



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

CHINA - COUNTRY REPORT

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SUMMARY

*This evaluation of Fisheries Monitoring Control and Surveillance report for **China** is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.*

Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.

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Image Source: <http://www.heritage.org/multimedia/infographic/2014/04/china-actual-eez-vs-nine-dash>



FAO landings (2013): 13,927,898 tonnes

Fisheries contribution to GDP (2013): 2%

Law of the Sea (Ratification/accession): 7th June 1996

Coastline: 14,500 km

RFMO Membership: IOTC, IATTC, ICCAT, CCAMLR, SPRFMO, WCPFC

Patrolling agencies: Chinese Coast Guard Bureau, State Oceanic Authority

Rank	Priority for maritime security tasks
1.	Safety of sea lanes & vessel traffic
2.	Offshore oil prospecting
3.	Maritime Contraband Smuggling

SECTION 1: MCS INFRASTRUCTURE

1. Does the country have adequate surveillance infrastructure (patrol aircraft, sea based patrol vessels and coastal patrols) to effectively patrol fisheries resources within its EEZ?

Score: 7.5

Score Range: 7-8

China has developed adequate surveillance infrastructure through new patrol vessels especially for offshore surveillance in the South China Sea (NIDS 2011, 2012; Fu Peng 2013; Goldstein 2013; OECD 2013; IISS 2013). China has two 1,000 t-class Type-I cutters (*Haijian 17*, *Haijian 46*), one 1,000 t-class Type-II cutter (*Haijian 27*), one 1,500 t-class cutter (*Haijian 51*) and one 3,000 t-class cutter (*Hijian 83*) for marine surveillance. China Coast Guard has one Type 718 cutter (1,000 t-class) (*Haijing 1001*), over 100 Type 218 high-speed patrol boat, and several vessels under other classes (*Haijing 35082*, *Haijing 35012*, *Haijing 31020*, *Haijing 33026*) (Anon 2009). However, coastal patrols remain ineffective in curbing illegal fishing within Yellow Sea and South China Sea waters claimed by China. The situation is further aggravated by large number of unregistered fishing boats <5 GT operating in coastal fisheries. See (Hui and Xianyu 2016; Chang 2014; Vance 2012; Goldstein 2010; Bussert 2011; Le Mierre 2011; Xu 2009) documents for more information.

China also has a separate entity under the PRC Ministry of Agriculture, called the China Fisheries Law Enforcement Command (FLEC) for enforcement of fisheries laws and protection of marine resources within its exclusive economic zone. FLEC has three regional headquarters in Yantai, Shanghai and Guangzhou for patrolling Bohai Sea/Yellow Sea, East China Sea and South China Sea, with the FLEC headquarters in Beijing coordinating surveillance operations within each regional command. Fisheries law enforcement vessels (Yuzheng means "fish governing") include *Yuzheng 311* (Type 922-II Dalang class), seven 1,000t-class cutters (*Yuzheng 33*, *Yuzheng 118*, *Yuzheng 200*, *Yuzheng 201*, *Yuzheng 202*, *Yuzheng 203*, *Yuzheng 205*) for patrolling North Pacific waters), and other vessels include *Yuzheng 204*, *Yuzheng 31*, and *Yuzheng 117* (Anon 2009). Another advanced fisheries patrol vessel *Yuzheng 44183* has been sent to protect China's interests in the South China Sea (Lisheng 2009). The Country also plans to induct 36 large patrol ships in coming years (Anon 2012).

2. Does the country have adequate trained officers to conduct MCS operations?

Score: 5

Score Range: 4-5

Information from Ferraro and Brans (2010) suggests that manpower and equipment are insufficient in relation to the task of monitoring several thousand fishing vessels operating in its EEZ. Chinese law enforcement officers face one of the most difficult jobs with official figures suggesting 297,937 motorized fishing vessels and eight million fishermen operating along its coastline (Goldstein 2009). No information is available on compliance or enforcement competence of these authorities in the marine fisheries sector.

3. Does the country have adequate management plans to monitor their fishing vessels on the high seas?

Score: 2

Score Range: 2-4

Under the requirements of 2003, Distant Water Fisheries Regulation Chinese fishing vessels intending to operate on the high seas are required to obtain official authorization/approval from the Ministry of Agriculture of China. However, the effectiveness of this law is limited to driftnet vessels operating in the Pacific Ocean, as Chinese fishing vessels in the Indian and Atlantic Ocean are not effectively monitored. Management plans to monitor Chinese vessels on the high seas are currently inadequate, with increasing violations reported from Chinese flagged vessels operating illegally as far as West Africa (Pauly *et al.*, 2014; Mallory 2013). Chinese vessels have also been detained for illegal fishing in maritime limits within Asia-Pacific and Latin American countries. China is not a signatory to the FAO Compliance Agreement.

Chinese State has backed a broad expansion policy that supports subsidized fleets which function with the lowest transparency and liability for their activities. China uses its strong-arm foreign policy even when its vessels have violated sovereignty of other nations that it protects very strongly in its waters. One might even call it “*State sponsored illegal fishing*”. China is also among the few distant water nations that is still expanding its fishing capacity with larger vessels (*built with State subsidies*) although catches are on a decline worldwide for the past two decades. Without subsidies, Chinese fishing fleet is doomed due to high operational costs and range of operations. IUU operations off South American high seas and adjacent waters is decimating Latin American fishing industry (Anon, *pers.comm.*, 2016).

Recent changes in its legislation and its compliance with RFMO regulations in NEAFC need to be applied to other high seas management areas to deserve more attention. See Xu and Liu (2013); Pauly *et al.*, (2014); Riddle (2006); Goldstein (2009); Xue (2006); Liu (2007) documents for more information.

4. What proportion of fishing vessels is equipped with vessel monitoring system (VMS) to monitor their movements on a continuous basis?

Score: 1

Score Range: 1-2

VMS coverage exists for some Chinese tuna vessels operating in IOTC (IOTC 2015b) and WCPFC waters. Chinese vessels operating in the SPRFMO convention area are fitted with VMS transponders polling six times each day (SPRFMO 2015b). Up to 60,000 Chinese fishing vessels operating in the South China Sea are equipped with “Bei Dou” (BDS) satellite tracking system. The Beidou system links Chinese fishing trawlers to Chinese Coast Guard and in some provinces Beidou installation is required to avail fuel subsidies. Recently, Ocean & Fisheries Bureau of Hainan province fined 233 fishing vessels (US\$ 805 each) for switching off Beidou tracking devices for up to 6 months (Godfrey 2015). Longline and purse seine tuna vessels operating on the high seas and some vessels fishing in third party EEZs through fisheries agreements are also equipped with VMS tracking devices (Anon 2009b).

However, VMS data or the fisheries violations detected through this system are state property and not reported in the public domain or shared with RFMOs. Less than 4% of total Chinese fishing trawlers have Beidou coverage (Anon, *pers.comm.*, 2016).

5. What percentage of fishing vessels (>20 m OAL) is monitored through onboard observers at sea (for major commercial fish stocks)?

Score: 1

Score Range: 1-2

Observer programme is not reported in Chinese domestic fisheries (Liu 2007; Wang *et al.*, 2015). Chinese fishing vessels operating in tuna RFMOs and ones operating under fisheries/chartered agreements do take fisheries observers while operating in some countries. Six observers were deployed on Chinese longliners operating on the high seas area of WCPFC (mostly collecting catch & effort and size data) (Dai *et al.*, 2012). One observer was deployed in the IOTC convention area in 2012 (IOTC 2013). Two Chinese fishing vessels operating in the ICCAT area had 5% observer coverage for the year 2013 (ICCAT 2014a). For the year 2013, Chinese fishing vessels in the IOTC convention area had 1% observer coverage with only two deployments for the entire year (IOTC 2015a). For the year 2014 six observers were deployed on fishing vessels operating in the WCPFC convention area.

SECTION 2: INSPECTIONS

6. How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?

Score: 3.5

Score Range: 3-5

Partially effective in offshore waters off the South China Sea, but significant gaps are noted in at-sea inspections for the domestic fleet esp., for the ones operating off mainland EEZ (Ruohan 2016; Shen and Heino 2013; Westcott 2015). China is rapidly inducting new coast guard ships with their number increasing by 25% in the last three years (Perlez 2015). Foreign fishing vessels have often been boarded while very few Chinese vessels have been detained or fined for fisheries offences in the Yellow Sea.

Liu (2007) reported at sea boarding and inspections in industrial and artisanal fisheries. However, no information is available on frequency of at sea boarding's or number of vessels inspected at sea in the fisheries sector for its larger territorial claims in the South China Sea. Chinese vessels have also been reported for frequent and persistent incursions into North and South Korean EEZs. Information from CMS (China Marine Surveillance) suggests that 13,337 sea patrols were undertaken in Chinese claimed waters during the year 2010 (Anon 2011). Goldstein (2013) states that the FLEC command inspected 4971 vessels and flushed out 103 foreign fishing vessels for illegal fishing activities from Chinese waters during the year 2009. A more recent source (Chiu and Chang 2013) suggests that for the year 2012, on average each of the China Fishery Department ships spent 183 days patrolling at sea each year. China is also converting Type 053H2G 'Jiangwei I'-class naval frigates into Coast Guard cutters (Tate 2015).

In 2006, China's patrol vessels conducted 34 voyages covering 57,875 nautical miles in the South China Sea. However, the exact number of fisheries vessels boarded as part of this exercise remains unknown. Inspections at sea appear to be in poor in relation to the large domestic fleet that needs to be checked (Yu and Yu 2008).

7. How often fishing vessels are scrutinized through aerial patrols?

Score: 7

Score Range: 5-7

Very limited information is available on aerial surveillance missions in Chinese waters (Data deficient). Goldstein (2010) suggests that the number of available aerial patrol aircraft is not commensurate with the extent of area to be patrolled. Information from CMS (China Marine Surveillance) suggests that around 1068 surveillance flights were undertaken in Chinese waters

during the year 2010 (Anon 2011). These resulted in surveillance of 1301 vessels in Chinese waters (Masuda 2012).

During the year 2006, China's patrol aircraft conducted 172 flights totalling 770 hours in the South China Sea (Anon 2007). However, the above source does not specify the number of hours allocated for fisheries patrolling within the mainland EEZ and offshore claimed territories. The SOA South China Sea division has one helicopter and two fixed wing aircraft, with the 2008 report suggesting that CMS has nine patrol aircraft. Since 2006, aerial surveillance by SOA has involved daily patrols by four aircraft in the East China Sea (Xuxian 2008; Goldstein 2010). China has also inducted an unspecified number of Y-8GX6 (Y-8Q) maritime patrol aircraft this year (Jennings 2015).

8. How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?

Score: 1.5

Score Range: 1-2

According to Liu (2007) random dockside inspections are undertaken for industrial and artisanal fishing vessels. No data is available on percentage of fleet or number of days in a year such inspections are undertaken (Data deficient). Information from Ferraro and Brans (2010); Beyer 2006; CCICED (2010); Oksenberg and Economy (2000) suggest that compliance and enforcement are generally weak across provinces, largely due to administrative red tape and poor inter-agency co-ordination.

According to Pew (2009a) there were 20 reported visits by IUU vessels to Chinese ports from 2004 to 2009 (<http://www.portstateperformance.org/>).

9. Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catch inspections) on a regular basis?

Score: 1.5

Score Range: 1-4

High fisheries violation rate with low sanctions under the current administrative regime (Zou 2005; Burns 2007; Cheng *et al.*, 2006; Saich 2004; Lieberthal 2004; Jialin and Han 2012; Shen and Heino 2014; Godfrey 2015; CCICED 2010). Sanctions are still trivial in most domestic fisheries (Beyer 2006; Burns 2007; Ferraro *et al.*, 2009). Routine inspections at landing sites are largely non-existent in Chinese fisheries. See Ruohan (2016); Yu and Yu (2008) for more information.

10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?

Score: 2

Score Range: 2-4

China is a signatory to the UN Fish Stocks Agreement (Signed on November 6, 1996; Not Ratified Yet). No data is available on monitoring of transshipments at sea. Chinese distant water fleets have been caught for illegal fishing and transshipments in Africa, Indonesia and Pacific islands (Yu and Yu 2008; Mallory 2013). However, Chinese vessels registered to operate in many tuna RFMOs worldwide have a relatively low violation rate compared to fleets from Taiwan and other distant water fishing nations.

One case of possible forgery of transshipment statement was reported in 2013 between a Chinese longliner and a carrier vessel from Belize in the IATTC convention area (IATTC 2014b). 203 transshipments at-sea were reported by Chinese flagged LSTLVs to Carrier vessels in the Pacific Ocean (WCPFC 2015a).

11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?

Score: 3.5

Score Range: 2-4

According to Liu (2007) routine inspections at landing sites are non-existent in Chinese fisheries. Yu and Yu (2008) suggest that fishing violations in Chinese waters include fishing during closed season, fishing in closed areas, using illegal gear and catching illegal or undersized fish. Goldstein (2013) suggests that some inspections were undertaken for fishing vessels at Chinese ports. According to the MOA, during a nation-wide campaign 600,000 illegal fishing nets of small mesh size were seized last year (Ruohan 2016).

12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?

Score: 2.5

Score Range: 2-4

Fisheries Law of the People's Republic of China of 20 January 1986 (amended in 2000) is the main national legislation for fisheries management in Chinese EEZ waters. The country does not report a NPOA on IUU Fishing to fight and eliminate illegal fishing. China is not a party to the UN Port State Measures Agreement, UN Fish Stocks Agreement and the FAO Compliance Agreement. The Chinese fishing fleet has demonstrated very poor compliance with fisheries laws in EEZs of third party states and the high seas hence a low score is assigned here.

See Hui and Xianyu (2016); Pauly *et al.*, (2014); Mallory (2013a); Mallory (2013b); Basiron and Lexmond (2013); Goldstein (2013); Xu and Liu (2013); Ferraro (2013); Shen and Heino (2014); Fisher and Mutter (2014); Cao *et al.*, (2017); OECD (2017) documents for more information.

Flag of Convenience	No
Vessels on the RFMO – IUU vessel list	No

RFMO	Year of the assessment	Compliant	Partially Compliant	Not Compliant	Source
CCAMLR	2013		Yes		CCAMLR (2014)
IOTC	2014		Yes		IOTC (2015a)
ICCAT	2013		Yes		ICCAT (2014a,b)
IATTC	2013		Yes		IATTC (2014a) IATTC (2014b)
SPRFMO	2014	Yes			SPRFMO (2015a)
WCPFC	2013		Yes		WCPFC (2015b)

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Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (<http://iuriskintelligence.com/>). (The author can be contacted at prammod.raju@gmail.com to provide any feedback).

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