

May 2023



### Vessel Activities Notification

#### Possible fishing activities within 3 nautical miles of Cameroon's territorial sea by a trawler

The Environmental Justice Foundation (EJF) is an international environmental organisation working globally to protect natural environments and the human rights of people who depend on them. EJF promotes and encourages international information sharing to enhance transparency in the fisheries sector and combat illegal, unreported and unregulated (IUU) fishing alongside associated instances of serious human rights abuses, which include human trafficking and forced labour. To this end, EJF gathers information on fishing vessels' identities and activities through a combination of field investigations, satellite monitoring and open-source intelligence, community surveillance projects and the gathering of human intelligence.

Visual evidence gathered at sea indicates that a fishing vessel may potentially have engaged in trawling activities within 3 nautical miles of Cameroon's territorial sea, in the Douala-Edéa National Park on [REDACTED].

#### Vessel's identity<sup>1,2,3,4</sup>

Name	MMSI	External marking <sup>5</sup>	Type	Flag
[REDACTED]	[REDACTED]	[REDACTED]	Fishing vessel (Trawler)	Cameroon 
				China 



<sup>1</sup> Spire ShipView, accessed 19.4.2023, <https://shipview.exactearth.com/> (subscription required).

<sup>2</sup> MarineTraffic, [REDACTED], accessed 19.4.2023, [https://www.marinetraffic.com/en/ais/details/ships/shipid/\[REDACTED\]](https://www.marinetraffic.com/en/ais/details/ships/shipid/[REDACTED]).

<sup>3</sup> Ministère de l'Élevage, des Pêches et des Industries animales, Liste provisoire des licences de pêche accordées par le MINEPIA en 2023, accessed 21.4.2023, <https://www.minepia.cm/download/liste-provisoire-des-licences-de-peche-accordees-par-le-minepia/> (PDF file available upon request).

<sup>4</sup> Ministry of Agriculture and Rural Affairs of the People's Republic of China, 农业农村部关于确认2020年度第八批远洋渔业项目的通知, accessed 19.4.2023, [http://www.moa.gov.cn/nybgb/2020/202011/202012/t20201220\\_6358467.htm](http://www.moa.gov.cn/nybgb/2020/202011/202012/t20201220_6358467.htm).

<sup>5</sup> The sighting shows that the external marking on both sides the vessel could read "[REDACTED]" while being listed in the list of licences published by the MINEPIA in 2023 under the registration number "[REDACTED]".

Known legal person acting as registered owner of the vessel	Address of registration	Place of registration
██████████	██████████	China 
Known legal person acting as fishing agent of the vessel	Address of registration	Place of registration
██████████	██████████	Cameroon 

EJF notes that conflicting information exists in relation to the flag of the vessel ██████████. Satellite-based tracking systems that allow the observation of vessels equipped with an Automatic Identification System (AIS) list the vessel as flying the flag of China, while the Cameroonian authorities list it as flying the national flag.<sup>6</sup> The images contained in this alert depict it flying a Cameroonian flag on its superstructure and displaying Cameroonian external markings. No port of registry can be seen painted on the vessel.

EJF assesses that the vessel may be listed as flying the flag of China by the satellite-based tracking systems as it seemingly uses a MMSI with a Chinese MID code (i.e., ██████████). However, EJF notes that the vessel’s external markings indicate that it could benefit from an “*immatriculation spéciale*” (K-██████████/IS/[...]). This registration regime is understood to offer the possibility for ships to fly two flags – possibly in conflict with Article 92 of the United Nations Convention on the Law of the Sea.

As mentioned in footnote 5, EJF also notes that the external markings painted on the starboard and port side of the vessel differ from the registration number listed in the provisional list of licences published by the Ministry of Livestock, Fisheries and Animal Industries (MINEPIA) in 2023 (i.e., “██████████” versus “██████████”).

### Vessel’s activities

On ██████████, the fishing vessel concerned by this notification was documented operating within Cameroon’s territorial sea. Based on location data recorded at the moment of the sighting, EJF cannot exclude that the vessel was operating within 3 nautical miles of Cameroon’s territorial sea (approx. 2.17 nautical miles from the baseline (see Appendix 1), recorded location: ██████████)<sup>7</sup>.

As depicted in the image of the event below, the fishing vessel appears to operate fishing trawls. This is

<sup>6</sup> Ministère de l’Élevage, des Pêches et des Industries animales, Liste provisoire des licences de pêche accordées par le MINEPIA en 2023, accessed 21.4.2023, <https://www.minepia.cm/download/liste-provisoire-des-licences-de-peche-accordees-par-le-minepia/> (PDF file available upon request).

<sup>7</sup> Republic of Cameroon, Décret n°2007/271 du 13 septembre 2007 fixant les coordonnées géographiques des points permettant de déterminer les géodésiques constituant les lignes de base des côtes camerounaises.

consistent with information published by the Ministry of Agriculture and Rural Affairs of the People's Republic of China, which authorised the vessel's operations as trawling ones in recent years. EJF notes that when sighted, the vessel had its fishing net deployed. This is suggestive of fishing activities.

[REDACTED IMAGE]

*Sighting of the [REDACTED] on [REDACTED]. The vessel's fishing net can be seen deployed.  
Additional photographs are available in Appendix 2.*

In addition to placing the vessel within 3 nautical miles of Cameroon's territorial sea, the recorded location of the sighting could place it in the Douala-Edéa National Park, as depicted in the image below.

No AIS data could be retrieved for [REDACTED] on [REDACTED]. EJF notes that AIS data is however available for the vessel until [REDACTED] ([REDACTED], reported speed: 0 knots) and from [REDACTED] ([REDACTED], reported speed: 0 knots). These AIS data place the vessel at anchorage in the [REDACTED], in the vicinity of [REDACTED]. Vessel's tracks are available upon request.

[REDACTED IMAGE]

*Location of the sighting made on [REDACTED] plotted on Google Earth (yellow pin). The area delimited by the points A to I (white line) maps the maritime section of the Douala-Edéa National Park as defined in the Decree No. 2018/8399/PM of 11 October 2018<sup>8</sup>. The yellow line (points 9 to 15) maps the baseline as defined in the Decree No. 2007/271 du 13 September 2007. The other maritime zones and maritime delimitations depicted in the image are purely illustrative.*

### **Relevant provisions of the Cameroonian relevant law<sup>9</sup>**

As previously highlighted, the vessel [REDACTED] is known to be authorised by the Ministry of Livestock, Fisheries and Animal Industries to fish in Cameroon's exclusive economic zone in 2023<sup>10</sup>.

However, Article 127 of the Law No. 94-01 of 20 January 1994 to lay down Forestry, Wildlife and Fisheries Regulations prohibits the use of "trawlers or fishing vessels equipped with trawling gear within a 3 nautical mile zone of the basic line [...]"<sup>11</sup>. Article 157 provides that sanctions "shall be imposed on whoever [contravenes the provisions] on fisheries stipulated in Section 127(a) [...]" of this law".

<sup>8</sup> Republic of Cameroon, Décret n°2018/8399/PM du 11 octobre 2018 portant mutation de la réserve de faune de Douala-Edéa en parc national de Douala-Edéa, accessed 20.4.2023, <https://www.spm.gov.cm/site/?q=en/node/802>.

<sup>9</sup> Republic of Cameroon, Law No. 94-01 of 20 January 1994 to lay down Forestry, Wildlife and Fisheries Regulations, accessed 20.4.2023, [https://sherloc.unodc.org/cld/document/cmr/1994/law\\_no\\_94-01\\_of\\_20\\_january\\_1994\\_to\\_lay\\_down\\_forestry\\_wildlife\\_and\\_fisheries\\_regulation\\_s\\_en.html](https://sherloc.unodc.org/cld/document/cmr/1994/law_no_94-01_of_20_january_1994_to_lay_down_forestry_wildlife_and_fisheries_regulation_s_en.html).

<sup>10</sup> Ministère de l'Élevage, des Pêches et des Industries animales, Liste provisoire des licences de pêche accordées par le MINEPIA en 2023, accessed 21.4.2023, <https://www.minepia.cm/download/liste-provisoire-des-licences-de-peche-accordees-par-le-minepia/> (PDF file available upon request).

<sup>11</sup> Article 23 of the Decree No. 95/413/PM of 20 June 1995 foresees that "la zone d'interdiction de la pêche par utilisation des engins traînants est comptée à partir du niveau de la laisse de la plus basse mer" (source : <https://faolex.fao.org/docs/pdf/cmr2970.pdf>).

EJF understands that conservation and management measures for the maritime component of the Douala-Edéa National Park – where the vessel was located as described in the previous section – are yet to be developed and adopted. However, it is of note that Article 1 of the Law No. 78/23 of 29 December 1978 on the Protection of National Parks<sup>12</sup> establishes a general prohibition on fishing activities within national parks. Article 9 of that law provides that sanctions shall be imposed where the provisions of its Article 1 are breached. EJF has not been able to determine whether this legal instrument is still in force. Nonetheless, we note that Article 2 of the Decree No. 95/466/PM of 20 July 1995<sup>13</sup> foresees a similar general prohibition.

Alleged activity	Alleged infringed provisions and other relevant provisions
Using trawling gears within 3 nautical miles	<ul style="list-style-type: none"> <li>- Article 127 of Law No. 94-01</li> <li>- Article 157 of Law No. 94-01</li> </ul>
Fishing in a national park	<ul style="list-style-type: none"> <li>- Article 1 of Law No. 78/23</li> <li>- Article 2 of Decree No. 95/466/PM</li> </ul>

## **Recommendations**

EJF recommends that **Cameroon**:

1. Clarifies the status (flag and registration under the “*immatriculation spéciale*” regime) of the fishing vessel concerned by this notification and assesses whether it is accurately marked (external markings).
2. In the event the external markings of the vessel are not accurate, demands its operator to remedy the situation.
3. Investigates the potential behaviour described in this notification to ascertain the nature of the vessel’s activities on [REDACTED] and, by extension, between [REDACTED] when no AIS data is available for the vessel. In this context, inter alia:
  - a. Assesses whether the recorded location of the vessel when sighted is within 3 nautical miles from Cameroon’s baseline and within the Douala-Edéa National Park.
  - b. Tries to corroborate the sighting with other sources, including – where applicable – VMS, catch and observer data, etc. VMS data may be sought from the Ministry of Agriculture and Rural Affairs of the People’s Republic of China which is understood to track the vessel.
4. Takes appropriate enforcement action if the vessel was found to have operated in breach of the applicable rules.

<sup>12</sup> Republic of Cameroon, Loi n°78/23 du 29 décembre 1978 relative à la protection des parcs nationaux, accessed on 20.4.2023, <https://faolex.fao.org/docs/pdf/cmr39385.pdf>.

<sup>13</sup> Republic of Cameroon, Décret n°95/466/PM du 20 juillet 1995 fixant les modalités d’application du régime de la faune, accessed on 20.4.2023, <https://faolex.fao.org/docs/pdf/cmr4157.pdf>.

In addition, and irrespective of the legality of the activities described in this notification, EJF recommends that **Cameroon** reforms the “*immatriculation spéciale*” regime for fishing vessels as part of the ongoing efforts to improve Cameroon’s fisheries governance framework and implements the actions recommended in EJF’s briefing on Cameroon’s fishing fleet from January 2023 to address the challenge posed by the country’s flag state policy<sup>14</sup>.

EJF recommends that **China**:

1. Confirms whether or not the fishing vessel concerned by this notification is authorised to operate as a distant-water fishing vessel and, if so, whether its authorisations cover the EEZ of Cameroon.
2. Ascertains the nature of its activities and whether these fully comply with all applicable rules – including those laid down in the so-called “Distant-Water Fishing Management Regulations” (远洋渔业管理规定)<sup>15</sup> that entered into force on 1 April 2020, and those established by Cameroon (see above). To that end, the following actions can be considered:
  - a. Analysing data (including VMS, catch and observer data) received from the vessel in accordance with the applicable laws and regulations; and
  - b. Cooperating with the coastal state concerned by this notification.
3. Takes appropriate enforcement action if the vessel was found to have operated in breach of the applicable rules.

In addition, and irrespective of the legality of the activities possibly carried out in the EEZ of Cameroon by the vessel concerned by this notification, EJF recommends that **China** considers developing a publicly accessible, up to date and searchable database of Chinese flagged or owned fishing and fishing-related vessels authorised to fish outside its EEZ<sup>16</sup>.

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<sup>14</sup> EJF, An analysis of Cameroon’s fishing and fishing-related fleet, January 2023, accessed 22.4.2023, <https://ejfoundation.org/reports/ejf-briefing-on-cameroots-fishing-fleet>.

<sup>15</sup> People's Republic of China, 10.2.2020, Order No. 2 of 2020 of the Ministry of Agriculture and Rural Affairs of the People's Republic of China Issuing authority: Ministry of Agriculture and Rural Affairs, accessed 21.4.2023, [http://www.gov.cn/zhengce/zhengceku/2020-03/13/content\\_5490763.htm](http://www.gov.cn/zhengce/zhengceku/2020-03/13/content_5490763.htm).

<sup>16</sup> EJF, The ten principles for global transparency, Principle three, Publish lists of fishing licences and authorisation, accessed 20.4.2023, [https://ejfoundation.org/resources/downloads/Transparency-Fact-sheet\\_Principle-3-final.pdf](https://ejfoundation.org/resources/downloads/Transparency-Fact-sheet_Principle-3-final.pdf).



