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Casting a Neocolonial Net

China's Exploitative Fishing in the Gulf of Guinea

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China's exploitation of fishing access and ports in the Gulf of Guinea creates an opportunity for the United States. China capitalizes on the weak bargaining power and enforcement capabilities of countries in the region, signing unequal contracts with local governments that enable unbridled resource extraction, illegal fishing, and military power projection. Chinese contracts mirror those enforced by Western countries during China's Century of Humiliation. To combat these practices, the United States can employ tactics similar to those used by China between 1839 and 1949. The United States should provide legal support to local governments negotiating with China, while also conducting a public diplomacy campaign that highlights Beijing's neocolonial behavior. Gulf of Guinea fisheries are a low-cost, low-risk setting where the United States can develop a model for mitigating Chinese predatory investment practices globally.

Introduction

Fishing is a vital source of employment and food security in the Gulf of Guinea, the body of water that abuts the twenty coastal countries of West and Central Africa from Mauritania to Angola. China increasingly concentrates its distant water fishing efforts in the Gulf of Guinea because of increased Chinese demand for fish and depleted fish stocks in the South China Sea.

Beijing capitalizes on the weak political and economic bargaining power of Gulf of Guinea countries to create exploitative contracts for fishing access and the development and use of ports. These unequal contracts mirror the unequal treaties signed at China's expense during its Century of Humiliation. After the Opium War of 1839, Western powers forced China to open several ports to trade, in addition to demanding other concessions.[1] Today, Beijing claims to share the experience of Western imperialism with African nations, presenting its partnership as an alternative to the West and an altruistic, "poor helping poor" approach.[2] However, the unequal terms of fishing access and port contracts reveal the emptiness of China's rhetoric. China is imposing a Century of Humiliation on Gulf of Guinea countries.

China's exploitative fishing practices in the Gulf of Guinea create an opportunity for the United States. During the Century of Humiliation, China recruited lawyers who specialized in international law and foreign legal systems to persuade Western powers to renegotiate unequal treaties.[3] China referred to this strategy as "self-strengthening."[4] The United States can coopt this strategy to bolster the negotiating power of Gulf of Guinea countries through legal capacity building. Such an approach will also create a model for helping allies and key states mitigate predatory Chinese investment practices globally.

China's Neocolonial Fishing Practices in the Gulf of Guinea

> *In this way, for all of China's denials that its overseas ambitions could be compared to those of Europeans or Americans, for all of its insistence that its actions are driven by fraternal solidarity with Africans… [h]ere were the beginnings of a new empire, a haphazard empire perhaps, but an empire nonetheless.*
>
> – Howard French, 2014[5]

China takes advantage of Gulf of Guinea countries in three ways. First, China signs fishing access agreements that cover a fraction of the value of the fish the Chinese fleet extracts. Second, contracts do not reflect the volume of fish that the Chinese fleet extracts. Third, Chinese enterprises overestimate the cost of port construction and trap Gulf of Guinea countries in unfavorable lending terms.

China's Pattern of Predation in Africa

The Belt and Road Initiative (BRI) allows Beijing to secure access to natural resources and markets and extend its influence abroad—reestablishing the commercial dominance it lost during the Century of Humiliation.[6] The BRI encompasses a series of land and maritime infrastructure investments that connect China with foreign markets.[7] Since the launch of the BRI in 2013, China has emphasized port construction, particularly in West Africa.[8] Chinese companies also offer development finance and infrastructure in line with the "BRI spirit" in exchange for access to West and Central African fishing grounds.[9]

The BRI poses three significant risks to Gulf of Guinea countries:

1. **Unsustainable and inflated debt.** African BRI partners often take on unsustainable levels of Chinese debt.[10] Infrastructure projects fill a critical need in low and middle-income countries. However, critics raise concerns over China's use of these countries' strategic assets as collateral.[11] The lack of transparency surrounding project contracts allows China to base their loans on inflated project costs. For example, the Chinese-built Entebbe-Kampala road in Uganda cost twice as much per kilometer as the Addis-Adama Expressway in Ethiopia, which was built by the same company.[12]

2. **Greater Chinese leverage.** China has gained greater political and economic leverage over BRI partners through increasing debt burdens.[13] For example, a 2014 slump in oil demand forced Angola to repay its debt to China with larger quantities of oil, sending Angola into economic distress.[14] The economic impact of COVID-19 will likely heighten Africa's debt burden, increasing the risk that China will influence states' policies or gain control of key assets in exchange for debt restructuring or forgiveness.[15]

3. **Reinforcing corruption.** China's approach to development fuels corruption by rewarding senior African leaders who support Chinese interests.[16] For example, Chinese businesses frequently pay bribes to obtain licenses.[17] Corruption undermines fair bidding processes, increasing the likelihood that Chinese companies will overvalue project costs.[18]

Across the continent, the majority of Africans perceive China's development partnership positively.[19] Chinese leaders promote the BRI as a "win-win" development blueprint that is devoid of any strategic goals and built instead on "sincere friendship, unity, and cooperation."[20] When pursuing agreements in Africa, China specifically emphasizes their common history of colonization by the West.[21] African countries largely buy into this rhetoric. Even after China hacked computers and planted bugs in the Chinese-funded-and-built African Union, one African leader declared, "At least they never colonized us."[22] However, China's exploitative fishing in the Gulf of Guinea belies this narrative.

China's voracious appetite for fish has driven its fleet to African waters, where they extract most of their fish and engage in opaque and unfair practices.[23] Contrary to Chinese rhetoric, the contracts for fishing access and ports are profoundly unequal.

China's Appetite for Fish in the Gulf of Guinea

> *They want us to come. They hope we come to set up processing and logistics and ports.*
>
> – Chen Ze Luan, 2018[24]

Per capita fish consumption in China has risen more than 650 percent over the last 50 years.[25] China also relies on fish and fishmeal in order to feed livestock and farmed fish.[26] China has increased the size of its fishing fleet and catches a larger—often illegal—volume of fish to meet this growing demand.[27]

- **Fleet subsidies.** China promotes overseas fishing by offering generous subsidies to Chinese vessels, averaging $5.9 billion a year.[28] Official reports state that China's distant water fishing fleet expanded to 2,571 vessels in 2016, increasing 46 percent from 2010.[29] Unofficial estimates suggest that the Chinese fleet includes as many as 16,966 vessels.[30] China's annual catch also rose 78 percent over this same period.[31]

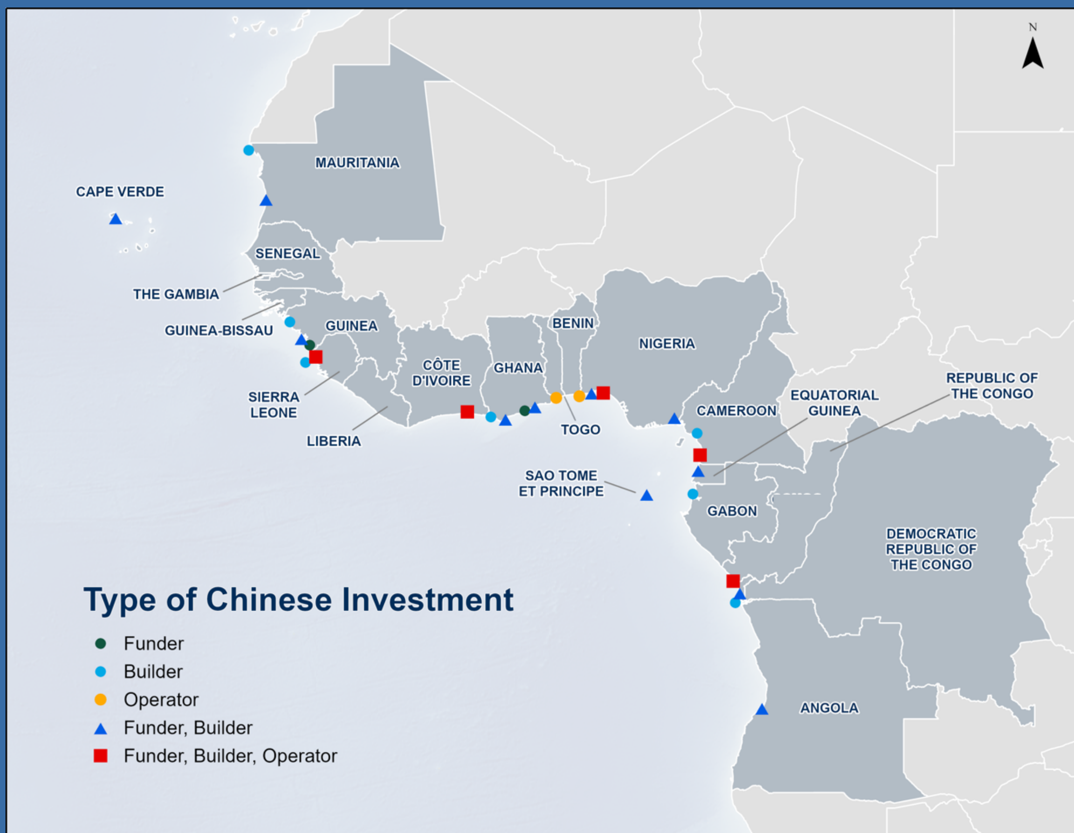
- **IUU fishing.** China ranks as the worst offender in the world for illegal, unreported, and unregulated (IUU) fishing.[32] Between 2000 and 2010, China caught 40 percent of its fish illegally.[33] Chinese companies also repeatedly underreport the gross tonnage of their vessels, enabling them to underpay access fees.[34] In addition, China's fleet underreports its catch. The Chinese distant water fishing fleet's catch is estimated at 4.6 million tons per year, while it only reports an annual average of 368,000.[35]

Increased demand for fish has also led the Chinese fleet to target the Gulf of Guinea for its valuable marine resources. China is taking advantage of the region's weak governance and need for foreign investment by implementing an exploitative strategy.

- **Opaque business operations.** China conceals its ownership of vessels to circumvent Gulf of Guinea countries' laws. For example, although Ghana prohibits foreign-flagged trawlers from fishing in its Exclusive Economic Zone, it has had up to 107 industrial trawlers in its waters, 90 percent of which were Chinese-built.[36] Chinese nationals captain

95 percent of the Ghanaian vessels with active licenses.[37] Chinese enterprises conceal their ownership by paying off Ghanaian officials and keeping business operations opaque.[38]

Figure 1: Location and Type of Chinese Port Investments in the Gulf of Guinea[39]



- **Strategic port investments.** China also leverages port investments in the Gulf of Guinea to expand its fishing capabilities and gain greater control over processing and distribution.[40] The Gulf of Guinea hosts Chinese "fishing bases."[41] Chinese companies operate 75 percent of the ports they finance.[42] For example, China-based Fuzhou Hong Dong Fishery Co. operates a fishing base in Nouadhibou, Mauritania that includes a fishing port, processing plants, and logistics facilities.[43] China also requires that at least 65 percent of overseas catch be processed in China, excluding Gulf of Guinea countries from profitable value-added processes.[44]

- **Unequal contracts.** China characterizes its fishing presence in the Gulf of Guinea as a mutually beneficial partnership. China established the China Africa Fisheries Union in 2012 to "develop African marine fisheries resources" as well as promote "cooperation" and "China-Africa trade of fisheries."[45] In reality, China compensates Gulf of Guinea countries only 4 percent of the value of the fish it extracts.[46] Chinese infrastructure investments are often overvalued and entail long-term lease agreements, tax exemptions, and other unfavorable terms.[47]

As China's need for fish increases, Chinese fleets have strategically selected the Gulf of Guinea as the site for fishing and ports because of its resource wealth. In addition, the Gulf of Guinea lacks strong bargaining power and governance, making it vulnerable to Chinese exploitation.

The Gulf of Guinea's Vulnerability to Chinese Exploitation

Promise of money and new infrastructure has led Gulf of Guinea countries to strike unequal deals with China. Corruption and weak governance undermine the potential payoffs of development investment. With weak enforcement capabilities, the Gulf of Guinea is particularly susceptible to exploitation.

- **Need for investment.** The two large marine ecosystems in the Gulf of Guinea rank second and third most productive in the world.[48] Most countries in the region, however, lack industrial fishing fleets.[49] Gulf of Guinea countries fund their governments by selling fishing access rights. Such sales comprise, for example, 15 percent of the national budget in Mauritania and 30 percent in Guinea-Bissau.[50] Additionally, a lack of port infrastructure contributes to shipping costs in the Gulf of Guinea that are 1.5 to 3.5 times higher than in other regions with high trade volumes.[51]

  International fishing agreements allow countries in the region to profit from otherwise inaccessible marine resources.[52] Gulf of Guinea countries thus accept Chinese investment because China seeks substantial profitable access rights and will help overcome their infrastructure deficit.

- **Weak fisheries management.** Ineffective national management of fisheries makes the Gulf of Guinea a prime target for IUU fishing.[53] Forty percent of all catch in the Gulf of Guinea is illegal, which represents the highest level of illegal fishing in the world.[54] IUU and overfishing leads to an annual loss of revenue for West Africa of between $1.3 billion and $2.3 billion.[55] Gulf of Guinea governments prosecute less than 20 percent of IUU offenses, with many more offenses remaining undetected.[56]

  Inaccurate reporting further deprives Gulf of Guinea countries of their marine resource wealth because coastal countries cannot collect critical taxes on unreported catch. For example, Guinea-Bissau relies on fishing taxes for 45 percent of its overall revenue—yet fishing fleets illegally capture an estimated 40,000 tons of fish from its waters annually.[57]

- **Corrupt officials.** Corruption is pervasive in the fisheries sector, fueled by competition for scarce resources and the lack of transparency.[58] For example, a 2008 official audit revealed that Guinea lost millions of euros through fraud and theft within the Ministry of Fisheries.[59] Corruption and dependence on fisheries revenue also results in the uncontrolled issuance of fishing licenses.[60] Ghana relicensed a Chinese-owned fishing trawler that has been caught for illegal fishing twice and has failed to pay its fines.[61] The Senegalese

Fisheries Ministry granted licenses behind closed doors despite public assurance that 52 foreign applicants, of which 50 were Chinese vessels, had been rejected.[62]

- **Limited port oversight.** In the Gulf of Guinea, China's distant water fishing fleet takes advantage of ports of non-compliance—ports with lax regulations, tax exemptions, and inadequate inspections of vessels, gear, licenses, or catch.[63] Ports of non-compliance enable IUU fishing boats to conceal their illegal catch. The Gulf of Guinea contains 14 such ports frequented by IUU vessels.[64] Proximity to these ports of non-compliance made IUU fishing 3.45 times more likely in the Gulf of Guinea.[65]

Chinese investment provides Gulf of Guinea countries with needed finance and infrastructure. However, Chinese companies take advantage of weaknesses in Gulf of Guinea fisheries to extract large volumes of fish without fair compensation. This exploitation has damaging environmental, humanitarian, and political consequences.

Consequences of Chinese Exploitation in the Gulf of Guinea

> *Twenty years ago, we could not have imagined that people from Joal would be eating sardines and sardinella. There were much better fish to eat. Now it's all we catch.*
>
> – Respondent from a Senegalese fish market, 2012[66]

Depleted fish stocks in the Gulf of Guinea heighten employment and food insecurity, destabilizing an already fragile region. Unequal contracts also enable Chinese influence to grow locally and internationally by cultivating loyal African leaders and enabling power projection.

Regional Consequences: Declining Environmental and Humanitarian Conditions

Overfishing is exhausting the supply of marine resources in the Gulf of Guinea. Many people in this region depend on fish for food and employment. Depleted fish stocks thus erode environmental and humanitarian conditions.

- **Environmental damage.** Overfishing and harmful fishing practices deplete valuable fish stocks in the Gulf of Guinea. Of the 51 species caught by commercial and small-scale fishers, 39 were threatened—nearly to extinction.[67] With Africa's population set to surpass 2 billion by 2040 and coastal migration expected to spike, depleted fish stocks will compound food and employment insecurity.[68]

- **Food insecurity.** Fish constitute up to 75 percent of animal protein consumption for West Africans, and 6.7 million West Africans depend on fishing activities for their food or livelihood.[69] Countries in the Gulf of Guinea now have to import more than half of the fish consumed because of declining fish stocks.[70] Scarcity has caused the price of fish to rise as much as five-fold.[71]

- **Job loss.** Local fisheries in Gulf of Guinea countries provide more than 600,000 jobs.[72] The overexploitation of fish stocks has eliminated jobs and reduced non-industrial fishers' income by as much as 40 percent.[73] The large capacity of bottom trawlers also cuts employment opportunities, with Chinese industrial fishing providing 40 percent less jobs than small-scale fisheries.[74] In the absence of adequate legal catch, fishermen engage in illegal activity, including piracy and trafficking of drugs, arms, and humans.[75] The increasing production of fishmeal and fish oil disproportionately affects women who often process and distribute fish.[76]

The overcapacity of industrial fleets is decreasing available fish stocks, which reduces food supply and drives unemployment and illegal activity in the fisheries sector.

Geopolitical Consequences: Expansion of China's Political Influence in Africa

China's involvement in Gulf of Guinea fisheries and ports creates opportunities for China to expand its political influence. China has increased its leverage over Gulf of Guinea countries by dominating trade and investment in the region.[77] China now stands to increase its political ties in the region.

- **Naval power projection.** China's military-civil fusion strategy and National Defense Mobilization Law of 2010 ensure that the military has the ability and authority to use overseas ports.[78] The proliferation of dual-use ports in the Gulf of Guinea positions China to extend its power projection in the future.

- **Coopting elites to gain political loyalty.** China rewards African countries for their political loyalty, securing the support of leaders through investment and corruption. According to AidData, voting with China in the United Nations General Assembly is correlated with an increase in aid received by African countries: as African alignment with Chinese positions increased by 10 percent, Chinese aid rose by 86 percent.[79] African countries also increasingly support Chinese policy and positions diplomatically. For example, all 54 African countries except Eswatini have abandoned diplomatic relations with Taiwan.[80]

Chinese investment strengthens political ties with Gulf of Guinea countries, ensuring future support on the international stage and creating opportunities for future military power projection.

Shortcomings of Existing Approaches to Address Chinese Exploitation

Gulf of Guinea countries cannot rely on existing strategies to counter China's exploitation in the region—to improve Chinese fishing practices or prevent unfavorable contracts. Methods to reduce IUU fishing and fishing capacity have been slow and ineffective. Simply cancelling contracts is untenable, as Gulf of Guinea countries benefit from foreign investment. Renegotiation could help countries secure more favorable terms, but Gulf of Guinea countries often lack the capacity to bargain successfully.

Addressing Exploitative Fishing Practices

Recommended responses to exploitative fishing focus on enforcing contracts and limiting fishing capacity. However, these efforts are costly and cumbersome. Enforcement alone also fails to address inequitable contract terms.

- **Improve monitoring, control, and surveillance.** Strengthening monitoring, control, and surveillance (MCS) capacity will not capture the full value of marine resources. MCS capacity in the Gulf of Guinea remains low due to corruption, weak governance, and high monitoring costs.[81] Dismal prosecution rates, unpaid penalties, and low cost of fines remain challenges, even with improvements in MCS capacity.[82] Similarly, the 2016 Port State Measures Agreement would ineffectively target IUU fishing because of implementation challenges, insufficient participation, and loopholes.[83] Even proper enforcement of fishing access contracts shortchanges Gulf of Guinea countries because contracts undervalue marine resources.

- **Reinforce regional collaboration.** Regional organizations and agreements help govern fisheries in the Gulf of Guinea, but collaboration is often ineffective.[84] For example, the 2013 Yaoundé Code of Conduct aims to leverage cooperation to repress illegal maritime activities, but deficient legislation, disputed legal authority, and unclear boundaries undermine its efficacy.[85] The prevalence of illicit maritime activity has only increased since the Code's implementation.[86] This result is also true for cooperation more broadly.

- **Reduce fishing capacity.** Eliminating harmful fisheries subsidies would reduce fishing capacity, but an international ban may not be feasible or effective in the near-term.[87] Negotiations over a World Trade Organization agreement to curb harmful fisheries subsidies have continued for over two decades.[88] If passed, China may still be able to circumvent the ban by leveraging developing nation status or obscuring its ownership of vessels.[89]

Addressing Unfair Resource and Infrastructure Contracts

Some BRI partners have simply cancelled Chinese-supported investment. Others want to receive Chinese investment, but do not have the expertise or political will to secure better deals by renegotiating contracts.

- **Cancelling contracts.** Pushback is rare, but Sierra Leone notably cancelled a Chinese-funded and constructed airport in 2018, deeming it "uneconomical" and "a sham project."[90] Cancelling contracts successfully sidesteps debt, unfavorable terms, and unsustainable catches, but will cause countries to forego potentially valuable investment opportunities.[91]

- **Renegotiating contracts.** Renegotiation of contracts could undo unfavorable terms, but many countries lack the necessary will and expertise. In 2019, the Tanzanian government renegotiated the terms of the agreement made between the former president and the Chinese construction company for the Bagamoyo Port and adjoining industrial zone.[92] São Tomé and Príncipe also renegotiated a Chinese contract for a deep-water port, eventually pivoting to private sector investors.[93] Although contract renegotiations can be effective, Gulf of Guinea countries often lack the financial resources, expertise, and governmental accountability to harness public discontent over unfair terms and counter demands made by a stronger negotiating partner.

China offers valuable investment to BRI partners, but many partners lack the capacity to prevent exploitation. The United States has an opportunity to support BRI partners by facilitating fair, productive investment.

U.S. Aid to the Gulf of Guinea: An Opportunity to Shape the BRI

> *It is important to draw a finer distinction between which Chinese activities threaten U.S. national security priorities and which Chinese engagements are neutral or complimentary to U.S. objectives.*
>
> – Judd Devermont, 2018[94]

The United States can work with Gulf of Guinea governments to prevent Chinese exploitation and shape the progress of the BRI. Unequal fisheries contracts in the Gulf of Guinea present a low-cost, low-risk opportunity for the United States to mitigate regional destabilization, promote equitable investment strategies, and benefit economically from China's development finance.

A new approach is necessary because the United States:

- **Cannot outspend China.** The United States has been hostile to the BRI, yet it cannot crowd out Chinese development investment. The United States has increased its competitiveness by launching a new development institution, rivaling rates and terms of China's state-owned banks, and promoting United States-Africa trade.[95] However, the United States cannot match China's level of development funding.[96] The U.S. International Development Finance Corporation has $8.2 billion of active commitments in Africa, compared to the $60 billion China has pledged to the African continent.[97]

- **Cannot stop Chinese investment.** The United States cannot reverse the appeal of Chinese investment. African countries continue to partner with China despite domestic discontent, even opposition.[98] The history of U.S. imperialism and the conditionality and bureaucracy of U.S. development finance makes China an attractive partner for Gulf of Guinea countries.[99] In addition, the nearly identical ratings of the economic and political influence of China and the United States demonstrate African countries' greater concern for securing investment than selecting investors.[100]

- **Cannot rely on BRI failure.** The United States cannot afford to stand by, expecting China to overextend and weaken its position in Africa.[101] Despite China's risky investments and increasing backlash among Africans, the BRI is not guaranteed to fail.[102] Accepting China's seizure of assets, such as ports, would also disrupt U.S. strategic access in the near and medium term. Likewise, non-intervention would force the United States to remain on the sidelines, waiting for a crisis, rather than strategically intervening to protect and promote its interests.[103]

Unequal contracts for fishing access and ports in the Gulf of Guinea represent an opportunity for the United States to address weaknesses in Chinese investment.[104] U.S. intervention can uphold the international rules-based order by promoting international maritime laws, contractual quality standards, and sustainable partnerships.[105]

The United States will achieve more by engaging with China in the Gulf of Guinea.[106] Chinese investment spurs global economic growth.[107] In addition, the U.S. economy could benefit from improved port efficiency in sub-Saharan Africa, where unusually long dwell times in ports stall global supply chains.[108] Chinese development finance also entails fewer conditions and delays than U.S. assistance, helping to fill the infrastructure deficit on a shorter timeline.[109]

Strengthening Bargaining Power through Legal Cooperation

> *I want us to get a good deal out of this relationship, and you won't get that by accident. China has a strategy, and we don't, and they will take advantage of us, not because they are bad people, but because we haven't been smart.*
>
> -Ghanaian National Kofi Bentil, 2014[110]

The United States can coopt China's own method of "self-strengthening" from its Century of Humiliation to help partners in the Gulf of Guinea overcome Chinese neocolonial practices. As combatting IUU fishing and overfishing has been slow and ineffective, Gulf of Guinea countries should target the unequal contracts signed for fishing access and ports. The United States can provide legal support to Gulf of Guinea countries, which often lack the capacity and expertise to design appropriate project goals or assess the requirements, risks, and long-term effects of projects. Adopting this low-cost strategy is an opportunity for the United States to counter China's exploitation and advance U.S. interests.

This type of intervention has precedent—and has proven effective. The Myanmar government successfully renegotiated a Chinese-supported port contract with U.S. legal assistance. In 2015, the Myanmar government accepted Chinese funding for a $7.3 billion port project in Kyaukpyu.[111] Following a regime transition, the new government worried the project exceeded the country's needs and financial capacity, made it overly dependent on China, and led to a loss of sovereignty.[112] The U.S. Agency for International Development dispatched a team of economists, diplomats, and lawyers who worked with local officials and technical experts to renegotiate this contract in 2018.[113] The new terms raised the country's ownership stake in the project from 15 to 30 percent, reduced the number of berths for the port, conditioned expansion plans on demonstrated feasibility, and slashed the cost to $1.3 billion.[114]

Despite its efficacy, this intervention has yet to be replicated. However, the Gulf of Guinea is an ideal target for a legal cooperation intervention—and U.S. aid could enable the region to avoid its own Century of Humiliation.

Legal Cooperation Interventions in the Gulf of Guinea

There are five key steps to achieve a successful legal cooperation intervention in the Gulf of Guinea. Strategic involvement before, during, and after contract negotiations will bolster partners' legal capacity to help secure more equal contract terms.

Before the Intervention

During the contract proposal stage, the United States can provide economic, diplomatic, legal, and technical support, mirroring its approach in Myanmar. The United States can increase the probability of future intervention success by strategically selecting target countries based on governance strength and transparency. Publicizing opposition to unequal contract terms and support for the intervention will increase buy-in. Conducting technical assessments will equip legal bodies with the data needed for the contract negotiations.

1. **Select viable partners.** Implementing this intervention first in countries with low corruption and high transparency ratings will demonstrate its effectiveness before expanding to less-ideal contexts. Corruption incentivizes government officials to accept unfavorable contracts and correlates with increased rates of IUU fishing and weak enforcement.[115] Transparency of fishing access agreements, court cases, and government budgets protects against corruption.[116] Based on these criteria, Cape Verde, São Tomé and Príncipe, and Senegal are suitable initial partners for this intervention.[117]

   Because Chinese investment is highest in Gulf of Guinea countries with high corruption ratings, the United States will need to partner with countries with greater propensities for corruption for the most impact.[118] A two-pronged approach can help mitigate the potential consequences of corruption. First, the United States can engage local media in the Gulf of Guinea to spotlight corruption, similar to the work of the Global Anti-Corruption Consortium in the Gambia.[119] Second, the United States can apply political pressure on corrupt leaders by tying foreign assistance to sustainable fisheries governance, similar to the United States' Trafficking in Persons Report.[120] Alternatively, the United States could pass Congress bill S1309, which institutes a similar tier system based on corruption ratings.[121] Implementing this intervention first in countries with lower corruption ratings will generate evidence of effectiveness that can justify the addition of these conditions to U.S. foreign assistance.

The United States can also consider partnering with regional fisheries organizations to encourage contract negotiations at the regional level. Common contract terms and enforcement strategies can improve fisheries governance, especially due to the migratory nature of marine resources. Gulf of Guinea countries can work within existing frameworks like the Yaoundé Code of Conduct and Regional Fisheries Bodies.

2. **Generate public support.** The United States can conduct public relations campaigns to garner support for legal cooperation and improve the outcomes of negotiations. In Gulf of Guinea countries, the United States can foster domestic political climates ripe for coordination by exposing unequal Chinese contract terms. The United States can employ the rhetoric of the Century of Humiliation to undercut China's claim to a benign, "win-win" approach to development. The U.S. Department of State can oversee these campaigns.

3. **Conduct technical assessments.** The presence of highly valued and increasingly scarce species in the Gulf of Guinea should make resource extraction lucrative.[122] However, Gulf of Guinea countries often sell themselves short in negotiations because they lack the means to evaluate their marine resource wealth.[123] Therefore, studies can be conducted to establish a baseline understanding of marine resources in the Gulf of Guinea.[124] Organizations like the Food and Agriculture Organization have conducted such scientific assessments in the past and could provide similar analyses as part of this initiative.

LEGAL COOPERATION INTERVENTION

BEFORE THE INTERVENTION

1. Select Viable Partners

Identify viable countries on the basis of corruption and assessments of governance strength for highest success.

2. Generate Public Support

Conduct campaigns to expose unequal contract terms, evoking rhetoric of the Century of Humiliation.

3. Conduct Technical Assessments

Help countries acquire complete knowledge of available marine resources and their value.

DURING THE INTERVENTION

4. Shape Contract Terms

Promote transparency of contract terms, include landing clauses, regulate transshipment, and encourage payments in assets over cash.

AFTER THE INTERVENTION

5. Facilitate Legal Capacity Building

Partner with U.S. government and NGOs to disseminate information about contract terms, train legal authorities, and transfer knowledge and skills for continued impact.

During the Intervention

Legal interventions by the United States can focus on renegotiating elements of unequal contracts—from pushing for transparency of contract terms and fishing data to guaranteeing payment in tangible assets.

4. **Shape contract terms.** Legal interventions can target four dimensions of existing contracts:

   First, legal advisors should encourage transparency of contracts and fishing data. Transparency encourages fairer terms by generating competition between companies. When contract details are made available, companies can be evaluated according to merit and competitive compensation rates. Publicly available information also allows civil society to scrutinize fisheries deals and data. In addition, coastal countries often lack the bargaining power to demand that vessels use monitoring systems and report catch totals. Countries can write these requirements into contracts to make transparent, accurate data available for fisheries management.

   Second, the inclusion of landing clauses—required amounts of catch to be brought to land—in contracts will enable Gulf of Guinea countries to capture greater profit from fisheries. Low and middle-income countries often control less than 50 percent of value-added processes, such as canning, smoking, and packing.[125] These processes can generate over 90 percent of profits for host countries.[126] Thus, landings would increase host countries' income from fisheries.

   Third, contracts should be negotiated to regulate transshipments at sea and while boats are docked.[127] Transshipments refer to the transfer of catch from smaller vessels to reefers, which resupply smaller vessels, eliminating trips back to port and creating opportunities for IUU fishing.[128] Regulating transshipments will therefore help reduce exploitative practices.

   Finally, legal advisors should encourage payments to be made in tangible assets rather than cash in order to restrict corruption. Compensation should be primarily defined in tangible assets that strengthen countries' MCS capacity and expand their participation in value-added processes. These tangible assets will thus serve a dual purpose: officials will not be able to misappropriate the payments, and the assets themselves will improve governance and profit in the fisheries sector.

After the Intervention

After the initial intervention, the United States can help remedy the lack of legal expertise in the Gulf of Guinea and strengthen legal capacity. Together, these measures will help Gulf of Guinea countries hold Chinese fleets to contract terms and secure fair agreements with China in the future.

5. **Facilitate legal capacity building.** In general, transferring knowledge and skills necessary to upholding the rule of law will enable Gulf of Guinea countries to reap the greatest benefit from their maritime resources. Maritime legal officials lack adequate training in Gulf of Guinea countries.[129] Disseminating information about contract terms is also crucial for adequate enforcement of agreements.[130]

   International nongovernmental organizations could spearhead the organization of educational workshops and creation of resources for legal officials, including lawyers, judges, and maritime police. Potential partners include Lawyers Without Borders and Greenpeace, which already work in the region and offer a broad range of legal support. To reduce corruption in legal systems, the United States can conduct this intervention alongside existing efforts with the Department of Justice's Office of Overseas Prosecutorial Development, Assistance, and Training initiatives, which targets corruption.[131]

A Model for Fighting Chinese Predatory Practices: Additional Applications of Legal Cooperation

U.S. legal cooperation with Gulf of Guinea countries is a model for fighting China's predatory practices globally. After developing legal cooperation interventions in Gulf of Guinea fisheries—a low-cost and low-risk setting—the United States can apply this model in other regions and industries:

- **Other exploited coastal regions.** The United States can conduct legal interventions in other exploited coastal regions of strategic interest, such as East Africa and Southeast Asia. Advancements in fishing technology and a rise in global fishing have stressed coastal countries beyond the Gulf of Guinea, including in South America, Latin America, Southeast Asia, Oceania, and elsewhere in Africa.[132] Compensation for fishing access in these regions is comparably low.[133] Similar to the Gulf of Guinea, these coastal regions generally lack scientific evaluations of their fish stocks, which leads them to undervalue their resources in negotiations. These regions also have limited negotiating power, making them prime partners for legal intervention.

- **Other resource sectors.** Legal cooperation in the fisheries sector provides a lower-cost proof of concept for other industries where it may be more costly to engage China. Short-term profit interests often prevail over sustainability and competitive compensation in other resource sectors. For example, in 2017, China offered Guinea a 20-year loan for $20 billion in exchange for concessions on bauxite.[134] The local population protested the lack of local profits from Chinese investment, as well as health and environmental issues associated with Chinese mining companies. In Chile, a Chinese trading corporation signed another unequal contract for copper that locked in lower-than-market prices.[135] Legal cooperation could therefore increase the wealth captured domestically and improve resource governance in other sectors, such as minerals, energy, and agriculture.

- **Other infrastructure projects.** In addition to ports, low and middle-income countries face a deficit of physical infrastructure like roads and railways. Africa would need to spend between 130 and 170 billion dollars per year to meet the continent's infrastructure needs.[136] China has helped meet this demand, funding 40 percent of the infrastructure boom in Africa since 2011.[137] However, Chinese deals are susceptible to inflated costs and unsustainable debt.[138] China practices predatory lending for infrastructure in other regions as well. For example, the $5.9 billion joint venture China-Laos railway project is putting Laos at "risk of external debt distress."[139] Providing economic and legal assessments of proposed projects can ensure that countries can capitalize on available foreign investment without risking financial instability or a loss of sovereignty.

Conclusion

China traps Gulf of Guinea countries in a Century of Humiliation through inadequate compensation for marine resources, exclusion from value-added processes, exaggerated costs for building infrastructure, and long-term leases. Insufficient legal capacity prevents Gulf of Guinea countries from striking fair investment deals and creates opportunities for China to engage in exploitative fishing practices and expand its political influence.

Without intervention, fisheries will be exhausted in the Gulf of Guinea just as Africa's population growth peaks in 2050.[140] Overfished stocks will cause food supply and employment opportunities to plummet. Failure to intervene upstream by ensuring fair contract terms will lead to economic loss, environmental harm, humanitarian crises, and the expansion of China's political influence.

Through legal cooperation, the United States will help Gulf of Guinea countries maximize benefits from development investment, while also managing China's expanding economic and political reach. This low-cost initiative inspired by China's own historical tactics can also be applied in other key industries and regions. Addressing the weak negotiating power of low and middle-income countries mitigates Chinese neocolonial development practices.

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[1] Henry Kissinger, *On China* (Penguin Press, 2011), 53.

[2] Yih-Jye Hwang and Lindsay Black, "Victimized State and Visionary Leader? Questioning China's Approach to Human Security in Africa," *East Asia* 37, no. 1 (March 1, 2020): 11, https://doi.org/10.1007/s12140-020-09327-w.

[3] Colin Raunig, "A Sense of Sovereignty: How China's 'Century of Humiliation' Affects U.S. Policy in the South China Sea," Naval History and Heritage Command, accessed March 25, 2021, https://www.history.navy.mil/content/history/nhhc/get-involved/essay-contest/2017-winners/additional-essay-contest-submissions/a-sense-of-sovereignty---how-chinas-century-of-humiliation-affec1.html.

[4] Self-strengthening included enhancing Chinese competency in foreign languages, foreign texts, and international law and the ability to propose clear and favorable contract terms. See: Kissinger, On China, 75; Dong Wang, "The Discourse of Unequal Treaties in Modern China," Pacific Affairs 76, no. 3 (2003): 399–425. By 1935, lawyers comprised nearly a third of China's prominent diplomats in its Ministry of Foreign Affairs. One result of this improved legal capacity was to renegotiate terms of unequal treaties. See: Raunig, "A Sense of Sovereignty."

[5] Howard W. French, *China's Second Continent* (New York: Alfred A. Knopf, 2014), 170.

[6] Hans Lei, "The Ghost of China's Past: How the 'Century of Humiliation' Influences China's Naval Buildup," *Brown Political Review*, November 8, 2017, https://brownpoliticalreview.org/2017/11/ghost-chinas-past-century-humiliation-influences-chinas-naval-buildup/. China did not include West Africa in the initial Maritime Silk Road of the BRI, but China's guiding objectives of trade connectivity and economic cooperation have led to conceptualizations of a "New Maritime Silk Road" that includes all African ports. See: Jasmine Siu Lee Lam, Kevin Patrick Brendan Cullinane, and Paul Tae-Woo Lee, "The 21st-Century Maritime Silk Road: Challenges and Opportunities for Transport Management and Practice," *Transport Reviews* 38, no. 4 (July 4, 2018): 413–15, https://doi.org/10.1080/01441647.2018.1453562. Although the BRI gained early momentum and has been funded at $50 to $100 billion each year, rising domestic and international concern over wasteful spending, lack of transparency, displacement of local communities, environmental degradation, and unsustainable debt is curbing its success. One example of increasing global scrutiny pertaining to the BRI, Sierra Leone deemed it "uneconomical to proceed with the construction of a new airport" funded by a Chinese loan in 2018. The Covid-19 pandemic has also affected more than a fifth of BRI projects and prompted cash-strapped BRI partner countries to request renegotiations of terms of loans, cancel projects, and default on debt payments. Despite pushback and the recession, however, the BRI is more likely to evolve than disappear. See: Christopher Balding, "Why Democracies Are Turning Against Belt and Road," October 24, 2018, https://www.foreignaffairs.com/articles/china/2018-10-24/why-democracies-are-turning-against-belt-and-road Lee YingHui, "COVID-19: The Nail in the Coffin of China's Belt and Road Initiative?," *The Diplomat*, September 28, 2020, https://thediplomat.com/2020/09/covid-19-the-nail-in-the-coffin-of-chinas-belt-and-road-initiative/; "Sierra Leone Scraps Controversial Chinese Airport Deal," *Nation.Africa*, October 10, 2018, https://nation.africa/kenya/news/africa/sierra-leone-scraps-controversial-chinese-airport-deal-96590; David Dollar, "Seven Years into China's Belt and Road," *Brookings* , October 1, 2020, https://www.brookings.edu/blog/order-from-chaos/2020/10/01/seven-years-into-chinas-belt-and-road/.

[7] This involvement in foreign economies contradicts China's long-held principle of non-interference. Despite formally taking a position of non-interference in 1954, China has meddled in African politics and conflicts. For example, China announced in 2007 that it would cut ties with Zambia and Chinese companies would withhold investments if Zambians elected the pro-Taiwanese candidate as president. Chinese guerilla warfare instructors also trained revolutionaries from across Africa who sought to overthrow post-colonial governments in the 1960s. See: Joshua Meservey, "The U.S. Should Call China's 'Non-Interference' Policy in Africa What It Is—A Myth," *The Heritage Foundation*, Issue Brief, no. 4878 (July 6, 2018): 3, https://www.heritage.org/sites/default/files/2018-07/IB4878_0.pdf.

[8] The annual growth rate of China's port investment in Africa reached 338 percent in 2015. China has invested $6.533 billion in West African ports, $3.688 billion in East African ports, $3.559 billion in North African ports, and $100 million in South African ports. See: Zhongzhen Yang et al., "China's Investment in African Ports: Spatial Distribution, Entry Modes and Investor Profile," *Research in Transportation Business & Management* 37 (2020): 100571.

[9] Mark Godfrey, "Senegal Rejects Chinese Trawler License Applications Prior to China-Africa Summit," *Seafood Source*, June 18, 2020, https://www.seafoodsource.com/news/supply-trade/senegal-rejects-chinese-trawler-license-applications-prior-to-china-africa-summit.

[10] According to the International Monetary Fund, China's contribution to the public debt of heavily indebted poor countries rose from 6.2 percent in 2013 to 11.6 percent in 2016. See: Mark Green, "China's Debt Diplomacy: How Belt and Road Threatens Countries' Ability to Achieve Self-Reliance," Foreign Policy, April 25, 2019, https://foreignpolicy.com/2019/04/25/chinas-debt-diplomacy/; Daniel R. Russel and Blake Berger, "Navigating the Belt and Road Initiative," *Policy File*, 2019; Edward Wong, "Competing Against Chinese Loans, U.S. Companies Face Long Odds in Africa," *The New York Times*, January 13, 2019, https://www.nytimes.com/2019/01/13/world/africa/china-loans-africa-usa.html.

[11] The majority of Chinese loans to Angola, which receives about a quarter of all Chinese loans to Africa, are oil-backed. See: Deborah Brautigam, "How Chinese Money Is Transforming Africa: It's Not What You Think," Chine-Afrique, May 2, 2016, https://www.pairault.fr/sinaf/index.php/statistiques/15-references/826-how-chinese-money-is-transforming-africa-it-s-not-what-you-think. If Kenya defaults on its payments for its Standard Gauge Railway, its Mombasa Port could be seized by Chinese firms. See: Brautigam, Deborah, and Won Kidane. "China, Africa, and Debt Distress: Fact and Fiction about Asset Seizures." *China Africa Research Initiative*, June 2020, 4. https://static1.squarespace.com/static/5652847de4b033f56d2bdc29/t/5ef387a1b5869d0dd74eee2d/1593018274134/PB+47+-+Brautigam%2C+Kidane+%E2%80%93+Debt+distress%2C+Asset+seizure.pdf. Also see: MC Bah, "The Growing Influence of China in Sierra Leone," *Standard Times Press*, November 30, 2013, https://standardtimespress.org/?p=4633; Green, "China's Debt Diplomacy"; Russel and Berger, "Navigating the Belt and Road Initiative."

[12] The per kilometer cost of Sierra Leone's Chinese-built Wilkinson Road was about $4.5 million, compared to the internationally accepted average price of $250,000. See: Bah, "The Growing Influence of China in Sierra Leone." Also see: Elias Biryabarema, "Chinese-Built Expressway Divides Uganda as Debts Mount," *Reuters*, January 31, 2018, https://www.reuters.com/article/us-uganda-road-idUSKBN1FK0V1.

[13] Concerns over debt-trap diplomacy reflect a recent shift in the narrative in the face of China's long history of "Going Out" and providing development aid to foreign countries. An Indian research analyst coined the term "debt-trap diplomacy" in 2017 after the foreclosure-style seizure of Sri Lanka's Harmbantota Port. Unsustainable debt levels burdening BRI partners spur speculation that China is intentionally over-lending and funding loss-accumulating projects elsewhere, such as in Djibouti. However, with only one observed asset seizure, with China owning only 20 percent of African debt, and with a lack of evidence to support claims about China's malicious intentions, the greater concern is of low- and middle-income countries haphazardly taking on unsustainable debt that could advantage China, regardless of China's intentions. See: John Hursh, "Tanzania Pushes Back on Chinese Port Project," *The Maritime Executive*, December 2, 2019, https://www.maritime-executive.com/editorials/tanzania-pushes-back-on-chinese-port-project; Deborah Brautigam, "Is China the World's Loan Shark?," *The New York Times*, April 26, 2019, sec. Opinion, https://www.nytimes.com/2019/04/26/opinion/china-belt-road-initiative.html; Eric Claude Olander, "Deborah Brautigam Debunks the Chinese Debt Trap Theory in New Research Paper," The China Africa Project, December 18, 2019, https://chinaafricaproject.com/2019/12/18/deborah-brautigam-debunks-the-chinese-debt-trap-theory-in-new-research-paper/; Deborah Brautigam, "Misdiagnosing the Chinese Infrastructure Push," *The American Interest*, April 4, 2019, https://www.the-american-interest.com/2019/04/04/misdiagnosing-the-chinese-infrastructure-push/; Yun Sun, "China and Africa's Debt: Yes to Relief, No to Blanket Forgiveness," *Brookings*, April 20, 2020, https://www.brookings.edu/blog/africa-in-focus/2020/04/20/china-and-africas-debt-yes-to-relief-no-to-blanket-forgiveness/.

[14] Joshua Meservey, "China in Africa: The New Colonialism?," Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (2018), https://docs.house.gov/meetings/FA/FA16/20180307/106963/HHRG-115-FA16-Wstate-MeserveyJ-20180307.pdf. As another example, Sri Lanka ceded 15,000 acres of land and control of its Chinese-built Hambantota port for 99 years in exchange for China's forgiveness of its $1 billion loan. See: James Foggo III, "Africa, Great Power Competition, and the US Navy," *Defense One*, September 12, 2019, https://www.defenseone.com/ideas/2019/09/africa-great-power-competition-and-us-navy/159828/. Such subtle asset claims bear resemblance to the Sino-Russian relationship during China's Century of Humiliation. In the wake of the 1895 Triple Intervention, Russia violated its earlier promise to respect China's sovereignty by gradually building up forces in Manchuria and acquiring control over a significant area. See: Kissinger, *On China*, 84.

[15] China has extended $2.1 billion worth of debt relief to low- and middle-income countries and has cancelled interest-free loans made to African partners to help mitigate the Covid-19 pandemic. However, the impact of these measures will be minimal since the majority of Africa's debt burden remains. In total, however, low- and middle-income countries owe more than 110 billion to China, and interest-free loans represent only 5 percent of African's debt to China. China will more likely restructure or refinance than forgive the bulk of African countries' debt, which could jeopardize assets and debt levels down the road. See: John Campbell, "As Africa Faces COVID-19, Chinese Debt Relief Is a Welcome Development," Council on Foreign Relations, June 30, 2020, https://www.cfr.org/blog/africa-faces-covid-19-chinese-debt-relief-welcome-development; Reuters Staff, "China Says Has given $2.1 Billion of Debt Relief to Poor Countries," *Reuters*, November 20, 2020, https://www.reuters.com/article/us-china-debt-g20-idUSKBN28009A.

[16] Infrastructure investments can help keep leaders in power by constructing tangible markers of leaders' accomplishments. For example, the banner announcing the 2007 opening of a Chinese-built road in Republic of the Congo under President Sassou-Nguesso read, "A Dream Come True Thanks to Sassou." As another example, China funded the construction of a $3 million "Friendship Building" that would house Sierra Leone's APC party's regional headquarters while claiming that "it was the policy of the Chinese Government not to interfere in the domestic affairs of any friendly country." In Gulf of Guinea countries, evidence of this "palace diplomacy" has also been discovered in Benin, Guinea, and Liberia. See: Joshua Meservey, "China's Palace Diplomacy in Africa," War on the Rocks, June 25, 2020, https://warontherocks.com/2020/06/chinas-palace-diplomacy-in-africa/; Amadu Daramy, "Over APC US$3m Building… SLPP Meets Chinese Ambassador," *Global Times News*, May 29, 2017, https://www.globaltimes-sl.com/over-apc-us3m-building-slpp-meets-chinese-ambassador/.

[17] A 2017 survey that polled Chinese firms in Africa found that 60 to 87 percent had paid a bribe to get a license. See: Joshua Meservey, "Chinese Corruption in Africa Undermines Beijing's Rhetoric About Friendship with the Continent," Issue Brief (The Heritage Foundation, August 8, 2018), https://www.heritage.org/sites/default/files/2018-08/IB4895_0.pdf. Levels of corruption also tend to increase around active sites for Chinese aid projects. See: Ann-Sofie Isaksson and Andreas Kotsadam, "Chinese Aid and Local Corruption," *Journal of Public Economics* 159 (2018): 146–59.

[18] Meservey, "Chinese Corruption in Africa."

[19] According to the 2016 Afrobarometer survey, 63 percent of Africans see China as a positive influence in their respective countries. See: Mogopodi Lekorwe et al., "AD122: China's Growing Presence in Africa Wins Largely Positive Popular Reviews," Afrobarometer, 2016, https://afrobarometer.org/publications/ad122-chinas-growing-presence-africa-wins-largely-positive-popular-reviews.

[20] Daniel R Russel and Blake H Berger, "Weaponizing the Belt and Road Initiative" (Asia Society Policy Institute, September 2020); "China, Rwanda Vow to Write New Chapter in Bilateral Ties," Xinhua, July 24, 2018, http://www.xinhuanet.com/english/2018-07/24/c_137343708_2.htm.

[21] Alan Rappeport, "19th-Century 'Humiliation' Haunts China-U.S. Trade Talks," *The New York Times*, March 27, 2019, sec. U.S., https://www.nytimes.com/2019/03/27/us/politics/china-opium-wars-trade-talks.html; Mark Tischler, "China's 'Never Again' Mentality," *The Diplomat*, August 18, 2020, https://thediplomat.com/2020/08/chinas-never-again-mentality/; Christian Heller, "South China Sea: China Breaks From a Century of Humiliation," *Real Clear Defense*, February 4, 2019, https://www.realcleardefense.com/articles/2019/02/04/south_china_sea_china_breaks_from_a_century_of_humiliation_114158-full.html; Yih-Jye Hwang and Lindsay Black, "Victimized State and Visionary Leader? Questioning China's Approach to Human Security in Africa," *East Asia* 37, no. 1 (March 1, 2020): 1–19, https://doi.org/10.1007/s12140-020-09327-w; Timothy R. Heath, "China's Pursuit of Overseas Security" (RAND Corporation Santa Monica United States, 2018).

[22] Mailyn Fidler, "African Union Bugged by China: Cyber Espionage as Evidence of Strategic Shifts," Council on Foreign Relations, March 6, 2018, https://www.cfr.org/blog/african-union-bugged-china-cyber-espionage-evidence-strategic-shifts; Ben Blanchard, "African Union Says Has No Secret Dossiers after China Spying Report," *Reuters*, February 8, 2018, https://www.reuters.com/article/us-china-africanunion-idUSKBN1FS19W.

[23] Of the 4.6 million tons that China's distant water fleet catches each year, 3.1 million comes from African waters. See: Daniel Pauly et al., "China's Distant-Water Fisheries in the 21st Century," *Fish and Fisheries* 15, no. 3 (2014): 474–88.

[24] Chen Ze Luan is the head of an organization promoting the development of overseas fisheries. This statement was given to the Chinese media. See: Mark Godfrey, "China Rushing to Build Global Fishing Bases before Capping Its Fleet Size," Seafood Source, January 17, 2018, https://www.seafoodsource.com/features/china-rushing-to-build-global-fishing-bases-before-capping-its-fleet-size.

[25] China now consumes more than a third of the total global catch of fish. Population growth, increasing income, and urbanization drive this increase in fish consumption. See: "African Governments Take the Fishing Bait," *China-Lusophone Brief*, September 19, 2019, https://www.clbrief.com/african-governments-take-the-fishing-bait/; Michael Perry, "Cooperative Maritime Law Enforcement and Overfishing in the South China Sea," *Center for International Maritime Security*, April 6, 2020, https://cimsec.org/cooperative-maritime-law-enforcement-and-overfishing-in-the-south-china-sea/; André Standing, "Corruption and Commercial Fisheries in Africa," *U4 Brief* 2008, no. 23 (2008); Ian Urbina, "China's Massive Fishing Fleet Is Transforming the World's Oceans," Slate Magazine, September 2, 2020, https://slate.com/news-and-politics/2020/09/beijing-fishing-fleet-subsidies-north-korea.html; Pala, Christopher. "China's Monster Fishing Fleet." *Foreign Policy*, November 30, 2020. https://foreignpolicy.com/2020/11/30/china-beijing-fishing-africa-north-korea-south-china-sea/; Beatrice Crona et al., "China at a Crossroads: An Analysis of China's Changing Seafood Production and Consumption," *One Earth* 3, no. 1 (July 24, 2020): 32–44, https://doi.org/10.1016/j.oneear.2020.06.013.

[26] China ranks as the primary importer of fishmeal from the Gulf of Guinea in order to feed livestock and farmed fish. The fishmeal industry requires 5kg of fish to produce 1kg of fishmeal, which limits the reach of the Gulf of Guinea's already dwindling fish stocks by grinding up edible fish. In 2017, almost half of Mauritania's fish catch was processed into fishmeal. Not only does this industry directly hinder food security in the Gulf of Guinea, it fails to create local jobs, as most fish used for fishmeal are caught by China and Turkey and are processed at factories owned by the Chinese and the Russians. See: Daniels, "Fish Are Vanishing"; Shem Oirere, "Expanding Fishmeal, Fish Oil Industry Increases Risk of Food Insecurity in West Africa," Seafood Source, June 20, 2019, https://www.seafoodsource.com/news/environment-sustainability/expanding-fishmeal-fish-oil-industry-increases-risk-of-food-insecurity-in-west-africa; Matthew Green, "Ocean Shock: Fishmeal Factories Plunder Africa, Take Food from Plates. Plundering Africa: Voracious Fishmeal Factories Intensify the Pressure of Climate Change," Reuters, October 30, 2018, https://www.reuters.com/investigates/special-report/ocean-shock-sardinella/; "A Waste of Fish," Greenpeace International, June 19, 2019, https://www.greenpeace.org/international/publication/22489/waste-of-fish-report-west-africa.

[27] China launched its distant water fishing industry in 1985. At the turn of the 21st century, former President of China Jiang Zemin urged China to "Go Out" to "secure the resources and diplomatic support it needed to fuel its rise." See: Meservey, "China in Africa: The New Colonialism?" Also see: Tabitha Mallory and Ian Ralby, "Evolution of the Fleet: A Closer Look at the Chinese Fishing Vessels off the Galapagos," *Center for International Maritime Security*, October 19, 2020, https://cimsec.org/evolution-of-the-fleet-a-closer-look-at-the-chinese-fishing-vessels-off-the-galapagos/.

[28] Globally, the fishing industry receives $35 billion, of which $22 billion depletes fish stocks by making fuel too cheap and encouraging overexploitation of marine resources. See: Pala, "China's Monster Fishing Fleet"; Chidinma Irene Nwoye, "The EU Subsidies Which Cause Overfishing in West Africa's Waters Also Drive Illegal Migration," Quartz, February 27, 2020, https://qz.com/africa/1807878/eu-subsidies-boost-overfishing-in-west-africa-and-migration/; "Illicit Fishing Devastates the Seas and Abuses Crews," *The Economist*, October 22, 2020, https://www.economist.com/leaders/2020/10/22/illicit-fishing-devastates-the-seas-and-abuses-crews?fbclid=IwAR1DC1ahiCCOHoP--uxcmiwAtX-DjkASf34p5cAnrXoybAKEiiM4PTDwuUI; Blake Herzinger, "China Is Fishing for Trouble at Sea," *Foreign Policy*, November 20, 2020, https://foreignpolicy.com/2020/11/20/china-illegal-catch-fishing-biden-trump/; Mona Samari, "Report: In Ghana, Chinese Trawlers Strip Fisheries Using Local Cover," *The Maritime Executive*, September 13, 2019, https://www.maritime-executive.com/features/report-in-ghana-chinese-trawlers-strip-fisheries-using-local-cover.

[29] Godfrey, "China Rushing to Build Global Fishing Bases."

[30] The exponential increase in China's fishing fleet raises international alarm. Chinese fishery officials pledged to cap the country's distant water fishing fleet at 3,000 vessels. However, this seems to be an empty commitment, with unofficial estimates counting nearly 17,000 vessels. See: Godfrey, "China Rushing to Build Global Fishing Bases"; Pala, "China's Monster Fishing Fleet"; Miren Gutiérrez et al., "China's Distantwater Fishing Fleet: Scale, Impact and Governance" (ODI, June 2020), https://www.odi.org/sites/odi.org.uk/files/resourcedocuments/chinesedistantwaterfishing_web_1.pdf.

[31] This increase in catch reflects the addition of industrial trawlers and refrigerated cargo vessels ("reefers") to the Chinese distant water fishing fleet. See: Godfrey, "China Rushing to Build Global Fishing Bases."

[32] China ranked as the worst offender in the 2019 Illegal, Unreported, and Unregulated Fishing Index. See: Agostina Blengino and Jordy Pasa, "The Bitter Aftertaste of China's Hunger for South American Food," The Diplomat, November 12, 2020, https://thediplomat.com/2020/11/the-bitter-aftertaste-of-chinas-hunger-for-south-american-food/.

[33] China's average annual illegal catch between 2000 and 2010 was 761,000 tons. Dyhia Belhabib et al., "Euros vs. Yuan: Comparing European and Chinese Fishing Access in West Africa," *PloS One* 10, no. 3 (2015). In Ghana, China has perpetuated the illegal practice of saiko-fishing—transshipment where industrial trawlers transfer slabs of frozen fish to artisanal canoes, amounting to as much as $6,400 per canoe per day, or a total of $34-65 million in one year. See: Environmental Justice Foundation. "China's Hidden Fleet in West Africa: A Spotlight on Illegal Practices within Ghana's Industrial Trawl Sector," 2018, https://ejfoundation.org/reports/chinas-hidden-fleet-in-west-africa-a-spotlight-on-illegal-practices-within-ghanas-industrial-trawl-sector.

[34] China National Fishing Corporation—a distant water fishing company—underreported the gross tonnage of 44 of the 59 vessels it operated in Senegal, Guinea, and Guinea-Bissau. See: "New Evidence Shows Chinese, West African Governments Must Rein in Rogue Fishing Fleet," Greenpeace International, May 20, 2015, https://www.greenpeace.org/international/press-release/7253/new-evidence-shows-chinese-west-african-governments-must-rein-in-rogue-fishing-fleet.

[35] Pauly et al., "China's Distant-Water Fisheries in the 21st Century."

[36] Environmental Justice Foundation, "China's Hidden Fleet in West Africa."

[37] Ryan Penney, Geoff Wilson, and Lynda Rodwell, "Managing Sino-Ghanaian Fishery Relations: A Political Ecology Approach," *Marine Policy* 79 (2017): 46–53; Environmental Justice Foundation, "China's Hidden Fleet in West Africa," 49; The Maritime Executive, "Report In Ghana"; Environmental Justice Foundation, "China's Hidden Fleet in West Africa."

[38] Penney et al., "Sino-Ghanian Fishery Relations"; Environmental Justice Foundation, "China's Hidden Fleet in West Africa."

[39] GIS Credit: Laura Mills, Data Science for Sustainable Development. Data sources: Judd Devermont, "Assessing the Risks of Chinese Investments in Sub-Saharan African Ports," Center for Strategic & International Studies, June 4, 2019, https://www.csis.org/analysis/assessing-risks-chinese-investments-sub-saharan-african-ports.

[40] See: Tabitha Mallory and Ian Ralby, "Evolution of the Fleet: A Closer Look at the Chinese Fishing Vessels off the Galapagos," *Center for International Maritime Security*, October 19, 2020, https://cimsec.org/evolution-of-the-fleet-a-closer-look-at-the-chinese-fishing-vessels-off-the-galapagos/. The most common form of port investment is Engineering Procurement Construction + Finance + Invest, which accounts for a third of Chinese port investment in Africa and gives Chinese entities considerable influence in port development and operation. The second most prominent model of port investment is public-private partnership. This model entails leasing the publicly-owned port to private companies and is deemed most appropriate for resource-rich countries in West Africa. For more on the types of port investment and the frequency of each model: Zhongzhen Yang et al., "China's Investment in African Ports."

[41] Godfrey, "China Rushing to Build Global Fishing Bases."

[42] Devermont, "Assessing the Risks of Chinese Investments."

[43] Mark Godfrey, "China's Contrasting Policies on Yangtze, Mauritania Reveal Its Global Fisheries Agenda." Seafood Source, September 24, 2020, https://www.seafoodsource.com/news/supply-trade/china-s-contrasting-policies-on-yangtze-mauritania-fishing-reveal-its-global-fisheries-agenda.; Godfrey, "China Rushing to Build Global Fishing Bases."

[44] China achieved this 65 percent threshold in 2018, marking a 49 percent increase in catch landings from 2009. See: Mallory and Ralby, "Evolution of the Fleet"; Godfrey, "China Rushing to Build Global Fishing Bases."

[45] Mark Godfrey, "Mawei Port Designation Reveals China's Ambitions for African Fishing," Seafood Source, June 26, 2019, https://www.seafoodsource.com/news/supply-trade/mawei-port-designation-reveals-china-s-ambitions-for-african-fishing.

[46] Estimates of China's total catch include both legal and illegal quantities. In addition to direct payments, China secures fishing access through infrastructure investments, including port infrastructure in Mauritania, a dam and stadium in Cape Verde, and a national assembly and senate in Gabon. See: Belhabib et al., "Euro vs Yuan."

[47] Fuzhou Hong Dong signed a 50-year deal with Mauritania for the construction of a fishing base. See: Godfrey, "China Rushing to Build Global Fishing Bases." China Merchants Holding sought a 99-year lease and tax-free status for the Bagamoyo port in Tanzania. See: "Govt Gives the Green Light for Bagamoyo Port Project," The Citizen, December 1, 2017. Also see: Pilling, David. "The Boon of China's Entry into Africa Comes with a Warning." Financial Times, September 26, 2018. https://www.ft.com/content/e25b4824-c163-11e8-95b1-d36dfef1b89a.

[48] The Canary Current and Benguela Current rank second and third, respectively. See: Dyhia Belhabib, U. Rashid Sumaila, and Philippe Le Billon, "The Fisheries of Africa: Exploitation, Policy, and Maritime Security Trends," *Marine Policy* 101 (2019): 80–92.

[49] Of the Gulf of Guinea countries, only Ghana uses industrial units to harvest tuna, the most sought-after resource in these waters. See: Failler, "Review of previous and current fisheries agreements."

[50] Ministries of Fisheries throughout the Gulf of Guinea also depend on revenue generated by these fishing agreements to develop their fisheries. See: Failler, "Review of previous and current fisheries agreements"; Standing, "Corruption and Commercial Fisheries in Africa"; Gumisai Mutume, "Africa Seeks to Safeguard Its Fisheries," Africa Renewal, April 2002, https://www.un.org/africarenewal/magazine/april-2002/africa-seeks-safeguard-its-fisheries.

[51] Bunker Port News, "Making Chinese Investment in African Ports Work."

[52] Fishing agreements involve financial compensation for the right to access living marine resources (defined as 'fish') take three forms: bilateral or multilateral agreements between (1) the host government and foreign governments, (2), the host government and foreign companies, and (3) private agreements between companies in the host country and foreign nation, including joint ventures and vessel chartering. See: Pierre Failler, "Consultancy to Conduct a Review of Previous and Current Fisheries Agreements Concluded by Some African Union Member States," August 2015, https://doi.org/10.13140/RG.2.1.4500.9045; Belhabib et al., "Euro vs Yuan."

[53] Weak governance includes limited cooperation across the region, insufficient training for personnel, and outdated fisheries laws. The strength of governance and enforcement capacity, lack of transparency, and economic incentives associated with fishing drive interest in the regions and countries where distant water fishing vessels primarily fish: the Pacific, East Africa, and West Africa. In particular, the highest number of distant water fishing vessels operate in the Exclusive Economic Zone of Kiribati, Seychelles, and Guinea-Bissau. See Sally Yozell and Amanda Shaver, "Shining a Light: The Need for Transparency across Distant Water Fishing," Environmental Security Program (Stimson, 2019), https://www.stimson.org/wp-content/files/file-attachments/Stimson%20Distant%20Water%20Fishing%20Report.pdf; Ifesinachi Okafor-Yarwood, "Illegal, Unreported and Unregulated Fishing, and the Complexities of the Sustainable Development Goals (SDGs) for Countries in the Gulf of Guinea," *Marine Policy* 99 (2019): 414–22; Antonius Gagern and Jeroen van den Bergh, "A Critical Review of Fishing Agreements with Tropical Developing Countries," *Marine Policy* 38 (2013): 375–86; Zachary Donnenfeld, "Over-Exploitation of Africa's Fisheries: Not Enough Fish in the Sea," Daily Maverick, January 7, 2020, https://www.dailymaverick.co.za/article/2020-01-07-over-exploitation-of-africas-fisheries-not-enough-fish-in-the-sea/; Kristín von Kistowski et al., "Port State Performance: Putting Illegal, Unreported and Unregulated Fishing on the Radar" (The Pew Environmental Group, August 2010), https://www.pewtrusts.org/~/media/post-launch-images/2015/04/2015_april_pew_port-state-performance--putting-iuu-on-radar(1).pdf.

[54] Competition between distant water fishing nations, artisanal fishers, and industrialized domestic fleets creates incentives for illegal activity, such as fishing in protected areas, using prohibited fishing gear, underreporting catches, and disregarding various conservation measures. See: Standing, "Corruption and Commercial Fisheries in Africa."; Neil Munshi, "The Fight for West Africa's Fish," Financial Times, March 13, 2020, https://www.ft.com/content/0eb523ca-5d41-11ea-8033-fa40a0d65a98; Belhabib et al. "The fisheries of Africa"; "The Future of Fish – The Fisheries of the Future: Illegal Fishing," WOR 2 (World Ocean Review, 2013), https://worldoceanreview.com/en/wor-2/fisheries/illegal-fishing/.

[55] See: Jessica Aldred, "Saiko Fishing Costs Ghana Tens of Millions of Dollars in a Single Year," China Dialogue Ocean, June 13, 2019, https://chinadialogueocean.net/8677-saiko-fishing-costs-ghana-tens-of-millions-of-dollars-in-

a-single-year/; Alkaly Doumbouya et al., "Assessing the Effectiveness of Monitoring Control and Surveillance of Illegal Fishing: The Case of West Africa," *Frontiers in Marine Science* 4 (2017): 50.

[56] Underreported catches and incursions by trawlers into the zones reserved for artisanal fishers represent the most recurrent offenses. The frequency of underreporting can be explained by the formula for calculating fishing access fees: fees are paid on the basis of the total gross registered tonnage—a measure of the cargo-carrying capacity of a vessel. Thus, underreporting capacity and fishing effort reduces fishing fees. Vessels from Asia are known to underreport their gross registered tonnage. See: Doumbouya et al., "Assessing the Effectiveness." National legislation in 19 of the 20 Gulf of Guinea countries considered here (all except the Democratic Republic of the Congo) designate artisanal fishing zones in which artisanal fisherman have exclusive fishing access. Of the 4.2 million industrial fishing hours industrial fleets spend in the Exclusive Economic Zones of African countries between 2012 and 2016, industrial fleets spent an estimated 3-6 percent of the time fishing within inshore areas reserved for small-scale fisheries. African flagged vessels accounted for 43 percent of the total number of these estimated hours, with Ghanaian flagged vessels constituting nearly a quarter of fishing by all large-scale fishing fleets in restricted areas. Chinese flagged vessels ranked forth. See: Dyhia Belhabib et al., "Catching Industrial Fishing Incursions into Inshore Waters of Africa from Space," *Fish and Fisheries* 21, no. 2 (2020): 379–92.; Doumbouya et al., "Assessing the Effectiveness."

[57] Tabitha Grace Mallory, "China's Distant Water Fishing Industry: Evolving Policies and Implications," *Marine Policy* 38 (March 1, 2013): 99–108, https://doi.org/10.1016/j.marpol.2012.05.024.

[58] Standing, "Corruption and Commercial Fisheries in Africa."

[59] Ibid.

[60] Okafor-Yarwood, "Illegal, unreported, and unregulated fishing." Countries that encourage the establishment of joint ventures between foreign and domestic companies – such as Ghana, Angola, and Senegal – are particularly vulnerable to conflicts of interest in fisheries management. Fishing boats owned in part by senior officials are able to engage in illegal activity under protection from arrest and investigations. For example, inspectors in Angola often failed to report irregularities when boats were co-owned by politicians and public officials. See: Standing, "Corruption and Commercial Fisheries in Africa."

[61] "Chinese-Owned Trawler in Ghana Re-Licensed despite Illegal Fishing and Unpaid Fine," Environmental Justice Foundation, August 24, 2020, https://ejfoundation.org/news-media/chinese-owned-trawler-in-ghana-re-licensed-despite-illegal-fishing-and-unpaid-fine.

[62] Mark Godfrey, "Senegal Rejects Chinese Trawler License Applications Prior to China-Africa Summit," Seafood Source, June 18, 2020, https://www.seafoodsource.com/news/supply-trade/senegal-rejects-chinese-trawler-license-applications-prior-to-china-africa-summit; Nwoye, Chidinma Irene. "Chinese Trawlers with an Illegal Fishing Record Have Been Licensed by Senegal." Quartz, October 9, 2020. https://qz.com/africa/1915624/senegal-okays-chinese-boats-with-illegal-fishing-record-greenpeace/.

[63] Gohar A. Petrossian, Nerea Marteache, and Julie Viollaz, "Where Do 'Undocumented' Fish Land? An Empirical Assessment of Port Characteristics for IUU Fishing," *European Journal on Criminal Policy and Research* 21, no. 3 (2015): 337–51.

[64] There are 14 ports of non-compliance located in the Gulf of Guinea: Luanda (Angola), Cotonou (Benin), Douala (Cameroon), Matadi (Democratic Republic of the Congo), Bata (Equatorial Guinea), Tema (Ghana), Abidjan (Côte d'Ivoire), Monrovia (Liberia), Nouadhibou (Mauritania), Lagos (Nigeria), Port Harcourt (Nigeria), Sao Tome (Sao Tome and Principe), Dakar (Senegal), and Lomé (Togo). See: von Kistowski et al., "Port State Performance"; Gohar A. Petrossian, "A Micro-Spatial Analysis of Opportunities for IUU Fishing in 23 Western African Countries," *Biological Conservation* 225 (2018): 31–41; Gohar A. Petrossian, "Preventing Illegal, Unreported and Unregulated (IUU) Fishing: A Situational Approach," *Biological Conservation* 189 (2015): 39–48.

[65] Illegally caught fish fit the CRAAVED model of theft: concealable, removable, abundant, accessible, valuable, enjoyable, and disposable. See: Gohar A. Petrossian and Ronald V. Clarke, "Explaining and Controlling Illegal Commercial Fishing: An Application of the CRAVED Theft Model," *British Journal of Criminology* 54, no. 1 (2014): 73–90; Petrossian, "A micro-spatial analysis."; Petrossian, "A situational approach."

[66] John Vidal, “Seven Steps to Prevent the Collapse of West Africa’s Fishing Grounds,” The Guardian, April 2, 2012, http://www.theguardian.com/global-development/poverty-matters/2012/apr/02/steps-prevent-collapse-west-africa-fishing.

[67] “Overfishing Threatens Food Security off Africa’s Western and Central Coast as Many Fish Species in the Region Face Extinction” (IUCN, January 19, 2017), https://www.iucn.org/news/secretariat/201701/overfishing-threatens-food-security-africa%E2%80%99s-western-and-central-coast-many-fish-species-region-face-extinction-%E2%80%93-iucn-report.

[68] Factors pushing Africans to the coast include urbanization, economic development, and climate-induced droughts and famines. Crop yields in Africa are projected to fall by up to 20 percent by 2050, which will put strain on the coastal economy for employment and food security. Jakkie Cilliers, “Getting to Africa’s Demographic Dividend,” Africa Report (Institute for Security Studies, August 2018), https://www.ssrn.com/abstract=3254117; Jill E. Cairns et al., “Adapting Maize Production to Climate Change in Sub-Saharan Africa,” *Food Security* 5, no. 3 (June 1, 2013): 345–60, https://doi.org/10.1007/s12571-013-0256-x. For more on the drivers and projections of coastal migration: Rafael Reuveny, “Climate Change-Induced Migration and Violent Conflict,” *Political Geography*, Climate Change and Conflict, 26, no. 6 (August 1, 2007): 656–73, https://doi.org/10.1016/j.polgeo.2007.05.001; Barbara Neumann et al., “Future Coastal Population Growth and Exposure to Sea-Level Rise and Coastal Flooding - A Global Assessment,” *PLOS ONE* 10, no. 3 (March 11, 2015): e0118571, https://doi.org/10.1371/journal.pone.0118571; Jan-Ludolf Merkens et al., “Gridded Population Projections for the Coastal Zone under the Shared Socioeconomic Pathways,” *Global and Planetary Change* 145 (October 1, 2016): 57-66, https://doi.org/10.1016/j.gloplacha.2016.08.009.

[69] Dyhia Belhabib, U. Rashid Sumaila, and Daniel Pauly, “Feeding the Poor: Contribution of West African Fisheries to Employment and Food Security,” Ocean & Coastal Management 111 (2015): 72–81; Alfonso Daniels, “‘Fish Are Vanishing’ - Senegal’s Devastated Coastline,” *BBC News*, November 1, 2018, sec. Africa, https://www.bbc.com/news/world-africa-46017359; Andrew Jacobs, “China’s Appetite Pushes Fisheries to the Brink,” *The New York Times*, April 30, 2017, https://www.nytimes.com/2017/04/30/world/asia/chinas-appetite-pushes-fisheries-to-the-brink.html.

[70] Environmental Justice Foundation, “China’s Hidden Fleet in West Africa.”

[71] Pala, “China’s Monster Fishing Fleet”; Nwoye, “The EU Subsidies.”

[72] Nwoye, “The EU Subsidies.”

[73] Environmental Justice Foundation, “China’s Hidden Fleet in West Africa.”; Belhabib et al., “The fisheries of Africa”; Belhabib et al., “Feeding the Poor.”

[74] Aldred, “Saiko Fishing.”

[75] While international efforts have successfully decreased piracy off the coast of Somalia, piracy in the Gulf of Guinea is increasing. Addressing piracy in the Gulf of Guinea will differ from the approach taken in Somalia because many of the incidents occur within countries’ Exclusive Economic Zone jurisdictions, as opposed to international waters. See: Dunn, “Achieving Maritime Security.” Similar factors drove piracy among Somali fishermen, who became pirates in order to protect against the pillaging of foreign trawlers. See: Ishaan Tharoor, “How Somalia’s Fishermen Became Pirates,” *Time*, April 18, 2009, http://content.time.com/time/world/article/0,8599,1892376,00.html. Also see: Channing May, “Transnational Crime and the Developing World” (Global Financial Integrity, March 2017), https://secureservercdn.net/45.40.149.159/34n.8bd.myftpupload.com/wp-content/uploads/2017/03/Transnational_Crime-final.pdf; Brian Dunn, “Achieving Maritime Security in the Gulf of Guinea,” Georgetown Security Studies Review, October 28, 2020, https://georgetownsecuritystudiesreview.org/2020/10/28/achieving-maritime-security-in-the-gulf-of-guinea/. Almost half of all the cocaine seized between 2007 and 2010 was found on fishing vessels. In 2019, cocaine trafficking intercepted in Guinea-Bissau, Cape Verde, and Senegal was more than the total amount seized across the entire continent between 2013 and 2017. Cocaine trafficking represents $3 billion annually in the Gulf of Guinea. See: UNODC, “Transnational Organized Crime in the Fishing Industry,” 2011, 144; “Trends in African Maritime Security,” *Africa Center for Strategic Studies*, March 15, 2019, https://africacenter.org/spotlight/trends-in-african-maritime-security/; Ifesinachi Okafor-Yarwood et al., “Stable Seas: Gulf of Guinea” (One Earth Future, March 2020), https://doi.org/10.18289/OEF.2020.043. Also see: Michael Perry, “Cooperative Maritime Law Enforcement

and Overfishing in the South China Sea," *Center for International Maritime Security*, April 6, 2020, https://cimsec.org/cooperative-maritime-law-enforcement-and-overfishing-in-the-south-china-sea/; Daniels, "Fish Are Vanishing"; Okafor-Yarwood, "Illegal, unreported, and unregulated fishing"; Okafor-Yarwood et al., "Stable Seas"; Barthelemy Blede, Andre Diouf, and Pascaline Compaore, "How Can Senegal Combat Illegal Fishing?," ISS Africa, November 17, 2015, https://issafrica.org/iss-today/how-can-senegal-combat-illegal-fishing; UNODC, "Transnational Organized Crime."

[76] Greenpeace, "A Waste of Fish"; Stephen Golub and Ahmadou Aly Mbaye, "Removing Impediments to Export-Led Growth in Senegal: Groundnuts, Fishing, Textiles, Fruits, and Vegetables," *Brookings*, September 1, 2020, https://www.brookings.edu/blog/africa-in-focus/2020/09/01/removing-impediments-to-export-led-growth-in-senegal-groundnuts-fishing-textiles-fruits-and-vegetables/; Nwoye, "The EU Subsidies."

[77] Trade between Africa and China has grown at about 20 percent per year since 2000. China and Africa exchanged more than $200 billion worth of goods in 2018. Chinese foreign direct investment in Africa is growing at an unprecedented rate of 40 percent over the past decade, with the majority directed to the transport, shipping, and ports sectors. Chinese firms also dominate the African market: Chinese-owned firms represent nearly 50 percent of Africa's internationally contracted construction market. See: Irene Yuan Sun, Kartik Jayaram, and Omid Kassiri, "The Closest Look yet at Chinese Economic Engagement in Africa," McKinsey & Company, June 28, 2017, https://www.mckinsey.com/featured-insights/middle-east-and-africa/the-closest-look-yet-at-chinese-economic-engagement-in-africa#; Hannah Marais and Jean-Pierre Labuschagne, "If You Want to Prosper, Consider Building Roads," *Deloitte Insights*, March 22, 2019, https://www2.deloitte.com/us/en/insights/industry/public-sector/china-investment-africa-infrastructure-development.html; "Making Chinese Investment in African Ports Work despite Risks," *Bunker Ports News Worldwide*, June 24, 2019, http://www.bunkerportsnews.com//News.aspx?ElementID=caa895a2-a034-48b6-975c-e505c415a73c. The migration of roughly 1 million Chinese people to Africa also represents China's deepening ties to the continent. See: French, *China's Second Continent*, 5.

[78] China's civil-military fusion policy requires all Chinese-made civilian infrastructure to accommodate naval vessels. The National Defense Mobilization Law of 2010 grants the PLAN authority over civilian ports. See: Russel and Berger, "Weaponizing the Belt and Road Initiative." The civilian port in São Tomé and Príncipe has allegedly already been used by the PLAN. See: James Kynge et al., "How China Rules the Waves," Financial Times, January 12, 2017, https://ig.ft.com/sites/china-ports. Chinese state-owned enterprises in the Gulf of Guinea have actively participated in PLAN exercises.These enterprises include China Merchant Port Holdings and COSCO. China Merchant Port Holdings invested significantly in the West African ports of Lomé, Togo and Lagos, Nigeria. COSCO invests mostly in bigger ports in strategic locations in the global container shipping network. Its main investment in Africa is in the Suez East container terminal. See: Hursh, "Tanzania Pushes Back." Also see: Russel and Berger, "Weaponizing the Belt and Road Initiative." In several instances, PLAN deployments and bilateral military agreements followed port construction. PLAN deployments and bilateral military agreements followed port construction in Djibouti and Namibia. The PLAN may seek similar military involvement in the Gulf of Guinea as China supports the development of ports in the region. See: John Hursh, "Tanzania Pushes Back on Chinese Port Project," The Maritime Executive, December 2, 2019, https://www.maritime-executive.com/editorials/tanzania-pushes-back-on-chinese-port-project. Port investment and other forms of development finance affords China economic leverage in the Gulf of Guinea, which could induce countries in the region to give consent to PLAN use of Chinese-constructed ports. See: Russel and Berger, "Weaponizing the Belt and Road Initiative"; Hursh, "Tanzania Pushes Back."

[79] Axel Dreher et al., "Apples and Dragon Fruits: The Determinants of Aid and Other Forms of State Financing from China to Africa" (AidData, October 2015), http://docs.aiddata.org/ad4/files/wps15_apples_and_dragon_fruits.pdf.

[80] Ankit Panda, "Report: Beijing Ups Pressure on Taipei's Sole Remaining African Diplomatic Partner," The Diplomat, February 11, 2020, https://thediplomat.com/2020/02/report-beijing-ups-pressure-on-taipeis-sole-remaining-african-diplomatic-partner/. In addition, African countries comprised a near majority of signatories on a 2019 open letter defending China's human rights abuses of the Uighur population. In 2016, 39 African governments supported China's method for resolving maritime disputes, rather than the US-endorsed tribunal ruling. African countries accounted for 30 of the 79 votes that approved a United Nations cybercrime resolution backed by China yet opposed by the United States. African states also dismissed calls to evacuate their nationals from China at the height of the Covid-19 outbreak, showing support for China's claim that it was effectively containing the pandemic.

See: Joshua Meservey, "China's Palace Diplomacy in Africa," War on the Rocks, June 25, 2020, https://warontherocks.com/2020/06/chinas-palace-diplomacy-in-africa/.

[81] Doumbouya et al., "Assessing the Effectiveness."

[82] Low rates of detection in the Gulf of Guinea as well as frequent non-payment of fines lead to the recovery of only $13.8 million of the illegal catch through fines and sanctions. Senegal has ramped up its MCS capacity over the last decade with legal frameworks and new patrolling equipment, but it continues to rank low in effectiveness. See: Perry Wheeler, "Greenpeace and Guinea Bissau Authorities Arrest Fishing Vessels for Multiple Infringements," *Greenpeace USA*, March 28, 2017, https://www.greenpeace.org/usa/news/greenpeace-and-guinea-bissau-authorities-arrest-fishing-vessels-for-multiple-infringements/; Doumbouya et al., "Assessing the Effectiveness"; Idrissa Diedhiou and Zhengyong Yang, "Senegal's Fisheries Policies: Evolution and Performance," *Ocean & Coastal Management* 165 (November 1, 2018): 1–8, https://doi.org/10.1016/j.ocecoaman.2018.08.003; Ganapathiraju Pramod, Viviane Koutob, and Mantha Gopikrishna, "Global Evaluation of Fisheries Monitoring Control and Surveillance in 84 Countries: Senegal Country Report," IUU Risk Intelligence, November 2019, https://iuuriskintelligence.com/wp-content/uploads/2019/12/Senegal-country-Report-Global-Fisheries-MCS-Report-2019.pdf; Doumbouya et al., "Assessing the Effectiveness."

[83] The success of the Port State Measures Agreement depends on global participation, yet only 67 countries have ratified the agreement to date. Twelve of the twenty Gulf of Guinea countries are party to this agreement. China is notably absent. See: "Parties to the PSMA: Agreement on Port State Measures (PSMA)," Food and Agriculture Organization of the United Nations, accessed March 25, 2021, http://www.fao.org/port-state-measures/background/parties-psma/en/. Port operation and transshipment enable Chinese enterprises and vessels to sidestep port controls. Chinese enterprises operate six ports in the Gulf of Guinea, two of which are categorized as ports of non-compliance. See: Devermont, "Assessing the Risks of Chinese Investments"; Petrossian, "A micro-spatial analysis." Additionally, the Chinese distant water fishing fleet accounts for roughly 20 percent of global transshipment activity, allowing vessels to sidestep port controls altogether. See: Kristina Boerder, Nathan A. Miller, and Boris Worm, "Global Hot Spots of Transshipment of Fish Catch at Sea," Science Advances, July 25, 2018, https://advances.sciencemag.org/content/advances/4/7/eaat7159.full.pdf. The Chinese distant water fleet accounts for roughly 20 percent of global transshipment activity, meaning its vessels may be able to sidestep port controls altogether. See: Boerder et al., "Global Hot Spots of Transshipment." The heft of establishing data sharing platforms and translating port state measures into law also hinders the rollout. See: Todd Woody, "China Is Key to Closing Ports to Illegally Caught Fish," The Maritime Executive, October 25, 2019, https://www.maritime-executive.com/editorials/china-is-key-to-closing-ports-to-illegally-caught-fish; von Kistowski et al., "Port State Performance."

[84] Two Regional Fisheries Management Organizations include the Gulf of Guinea: the International Commission for the Conservation of Atlantic Tunas (headquartered in Madrid, Spain) and the South East Atlantic Fisheries Organization (headquartered in Swakopmund, Namibia). Similar to Regional Fisheries Management Organizations, Regional Fisheries Bodies oversee coordination between states that are party to international fisheries agreements. However, Regional Fisheries Bodies do not have a management mandate. Regional Fisheries Bodies in the Gulf of Guinea include the Fishery Committee for the Eastern Central Atlantic, the Fishery Committee of the West Central Gulf of Guinea, the Sub-Regional Fisheries Commission, and African States Bordering the Atlantic Ocean. Many other intergovernmental organizations and non-governmental organizations focus on fisheries as well, including the African Development Bank, the West African Association for the development of Artisanal Fisheries, and the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa. See: Bradford E. Brown, "Regional Fishery Management Organizations and Large Marine Ecosystems," *Environmental Development* 17 (January 2016): 202–10, https://doi.org/10.1016/j.envdev.2015.06.011; FAO Fisheries & Aquaculture, "Regional Fisheries Management Organizations and Deep-Sea Fisheries," accessed March 25, 2021, http://www.fao.org/fishery/topic/166304/en; FAO Fisheries & Aquaculture. "What Are Regional Fishery Bodies (RFBs)?" Accessed April 2, 2021. http://www.fao.org/fishery/topic/16800/en. Ian Ralby, David Soud, and Rohini Ralby, "The Gulf of Guinea Is Ready for Maritime Technology," *Center for International Maritime Security*, February 26, 2019, https://cimsec.org/the-gulf-of-guinea-is-ready-for-maritime-technology/.

[85] Ian Ralby, "Learning From Success: Advancing Maritime Security Cooperation in Atlantic Africa," *Center for International Maritime Security*, September 17, 2019, https://cimsec.org/learning-from-success-advancing-maritime-security-cooperation-in-atlantic-africa/.

[86] Crew kidnappings in the Gulf of Guinea increased by 50 percent between 2018 and 2019 and represent 90% of global kidnappings reported at sea. Incidents of piracy more than doubled between 2014 and 2018, when 72 attacks were reported. See: "An Architecture of Trust," *Africa Defense Forum*, March 11, 2020, https://adf-magazine.com/2020/03/an-architecture-of-trust/; "Unprecedented number of crew kidnappings in the Gulf of Guinea despite drop in overall global numbers," *ICC - International Chamber of Commerce*, January 14, 2020, https://iccwbo.org/media-wall/news-speeches/unprecedented-number-of-crew-kidnappings-in-the-gulf-of-guinea-despite-drop-in-overall-global-numbers/.

[87] In 2018, China allocated 21 percent of the global total of fisheries subsidies, providing tax exemptions and offsetting costs for fuel, gas, and vessel construction. China Dialogue Ocean, "WTO Misses Deadline on Deal to End Harmful Fishing Subsidies," The Maritime Executive, December 19, 2020, https://www.maritime-executive.com/editorials/wto-misses-deadline-on-deal-to-end-harmful-fishing-subsidies; Isabel Jarrett, "Governments Should Act to End Harmful Fishing Subsidies," Pew, June 8, 2020, https://pew.org/30eztps.

[88] IISD's SDG Knowledge Hub, "WTO Members Delay Agreement on Fisheries Subsidies to 2021," *IISD*, December 16, 2020, https://sdg.iisd.org:443/news/wto-members-delay-agreement-on-fisheries-subsidies-to-2021/.

[89] Mark Godfrey, "China's Demand for Special Status a Sticking Point in WTO Fishing Subsidies Negotiations," Seafood Source, July 23, 2020, https://www.seafoodsource.com/news/supply-trade/chinas-demand-for-special-status-a-sticking-point-in-wto-fishing-subsidies-negotiations; Todd Woody, "High Stakes for China as WTO Fishing Subsidies Cap Looms," *The Maritime Executive*, July 5, 2019, https://www.maritime-executive.com/editorials/high-stakes-for-china-as-wto-fishing-subsidies-cap-looms.

[90] Cooper Inveen, "Sierra Leone Axes Plan to Build Chinese-Funded Airport," *Reuters*, October 11, 2018, https://www.reuters.com/article/leone-airport-china-idUSL8N1WR5SW.

[91] By contrast, some have argued that the cancellation of fishing agreements with distant water fishing nations in conjunction with effective fisheries management plans will increase domestic harvest and, therefore, secure greater domestic benefit and sustainable catches. However, Gulf of Guinea countries will not capture this economic benefit of contract cancellation without simultaneous large-scale improvements in fisheries management. Such improvement is unlikely in the near-term without significant intervention. See: Gagern and van den Bergh, "A Critical Review of Fishing Agreements."

[92] Local news reported that many Tanzanians opposed the project, deeming the port unnecessary and financially unwise. Government officials also cited concern over the security implications of a port as well as its projected domestic profit. The Tanzanian government rejected five terms for the $10 billion project, including denying China Merchants Holding, construction company, tax-free status, countering the 99-year proposed lease with a 33-year lease, and denying the company the ability to open and operate other businesses within the port without Tanzanian government approval. Plans for this industrial zone include fish processing plants. See: Syriacus Buguzi. "Tanzania: Govt Seeks Control in Key Port Project," *The Citizen*, April 19, 2018, https://allafrica.com/stories/201804190701.html; "The Bagamoyo Port Project and Lessons for Africa Borrowing," *The Citizen*, September 21, 2020, https://www.thecitizen.co.tz/tanzania/oped/-opinion-the-bagamoyo-port-project-and-lessons-for-africa-borrowing-2716520; The Citizen, "Govt Gives the Green Light for Bagamoyo Port Project." For more on the renegotiation, see: Hursh, "Tanzania Pushes Back"; Emmanuel Onyango, "Tanzania Gives Chinese Firm Conditions for Bagamoyo Port," *The East African*, 2019; "Why Bagamoyo Port Has Suffered a Stillbirth," *The Citizen*, June 9, 2019.

[93] China planned investment for a Deep-Sea Trans-Shipment Port in São Tomé and Príncipe that its fishing companies could use to unload small and medium-sized boats. However, São Tomé and Príncipe officials believed the project was impractical due to its financial capacity, small domestic market, and few maritime trading partnerships. After two years of negotiations over the deepwater port, the minimum cost of the project dropped from $800 million. Disagreements over the scale of the project with Chinese authorities also led the São Tomé and Príncipe government to pivot to private sector investors. See: "São Toméan and Chinese Governments Leave São Tomé Port Project to Private Sector," CLBrief, January 15, 2020, https://www.clbrief.com/sao-tomean-and-chinese-governments-leave-sao-tome-port-project-to-private-sector/. The port may not be profitable because few countries would use it. São Tomé and Príncipe trades primarily with three countries: Portugal (53.75 percent), Angola (23.20 percent), and China (5.82 percent). See: WITS Data, "Sao Tome and Principe Trade," accessed March 25, 2021, https://wits.worldbank.org/countrysnapshot/en/STP.

[94] Judd Devermont, "Implications of China's Presence and Investment in Africa" (2018), https://www.armed-services.senate.gov/imo/media/doc/Devermont_12-12-181.pdf.

[95] The Trump administration launched a new development finance institution, the U.S. International Development Finance Corporation, in 2018 and pledged more than double previous funding caps to "crowd in" private sector investment in low- and middle-income countries. The United States is also employing economic tactics such as rivaling the rates and terms of China's state-owned banks through the Export-Import Bank and promoting United States-Africa trade through the Prosper Africa initiative. See: Daniel F. Runde and Romina Bandura, "The BUILD Act Has Passed: What's Next?," Center for Strategic & International Studies (CSIS), October 12, 2018, https://www.csis.org/analysis/build-act-has-passed-whats-next; "BUILD Act," U.S. Agency for International Development, December 10, 2018, https://www.usaid.gov/work-usaid/private-sector-engagement/build-act; Andrew Chatzky and James McBride, "China's Massive Belt and Road Initiative," Council on Foreign Relations, January 28, 2020, https://www.cfr.org/backgrounder/chinas-massive-belt-and-road-initiative; Rachel Crouch and Kenneth Hansen, "US Export-Import Bank Resurfaces," Norton Rose Fulbright, April 5, 2020, https://www.projectfinance.law/publications/2020/april/us-export-import-bank-resurfaces/; "Increasing Trade and Investment Between the United States and Africa," Prosper Africa, accessed March 25, 2021, https://prosperafrica.dfc.gov/.

[96] Many scholars advise the United States to provide a competitive alternative to Chinese investment. See: Pearl Risberg, "The Give-and-Take of BRI in Africa," Center for Strategic & International Studies, April 8, 2019, https://www.csis.org/give-and-take-bri-africa; Edward Wong, "Competing Against Chinese Loans, U.S. Companies Face Long Odds in Africa," *The New York Times*, January 13, 2019, https://www.nytimes.com/2019/01/13/world/africa/china-loans-africa-usa.html; Abigail Grace and Max Hill, "How the US Should Respond to China's Belt and Road," The Diplomat, December 21, 2018, https://thediplomat.com/2018/12/how-the-us-should-respond-to-chinas-belt-and-road/; Kanupriya Kapoor and Aye Min Thant, "Exclusive: Myanmar Scales Back Chinese-Backed Port Project Due to Debt Fears - Official," *Reuters*, August 2, 2018, https://www.reuters.com/article/us-myanmar-china-port-exclusive-idUSKBN1KN106; Ben Kesling and Jon Emont, "U.S. Goes on the Offensive Against China's Empire-Building Funding Plan," *Wall Street Journal*, April 9, 2019, sec. World, https://www.wsj.com/articles/u-s-goes-on-the-offensive-against-chinas-empire-building-megaplan-11554809402; Amitai Etzioni, "Is China a New Colonial Power?," *The Diplomat*, November 9, 2020, https://thediplomat.com/2020/11/is-china-a-new-colonial-power/.

[97] "Investing in Development," U.S. International Development Finance Corporation, accessed March 25, 2021, https://www.dfc.gov/; David A. Wemer, "The US Government Makes Its Big Push for Investment in Africa," *Atlantic Council*, October 16, 2020, https://www.atlanticcouncil.org/blogs/new-atlanticist/the-us-government-makes-its-big-push-for-investment-in-africa/. Additionally, resource and budget limitations undermine the functioning of the Corporation, and human rights and democracy conditions make U.S. aid less attractive. See: Daniel F. Runde, Romina Bandura, and Janina Staguhn, "How Can the U.S. International Development Finance Corporation Effectively Source Deals?," Center for Strategic & International Studies (CSIS), October 16, 2020, https://www.csis.org/analysis/how-can-us-international-development-finance-corporation-effectively-source-deals; David Dollar, "Seven Years into China's Belt and Road," *Brookings* , October 1, 2020, https://www.brookings.edu/blog/order-from-chaos/2020/10/01/seven-years-into-chinas-belt-and-road/.

[98] Backlash includes the 2011 construction worker strike in Namibia, which successfully secured higher pay. See: French, *China's Second Continent*, 257-258; Nico Smit, "Construction Workers Stand up to Chinese Firm," The Namibian, March 29, 2011, https://www.namibian.com.na/index.php?page=archive-read&id=77891. An article circulated in a Nigerian newspaper titled "Nigeria's abusive marriage with China and slave agreements." See: Fredrick Nwabufo, "Nigeria's Abusive Marriage with China and Slave Agreements," The Cable, July 30, 2020, https://www.thecable.ng/nigerias-abusive-marriage-with-china-and-slave-agreements.

[99] An article in a Nigerian newspaper stated that the United States "represents another imperialist interest." See: Nwabufo, "Nigeria's abusive marriage."

[100] Edem Selormey, "Africans' Perceptions about China: A Sneak Peek from 18 Countries" (Afrobarometer, September 3, 2020), https://afrobarometer.org/sites/default/files/africa-china_relations-3sept20.pdf.

[101] Wilson VornDick, "Let China Fail in Africa," *The National Interest*, January 29, 2019, https://nationalinterest.org/feature/let-china-fail-africa-42812.

[102] Joseph Goldstein, "Kenyans Say Chinese Investment Brings Racism and Discrimination," *The New York Times*, October 15, 2018, https://www.nytimes.com/2018/10/15/world/africa/kenya-china-racism.html; John Hurley, Scott Morris, and Gailyn Portelance, "Examining the Debt Implications of the Belt and Road Initiative from a Policy Perspective," *Journal of Infrastructure, Policy and Development* 3, no. 1 (June 28, 2019): 20, https://doi.org/10.24294/jipd.v3i1.1123; "Is This the End of Belt and Road, or Just the Beginning?," *ChinaFile*, April 24, 2019, https://www.chinafile.com/conversation/end-of-belt-and-road-or-just-beginning; Meltzer, Joshua P. "China's One Belt One Road Initiative: A View from the United States." *Brookings*, June 28, 2017. https://www.brookings.edu/research/chinas-one-belt-one-road-initiative-a-view-from-the-united-states/.

[103] If China does fail, the fallout may lead to a multilateral response involving institutions spearheaded by China, giving China a credible and charitable reputation. See: David Lubin, "Dollar Constraints May Lead to More Multilateral Approach for China's Belt and Road," Chatham House, October 23, 2018, https://www.chathamhouse.org/2018/10/dollar-constraints-may-lead-more-multilateral-approach-chinas-belt-and-road. This isolationist stance is unpopular among U.S. allies, indicating that there would be support for engaging directly with China, such as through U.S. engagement in BRI projects in the Gulf of Guinea. See: Uri Friedman, "The U.S. Is Losing Its Argument With Allies on China," *The Atlantic*, February 17, 2020, https://www.theatlantic.com/politics/archive/2020/02/us-china-allies-competition/606637/.

[104] Shortcomings of Chinese development include environmental damage, uncompetitive or inflated prices, low feasibility, military and intelligence objectives, and dismal long-term economic assessments. See: Russel and Berger, "Navigating the Belt and Road Initiative"; Slayton, "Africa: The First US Casualty"; Russel and Berger, "Weaponizing the Belt and Road Initiative."

[105] The May 2020 United States Strategic Approach to the People's Republic of China identifies China's desire to transform the international order to align with Chinese interests and calls upon the United States to resist this effort. See: White House. "United States Strategic Approach to the People's Republic of China," May 20, 2020. https://china.usembassy-china.org.cn/wp-content/uploads/sites/252/U.S.-Strategic-Approach-to-The-Peoples-Republic-of-China-Report-5.24v1.pdf. The U.S. Coast Guard also acknowledges that IUU fishing—carried out most frequently by Chinese fleets—directly violates the international rules-based order. See: "2020 - The State of World Fisheries and Aquaculture 2020" accessed March 25, 2021, https://www.uscg.mil/Portals/0/Images/iuu/IUU_Strategic_Outlook_2020_FINAL.pdf.

[106] Caleb Slayton, "Africa: The First U.S. Casualty of the New Information Warfare Against China," War on the Rocks, February 3, 2020, https://warontherocks.com/2020/02/africa-the-first-u-s-casualty-of-the-new-information-warfare-against-china/; Parag Khanna, "Washington Is Dismissing China's Belt and Road. That's a Huge Strategic Mistake.," POLITICO Magazine, April 30, 2019, https://politi.co/2V5dJek; Thomas P. Cavanna, "What Does China's Belt and Road Initiative Mean for US Grand Strategy?," June 5, 2018, https://thediplomat.com/2018/06/what-does-chinas-belt-and-road-initiative-mean-for-us-grand-strategy/; Meservey, "China in Africa: The New Colonialism?"; Yun Sun, "China's Aid to Africa: Monster or Messiah?," Brookings, February 7, 2014, https://www.brookings.edu/opinions/chinas-aid-to-africa-monster-or-messiah/; David Pilling, "Chinese Investment in Africa: Beijing's Testing Ground," Financial Times, June 13, 2017, https://www.ft.com/content/0f534aa4-4549-11e7-8519-9f94ee97d996.

[107] Melvin H.L. Wong, Lennart Kaplan, and Kai Gehring, "How Does China's Development Model Affect State Stability in African Countries?," AidData, January 22, 2020, https://www.aiddata.org/blog/how-does-chinas-development-model-affect-state-stability-in-african-countries.

[108] Port stall times in the Gulf of Guinea can range from 14 to 16 days. See: Denys Reva. "Maritime Cyber Security: Getting Africa Ready." ISS Africa, October 13, 2020. https://issafrica.org/research/africa-report/maritime-cyber-security-getting-africa-ready. The United States is more than 50 percent import reliant on some of the minerals critical to U.S. defense. See: Meservey, "China in Africa: The New Colonialism?"

[109] French, *China's Second Continent*, 137-138, 152; Wong et al. "China's Development Model."

[110] French, *China's Second Continent*, 206.

[111] Yun Sun, "China's Latest Megaproject Courts Controversy in Myanmar," Nikkei Asia, November 16, 2017, https://asia.nikkei.com/NAR/Articles/Yun-Sun-China-s-latest-megaproject-courts-controversy-in-Myanmar.

[112] For examples, see: Kanupriya Kapoor and Aye Min Thant, "Exclusive: Myanmar Scales Back Chinese-Backed Port Project Due to Debt Fears - Official," *Reuters*, August 2, 2018, https://www.reuters.com/article/us-myanmar-

china-port-exclusive-idUSKBN1KN106; Russel and Berger, "Navigating the Belt and Road Initiative"; Chan Mya Htwe and Thompson Chau, "Myanmar Mindful of Sri Lanka's Debt Crisis When Mulling Kyaukphyu SEZ," The Myanmar Times, June 13, 2018, https://www.mmtimes.com/news/myanmar-mindful-sri-lankas-debt-crisis-when-mulling-kyaukphyu-sez.html; "China, Myanmar Sign Port Deal after Years of Negotiations." *Mizzima*, November 9, 2018; Kesling and Emont, "U.S. Goes on the Offensive"; "Myanmar Shouldn't Write off China without Understanding Her Neighbour," The Myanmar Times, June 28, 2018, https://www.mmtimes.com/news/myanmar-shouldnt-write-china-without-understanding-her-neighbour.html; Sun, "China's Latest Megaproject."

[113] Kesling and Emont, "U.S. Goes on the Offensive"; Russel and Berger, "Navigating the Belt and Road Initiative."

[114] Myanmar's success is especially notable given the leverage Myanmar's strained relations with Western countries gave China. See: Thompson Chau, "China-Led Port Project Inches Ahead in Myanmar," Asia Times, July 15, 2019, https://asiatimes.com/2019/07/china-led-port-project-inches-ahead-in-myanmar/; Anadolu Ajansi, "Myanmar Getting 'Very Concerned' By Chinese Belt & Road Initiative (BRI)," *The EurAsian Times*, August 23, 2020, https://eurasiantimes.com/myanmar-getting-very-concerned-by-chinese-belt-road-initiative-bri/; Kapoor and Thant, "Myanmar Scales Back"; Russel and Berger, "Navigating the Belt and Road Initiative."

[115] Okafor-Yarwood et al., "Stable Seas"; Gilles Hosch et al., "Any Port in a Storm: Vessel Activity and the Risk of IUU-Caught Fish Passing through the World's Most Important Fishing Ports," *Journal of Ocean and Coastal Economics* 6, no. 1 (June 3, 2019), https://doi.org/10.15351/2373-8456.1097; Belhabib et al., "The fisheries of Africa"; Petrossian, "A situational approach."

[116] Standing, "Corruption and Commercial Fisheries."

[117] According to Transparency International's Corruption Perception Index, the five least corrupt countries in the Gulf of Guinea—and, therefore, best-suited for this intervention—are Cape Verde, São Tomé and Príncipe, Senegal, Ghana, and Benin. Conversely, the five most corrupt countries, in which corruption would be the greatest obstacle to successful legal cooperation, are Cameroon, Congo, Democratic Republic of the Congo, Guinea-Bissau, and Equatorial Guinea. See: "Corruption Perceptions Index," Transparency International, 2020, https://www.transparency.org/en/cpi/2020. The Fisheries Transparency Initiative (FiTI) is the most notable effort to improve transparency and governance of fisheries. The Seychelles has taken the lead in the FiTI, compiling vast amounts of data on access agreements, the status of stocks, and catch and landings data. See: Benjamin M. Drakeford et al., "Implementing the Fisheries Transparency Initiative: Experience from the Seychelles," *Marine Policy* 119 (2020). In the Gulf of Guinea, Mauritania is an FiTI candidate country; commitments by Cape Verde and Senegal to the initiative remain active; and Guinea, Nigeria, and São Tomé and Príncipe have previously expressed public commitment, although their statuses are currently inactive. See: "FiTI Implementing Countries," Fisheries Transparency Initiative, accessed March 25, 2021, http://fisheriestransparency.org/fiti-implementing-countries. Independent of the FiTI, São Tomé and Príncipe has also improved transparency by publishing full details of fishing licenses for vessels fishing under bilateral agreements or free licenses. See: Failler, Pierre, Hayat Assara, Diénaba Beye, and Papa Ndaye, "The Partnership Agreements for Sustainable Fishing (SFPAs) and the Good Governance of the Fisheries in ATLAFCO Area," June 16, 2016, https://doi.org/10.13140/RG.2.1.1731.7369.

[118] China's most financially significant partnerships in the Gulf of Guinea are with Ghana, the Democratic Republic of the Congo, Angola, and Nigeria. Since 2013, China has invested \$8.05 billion in Ghana, \$9.02 billion in the Democratic Republic of the Congo, \$10.76 in Guinea, \$11.9 in Angola, and \$28.33 billion in Nigeria. Ghana ranks 75th out of 180 countries on Transparency International's Corruption Index. The Democratic Republic of the Congo ranks 170th. Guinea ranks 137th. Angola ranks 142nd. Nigeria ranks 149th. See: "China Global Investment Tracker," *American Enterprise Institute - AEI*, accessed March 25, 2021, https://www.aei.org/china-global-investment-tracker/; Transparency, "Corruption Perceptions Index."

[119] An investigation by corruption watch dogs asserted that the Gambia's former president, Yahya Jammeh, looted or misappropriated at least \$975 million. See: "Anger in Gambia as the Extent of Jammeh-Era Corruption and Brutality Surfaces," DW.COM, April 18, 2019, https://www.dw.com/en/anger-in-gambia-as-the-extent-of-jammeh-era-corruption-and-brutality-surfaces/a-48388440. The Global Anti-Corruption Consortium in the Gambia partnered with civil society organization Gambia Participates to create a documentary featuring Gambian citizens who shared how Jammeh's grand corruption impacted their daily lives. The Consortium circulated this documentary locally and internationally. See: "Global Anti-Corruption Consortium," Transparency International, accessed March 25, 2021, https://www.transparency.org/en/projects/global-anti-corruption-consortium; "Marr Nyang To Speak At The World's Biggest Anti-Corruption Conference," Gambia Participates, accessed March 25, 2021,

https://gambiaparticipate.org/blog/marr-nyang-to-speak-at-the-worlds-biggest-anti-corruption-conference/. Anti-corruption efforts like this documentary led Gambians to demand justice: “We want to see people who took part in corruption to pay for it, to go to the right channel, let the law handle them.” See: DW, “Anger in Gambia.”

[120] The State Department’s Trafficking in Persons Report assigns countries rankings: Tier 1 countries fully meet the minimum standards of the Trafficking Victims Protection Act (TVPA) for the elimination of trafficking. Governments in Tier 2 countries do not fully meet the TVPA’s minimum standards but are taking action to bring themselves into compliance with the standards. Governments in Tier 3 countries do not fully meet the minimum standards of the TVPA and are not making significant efforts to do so. The United States imposes foreign assistance restrictions on Tier 3 governments. See: U.S. Department of State, “Trafficking in Persons Report,” June 2020; “2020 Trafficking in Persons Report.Pdf,” accessed March 25, 2021, https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf. The European Union sets a precedent for sanctioning Gulf of Guinea partners for poor fisheries governance by issuing yellow and red cards to countries with inadequate measures in place to prevent and deter IUU fishing. See: “EU Carding Decisions,” IUU Watch, accessed March 25, 2021, http://www.iuuwatch.eu/map-of-eu-carding-decisions/.

[121] Benjamin L. Cardin, “Combating Global Corruption Act of 2019,” Pub. L. No. S.1309 (2019), https://www.congress.gov/bill/116th-congress/senate-bill/1309; Charles Kenny, “The Senate Tackles Corruption in US Foreign Assistance,” *Center For Global Development*, September 1, 2016, https://www.cgdev.org/blog/senate-tackles-corruption-us-foreign-assistance; Haley Myers, “The Combating Global Corruption Act of 2019,” *The Borgen Project*, September 7, 2019, https://borgenproject.org/the-combating-global-corruption-act-of-2019/.

[122] These species include coastal demersal fish, octopi, sardines, and big tuna. See: Failler, “Review of previous and current fisheries agreements”.

[123] São Tomé and Príncipe carried out its last assessment of fish stocks in 1984. See: Failler, “Review of previous and current fisheries agreements.” Technical assessments tend to be dated, such as the 1962 resource survey in Nigeria and the 1999 resources survey in Benin, Togo, Ghana, and Côte d’Ivoire. These assessments also tend to be conducted by foreign nations or international organizations, including the Food and Agriculture Organization. See: J.C. Ogbonna, “Tropical Shrimp Fisheries and Their Impact on Living Resources,” accessed March 25, 2021, http://www.fao.org/3/y2859e/y2859e07.htm; Sigbjørn Mehl et al., “Surveys of the Fish Resources of the Western Gulf of Guinea (Benin, Togo, Ghana & Cote d’Ivoire): Survey of the Pelagic and Demersal Resources 19 April - 6 May 1999” (Institute of Marine Research (IMR), 2002), https://core.ac.uk/download/pdf/52046719.pdf. Countries have identified the need for bolstered scientific research capacity to conduct stock assessments. See: Aliou Sall and Immeuble Fahd, “Regional Action Plan: Western Africa RFU Dakar, Senegal” (ACP Fish, September 2010), 18.

[124] Maritime wealth blindness causes Gulf of Guinea countries to undervalue their resources when negotiating with most distant water fishing nations. The European Union, Russia, Japan, and South Korea all fish in the Gulf of Guinea, offering compensation from as low as 3 to as high as 13 percent of landed value. The European Union (EU) frequently underreports its gross tonnage and catch totals, only pays a fraction of the value of its catch, and participates in IUU fishing. The EU’s average annual illegal catch was 224,000 between 2000 and 2010, while China’s was 761,000 tons during the same period. Illegal catch represented 4 percent of the total value of $3.7 billion taken by the EU over the decade. In comparison, 40 percent of China’s catch—$1.7 billion of the total $4.7 billion—was deemed illegal. The EU reports 29 percent of its estimated total catch, while China reports only 8 percent. See: Euro vs Yuan: Comparing European and Chinese Fishing Access in West Africa; Neil Munshi, “The Fight for West Africa’s Fish,” Financial Times, March 13, 2020, https://www.ft.com/content/0eb523ca-5d41-11ea-8033-fa40a0d65a98. Also see: Gagern and van den Bergh, “A Critical Review of Fishing Agreements”; Failler, “Consultancy to Conduct a Review.” Implementing legal cooperation interventions during fisheries negotiations with these distant water fishing nations would therefore help Gulf of Guinea countries capture greater overall value for their marine resources. In addition, the maritime wealth awareness acquired through these assessments can influence legislation at the state and regional level. Knowledge of maritime wealth and activity can shape Fisheries Acts, Ministerial Decrees, Executive Orders, and Regional Fisheries Management Organizations.

[125] Gagern and van den Bergh, “A Critical Review of Fishing Agreements.”

[126] Fisheries would contribute a landed value of $20 billion to national economies in the Gulf of Guinea if all catches were landed in the Gulf of Guinea, with an additional $3.6 billion that would be generated across value-added processes. See: Belhabib et al. “The fisheries of Africa.” Cape Verde has uniquely succeeded in improving conditions for the landing of tuna, building new processing plants, and increasing international maritime routes in

order to capture more profit from value-added processes. See: Failler, "Review of previous and current fisheries agreements"; Gagern and van den Bergh, "A Critical Review of Fishing Agreements." Value-added processes predominantly employ women, making the development of the fishing industry gender-inclusive. See: Food and Agriculture Organization of the United Nations, "Challenges to Coastal Fisheries Communities in Abidjan, Côte d'Ivoire," *Blue Growth Blog*, accessed March 25, 2021, http://www.fao.org/blogs/blue-growth-blog/challenges-to-coastal-fisheries-communities-in-abidjan-cote-divoire/en/.

[127] Gambia, Guinea-Bissau, Sierra Leone, Liberia, Ghana, and Gabon all allow transmissions at-sea, often because their ports cannot accommodate large fishing vessels. Guinea authorizes transshipments at-sea with special authorization. These countries can require that transshipments take place at deepwater ports or near ports in order to ensure easy access for port inspectors. The Environmental Justice Foundation suggests transshipments happen within one nautical mile of a port. See: "Transhipment at Sea: The Need for a Ban in West Africa" (Environmental Justice Foundation, 2013), https://ejfoundation.org/resources/downloads/ejf_transhipments_at_sea_web_0.pdf.

[128] Specialized catcher vessels—such as bottom trawlers, purse seiners, and longliners—are another crucial component of the Chinese distant water fishing fleet, as these vessels transship catch to reefers. See: China's distant-water fisheries in the 21st century; Boerder et al., "Global Hot Spots of Transshipment of Fish Catch at Sea."

[129] World Ocean Review, "The Future of Fish."

[130] The 2016 capture of the MAXIMUS—a vessel seized by pirates—by the Nigerian Navy revealed the need for improvement of legal competency. After the Nigerian Navy apprehended the vessel, the pirates challenged the Nigerian officers' legal authority, claiming they were in international waters. The legal argument was baseless, yet it delayed the legal process because the officers questioned their own authority. See: Ralby, "Learning From Success."

[131] "Office of Overseas Prosecutorial Development, Assistance and Training," March 25, 2015, https://www.justice.gov/criminal-opdat.

[132] Gagern and van den Bergh, "A Critical Review of Fishing Agreements."

[133] Ibid.

[134] David Whitehouse, "China Closer to Control of Guinea's Simandou North," The Africa Report, October 18, 2019, https://www.theafricareport.com/18940/china-closer-to-control-of-guineas-simandou-north/; Reuters Staff, "China Offers Backing to Guinea President after Disputed Election," *Reuters*, November 9, 2020, https://www.reuters.com/article/us-guinea-election-china-idUSKBN27P0YA; Anthony Kleven, "Belt and Road: Colonialism with Chinese Characteristics," *The Interpreter*, May 6, 2019, https://www.lowyinstitute.org/the-interpreter/belt-and-road-colonialism-chinese-characteristics.

[135] Evan Ellis, "Chinese Advances in Chile," *Global Americans*, March 2, 2021, https://theglobalamericans.org/2021/03/chinese-advances-in-chile/. As another example, the Chinese mining consortium Ecuagoldmining is disputing the Ecuadorian government for halting a gold mining project over objections from local farmers concerning environmental protection and job loss. See: Alexandra Valencia, "Exclusive: Chinese Consortium Ecuagoldmining Opens Dispute with Ecuador over Halted Mine," *Reuters*, February 18, 2020, https://www.reuters.com/article/us-ecuador-mining-idUSKBN20C2IT; Wenyuan Wu, "The Missing Link in China's Economic Ambitions in Latin America," February 25, 2020, https://thediplomat.com/2020/02/the-missing-link-in-chinas-economic-ambitions-in-latin-america/.

[136] Wade Shepard, "What China Is Really Up To In Africa," Forbes, October 3, 2019, https://www.forbes.com/sites/wadeshepard/2019/10/03/what-china-is-really-up-to-in-africa/.

[137] Ibid.

[138] Jonathan E. Hillman, "Corruption Flows Along China's Belt and Road," Center for Strategic & International Studies, January 18, 2019, https://www.csis.org/analysis/corruption-flows-along-chinas-belt-and-road.

[139] Zsombor Peter, "Laos Braces for Promise, Peril of China's High-Speed Railway," *VOA News*, March 4, 2021, https://www.voanews.com/east-asia-pacific/laos-braces-promise-peril-chinas-high-speed-railway; Bertil Lintner, "Laos the Latest China Debt Trap Victim," *Asia Times*, September 14, 2020, https://asiatimes.com/2020/09/laos-the-latest-china-debt-trap-victim/.

[140] French, *China's Second Continent*, 93.