

Newsmax

Do Latin American Waters Continue to Fall Prey to China's Fishing?

Friday, October 16, 2020 03:02 PM

By: Evan Ellis

On Oct. 13, I presented work on foreign deepwater fishing fleets in Latin America, to a virtual event held by the highly-respected World Commission on Environmental Law (WCEL). The event was held as 340 fishing vessels, mostly Chinese, moved from the Galapagos Islands, where they were believed to have illegally fished in a United Nations World Heritage Site, and continued their activities off the coasts of Peru and Chile.

My diplomatic colleagues in the WCEL focused the event on the multilateral institutions and international law in which remedies could be found, without singling out the principal problem by name: the depredatory actions by China's deepwater fishing fleet, which I covered in a 2018 article for Newsmax [here](#).

These actions violate Latin America's sovereign waters, robs its fish, and decimates entire species, and the [continuing refusal](#) of China's government to acknowledge those abuses and live up to its responsibility under international law to stop them.

China's deepwater fleet, which today includes [over 17,000 vessels](#), engages in a broad range of problematic behaviors in Latin America's waters, including overfishing, the deliberate and accidental catching of protected species, the use of trawl and sea nets and other practices that accelerate the collapse of fisheries, pollution from [plastics and other refuse](#), and the [unauthorized entry and fishing](#) in the *exclusive economic zones* (EEZs) and maritime protected areas of the region.

The violations of Latin American EEZs by the Chinese deepwater fleet is longstanding, spans the region, and is well documented. They include Ecuador's August 2017 detention of the Fu Yuang Yu Leng 999 with [300 tons of fish](#) (including [6,000 sharks](#)) illegally obtained in the protected waters of the Galapagos United Nations World Heritage site. They also include the previously mentioned incursions in the same waters in 2020.

In that case, a study by the organization Oceana identified 90% of the ships suspected of illegal fishing in the same waters [as Chinese](#). Similarly, off the Chilean coast, 18 of the 22 vessels known to have violated the Nazca-Desventuradas protected area since 2018 [are Chinese](#).

In Argentine waters, notable cases include April 2015 when the Argentine Coast Guard seized the Chinese vessel Hu Shun Yu 809 near Port Madaryn for illegal fishing, then [15 members of its crew disappeared](#); March 2018, when the Jing Yuan 626 and four other Chinese vessels were similarly caught fishing in Argentine waters, but escaped following a dramatic chase in which the Chinese [attempted to ram](#) an Argentine Coast Guard vessel; March 2016, when the Lu Yan Yuan Yu [capsized and sunk while maneuvering to escape capture](#), and April 2020, when Argentine authorities stopped the Lu Yan Yuan Yu 016 for illegal fishing.

Chinese depredations go beyond merely violating national EEZs, however.

Chinese demand for the swim bladder of the *totoaba* (a large fish), which has a pharmacological effect similar to cocaine, has [nearly caused the extinction](#)

of the *vaquita marina* porpoise, in the Sea of Cortez in Mexico, caught up in the nets used to catch the *totoaba*.

Against such a long, widespread, and continuing series of violations of Latin America's sovereign waters, the insistence by Chinese diplomats that its vessels are **not engaged in wrongdoing** obstructs solving the problem, and arguably illustrates a knowing disregard by the Chinese government for national and international law, the region's sovereign territory, and the damage Chinese flagged ships are causing to the region and its livelihood as they seek commercial benefit.

Geography makes it difficult and expensive for Latin American navies to protect their EEZs against Chinese incursions.

The Galapagos maritime protected area is far from tiny Ecuador. The long coasts of Chile and Argentina make those countries' 200 mile EEZs massive.

Chinese and other vessels typically **turn off their transponders** before violating EEZs and maritime protected areas, making their illegal incursions difficult to prove.

Ecuador's Defense Minister Oswaldo Jarrin noted that **about half** of the Chinese vessels at the edge of the Galapagos maritime protected area had suspiciously turned off their transponders at some point.

In addition to hiding their incursions, Chinese fishing vessels regularly offload their fish to **container ships** and refuel at sea rather than putting into Latin American ports where they can be checked.

A Pew study estimated that, on average, Chinese vessels only report **1/12 of what they catch**.

In the WCEL seminar, knowledgeable lawyers observed that under international law, all states — including the People's Republic of China (PRC) — have responsibility for actions by ships flying their flag.

The U.S. can help its Latin American partners to detect, intercept, and prosecute Chinese fishing vessels violating its waters and maritime protected areas.

Yet the PRC ultimately has both the duty and greatest ability to stop its fishing fleet from plundering Latin America's resources, just as it controls the behavior of its companies and citizens in other ways when it wishes.

Latin American governments may be reluctant to jeopardize trade, loans, and investment from the PRC by demanding it take responsibility for its fishing fleet.

Yet if the Chinese government does nothing as boats under its flag pillage Latin America, how can the region trust any Chinese company, including those extracting the region's petroleum and mineral wealth, signing **secret MOUs** (Memorandums of Understanding) with its politicians, or building the communication and surveillance infrastructure that carry the personal data of its leaders and citizens?

Dr. Evan Ellis is Senior Non-Resident Fellow at CSIS and Professor of Latin American and Caribbean Studies. His work focuses on security and defense issues, including transnational organized crime, populism and the region's relationships with China and other non-Western Hemisphere actors. Dr. Ellis has published over 250 works, including three books and has presented his work in 26 countries across four continents. He has testified on multiple occasions regarding Latin

America and the Caribbean before the U.S. Congress and his work regularly appears in the media in both the U.S. and the region. Through his work, Dr. Ellis calls attention to the strategic importance of Latin America and the Caribbean for the United States through bonds of geography, commerce and family and how the prosperity and security of the U.S. are tied to that of its partners in the region. Read Evan Ellis' Reports — [More Here](#).

© 2020 Newsmax. All rights reserved.