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A view of the South China Sea - from within: Report on the Joint Oceanographic Marine Scientific Research Expedition (III) in the South China Sea

Abstract

Extract:

The expedition consisted of scientists seeking to exchange information over the South China Sea and to provide a mechanism for further studies in areas where little is known about the region's marine sustainability.

Keywords

South China Sea, Philippines, Vietnam, JOMSRE, marine biodiversity, Canada

A View of the South China Sea - From Within:

Report on the Joint Oceanographic Marine Scientific Research Expedition (III)

in the South China Sea

by Karsten von Hoesslin(1)

On April 14th, thirty participants consisting of oceanographers, hydrographers, marine (coral, fish, and invertebrate) biologists, and security personnel boarded the BRP Hydrographer *Presbitero* and set out on a twelve day sail through the South China Sea, including the northern region of the Spratly Islands. The Joint Oceanographic Marine Scientific Research Expedition (JOMSRE) is the third of its kind between the Philippines and Vietnam, which stems from the formalization of initiatives covered in the Informal Workshop on Managing Potential Conflicts in the South China (MPC-SCS) and Part Nine of the United Nations Convention on the Law of the Sea (UNCLOS) emphasizing cooperation among coastal states bordering on semi-enclosed and territorial seas.(2) JOMSRE I occurred in May 1996 and JOMSRE II in May 2000, and its creation stemmed from a meeting between Philippine President Fidel Ramos and Vietnamese President Le Duc Anh in 1994.

The expedition consisted of scientists seeking to exchange information over the South China Sea and to provide a mechanism for further studies in areas where little is known about the region's marine sustainability. JOMSRE is an example of formalized cooperation in the South China Sea and a management mechanism for marine resources. It is anticipated that JOMSRE is the beginning of a long process in the right direction where hopefully the sun will never set.

JOMSRE is organized between the Philippine Maritime and Ocean Affairs Center (MOAC) and the Vietnamese Institute of Oceanography. Ironically, JOMSRE III departed from Subic Bay, once the United States' largest naval base outside the US and concluded just outside of Cam Rah Bay, formally the Soviet Union's largest naval facility outside the USSR. While at sea, Working Groups specialized in four areas: Physical and Chemical Oceanography; Coral Reef Study; Marine Geology (Coral Coring); and Marine Biodiversity. Within the BRP *Presbitero*, there are four special labs which examined data collected from special dives and field samples that were taken in the northern Spratly's including Trident Shoal, the North Danger Reef, and also in the Philippine and Vietnamese exclusive economic zones,(3) including North West Palawan Island.

JOMSRE III began on April 10th with the arrival of Vietnamese scientists in Manila and then all participants were taken by bus to Subic. The first day (April 11th) consisted of a pre-expedition workshop and then a tour of Subic including a jungle survival demonstration and a last minute duty-free shop before boarding the ship. JOMSRE III (cruise proper) ended on April 23rd in the port of Nha Trang, Vietnam, followed by a second workshop showcasing the expedition's results. After touring the beautiful sea-side town of Nha Trang, Philippine participants returned to Manila via Ho Chi Minh City on April 27th.

The South China Sea can be a cruel body of water with two major monsoon seasons which JOMSRE managed to avoid by sailing in April. The waters were typically calm and the expedition was forced to cancel activities only once due to a storm system moving in from the East China Sea.

Though many claim piracy to be an issue in the South China Sea, it tends to stay closer to coastal waters rather than in the South China Sea Basin and Spratly Archipelago. Despite some claims that the disputed islands provide a safe haven for pirates ready to attack vessels transiting the shipping lines, the military presence on the islands discourages such activities.(4) Nevertheless, JOMSRE did have its own security team, which consisted of three Philippine Navy SEALs that ensured the crew's safety. Fortunately, one of the SEALs is a 42' (my size) and he allowed me to use his spare dive gear so I could join the dive teams to assist with surveying the reef. This was a nice change from my instructor days in British Columbia's chilly and murky waters.

I was invited on behalf of Ambassador Alberto Encomienda, Secretary General of MOAC. Ambassador Encomienda is an asset to Asia Pacific maritime security and interstate cooperation because he is an advocate of the Track II -Track I formalization process.(5) The Ambassador is ready to commit what little resources his department has to existing bilateral confidence building measures and future trilateral measures, but he needs international assistance from outside interested parties.

I believe this is an opportunity for Canada to step back in under the auspices of resource security and biodiversity awareness. This sheds light on a new approach, which no longer emphasizes the traditional lens of conventional conflict prevention. As Canadians know all too well, we nearly destroyed the Grand Banks to an irreversible point, and the knowledge gained from not only the consequences of our actions and lack of enforcement, but also the rebuilding process, is a tremendous asset to South China Sea states, given the region's dependence on the sea.

Furthermore, biodiversity is a favoured theme amongst claimants in the South China Sea who wish to stall, possibly even indefinitely, the boundary delimitation factor because all claimants now see the worth in cooperation over resources. This translates into possibly even a third participant in future JOMSRE initiatives. The Canadian connection relates to UNCLOS Part 9, Section 123 (d): "to invite, as appropriate, other interested states or international organizations to cooperate with [coastal states] in the furtherance of the provisions of this article." Canada's emphasis on resource security and its experienced scholars in both governmental and academic sectors makes JOMSRE an ideal opportunity to possibly play a role in this and similar initiatives. However, the process of actually committing to this process will prove to be challenging. Fortunately, both funding and intellectual property are most welcome where the usual suspects (CIDA, Canadian International Development Agency, and Foreign Affairs) may want to further explore not only Canada's academic circles, but other federal branches to co-contribute as well. An ideal candidate is Natural Resources Canada and one of its divisions, GeoConnections, specializing in data collection and information sharing.

Spending ten days in the South China Sea was a refreshing and exciting adventure. One gains a very different perspective on the confidence building process after having sailed through the disputed body of water. Before, the South China Sea (SCS) was just an acronym associated with conflict and resource exploitation potential. What few pictures were available to the public concentrated on naval ships and an overabundance of fishing boats extracting resources recklessly. Though indeed these are serious problems, they do not portray the beauty of this part of the world and negative images give little incentive to save something that is in dire need of protection.

In the North Danger Reef lies the Philippine-occupied island of Parola (Northeast Cay), the Vietnamese occupied island of Pugad (Southwest Cay), and the Vietnamese occupied South Reef all within an eight nautical mile radius. Below the islands and within the atoll are some of the most unique coral reefs the scientific community has ever seen and while we dove the surrounding reefs of Pugad and Parola surveying the biodiversity and biomass, we heard the "booms" of illegal blast fishing from nearby atolls. We also noticed a severe lack in *predator* fish, which are key to the food chain, but have become victims of overfishing. Near Trident Shoal, we found evidence of *muro-ami* fishing (6) which not only removes predator fish but completely destroys the coral reefs. While sailing from Trident Shoal to North Danger Reef throughout the night, we saw strobes indicating

marker-buoys from long-line fishing, which also targets the predator fish. These issues are typically not covered in traditional realist literature, which underestimates environmental dangers.

Nevertheless, the obvious problems were also present which reinforced the true political tensions in the South China Sea. Chinese bully tactics were well presented in a theatrical display of maritime ballet as their hydrographic (intelligence gathering) vessel cut across our bow at 30 knots and then proceeded to follow us for three days while we conducted hydrographic surveys. The Chinese vessel (302) also danced with a Vietnamese naval vessel outside of the North Danger Reef where at one point, the Vietnamese vessel had to reverse full throttle to avoid a mid-sea collision. Though this gave plenty of entertainment on a day too rough to dive, it showed serious speed bumps in the confidence building process as the Chinese choose to use their scientific maritime assets for intimidation and intelligence gathering.(7)

Vietnam was far more cooperative. Though their vessel intercepted ours the day we arrived at North Danger Reef, it was more of a muscle flex and I couldn't help but feel the Vietnamese Navy looking out for us as vessel 302 continued to harass our scientific efforts. While we dove off the coast of Pugad, a friendly Vietnamese patrol boat visited us to kindly remind us to *not* set foot on the island after our dives. On the second day, we were advised by a curious yet professional group of Vietnamese officials to distance our dive site further away on the lagoon side of the island because we had come too close (approximately 150 meters). (8)

The Philippines were very hospitable as they let all participants eat lunch and rest on Parola for our dive surface interval time rather than have to return to the *Presbitero*, located a few miles away. This was an impressive gesture showing that yet again the Philippines is a progressive confidence builder in the South China Sea. Parola, despite the Philippine flag and a military presence tucked within the island's trees, resembles more of an oasis with its sandy white beaches and crystal clear waters than a military compound.

Life at sea while observing Filipino and Vietnamese interaction was very pleasant. After two previous successful JOMSRE's, faces become familiar and the scientists of both nations happily share data. Most of them wish for a less political atmosphere so they can really get down to what is most important: understanding and saving the South China Sea. Often jokes were made with reference to visiting Parola; Vietnamese, having visited it twice would say "I have been to the Philippines three times now" (counting their initial visit to Manila) while we chuckled and called the South China Sea either the East Vietnamese Sea or the West Philippine Sea. JOMSRE has taken the two states to a new level of cooperation and the next test will be to see how the initiative will cope with additional states participating.

With ample opportunity to observe states engaged in the area, it was interesting to note the following tactics in terms of justifying their claims. Vietnam seems to be relying on "effective occupation" (9) as it now occupies twenty five features and has patrol vessels permanently based in the area. When a vessel is spotted, the Vietnamese race toward the vessel to intercept it indicating that they are qualified (and capable) of patrolling. The Chinese employ differing tactics, which tend to rely on intimidation because they are only projecting effective occupation on other claimant fishing vessels and not their own. Traditionally Vietnam and China have claimed the South China Sea as their historic waters, which according to international maritime law, has little legal standing. Their new approach seems to compensate for the shortcomings in historical claims. The Philippines, according to international law, seem to have the strongest claim given that seven of the eight features it occupies are legally definable as islands in accordance with UNCLOS's vague definition and the bulk of the Spratly chain lies within its two hundred nautical mile Exclusive Economic Zone (when using Palawan Island as a baseline). However, the Philippines must ratify their baselines with respect to their UNCLOS Archipelagic Status. Unfortunately, with minimal enforcement capability, there is little the Philippines can do in terms of effective occupation, giving illegal fishing vessels (both domestic and foreign) the run of the mill.

During my undergraduate studies, I taught diving to pay my way through university. I remember showing students videos of the *do's* and *don'ts* of diving: the video showed inexperienced divers trampling coral with their fins and you could actually hear the coral crumbling. The need to exercise caution around sensitive ecosystems is self-explanatory and with respect to the South China Sea, I am reminded by JOMSRE's coral biologist's remarks, "the fish don't see boundaries which is why we need to manage this area as an ecosystem and not a territory."(10)

From the day I began my *hands on* approach in researching the South China Sea, I have redefined my views of the strategic element, developed my legal background with respect to international maritime law, and recently saw firsthand (sometimes even below sea level) what the key environmental components of the South China Sea are. Very few Western scholars have actually sailed the South China Sea for research purposes let alone ventured to the disputed Spratly Islands. The key issue, once back on land, is to not only show Canada a most fascinating photo album, but to remind Canadians why it has shared concerns and is more than capable (and acceptable) in making a significant contribution. Aiding in confidence building and biodiversity awareness in a part of the world where Canada showed the flag throughout the 1990's is not a waste of time and current regional efforts, from the Declaration of Conduct in the South China Sea to JOMSRE, reveal that the process is working but is far from complete!

Endnotes

1. Karsten von Hoesslin is a Research Associate with the Center for Military & Strategic Studies, University of Calgary.
2. Part IX, Section 123 states the following: States bordering an enclosed and semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under the Convention. To this end, they shall endeavor, directly or through an appropriate regional organization:
 - a. to coordinate the management, conservation, exploration and exploitation of the living resources of the sea;
 - b. to co-ordinate the implementation of their rights and duties with respect to the protection and preservation of the marine environment;
 - c. to coordinate their scientific research policies and undertake where appropriate joint programs of scientific research in the area
3. Within two hundred nautical miles off the coasts respectively.
4. Unless of course piracy is conducted by naval forces based in the Spratlys. Cases have been documented, however, no government has confirmed such accusations.
5. Ambassador Encomienda sees the significance in informal diplomacy (Track II), but stresses the need to formalize initiatives discussed in Track II, ultimately making it a Track I venture.
6. This method of fishing involves roughly 200 divers (mainly children) who use the unhealthy hookah method of diving and crash corals together to scare the fish out of the reef, which then are trapped in an encircling net. Divers also use hookah when cyanide fishing, which is another illegal method of fishing. [Editorial Comment: The hookah method involves the use of surface compressors that provide air through long hoses, with divers often working for long hours under water and suffering decompression-related health problems.]
7. Though JOMSRE is a formal bilateral initiative, China was invited to participate.
8. Unfortunately the reef cannot abide by military regulations demanding a 400 meter minimal distance zone. Our selected dive site was based on the necessary variables to survey the reef at a specific depth. Upon being forced to relocate, we selected a reef on the northern tip of Pugad rather than the western (lagoon) side.
9. Effective occupation requires a presence in the territory and some governmental structure capable of enforcing laws. For uninhabited islands, all that is necessary is that 'from the first moment when the occupying State makes its

appearance there, the territory is at the absolute and undisputed disposition of that state. In Ludwig, Valencia, & Van Dyke, *Sharing the Resources in the South China Sea*, Honolulu, University of Hawaii Press, 1997, pp.18.

10. Brian Stockwell is a Coral Biologist at Sillaman University, Dumaguete City, Philippines.

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