ng dagat ay naguulat para sa isang maliit na bahagi lamang ng pangkalahatang pagpupuslit ng migrant, mas maraming kaganapan ng kamatayan sa pagpupuslit sa pamamagitan ng dagat kaysa sa pamamagitan ng lupa o hangin.⁷¹

3.3.1 Patakaran ng PRC

Inilalarawan ng mga opisyal ng PRC ang Tsina bilang isang masunurin sa batas at "responsible" na bansang nangingisda na ang mga sasakyang pandagat ay hindi gagawa ng mga krimen tulad ng sapilitang paggawa.⁷² Ang batas ng PRC ay tahasang ipinagbabawal ang mga pang-aabuso sa paggawa.⁷³ Binabalangkas ng PRC Ministry of Agriculture and Rural Affairs ang mga proteksyon sa paggawa sa loob ng "programa nito para sa pagpapakilala ng mga dayuhang tripulante sa industriya ng panggingisda sa karagatan."⁷⁴ Katulad nito, inilalarawan ng mga opisyal at midya ng PRC ang Tsina bilang isang tagapagtaguyod ng internasyonal na batas sa pamamagitan ng pagbibigay-diin sa mga pagsisikap ng Beijing na labanan ang human trafficking at ilegal na imigrasyon sa rehiyon.⁷⁵ Ipinaliwanag din sa publiko ng mga opisyal ng PRC na maraming biktima ng pagpupuslit ng tao sa rehiyon ay mga mamamayan ng PRC at hinikayat ang pakikipagtulungan sa lokal na tagapagpatupad ng batas.⁷⁶

3.3.2 Mga halimbawa ng di-umano'y maling pag-gawi ng mga gumaganap ng PRC

Ang PRC ay tahanan ng pinakamalaking DWF plota sa mundo, at ang mga sasakyang pangisda na may bandila ng PRC ay iniulat na nagsasagawa ng sapilitang paggawa upang mapakinabangan ang oras ng panggingisda habang binabawasan ang mga gastos sa paggawa. Ayon sa isang collaborative na pagsisiyasat ng Greenpeace at Serikat Buruh Migran Indonesia (kilala rin bilang Indonesian Migrant Workers Union o SBMI) na inilathala noong Setyembre 2021, malawak na pinaniniwalaan ang Indonesia bilang pinakamalaking supplier ng paggawa sa industriya ng DWF. Iniulat ng International NGOs na Greenpeace at Destructive Fishing Watch na sa pagitan ng huling bahagi ng 2019 at kalagitnaan ng 2021, dose-dosenang mga Indonesian ang biktima ng pagsasamantala ng mga sasakyang pangisda na may bandila ng PRC at marami ang namatay dahil sa sakit, pambubugbog, hindi sapat na kondisyon sa pagtatrabaho, o kakulangan ng pagkain at tubig.⁷⁷ Ayon sa Greenpeace, 32 sa 42 alegasyon ng

sapilitang paggawa sa dagat ng mga migranteng manggagawang Indonesian na isinampa mula Mayo 2019 hanggang Hunyo 2020 ay isinampa laban sa mga sasakyang pangingsida na pag-aari ng PRC.⁷⁸ Katulad nito, ang isang ulat ng nonprofit na Center for Advanced Defense Studies na nakabatay sa US na nagsuri sa paglaganap ng sapilitang paggawa na dokumentado sa mga tawag sa daungan ay nagbanggit na ang mga tawag sa pantalan ng PRC ay nangunguna sa mga naiulat na insidente ng sapilitang paggawa.⁷⁹

Noong Abril 2020, sinimulang tugunan ng mga opisyal ng Indonesia ang isyu nang iulat nila ang pagkamatay ng apat na tripulante ng Indonesia sa bandera ng PRC. *Long Xin* 629.⁸⁰ Simula noon, ang midya ng Indonesia ay patuloy na nag-uulat ng mga kaso ng human trafficking, pang-aabuso, at pagkamatay ng mga Indonesian na sakay ng mga barkong may bandera ng PRC (tingnan ang Larawan 5).⁸¹ Tandaan, noong Mayo 2021, ang US Customs and Border Protection (CBP) ay naglabas ng entry ban para sa lahat ng mga kalakal na ginawa ng plota ng Dalian Ocean Fishing Co., Ltd. ng Tsina “batay sa impormasyon na makatwirang nagpapahiwatig ng paggamit ng sapilitang paggawa sa mga operasyon ng pangingsida ng entidad.”⁸² Ang Dalian Ocean Fishing Co., Ltd. ay ang may-ari ng hindi bababa sa dalawang barkong sangkot sa sapilitang paggawa ng mga tripulante ng Indonesia.⁸³

Bilang karagdagan sa mga paratang ng sapilitang paggawa laban sa mga sasakyang pangisda na may bandera ng PRC, naobserbahan namin ang isang pagkakataon kung saan lumilitaw na sangkot ang mga PRC national sa pagpupuslit ng tao. Noong Hulyo 2021, 36 na mamamayan ng PRC ang naglayag mula sa Tsina sakay ng barkong may bandilang Cambodian *Tong Hai* papunta sa katubigang labas ng Sihanoukville, Cambodia, kung saan inaresto ng mga awtoridad ng Cambodian ang lahat ng 36 dahil sa ilegal na pagpasok sa Cambodia sa pamamagitan ng dagat.⁸⁴ Bagama't ang mga pahayag ng pulisya ng Cambodian ay nagsabi na ang mga dahilan kung bakit ang mga PRC national ay nagtangkang pumasok sa Cambodia nang ilegal ay hindi alam, ang ilang mga ulat ng midya ay iginiit na ang mga PRC nationals na sakay ay "nalinlang at ipinuslit" sa Cambodia upang magtrabaho para sa mga ilegal na online gambling parlor na nakabase sa Sihanoukville na nagpupuntirya ng mga manunugal sa Tsina.⁸⁵ Ang mga awtoridad at midya ng Cambodian ay hindi nagbigay ng mga detalye sa may-ari o operator ng barko, ngunit ang mga larawan ng loob ng barko na nai-post ng lokal na midya ay nagpapakita ng hardware na may mga Chinese na character, na posibleng nagpapahiwatig na isang entidad ng PRC ang nagpapakatao ng barko.⁸⁶

Pigura 5. Iniulat ng midya sa Indonesia ang pagkamatay ng isang Indonesian sa isang barkong pangisda ng PRC

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

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



Pinagmulan: "Ang Kaso ng mga Indonesian Crew Member na Namatay sa isang Chinese Ship ay Nangyari Muli, Hiniling ng Hepe ng Pambansang Pulisya na Kumilos" (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 Mga pampublikong tugon ng PRC sa mga paratang

Noong una, kinilala ng mga opisyal ng PRC ang mga alalahanin ng Indonesia tungkol sa mga naiulat na pang-aabuso ng mga manggagawang Indonesian sa mga barkong may bandera ng PRC at nag-alok na makipagtulungan sa mga awtoridad ng Indonesia na nagsasagawa ng mga pagsisiyasat.⁸⁷ Gayunpaman, noong 2021, binago ng mga opisyal ng PRC ang kanilang tono at ibinasura ang mga ulat ng mga pang-aabuso bilang mga maling akusasyon na may motibasyon sa pulitika.⁸⁸ Bilang karagdagan, kasunod ng pag-blacklist ng US CBP sa Dalian Ocean Fishing Co., Ltd. ng Tsina noong Mayo 2021, sinimulan ng midya ng PRC na bale-walain ang mga

akusasyon ng mga pang-aabuso ng mga barkong may bandila ng PRC bilang kasinungalingan ng US na idinisenyo upang "lumikha ng kontradiksyon" sa pagitan ng Indonesia at Tsina.⁸⁹

Tahimik ang Beijing bilang tugon sa mga alegasyon na ang mga PRC national ay sangkot sa pagpupuslit ng tao sa Cambodia at umiwas na magkomento sa publiko sa insidente. Gayunpaman, ang mga opisyal na pahayag ng PRC at pag-uulat ng midya na nakapuntirya sa mga madla sa Cambodia ay naghangad na ilihis ang mga kritisismo sa pamamagitan ng pagpapakita sa US bilang isang hotspot para sa human trafficking at sapilitang paggawa.⁹⁰

Kung totoo, ang mga paratang ng sapilitang paggawa sakay ng mga sasakyang pangisda na may bandila ng PRC ay sasalungat sa mga pagsisikap ng mga opisyal ng PRC na ipakita ang Tsina bilang isang masunurin sa batas at "responsable" na bansang pangangisda. Katulad nito, kung pinamamahalaan ng isang entidad ng PRC, ang pagpupuslit ng *Tong Hai* ng mga mamamayan ng PRC sa Cambodia ay makakasira sa mga pagsisikap ng Beijing na ipagmalaki ang mga kontribusyon ng Tsina sa paglaban sa human trafficking at iligal na imigrasyon sa rehiyon.



3.4 Pagpapalabas ng polusyon sa dagat

Ang pagpapalabas ng mga pollutant sa kapaligiran ng karagatan ng mundo ay kinokontrol ng pambansa, internasyonal, at rehiyonal na awtoridad. Sinisikap ng mga awtoridad na ito na bawasan ang mga mapaminsalang epekto ng mga pollutant na gawa ng tao—na mula sa dumi ng tao at dumi sa pagproseso ng isda hanggang sa mga microplastic at mabibigat na bakal—sa ecosystem ng dagat. Ang mga naturang pollutant ay nakakapinsala sa ecosystem sa maraming paraan, kabilang ang mga nakakapinsalang coral reef, nag-aambag sa pagkawala ng tirahan, at pagkaubos ng stock ng isda.

3.4.1 Patakaran ng PRC

Sinisikap ng mga opisyal at midya ng PRC na ipakita ang Tsina bilang isang responsableng tagapangasiwa at tagapagtanggol ng kapaligirang dagat. Sa isang piraso ng opinyon na inilathala ng opisyal na pahayagan sa wikang Ingles ng Tsina, *China Daily*, dating Pangalawang Ministrong Panlabas at kasalukuyang tagapangulo ng Komite sa Ugnayang Panlabas ng National People's Congress, si Fu Ying, ay sumulat, "Ang Tsina ay aktibong isinusulong ang pakikipagtulungan sa ibang mga bansa sa patakarang pandagat at pamamahala upang protektahan ang kapaligirang dagat, marine ecosystem at biodiversity."⁹¹ Katulad nito, ang isang artikulo noong 2021 na inilathala ng opisyal na broadcaster sa ibang bansa ng China Radio International's Bahasa Indonesian na serbisyo ay naglalarawan sa panrehiyong kooperasyon ng Tsina sa pagprotekta sa kapaligirang pandagat at pangisdaan.⁹²

3.4.2 Mga halimbawa ng di-umano'y maling pag-gawi ng mga gumaganap ng PRC

Dalawa sa mga kaso na sinuri para sa pag-aaral na ito ay kinasasangkutan ng mga gumaganap ng PRC na naglalabas ng mga pollutant sa kapaligiran ng dagat sa maliwanag na paglabag sa mga kaugnay na pambansang batas at internasyonal na kombensiyon. Ang bawat isa ay tinalakay sa ibaba.

Iligal na pagtatapon ng basura sa Spratly Islands. Nalaman ng ulat noong Hulyo 2021 ng kumpanya ng pagsusuri ng komersyal na koleksyon ng imahe na nakabase sa US na Similarity na mahigit 200 sasakyang-dagat na naka-anchor sa Spratly Islands ang nagtapon ng dumi sa marupok na tubig sa ekolohiya noong tagsibol 2021.⁹³ Tinatantya ng similarity na ang mga sasakyang naobserbahan sa anchor sa Union Banks noong Hunyo ay nagtatapon ng humigit-kumulang 2,596 pounds ng dumi sa alkantarilya bawat araw sa tubig.⁹⁴ Ayon sa Similarity, ang mga sasakyang pandagat ay naglalabas ng hindi ginagamot o undertreated na dumi sa alkantarilya, na humahantong sa chlorophyll-a blooms. Sa sobrang konsentrasyon, ang chlorophyll-a ay maaaring humantong sa hypoxic na kondisyon ng karagatan, na maaaring negatibong makaapekto sa mga marine organism at ecosystem. Iginiit din ng ulat na ang mga sasakyang pandagat ay malamang na parehong sasakyang pandagat ng PRC na naobserbahan ng Philippine coast guard sa parehong lokasyon ilang linggo na ang nakakaraan.⁹⁵

Ang umano'y pagtatapon ay nangyari sa pinag-aagawang tubig na inaangkin ng Pilipinas gayundin ng PRC. Bilang tugon sa ulat ng Similarity, ang gobyerno ng Pilipinas ay iniulat na nagpasimula ng in situ na tubig at seafloor analysis upang matukoy kung ang mga sasakyang-dagat ay naglabas ng nakakapinsalang dumi sa alkantarilya.⁹⁶ Bilang karagdagan, ang mga mambabatas ng Pilipinas ay naglabas ng mga pahayag na nagsasaad na ang parehong lokal at internasyonal na batas ay nagbabawal sa mga barko sa pagtatapon ng kanilang dumi sa tubig tulad ng iniulat.⁹⁷ Bilang karagdagan sa Philippine Marine Pollution Law,⁹⁸ ang kasong ito ng umano'y polusyon sa sasakyang pandagat ay sumasalungat sa IMO International Convention para sa Pag-iwas sa Polusyon mula sa mga Barko.⁹⁹

Polusyon ng mga pabrika ng fishmeal ng PRC sa Gambia. Ang mga pabrika ng fishmeal na pag-aari ng PRC ay iniulat na naglalabas ng hindi na-nagamot na wastewater at mga mapanganib na kemikal sa isang maritime reserve at sa baybaying dagat ng Gambia sa pagitan ng 2017 at 2021 (tingnan ang Larawan 6).¹⁰⁰ Ang mga pagkilos ng mga pabrika ay lumabag sa kapaligiran ng Gambia¹⁰¹ at mga batas ng palaisdaan¹⁰² at lumalabas na labag sa UNCLOS Artikulo 194 sa pag-iwas sa marine pollution mula sa land-based na mga pinagmumulan gayundin sa London Dumping Convention ng 1972.¹⁰³

Ang pagtatapon ay humantong sa pagkamatay ng mga isda, pagkasira ng mga halaman sa tubig, at pagkasugat ng mga lokal na gumagamit ng tubig para sa paliligo. Ang pagsubok na

pinasimulan ng mga lokal na grupo ay naiulat na nagpakita ng mga hindi ligtas na antas ng arsenate, phosphate, at arsenic.¹⁰⁴ Ang isang kaso noong 2017 na iniharap ng Gambian National Environmental Agency (NEA) ay nagresulta sa pagmulta sa isang pabrika na pag-aari ng PRC at ang tatlo ay napilitang suspindihin ang mga operasyon.¹⁰⁵ Ang mga planta ay muling binuksan at naiulat na patuloy na nagpaparumi sa mga lokal na tubig.¹⁰⁶ Noong Marso 2021, naglabas ang NEA ng "stop notice" sa isang pabrika dahil sa paglabag sa mga batas sa kapaligiran ng bansa.¹⁰⁷ Sa kabila ng utos, ipinagpatuloy ng pabrika ang pagpapalawak ng planta, ayon sa Gambian midya.¹⁰⁸ Sa parehong panahon, sinunog ng mga lokal na nagprotesta ang pangalawang pabrika ng fishmeal na pag-aari ng PRC bilang tugon sa isang konstelasyon ng mga di-umano'y reklamong pangkalikasan at kriminal.¹⁰⁹

Figura 6. Ulat ng rehiyonal na midya tungkol sa kumpanya ng fishmeal na pagmamay-ari ng PRC na nagbabayad ng multa para sa polusyon sa dagat sa Gambia noong 2017



Pinagmulan: "Magbabayad ang Chinese Company ng \$25,000 Bond para sa Pagdumi sa Katubigan ng Gambian," Africa News, Hunyo 30, 2017, <https://www.africanews.com/2017/06/30/gambia-chinese-fishmeal-factory-settled-out-of-court-case/>.

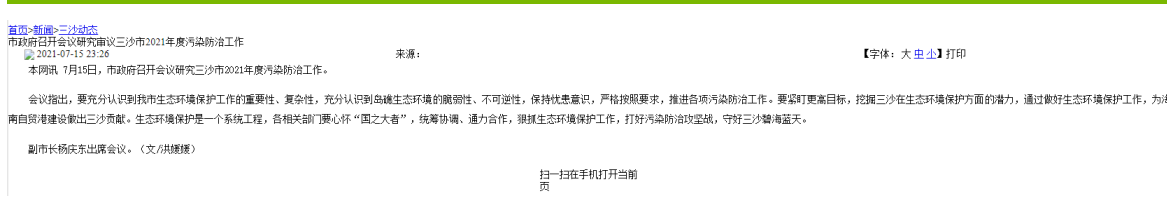
3.4.3 Mga pampublikong tugon ng PRC sa mga paratang

Sa parehong mga kaso, ang mga opisyal at midya ng PRC ay naghangad na tanggihan ang mga paratang na ang mga gumaganap ng PRC ay nagdumi sa kapaligiran ng dagat. Kasama sa mga halimbawa ang sumusunod:

- Bilang tugon sa ulat ng Similarity na nagsasabing ang mga sasakyang pandagat ng PRC na naka-angkla sa Spratly Islands ay iligal na nagtatapon ng dumi, kinondena ng PRC MFA at PRC embassy sa Pilipinas ang ulat bilang "fake news."¹¹⁰ Ang midya ng PRC na nakadirekta sa mga madla sa rehiyon ay katulad na naglalarawan sa ulat bilang isang pagtatangka na siraan ang Tsina.¹¹¹
- Naglabas ang mga opisyal ng PRC ng mga pahayag na naglalayong tanggihan ang tungkulin ng mga pabrika na pag-aari ng PRC sa lokal na pagkasira ng kapaligiran sa Gambia:¹¹²
 - Sinabi ng ambassador ng PRC sa bansa sa lokal na midya na ang mga pagsisiyasat ng embahada ay walang nakitang mapanganib na mga sangkap sa effluent ng pabrika at ang Tsina ay inaatasan ang mga entidad ng PRC na "sumunod sa mga lokal na batas at tuparin ang kanilang mga responsibilidad sa lipunan."¹¹³
 - Sa katulad na paraan, sinabi ng isang tagapagsalita ng embahada na ang mga paratang laban sa mga pabrika ay "walang ebidensya."¹¹⁴
 - Sinabi ng ambassador ng PRC na ang pinag-uusapang wastewater ay "nagbibigay ng masaganang nutrisyon" at "ang mga magsasaka sa Tsina ay bumibili ng ganitong uri ng wastewater upang idagdag sa kanilang mga fish pond."¹¹⁵

Kapansin-pansin, sa ilang sandali matapos ang internasyonal na atensyon ay bumaling sa mga ulat ng mga sasakyang pandagat ng PRC na nagtatapon ng dumi sa Spratly Islands, ang ilang opisyal ng gobyerno ng PRC na namamahala sa pangangasiwa sa Spratly Islands ay naglabas ng isang press release na nagsasaad na "ang pagkasira at irreversibility ng ekolohikal na kapaligiran ng isla at ang mga bahura ay dapat na ganap na kilalanin" at "mahalaga na mahigpit na sumunod sa mga kinakailangan ng pagtataguyod ng iba't ibang programa sa pag-iwas sa polusyon" (tingnan ang Figura 7).¹¹⁶

Pigura 7. Sansha Government, PRC, press release na humihingi ng mas magandang maritime protection, na nai-post tatlong araw pagkatapos mailathala ng Similarity ang ulat nito



Pagsasalin: "Nabanggit sa pulong na mahalagang lubos na maunawaan ang kahalagahan at pagiging komplikado ng gawain ng pagprotekta sa kapaligiranng ekolohikal na nakapalibot sa lungsod ng [Sanya], at ang pagkasira at irreversibility ng ekolohikal na kapaligiran ng isla at mga bahura ay dapat na ganap na kilalanin. mahalagang mahigpit na sumunod sa mga kinakailangan ng pagtataguyod ng iba't ibang programa sa pag-iwas sa polusyon."

Pinagmulan: "Ang Pamahalaang Munisipyo ay Nagdaos ng Pulong upang Pag-aralan at Repasuhin ang Pag-iwas at Pagkontrol ng Polusyon sa Lungsod ng Sansha noong 2021" [市政府召开会议研究审议三沙市 2021 年度污染防治工作], Pamahalaang Bayan ng Sansha, Hulyo 15, 2021, http://webcache.googleusercontent.com/search?q=cache:cvtRxVs_9-MJ:www.sansha.gov.cn/sansha/sysdt/202107/a4503cbae2d54e018ebd0864db6a2e8f.shtml+%&cd=1&hl=en&ct=clnk&gl=us.

3.5 Nagpapatakbo ng "di-nasusubaybayan" na mga sasakyang pandagat

Ang mga sasakyang pandagat ay "di na nasusubaybayan" sa pamamagitan ng pagtatakip sa kanilang lokasyon, paggalaw, o pagpapadala o sa pamamagitan ng pagmamaniplula ng data na ipinadala ng kanilang mga signal. Ang isang paraan na "hindi na masubaybayan" ang mga sasakyang pandagat ay sa pamamagitan ng hindi pagpapagana o pakikialam sa kanilang mga elektronikong pagsusubaybay o aparatong pangsubaybay, gaya ng kanilang AIS o vessel monitoring system (VMS). Sa maraming kaso, ang pag-iwas sa pagsusubaybay ay kasabay ng mga ipinagbabawal na aktibidad sa dagat tulad ng IUU na pangingsida.¹¹⁷

Ang AIS ay isang awtomatikong open-source tracking system na tumutulong sa ligtas na pag-navigate ng sasakyang-dagat at nagbibigay-daan sa mga awtoridad sa baybayin na subaybayan at subaybayan ang mga paggalaw ng sasakyang pandagat.¹¹⁸ Ang mga convention ng IMO para sa SOLAS ay nananawagan para sa paggamit ng AIS ng lahat ng mga sasakyang pandagat na higit sa 300 gross tonnage na nasa isang "international voyage." Ang IMO Revised Guidelines para sa Onboard Operation Use ng Shipborne AIS ay tandaan na ang AIS sa mga sasakyang ito ay dapat palaging gumagana kapag ang mga barko ay tumatakbo o nasa angkla.¹¹⁹ Sinusubaybayan ng VMS ang mga sasakyang pandagat sa katulad na paraan tulad ng AIS.

Gayunpaman, hindi tulad ng AIS, ang datos ng VMS ay dating pinaghihigpitan sa mga regulator ng gobyerno o iba pang awtoridad sa pangisdaan at hindi ito naa-access ng publiko.¹²⁰

Mga Teknolohiya sa Pagsubaybay sa Fisheries at Sasakyang pandagat

Maramihang mga teknolohiya sa pagsubaybay ay magagamit upang hanapin at subaybayan ang mga sasakyang pangisda sa dagat, kabilang ang mga sumusunod:

AIS – Ang mga transponder ng AIS ay awtomatikong nagbibigay ng posisyon, pagkakakilanlan, at iba pang impormasyon tungkol sa isang barko sa ibang mga barko at awtoridad sa baybayin. Ang regulasyon ng SOLAS V/19 ay inatasan ang AIS "na mailagay sa lahat ng mga barko na may 300 gross tonnage at pataas na nakikibahagi sa mga internasyonal na paglalakbay."¹²¹ Ang datos ng AIS ay karaniwang magagamit ng publiko sa real time.

VMS – Sinusubaybayan ng VMS ang mga sasakyang pandagat sa katulad na paraan tulad ng AIS, ngunit ang datos nito ay dati nang pinaghihigpitan sa mga regulator ng gobyerno o iba pang awtoridad sa pangisdaan at sa pangkalahatan ay hindi available sa publiko.¹²² Ang mga indibidwal na bansa ay may sariling mga VMS.

EM – Gumagamit ang electronic monitoring (EM) ng mga camera, gear sensor, at sopistikadong pagsusuri ng datos upang magbigay ng buong pananagutan para sa mga aktibidad sa pangingsda. Ang paggamit ng EM ay may ilang mga benepisyo, kabilang ang mataas na antas ng pagsunod, dokumentasyon ng napapanatiling mga kasanayan sa pangingsda, at pag-access sa mga merkado na nangangailangan ng mataas na antas ng transparency at sustainability. Wala pang 1 porsiyento ng mga sasakyang pangingsda sa mundo ang nilagyan ng EM.¹²³

RF – Gumagamit ang space-based radio frequency (RF) analysis ng hanay ng mga RF signal gaya ng marine radar at x-band para hanapin at subaybayan ang mga sasakyang-dagat na hindi nagpapadala ng VMS o AIS.¹²⁴

SAR – Gumagamit ang synthetic aperture radar (SAR) ng mga aktibong sensor na nakabatay sa espasyo upang makagawa ng mataas na spatial na resolution ng imahe mula sa mga layer, o "synthetic," na mga larawan. Maaaring gamitin ang SAR upang tuklasin at matukoy ang mga sasakyang pandagat na hindi nagpapadala ng VMS o AIS.¹²⁵

VIIRS – Visible infrared imaging radiometer (VIIRS) ay isang polar-orbiting satellite na gumagamit ng napakasensitibong optical sensor upang makakita ng mga ilaw sa gabi.¹²⁶ Maaaring gamitin ang VIIRS upang makita ang mga sasakyang pangisda na hindi nag-broadcast ng VMS o AIS. Higit sa 85 porsiyento ng mga sasakyang pangisda sa database ng VIIRS ay hindi nagbo-broadcast ng AIS o VMS.¹²⁷

3.5.1 Patakaran ng PRC

Itinataguyod ng mga opisyal ng PRC at foreign-directed midya ang salaysay na ang mga sasakyang pandagat ng PRC ay sumusunod sa "pinaka mahigpit na kinakailangan ng Vessel Monitoring System sa mundo." Sa panahon ng hindi bababa sa apat na press conference ng MFA noong 2020, iginiit ng mga tagapagsalita na "Ipinatupad ng Tsina ang pinakamahigpit na Sistema ng Pagsubaybay sa Vessel sa mundo."¹²⁸ Ang mga pangungusap na ito ay malawakang muling inilathala ng midya na nakadirekta sa ibang bansa ng PRC sa maraming wika, kabilang ang Indonesian, French, Spanish, at English.¹²⁹ Ang talakayan ng midya ng PRC sa ibang bansa tungkol sa AIS ay nakatuon sa pagbuo ng Tsina ng mga satellite na may kakayahang AIS at imprastruktura ng AIS na nakabase sa lupa para sa "pagtaas ng pagmamatyag at pagsubaybay."¹³⁰

Ang PRC ay mayroon ding mga pambansang batas na naguutos ng VMS, AIS, o pareho para sa DWF plota nito. Halimbawa, ang PRC Ministry of Agriculture and Rural Affairs' *Mga Panukala para sa Pangangasiwa ng Pagsubaybay sa Posisyon ng Mga Sasakyang Pangisda sa Karagatan* nagsasaad na ang mga sasakyang DWF nito ay "kakayanin ng kagamitan sa pagsubaybay sa posisyon ng barko" at na kapag nagpapatakbo sa katubigan ng mga bansang nagbabawal sa VMS, "dapat nilang gamitin ang naka-install na automatic vessel identification equipment (AIS) upang magsumite ng may-katurang impormasyon."¹³¹ Dagdag pa rito, Artikulo 24, Talata 1 at Talata 2 (12) ng *Mga Regulasyon ng People's Republic of China sa Maritime Affairs at Administrative Penalties* nagsasaad na "ang mga tauhan sa mga barko at pasilidad [na] hindi nagpapanatili sa AIS sa normal na kondisyon sa pagtatrabaho alinsunod sa mga regulasyon, o hindi naglalagay ng tumpak na impormasyon sa kagamitan ng AIS alinsunod sa mga regulasyon" ay nahaharap sa mga multa o pagbawi ng mga lisensya.¹³²

3.5.2 Mga halimbawa ng di-umano'y maling pag-gawi ng mga gumaganap ng PRC

Sa hindi bababa sa 7 sa 15 na kaso na aming nasuri, pinakialaman ng mga gumaganap ng PRC ang mga sistema ng pagsubaybay o pagkakakilanlan ng kanilang sasakyang pandagat, kadalasan upang ikubli o paganahin ang iba pang mga ipinagbabawal na aktibidad, tulad ng IUU na pangingsida o ilegal na transshipment.¹³³ Sa pagitan ng 2018 at 2021, may mga ulat ng mga sasakyang pandagat ng PRC na diumano'y nagsasara o nakikialam sa kanilang AIS upang takpan ang mga bawal na aktibidad sa karagatan ng Democratic People's Republic of Korea (DPRK),¹³⁴ Ecuador,¹³⁵ Vanuatu,¹³⁶ Ang Gambia, Namibia,¹³⁷ Ang Philippines,¹³⁸ at Indonesia.¹³⁹

- **DPRK.** Ayon sa pag-aaral na isinagawa ng walong institusyon na gumagamit ng teknolohiya ng satellite na hindi umaasa sa mga signal ng AIS, halos 1,000 "hindi nasusubaybayan" na mga sasakyang pandagat na pinagmulan ng PRC ang ilegal na nangingisda sa mga katubigan ng DPRK noong 2017 at 2018, na nagpapatuloy ang aktibidad hanggang sa 2019.¹⁴⁰ Katulad nito, ang maritime trade organization na

Windward ay nag-ulat na ang mga sasakyang pandagat ng PRC ay gumagamit ng maraming paraan ng pag-iwas sa mga parusa ng UN sa DPRK, kabilang ang pag-deactivate ng AIS pati na rin ang pagpapalit ng mga numero ng Marine Mobile Service Identity (MMSI), flag state, at mga pangalan ng barko.¹⁴¹

- **Ecuador.** Mula 2018 hanggang 2021, ang mga ulat sa pagsisiyasat ng mga internasyonal na midya at NGO ay nagdokumento ng PRC squid jiggers at trawlers na "hindi masubaybayan" sa mataas na dagat sa South America, kabilang ang malapit sa Galapagos Islands ng Ecuador, isang UNESCO world heritage site.¹⁴² Katulad nito, nakita ng pagsusuri sa mga piling operasyon ng mga sasakyang may bandila na PRC malapit sa Galapagos noong 2020 ang maraming pagkakataon ng mga sasakyang pandagat na nagbabago ng draft, haba, o pagmamay-ari at hindi na masubaybayan malapit sa EEZ ng Galapagos.¹⁴³
- **Vanuatu.** Noong Enero 19, 2021, naharang ng isang barko ng Vanuatu Maritime Police ang dalawang barkong pangingsda na may bandera ng PRC, *Dong Gang Xing 13* at *Dong Gang Xing 16*, para sa hinihinalang aktibidad ng pangingsda ng IUU sa loob ng teritoryo ng Vanuatu.¹⁴⁴ Ang mga sasakyang pandagat ay may pahintulot na mangisda sa loob ng EEZ ng Vanuatu ngunit hindi sa loob ng 12-milya katubigang teritoryo nito, kung saan sila ay nahuli na naka-patay ang kanilang AIS, ayon sa mga tagausig ng Vanuatu.¹⁴⁵
- **Ang Gambia.** Isang 2019-2020 na pagsusuri ng mga sasakyang pangisda na tumatakbo sa tubig sa labas ng Gambia at iba pang mga miyembro ng Economic Community ng Western African States na mga sasakyang may bandila ng PRC na nagbabago ng datos ng AIS kung kaya't maraming mga barko ang nagbahagi ng mga pangalan o mga numero ng IMO at MMSI, na legal na kinakailangan upang maging kakaiba.¹⁴⁶
- **Indonesia.** Noong Enero 11, 2021, iniulat ng Indonesian midya na naharang ng Indonesian Maritime Security Agency ang pang-research na sasakyang pandagat ng PRC *Xiang Yang Hong 03* sa Sunda Strait dahil sa pagpapatakbo sa katubigan ng Indonesia na naka-deactivate ang AIS nito.¹⁴⁷ Ayon sa mga regulasyon ng Indonesia at internasyonal, lahat ng mga barkong dumadaan sa mga archipelagic sea lane ng Indonesia ay kinakailangang magkaroon ng gumaganang AIS.¹⁴⁸
- **Philippines.** Noong gabi ng Hunyo 9, 2019, ang 44-meter steel-hulled na sasakyang pandagat ng PRC *Yuemaobinyu 42212* ay binangga ang Philippine 19-meter wood-hulled *Gem Ver* na naka-deactivate ang AIS nito at patay ang mga ilaw, ayon sa crew na sakay ng *Gem Ver* at mga ulat ng midya sa Pilipinas.¹⁴⁹ Ang sasakyang pandagat ng PRC ay naglayag palayo sa pinangyarihan, na iniwan ang 22 na tripulante na napadpad sa dagat hanggang sa sila ay nailigtas ng mga mangingisdang Vietnamese.¹⁵⁰

- **Namibia.** Noong Marso 2020, iniulat ng lokal na midya na naharang ng Namibian navy ang anim na sasakyang pangisda na pagmamay-ari ng PRC sa isang sikat na lokasyon ng pangisdaan 17 milya mula sa baybayin ng Namibia.¹⁵¹ Sinabi ng mga awtoridad ng Namibian na ang mga sasakyang pandagat ng PRC ay ilegal na pumasok sa Namibia at hindi nakatanggap ng pahintulot na mag-angkla.¹⁵² Nabanggit din ng Namibian navy na ang mga sasakyang pandagat ay na-deactivate ang kanilang AIS.¹⁵³

3.5.3 Mga pampublikong tugon ng PRC sa mga paratang

Sinisikap ng mga opisyal at midya ng PRC na ilarawan ang Tsina bilang isang "responsableng bansang pangisda" na nagpapatupad ng mahigpit na pagsubaybay sa barko sa kanyang DWF plota at iba pang mga sasakyang pandagat. Gayunpaman, sa mga kaso na sinuri para sa pag-aaral na ito, ang mga opisyal at midya ng PRC sa pangkalahatan ay hinahangad na ipagwalang-bahala, ilihis, o tanggihan ang mga paratang na ang mga sasakyang may bandila ng PRC ay pinakikialaman o nagde--deactivate ng onboard AIS upang itago ang ipinagbabawal na aktibidad sa dagat.

Sa malamang na pagsisikap na ipagwalang-bahala ang mga insidente, ang mga opisyal at midya ng PRC ay hindi nagkomento sa publiko sa mga paratang na pinakialaman ng mga barkong may bandila ng PRC ang kanilang AIS sa karagatan ng Pilipinas, Vanuatu, Indonesia, at Gambia. Sa ibang mga kaso, sa halip na direktang tumugon sa mga paratang, hinangad ng mga opisyal ng PRC at dayuhang nakadirekta na midya na iwasan ang pagpuna sa pamamagitan ng pagsasabi na ang mga sasakyang pandagat ng PRC ay sumusunod sa "pinaka mahigpit na" mga kinakailangan sa VMS.¹⁵⁴ Halimbawa, nang tanungin tungkol sa mga sasakyang pandagat ng PRC na tumatakbo nang walang AIS malapit sa Galapagos Islands ng Ecuador, iginiit ng isang tagapagsalita ng MFA na "lahat ng sasakyang pangisda ng Tsino ay gumagamit ng Vessel Monitoring System na kinikilala ng mga regional fisheries management organizations, na nag-uulat ng posisyon bawat oras."¹⁵⁵

Sa isang kaso, ang embahada ng PRC sa Namibia ay lumilitaw na itinanggi ang alegasyon ng Namibian navy na ang mga sasakyang pandagat ng PRC na pinigil nito para sa ilegal na pagpasok at posibleng IUU na pangisda sa mga katubigan nito ay nag-deactivate ng kanilang AIS. Iginiit ng embahada ng PRC na papatunayan ng "mga tuloy-tuloy na computer record ng ruta ng paglalayag ng mga bangkang pangisda" na hindi ilegal na nangingisda ang mga barko.¹⁵⁶

Pagtalakay ng Media ng PRC sa Pangangialam sa AIS

Ang pag-uulat ng media ng PRC na nakatuon sa mga dayuhang madla ay tahimik sa isyu ng pangangialam sa AIS sa loob ng mga barko ng PRC, sa halip ay binibigyang-diin nito na dapat ay mahigpit na sumunod ang mga barko ng PRC sa isang hiwalay na VMS regimen na hindi available sa publiko. Gayunpaman, binibigyang-diin ng pag-uulat ng media ng PRC na nakatuon sa mga domestikong madla sa China, ang mga pagsisikap ng China na sugpuin ang

“ilegal o maling paggamit ng kagamitan sa AIS,” na kumikilala sa mga naturang aksyon na “nagbibigay ng mga hamon sa kaayusan ng dagat.”¹⁵⁷ Ikinalulungkot ng ulat na inilathala ng isang sikat na online na pahayagan noong 2020 ang “kasalukuyang sitwasyon ng ilegal at magulong kalidad ng impormasyon ng kagamitan ng AIS sa barko” at nanawagan ito para sa “sama-samang pagsusulong sa paggamit ng kagamitan ng AIS.”¹⁵⁸ Katulad nito, idinetalye ng isang 2021 na ulat ng opisyal na Xinhua News Agency ng China kung paano inimbestigahan at pinarusahan ng panrehiyong awtoridad sa dagat ng PRC “ang ilegal na paglalagay ng AIS ng isang barkong pangisda,” na tumutukoy sa isang barkong hindi tumpak na nagta-transmit bilang isang bulk carrier at sa halip ay bilang isang bangkang pangisda.¹⁵⁹ Inuuri ng pangatlong ulat ang tatlong kaso ng PRC mga barkong bulk carrier ng PRC na maling gumagamit ng AIS, nagbubuod sa mga may kaugnayang internasyonal na regulasyon at regulasyon ng PRC sa AIS, at nagbibigay ng atensyon sa isyu ng paglalagay ng mali o maraming identifier ng barko gaya ng pangalan ng barko, call sign, IMO number, uri ng barko, at MMSI number.¹⁶⁰



3.6 Ilegal na pagpasok at pagmamay-ari

Ang mga estado sa baybayin ay may karapatan sa ilalim ng UNCLOS na kontrolin ang mga ekonomiko at siyentipikong aktibidad ng dayuhan sa at nasa column ng tubig ng sarili nilang 200 milyang EEZ.¹⁶¹ Bukod pa rito, sa loob ng 12 milyang teritoryong dagat ng estado sa baybayin, mayroon itong kapangyarihan sa tubig at seafloor habang pinapayagan ang inosenteng pagdaan ng mga dayuhang barko.¹⁶² Isang paglabag sa UNCLOS ang pagsasagawa ng mga ekonomikong aktibidad gaya ng pangingsda o mga siyentipikong aktibidad gaya ng mga oceanographic survey sa loob ng EEZ o teritoryong tubig ng estado sa baybayin nang walang pahintulot nito. Gayundin, maraming estado sa baybayin ang mayroong mga pambansang batas na nagsasakodigo sa mga kinakailangan ng UNCLOS na tumanggap ng mga pahintulot ang mga dayuhang barko para sa mga komersyal o siyentipikong aktibidad sa loob ng kanilang EEZ o mga teritoryong tubig. Kaugnay nito, ang ilang estado sa baybay-dagat ay nagpapatupad ng mga batas na nag-aatas sa mga barkong pangisda na tumatakbo sa loob ng kanilang EEZ o teritoryong dagat na magkaroon ng partikular na bandera, ugnayang tagapagpatakbo, o may-ari sa estado sa baybayin.

3.6.1 Patakaran ng PRC

Pinagtibay ng PRC ang UNCLOS, na kung saan ay may karapatan ang mga estado sa baybayin na pamahalaan ang access sa pagdaong para sa mga dayuhang barko at magtakda ng mga panuntunan para sa paglilisensya at pagmamay-ari ng dayuhan ng mga barko sa ilalim ng kanilang pagpaparehistro (bandera).¹⁶³ Ipinahayag ng embahador ng PRC sa UN noong Hunyo 2021 na ang China ay “determinadong nagbabantay sa integridad at pagiging sagrado ng

UNCLOS” at na “dapat matapang na ipagtanggol ng lahat ng bansa ang internasyonal na kaayusan sa karagatan batay sa internasyonal na batas, at wastong lutasin ang mga alitan sa karagatan sa pamamagitan ng mga negosasyon at konsultasyon nang may magandang loob.”¹⁶⁴

Hinihimok din ng Beijing ang mga mamamayan at kumpanya ng PRC na sumunod sa mga lokal na batas kapag nagpapatakbo sa ibang bansa. Ipinahayag ng PRC MFA, “Bilang prinsipyo, palaging hinihiling ng pamahalaan ng China sa mga mamamayan ng China na nasa ibang bansa na sumunod sa mga lokal na batas at regulasyon.”¹⁶⁵ Karaniwang inuulit ng mga opisyal at media ng PRC ang patakarang ito bilang sagot sa mga ulat ng internasyonal na media na ang mga aktor ng PRC ay gumagawa ng ipinagbabawal na aktibidad, kasama na sa dagat.¹⁶⁶

3.6.2 Mga halimbawa ng ipinaparatang na maling asal ng mga aktor ng PRC

Sa pag-aaral na ito, maraming kaso ang kinasasangkutan ng mga paratang na ilegal na pumasok ang mga barko ng PRC sa mga dayuhang EEZ para magsagawa ng mga komersyal at iba pang non-transitory na aktibidad nang wala ang mga kinakailangang pahintulot mula sa estado sa baybayin. Sa isang kaso, ang mga kumpanya ng PRC ay di umano'y may benepisyong pagmamay-ari sa mga barkong pangisda na tumatakbo sa mga tubig ng isang bansa, na labag sa mga pambansang batas ng bansang iyon. Ang mga halimbawa ng ipinaparatang na maling asal ng mga aktor ng PRC ay ayon sa sumusunod:

- ***Mga barko ng PRC na iniulat na nagsasagawa ng ilegal na oceanographic survey.*** Noong Enero 11, 2021, iniulat ng news media na naharang ng Indonesian Maritime Security Agency ang PRC research vessel na *Xiang Yang Hong 03* sa Sunda Strait para sa pagpapatakbo sa mga teritoryong tubig ng Indonesia kung saan naka-deactivate ang AIS nito.¹⁶⁷ Iniulat ng mga awtoridad sa Indonesia na pinaghihinalang nagsasagawa ang barko ng mga hindi awtorisadong aktibidad sa Sunda Strait habang nakapatay ang AIS nito.¹⁶⁸ Sa mga ulat ng media, pinaghihinalang nangangalap ng oceanographic na impormasyon ang barko ng PRC upang bigyang-kaalaman ang mga operasyon ng submarine ng hukbong pandagat ng PRC.¹⁶⁹
- ***Inakusahan ng ilegal na pagpasok at pagdaong ang mga barko ng PRC.*** Noong Oktubre 2020, inanunsyo ng Malaysian Maritime Enforcement Agency (MMEA) na nagdetine ito ng anim na barkong pangisda na may bandera ng PRC at ang tripulante ng mga ito dahil sa pagpasok at pagdaong sa mga teritoryong tubig ng Malaysia nang walang pahintulot.¹⁷⁰ Gayundin, noong Marso 2020, hinarang ng hukbong pandagat ng Namibia ang anim na barkong pangisda na pagmamay-ari ng PRC sa isang sikat na lokasyon ng pangingsda na 17 milya mula sa baybayin ng Namibia. Ayon sa mga awtoridad ng Namibia, ilegal na pumasok sa Namibia ang mga barko ng PRC at hindi nakatanggap ang mga ito ng awtorisasyong dumaong.¹⁷¹ Noong pinakawalan na ang

mga ito, naglayag ang parehong anim na barko ng PRC patungo sa mga dagat ng South Africa, kung saan nadetine ulit ang mga ito at pinagmulta para sa ilegal na pagpasok.¹⁷²

- **Ang mga kumpanya ng PRC ay ilegal na mayroong benepisyong pagmamay-ari ng mga barkong pangisda na tumatakbo sa Ghana.** Ayon sa Fisheries Act ng Ghana, ang mga komersyal na barkong pangisda na hindi kontrolado ng Ghana o mayroong benepisyong pagmamay-ari ay pinagbabawalang mangisda sa loob ng EEZ ng Ghana.¹⁷³ Kaugnay nito, iniaatas ng Artikulo 91 ng UNCLOS ang isang “totoong ugnayan” sa pagitan ng estado sa bandera at mga may-ari ng barko.¹⁷⁴ Gayunpaman, napag-alaman sa maraming ulat sa pagsisiyasat na inilathala ng mga NGO para sa kalikasan na nasa US sa pagitan ng 2019 at 2021 na ang mga korporasyon ng PRC ang mga may benepisyong may-ari ng halos lahat ng trawler sa Ghana.¹⁷⁵ Ayon sa mga ulat, inirehistro ng mga korporasyon ng PRC ang mga trawler sa Ministry of Agriculture ng China para makinabang mula sa mga ayuda sa langis at benepisyo sa buwis ng estado habang inirerehistro rin ang mga barko sa bandera ng Ghana sa pamamagitan ng mga lokal na na-incorporate na kumpanya ng kabibe para makinabang mula sa access sa pangangisda sa EEZ at mga murang lisensya sa lokal na pangangisda ng Ghana.¹⁷⁶ Nagresulta ang ilegal na kasanayang ito sa Ghana sa pagkalugi nang hanggang \$23 milyon taon-taon sa mga bayarin sa lisensya sa pangangisda.¹⁷⁷

Figura 8. Iniulat ng media sa Indonesia ang tungkol sa pagharang sa isang barkong pang-survey ng PRC na tumatakbo sa Sunda Strait kung saan naka-deactivate ang AIS nito

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)

Pinagmulan: 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), Pebrero 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 Ang mga sagot sa publiko ng PRC sa mga paratang

Gusto ng mga opisyal at media ng PRC na katawanin ang China bilang isang “responsableng bansang nangingsida” na sumusunod sa mga karapatan ng mga estado sa baybayin sa ilalim ng UNCLOS, at pampublikong hinihikayat ng Beijing ang mga PRC entity na sumunod sa mga lokal na batas kapag tumatakbo sa ibang bansa. Sa pagsunod sa naratibong ito, pampublikong kinilala ng Beijing na nagdetine ng mga barko ng PRC sa loob ng mga teritoryong tubig ng Malaysia. Parehong nanawagan ang MFA at ang embahada ng PRC sa mga awtoridad sa Malaysia na magsagawa ng “patas na pagsisiyasat, habang tinitiyak ang mga karapatan at interes ng mga sangkot na mamamayan ng China.”¹⁷⁸

Gayunpaman, nananatiling may mga puwang sa pagitan ng retorika at mga pagkilos PRC: sa isang posibleng pagtatangkang maliitin ang mga paratang, nanatiling tahimik ang mga opisyal ng PRC at ang media na nakatuon sa dayuhan bilang sagot sa mga paratang na lumabag ang mga PRC entity sa batas ng Ghana sa pamamagitan ng may benepisyong pagmamay-ari ng mga lokal na barkong pangisda. Gayundin, hindi sinagot ng Beijing sa publiko ang pagharang ng Indonesia sa isang PRC research vessel na posibleng nagsasagawa ng oceanographic survey sa mga tubig ng Indonesia habang naka-deactivate ang AIS nito at nang walang pahintulot ng pamahalaan ng Indonesia. Sa kaso sa Namibia, itinanggi ng embahada ng PRC sa Namibia na ang mga barko ng PRC ay “ilegal” na pinahinto sa tubig ng Namibia at iginiit na ang mga barko ay nagsasagawa ng inosenteng pagdaan.¹⁷⁹

4. Konklusyon

Batay sa mga kasong sinuri para sa pag-aaral na ito, lumitaw na nakikibahagi ang ilang aktor ng PRC sa iba't ibang ipinagbabawal na aktibidad sa dagat sa buong mundo. Kadalasan, ang mga aktor ng PRC ay nakikibahagi sa higit sa isang uri ng ipinagbabawal na aktibidad. Ang mga pinakakaraniwang lumalabag ay ang mga komersyal na barkong pangisda na kabilang sa malawak na DWF fleet ng China. Gayunpaman, natukoy namin na hindi bababa sa dalawang insidente kung saan ang mga barko ng gobyerno—isang barko ng PRC coast guard at isang survey ship—ay diumano'y nagsasagawa ng ipinagbabawal na pag-uugali.

Nilalayan ng retorika ng opisyal ng PRC na ipakita ang China bilang isang responsableng aktor sa dagat na epektibong namamahala sa kanyang DWF fleet at iba pang barkong pandagat. ***Ang ipinagbabawal na pag-uugali ng mga aktor ng PRC ay lumilikha ng patuloy na agwat sa pagitan ng retorika at pag-uugali ng PRC na makikita sa lahat ng 15 kaso.*** Ang mga pampublikong tugon ng Beijing sa mga paratang ng bawal na gawain ng mga aktor ng PRC ay nagmumungkahi na sinusubukan nitong hubugin ang pampublikong talakayan sa mga paraan na nagpapaliit sa anumang negatibong epekto sa imahe ng China. Sa pitong kaso, nanatiling tahimik ang mga opisyal ng PRC at media, sa posibleng pagtatangkang maliitin ang mga insidente. Sa ibang mga kaso, hayagang itinanggi ng mga opisyal ng PRC at midya ang mga paratang, kung minsan ay umaabot hanggang sa pag-uudyok ng mga pang-kontra akusasyon na nilayan upang sisihin o siraan ang kanilang mga nag-aakusa. Maaaring palabasin ng mga sagot na ito na sa halip na kilalanin ang problema, sinusubukan ng Beijing na sirain o i-recast ang mga internasyonal na panuntunan, batas, at nakasanayan.

Ang pangalawang naratibo na isinusulong ng Beijing sa dayuhang madla tungkol sa aktibidad ng PRC sa dagat ay nagpapakita sa presensya at pamumuhunan ng China bilang magdudulot ng benepisyong sa mga lokal na populasyon. Sa mga kasong sinuri para sa pag-aaral na ito, kapansin-pansing itinatampok ang naratibong ito sa pagmemensahe ng PRC na nakatuon sa mga baybaying bansa sa Africa at malamang na ipinapakita nito ang PRC bilang isang benefactor na sumusuporta sa paglago ng ekonomiya ng mga bansang ito. Gayunpaman, sa maraming kasong sinuri sa pag-aaral na ito, may kapalit ang pamumuhunan ng PRC: nakapag-ambag ito sa paglago ng ekonomiya ng mga bansa, pero nagresulta rin ito sa pagkasira ng kalikasan at ekonomiya sa mga lokal na komunidad.

Bilang buod, ang mga ipinaparatang na ipinagbabawal na aktibidad sa dagat ng mga aktor ng PRC ay nagdudulot ng pinsala sa ekonomiya at kapaligiran sa mga baybaying bansa, nilalabag ang kanilang kalayaan, at nakakapahamak sa kanilang mga mamamayan. Aktibong nilalayan ng mga opisyal at media ng PRC na i-offset ang pinsalang nagawa ng aktibidad na ito sa

reputasyon ng China sa pamamagitan ng pagtangi, paglilihis, o pagpapaliit sa mga insidenteng kinasasangkutan ng ipinagbabawal na pag-uugali ng mga aktor ng PRC sa publiko.

Appendix A: Mga Tagaresponde ng Beijing

Sa mga kasong sinuri namin, ang mga sumusunod na elemento ng propaganda apparatus ng PRC ay may malaking tungkulin sa mga pagsisikap ng Beijing na magsulong ng positibong imahe ng China bilang isang responsableng aktor sa dagat, pati na rin tumugon sa mga paratang ng maling asal ng mga aktor ng PRC:

- ***Mga Tagapagsalita ng MFA*** Nagkomento ang mga tagapagsalita ng MFA sa 6 sa 15 insidenteng nasuri. Unang nagsimulang magtalaga ng mga tagapagsalita ng pamahalaan ang Beijing sa mga unang bahagi ng 1980. Simula noon, ang mga tagapagsalitang ito ang naging isa sa pinakakaraniwan at direktang paraan na ginagamit ng pamahalaan ng China para makipag-ugnayan sa parehong domestiko at dayuhang madla.^{180,181}
- ***Mga opisyal ng embahada ng PRC***. Nagkomento sa publiko ang embahada ng PRC o iba pang lokal na opisyal ng embahada sa 8 sa 15 kaso. Ang mga diplomat ng PRC na nakatalaga sa ibang bansa ay may frontline na tungkulin sa mga pampublikong pagsisikap sa diplomasya ng Beijing, kasama na ang mga sagot nito sa mga paratang ng maling asal ng mga aktor ng PRC sa ibang bansa.
- ***Media ng PRC na nakadirekta sa dayuhan***. Ang mga media outlet na pinapatakbo ng PRC ay nag-ulat ng 6 sa 15 kaso. Sa karaniwan, ang pag-uulat na ito ay nagpapahayag ng mga remark ng mga tagapagsalita o opisyal ng embahada ng MFA. Sa ilang kaso, kasama rin dito ang komentaryo na nag-reinforce o nagpalawak sa opisyal na naratibo ng Beijing. Upang gawin itong accessible sa mga target na madla, inilathala ang pag-uulat ng media ng PRC sa mga lokal na wika, kasama na ang English, French, Bahasa, Filipino, Malay, at Vietnamese.¹⁸²

Tingnan ang Talahanayan 1 sa susunod na pahina para sa buod ng mga tagasagot sa bawat case study.

Talahanayan 1. Mga elemento ng propaganda apparatus ng PRC na tumugon sa 15 kaso ng ipinapatang na ipinagbabawal na aktibidad sa dagat ng PRC

Ipinapatang na Aktibidad ng PRC	Sagot ng MFA	Embahada ng PRC	Media ng PRC na Nakadirekta sa Dayuhan
Mga ulat ng mga barko ng PRC na nagtatapon ng dumi sa EEZ ng Pilipinas	Oo ¹⁸³	Oo ¹⁸⁴	Oo ¹⁸⁵
Ilegal na pangingsda ng sea cucumber ng barko ng PRC sa EEZ ng Palau	Oo ¹⁸⁶	Oo ¹⁸⁷	Oo ¹⁸⁸
Sapilitang paggawa sa Indonesia sa mga barkong may bandera ng PRC	Oo ¹⁸⁹	Oo ¹⁹⁰	Oo ¹⁹¹
Mga barko ng PRC na nadetine para sa ilegal na pangingsda sa EEZ ng Vanuatu	Hindi ¹⁹²	Hindi ¹⁹³	Hindi ¹⁹⁴
Mga barko ng PRC na sumasali sa ilegal na pangingsda sa Gabon	Hindi	Hindi ¹⁹⁵	Hindi ¹⁹⁶
Polusyon ng tubig mula sa mga pabrika ng fishmeal na pagmamay-ari ng PRC sa Gambia	Hindi	Oo ¹⁹⁷	Hindi ¹⁹⁸
Ilegal na pagmamay-ari sa fishing trawler fleet ng Ghana	Hindi	Hindi	Hindi ¹⁹⁹
Ilegal na pagpasok at pagdaong sa mga teritoryo sa karagatan ng Malaysia	Oo ²⁰⁰	Oo ²⁰¹	Oo ²⁰²
Nangingisda ng mga higanteng kabibe ang PRC sa pinamamahalaang tubig ng Pilipinas	Hindi	Hindi	Hindi ²⁰³
PRC research vessel na tumatakbo sa tubig ng Indonesia nang walang AIS	Hindi	Hindi	Hindi ²⁰⁴
Pangingialam sa AIS sa mga barko ng PRC	Oo ²⁰⁵	Oo ²⁰⁶	Oo ²⁰⁷
Namunggo ng lokal na bangka ang trawler ng PRC sa pinaghihigpitang lugar sa Mauritania	Hindi	Hindi	Hindi ²⁰⁸
Sinasagasaan umano ng mga barko ng PRC ang mga dayuhang barkong pangisda	Oo ²⁰⁹	Oo ²¹⁰	Oo ²¹¹
Iniiimbestigahan ng Namibia ang mga barko mula sa PRC para sa ilegal na pagpasok at pangingsda	Hindi	Oo ²¹²	Hindi ²¹³
Pumuslit ang mga mamamayan ng PRC sa Cambodia sa pamamagitan ng dagat	Hindi	Hindi ²¹⁴	Hindi ²¹⁵
Kabuuang sagot sa 15 kaso	6	8	6

Pinagmulan: CNA.

Appendix B: Mga Case Study

1. Ilegal na pangingsda ng sea cucumber ng barko ng PRC sa EEZ ng Palau

Noong Disyembre 2020, iniulat ng mga media outlet sa Palau na hinarang ng isang nagpapatrolyang barko ng Tagapagpatupad ng Batas sa Dagat ng Palau ang barkong pangisda na may bandera ng PRC na *Qiong Sanya Yu* para sa pinaghihinalang ilegal na pangingsda ng sea cucumber sa Helen Reef, sa loob ng mga teritoryong tubig at EEZ ng Palau.²¹⁶ Tinulungan ng US Coast Guard ang mga awtoridad sa dagat sa Palau sa paghahanap sa barko ng PRC.²¹⁷ May nahanap na ebidensya ang Ministry of Justice (MOJ) ng Palau na nag-poach ang tripulante ng *Qiong Sanya Yu* ng 225 kilogram (496 pounds) ng sea cucumber na nagkakahalaga ng halos \$180,000.²¹⁸ Tinanggap ng tripulanteng may 28 miyembro—lahat mamamayan ng PRC—ang napakasunduang settlement na inalok ng MOJ ng Palau kapalit ng mga paratang, na nag-aatas sa kanilang i-forfeit ang tackle para sa pangingsda ng barko at ang limang maliliit na bangka at magbayad ng \$200,000.²¹⁹

2. Mga barko ng PRC na nadetine para sa ilegal na pangingsda sa EEZ ng Vanuatu

Noong Enero 19, 2021, naharang ng isang barko ng Vanuatu Maritime Police ang dalawang barkong pangingsda na may bandera ng PRC, *Dong Gang Xing 13* at *Dong Gang Xing 16*, para sa hinihinalang aktibidad ng pangingsda ng IUU sa loob ng teritoryo ng Vanuatu.²²⁰ Ipinaparatang ng mga tagausig sa Vanuatu na ang mga tagapagpatakbo ng barko ay nagsagawa ng ilegal na pangingsda nang walang lisensya, pinatay ang kanilang mga satellite transponder habang nasa tubig ng Vanuatu, at nagmamay-ari ng driftnet na labag sa Fisheries Act ng Vanuatu.²²¹ Pinasinungalingan ng may-ari ng mga barko, ang Zhuhai Dong Gang Xing Ocean Fishing Co., ang mga paratang na ito sa oras ng pag-aresto sa mga barko at sa tripulante.²²² Noong Mayo 18, 2021, sinabi ng 14 na nadetineng mamamayan ng PRC na wala silang kasalanan sa lahat ng paratang sa Korte Suprema ng Vanuatu.²²³ Simula noong Agosto 18, 2021, hindi iniulat sa publiko ang ruling sa kaso, at hindi sumasagot ang mga awtoridad sa Vanuatu sa mga kahilingan para sa impormasyon.

3. Mga barko ng PRC na sumasali sa ilegal na pangingsda sa Gabon

Noong Agosto 8, 2020, ang mga awtoridad sa Gabon, sa pakikipagtulungan sa nonprofit na Sea Shepherd na nakabatay sa Netherlands, ay may pinahintong dalawang trawler na may bandera ng PRC, ang *Guo Ji 826* at *Guo Ji 866*, para sa pangkaraniwang pagsisiyasat.²²⁴ Ayon sa Sea Shepherd at mga ulat ng lokal na media, may nakitang ilegal na kinuhang rough-head sea catfish, mga endangered na daisy stingray, at iba pang ray sa pagsisiyasat.²²⁵ Inaresto at binantayan ng mga awtoridad sa Gabon na sakay ng barkong Sea Shepherd ang parehong barko papunta sa pantalan, kung saan nakatuklas ng mga karagdagang ray at ray fin sa higit pang pagsisiyasat.²²⁶ Sinabi ng kapitan ng barko, isang mamamayan ng PRC, sa mga awtoridad na hindi niya alam na ilegal ang mga nahuli.²²⁷ Ayon sa lokal na media, noong isang taon lang, may inaresto ang mga awtoridad sa Gabon na dalawang iba pang barkong may bandera ng PRC—ang *Guo Ji 827* (pinapatakbo ng parehong may-ari ng *Guo Ji 826* at *866*) at *Haixin 27*—para sa IUU na pangingsda sa mga pinoprotektahang tubig ng Gabon.²²⁸

4. Nangingisda ng mga higanteng kabibe ang PRC sa pinamamahalaang tubig ng Pilipinas

Ang mga higanteng kabibe ay binigyan ng kategoryang mga nanganganib na species ayon sa maraming internasyonal na kumbensyon, at parehong ipinagbawal ng Pilipinas at ng PRC ang pagkuha ng mga ito.²²⁹ Iginiit ng Philippine navy at media na ang mga mangingsda ng PRC na naglalayag nang malapit sa pinagtatalunang Pag-asa Island (pinamamahalaan ng Pilipinas) at Scarborough Shoal (pinamamahalaan ng PRC) sa South China Sea ay patuloy na ilegal na nangingisda ng higanteng kabibe gamit ang paraan na nakapipinsala sa kapaligiran.²³⁰ Iginiit din ng Philippine media na batid ng PRC coast guard ang ilegal na pangingsda sa paligid ng Scarborough Shoal.²³¹ Napansin ng mga mamamahayag ng Pilipinas na gumagamit ang PRC ng mga “chopper boat,” paputok, kemikal, bomba ng tubig, at pangsipsip sa mga bahura upang mangisda ng higanteng kabibe, na kung saan ang mga capiz ay ibinibenta sa mataas na halaga sa China.²³² Ang mga paraan ng pangingsda na ito ay iniulat na nakasisira sa lampas 104 metro kwadrado ng mga bahura sa South China Sea, dagdag pa rito ang pagbaba ng dami ng isda at pagkasira sa mga kabuhayan ng mangingsda mula sa Pilipinas at ibang bansa.²³³

5. Namunggo ng lokal na bangka ang trawler ng PRC sa artisanal na lugar ng pangingsda sa Mauritania

Ayon sa pag-uulat ng media ng Mauritania mula sa unang bahagi ng Setyembre 2020, bumangga ang isang trawler na may bandera ng PRC sa isang bangkang pangisda ng Mauritania noong gabi, na pumatay sa tatlong tripulante ng Mauritania.²³⁴ Iniulat ng lokal at rehiyonal na media na binangga ng barkong pangisda ng PRC ang artisanal na bangka ng Mauritania sa tubig sa Nouadhibou sa isang lugar na nililimitahan sa artisanal na pangingsda kung saan pinagbabawalan ang mga industriyal na trawler.

Ipinapatang ng pinuno ng asosasyon ng lokal na artisanal na pangingsda na hindi isang aksidente ang pangyayari at iginiit na pinatay ng barko ng PRC ang mga ilaw nito, na deactivate ang AIS nito, at sadyang binangga ang lokal na barkong pangisda.²³⁵ Batay sa ulat, inaresto ng mga awtoridad sa Mauritania ang kapitan ng barko ng PRC, at nagsagawa ng mga protesta ang mga miyembro ng lokal na komunidad laban sa PRC at iba pang dayuhang trawler para sa kanilang ipinapatang na ilegal at mapanganib na kasanayan sa pangingsda.²³⁶ Ayon sa media ng Mauritania, may katulad na kasong nangyari noong 2017 kung saan bumangga ang isa pang barko ng PRC, batay sa ulat, sa maraming lokal na barkong pangisda, na pumatay sa hindi bababa sa apat na tao.²³⁷

6. Sinasagasaan umano ng mga barko ng PRC ang mga dayuhang barkong pangisda

Ang mga insidente ng pagbabangga sa mga sasakyang pangisda ay karaniwang resulta ng kompetisyon sa pinagtatalunang lugar ng pangisdaan o iba pang likas na yaman, kadalasan sa mga katubigan na paksa ng mga alitan sa teritoryo sa karagatan. Ang mga insidente ng pagbangga ay tumakot sa mga karibal na mangingsda, sumisira sa mga kagamitan, nagpalubog sa mga sasakyang-dagat, at nakapipinsala, nakamamatay, at nag-iiwan sa mga tripulante. Hindi bababa sa limang okasyon sa pagitan ng 2018 at 2021, iniulat ng news media na sadyang binangga ng mga barkong may bandera ng PRC ang mga sasakyang pangisda mula sa Pilipinas, Mauritania, Vietnam, Senegal, at Brazil.²³⁸

7. Sapilitang paggawa sa Indonesia sa mga barkong may bandera ng PRC

Ayon sa mga ulat ng mga NGO na batay sa Indonesia, Germany, at sa US, sa pagitan ng huling bahagi ng 2019 at kalagitnaan ng 2021, inabuso ng mga barkong pangisda na may bandera ng PRC ang dose-dosenang Indonesian na tripulante, kung saan marami ang namatay dahil sa sakit, mga palo, hindi ligtas na kundisyon ng pagtatrabaho, o kakulangan ng pagkain at tubig.²³⁹ Noong Abril 2020, sinimulang sagutin ng mga opisyal ng Indonesia ang isyu sa publiko noong kinumpirma nila ang pagkamatay ng apat na Indonesian na tripulante sa *Long Xin 629* na may bandera ng PRC.²⁴⁰ Simula noon, nag-anunsyo ang mga awtoridad sa Indonesia ng mga karagdagang kaso ng human trafficking, pang-aabuso, at pagkamatay ng mga Indonesian sa loob ng mga barkong may bandera ng PRC. Kasunod nito, noong Mayo 2021, nag-isyu ang CBP ng pagbabawal na makapasok ang lahat ng produktong ginagawa ng fleet ng China na Dalian Ocean Fishing Co., Ltd. “batay sa impormasyong makatuwirang nagpapakita ng paggamit ng sapilitang paggawa sa mga pangingsda ng entity.”²⁴¹ Ang Dalian ang may-ari ng hindi bababa sa dalawang barkong nadawit sa sapilitang paggawa ng mga Indonesian na tripulante.²⁴²

8. Pumuslit ang mga mamamayan ng PRC sa Cambodia sa pamamagitan ng dagat

Ayon sa isang ulat ng pulisya at lokal na media sa Cambodia, inaresto ng mga awtoridad sa dagat sa Cambodia ang 36 na mamamayan ng PRC at 2 Cambodian noong Hulyo 26, 2020, para sa ilegal na pagpasok sa bansa sakay ng barkong *Tong Hai* na may bandera ng Cambodia.²⁴³ Sinabi ng mga awtoridad sa Cambodia na umalis ang *Tong Hai* sa pantalan ng Fu'an sa Fujian province ng PRC noong Hulyo 18 at naglagay nang humigit-kumulang 2,000 nautical mile sa tubig sa labas ng Sihanoukville, kung saan sumakay ng barko ang mga awtoridad sa Cambodia.²⁴⁴ Ang mga awtoridad at midya ng Cambodian ay hindi nagbigay ng mga detalye sa may-ari o operator ng barko, ngunit ang mga larawan ng loob ng barko na nai-post ng lokal na midya ay nagpapakita ng hardware na may mga Chinese na character, na posibleng nagpapahiwatig na isang entidad ng PRC ang nagpapatakbo ng barko.²⁴⁵ Sinasabi ng mga ulat ng lokal na media na walang nakitang kahina-hinalang kargamento ang pulis ng Cambodia maliban sa mga ipinuslit na tao, at hindi alam kung bakit sinusubukan ng mga mamamayan ng PRC na ilegal na pumasok sa Cambodia.²⁴⁶ Sinabi ng pulis ng Cambodia sa isang press release na nakahanda silang i-deport ang mga mamamayan ng PRC isang araw pagkatapos ng pagkakaaresto sa kanila pero wala nang inilabas na karagdagang detalye tungkol sa kaso.²⁴⁷

9. Mga ulat ng mga barko ng PRC na nagtatapon ng dumi sa EEZ ng Pilipinas

Isang ulat noong Hulyo 2021 ng Similarity, isang komersyal na kumpanya sa pagsusuri ng koleksyon ng imahe na nakabase sa US, na mahigit 200 barko na naka-ankla sa Spratly Islands ang nagtatapon ng dumi sa tubig.²⁴⁸ Tinukoy ng Similarity na ang mga barko na naka-ankla sa Union Banks noong Hunyo ay nagtatapon ng humigit-kumulang 2,596 pounds ng dumi sa alkantarilya bawat araw sa tubig.²⁴⁹ Isinaad ng ulat na ang mga barko ay naglalabas ng wala o kulang sa gamot na basura patungo sa dalampasigan, na humahantong sa pamumulaklak ng chlorophyll-a. Ang mga pamumulaklak na ito, na sinabi ng Similarity na makikita sa imahe sa satellite, ay maaaring humantong sa hypoxic na mga kondisyon ng karagatan na maaaring makapinsala sa mga organismo at ecosystem sa karagatan.²⁵⁰ Iginiit din ng ulat na ang mga barkong ito ay malamang na parehong mga barko ng PRC na naobserbahan ng Philippine coast guard sa parehong lokasyon ilang linggo na ang nakalipas.²⁵¹ Ang gobyerno ng Pilipinas ay malayang nagsisiyasat sa mga iginigiit ng Similarity.

10. Polusyon ng tubig mula sa mga pabrika ng fishmeal na pagmamay-ari ng PRC sa Gambia

Iniulat ng mga media outlet ng Gambia na ang tatlong pabrika ng fishmeal na pagmamay-ari ng PRC ay nagtapon ng hindi na-treat na maduming tubig at mga mapanganib na kemikal sa reserve sa karagatan at sa mga tubig sa baybayin ng bansa.²⁵² Sinasabi sa mga ulat ng lokal na media na sinira ng polusyon mula sa mga pabrikang ito ang mga likas yaman sa tubig-tabang at baybay-dagat, pumatay sa nakatira sa dagat, at nagdulot ng pagkakaroon ng mga taga-roon

ng mga sakit sa balat.²⁵³ Ang pagsubok na pinasimulan ng mga lokal na grupo ay naiulat na nagpakita ng mga hindi ligtas na antas ng arsenate, phosphate, at arsenic.²⁵⁴ Sa isang demandang isinama ng NEA noong 2017, nagresulta ito sa pagmumulta sa isang pabrikang pagmamay-ari ng PRC at napilitan ang lahat ng tatlong ito na suspindihin ang mga pagpapatakbo.²⁵⁵ Ang mga planta ay muling binuksan at naiulat na patuloy na nagpaparumi sa mga lokal na tubig.²⁵⁶ Noong Marso 2021, naglabas ang NEA ng "stop notice" sa isang pabrika dahil sa paglabag sa mga batas sa kapaligiran ng bansa.²⁵⁷ Sa kabila ng utos, ipinagpatuloy ng pabrika ang pagpapalawak ng planta, ayon sa Gambian midya.²⁵⁸ Sa parehong panahon, sinunog ng mga lokal na nagprotesta ang pangalawang pabrika ng fishmeal na pag-aari ng PRC bilang tugon sa isang konstelasyon ng mga di-umano'y reklamong pangkalikasan at kriminal.²⁵⁹

11. Pangingialam sa AIS sa mga barko ng PRC

Ang mga sasakyang pandagat ay "di na nasusubaybayan" sa pamamagitan ng pagtatakip sa kanilang lokasyon, paggalaw, o pagpapadala o sa pamamagitan ng pagmamaniplula ng data na ipinadala ng kanilang mga signal. Ang isang paraan para "magkubli" ang mga barko ay sa pamamagitan ng hindi pagpapagana o pangingialam sa kanilang AIS, isang awtomatikong open-source na sistema ng pagsubaybay na tumutulong sa ligtas na pag-navigate ng barko at nagbibigay-daan sa mga awtoridad na subaybayan at i-monitor ang mga paggalaw ng barko.²⁶⁰ Ang mga internasyonal na kombensyon at mga batas ng PRC ay nag-aatas sa mga barkong may 300 gross tonnage na magdala ng gumaganang AIS habang naglalayag sa ibang bansa.²⁶¹ Ayon sa mga eksperto, minsan ay pinapatay o pinakikialaman ng mga barko ang kanilang AIS upang itago ang mga ipinagbabawal na aktibidad.²⁶² Iniulat na pinapakialaman ng DWF at iba pang uri ng mga barko ng PRC ang onboard na AIS habang tumatakbo sa buong mundo.²⁶³ Sa pagitan ng 2018 at 2021, may mga ulat na may mga barko ng PRC na diumano'y nagpapatay o nakikialam sa kanilang AIS upang takpan ang mga ipinagbabawal na aktibidad sa karagatan ng DPRK,²⁶⁴ Ecuador,²⁶⁵ Vanuatu,²⁶⁶ West Africa,²⁶⁷ Pilipinas,²⁶⁸ at Indonesia.²⁶⁹

12. PRC research vessel na tumatakbo sa tubig ng Indonesia nang walang AIS

Noong Enero 11, 2021, iniulat ng news media sa Indonesia na naharang ng Indonesian Maritime Security Agency ang PRC research vessel na *Xiang Yang Hong 03* sa Sunda Strait para sa pagpapatakbo sa tubig ng Indonesia kung saan naka-deactivate ang AIS nito.²⁷⁰ Ayon sa mga regulasyon ng Indonesia at internasyonal, lahat ng mga barkong dumadaan sa mga archipelagic sea lane ng Indonesia ay kinakailangang magkaroon ng gumaganang AIS.²⁷¹ Iniulat ng mga awtoridad sa Indonesia na pinaghihinalang nagsasagawa ang barko ng mga hindi awtorisadong aktibidad sa Sunda Strait habang nakapatay ang AIS nito.²⁷² Sa mga ulat ng media, pinaghihinalang nangangalap ng oceanographic na impormasyon ang barko ng PRC

upang bigyang-kaalaman ang mga operasyon ng submarine ng hukbong pandagat ng PRC.²⁷³ Iniaatas ng batas ng Indonesia na kumuha ang mga dayuhang barko ng pahintulot na magsagawa ng oceanographic na pananaliksik sa EEZ o mga teritoryong tubig ng Indonesia. Isinaad ng foreign ministry ng Indonesia na walang ganoong pahintulot na ibinigay sa barko ng PRC.²⁷⁴

13. Ilegal na pagpasok at pagdaong sa mga teritoryo sa karagatan ng Malaysia

Noong Oktubre 9, 2020, iniulat ng Malaysian at internasyonal na news media na nasa kustodiya ng MMEA ang anim na barkong pangisda na may bandila ng PRC at ang mga tripulante ng mga ito dahil sa pagpasok at pagdaong sa mga teritoryo sa karagatan ng Malaysia nang walang legal na kinakailangang pahintulot.²⁷⁵ Ayon sa ulat, sinabi ng mga miyembro ng tripulante ng mga barko sa mga awtoridad na papunta sila sa Mauritania mula sa China at tumigil sila upang dumaong dahil sa hindi matukoy na “mga abnormal na pag-andar.”²⁷⁶ Sa panahon ng detensyon, isinaad sa mga ulat ng Malaysian at internasyonal na media na iniimbestigahan ng mga awtoridad ng Malaysia ang kaso sa ilalim ng mga seksyon ng batas ng Malaysia na nagpapatupad ng mga multa at tagal ng pagkakakulong kapag nahatulan.²⁷⁷ Gayunpaman, pinakawalan ng mga awtoridad ng Malaysia ang mga tripulante dalawang linggo pagkatapos nilang makulong nang walang ibinibigay na anumang pahayag sa publiko hinggil sa pagpapalaya sa kanila o sa status ng imbestigasyon.²⁷⁸

14. Iniimbestigahan ng Namibia ang mga barko mula sa PRC para sa ilegal na pagpasok at pangingsda

Noong Marso 2020, iniulat ng lokal na midya na naharang ng Namibian navy ang anim na sasakyang pangisda na pagmamay-ari ng PRC sa isang sikat na lokasyon ng pangisdaan 17 milya mula sa baybayin ng Namibia.²⁷⁹ Ayon sa lokal na media, isinaad ng mga awtoridad ng Namibia na ilegal na pumasok ang mga barko ng PRC sa Namibia at walang pahintulot ang mga ito na dumaong.²⁸⁰ Sa huli, ang pagsisiyasat ay walang nakitang ebidensya ng ilegal na pangingsda ngunit natukoy ang mga pagkakaiba at ebidensya ng mga pag-gawi na maaaring gamitin upang itago ang mga ipinagbabawal na aktibidad. Una, may mga tala ng panghuhuli ang mga barkong pangisda ng PRC para sa Angola na natapos noong Marso 2019 ngunit walang logbook o lisensya para sa kasunod na 11 buwan nila sa karagatan sa labas ng Equatorial Guinea at Namibia.²⁸¹ Pangalawa, sa tala ng hukbong pandagat ng Namibia, nag-deactivate sila ng kanilang AIS.²⁸² Pangatlo, ipinahayag ng mga tripulante mula sa PRC na dumaong sila para maiwasan ang masungit na lagay ng panahon, subalit hindi makumpirma ng hukbong pandagat ng Namibia ang sinasabing masamang panahon.²⁸³ Tandaan na pagkatapos pakawalan ang mga barko mula sa PRC, naglayag sila papunta sa karagatan ng South Africa nang walang pahintulot, kung saan sila nakulong at nagmulta.²⁸⁴

15. Ilegal na pagmamay-ari sa fishing trawler fleet ng Ghana

Sa dalawang ulat ng pagsisiyasat na inilathala ng mga pangkapaligirang NGO sa US noong 2019 at 2021, napag-alaman na ang mga korporasyon sa PRC ang mga nakikinabang na may-ari ng halos lahat ng trawler sa Ghana.²⁸⁵ Ilegal sa Ghana na maging nakikinabang na may-ari ang mga dayuhang kumpanya ng mga trawler na may bandila ng Ghana.²⁸⁶ Ayon sa mga NGO sa US, ipinarehistro ng mga korporasyon mula sa PRC ang mga trawler sa Ministry of Agriculture ng China at ipinarehistro rin nito ang mga barko na may bandila ng Ghana sa pamamagitan ng mga lokal na na-incorporate na kumpanya ng shell. Nagbibigay-daan sa kanila ang ganitong gawain na mapakinabangan ang mga subsidiya sa gasolina at benepisyo sa buwis ng PRC at makakuha ng mga murang lisensya sa lokal na pangingsda mula sa mga awtoridad sa Ghana at makapangisda sa EEZ ng Ghana.²⁸⁷ Ayon sa isang NGO sa US, nagresulta ang ilegal na gawaing ito sa pagkalugi ng Ghana nang hanggang \$23 milyon taon-taon sa mga bayarin sa lisensya sa pangingsda.²⁸⁸ Dagdag dito, nagresulta rin ang gawain sa IUU na pangingsda at pagkonti ng huli sa bawat pagsisikap na mangisda, na negatibong nakakaapekto sa lokal na mangingsda.²⁸⁹

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Abbreviations

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

Mga Pagpapaikli

AIS	awtomatikong identification system
CBP	Proteksyon sa Customs at Hangganan ng US (US Customs and Border Protection)
DPRK	Democratic People's Republic of Korea
DWF	pangingsida sa hindi nasasaklawang teritoryo (distant water fishing)
EEZ	eksklusibong pang-ekonomiyang zone (exclusive economic zone)
EM	elektronikong pagsubaybay (electronic monitoring)
ILO	Internasyonal na Organisasyon sa Paggawa (International Labor Organization)
IMO	Internasyonal na Maritime na Organisasyon (International Maritime Organization)
IPOA	Internasyonal na Plano ng Pagkilos (International Plan of Action)
IUU	ilegal, hindi kinontrol, at hindi iniuulat (illegal, unregulated, and unreported)
MFA	Ministri ng Ugnayang Panlabas (Ministry of Foreign Affairs)
MMEA	Maritime na Ahensya sa Pagpapatupad ng Malaysia (Malaysian Maritime Enforcement Agency)
MMSI	Marine Mobile Service Identity
MOJ	Ministri ng Hustisya (Ministry of Justice)
NEA	Pambansang Ahensyang Pangkapaligiran ng Gambia
NGO	nongovernmental na organisasyon (nongovernmental organization)
PRC	People's Republic of China
RF	radio frequency
RFMO	panrehiyong organisasyon sa pamamahala ng mga pangisdaan
SAR	synthetic aperture radar
SOLAS	Kaligtasan ng Buhay sa Karagatan
UN	Mga Nagkakaisang Bansa (United Nations)
UNCLOS	Kumbensyon ng Mga Nagkakaisang Bansa sa Batas sa Karagatan (United Nations Convention on the Law of the Sea)
VIIRS	visible infrared imaging radiometer
VMS	sistema sa pagsubaybay sa barko (vessel monitoring system)

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¹⁵⁸ “AIS, the Things You Need to Know.”

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¹⁸³ 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.”

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¹⁸⁵ 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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¹⁸⁶ Wenbin, “Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on December 15, 2020.”

¹⁸⁷ 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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¹⁸⁹ 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.”

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

¹⁹¹ “China Is a Responsible Fishing Country.”

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

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

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

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

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

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

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

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

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

²⁰¹ “China Urges Malaysia to Investigate Fishing Vessel Detention Case.”; “Malaysia Detained 60 Fishermen from 6 Chinese Fishing Boats? Chinese Embassy Response.”; “China Attaches Great Importance to Malaysia’s Detention of 60 Chinese Nationals: Embassy.”; “China’s Embassy in Malaysia Seeks Protection for Legitimate Rights of Detained Chinese Sailors.”; “Foreign Ministry Spokesperson Zhao Lijian’s Regular Press Conference on October 12, 2020.”

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

²⁰⁴ English and Indonesian-language PRC media reporting also sought to portray PRC research vessels in a positive light, highlighting their efforts to assist the Indonesian navy in the retrieval of its sunken submarine KRI *Nanggala* 402.

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

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

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

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

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

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

²¹¹ See, for example, “China in America: Stop Baseless Criticism.”; “The Japanese Destroyer Collided with a Chinese Fishing Boat and Returned to Hong Kong. The Side of the Apron Was Knocked out of a Crack.”; “Vietnam Disrupts Chinese Company’s Exploration of Xisha Islands, Illegal — Chinese Ambassador to Australia.”; “A Vietnamese Fishing Boat Sank While Harassing and Colliding with a Chinese Fishing Vessel in the Waters of China’s Xisha Islands-The Fishermen on Board Were Rescued.”

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

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

²¹⁴ The PRC embassy in Cambodia issued a press release on September 8, 2021, two months after the *Tong Hai* incident, in response to local media reporting about human smuggling and illegal gambling in Sihanoukville’s “China Town.” This press release emphasized that “most of the victims” are PRC citizens and urged cooperation with local law enforcement. See “The Spokesperson of the Chinese Embassy in Cambodia Made a Statement on the Cambodian Media’s Report on the ‘China Town’ In Sihanoukville.”

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

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

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

²¹⁸ “Chinese Poachers Barred from Returning to Palau.”

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

²²⁰ Willie, “Chinese Fishing Vessels Seized.”

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

²²² *Ibid.*

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

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

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

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

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