

# AFRICA'S FISHERIES' PARADISE AT A CROSSROADS

SUMMARY  
REPORT

INVESTIGATING CHINESE COMPANIES'  
ILLEGAL FISHING PRACTICES IN  
WEST AFRICA



• Fishing port of Kafountine, Casamance, Senegal

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● CNFC 9309 fishing in the EEZ of Guinea Bissau

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## ABBREVIATIONS

<b>AIM</b>	Africa Integrated Maritime ( Strategy )
<b>AIS</b>	Automatic Identification System
<b>EEZ</b>	Exclusive Economic Zone
<b>EU</b>	European Union
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>GT</b>	Gross Tonnage
<b>IPOA-IUU</b>	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
<b>IUU</b>	Illegal, Unreported and Unregulated
<b>MCS</b>	Monitoring, Control and Surveillance
<b>MFA</b>	Ministry of Foreign Affairs of the People's Republic of China
<b>MMSI</b>	Maritime Mobile Service Identity
<b>MoA</b>	Ministry of Agriculture of the People's Republic of China
<b>MSY</b>	Maximum Sustainable Yield
<b>RMB</b>	Ren Min Bi – Official currency of the People' s Republic of China
<b>VMS</b>	Vessel monitoring system

Irresponsible Chinese Distant Water Fishing (DWF) companies, including China's largest DWF company - China National Fisheries Corporation (CNFC) - are undermining the long-term sustainability of West Africa's fisheries through persistent Illegal, Unreported and Unregulated (IUU) fishing practices, systematic fishing vessel tonnage fraud and the exportation of a destructive fisheries model. Meanwhile, West African fisheries resources are increasingly being overfished. While these Chinese DWF companies' activities contribute little to China's overall overseas investments, they undermine the mutually-beneficial partnership which the Chinese government is seeking with African countries. The Chinese government must urgently reform its DWF regulatory framework and management system to close the loopholes that have allowed Chinese companies to overfish and flout rules with quasi impunity for decades. West African governments must urgently strengthen governance and adopt and implement policies to ensure that the exploitation of their marine resources is environmentally sustainable and socially equitable. All States concerned should also adopt and implement effective national and regional plans of action to combat and deter IUU fishing in the region.

The depletion of Africa's marine resources is part of a global crisis in fisheries. Taking advantage of West African governments' ineffective fisheries management, weak governance, characterized by a lack of oversight, transparency and accountability, DWF companies plunder marine resources at a low cost. Some large fishing powers, such as the European Union, which allowed its DWF companies to fish irresponsibly in Africa in the past, are now taking steps to rectify their wrong. Likewise, China should similarly endeavor to become a responsible global fishing power.

In 2015, African governments will join the international community in adopting post-2015 international development goals. One of those goals is the eradication of poverty by 2030. The livelihood and food security of millions of African people depend on the fisheries sector. The Assembly of the African Union declared 2015-2025 as the Decade of African Seas and Oceans, the 25th July as the African Day of Seas and Oceans, and adopted a regional strategy against piracy, armed robbery and other illegal activities committed at sea, consistent with the 2050 Africa Integrated Maritime (AIM) Strategy.<sup>1</sup> China could play a valuable role in assisting African countries to achieve these important development goals.

**Notes:** For more details, please refer to the full report available at URL: <http://www.greenpeace.org/eastasia/publications/reports/oceans/2015/Africas-fisheries-paradise-at-a-crossroads>



● On board the trawler OKFISH 9, off the coast of Sierra Leone



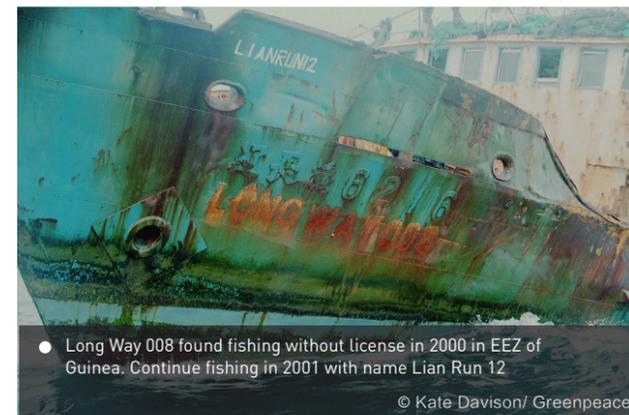
● Transshipment between CNFC reefer Hai Feng 830 and Jiu Yuan 812

© Pierre Gleizes / Greenpeace



● In 2006, Guinean fishery inspector arrested Lian Run 14, for fishing illegally

© Pierre Gleizes / Greenpeace



● Long Way 008 found fishing without license in 2000 in EEZ of Guinea. Continue fishing in 2001 with name Lian Run 12

© Kate Davison / Greenpeace



● Bycatch on board CNFC 24

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## 02

### THE EXPANSION OF CHINESE DWF COMPANIES IN WEST AFRICA

In just under 30 years, Chinese companies have expanded their fishing operations in Africa from 13 vessels in 1985 to 462 vessels in 2013,<sup>1</sup> one fifth of the total Chinese-owned DWF fleet worldwide. The DWF vessels currently operating in African waters are predominantly bottom trawlers, which use one of the most destructive fishing gears in the modern fishing industry. While the Chinese government is taking steps to eliminate some of the most destructive fishing gears and practices in its own waters, China's DWF industry is taking advantage of weak fisheries management policies and laws in West Africa and China to perpetuate an unsustainable fisheries model in Africa.

Decades of overfishing have seriously depleted China's own marine resources and have impelled it to develop its DWF industry. While the world is facing a global overfishing crisis, it is extremely worrying

that one of the world's largest DWF fleets is guided by policies that lack strict sustainability principles and objectives. On top of that, existing measures adopted by the ministry responsible for DWF – the Ministry of Agriculture of the People's Republic of China (MoA) -- to manage and control the rapidly expanding DWF fleet are insufficient and are easily circumvented by greedy companies which engage in various IUU fishing practices.

In 2013, there were 462 Chinese flagged and/or owned fishing vessels operating in 13 African countries: Morocco, Mauritania, Senegal, Guinea-Bissau, Guinea, Sierra Leone, Ghana, Liberia, Cameroon, Gabon, Angola, Mozambique and Madagascar. Of these, more than 400 were operating along Africa's Atlantic coast.

## 03

### PAST CHINESE IUU ILLEGAL FISHING CASES IN WEST AFRICA

Over the years, Chinese DWF companies have been found committing a continuous stream of infractions, from large and well-established Chinese state-owned giants to small- and medium-sized private companies, including many repeat offenders.

A non-exhaustive list of 183 documented IUU fishing cases involving 118 Chinese vessels was recorded in just six West African countries (Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone) between 2000 and 2006, and 2011 and 2013. The majority of these cases were reported by the Surveillance Operations Coordination Unit of the Sub-Regional Fisheries Commission (SRFC)<sup>2</sup>

which conducted joint operations involving different member States of the SRFC. Additional cases were compiled from Greenpeace's own at-sea documentation work in 2001 and 2006,<sup>3</sup> as well as from official lists of infractions from various coastal States in the region.<sup>5</sup>

Of these 183 cases, 41% were for fishing in prohibited areas; 14% for illegal mesh size; and 38% for fishing without a valid license. Additionally, 31% of the vessels were involved in IUU fishing activities more than twice during these periods. 60 of these cases (or 33%) are repeat offences by the same company -- CNFC.<sup>4</sup>

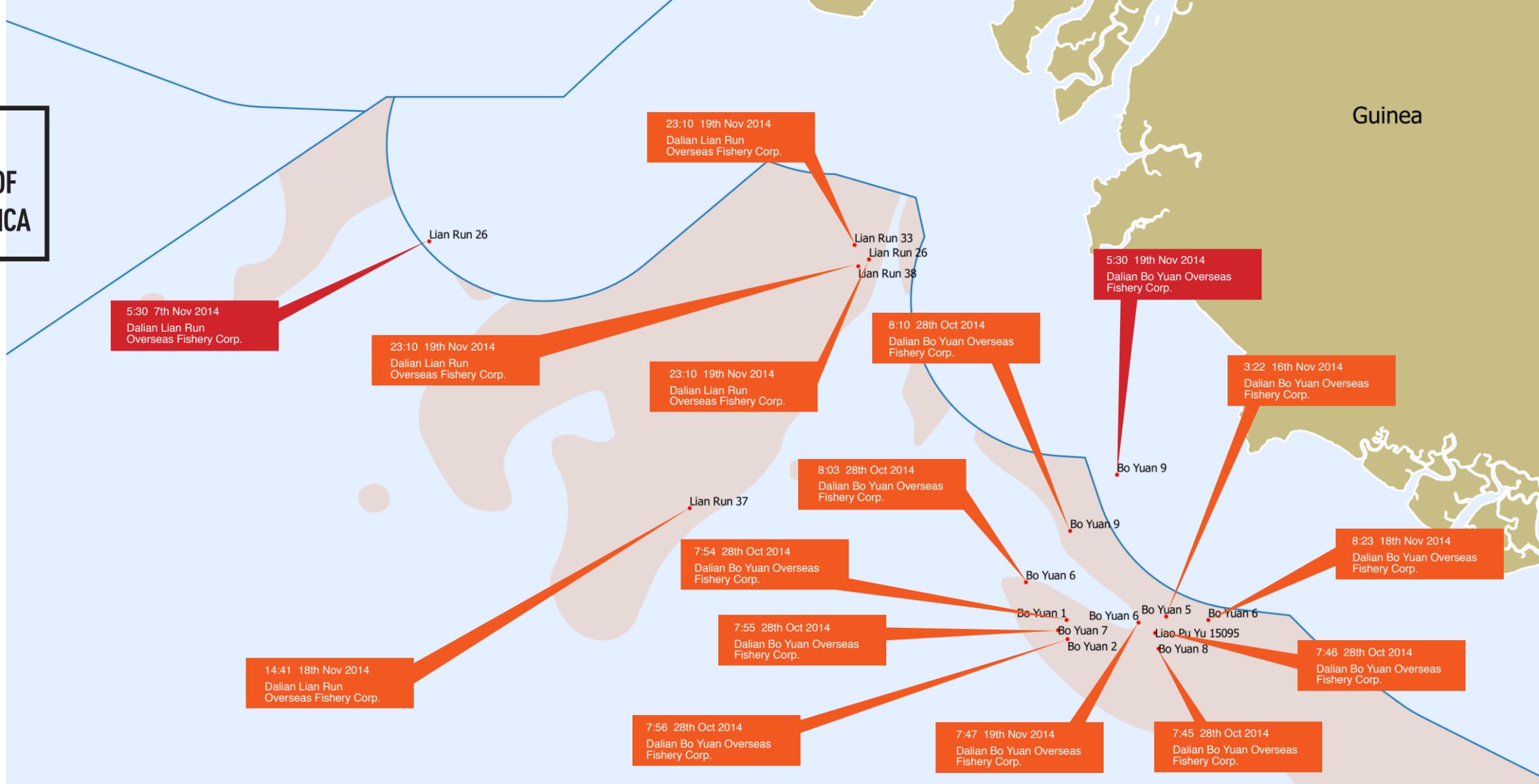
**GREENPEACE 2014  
AT-SEA DOCUMENTATION OF  
IUU FISHING IN WEST AFRICA**

**LEGEND**

- Fishing Vessels
- EEZs' boundaries and 12 NM no-fish zones
- 20m isobath zones (exclude areas cover by 12 NM zones)

**IUU FISHING SPOT**

- Fishing inside the 12 NM zone (prohibited zone for industrial fishing vessels)
- Fishing inside the 20m isobath zone (prohibited zone for industrial fishing vessels)



**In 26 Days, 16 Illegal Fishing Activities Were Found Committed By 12 Chinese-Flagged And/Or Chinese-Owned Vessels In Guinean Waters**

New IUU fishing cases, documented by the Greenpeace ship MY Esperanza as recently as late 2014, show that infractions by Chinese DWF companies are still taking place. Evidence of suspected illegal fishing activities by Chinese flagged and/or owned vessels were collected, whilst the Esperanza was sailing through the Exclusive Economic Zones (EEZs) of Senegal, Guinea-Bissau and Guinea between 26th October and 21st November 2014. At that time, African nations, such as Guinea, were struggling to deal with Ebola outbreaks and could not monitor their waters.

The crew of the Esperanza witnessed Chinese fishing vessels operating in what appeared to be in contravention of applicable laws:<sup>7</sup> 16 illegal fishing activities were committed by 12 Chinese-flagged and/or Chinese-owned vessels in Guinean waters alone during that period. Details are shown in the table below.

These 12 vessels<sup>8</sup> represent almost 23% of the 52 Chinese vessels in the EEZ of Guinea that the Esperanza encountered. In total, within just 26 days, Greenpeace at-sea documentation came across an average of one new Chinese IUU fishing case discovered every two days. It is likely that what we witnessed is just the tip of the iceberg as some infractions can only be observed by an on-board inspection of the fishing vessel, such as illegal mesh size, unauthorized catches, and so on.

Based on available information, the MoA's Vessel Monitoring System (VMS) does not seem to have detected the infractions documented by Greenpeace and, if that is the case, the offenders could escape sanctions by the Chinese authorities. In 2012, the MoA made it compulsory for all Chinese vessels to use a VMS as a way of preventing its DWF fleet from engaging in IUU activities; and in October 2014, it followed up with even stricter measures.<sup>9</sup> However,

the effectiveness of these new measures has yet to be demonstrated conclusively as these 12 Chinese vessels continued to fish in the prohibited zones, seemingly uninterrupted. At the time of the final edit of this report, there is still no indication that the owners of these vessels have been investigated by the relevant Chinese authorities.

Under the fisheries legislation of Senegal,<sup>10</sup> Guinea-Bissau<sup>11</sup> and Guinea,<sup>12</sup> industrial fishing vessels operating in these countries' EEZs must be equipped with a VMS and all data must be reported to the relevant authorities. However, because these countries do not currently have the capacity to operate their own monitoring centers, they either have to use an external service provider<sup>13</sup> or rely on the flag States to forward information received from their vessels, as provided for example under the bilateral fisheries agreement between Senegal and the European Union.<sup>14</sup>



01

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02

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03

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10° 25' 49.2" N  
15° 32' 27.2" W

04:14:12  
07/11/2014

06

© Gavin Newman / Greenpeace

- 01 On 18th Nov. 2014, Lian Run 37 was found illegally fishing inside the 20m isobath zone
- 02 On 28th Oct. 2014, Bo Yuan 8 was found illegally fishing inside the 20m isobath zone
- 03 On 28th Oct. 2014, Bo Yuan 6 was found illegally fishing inside the 20m isobath zone
- 04 On 28th Oct. 2014, Bo Yuan 9 was found illegally fishing inside the 20m isobath zone  
The vessel was also found illegally fishing inside 12 NM zone on 19th Nov. 2014
- 05 On 7th Nov. 2014, Lian Run 26 was found illegally fishing inside the 20m isobath zone  
The vessel was also found illegally fishing inside 12 NM zone on 19th Nov. 2014

In addition to IUU fishing cases, out of 92 Chinese fishing vessels observed by the crew of the Esperanza, 74 had not installed or switched on their Automatic Identification System (AIS) devices. Of the 18 Chinese vessels that did have their AIS switched on, at least 10 were wrongly reporting their name, Maritime Mobile Service Identity (MMSI) number and/or position.

By comparing the information received on the AIS system of the Esperanza and the ship's helicopter, and our simultaneous direct observations at sea, we found that the vessels' AIS information was incoherent:



### Information From Ais Was Not In Corresponding To Actual Status Of Fishing Vessel

Name of vessel	Company/owner	Greenpeace observations
Bo Yuan 11	Dalian Bo Yuan Overseas Fishery Corp.	1. The location shown on AIS and that observed from our helicopter did not match. The AIS reported the longitude in East but it was actually West, resulting in the vessel appearing to be on land in the AIS system  2. The ship was reporting its name as Min Dong Yu 61745 on AIS  3. It was reporting its MMSI number as 412447093 on AIS but the MMSI number 412209032 was painted on the ship
Fu Yuan Yu 360, Fu Yuan Yu 361, Fu Yuan Yu 362, Fu Yuan Yu 363, Fu Yuan Yu 366	Fujian Pingtan Hengli Fishery Co., Ltd.	The ships were reporting false positions of around 100° West longitude, resulting in the vessels appearing to be in Mexican waters in the AIS system
Fu Yuan Yu 381	Fujian Pingtan Hengli Fishery Co., Ltd.	The ship was reporting MMSI number 412440272 on AIS while MMSI number 4124402381 was painted on the ship
Fu Yuan Yu 380	Fujian Pingtan Hengli Fishery Co., Ltd.	The ship was reporting MMSI number 412440271 on AIS while MMSI number 4124402380 was painted on the ship
Bo Yuan 9	Dalian Bo Yuan Overseas Fishery Corp.	The ship was reporting a name "0" on AIS
Liao Pu Yu 15096	Dalian Bo Yuan Overseas Fishery Corp.	The ship was reporting the name Onwa487 on AIS

AIS is now a widely-used system to record data on the activity of ships worldwide; it allows other ships and land-based systems to access information on vessels' identity and movements. AIS was

designed for safety purposes. It is a publicly-available data stream but with weak security mechanisms. This makes it easy to manipulate and falsify data, the way the Chinese ships listed above were.

07

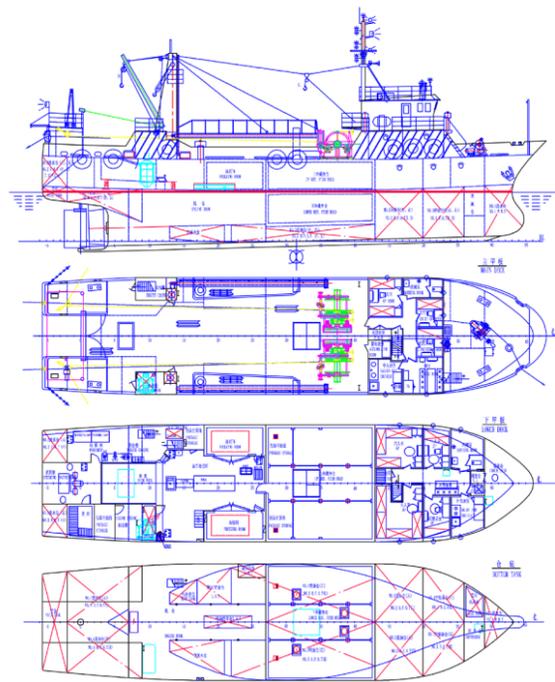
## VESSEL GROSS TONNAGE FRAUD: A MORE INSIDIOUS FORM OF IUU FISHING

Greenpeace Africa exposed how China National Fisheries Corporation, Dalian Lian Run Overseas Fishery Corp and Shandong Overseas Fisheries Development Co. Ltd. under-declare the gross tonnage of 74 fishing vessels in Senegal, Guinea Bissau, Guinea and Ghana

A recent study by Greenpeace Africa revealed that Chinese DWF companies are also engaged in another more insidious form of IUU fishing: a fraudulent practice which involves misreporting their vessels' gross tonnage (GT).<sup>15</sup> Greenpeace Africa found that CNFC was falsifying the gross tonnage of most of its vessels in Senegal, Guinea-Bissau and Guinea. In 2014 alone, Of the 59 CNFC vessels operating in those three countries, 44 were under-declaring their GT and 2 other were inconsistently reporting their gross tonnage. This practice meant that 6,757.7 GT were "hidden" from these coastal States, roughly equivalent to adding 22 destructive trawlers of 300GT each into their waters in just one year. For example, according to the terms and conditions provided by the fisheries agreement between CNFC and Guinea-Bissau signed on 28th June 2010, it appears that, in the first half of 2014 alone, CNFC's actual fishing capacity exceeded its authorized limit by 61%.

Greenpeace Africa's study also showed that from 2000 to 2014, 12 CNFC vessels that were operating in Senegal through a local joint venture, Senegal Armement SA, had on average under-declared their actual GTs by 43%, which means they avoided paying at least 371,404,800 CFA Francs (566,203 EURO)<sup>16</sup> in license fees. In 2014 alone, CNFC under-declared a total of 1742 GT, equivalent to introducing six 300GT bottom trawlers into the coastal zone, in direct competition with Senegalese artisanal fishermen. In addition to the financial loss incurred by the Senegalese government, this fraudulent behavior has adversely impacted coastal communities by damaging marine ecosystems and resources.

Other Chinese DWF companies were also found to have similarly falsified their vessels' GT. For example, there were inconsistencies in GT declared by Dalian Lian Run Overseas Fishery Corp. (LianRun) to local authorities for 19 of its 24 vessels operating in Guinea in 2013



● Blue print of Soleil 65 (Yuan Yu 907)

and 2014. In 2014, the company transferred six of these 19 vessels from Guinea to Guinea-Bissau where it declared a different GT than had been declared in Guinea. In addition, for 13 of the LianRun vessels that continued to fish in Guinea in 2014, the company declared a different GT than in 2013.

Despite the scarcity of available data and the lack of transparency, further investigation may reveal that even more cases of GT fraud are being committed by Chinese companies operating in other West African countries. For example, Shandong Overseas Fisheries Development Co. Ltd. (Shandong) was found under-declaring the GT of one of its vessels in Ghana in 2013.

Greenpeace's investigation has exposed the serious impacts of these IUU fishing activities by Chinese fishing vessels on the livelihoods of West African fishing communities, their food security, the marine environment and government revenue.

Under-declaring GT constitutes an infraction under the laws of these three West African countries as well as under Chinese law. This means their activities can be classified as illegal as defined in the United Nations Food and Agriculture Organization's (FAO) International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.<sup>17</sup> In Senegal, falsified GT has allowed industrial fishing vessels to gain access to the fishing grounds of local artisanal fishermen. Moreover, as license fees are calculated according to the declared GT, by under-declaring their vessels' GT, these companies are depriving coastal States from their due revenue. Furthermore, it undermines fisheries management and conservation efforts because the actual fishing capacity of these vessels is greater than permitted. It undermines the sustainable and equitable exploitation of West Africa's marine resources.

## LAWS AND REGULATIONS SUSPECTED OF BEING VIOLATED BY CHINESE DWF COMPANIES



● Lian Run 26 fishing in the EEZ of Guinea.

Greenpeace Africa and Greenpeace East Asia's investigation suggests that at least 74 fishing vessels owned/operated by four Chinese DWF companies (CNFC, Dalian Lian Run Overseas Fishery Corp., Dalian Bo Yuan Overseas Fishery Corp., and Shandong Overseas Fisheries Development Co. Ltd.) are implicated in 82 cases of IUU fishing activities, including GT fraud, in West Africa. They have violated the following laws and regulations (of China and of the concerned African countries):

### China's relevant laws, regulations and regulative legal documents

Article 23 of the Fishery Law of the PRC (revised December 2013)<sup>20</sup>

Article 19 (3) and 29(2) of the Provisions for the Administration of Pelagic Fisheries (June 2003)<sup>21</sup>

Article 34 (3) of the Fishing vessel inspection regulation of the PRC (2003)<sup>22</sup>

Article 2(2) of the State Council's notice on foreign fisheries management (2004; No 65)<sup>23</sup>

Article 17 of the State Council's opinions to promote the sustainable and healthy development of ocean fisheries (March, 2013; No-11)<sup>24</sup>

Article 7 (13) of the MoA's Opinions regarding the promotion of the sustainable development of DWF (2012, No. 30)<sup>25</sup>

Article 12 of the MoA's Opinions on the implementation of the State Council's opinions on promoting the sustainable and healthy development of ocean fisheries (July, 2013)<sup>26</sup>

Article 4 of the MoA's Notice on enhanced management of DWF companies management (12th Feb, 2014)<sup>27</sup>

### Senegal's relevant laws and regulations

Art 20 of the Fisheries Code 98-32<sup>28</sup>

Art 18 (b) and 44 2.1/2.2/ 2.3 of the Fisheries Decree 98-498<sup>29</sup>

### Infractions and sanctions

Art 85 (b) and 86 (f) of the Fisheries Code

### Guinea-Bissau's relevant laws and regulations

Art 12, Article 14.1 (a) of the Decreto Lei n° 10/2011<sup>30</sup>

### Infractions and sanctions

Article 64(g) and 70.3 of the Decreto Lei n° 10/2011

### Guinea's relevant laws and regulations

Article I, IV of the Arrêté N° A/2014/019/MPA/CAB/SGG Fisheries management plan 2014<sup>31</sup>

Article 12.1 and 15.2 of the Fisheries Code L/95/13/CTRN<sup>32</sup>

Article 7 of the Decree D 97/227/PRG/SGG General Regulation on the implementation of the Fisheries Code<sup>33</sup>

### Infractions and sanctions

Article 6 and 7 (l) of the Decree 027 on fines and penalties for fisheries infractions of 1st March 2012<sup>34</sup>

### Ghana's relevant laws and regulations

Article 21(2), 22(2) and 34(5) of the Act 645 Ghana Shipping Act, 2003<sup>35</sup>

Article 2 ( 1 ), 3(2) of Fisheries Regulations 2009<sup>36</sup>

### Infractions and sanctions

Article 74 (1)(2) of Fisheries Regulations 2009<sup>37</sup>

## THE EXPANSION OF CHINESE DWF COMPANIES IN AFRICA: THE PROBLEMS

### Aggressive Expansion Guided By Outdated Fisheries Policies, In The Absence Of Sustainability Principles Or A Precautionary Approach

The world is in the midst of a global overfishing crisis and therefore it is extremely worrying that one of the world's largest DWF fleets is not subject to strict and effective policies that ensure it operates legally and sustainably. Chinese DWF companies are relatively free to expand without limit because China lacks strict DWF policy and regulations based on sustainability and precautionary principles,<sup>38</sup> with clear management objectives and strategies.

In contrast, China's domestic fisheries management framework includes specific criteria, objectives and strategies to ensure the sustainability of fisheries in its own waters.<sup>39</sup> China strengthened the sustainability elements of its domestic fisheries legislation in response to the serious depletion of marine resources at home. China must learn from this painful experience and prevent the same tragedy from happening with Africa's marine resources. At the very least, the same management standards that apply to China's domestic fisheries should also apply to its DWF fleets.

Various international legal instruments and action plans as well as multilateral organizations have established progressive principles for a sustainable and responsible fisheries industry. China should urgently implement these so as to become a responsible global fishing power. These are not unattainable goals or standards, and many of them have been ratified and implemented by a number of countries. The European Union recently reformed its Common Fisheries Policy (CFP) and has, in the process, updated most of the policies, management standards and tools that cover its fleets, including DWF vessels.<sup>40</sup> Just prior to this reform, in 2008 and 2009, the European Union also strengthened its legal framework for control, inspection and enforcement<sup>41</sup> and the fight against IUU fishing.<sup>42</sup> While the European Union must further improve the implementation and enforcement of these rules, the new CFP and IUU fishing legislation provide a solid legal basis that can serve as an example to China in terms of the kinds of improvements needed in its own DWF management.

### China's Failed Past Domestic Fisheries Model Transferred To Africa

Chinese DWF companies have been expanding in Africa in an apparent blind pursuit of short-term economic interests. In 2013, 462 Chinese DWF vessels were operating in African waters, the majority being bottom trawlers. These ships use one of the most destructive fishing methods in the modern fishing industry.<sup>43</sup>

They are repeating the same mistakes in Africa that drove China's domestic fisheries resources to the brink of collapse. In the six main West African coastal states where Chinese DWF vessels operate,<sup>44</sup> there is no obligation to give preferential access to low-impact fishing methods, and bottom trawling is still the main fishing method used by Chinese vessels.

Because West African countries often do not have effective management regimes in place or the capacity to effectively control fishing operations in their waters, Chinese DWF fleets are able to operate with much lower standards than they would have to under China's current domestic fisheries regulations.

### Companies' Short-Term Economic Interests Undermine China's Desire For A Mutually-Beneficial Partnership With Africa

Chinese companies are not only overfishing Africa's fisheries resources legally. Some operators are also engaging in illegal fishing activities, despite huge fuel and other subsidies they receive from their government which give them a competitive edge over other fishing players.

The fact that some Chinese companies are stealing fisheries resources from African countries while their own government is involved in one of the biggest overseas humanitarian aid programs to help combat the Ebola outbreak<sup>45</sup> underscores their complete lack

of scruples. Although the industry itself contributes less than 0.1% to China's overseas investments,<sup>46</sup> they jeopardize the mutually-beneficial partnership advocated by the Chinese government for Sino-African relations by engaging in illegal fishing and repeating the same mistakes that devastated China's own marine resources in Africa.

Chinese fishing fleets are engaged in a short-sighted pursuit of their economic interests in Africa. However, Africa's fisheries sector is a key pillar supporting the continent's food security and sovereignty and so it should not be treated purely from an investment perspective. If Chinese DWF companies are allowed to continue to operate in this way, it is inevitable that local resentment will build towards all kinds of Chinese investments in Africa.

### Predatory Companies Circumvent Government Measures

In 2012, the MoA introduced measures to regulate the Chinese DWF industry and prevent it from engaging in IUU fishing activities, but these were far from adequate.<sup>47</sup> In 2014, the MoA strengthened its administrative measures to require all Chinese DWF vessels to report their location every four hours and keep the VMS switched on 24 hours/day.<sup>48</sup> Despite these stricter regulations, Chinese vessels continue to engage in IUU fishing as shown by Greenpeace Africa and Greenpeace East Asia recent investigations in West Africa.

Furthermore, other Chinese IUU fishing activities in Africa, such as using nets with illegal mesh sizes, can only be detected by onboard inspections and this requires human and financial resources that many West African countries do not have. It is clear that in order to effectively control Chinese vessels overseas, the Chinese government needs to do more than just requiring that vessels report their position more frequently. It should develop and implement a comprehensive control system, including, but not limited to, VMS, for all Chinese vessels.



● Fishing vessels moored in the port of Zhangzhou, Fujian, China during fishing moratorium

© PRphoto / Greenpeace

## WEST AFRICAN GOVERNANCE OF THE FISHERIES INDUSTRY: THE PROBLEMS

West African countries are increasingly asserting their right to exploit marine resources and benefit from that exploitation; a right emphasized in various international instruments.<sup>49</sup> However, the exploitation of available resources should not be at the expense of long-term environmental sustainability, food security or the livelihoods of dependent local communities. Developing coastal States must ensure that they not only exercise their rights but that they are in a position to fulfill their obligations.

Fisheries management policies are often outdated and fail to include progressive management and conservation measures provided for under various international instruments. Transparency and the participation of stakeholders and civil society are either still very limited or non-existent. Instead, the interests of economically powerful and politically influential actors in the fishing sector tend to override the rights and needs of those who depend on fishing as their sole source of livelihood. Finally, the commitments to combat IUU fishing are frequently not acted upon, including the strict enforcement of sanctions on perpetrators.

### Fisheries Management Policies Need Strengthening

Certain West African coastal States are in the process of revising and updating their fisheries legislation to adapt it to new economic or regulatory requirements. For instance, Guinea is revising its legislation in response to the European Union black-listing for failing to take measures against IUU fishing.<sup>50</sup> The reform process

in Senegal is ongoing and will hopefully provide the country with a more effective management system to ensure the sustainable and equitable exploitation of marine resources.

Fisheries management policies must include and apply a precautionary approach and ensure that limits are imposed on catches and fleet capacity to stop overfishing. Management and conservation measures must also be implemented to prevent the fishing industry from damaging the marine ecosystems.

### Too Many Industrial And Destructive Vessels

One of the major problems with the global fishing industry is its overcapacity. It leads to the unsustainable exploitation of resources and economically unviable fisheries. Many West African coastal States do not have enough information to determine the real fishing capacity and the environmental impact of fleets operating in their waters.

But sadly, many West African countries are encouraging DWF fishing vessels to come and fish in their waters including through the creation of joint ventures. These joint ventures are primarily controlled by the DWF operator and often engage in operations that are unsustainable and inequitable. In fact, some coastal States even encourage these fishing vessels to change their nationality and register under their flag, and so become responsible for their activities.



● Artisanal Fishing Pirogues in Kayar, Senegal

### Big Operators Are Pushing Small-Scale Fishing Out

Marine resources are the common inheritance of everyone. They must be exploited sustainably for the benefit of local populations and dependent fishing communities, and not allocated, leased or sold to those who can afford to pay rather than to those who fish in the most environmentally sustainable and socially equitable manner.

African governments are using a number of forms of access arrangements to bestow fishing rights -- bilateral agreements, joint ventures, chartering arrangements, or even quasi property rights -- to those who can afford to pay, to the detriment of the majority whose livelihood depends primarily on fisheries.

### Failure To Stop IUU Fishing

Many West African coastal States lack the capacity, and sometimes the political will, to manage and control fishing fleets operating in their waters. The effectiveness of control systems varies considerably between countries. Unscrupulous fishing companies take advantage of more lax control systems to engage in IUU fishing practices, sometimes repeatedly.

While promises have been made, little concrete action has been taken to date. It is clear that fishing companies believe they are not likely to be caught and even if they are, the penalties are not tough enough to dissuade them from repeating their offence. Fishing vessels that have been caught engaging in IUU activities on several occasions are still

awarded fishing licenses in the region. It is clear that West African countries are not strictly enforcing their own laws.

### Lack Of Transparency

The lack of transparency benefits unscrupulous operators and prevents meaningful participation by relevant stakeholders and civil society. West African countries have long pledged to make the fishing sector more transparent. Even so, a great deal of data is not publicly available, such as the list of vessels authorized to fish in their waters, their beneficial owners, the amount paid for the fishing access, the list of vessels/companies engaging in IUU fishing and the sanctions imposed by the coastal and flag States, the terms and conditions of bilateral agreements and, last but not least, if and how the relevant governments evaluate the impact of fishing activities on the ecosystem and their long term environmental and social sustainability.

### Double Standards Are Undermining Conservation Measures

Chinese DWF companies have found creative ways to bypass local fisheries management measures. One way is by signing private agreements with coastal States that allow much more permissive rules than provided for by applicable laws and regulations.

Although such agreements are rarely publicly available, certain details have been documented by Greenpeace Africa which show that Chinese fishing vessels have benefited from preferential conditions which exempt them from complying with local laws.

● Fish Market in Senegal

## RECOMMENDATIONS

## ZERO TOLERANCE FOR IUU FISHING

## Recommendations For The Chinese Government

- Immediately carry out a comprehensive investigation into all forms of IUU fishing, including suspected vessel GT fraud by Chinese DWF companies in Senegal, Guinea-Bissau and Guinea and any other African country where Chinese fleets operate;
- Impose strict, dissuasive, non-discriminatory and non-negotiable sanctions and penalties;
- Suspend all policy support and financial support including subsidies currently given to any Chinese DWF company found to be engaged in illegal activities;
- Immediately improve relevant legislation, closing all existing loopholes that companies have used to engage in IUU fishing.

## Recommendations For West African Governments

- Immediately carry out a comprehensive investigation into all forms of IUU fishing, including vessel GT fraud by all vessels operating in their waters;
- Urgently identify potential loopholes and malpractice that allows IUU fishing activities to go unpunished;
- Urgently conduct an independent and transparent assessment of the capacity and technical specifications of all vessels authorized to fish in their waters;
- Urgently implement the provisions of the 2012 Convention on Minimal Conditions for Access<sup>51</sup> (CMA) (SRFC member states);
- Improve transparency, including making public the names, beneficial owners and technical specifications of all vessels authorized to fish in their waters;
- Adopt and implement national and regional plans of action to combat and deter IUU fishing following the FAO IPOA;
- Improve monitoring, control, surveillance and enforcement mechanisms, including reliable and effective VMS and participatory surveillance programs;
- Impose strict, dissuasive, non-discriminatory and non-negotiable sanctions and penalties on transgressors;
- Review existing fisheries agreements with the Chinese government, including the improvement of MCS cooperation, among others through VMS information sharing, eliminate loopholes and prevent fraud;
- Stop negotiating and phase-out existing agreements with companies.

## ADOPT A STRICTER FISHERIES REGULATORY FRAMEWORK BASED ON SUSTAINABILITY PRINCIPLES AND OBJECTIVES

## Recommendations For The Chinese Governments

- Construction of all new DWF vessels should be halted until a comprehensive and accurate assessment of the current DWF fleet capacity can be conducted, the environmental and socio-economic impacts evaluated, and corrective measures adopted and implemented. Low impact fishing methods should replace destructive methods;
- Existing subsidies for the entire DWF fleet, irrespective of their type, should be reviewed with the aim of shedding excess fishing capacity and moving towards environmentally sustainable practices;
- Tougher standards and stricter requirements should be incorporated into the ongoing revision of China's DWF regulations:
  - ◇ At the very least, fishing in waters outside of China should be conducted according to the same level of sustainability and responsibility as in China's own waters. The next step for the MoA is to adopt the highest principles enshrined in international law<sup>52</sup> for its domestic fisheries as well as for its DWF industry;
  - ◇ Sustainable partnership and cooperation framework agreements between China and a third country should always be in place before any fishing project is authorized; fishing activities should take place exclusively within the framework of these agreements. Chinese companies should not be allowed to negotiate private fisheries agreements.

## Recommendations For West African Governments

- African coastal States should adopt fisheries legislation based on a long term vision and the following fundamental principles and conditions to ensure that the exploitation of marine resources is both environmentally sustainable and socially equitable:
  - ◇ The precautionary approach and an ecosystem-based approach;
  - ◇ The participation and consultation of all stakeholders and civil society;
  - ◇ Transparency and access to information.
- And set out or establish:
  - ◇ Objectives which are clear and quantifiable to maintain stocks at levels well above those capable of producing the Maximum Sustainable Yield;
  - ◇ A mechanism to evaluate the success of management measures which ensures that corrective measures are adopted in a timely manner to stop or prevent over-exploitation and fleet over-capacity<sup>53</sup>;
  - ◇ A system to effectively manage fishing capacity (including vessel type, equipment used, and practices);
  - ◇ An allocation mechanism based on transparent and equitable environmental and social criteria<sup>54</sup> and granting preferential access to operators who fish in the most environmentally, socially beneficial and equitable manner;
  - ◇ Strict and effective monitoring, control, surveillance and enforcement mechanisms, with the technical capacity to handle electronic data in real time, including vessel tracking, catch data, and so on. These mechanisms should be supported by dissuasive and non-discriminatory sanctions and penalties.

● Fishermen seen through fishing nets in Jodl, Senegal

## CHINA MUST BECOME A TRULY RESPONSIBLE FISHING NATION

### Recommendations For The Chinese Government

- Introduce measures to ensure that Chinese companies do not negotiate weaker conditions for fisheries operation than provided for in the legislation of developing coastal States;
- Participate in the Fishery Committee for the Eastern Central Atlantic (CECAF), increase Chinese cooperation and exchanges with West African and other participating countries to establish a framework for the sustainable exploitation of marine resources in the region;<sup>56</sup>

### Recommendations For All Concerned Governments

- Ratify/accede to all relevant international legal instruments, namely:
  - ◇ The 1995 UN Fish Stocks Agreement,<sup>56</sup>
  - ◇ (Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks);
  - ◇ FAO Agreement To Promote Compliance With International Conservation And Measures By Fishing Vessels On The High Seas;
  - ◇ FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.
- Implement:
  - ◇ FAO 1995 Code of Conduct for Responsible Fisheries;<sup>57</sup>
  - ◇ FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing);
  - ◇ FAO International Plan of Action for the Management of Fishing Capacity<sup>58</sup>

## BETTER ALIGNMENT OF CHINESE DWF OPERATIONS IN AFRICA WITH THE GOAL TO CEMENT A SINO-AFRICA MUTUALLY-BENEFICIAL PARTNERSHIP

### Recommendations For The Chinese Government

- Ensure that
  - ◇ Chinese fleets and interested parties respect rules and regulations;
  - ◇ Chinese fishing practices in Africa are environmentally sustainable and socially equitable;
  - ◇ Bilateral fisheries agreements with West African coastal states should include financial support for, inter alia, scientific fish stock assessments, MCS, local sustainable artisanal fishing communities, as well as funds to combat IUU fishing.

- 1 <http://summits.au.int/en/22ndsummit/events/22nd-ordinary-session-african-union-assembly-concludes-summary-key-decisions-0>
- 2 In 2013, there were 462 Chinese flagged and/or owned fishing vessels operating in 13 African countries: Morocco, Mauritania, Senegal, Guinea-Bissau, Guinea, Sierra Leone, Ghana, Liberia, Cameroon, Gabon, Angola, Mozambique and Madagascar. Of these, more than 400 were operating along Africa's Atlantic coast.
- 3 This program was funded by Luxembourg from 1995 to 2004, and then by the EU from Dec. 2010 to Dec.2013
- 4 <http://www.greenpeace.org/international/Global/international/planet-2/report/2001/10/witnessing-the-plunder-a-repo.pdf>; [http://www.imcsnet.org/imcs/docs/greenpeace\\_report\\_fisheries\\_west\\_africa\\_2006.pdf](http://www.imcsnet.org/imcs/docs/greenpeace_report_fisheries_west_africa_2006.pdf)
- 5 See Appendix 3 of the full report for the complete list of documented IUU cases involving Chinese DWF companies in West Africa (2000-2006, 2011-2013)
- 6 Id
- 7 For more details, please refer to the full report of Greenpeace West Africa's ship tour findings (26th October to 21st November 2014)
- 8 The ships Lian Run 26 and Bo Yuan 9 were observed committing two different types of infraction at two different times, while Bo Yuan 6 was observed committing the same infraction at three different times
- 9 See full report for more detailed explanations
- 10 Arrêté n° 7958 of 5 December 2005
- 11 Decreto Lei n.° 10/2011 Article 43
- 12 Arrêté n° 1629/MPA/2009/SGG
- 13 Such as CLS <http://www.cls.fr/en/>
- 14 Protocol Annex, Chapter IV, Section 4 <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A1023%2801%29&from=EN>
- 15 General Layout Plan of 36.8m Steal Double-deck trawler (8186), Website of Register of Fishing Vessel of the People's Republic of China. [http://www.cfr.gov.cn/Html/2011\\_12\\_25/2\\_21388\\_2011\\_12\\_25\\_21397.html](http://www.cfr.gov.cn/Html/2011_12_25/2_21388_2011_12_25_21397.html)
- 16 For further details please refer to the Greenpeace Africa report, Chinese Fishing Vessels Gross Tonnage Fraud in Senegal, Guinea-Bissau and Guinea accessible at URL: [http://www.greenpeace.org/africa/global/africa/graphics/Amigo/Scam%20on%20the%20African%20Coast%20FINAL%20PROOF\(1\).pdf](http://www.greenpeace.org/africa/global/africa/graphics/Amigo/Scam%20on%20the%20African%20Coast%20FINAL%20PROOF(1).pdf)
- 17 <http://www.minpesca-gw.org/protocolo%20acordo%20gb%20e%20china%20national%20f.corporation.pdf>
- 18 1 Euro= 655.957 CFA Francs
- 19 Section II, 3.1 Illegal fishing refers to activities: 3.1.1 conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations
- 20 [http://www.gov.cn/ziliao/fllg/2005-08/05/content\\_20812.htm](http://www.gov.cn/ziliao/fllg/2005-08/05/content_20812.htm)
- 21 [http://www.gov.cn/gongbao/content/2004/content\\_62790.htm](http://www.gov.cn/gongbao/content/2004/content_62790.htm)
- 22 [http://www.gov.cn/fllg/2005-08/06/content\\_21046.htm](http://www.gov.cn/fllg/2005-08/06/content_21046.htm)
- 23 [http://www.gov.cn/gongbao/content/2004/content\\_62925.htm](http://www.gov.cn/gongbao/content/2004/content_62925.htm)
- 24 [http://www.gov.cn/zwgk/2013-06/25/content\\_2433577.htm](http://www.gov.cn/zwgk/2013-06/25/content_2433577.htm)
- 25 [http://www.moa.gov.cn/zwlml/tzgg/tz/201211/t20121122\\_3069037.htm](http://www.moa.gov.cn/zwlml/tzgg/tz/201211/t20121122_3069037.htm)
- 26 [http://www.moa.gov.cn/zwlml/tzgg/tz/201307/t20130710\\_3518356.htm](http://www.moa.gov.cn/zwlml/tzgg/tz/201307/t20130710_3518356.htm)
- 27 [http://www.moa.gov.cn/govpublic/YYJ/201409/t20140905\\_4048028.htm](http://www.moa.gov.cn/govpublic/YYJ/201409/t20140905_4048028.htm)
- 28 [http://www.spcsrp.org/medias/csrp/Leg/SN/Leg\\_SN\\_1998\\_LOI-00032.pdf](http://www.spcsrp.org/medias/csrp/Leg/SN/Leg_SN_1998_LOI-00032.pdf)
- 29 [http://www.spcsrp.org/medias/csrp/Leg/SN/Leg\\_SN\\_1998\\_DCR-00498.pdf](http://www.spcsrp.org/medias/csrp/Leg/SN/Leg_SN_1998_DCR-00498.pdf)
- 30 [http://www.spcsrp.org/medias/csrp/Leg/GBIS/nouveau/LEG\\_GB\\_2011\\_DCR-LEI-00010.pdf](http://www.spcsrp.org/medias/csrp/Leg/GBIS/nouveau/LEG_GB_2011_DCR-LEI-00010.pdf)
- 31 Document available upon request
- 32 [http://www.spcsrp.org/medias/csrp/Leg/GUI/nouveau/Leg\\_GUI\\_1995\\_LOI-00013.pdf](http://www.spcsrp.org/medias/csrp/Leg/GUI/nouveau/Leg_GUI_1995_LOI-00013.pdf)
- 33 [http://www.spcsrp.org/medias/csrp/Leg/GUI/nouveau/Leg\\_GUI\\_1997\\_DCR-00227.pdf](http://www.spcsrp.org/medias/csrp/Leg/GUI/nouveau/Leg_GUI_1997_DCR-00227.pdf)
- 34 [http://www.spcsrp.org/medias/csrp/Leg/GUI/nouveau/Leg\\_GUI\\_2012\\_DCR-00027.pdf](http://www.spcsrp.org/medias/csrp/Leg/GUI/nouveau/Leg_GUI_2012_DCR-00027.pdf)
- 35 <http://faolex.fao.org/docs/pdf/gha93388.pdf>
- 36 <http://www.mofad.gov.gh/sites/default/files/file%20uploads/Fisheries%20Regulations%202010.pdf>
- 37 Ibid
- 38 [Provisions for the Administration of Pelagic Fisheries] Article 1  
[State Council's notice on Foreign fisheries management] No.2  
[State Council on promoting the sustainable and healthy development of marine fisheries] No. 8, No.17
- 39 Refer to the full report section 5.2 for a detailed explanation
- 40 [Regulation No. 1380/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the Common Fisheries Policy]
- 41 Council Regulation (EC) No 1224/2009 of 20 November 2009; Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011
- 42 Council Regulation (EC) No 1005/2008 of 29 September 2008; Commission Regulation (EC) No 1010/2009 of 22 October 2009
- 43 Refer to Discards in the World's Marine Fisheries, An Update <http://www.fao.org/docrep/008/y5936e/y5936e00.htm>
- 44 Ghana, Guinea-Bissau, Guinea, Mauritania, Senegal, and Sierra Leone
- 45 As of January 2015, the Chinese government had provided over RMB 750 million in humanitarian aid to assist affected African countries to combat the Ebola outbreak, and has sent more than 1,000 medical workers. For more details, see [http://www.fmprc.gov.cn/mfa\\_chn/zyxw\\_602251/t1227252.shtml](http://www.fmprc.gov.cn/mfa_chn/zyxw_602251/t1227252.shtml)
- 46 According to a 2014 report on the development of the Chinese DWF industry by the Fishery Bureau of the MoA, by the end of 2013, Chinese DWF companies had invested US\$470 million overseas. On the other hand, according to the 2013 China's foreign direct investment statistical bulletin [http://www.mof.gov.cn/mofhome/mof/zhengwuxinxi/caijingshidian/zyzfmhwz/201409/t20140911\\_1137908.html](http://www.mof.gov.cn/mofhome/mof/zhengwuxinxi/caijingshidian/zyzfmhwz/201409/t20140911_1137908.html)), by the end of 2013, China's total overseas investment came to US\$660.48 billion, making DWF's share less than 0.1% of the total
- 47 In 2012, the MoA released its Opinions regarding promoting the sustainable development of the DWF in industry, in which it advised Chinese DWF operators to adhere to international IUU regulations and fishery legislation management, implying that Chinese DWF operators' conduct was far from ideal. [http://www.moa.gov.cn/zwlml/tzgg/tz/201211/t20121122\\_3069037.htm](http://www.moa.gov.cn/zwlml/tzgg/tz/201211/t20121122_3069037.htm)
- 48 DWF vessels position surveillance administrative measures (2014-58) [http://www.cndwf.com/upload\\_files/article/150/1\\_20141030101052\\_umwmi.pdf](http://www.cndwf.com/upload_files/article/150/1_20141030101052_umwmi.pdf)
- 49 See UNCLOS, 1995 UN agreement on straddling and highly migratory fish stocks, FAO Code of Conduct and International Plans of Action, etc
- 50 <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013D1127%2801%29&from=EN>
- 51 [http://www.spcsrp.org/medias/csrp/documents/csrp2012/csrp-CMA\\_version\\_originale\\_juin\\_2012\\_fr.pdf](http://www.spcsrp.org/medias/csrp/documents/csrp2012/csrp-CMA_version_originale_juin_2012_fr.pdf)
- 52 In particular the 1995 UN Agreement on the Management of Straddling and Highly Migratory Fish Stocks, which tends to be applied more widely than its specific remit and is increasingly considered international customary law
- 53 Art. 5(h) of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
- 54 <http://www.greenpeace.org/international/en/publications/reports/criteria-sustainable-fisheries/>
- 55 see <http://www.fao.org/fishery/rfb/cecaf/en> (CECAF has no decision making power but it is the only regional organisation for non-tuna species where coastal states and DWF states, as well as countries engaged in scientific and other cooperation programmes, are present and where scientific data and evaluations are made available
- 56 [http://www.un.org/depts/los/convention\\_agreements/texts/fish\\_stocks\\_agreement/CONF164\\_37.htm](http://www.un.org/depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm)
- 57 <http://www.fao.org/docrep/005/v9878e/v9878e00.htm>
- 58 <http://www.fao.org/fishery/code/ipoa/en>

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**2015 May**

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