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# Mapping the extent of Chinese ownership and its linkages to IUU fishing amongst Guinea's trawl sector

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Two vessels engaging in an at-sea trans-shipment in Guinea's waters.

## Introduction

Illegal, unreported, and unregulated (IUU) fishing is increasingly seen as a form of transnational organised crime<sup>1</sup>. It is commonly associated with offences such as forgery, fraud, money laundering, corruption, and human trafficking<sup>2</sup>. IUU fishing is highly lucrative, resulting in billions of dollars of illicit financial flows every year<sup>3</sup>.

Key to dismantling the networks behind these operations is the ability to identify and hold to account the actors who are the orchestrators of illicit activity and the ultimate recipients of its profits. This is no easy task. IUU fishing operations may span continents and oceans, involving players far removed from activities at sea. Opaque corporate structures are developed to conceal the identities of beneficiaries, allowing them to profit from IUU fishing with low risk of detection<sup>4,5</sup>. Tracking financial flows and reaching behind corporate arrangements requires a high degree of cooperation across agencies, borders, and disciplines.

Given these challenges, fisheries enforcement has traditionally targeted the registered owners, local agents, and captains of fishing vessels. However, individuals that hold actual operational and economic control of the vessels can assign new entities to these roles, continuing their activities and evading sanctions<sup>6</sup>.

There is also the risk of inadequate sanctions being levied that do not consider the means available to the ultimate beneficial owners (financial and otherwise) and therefore fail to serve as an effective deterrent against engaging in future illegal activities<sup>7</sup>.

The waters of Guinea have long been known as an abundant source of a wide range of fish and other seafood species, many of which are of local and national importance for livelihoods and nutrition, whilst simultaneously making a significant contribution to global biodiversity. However, the continued overcapacity of fishing fleets in the country's waters and broader region, coupled with other stressors such as IUU fishing, mangrove deforestation, and pollution, has had negative impacts on fish populations and ecosystem health<sup>8,9</sup>. Furthermore, the recent discoveries, exploration, and forthcoming exploitation of hydrocarbons in deep waters accentuate the vulnerabilities of marine and coastal resources in the West African region<sup>10</sup>. The abovementioned stressors are further compounded by global heating<sup>11,12</sup>.

A number of foreign fleets are, and have historically been, present in Guinea. This includes trawlers and tuna vessels from Europe and South Korea, and trawlers from Russia<sup>13</sup>. Recently however, the country reflects a broader pattern seen throughout West Africa as China's distant water fleet (DWF) has become the dominant trawling fleet in Guinea's waters.

The increased presence of Chinese vessels in the waters of African coastal states is linked to the nation's Belt and Road Initiative (BRI), which was developed in 2013 as a means of increasing overseas cooperation and investment through infrastructural projects in over 140 countries<sup>14</sup>. In 2018, estimates suggest that the total cost of global projects either completed, in progress or planned as part of the initiative amount to US\$575 billion<sup>15</sup>. In its most recent strategy papers on its DWF industry, the Chinese government has been encouraging Chinese DWF companies to use investment and harbour/base construction to gain fishing access in foreign countries<sup>16,17</sup>. Since then, several African nations have signed or have constructed fishing harbours with cooperation from China<sup>18</sup>.

Globally, Chinese fishing ventures have been criticised for their lack of transparency, which can make it difficult to determine the true level of fishing capacity and catch, and whether activities are legal and sustainable. They increasingly operate using shell companies, artificial joint ventures, and 'flags of convenience' to access fisheries and hide their true beneficial ownership. 'Flags of convenience' and 'flag-hopping' enable vessels to easily change registries and identities - which helps to avoid identification and sanctions for wrongdoing.

The Chinese DWF has also been criticised for its engagement in fishing violations including operating without valid licences, fishing in prohibited areas, using banned fishing gears, and under-reporting catch<sup>19</sup>. However, these widespread illegalities have not deterred some West African countries from registering and licensing an increasing number of Chinese vessels in recent years.

This briefing provides an overview of the current state of play regarding Chinese-flagged or owned fishing vessels operating in Guinea. The analysis is based on the latest complete published list of vessels authorised to fish in Guinean waters covering the year 2020, alongside other internet sources including government publications and non-governmental organisation (NGO) reports. It seeks primarily to explore two issues: the prevalence of Chinese-owned trawlers in the country's Exclusive Economic Zone (EEZ) and the extent to which these vessels, and/or their owners, have a history of IUU fishing. This research focuses on the country's trawl sector, given the year-round presence of the vessels in Guinea's waters (as opposed to tuna vessels which are sporadically present dependent on the season), and the socio-economic and ecological harm that is associated with trawling vessels in West Africa and more broadly<sup>20</sup>.

The findings of this briefing have important implications for fisheries governance in China and Guinea, adding to a growing body of research documenting both the magnitude and behaviour of the Chinese DWF<sup>21</sup>. A series of recommendations are made with the goal of increasing transparency as a means of addressing IUU fishing in the country, thereby driving improvements in ecosystem health with all the economic, environmental, and social benefits that this entails.

## Status of Guinea's marine fisheries resources

The World Bank estimates that the fisheries sector contributed 3.7% of Guinea's gross domestic product (GDP) in 2019, and that small-scale fisheries and fish processing are the main source of livelihood for 200,000 people and their families<sup>22</sup>. Measured by its importance as a source of protein and income, an analysis by the WWF suggests that Guinea's fish dependence is 'very high'<sup>23</sup>.

Despite their national importance, the security of Guinea's fisheries and the communities that rely on them are faced with multiple threats including overfishing, IUU fishing, and global heating. The threat of overexploitation of Guinean fish populations was acknowledged in the country's 2015 Fisheries and Aquaculture Policy Framework Document<sup>24</sup>. The abundance index fell from over 250 kg per thirty minutes of trawling in 1985 to less than 184 kg per thirty minutes in 2015, a drop of nearly 26.4%<sup>25</sup>. The Guinean fisheries management plans adopted between 2017 and 2021 acknowledge and echo the conclusions of various surveys and analyses highlighting that, of the range of pelagic, demersal and crustacean species targeted in Guinean waters and the broader region, several stocks remain fully exploited or overexploited (e.g., FAO/CECAF Working Group on the assessment of demersal resources and small pelagic fish)<sup>26,27,28</sup>.

IUU fishing has been a constant blight on the sustainability of Guinea's fishing industry, with a high number of instances reported over the past two decades. As far back as 2001, the results of an aerial survey suggested that 60% of vessels spotted were likely to be committing fisheries-related offences, and a 2006 estimate suggested that anywhere between 20% and 60% of vessels operating in Guinea were doing so without authorisation<sup>29</sup>. In 2010, a study estimated losses due to illegal fishing from the artisanal sector alone amounted to US\$173 million; had losses from the industrial fishery been estimated and included, the total loss would have been significantly higher<sup>30</sup>.

In November 2012, the European Commission commenced a formal dialogue with Guinea under the so-called 'carding scheme', pre-identifying the country as non-cooperating in the fight against IUU fishing ('yellow card'). The European Commission listed several reasons for the carding decision, including a failure to sufficiently sanction vessels having engaged in IUU fishing activities and the presence of Guinean vessels on Regional Fisheries Management Organisation (RFMO) IUU lists<sup>31</sup>.

Due to the country being deemed to have taken insufficient action following a period of bilateral dialogue, Guinea was formally identified as non-cooperating (or 'red carded') in November 2013 by the European Commission<sup>32</sup> and listed as such in March 2014 by the Council of the European Union (EU)<sup>33</sup>.

Guinea was subsequently delisted from the EU's list of non-cooperating countries in the fight against IUU fishing in October 2016<sup>34,35</sup> with the country having taken steps deemed sufficient to improve its fisheries governance, including a comprehensive reform of its fisheries legal frameworks, the development of a national plan of action on IUU fishing and strengthening of its monitoring, control, and surveillance (MCS) capabilities<sup>36,37</sup>. When delisting Guinea, the Council of the EU underlined the importance of their continued efforts to prevent and eliminate IUU fishing in a long-lasting manner<sup>38</sup>, and over the past five years the Guinean authorities have regularly reported on their anti-IUU fishing actions and reiterated their commitment to address this issue<sup>39,40,41</sup>.

The impacts of both overfishing and IUU fishing have been compounded significantly by global heating in Guinea, which constitutes a major threat to the country's fisheries and coastal communities. The Food and Agriculture Organisation of the United Nations (FAO) ranks the country as being at 'high risk' of negative climate impacts on its coastal fisheries<sup>42</sup>. Guinea is experiencing sea-level rise, increasing temperatures, and changing precipitation patterns amongst a litany of other negative impacts linked to global heating<sup>43</sup>.

## Guinea's industrial trawl sector

The presence of foreign vessels has been documented in Guinea as far back as the early 1950s<sup>44</sup>. Between 2016 and 2021, the Guinean Ministry of Fisheries, Aquaculture and Maritime Economy (MPAEM, “Ministère des Pêches, de l’Aquaculture et de l’Economie Maritime” or, since 2021, MPEM, “Ministère des Pêches et de l’Economie Maritime”)<sup>45</sup> has published details of licences granted on their website (**Table 1**). Guinea has also submitted information on eight industrial fishing vessels flying its flag to the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels<sup>46</sup>. These are important transparency measures that are not widely practised by other flag or coastal states and can be a vital tool in identifying instances of IUU fishing<sup>47,48</sup>.

**Table 1 - Number of industrial trawlers licensed to operate in the Guinean EEZ 2016 - 2021 (all flags)<sup>49</sup>**

Year	Demersal trawlers	Mid-water trawlers	Shrimpers	Cephalopod trawlers	Gastropod trawlers	Total
2016	47	4	0	0	0	51
2017	49	5	7	0	0	61
2018	0	7	5	53	0	65
2019	52	7	7	3	0	69
2020	50	8	4	3	3	68
2021 <sup>50</sup>	46	8	4	3	1	62

Source: Guinea MPAEM.

Trawling vessels in the country target a range of species including catfish, sea bream, shrimp, and whitefish<sup>51</sup>. The licence fees paid to the country are generally higher compared to most neighbouring nations in West Africa<sup>52</sup>. In 2020, licence fees for freezer trawlers ranged between US\$185 and US\$600 per GT/GRT (gross tonnage/gross register tonnage) per year depending on the nationality of the vessel and targeted species. It is also worth noting that in Guinea, vessel operators pay additional contributions for MCS, data collection, and the fisheries observer programme, which make a significant contribution to government revenue from the sector<sup>53,54</sup>. Industrial licences in total generated US\$8,930,828 in revenue in 2020<sup>55</sup>, 78% of which EJP estimates came from the trawl sector.

## Legal provisions regarding ownership of industrial trawl vessels and access to Guinean coastal waters

In accordance with Article 4 of the 2015 Maritime Fisheries Code (*Loi n°2015/026/AN du 14 septembre 2015 portant code de la pêche maritime*<sup>56</sup>, hereinafter “the Code”) the responsibility for the management of Guinea’s marine fisheries rests with the MPAEM or MPEM as the Ministry in charge of maritime fisheries.

Fishing vessels operating in the Guinean EEZ must either have been granted the nationality of Guinea or that of another State. Article 13 of the Code defines Guinean fishing vessels as vessels that are either: (a) owned by the Guinean State; or (b) owned, with respect to at least 51% of their value, by Guinean natural persons, or legal persons who, cumulatively: (i) have at least 51% of their share capital belonging to Guinean natural persons or to the Guinean State; (ii) have their head office in Guinea; (iii) have their board of directors or supervisory board led by a Guinean natural person and composed of a majority of Guinean nationals; and (iv) have a Guinean president, director-general or manager. All vessels not falling into this category are considered foreign vessels and chartering is not allowed.

In 2019, Guinea adopted a new Maritime Code (*Loi ordinaire L/2019/012/AN du 9 mai 2019 portant code maritime*<sup>57</sup>) which updated the provisions relating to the naturalisation of ships that were outlined in the 1995 Maritime Code<sup>58</sup> – broadly aligning them, through its Article 66(6), with that of the 2015 Maritime Fisheries Code.



The Guinean legal and regulatory framework establishes several conditions for fishing vessels to engage in commercial fishing (or fishing-related) activities in the Guinean EEZ. As far as the Code is concerned, these conditions are mainly set out in its Title III ("Fishing authorisation, licensing and permit scheme", Article 43 *et seq.*). The Code establishes a two-layer regime composed of a set of rules applicable to all fishing vessels irrespective of their nationality (Section 1 of Title III) which is supplemented by rules specifically applying to foreign vessels (Section 2 of Title III)<sup>59</sup>.

The obligation to hold an authorisation, licence or permit to engage in fishing is embodied in Title III of the Code and applicable to all fishing vessels irrespective of their nationality (Article 43). The rules applying to such vessels set out in Title III remain relatively cursory and largely refer to subsidiary legislation. The MPAEM is nonetheless empowered to refuse to grant fishing authorisations, licences or permits on several grounds, including to vessels that systematically and purposely violate applicable rules. Additional conditions, specifically designed for foreign vessels to operate in Guinea fisheries, include that:

- The MPAEM shall verify with the competent authority of the flag State of the applicant vessel that it is authorised to operate outside the EEZ of the flag State (Article 57)
- The MPAEM shall verify with the competent authority of the flag State and other authorities and bodies deemed relevant that both the vessel and its ship owner/operator<sup>60</sup> have no history of IUU fishing activities (Article 57)
- There must be, in accordance with the fisheries management plans, a surplus of allowable catch and the envisaged activities should consider the legitimate interests of fishers and communities that depend on fishing resources (Article 58)

Building on the provisions in the Code, the Guinean authorities further elaborated the fisheries access regime through subsidiary legislation (i.e., decrees and ministerial orders). The main instruments laying down the applicable rules are the fisheries management plans, published on an annual basis. The 2020 fisheries management plan was adopted through Ministerial Order No. A/2019/6952/MPAEM/CAB of 31 December 2019<sup>61</sup>. It set out the process to follow when requesting an industrial fishing licence to operate in the Guinean EEZ and the conditions to meet to obtain a licence. Additional relevant regulatory instruments include the Decree No. D/2016/040/PRG/SGG of 18 February 2016 laying down rules relating to the inadmissibility and refusal of fishing licence applications<sup>62</sup> and the Ministerial Order No. A/2016/036/PRG/MDC/CAB/SGG of 8 February 2016, creating an advisory committee in charge of examining applications for fishing licences<sup>63</sup>. The former further elaborates the provisions in relation to the situations in which the Minister is empowered to refuse to grant fishing licences foreseen under Title III of the Code. A request for licence should be considered null or be refused, *inter alia*, when:

- The vessel it relates to has violated the provisions of the Code and its subsidiary legislation and has not fully paid its fines (Article 1)
- The persons connected with the applicant vessel have not fully paid fines imposed to sanction activities of one of their vessels (Article 2)
- The persons connected with the applicant vessel have seen one of their vessels identified as having engaged in IUU fishing activities (Article 3)

Finally, while Guinea's 2019 Maritime Code provides that all foreign vessels (apart from naval ships) entering a Guinean port are under an obligation to make use of an authorised local representative, the 2015 Maritime Fisheries Code – and its subsidiary legislation that was analysed in the context of the development of this briefing – is silent on their role in the specific context of fishing activities.

## Ownership in practice - Chinese interests in the trawl sector

To determine the extent of Chinese interests in the Guinean trawl sector, an analysis was conducted of the industrial fishing vessel licence lists as published, for the 2020 fishing season, on the MPAEM website<sup>64</sup>. The 2020 licence list was selected as it is the most recent complete list of vessels published at the time of writing this report.

Ascertaining which vessels on the lists were linked to Chinese ownership was done through a two-fold process – firstly by identifying those flying the flag of China, as documented in the published licence lists, and secondly, looking at those that were not flagged to China but could be linked with sufficient certainty to Chinese beneficial owners. Ownership information was collated primarily from open-source and paid subscription sources including information and documents available on the Chinese Ministry of Agriculture and Rural Affairs (MARA) and Ministry of Commerce (MOFCOM) websites and Sea-web™, which is widely considered to be the most up to date database of vessel information<sup>65</sup>.

In 2020, there were 43 Chinese-flagged trawlers licensed to operate in the Guinean EEZ. None of these vessels could be found in the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels as part of the information uploaded by China<sup>66</sup>. In total, there were 67 vessels targeting – presumably using trawl gears – non-tuna species authorised to operate in Guinea, meaning Chinese-flagged vessels constituted 64% of trawlers operating in Guinean waters. These vessels also equate to nearly 49% of the GRT of the non-tuna fishing sector<sup>67</sup>. No concrete links could be made between other industrial fishing vessels on the licence list and Chinese beneficial ownership. As such, unlike in other countries in the region such as Ghana<sup>68</sup>, a pattern of Chinese-owned industrial fishing vessels operating under the local flag could not be identified.

While remaining relatively stable in number, the percentage of Chinese-owned trawl vessels operating in Guinea appears to have declined from previous estimates, which suggest that in 2015, almost 80% of the trawl vessels in Guinea were flagged to China<sup>69</sup>. This shift may be explained by the entry of new foreign fleets in Guinean fisheries, including the return of trawlers flying the flag of Member States of the EU from 2016 – as the decision of the Council of the EU to delist the country in October 2016 lifted the prohibition for EU-flagged vessels to operate in the country's waters<sup>70,71</sup>.

**Table 2 - Top five flag states by prevalence of industrial trawlers licenced to operate in the Guinean EEZ 2016 - 2021<sup>72</sup>**

	China	Guinea	Spain	Italy	Korea
2016	40	8	0	0	3
2017	42	8	5	0	2
2018	38	11	7	2	2
2019	38	12	9	3	2
2020	43	13	3	2	1
2021	43	10	3	2	0

Source: Guinea MPAEM.

As is the case in a number of other West African countries, the licences and ownership of vessels in Guinea's trawl sector are held by a small number of companies. Four Chinese entities (all private owned) and nine local representatives accounted for the 43 Chinese-flagged vessels operating in the country (full details of vessel name, beneficial ownership and local representatives can be found in **Table 3**)<sup>73</sup>. These dynamics demonstrate the relatively concentrated financial beneficiaries and distribution of power within the trawl sector.

**Table 3 - Chinese-owned trawlers licensed to operate in Guinea in 2020**

Vessel/fleet names	Flag	Local representative	Chinese beneficial owner
BO YUAN 1/2/3/5/6/7/8/9	China	Sabou Inter SARL	Dalian Boyuan Ocean Fishery Co., Ltd. <sup>74</sup>
FU YUAN YU 361/363	China	Guinéenne De Pêche	Fujian Hengli Fishery Co., Ltd. <sup>75</sup>
FU YUAN YU 359/360/362/366/367/368	China	Kourouma Hengxin	
FU YUAN YU 371/372/373/381	China	Djiguinai	
RUI TAI FENG 801/802/803/807/808/809 /905/906/909/915/916	China	Perform Afrik	Dalian Ruitaifeng Pelagic Fishery Co Ltd. / Dalian Ruitaifeng Ocean Fishery Co., Ltd. <sup>76</sup>
RUI TAI FENG 806	China	Nimba Pêche	
RUI TAI FENG 901/902	China	Jasmin Trading	
RUI TAI FENG 805/907/908/910	China	Thiangui SA	
RUI TAI FENG 903	China	Kourouma Hengxin	
SHENG HAI 15/16/17/18	China	Diaka International	Dalian Shenghai Ocean Fishery Co., Ltd. <sup>77</sup>

It should be noted that in order to carry out fishing operations overseas, a Chinese DWF company must apply to the Chinese authority for approval of its specific offshore fishery project(s), i.e. to allow its designated vessels to operate in a country's EEZ, within a RFMO Convention Area, or on the high seas<sup>78</sup>. However, of the 43 vessels found to be linked to Chinese ownership, 30% are not included in the list of vessels authorised by the Chinese government to operate in foreign EEZs during the period 2019-2020<sup>79</sup>.

## CASE STUDY: Opaque vessel ownership in the Guinean ‘advanced’ artisanal fishing sector

In December 2017, ahead of the start of the 2018 fishing season, Guinea adopted a ministerial order that created three different categories of artisanal fisheries, including the ‘advanced’ artisanal fishery for vessels of length overall below or equal to 25 metres, less than 45 GRT and powered with an engine between 60 and 250 horsepower<sup>80,81</sup>. The 2018 Fisheries Management Plan further framed the fishery and set out that the ‘advanced’ artisanal fishery was exclusively reserved for Guinean fishers or nationals of the Economic Community of West African States (ECOWAS) region<sup>82,83,84</sup>.

The Guinean authorities, at the highest state and governmental levels, strongly reaffirmed the nationality restrictions applying to the ‘advanced’ artisanal fishery<sup>85,86</sup> after an incident in the Prefecture of Coyah sparked security concerns when eight ‘advanced’ artisanal fishing vessels, reportedly associated with Chinese interests and allegedly involved in illegal fishing activities, landed their catch, at night, in the port of Kassonya, where they had not previously operated<sup>87,88</sup>. Shortly after this incident, the reality of the involvement of Chinese nationals in the ‘advanced’ artisanal fishery, using front persons, was explicitly and publicly acknowledged by the Minister of Fisheries, Aquaculture and Maritime Economy<sup>89</sup>.

Achieving greater transparency is an essential measure to be taken to address situations of ‘hidden’ ownership and ensure that fishing activities are carried out in a legal and sustainable manner. This includes ensuring that perpetrators of illegal activities can be held to account, reducing the cost-burden of management and enforcement operations, and addressing inequities in benefit flows whereby local fishing communities and countries lose out in unbalanced arrangements with foreign operators<sup>90</sup>.

As far as the industrial fishing sector is concerned, Guinea demonstrated – between 2016 and 2021 – a higher degree of transparency than most coastal countries in the region by regularly publishing information on the vessels licensed to fish in its waters. However, the publication of information on the ‘advanced’ artisanal fishery is more sporadic. In 2020, the MPAEM only published a list of authorised ‘advanced’ artisanal fishing vessels once, in July, and covering only those vessels authorised to operate from 1 to 31 July. During this period, 50 fishing vessels had been authorised to operate<sup>91,92</sup>. As such, the importance of the fishery should not be disregarded, particularly as this figure is just a small proportion of the total number, estimated at around 200<sup>93</sup>, of such fishing vessels that have flocked to the country in the past decade. This situation raises, in particular, questions about the monitoring and control of non-authorised vessels. Whereas the industrial sector is, from the perspectives of both local agents and owners, relatively concentrated, the ‘advanced’ artisanal sector is more fragmented: the 50 authorised vessels in July 2020 were linked to 30 different legal persons and with operations spread across Lower Guinea and its 300 kilometres of coastline. In a recent report, the African Confederation of Artisanal Fishery Professional Organisations highlighted that the number of ‘advanced’ artisanal fishing vessels arrested for having engaged in IUU fishing activities has surpassed, in recent years, the number of industrial fishing vessels arrested. In 2020, more than 30 ‘advanced’ artisanal fishing vessels were arrested. The most common offences are fishing in prohibited areas, fishing undersized fish, illegal dumping at sea and turning off tracking devices<sup>94</sup>.

This situation compounds the need to achieve increased transparency. It supports calls to raise the standards applied to the ‘advanced’ artisanal fishery up to those of the industrial sector and to ensure the comprehensiveness, credibility and accessibility of the information published for both sectors. Structurally addressing ‘hidden’ ownership in the ‘advanced’ artisanal fishery also requires scrutinising, in detail, the ownership and management arrangements of such vessels and imposing dissuasive sanctions for breach of the nationality requirements set out in the legal and regulatory framework.



The implications of 'hidden' ownership extend far beyond coastal countries and are intrinsically linked with the capacity to identify and enable perpetrators to be held accountable in the case of IUU fishing or other offences that require sanctions. Responsibilities fall on both coastal and origin countries of the individuals that have legal, beneficial, or financial interests in, or control of, fishing vessels flagged to a coastal country. In the case of Chinese 'hidden' ownership, the availability of credible information on fishing vessels and owners/operators' identities and activities is essential to the capacity of the competent authorities of China to enforce the Fisheries Law<sup>95</sup> and the 2020 Offshore Fisheries Management Regulation<sup>96</sup>, which applies to every Chinese citizen, legal person or other organisation engaging in offshore fisheries operations.



Vessels in the port of Conakry, Guinea, in December 2021 including typical 'advanced' artisanal fishing vessels (from left: from the second to the fourth vessel) Credit: Aboubacar Jolikeur Kaba

## Connection to IUU fishing activities

High instances of IUU fishing within the Chinese DWF have been reported, often occurring in low-income countries where the practice is more prevalent due to limited MCS capacity<sup>97</sup>. In order to ascertain the rates of IUU fishing amongst the Chinese fleet in Guinea, open-source intelligence was sought for each vessel, collating information from NGO reports, media sources, cross-checks of the Trygg Mat Tracking (TMT) combined IUU vessel list<sup>98</sup>, and the Spyglass.fish database which derives its data from the Criminal Record of Fishing Vessels<sup>99</sup>. To ensure that the information was current and to increase the likelihood of ownership remaining consistent between the time of the offence and the 2020 licence list, the analysis only considered alleged offences that took place in 2010 or subsequently.

Of the 43 Chinese-owned industrial trawl vessels in Guinea in 2020, 20 vessels were previously identified as suspected or convicted of IUU fishing (**Table 4**), with a further 19 linked through ownership to vessels suspected of IUU fishing. Many of the alleged offences occurred in West African waters, including Guinea.

**Table 4 - Chinese-owned trawlers licensed to operate in Guinea in 2020 suspected of, or prosecuted for IUU fishing<sup>100</sup>**

Vessel name	Location of alleged offence	Year	Nature of alleged offence	Source
BO YUAN 1	Guinea	2014	Fishing within the Inshore Exclusion Zone (IEZ)	<a href="#">Link</a>
BO YUAN 2	Guinea	2014	Fishing within the IEZ	<a href="#">Link</a>
BO YUAN 5	Guinea	2014	Fishing within the IEZ	<a href="#">Link</a>
BO YUAN 6	Guinea	2014	Fishing within the IEZ on three occasions	<a href="#">Link</a>
BO YUAN 7	Guinea	2014	Fishing within the IEZ	<a href="#">Link</a>
BO YUAN 8	Guinea	2014	Fishing within the IEZ	<a href="#">Link</a>
BO YUAN 9	Guinea	2014	Fishing within the IEZ on two occasions	<a href="#">Link</a>
RUI TAI FENG 807 (ex-LIAN RUN 37)	Guinea	2014	Fishing within the IEZ	<a href="#">Link</a>
RUI TAI FENG 808 (ex- LIAN RUN 38)	Guinea	2014	Fishing within the IEZ	<a href="#">Link</a>
		2016	Using illegal gear type	<a href="#">Link</a>
		2017	Misreporting of GT	<a href="#">Link</a>
RUI TAI FENG 905 (ex-LIAN RUN 43)	Ghana	2019	Non-compliance with registration/flagging requirements	EJF investigations
RUI TAI FENG 906 (ex-LIAN RUN 44)	Ghana	2017	Misreporting of GT	<a href="#">Link</a>
RUI TAI FENG 909 (ex- LIAN RUN 47)	Guinea	2017	Shark finning, using illegal fishing nets	<a href="#">Link</a> <a href="#">Link</a>
RUI TAI FENG 801 (ex-LIAN RUN 29)	Guinea	2013/2014	Misreporting of GT	<a href="#">Link</a>
RUI TAI FENG 802 (ex- LIAN RUN 33)	Guinea	2014	Fishing within the IEZ	<a href="#">Link</a>
RUI TAI FENG 803 (ex- LIAN RUN 34)	Guinea	2017	Shark finning	<a href="#">Link</a>
RUI TAI FENG 805 (ex- LIAN RUN 35)	Guinea	2013	Prohibited net mesh size	<a href="#">Link</a>
RUI TAI FENG 902 (ex- LIAN RUN 41)	Guinea	2017	Use of prohibited gear	<a href="#">Link</a>
RUI TAI FENG 908 (ex- LIAN RUN 46)	Guinea	2017	Destruction of artisanal gear	<a href="#">Link</a>
RUI TAI FENG 910 (ex- LIAN RUN 48)	Guinea	2017	Use of illegal fishing device	<a href="#">Link</a>
FU YUAN YU 360	Guinea	2016	Use of prohibited gear, refusal to cooperate	<a href="#">Link</a>
		2015	Reporting false Automatic Identification System (AIS) positions	<a href="#">Link</a>

The offences committed ranged from fishing in prohibited areas, to illegal shark finning and the capture of juvenile fish. The figures above mean that 91% of the Chinese vessels operating in Guinea in 2020 were either directly responsible for suspected or confirmed IUU fishing activities or linked via ownership to such activities. A breakdown of the alleged offences and their frequency can be found in **Table 5**<sup>101</sup>.

Human rights abuses and labour violations (e.g., physical violence and threats of abuse, poor conditions of service and living conditions, such as difficulties in accessing drinking water and healthy food, etc.) have not been included in the course of this analysis. Nonetheless, cases of such abuses and violations are regularly reported on board Chinese-owned vessels operating in West Africa<sup>102,103</sup> and have been well-documented by EJP<sup>104</sup>.

**Table 5 - Types and frequency of alleged offences linked to Chinese-owned fishing vessels that appear on Guinea's 2020 licence list**

Offence	Frequency
Fishing in a closed area <sup>105</sup>	13
Use of prohibited gears	6
Shark finning	2
Misreporting of GT	3
Refusal to comply with orders	1
Non-compliance with registration/flagging requirements	1
Destruction of artisanal gear	1
Reporting false AIS positions	1

## Discussion and conclusions

The dynamics of the Guinean industrial trawl sector, in particular the prevalence of Chinese-flagged vessels and the high number of vessels operating with a history or links to possible IUU fishing activities, have important national and international implications. That such a large share of the trawl fleet is foreign-flagged and owned means that the benefits derived by local communities and the state could be diminished<sup>106,107</sup> or at least not optimised. While these aspects would require a more thorough, country-specific analysis, it is particularly notable that Guinean-flagged vessels are – with some exceptions – held to more stringent standards in respect of landing obligations and employment on board than foreign ones.

Foreign ownership generally requires authorities to deploy extra effort to fulfil their mission. This is particularly true in the context of ‘due diligence’ verifications during which authorities may be confronted with challenges, barriers, and subterfuges<sup>108</sup>. This is even more relevant considering the high number of vessels operating with a history of, or links to, possible IUU fishing activities. The same obstacles may arise in the context of prosecution and law enforcement<sup>109</sup>. While the practice of authorising foreign-flagged or owned industrial vessels is not problematic *per se*, careful and extensive consideration must be given to its implications. Authorising states must ensure that their fisheries governance and management systems are sufficiently robust to prevent environmental injustices, particularly for local communities that are often most severely impacted by the presence of industrial fleets. They face dwindling fish populations, encroachment into the areas reserved for artisanal fishers and collisions with industrial vessels that can bring about injury or damage boats and nets<sup>110,111</sup>.

The expansion of the Chinese DWF has significantly altered the terrain of global fisheries, with West African nations arguably some of the most transformed. Across the region, Chinese influence and investment has pervaded marine environments, often with negative socio-economic and ecological consequences.

As this briefing has shown, Guinea is not exempt from this pattern. A significant number of Chinese-owned vessels are operating in the country’s waters, many of which have been associated directly or indirectly with IUU fishing. This situation seems to extend beyond the industrial trawl fleet and also affects the country’s ‘advanced’ artisanal fishery. This is the latest in a long line of foreign fleets exploiting the country’s marine resources. That bottom trawling is a commonly used method of fishing amongst Chinese vessels in Guinea is further cause for concern, given its widely acknowledged negative ecological footprint<sup>112</sup>.

A concerted effort is required to further increase transparency within Guinea’s trawl sector, and across the broader region, in order to address IUU fishing. This must involve cooperation between relevant actors including the MPAEM, the government of China, the regional fishery bodies, and international institutions such as the FAO, the World Bank, Interpol and the EU. The EU remains invested in Guinea through bilateral cooperation and has concluded a Blue Partnership for the Oceans with China<sup>113</sup>, which ranks as the second largest supplier of fisheries and aquaculture products to the EU<sup>114</sup>.



Conakry's autonomous port.

## Recommendations

EJF calls on the governments of China and Guinea to act on the following recommendations in order to improve the sustainability of fishing operations in Guinea.

### To the government of China:

- Cooperate with the government of Guinea to clarify Chinese ‘hidden’ ownership in the Guinean ‘advanced’ artisanal fishing sector to enforce the legal instruments mentioned above.
- Conduct a review of the Chinese-linked industrial fishing vessels operating in Guinea and ensure that they are duly registered by MARA as offshore fisheries projects and are operated in compliance with the Fisheries Law and the 2020 Offshore Fisheries Management Regulation.
- Carry out all necessary investigations into suspected IUU fishing by Chinese-owned vessels in Guinea, where necessary taking suitable punitive measures to the extent provided under Chinese law.
- Update the national legal framework, if necessary, to ensure that Chinese nationals engaged as beneficial owners of fishing vessels flying the flag of third countries can be prosecuted for IUU fishing infringements and deterrent sanctions imposed.
- Mandate IMO numbers for all eligible vessels in the Chinese DWF.
- Establish direct channels of cooperation with the Guinean fisheries administration to be in position to carry out all necessary investigations into future possible IUU fishing by Chinese-linked vessels in Guinea, and, where necessary, to take suitable and deterrent punitive measures to the extent provided under Chinese law.
- Adopt minimum transparency requirements for distant water fishing activities, including the development of a publicly accessible and searchable database of Chinese-owned distant water fishing vessels, including information on beneficial ownership.
- Continue to update and publish information about fisheries-related offences and sanctions by distant water fishing vessels, ensuring comprehensiveness, credibility and accessibility of the information published.
- Ensure that up to date information on the Chinese-flagged vessels operating in Guinea is uploaded to the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.
- Ensure that government support in the form of subsidies, loans and other funds are not available to companies with a history of IUU fishing infringements.



## To the government of Guinea:

- Ensure that the number of fishing licences issued for industrial trawl vessels and ‘advanced’ artisanal fishing vessels is in line with best available scientific advice on the status of both small pelagic and demersal fish stocks.
- Develop the remaining necessary regulatory instruments with a view to strengthening the robustness of Guinea’s fisheries governance and management systems to achieve sustainable fisheries – through, *inter alia*, increased transparency and achieving a level playing field – and prevent situations contributing to environmental injustice, particularly for local communities.
- Mandate IMO numbers for all eligible vessels flying the flag of Guinea, and vessels operating within the waters of Guinea.
- Complete, maintain, and make publicly available a detailed list of all fishing vessels registered to fish under the Guinean flag irrespective of where they operate, and publish the list of industrial vessels licensed to operate in the EEZ of Guinea including, when eligible, IMO numbers and details of beneficial owners.
- Ensure that information uploaded in the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels is kept up to date.



Canoes in the port of Boulbinet.

- Advocate for the implementation of transparency measures by foreign countries whose fleets operate in the Guinean EEZ, such as China (e.g., through the publication of information on distant water fishing authorisations).
- Achieve increased transparency and improved standards applicable to the 'advanced' artisanal fishery, on the model of the measures implemented in respect of the industrial sector.
- Thoroughly scrutinise the ownership and management arrangements of 'advanced' artisanal fishing vessels and impose dissuasive sanctions for breach of nationality requirements set out in the legal and regulatory framework.
- Clarify the role and responsibilities of local representatives, developing regulatory instruments as needed.
- Conduct, in line with Title III of the Code, thorough background checks on vessels requesting to fish in the waters of Guinea.
- Strengthen capacities to fight against IUU fishing through all relevant tools and in the field of investigations into human rights abuses and labour violations, and financial crime in the fishing sector.
- Ensure that all suspected fisheries-related infringements in the country are subject to thorough investigation, and that deterrent sanctions are imposed where violations are confirmed, in accordance with minimum sanctions in the national law.
- Continue to update and publish information about fisheries-related offences and sanctions, ensuring comprehensiveness, credibility and accessibility of the information published.
- Enforce the provisions relating to the use of AIS foreseen in Article 98 of the Code as an additional step in increasing transparency and making it more difficult for illegal operators to remain unaccountable.
- Continue to support progress in relation to information-sharing on fishing activities through the relevant regional fishery bodies as well as with the pertinent national authorities and international bodies.
- Ensure that national fisheries are structured in such a way as to support local communities and national food security. Redouble efforts to ensure down-stream values in the processing and marketing sectors are captured within the country to maximise its benefits.

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- 59 The Code foresees additional provisions relating to international and regional access agreements (Sections 3 and 4 of Title III), fishing-related operations (Section 5), activities by Guinean vessels outside Guinea's EEZ (Section 6) and artisanal fishing activities (Section 7).
- 60 Article 57 of the Code uses the French word "armateur" which is generally translated as "shipowner". Nonetheless, EJF notes that Article 8(d) of the Code defines "armateur" as "the natural or legal person who operate, in its name, the vessel whether or not it owns it" ("la personne physique ou morale qui exploite le navire en son nom qu'il en soit ou non le propriétaire"). As such, and to encompass all aspects of Article 8(d) of the Code, EJF decided to retain "shipowner/operator".
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- 65 S&P Global, Sea-web™: The ultimate marine online database. Available at: <https://www.spglobal.com/marketintelligence/en/mi/products/sea-web-maritime-reference.html>.
- 66 FAO, Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. Available at: <http://www.fao.org/global-record/tool/extended-search/en/>.
- 67 Though Guinea is a Party to the International Convention on Tonnage Measurement of Ships, 1969 which mandated a transition from the gross/net registered tonnage systems to that of the gross/net tonnage, the country continues to refer to the GRT in its industrial fishing vessels licence lists. For this reason, this briefing refers to this standard. Nonetheless, EJF notes that Guinea's 2020 fisheries management plan provides that applicants for industrial fishing licences should submit their "[original certificate of gross tonnage]" (section VI.2.) and sets that "[For the purpose of the fisheries management plan, one gross tonnage (GT) equal one gross registered tonnage (GRT)]" (section IX.1.).
- 68 EJF (2018) China's hidden fleet in West Africa: A spotlight on illegal practices within Ghana's industrial trawl sector. London, UK. Available at: <https://ejfoundation.org/reports/chinas-hidden-fleet-in-west-africa-a-spotlight-on-illegal-practices-within-ghanas-industrial-trawl-sector>.
- 69 Virdin et al. (2019). West Africa's coastal bottom trawl fishery: Initial examination of a trade in fishing services. *Marine Policy*. 100. 288-297.
- 70 Council Implementing Decision (EU) 2016/1818 of 10 October 2016 amending Implementing Decision 2014/170/EU to remove the Republic of Guinea from the list of non-cooperating third countries in fighting illegal, unreported and unregulated fishing. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016D1818>.
- 71 In 2020, 23 EU-flagged fishing vessels - including 5 targeting non-tuna species - were licensed by Guinea to operate in the country's EEZ.
- 72 The total (2016-2021) for the remaining flags noted in the Guinean licence lists were: Angola (5), Senegal (4), Turkey (4), Ukraine (3), Cameroon (3), Belize (2), Guinea Bissau (1), and Iceland (1).
- 73 It is of note that Chinese companies operating several vessels in the country may use a number of local representatives (e.g., Fujian Hengli Fishery Co., Ltd. used three different local representatives).
- 74 Ministry of Agriculture and Rural Affairs (2017). Notice of the General Office of the Ministry of Agriculture on Printing and Distributing the 2017 Work Plan for Overseas Inspection of Ocean Fishing Vessels and Overseas Examination and Assessment of Ocean Fishing Crews (农业部办公厅关于印发2017年度远洋渔船境外检验和远洋渔业船员境外考试考核工作计划的通知). Available at: [http://www.moa.gov.cn/gk/tzgg\\_1/tfw/201701/t20170117\\_5440615.htm](http://www.moa.gov.cn/gk/tzgg_1/tfw/201701/t20170117_5440615.htm).
- 75 Ministry of Agriculture and Rural Affairs (2019). Notice of the Ministry of Agriculture and Rural Affairs on the Confirmation of the Eighth Batch of Distant Water Fishing Projects in 2019 (农业农村部关于确认2019年度第八批远洋渔业项目的通知). Available at: [http://www.moa.gov.cn/nybg/2020/202001/202004/t20200413\\_6341441.htm](http://www.moa.gov.cn/nybg/2020/202001/202004/t20200413_6341441.htm).
- 76 Ministry of Agriculture and Rural Affairs (2019). Notice of the Ministry of Agriculture and Rural Affairs on the Confirmation of the Seventh Batch of Distant Water Fishing Projects in 2019 (农业农村部关于确认2019年度第七批远洋渔业项目的通知). Available at: [http://www.moa.gov.cn/nybg/2019/201911/202001/t20200110\\_6334739.htm](http://www.moa.gov.cn/nybg/2019/201911/202001/t20200110_6334739.htm).
- 77 Ministry of Agriculture and Rural Affairs (2020). Notice of the Ministry of Agriculture and Rural Affairs on the Confirmation of the Fourth Batch of Distant Water Fishing Projects in 2020 (农业农村部关于确认2020年度第四批远洋渔业项目的通知). Available at: [http://www.moa.gov.cn/nybg/2020/202007/202008/t20200811\\_6350179.htm](http://www.moa.gov.cn/nybg/2020/202007/202008/t20200811_6350179.htm).
- 78 Ministry of Agricultural and Rural Affairs (2020). Offshore Fisheries Management Regulations of the People's Republic of China. Art. 9 and Art. 39(1). Available at: [http://www.gov.cn/zhengce/zhengceku/2020-03/13/content\\_5490763.htm](http://www.gov.cn/zhengce/zhengceku/2020-03/13/content_5490763.htm).
- 79 This does not necessarily mean a vessel did not apply for such an authorisation, as the information published by MARA on approved DWF projects is often incomplete. For instance, our collection of MARA-approved fishing projects in 2019 showed three missing documents (the 1st, 2nd, and 3rd batch) of the total eight batches of approved projects; the 2020 one showed a missing 2nd batch of announcements, of the total eight batches of approved projects.
- 80 Ministère des Pêches, de l'Aquaculture et de l'Economie Maritime (2017). Arrêté n°A/2017/6805/MPAEM/SGG portant catégorisation de la pêche artisanale maritime. Conakry, Guinea. Available at: [https://www.peches.gov.gn/images/PDF/actes\\_administratifs/arretes/Arret-Portant-Catgorisation-de-la-Pche-Artisanale-1.pdf](https://www.peches.gov.gn/images/PDF/actes_administratifs/arretes/Arret-Portant-Catgorisation-de-la-Pche-Artisanale-1.pdf).
- 81 The 2022 fisheries management plan no longer makes reference to the 'advanced' artisanal fisheries but to the semi-industrial ones. Characteristics of these fisheries are broadly similar to those laid down in the ministerial order n°A/2017/6805/MPAEM/SGG of December 2017. EJF is not aware of that ministerial order having been repealed.
- 82 Ministère des Pêches, de l'Aquaculture et de l'Economie Maritime (2017). Plan d'aménagement et de gestion des pêcheries pour l'année 2018. Conakry, Guinea. Available at: [https://www.peches.gov.gn/images/PDF/planpeche/pagp\\_2018.pdf](https://www.peches.gov.gn/images/PDF/planpeche/pagp_2018.pdf).
- 83 The 2021 fisheries management plan amended this rule, reserving the 'advanced' artisanal fisheries for Guinean nationals.
- 84 The 2022 Fisheries Management Plan reserves, in principle, the semi-industrial fisheries (previously the 'advanced' artisanal fisheries) for Guinean nationals (Sections V.3. and VI.3.1.). However, it provides the possibility for operators to be granted



- with a derogation when “it is impossible to recruit the necessary technicians in Guinea”.
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- 87 Guineenews.org (2018). Psychose d’un débarquement de rebelles à Coyah : la réalité des faits (communiqué du gouvernement). Available at: <https://guineenews.org/psychose-dun-debarquement-de-rebelles-a-coyah-la-realite-des-faits-communique-du-gouvernement/>.
- 88 Guineematin.com (2018). Bateaux chinois de Kassonyah : « la commission d’arraisonnement va prononcer les amendes ». Available at: <https://guineematin.com/bateaux-chinois-de-kassonyah-la-commission-darraisonnement-va-prononcer-les-amendes/>.
- 89 Justinmorel.info (2018). Grande interview JMI : avec Frédéric Loua, Ministre des Pêches de l’Aquaculture et de l’Économie Maritime. Available at: <https://justinmorel.info/2018/10/30/grande-interview-jmi-avec-frederic-loua-ministre-des-peches-de-laquaculture-et-de-leconomie-maritime/>.
- 90 EJF (2018). China’s hidden fleet in West Africa: A spotlight on illegal practices within Ghana’s industrial trawl sector. London, UK. Available at: <https://ejfoundation.org/reports/chinas-hidden-fleet-in-west-africa-a-spotlight-on-illegal-practices-within-ghanas-industrial-trawl-sector>.
- 91 While no information on the tonnage of the vessels was made available, the average ‘advanced’ artisanal fishing vessel would be of 15 metres length, 4 metres breadth and 111 horsepower. Virtually all fisheries (demersal and pelagic species, cephalopods, gastropods and shrimps) are subject to fishing activities by this segment of the Guinean fleet.
- 92 Guinea’s 2020 fisheries management plan set the maximum number of ‘advanced’ artisanal fishing vessels authorised to operate in the country’s waters at 60. This figure was increased to 70 in the 2021 fisheries management plan and later reduced to 50 in the 2022 fisheries management plan.
- 93 Guineesignal.com (2021). Guinée : Compte rendu du Conseil des ministres du jeudi 09 décembre 2021. Available at: <https://guineesignal.com/2021/12/10/guinee-compte-rendu-du-conseil-des-ministres-du-jeudi-09-decembre-2021/>.
- 94 CAOPA (2021). Les enjeux des zones de pêche artisanale en République de Guinée. Available at: [https://caopa.org/wp-content/uploads/2021/12/Guinee\\_FR\\_Nov\\_2021\\_Layout\\_print.pdf](https://caopa.org/wp-content/uploads/2021/12/Guinee_FR_Nov_2021_Layout_print.pdf).
- 95 National People’s Congress (2014). 中华人民共和国渔业法. Available at: [http://www.npc.gov.cn/wxzl/gongbao/2014-06/20/content\\_1867661.htm](http://www.npc.gov.cn/wxzl/gongbao/2014-06/20/content_1867661.htm).
- 96 State Council of the People’s Republic of China (2020). 中华人民共和国农业农村部令2020年第2号. Available at: [http://www.gov.cn/zhengce/zhengceku/2020-03/13/content\\_5490763.htm](http://www.gov.cn/zhengce/zhengceku/2020-03/13/content_5490763.htm).
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- 98 The TMT Combined IUU vessel list compiles vessels that have been identified as conducting IUU fishing by RFMOs. Available at: <https://iuu-vessels.org/>.
- 99 Spyglass database accessible here: <https://spyglass.fish/>.
- 100 EJF notes that the official website of the Guinean ministry in charge of fisheries is frequently inaccessible. Data has been downloaded and is available upon request.
- 101 The figures in Table 5 in some instances reflect multiple alleged offences conducted by the same vessel.
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- 103 Le Monde (2021). En Côte d’Ivoire, les ravages de la pêche illégale. Available at: [https://www.lemonde.fr/afrique/article/2021/03/22/en-cote-d-ivoire-les-ravages-de-la-peche-illegale\\_6074047\\_3212.html](https://www.lemonde.fr/afrique/article/2021/03/22/en-cote-d-ivoire-les-ravages-de-la-peche-illegale_6074047_3212.html).
- 104 EJF (2020). Fear, hunger and violence: Human rights in Ghana’s industrial trawl fleet. London, UK. Available at: <https://ejfoundation.org/reports/fear-hunger-and-violence-human-rights-in-ghanas-industrial-trawl-fleet>.
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- 106 Seto et al. (2017). War, fish, and foreign fleets: The marine fisheries catches of Sierra Leone 1950-2015. *Marine Policy*. 83. 153-163.
- 107 Virdin et al. (2018). West Africa’s coastal bottom trawl fishery: Initial examination of a trade in fishing services. *Marine Policy*. 100. 295.
- 108 EJF (2020). How best to implement principles three and four of the Charter for Transparency. London, UK. Available at: <https://ejfoundation.org/reports/how-best-to-implement-principles-three-and-four-of-the-charter-for-transparency>.
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- 113 European Commission (2018). Declaration on the establishment of a Blue Partnership for the Oceans: towards better ocean governance, sustainable fisheries and a thriving maritime economy between the European Union and the People’s Republic of China. Available at: [https://ec.europa.eu/newsroom/mare/document.cfm?doc\\_id=53843](https://ec.europa.eu/newsroom/mare/document.cfm?doc_id=53843) (downloads PDF).
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