



Maritime Review



A Publication of The Maritime League

SPECIAL FEATURE:

CAPT. SIBALA and PRES. OBAMA



Shift Lanes to Save the Whales

APECCS: The Future of APEC/APEX? by Fidel V. Ramos

Indonesian Firm Selects Catamaran Design

Come Ride the Floating Bus

COVER STORY:

The West Philippine Sea Situation by Roilo Golez

Philippines vs China: Arbitral Claims by Ramon Paterno

JANUARY - FEBRUARY 2016

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Nonetheless, I did realize that this salary has to be earned. Thus, the reason for this regular feature, starting with this issue and issues of the Review to come; written most willingly, and, freely (translation: no talent fee).

There's another reason. Our readers would appreciate a preview of what they will find in the pages that follow, like readers of many publications where the TOC, Table of Contents invariably comes with its twin ITI, "In This Issue;" one seemingly cannot exist without the other.

The imagery of a periscope, a forethought I must admit, is another reason, however flimsy or frivolous it may be to others.

And to allow for the option of covering other turf as well as to disabuse our reader's mind from the notion that this is merely 'notes on the side' of our TOC, '- and more' has been added to the title for good measure. And please don't let the small caps deceive you.

ooooo

Arguably, no subject that easily comes to mind has gotten more ink and space in the Review since it was first published 22 years ago than the Spratlys and the conflict about it involving several countries, including the Philippines. When the Philippines won the first round of the arbitral case under UNCLOS, the decision to feature it as our cover story for this issue was virtually a no-brainer. And neither was the decision to ask Roilo Golez - Annapolis graduate, Navy officer, legislator and National Security Adviser, among many of his competency on the subject - to be the author of the lead article, therewith sharing with the Review, a presentation he made during the recently concluded High Level Conference on Maritime Security in East Asia in Tokyo, where he was one of the speakers that included Yasuhiro Nakasone, former Japanese Prime Minister.

The technical paper of Golez focuses on these: 1) US freedom of navigation patrols; 2) Arbitral tribunal case against China; and, 3) Militarization of China's artificial islands.

On the other hand, author Ramon A. Paterno, a lawyer (UP, LL.B '70; Harvard, LL.M '75) writes from WDC where his job before retirement was Senior Counsel of the International Finance Corporation, a private sector affiliate of the World Bank Group. He zeroes in on the 2nd item, the Philippine-Chinese conflict, focusing on the arbitral case under the UNCLOS, United Nations Conference on the Law of the Sea.

Maritime League Chairman and President Chuck Agustin is an authority on the subject, having presided in his past military and civilian assignments, particularly as PCG Commandant and NDCP President, over discussions, formal and informal, on the subject, writing a number of articles about it in the Review. It was our original plan to dig into our archives for these and other articles, and use them as



UP PERISCOPE: In This Issue - and more
By Captain Winston G. Arpon PN (Ret)

The Chairman and President of the Maritime League, then a Captain, was my former boss at the Office of the Deputy Chief of Staff for Intelligence, J2 and at the Philippine Embassy in WDC where he was the Defense Attaché. It came as no surprise, therefore, that he made me an offer to chair the Editorial Board of this publication.

"You won't find a position like this, with the salary that comes with it you will hardly believe." When Commodore Chuck Agustin said this matter-of-factly, he didn't exactly sound like Don Vito Corleone, Mario Puzo's Godfather. But no matter, it was an offer I simply could not refuse.

He was absolutely right. It's an executive position at an unbelievable annual salary: P1.

Folks, that is not a typo. (As this is written, however, the offer has been sweetened, so to speak; that the salary will be increased next year to P2. Again, not a typo either).

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Up Periscope: In This Issue - and more

sidebars for our cover story. Space limitations, however, constrained us to shelve that plan.

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Maritime League Chairman and President Chuck Agustin is an authority on the subject, having presided in his past military and civilian assignments, particularly as PCG Commandant and NDCP President, over discussions, formal and informal, on the subject, writing a number of articles about it in the Review. It was our original plan to dig into our archives for these and other articles, and use them as sidebars for our cover story. Space limitations, however, constrained us to shelve that plan.

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Our readers may not notice a subtle change in our TOC, Table Of Contents. We have chosen a TOC by “departments,” in lieu of the “traditional” TOC by sequential pages.

Thus, along with our regulars - Maritime Calendar, the Maritime League and Maritime Forum – and a Special Feature on Captain Sibala’s 15 minutes (plus) of fame, we have our cover story under Maritime Law (although it could be argued, that the twin articles could pass for Maritime Security or Defense); Shift Lanes to Save the Whales under Marine Environment; Come Ride the Floating Bus under Transportation; Catamaran Design under Maritime Architecture; and, APEC/APEX under Defense.

The cover design is the first for the Review by Cleo Erfe, a retired Navy captain whose last job before retirement was Naval Attaché at the Philippine Embassy in WDC. An artist by avocation, and, occasionally by provocation when he’d rather be playing golf or playing with his first grandchild, he was “volunteered” to do the design and to do it freely (again in the Review’s parlance, no talent fee) by someone who has availed pro bono of his artistic talent all the way from their days at PMA – someone who has requested to remain anonymous but has assured us this won’t be last cover design of Cleo Erfe; in fact, that someone has hopes that if and when Cleo settles down in the Philippines after decades of domicile in the US, he would join the Review “freely.”

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MR 16-1. That’s the identification given to this maiden issue, the first for calendar year 2016, following a scheme set in stone from Day One of this publication; institutionalized over the years by none other than the Maritime League Chairman and President himself who has nurtured through the last two decades, the triumvirate, the “maritime triangle:” Maritime League at the top, and, the two at its base: this Maritime Review and the Maritime Breakfast Forum that will be on its 24th year - see the Proceedings of MBFs 105 and 106 in the inside pages.

Coincidentally, this is also the maiden issue of the current Executive Editor: VVM, Vicky Viray Mendoza, Vicky or Vixen, to her family, associates, and close friends. The daughter of a PMA alumnus, Wilfredo D. Viray (USNA ‘56)

and PN officer, she assumes her position with an impressive resume. She is a retired veteran of the World Bank Group HQ in Washington DC, having served 11 years in IBRD and 15 years in IFC, and, in her own word, “survived.” Her main expertise is in operations research, analysis and evaluation at various levels (project, corporate, sector, country, and region). She has written several country impact evaluation reports for the Board; served as lead analyst for various sector evaluation studies; and performed corporate and project level evaluations, as well as technical assistance evaluations. But her favorite of them all is the maritime transport sector.

Vicky earned a master’s degree in business administration from the University of Maryland in 2009; a post graduate diplomate in international finance and global markets from the Georgetown University in 2000; and another master’s degree in public administration from the George Washington University in 1997. For her undergraduate studies, she majored in BSC Business Management, BSC Accounting, and AAS Entrepreneurship (1977-81) at Assumption College San Lorenzo, Makati, Philippines.

Given this extensive multi-disciplinary background and experience, and, added to it, her own admission that of her technical evaluations in her past, the maritime transport sector was her “favorite of them all,” the Review cannot ask for more for an Executive Editor.

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The Maritime League Chairman and President recently approved the addition of three members to the Editorial Board to join the Chairman and Vice-Chairman, yours truly and Rear Admiral Querico V. Evangelista: Commodore Mariano Sontillanosa; Rear Admiral Emilio Marayag; and, Captain Tomas Baino, all retired PN officers. The root of the decision we’re confident wasn’t prompted by “the more the merrier,” rather, by the other cliché, “strength in numbers,” and if so, that decision puts the Review in stronger hands.

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As we move in the months ahead towards MRs 16-2, -3, -4, -5 & -6 (yes we will have, unlike last year, a November-December issue), we are guardedly optimistic that the Review will continually aspire for and achieve its goal of being more relevant to the Philippine maritime community and to its readership as well. Toward this end, we would appreciate hearing from them: the feedback, the give-and-take, if you will, we consider indispensable to a dynamic publication such as the Review, as it is to others.

The Review is but a few key strokes and an email away from your laptop to ours; a Letter to the Editor, that VVM (vvm@maritimeleague.com) would just be delighted to have in her hands.



@waga2016

Maritime Events

Event	Time	Date	Sponsor	Address
MBF 108	0745	15 JAN 2016	Department of Foreign Affairs (DFA)	2330 Roxas Blvd, Pasay City
MF 109	1200	11 FEB 2016	Cebu Port Authority (CPA)	CIP Complex, North Reclamation Area, Cebu City
MBF 110	0745	18 MAR 2016	Maritime Industry Administration (MARINA)	Taft Ave corner Kalaw St, Ermita, Manila
MBF 111	0900	15 APR 2016	Maritime Academy of Asia & the Pacific (MAAP)	Kamaya Point Rd, Mariveles, Bataan
MBF 112	0745	20 MAY 2016	PHILIPPINE NAVY (PN)	2336 Roxas Blvd, Naval Station Jose Andrada, Manila
MARINE Philippines	1000	6-8 JUN 2016	FIREWORKS	SMX Convention Center, Pasay City, Manila
MBF 113	0745	15 JUL 2016	Philippine Ports Authority (PPA)	Bonifacio Drive, South Harbor, Port Area, Manila
MBF 114	0745	19 AUG 2016	National Coast Watch Center (NCWC-OP)	NCWC Bldg, PCG HQ, 139 25th St, South Harbor, Port Area, Manila
MBF 115	0745	16 SEP 2016	Philippine Coast Guard (PCG)	139 25th St., South Harbor, Port Area, Manila
MBF 116	0745	14 OCT 2016	Dept of Environment & Natural Resources (DENR-NAMRIA)	DENR Bldg., Visayas Ave, Diliman, Quezon City
MBF 117	0745	25 NOV 2016	Department of Transportation & Communications (DOTC)	The Columbia Tower, Ortigas Ave, Wack-Wack, Mandaluyong

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A PUBLICATION OF THE MARITIME LEAGUE

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Capt. Sibala and Pres. Obama

Bravo Zulu to Vince Sibala '93 for his successful hosting of President Obama. We are very proud of you Vince, CO of the Philippine Navy's most powerful ship. Hope BHO left behind some Harpoons, Tomahawks and CIWS to follow. Beat Army!

ROILO GOLEZ
Former National Security Adviser



Congratulations, Vince! I think no Filipino USNA alumnus has ever had this chance for a one-on-one with the POTUS.

COMMO. CARLOS L. AGUSTIN AFP (RET)
President, Maritime League



CAPT. VINCENT SIBALA, PN (USNA'93)
and **PRES. BARACK H. OBAMA**

On 17 November, US President Barack H. Obama visited the Philippine Navy's flagship, US-made BRP Gregorio del Pilar, the first US Coast Guard Hamilton Class 3,250-ton frigate combatant ship that was transferred to the Philippines in 2011. The second frigate was transferred in 2012, and named BRP Ramon Alcaraz. President Obama spoke with Captain Vincent Sibala PN (USNA'93) on the bridge, and later toured the BRP Gregorio del Pilar.

According to DefenseNews.com, "Obama's move risks irking China, which is embroiled in a bitter territorial row over the South China Sea with the Philippines and some of its other Asian neighbors.

President Obama aboard Air Force One landed at Villamor Airbase. Eurasia Review stated that Obama had landed in the Philippines after attending the Group of 20 Summit of leading nations in Turkey. While in Manila, Obama attended the APEC 2015.

Below are President Obama's remarks after touring BRP Gregorio Del Pilar, courtesy of the White House.

"Good afternoon, everybody. It is wonderful to be back in the Philippines. And I want to thank Secretary Gazmin, General Iriberry, Rear Admiral Alano and Melad, Captain Sibala, and the members of the Philippine Armed Forces for welcoming me here today. I want to acknowledge the American service-members who are here and who are part of our unbreakable alliance.

The United States has been committed to the security of this region for more than 70 years. We have a treaty obligation, an ironclad commitment to the defense of our ally, the Philippines. You can count on the United States.

My visit here underscores our shared commitment to the security of the waters of this region and to the freedom of navigation. This watch center was built with U.S. grants. The ship that I just toured, a former U.S. Coast Guard vessel, helps the Philippines respond to disasters, perform counterterrorism missions, and patrol the South China Sea.

Today, I can announce that we intend to transfer two additional ships to the Philippine Navy, a research vessel to help map its territorial waters, and another U.S. Coast Guard cutter to bolster the Navy's ability to conduct long-endurance patrols. It's part of our larger plan to increase maritime security assistance to our allies and our partners across the region — \$250 million over the course of two years. More capable navies and partnership with the United States are critical to the security of this region.

And I want to thank once again the members of the Philippine Armed Forces for their outstanding work. And, Mr. Secretary, I can tell you that after inspection, the ship looks like it's in tip-top shape. Thank you so much."

Josh Lederman and Kathleen Hennessey of the Associated Press reported that "Obama said the pair of ships -- one U.S. Coast Guard cutter, one research vessel -- were part of a broader American plan to scale up assistance to naval forces in Southeast Asia, where coastal nations feel threatened by China's aggressive moves to assert control over the South China Sea. Obama said the U.S. had an "ironclad commitment" to the Philippines -- a U.S. treaty ally -- and a mutual commitment to free and safe navigation at sea."

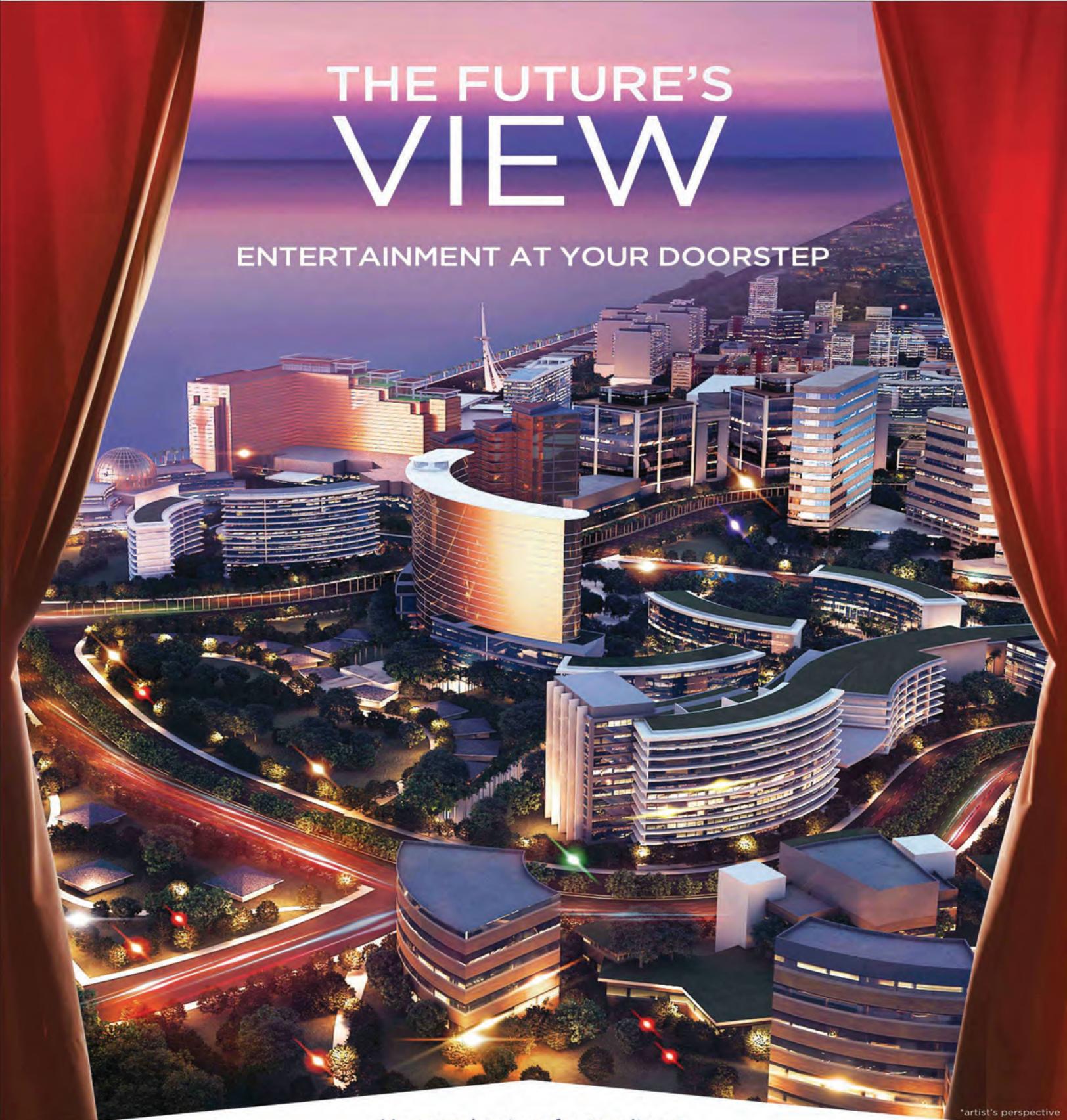


BRP GREGORIO DEL PILAR.

Photo Credit: USN

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Global Warming: The Maritime Dimension

By Commo. Carlos L. Agustin

In the 107th Maritime Breakfast Forum held at the DOTC at Columbia Tower, Ortigas Avenue, Mandaluyong City, the Department briefed the participants on the APEC Transport Ministers meeting held in Cebu a few days earlier than the APEC Summit.



Well, after the meeting, a small group got to talking about Climate Change (a major topic of the Summit itself), and we had some very interesting discussions. And this reminds me of a “spectacle” that awed me a week after the 107th Maritime Forum as I started my daily commute from Dasmariñas, Cavite enroute to my office in Makati. I was awed at seeing an illusion of a large mountain range above Metro-Manila as I crossed the boundary of Dasmariñas and Bacoor City along Molino Road that I decided to take the above picture at about 6:15 AM.

Only, it was not so. It was rather an atmospheric inversion, the environmental issue that many decades ago plagued Los Angeles and Detroit (among other cities in the U.S.), a phenomenon worldwide still prejudged, correctly I might add, to be contributory to the many causes of Climate Change.

I recall that the Millennium Ecosystem Assessment in the early part of the last decade found 3 serious findings:

- Over the past 50 years, humans have changed ecosystems more rapidly and extensively than in any comparable period of time in human history;
- This has resulted in a substantial and largely irreversible loss in the diversity of life on Earth; and
- The environmental security of humans on earth – their degree of freedom from harm and from harm to their economy and society associated with ecological events like flooding, soil movements, and drought – has been greatly diminished.

The problem for most of us will be the shortage of fresh water, yet the problem that most coastal communities will face is the loss of habitat, which media just highlighted in the case of Thailand just before we welcomed the New Year 2016. Global warming is expected to cause the reduction of the polar ice caps to continue, and would we reach a tipping point that would make such phenomenon irreversible?

The world's oceans and forests are absorbing less of the CO₂ released by human activity, resulting in a faster rise in atmospheric levels of greenhouse gases. as reported by the Intergovernmental Panel on Climate Change (IPCC) Assessments.

As a constant watcher of the Philippine coastline, I sense just a tad of the problem reported. As a former naysayer that is still half-convinced, I am nevertheless bothered by all reports, and, just like the propensity to disregard the population issue in direct relation to the traffic situation in developing countries (as in our Metro Manila case), I must express support for reducing the “unequivocal” effects of man-made Climate Change.

As a maritime practitioner and student of the annual weather patterns, I am likewise alarmed at the change in the intensities and characteristics of weather systems that now prevail, a drastic change in the patterns previously shown by the annually published (by NAMRIA) Philippine Coast Pilot.

Philippines vs. China: Arbitral Claims under UNCLOS

“I must down to the seas again, to the lonely sea and the sky, and all I ask is a tall ship and a star to steer her by.” (John Masefield)

Launching the Arbitral Case

The arbitration, filed in accordance with the dispute settlement provisions of the 1982 UN Convention on the Law of the Seas (“UNCLOS”) (Art. 287 and Annex VII (“Arbitration”), commenced on 22 January, 2013, when the Philippines served China with a “Notification and Statement of Claim” “over the maritime jurisdiction of the Philippines in the West Philippine Sea.” On 19 February, 2013, China, in a diplomatic note setting out “the Position of China on the South China Sea issues,” rejected the Notification. Both countries ratified UNCLOS.

Part 1. Philippines’ good-faith attempts at negotiations with China

As Paul S. Reichler, Lead Counsel for the Philippines, explains at an UNCLOS discussion: “Negotiations go back to 1995 ... China simply held on to the position that China had sovereignty and sovereign rights within the 9-dash line.” The situation was aggravated in April 2012 by Chinese ships surrounding Scarborough Shoal.” “And in the spring of this year, China moved in on Second Thomas Shoal.” (P.S. Reichler, Foley Hoag LLP)

Part 2. What lies at stake?

PHILIPPINES: If China’s claim [assertion of its 9-dash line] were allowed to stand, the Philippines stands to lose substantial rights to her Exclusive Economic Zone (EEZ). China would deprive fishermen from Zambales and Pangasinan of their livelihood. China’s land reclamation and island-building activities would damage the marine ecosystem. The safety of maritime vessels would be at risk. The potential to exploit a major hydro-carbon resource in Reed Bank (100 miles off Palawan) would be lost.

CHINA: Apart from asserting sovereignty over “an area defined by the “9-dash line,” a right that China asserts “goes back centuries to when the Paracel

[disputed by Vietnam] and Spratly island chains were regarded as integral parts of the Chinese nation” (BBC News), China has refused to take part in the case, or to accept the jurisdiction of the Tribunal. (see the PROC’s Position Paper, 7 Dec. 2014)

Part 3. Philippines Resorts to Arbitration in accordance with UNCLOS

1. Philippines’ “Rules-based” Approach. As Reichler explains: “Confronting China militarily is not a viable option. The Philippines does not have the kind of economic or commercial influence” to change her behavior.” But the one option that appeared was the law” because “before an arbitral tribunal, a small State that is weaker militarily, economically, commercially, has the opportunity, at least, to compete on equal terms.” (Reichler, A UNCLOS discussion)

2. Philippines’ Strategic Approach in the Arbitration. Adhering to the requisites of UNCLOS, the Philippines did not seek a ruling “on the territorial sovereignty aspect.” She instead sought a “clarification of her maritime entitlements.” Reichler elaborates: Under UNCLOS, “a coastal state entitlement is described as a 12-mile entitlement to a territorial sea over which the coast exercises sovereignty over land, and almost a 200-mile economic zone off its coast.” Within 200 miles off its coast, “a State has an exclusive entitlement to use the living resources, fish in the water, and the non-living resources under the sea bed, that is, the continental shelf.” “China’s claims conflict with this sovereignty or sovereign rights not only of 200 miles but of more than 800 miles” from her mainland coast.

(A) 9-dash line. The Philippines’ “main claim” is that China’s 9-dash claim, that is, her claim of sovereignty and sovereign rights extending far beyond her entitlement under UNCLOS, is “inconsistent with that Convention and it constitutes a trespass or violation of the Philippines within 200 miles.” (Reichler, A UNCLOS Discussion)

Reichler emphasizes: “Sovereignty is disputed.” But under UNCLOS, an arbitral tribunal “does not



have jurisdiction to determine sovereignty over land features, and that includes islands or insular formation. However, what the Philippines has asked of the Tribunal is that it determine the status of this feature under the Convention, that is, is it a true **island** which would generate, like a State with a coastline, a **200-mile** exclusive economic zone and continental shelf, or is it what the Convention refers to as a **rock**, an insular feature that is above water at high tide?" (Reichler; bold added)

(B) Scarborough Shoal [Panatag or Bajo de Masinloc]. It consists of 6 features, essentially "rocks." "Now what is the significance of this? ... Scarborough Shoal is about 120 miles off the coast of Luzon. So therefore, it is within the Philippines' EEZ and continental shelf which would extend another 80 miles beyond." Rocks are "entitled only to 12 miles." This means that what "would be in dispute between China and the Philippines would be a circle with a 24-mile diameter... All of the waters not inside that circle would be part of the Philippines' EEZ and continental shelf." All that would remain disputed "would be the feature and the waters within that circle... to be resolved when sovereignty over Scarborough Shoal is determined."

(C) The Spratlys (south of Scarborough Shoal, off Palawan). They comprise "about 140 different features." Characteristic of "rocks" - they "do not support human habitation or economic life." The Philippines has focused on 7 features occupied by China, 4 of which are "part of the seabed" and 3 of which are "rocks." (i) Four are "under water at all times. They are not only not islands; they are not low-tide elevations. They are shallow reefs. As such, they are considered under international law and under UNCLOS to be part of the seabed. And they belong to whichever State has rights over the continental shelf. They cannot be seized and occupied by another State. We don't apply title by occupation of underwater features." (ii) Three features "are above the water at high tide" with only 12-mile entitlements.

(D) Mischief Reef [Panganiban] (about 100 miles off the Philippine coast and 600 miles from the Chinese

mainland coast). China seized Mischief Reef in 1995 and constructed on it a "barracks" and a "helipad." 2nd Thomas Shoal [Ayungin Shoal] (within 100 miles of Palawan). China sent a "rather large flotilla to another under water feature." (Reichler)

Part 4. Award finding "jurisdiction and admissibility," 29 October, 2015, with corresponding testimony at the Hearing on the Merits. China's non-participation does not constitute a bar to the arbitral proceedings. (see Art. 9, Annex VII, "Default of appearance", UNCLOS)

The Tribunal "bifurcated" its findings: (i) finding that the Tribunal has jurisdiction on Submissions No. 3, 4, 6, 7, 10, 11, and 13; and (ii) reserving to the merits phase the jurisdictional question on Submissions No. 1, 2, 5, 8, 9, 12, and 14, necessitating a hearing (which concluded on 30 November, 2015).

Section A. Submissions Nos. 3, 4, 6, 7, 10, 11 & 13:

(1) Submission No. 3: whether Scarborough Shoal [Panatag or Bajo de Masinloc] is an "island" or "rock." (Art. 121, UNCLOS)

At the Hearing on the Merits, Independent Expert Clive Schofield presented his findings on 47 features, and on their classification: "insular, low tide, or high tide elevations." He showed "Landsat images of Scarborough Shoal at high tide and low tide." (Schofield is Director of Research, Australian Centre for Ocean Resource and Security, Univ. of Wollongong.) A 1784 map shows that "Bajo de Masinloc has always been part of the Philippines."

(2) Submission No. 4, and (3) Submission No. 6: whether or not (a) Mischief Reef, Second Thomas Shoal, and Subi Reef [Zamora]; and (b) Gaven Reef [Burgos] and McKennan Reef (including Hughes Reef) [Chigua], are each "low-tide elevations," namely, "a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide." (Art. 13, (1)).

Advocate Philippe Sands testified that all these reefs "are all low tide elevations" which do not generate entitlement to a territorial sea, EEZ, or continental

Philippines vs. China: Arbitral Claims under UNCLOS

shelf. (Prof. Sands, QC, Matrix Chambers, London). A video simulation demonstrated “how a cutter suction dredger, used by China in its construction activities, “destroys the sea bed.”

(4) Submission No. 7: whether Johnson Reef [Mabini], Cuarteron Reef [Calderon], and Fiery Cross Reef [Kagitingan] are “rocks” or “islands.” Lead Counsel Paul S. Reichler testified that the features in the Spratly island group are rocks “not capable of sustaining human habitation.”

(5) Submission No. 10: China’s fishing activities at Scarborough Shoal. Advocate Alan Boyle and Independent Expert Kent Carpenter testified that these “illegal” fishing activities include “blast fishing, cyanide fishing, harvesting of giant clams, catching of turtles, and other endangered species.” (Prof. Boyle, Essex Court Chambers, London; and Carpenter, Dept. of Biological Sciences, Old Dominion University, Norfolk, Virginia)

(6) Submission No. 11: the protection and preservation of marine environment at Scarborough Shoal and Second Thomas Shoal. Boyle and Carpenter testified that China’s land reclamation and island-building activities, and its “illegal” fishing activities have damaged “the complex ecosystem of coral reefs, biological diversity, and living resources in the South China Sea.”

(7) Submission No. 13: whether China’s law enforcement activities violate the “Convention on the International Regulations for the Prevention of Collisions at Sea” and UNCLOS. Boyle cited the “near-collisions” of Coast Guard vessels.

Section B: Submissions No. 1, 2, 5, 8, 9, 12, & 14

(8) Submission No. 1 concerns the source of China’s “maritime entitlements,” her “historic rights,” their nature, and the exclusion on “historic bays or titles.” (Art. 298 (a)(i)). Reichler testified that China’s historic claims “do not exist” under UNCLOS. For Advocate Bernard H. Oxman, they go “beyond its maritime entitlements.” (Prof. Oxman, University of Miami School of Law).

(9) Submission No. 2: the legal validity of China’s “historic rights,” their nature, and the exclusion on “historic bays or titles.” (see relevant testimony of Reichler and Oxman)

(10) Submission No. 5: the “sources of maritime entitlement” and whether overlapping entitlements to an EEZ or to a continental shelf exist in Mischief Reef and Second Thomas Shoal. Andrew Loewenstein testified that China has failed to satisfy the requirement for “a continuous exercise of exclusive control.” He presented 8 maps dating back to the Ming Dynasty “showing that China’s territory did not include the 9-dash line.” He presented “satellite images of various installations” that China constructed on Mischief Reef.

(11) Submission No. 8: China’s interference with the Philippines’ petroleum exploration, seismic surveys, and fishing within her EEZ. Reichler testified that under the 9-dash line, China has deprived the Philippines of “**exploration activities.**” Sands cited service contracts with private companies that were “prevented from exploration.”

(12) Submission No. 9: Chinese fishing activities within the Philippines’ EEZ, and conflicting claims within China’s EEZ. Reichler testified that under the 9-dash line, China has deprived the Philippines of “**fishing activities.**” Sands testified that the “fishing ban mandated by China’s Ministry of Agriculture” covered the Philippines’ EEZ.

(13) Submission No. 12: China’s activities on Mischief Reef and their effects on the marine environment, its features’ classification, and the exclusion on “military activities” (Art. 298(b)). Sands testified that China’s construction activities did not give rise to “additional entitlements.” Similarly, Counsel Lawrence H. Martin testified that rocks do not give rise to maritime entitlements “despite China’s building structures over them.” (L.H. Martin, Foley Hoag LLP, Washington, DC)

(14) Submission No. 14: China’s activities in Second Thomas Shoal, its features’ classification, and the exclusion on “military activities.” Oxman testified that

Ramon A.P. Paterno Former Senior Counsel, IFC



China “blocked... a resupply mission” to Marines.

Part 5. Concerns on China’s Compliance. Reichler observes: “In 95% or more of cases decided by the International Court of Justice, the International Tribunal for the Law of the Sea, or arbitral tribunals that have been convened for inter-State dispute” the States that are ‘the losing party’ comply. He explains that “there is a heavy price to pay for a State that defies ... a judgment of an arbitral tribunal that is ... recognized in the international community as legitimate, as fair, as correct, as appropriate. There is a price to be paid for branding yourself as an international outlaw, as a State that does not respect, that does not comply with international law.” (Reichler, A UNCLOS discussion)

My reflections

First, while we should be open, post-arbitration, to negotiations with China, we should also be prepared to walk away from the bargaining table. Reaching agreement does not always confer an advantage. Recall China’s shrewd attempt to use existing “bilateral statements” to prevent the Philippines from resorting to UNCLOS. Also, at times, no deal is better than a seriously flawed deal.

Second, we should negotiate from a position of strength. Apropos is Reichler’s comment on “soft power.” The “State’s ability to defend its action as legal in the international community” enables that State to “influence” others.

Third, I would advise that any agreement with China expressly provide: “We fully reserve all our rights and remedies under international law, including UNCLOS” (or words to similar effect).

Fourth, it would be prudent to consolidate the gains we derive from a favorable Award. This would include strengthening our alliances, coalitions or partnerships (including commercial, economic and military ones), especially with ASEAN. Let us continue to think globally and strategically. It serves our national interests to maintain a balance between “alliances” and “self-reliance.” We should beef up

our defense resources and capabilities, including monitoring and intelligence-gathering. Even if all these efforts should not prove sufficient, in relative terms, to match China’s, they might at least give reason for pause to any aggression.

Fifth, negotiations presuppose good faith. For China to insist on negotiations while it continues expanding on its disputed actions belies good faith.

Sixth, due diligence entails ascertaining what China could concede; otherwise negotiations would be rudderless.

Seventh, Submission No. 15, a plea for China to “desist,” may turn out to be an “acid test.” We should anticipate that China might persist in its behavior. Hence, we should explore further recourse before the UN. Our UNCLOS Award might give China pause before exercising her veto powers in the Security Council. “Ubi jus, ibi remedium.” (Where there is a right, there is a remedy.)

Overall, a favorable Award would: (i) lend legitimacy; (ii) provide leverage; (iii) impart gravitas to our standing as a law-abiding nation; (iv) assign primacy to upholding the “Law of the Seas;” (v) accord a leadership role in strengthening UNCLOS; (vi) embolden others to embark on a similar legal voyage; and (vii) leave a legacy of hope in safeguarding our fishermen’s livelihood and our children’s children’s enjoyment of West Philippine Sea’s bountiful and teeming treasures.

Sailing in the West Philippine Sea might prove rocky and turbulent, darkened by realpolitik. But our voyage would be steadied by a favorable UNCLOS Award. It would serve as a star “to steer us by.” May a new dawn break forth with it, as a shining beacon of hope!

Ramon A.P. Paterno is a retired Senior Counsel of the International Finance Corporation, a private sector affiliate of the World Bank Group. LL.M. ’75, Harvard Law School; LL.B. ’70, College of Law, UP Diliman; A.B. History ’66 (First honors and Departmental awardee), Ateneo de Manila. He writes from Washington, DC and can be reached at rpaterno1@verizon.net.

The West Philippine Sea Situation



SPRATLYS 1971

My involvement in the Spratlys, South China Sea and West Philippine Sea issue goes back a long way. As a junior officer, fresh from the Naval Academy, I was part of a secret mission sometime in 1971. I transported troops, weapons, equipment and supplies to the islands we occupied in Freedomland, now called the Kalayaan Island Group.

In 1994 when China built a structure in Mischief Reef, well within the Philippine Exclusive Economic Zone, I, in my capacity then as a member of the Philippine Congress, raised the alarm bells in spite of the assurance of China that it was just for the temporary shelter of their fishermen.

Chinese Structure in Mischief Reef, 1994



In 1999, as a member of the Philippine Congress, I delivered a privilege speech and warned that China's next objective was Scarborough Shoal.

Just as I feared, the temporary structure was transformed into a permanent structure in 1999 as shown by this photo.



Chinese concrete structures in Mischief Reef

“Scarborough Shoal is part of China’s military projection at the South China Sea.”

In Scarborough Shoal, China has found a perfect forward fortress at the east to back up its slow but nonstop political and naval march towards the north, where Korea, Japan, Taiwan, are among others. China has unleashed a blob at the South China Sea, floating eastward, growing slowly, menacingly, nearly unopposed, devouring every speck, every shoal and reef along the way.

“Chinese military contingents are already positioned in various reefs, islets, and rocks of the South China Sea Region, particularly in the Spratlys and the Paracels. Scarborough Shoal is just one more step forward in their bid to secure full control of the world’s second busiest international sea lane.”

In 2012, China occupied Scarborough Shoal, well within our Exclusive Economic Zone. Thus, there is now a dagger aimed at the country’s vital economic and military installations: Subic, Clark, Metro Manila, primary airports and sea ports, power plants, Calabarzon and our Army, Navy and Air Force bases.

It is my view that the security complexion changed significantly since January this year when we had a meeting here in Tokyo.

Last January, taking note of China’s massive reclamation activities in the South China Sea, they are originally presented as follows: Cuarteron Reef, Fiery Cross Reef, Johnson South Reef, Gaven Reef, and Johnson North Reef. Added to the above are Subi Reef which is very close to our PagAsa Island and Mischief Reef.

In last January’s Symposium of the Japan Institute for International Policy Studies, one of the authoritative speakers, retired Adm.Yoji Koda, theorized that China is developing a Strategic Triangle in the South China Sea.

Roilo Golez
Former National Security Adviser



Fiery Cross Reef: Plan vs. Actual development



Figure 4: China's Major Land Reclamation Projects in the South China Sea



Locations are not exact. Map adapted from James Hardy et al., "China Goes All Out with Major Island Building Project in Spratly," *IHS Jane's* 360, June 20, 2014. <http://www.janes.com/article/39716/china-goes-all-out-with-major-island-building-project-in-spratly>.



When we got hold of China's Grand Design for their reclamation projects, it appeared incredible at first. Many thought the plan was too massive as shown by the perspective Artificial Island plan.

The plan has now taken shape and it is very alarming as shown by the actual vs. the plan in Fiery Cross Reef.

A fully militarized artificial island in Mischief Reef will be a threat not only to the Philippines but the entire region as shown in the actual vs. plan map.

A Chinese fighter plane like the J-11 with a 1,000 radius operating out of an airbase in Mischief Reef can cover the entire Philippines, all of Borneo and almost all of Vietnam.

In May, the security situation and complexion changed very significantly with a series of statements from top security officials of the United States. This was obviously prompted by the radically changing facts on the ground.

By late May, the US Defense Secretary issued the following statement on the occasion of the Change of Command of the Commander, Pacific Command in Honolulu:

"We will remain the principal security power in the Asia-Pacific for decades to come."

"There should be no mistake: the United States will fly, sail, and operate wherever international law allows, as we do all around the world," Carter said at the U.S. military's joint base at Pearl Harbor.

The West Philippine Sea Situation

This was followed by the deployment of a P-8 Surveillance Plane over one of the artificial island accompanied by a CNN reporter. It was designed as a high profile message beamed the world.

Next, the Pentagon released in August this year their “Asia-Pacific Maritime Security Strategy Paper which as announced as follows:

“The document rejects Chinese sovereignty claims over



disputed islands in the South China Sea, asserts that the United States will enhance its “force posture and persistent presence” in the region while “building the capacity” of allies and partners, and explicitly supports India’s “Act East” policy as a “strategic convergence” with the U.S. re-balance, embracing India as a “net provider of security in the Indian Ocean region and beyond.”



China celebrated the 70th anniversary of the end of the Second World War with a massive “parade of tanks, missiles and troops that displayed their growing military might.”

President Xi Jinping who presided over the parade ironically delivered a speech that day stating: “China will remain committed to peaceful development. We Chinese love peace. Now matter how much stronger it may become,

China will never seek hegemony or expansion. Or will never inflict its past suffering on any other nation.”

According to STRATFOR, “The most notable weapons on display were the cruise and ballistic missiles. Tanks, self-propelled artillery and other armored vehicles also rolled by while large numbers of fighter aircraft (including the J-15 carrier based fighter) and helicopters flew overhead. Missiles that were previously closely guarded were also shown, such as the DF-16 short-range ballistic missile, and the DF-21D anti-ship ballistic missile, the DF-10A land-attack cruise missile, and the DF-26 intermediate-range ballistic missile.”

Japan passed a new security legislation that will allow Japan’s military to mobilize overseas when these three conditions are met:

- When Japan is attacked, or when a close ally is attacked, and the result threatens Japan’s survival and poses a clear danger to people.
- When there is no other appropriate means available to repel the attack and ensure Japan’s survival and protect its people. Use of force is restricted to a necessary minimum.

The exchange of strong statements and warnings continued. Days before the State visit of President Xi Jinping in Washington D.C., the Commander of US Pacific Command told the US Senate that “America should challenge China’s claim to territory in the South China Sea by patrolling close to artificial islands built by Beijing.”

China responded by stating “It would not stand for violations of its territorial waters in the name of freedom of navigation,” as the United States considers sailing warships close to China’s artificial islands in the South China Sea.

And finally the US patrol happened. On 27 October, 2015 Lassen navigated within 12 nautical miles of Subi Reef, one of seven artificial islands built up by China in the South China Sea.

China’s response as reported by international news: “China’s Foreign Ministry reacted angrily after a U.S. Navy ship passed within 12 nautical miles of disputed islands in the South China Sea late Monday in an apparent challenge to Beijing’s territorial claims in the region.”

“The ministry said that authorities monitored and warned the guided missile destroyer USS Lassen as it moved inside what China claims as a 12-mile territorial limit around Subi Reef in the Spratly Islands archipelago, a disputed group of hundreds of reefs, islets, atolls and islands in the South China Sea that is also claimed by the Philippines.”

Roilo Golez Former National Security Adviser



The Chinese Foreign Ministry also summoned the American ambassador to protest the Lassen's sail through. Chinese netizens sounded dismayed. A sample comment: "They walked around our house, and all we could do was shout through the window," one netizen bemoaned on Sina Weibo, China's version of Twitter.

"It is a joke that we can only try to stop the US from harming Chinese sovereignty in the South China Sea only with a warning," another said.

Meantime in the legal front, the Philippines won the first round of its case in the Permanent Court of Arbitration in the Hague. The arbitral tribunal concluded that it had jurisdiction over seven Philippine assertions:

Out of the Philippines' 15 submissions (or issues for arbitration), the tribunal concluded that it had jurisdiction over seven assertions:

1. Panganiban Reef (Mischief Reef), Ayungin Shoal (Second Thomas Shoal) and Zamora Reef (Subi Reef) "are low-tide elevations that do not generate entitlement to a territorial sea, EEZ or continental shelf" and that they cannot be appropriated by occupation.
2. Gaven Reef (Gaven Reef) and McKennan Reef (Hughes Reef) are low-tide elevations that do not generate entitlement to a territorial sea, EEZ or continental shelf, but their low-water line may be used to determine the baseline from which the breadth of the territorial sea of Binago Island (Namyit Island) and Rurok Island (Sin Cowe Island), respectively, is measured.
3. Panatag Shoal (international name: Scarborough Shoal) generates no entitlement to an exclusive economic zone (EEZ) or continental shelf.
4. Mabini Reef (Johnson South Reef), Calderon Reef (Cuarteron Reef) and Kagitingan Reef (Fiery Cross Reef) generate no entitlement to an EEZ or continental shelf.
5. China has unlawfully prevented Philippine fishermen from pursuing their livelihoods by interfering with traditional fishing activities at Panatag Shoal.
6. China has violated its obligations under Unclos to protect and preserve the marine environment at Panatag Shoal and Ayungin Shoal.
7. China has breached its obligations under Unclos by operating its law enforcement vessels in a dangerous manner causing serious risk of collision to Philippine vessels navigating in the vicinity of Panatag Shoal.

Seven other submissions "will need to be considered in conjunction with the merits," the tribunal said.

These include the Philippine assertions that:

- A. China's maritime entitlements may not extend beyond what UNCLOS states.
- B. China's nine-dash-line claim in the South China Sea should be declared invalid.
- C. China has "unlawfully aggravated and extended the dispute" through preventing Philippine navigation, rotation and resupply of its troops on Ayungin Shoal.
- D. China's occupation and construction activities on Panganiban Reef violate UNCLOS.
- E. Panganiban Reef and Ayungin Shoal are parts of the EEZ and continental shelf of the Philippines.
- F. China has interfered with the Philippines' exercise of its sovereign rights to resources within its EEZ.
- G. China "unlawfully failed to prevent its nationals and vessels" from exploiting resources within Philippine territory.

However, China reiterated it won't accept Hague sovereignty arbitration with this blunt statement: "China has repeatedly expounded its position of not accepting or getting involved in these proceedings initiated unilaterally by the Philippines."

The recalcitrant position of China faces stiff international opposition.

Singapore Law Watch reacted by stating: "Instead of hurling political rhetoric at the tribunal, it would be more productive if China attempts to make a legal rebuttal and argue why it feels that Article 288 does not apply in this case. Otherwise, what the world will see is a country that claims to defend international law while flouting it when a ruling goes against its interests. That's a sore loser - not an upholder of law."

"The United States noted that the final decision by the international tribunal in The Hague - not expected until next year - would be legally binding on both the Philippines and China, which have both ratified the UN Convention on the Law of the Sea.

"Top US diplomat for East Asia, Daniel Russel, said that when the tribunal issues its final decision, there would be an international expectation that China would not flout its obligations under the convention."

I note three developments that are of great concern to the Philippines and could have a grave impact on the region:

1. **US FREEDOM OF NAVIGATION PATROLS:** The first one is the announced second Freedom of Navigation patrol to be conducted by the United States Navy. Personally, I welcome this as necessary in checking the aggressiveness of China but the region must brace itself for the response of

The West Philippine Sea Situation

China to the second and succeeding patrols. What forces will the US deploy the next time? How would China respond?

2. ARBITRAL TRIBUNAL CASE AGAINST CHINA:

The Philippines has a good chance of winning its case in the Permanent Court of Arbitration and that the tribunal would repudiate the 9-dash line. China has repeatedly announced that it will not honor the ruling of the arbitral tribunal. Will it really ignore the ruling? How would the international community respond to the ruling? How would the other powers in the region react to a ruling favorable to the Philippines? Will they help by whatever means in compelling China to honor the ruling? Should China ignore the arbitral tribunal, would it mean more freedom of navigation patrols and this time not only by the US Navy but by the other powers in the region?

3. MILITARIZATION OF CHINA'S ARTIFICIAL ISLANDS:

China does not appear to be slowing down in their construction activities on the artificial islands, especially those with the air strips namely Subi Reef, Fiery Cross Reef and Mischief Reef. What is the most likely response of the US and other powers like Japan if and when China starts militarizing the artificial islands with the deployment of fighter jets, even bombers and medium range missiles? What if China declares an ADIZ in the South China Sea? Would that be treated as a Clear and Present Danger to the region?

The Philippines, by reason of geography, is the closest to the potential point of conflict. The Philippines has suffered the most so far from China's aggressiveness with two major features (Mischief Reef and Scarborough Shoal) seized by China and would like this redressed as soon as possible. It is our hope that the situation be corrected in a peaceful manner and that China respects the Rule of Law and the international community will be there to pressure and compel China accordingly for the sake of the global commons.

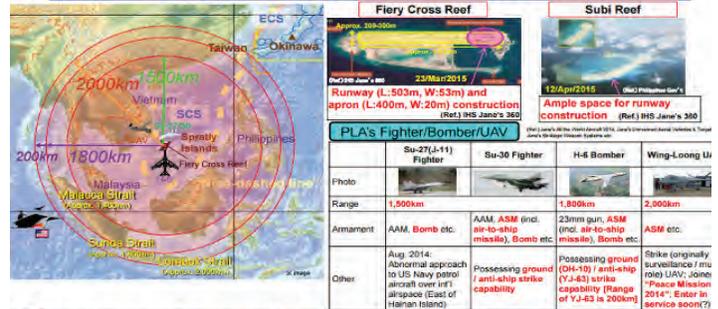
Should the world not do anything to stop China's reclamation activities, the world will have to deal with a clear and present danger posed by at least three militarized structures with the following capabilities (artwork from the study of the Japan Ministry of Defense dated Kine 12, 2015 entitled "East and South China Sea Situation.")

Excerpts from "China Likely to Lose International Court Case in South China Sea Dispute, Legal Experts Say," by Javier Simon, 2 December 2015:

"China may finally be feeling the pressure over its territorial claims in the South China Sea, which now are being analyzed by the Permanent Court of Arbitration in the Hague.

3. China's Expansion in South China Sea (SCS)

D) Expanding Footprint in Spratly Islands (Air)



- Generally speaking, if an airstrip and other supporting facilities are built on Fierly Cross Reef (and possibly on other reefs):
- ① A variety of military aircraft (fighters, bombers, UAVs etc.) could be deployed or stationed there.

When the court took jurisdiction over the case filed by the Philippines, which has its own territorial claims in the region, China brushed it off as a "futile" attack on its sovereignty which would "lead to nothing."

Legal experts now say Manila has a good chance of success based on the court's rejection of China's arguments during the hearing on jurisdiction. Such a scenario would mark the first time an international court has intervened in the matter – something Beijing has been trying to avoid for years.

International energy lawyers and officials from other countries in the region are keeping their eyes on the case. Vietnam, Malaysia, Brunei and Taiwan also claim parts of the South China Sea, which serves as a waterway through which \$5 trillion worth of ship-borne trade passes through each year.

"Other countries will use it as a stick to beat Beijing with," said Ian Storey, a South China Sea expert at Singapore's Institute of South East Asian Studies, in an interview with Reuters. "That's why China is so freaked by this whole issue."

Manilla filed the case in hopes of earning a court's ruling on its right to exploit waters in its 200-nautical mile exclusive economic zone as allowed under the United Nations Convention on the Law of the Sea (UNCLOS).

This treaty defines territorial and economic zones based on factors such as islands, rocks and reefs China, which claims most of the South China Sea, has been expanding its efforts in building artificial islands in the region. Even though it ratified UNCLOS, Beijing dismisses the court's authority and claims it will deny any ruling- a claim reiterated by China's Foreign Ministry on Tuesday.

Such a response is likely as no entity would enforce a legally-binding ruling in support of the Philippines. Still, China would face pressure on the world stage, especially at regional meetings."

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Shift Lanes To Save The Whales

BY VICKY VIRAY-MENDOZA

Every year, about 300 whales feeding near the southern coast of Sri Lanka are hit more than a thousand times by large carriers up to 300 meters long. About 50 of these collisions are likely to be lethal for the rare Pygmy Blue Whales indigenous to Sri Lanka waters. Next year could likely be the “Year

in the tuna industry, by developing a monitoring and certification program to verify no tuna is caught by setting nets on dolphins.

FOS was established in 2008 with the objective to protect marine habitat and aquatic species. FOS developed a certification program for sustainable fisheries products and aquaculture products. Over 500

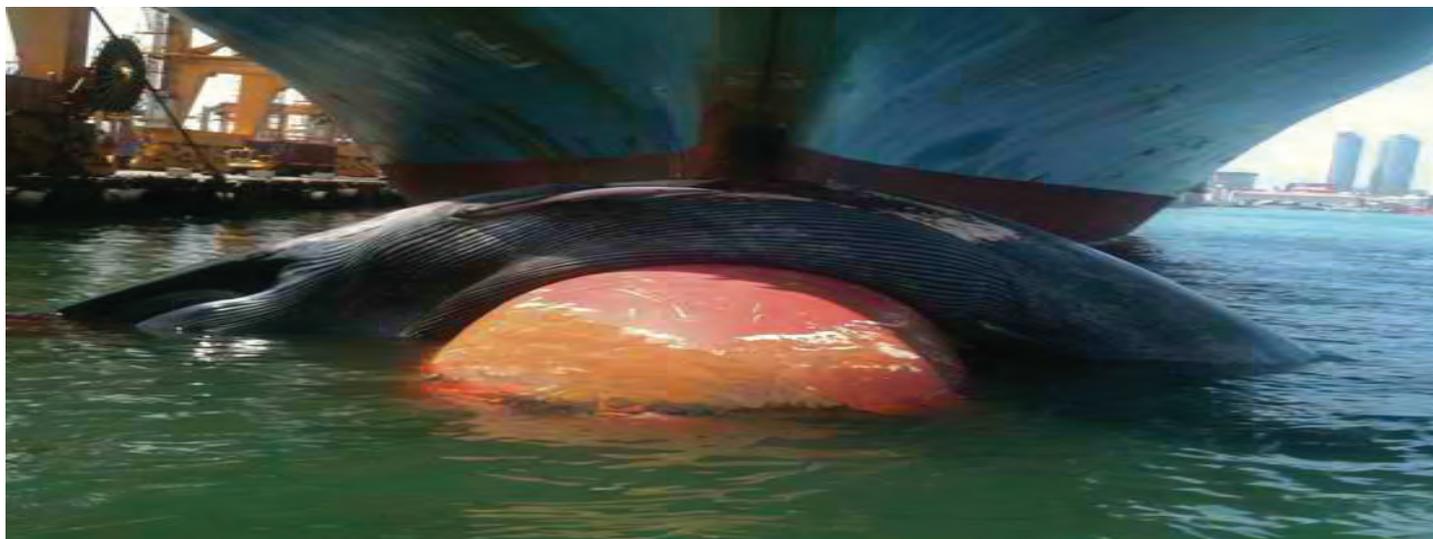


PHOTO CREDIT: SOPAKA KARUNASUNDARA

Pygmy Blue Whale in Colombo harbour, draped on the bow of a container ship.

of No Return” of the Pygmy Blue Whales in the area, unless the Sri Lankan authorities, in collaboration with the World Shipping Council agree to submit a proposal to the International Maritime Organization (IMO) to shift the current lanes 15 nautical miles south, before the 27th of November deadline. Proposals submitted after this deadline would be enforced 24 months later.

Friends of the Sea (FOS), an international NGO, urged the Sri Lankan Government, the World Shipping Council, and the world’s top ten shipping companies (NYK, Maersk, Evergreen Marine Corporation, CMA-CGM, MSC, Hapag-Lloyd, APL, Cosco, Hanjin, and CSCL) to submit the proposal to the International Maritime Organization (IMO) in an effort to stop the deadly strikes on the whales. FOS offered help to coordinate the meeting for the parties to discuss and prepare the proposal.

Paolo Bray, former European Director of the Dolphin-Safe Tuna project of the Earth Island Institute, is the founder and director of FOS. The Dolphin-Safe Tuna project saved millions of dolphins from mortality

companies from 50 countries have products certified by FOS, and these companies have relied on FOS to assess the sustainability of their seafood origins. FOS certification requirements are benchmarked as being among the most strict. In addition, independent certification bodies perform external audits.

Over the years, FOS has expanded the scope of its audits and its seal of approval towards Sustainable Whale Watching Operators, Sustainable Shipping, and Sustainable Ornamental Fish. In the past, FOS had contributed to select conservation projects for the protection of albatross, whale sharks, monk seals and dolphins. Currently, FOS is involved in whale protection in Sri Lanka to prevent container ships from striking the Pigmy Blue Whales and other whales.

“The shipping industry has greatly reduced its environmental impact over the years,” explains Paolo Bray. “It is now time to deal with its silent impact on whales which are being decimated by ship strikes. Shifting the lanes 15 nautical miles south would reduce

whale strikes by over 90%.”

Asha de Vos, a marine biologist at University of California, Santa Cruz, and founder of the Sri Lankan Blue Whale Project, described the Sri Lankan Pygmy Blue Whale in the *New Scientist* magazine last year, as a subspecies of the **Atlantic** blue whale (*Balaenoptera musculus*). The Pygmy Blue Whale has about a 24-meter length (79 ft), or 4 meters shorter than the 28-meter (92 ft) **Antarctic** blue whale subspecies (*Balaenoptera musculus* ssp. *Intermedia*); or 6 meters shorter than the 30-meters (98 ft) Atlantic blue whale parent. The Arkive.org says the parent Blue Whale just may be the largest and heaviest animal on earth, bigger than the largest dinosaurs; about the same size as a Boeing 737.

The Pygmy Blue Whale differs from the other blue whales in a number of physical characteristics. It has broader and shorter baleen plates, a shorter tail, a

Dr. Hidehiro Kato of Japan’s Fisheries Research Agency told BBC News Online in 2007 that “The ‘true’ blue is torpedo-shaped, but the Pygmy looks more like a tadpole, with a relatively big head and short tail. Their behaviour is different too. The Pygmies we’ve studied breed in the Indian and South Atlantic oceans and go south to the Antarctic to feed. But they don’t often go much further than 55 degrees South, while the ‘true’ blues go right up to the edge of the pack ice.” Unlike other blue whales, the Pygmy Blue Whales don’t migrate to the poles to feed.

The Centre for Whale Research in Western Australia reported in January 2014 that an Antarctic blue whale and a Pygmy Blue Whale were encountered feeding in the Sub-Tropical Convergence, adding a new piece to the puzzle regarding their movements around the Indian and Southern Oceans.

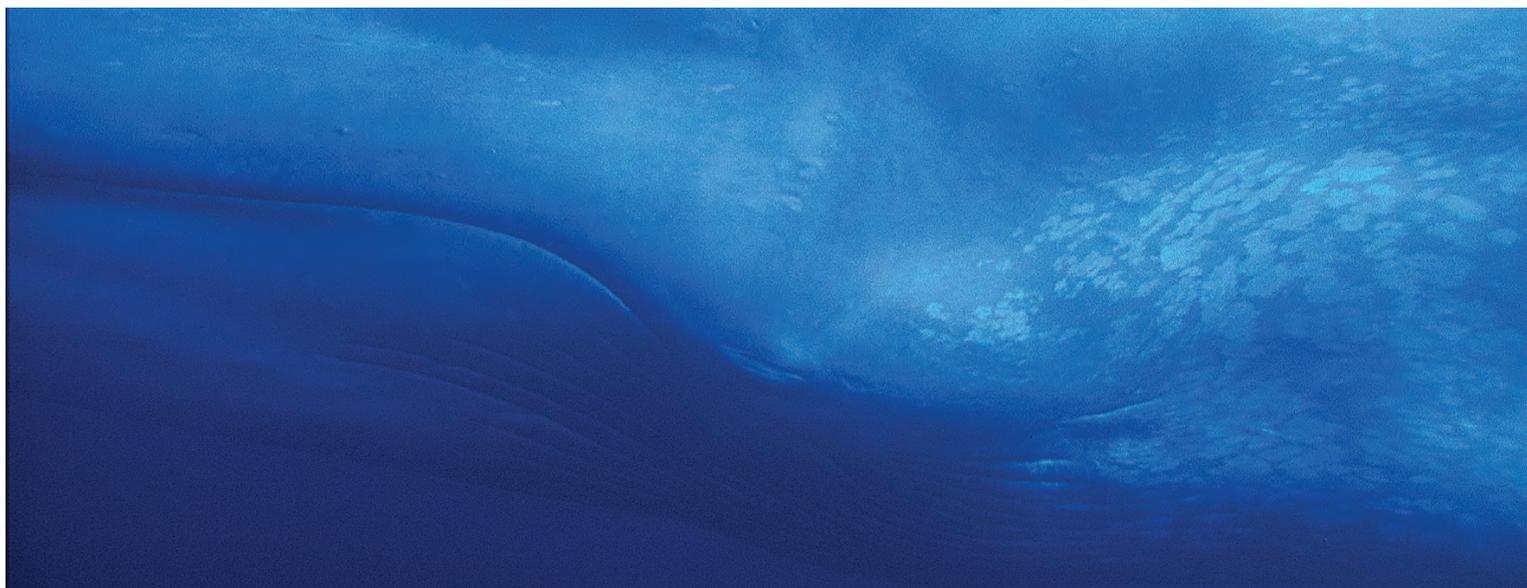


PHOTO CREDIT: CURT JENNER, CENTER FOR WHALE RESEARCH, WESTERN AUSTRALIA.

A 24-meter long Pygmy Blue Whale

proportionately longer body in front of the dorsal fin, and a larger head relative to body size. The shorter tail is what gives the Pygmy Blue Whale the tadpole-like shape that results in differences in diving. In the Atlantic and Antarctic ‘true’ blue whales, there is a delay between the submergence of the dorsal fin and the caudal peduncle. In Pygmy Blue Whales, the dorsal and peduncle submerge simultaneously. Pygmy Blue Whales also tend to be darker than the other blue whales, and the shape of their blowhole is different.

Despite the large size of these marine mammals, they only consume small shrimp-like krill through their baleen plates. Krills are between 0.4 and 6 inches in length, but most are less than 1 inch long. The baleen plates are the comb-like fibrous plates hanging from the upper jaw that are used to sieve food from seawater. As the whale’s mouth closes, water is expelled through the baleen plates, which trap the food on the inside to be swallowed.

Marine Environment

The Pygmy Blue Whale was once confused for a small blue whale. However in 1966, observations of the whale led to a new subspecies and description based on differing characteristics between these marine mammals and their larger blue whale relatives. Thus, the Pygmy Blue Whale was given the scientific sub-specie name of *Balaenoptera musculus ssp. Brevicauda*, being shorter than both the Atlantic and the Antarctic blue whale.

In 1859, the Pygmy Blue Whales found in the northern Indian Ocean were assigned the name *Balaenoptera ssp. Indica*. However, in 1966, they were found to be no different than the *Balaenoptera Brevicauda* Pygmy Blue Whales in the south, except that their breeding seasons were six months apart.

Nowhere else have the Pygmy Blue Whales been observed so close to land. This makes Sri Lanka an ideal spot for scientists, marine biologists, and nature lovers who study blue whales. However, as Asha de Vos stated, “nearly 1,300 were killed by illegal Russian whaling in the 1960s and ’70s, but today the biggest threat is ship traffic, which is projected to double globally in the next 20 years.”

In more recent years, common threats for many species of whale include water pollution from oil spills, garbage and other human factors, noise pollution from loud jet engines, explosives, boating equipment, and over fishing which can affect whales living in highly competitive fishing environments.



PHOTO CREDIT: CURT JENNER, CENTER FOR WHALE RESEARCH, WESTERN AUSTRALIA

This 24-meter Pygmy Blue Whale has a huge semi-circular piece of its caudal peduncle missing.

The Pygmy Blue Whale also speaks a very different dialect. They are known for making loud majestic whale songs that appear to be performed only by the male whales. Pygmy Blue Whales off the coast of Sri Lanka have been repeatedly recorded making “songs” of four notes, lasting about two minutes each. While the exact meaning for these sounds is mostly unknown, it is assumed that these calls are used to locate potential mating partners.

While the Pygmy Blue Whales primarily give birth to a single offspring, they may also give birth to twins on rare instances.

On the proposed solution to shift the current shipping lanes 15 nautical miles south, Paolo Bray stated, “The artisanal fisheries and the whale-watching industry that are driving tourism in the area would also benefit. Coastal pollution would be reduced. Ships would, in the end, have to add only an average of 5 miles to their trips.”

Bray believes, “By meeting the 27th of November deadline, Sri Lanka could become an example to be followed globally in environmental protection and whale conservation.”

Green Circle Properties and Resources, Inc. (GCPRI) Green Square Properties Corporation (GSPC)



GCPRI and **GSPC** have consolidated contiguous real estate in the provinces of Quezon and Aurora with an area of almost 30,000 hectares, and, together with an additional approximately 50,000 hectares, commissioned Palafox Associates in coordination with Fil-Estate and Parsons International to master plan the development of a new Pacific Coast City under a project called "Eastern Luzon Seaboard Strategic Scheme" (ELSSS). This ambitious scheme includes, among others, the development of a port in Dingalan Bay to service the several industrial cities as well as the various developments envisioned in the plan.

The New Pacific Coast City, duly authorized for development as an ECOZONE, has been approved by the Government under Executive Order 332 dated January 27, 2000 declaring certain areas in Dingalan, Aurora and General Nakar, Quezon as an Economic Zone with a Tourism Estate pursuant to RA 7916. It will have:

- An entertainment city
- An educational center
- A workers' city
- A sports and leisure city with a concept of
- An Olympic city
- A religious center with a planned Basilica
- Industrial cities, with one just adjacent to
- A Port city



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APECCS: APEC/APEX of the Future?



Family photo of the APEC Economic Leaders.

Photo Credit: APEC 2015 Philippines

In the shadows of today's global problems – principal among them were terrorist attacks in Paris last 13 November that claimed 130 lives with others still in critical condition (and threats of more of the same in other countries in Europe and the U.S. by ISIS terrorists) – the Philippines hosted this week the 2015 Asia-Pacific Economic Cooperation (APEC) Leaders' Meeting.

Against this complex backdrop of hope and apprehension, we recall the position paper FVR submitted at the Australia-APEC Community International Conference in Sydney last November 2009 organized by then Australia Prime Minister Kevin Rudd – a timely analysis that continues to be relevant in today's troubled world.

During the Philippine Chairmanship of APEC in November 1996, the East Asian economies all seemed so robust that none realized we were standing on the brink of a financial disaster. But, in July 1997, the East Asian region had begun to suffer what is now

known as the “East Asian Financial Crisis.” The turmoil – which lasted up to 1999 and beyond for some economies – affected currencies, stock markets and economies in general in most Asian countries.

MANY BUSINESSES COLLAPSED AND, CONSEQUENTLY, THOUSANDS OF MIDDLE-CLASS PEOPLE FELL INTO POVERTY. INDONESIA, SOUTH KOREA AND THAILAND WERE THE ECONOMIES MOST ADVERSELY AFFECTED. HONGKONG, MALAYSIA, LAOS, AND THE PHILIPPINES WERE ALSO HIT – THOUGH NOT SO BADLY.

JAPAN, CHINA, CHINESE-TAIPEI, SINGAPORE, AND VIETNAM WERE RELATIVELY SECURE. BUT, THE CONTAGION RIPPLED THROUGHOUT THE GLOBE. ITS EFFECTS WERE FELT AS FAR AS RUSSIA, EASTERN EUROPE, THE UNITED STATES, AND BRAZIL.

Fidel V. Ramos Former Philippine President



Lessons From The East Asian Crisis

Every traumatic experience carries its lessons; and from the East Asian crisis, we learned the hard way that economic reforms that individual countries carried out – sometimes at great cost – were quite insufficient.

To restore investor confidence, deeper reforms were necessary – particularly the need to construct appropriate regulatory structures. Fortunately, the crisis – instead of setting off a wave of protectionism in East Asia – promoted further financial liberalization.

Significantly, APEC itself remained a leading force for trade liberalization throughout the crisis. At the 1997 Vancouver Summit, APEC Leaders agreed to designate 15 major sectors – especially automobiles, chemicals, energy, environmental conservation, medical equipment, and services – for earlier liberalization. Then, we also agreed that detailed plans would be required for eliminating trade and investment barriers in nine of these sectors, which involved over 1.5 trillion USD of global trade.

Looking back to that financial crisis from the perspective of these last 18 years, we can truly say that the Asia-Pacific’s faith in “Trade and Investments Liberalization and Facilitation (TILF)” paid off.

BUT IT IS NOT ONLY TILF THAT CONTRIBUTED TO THE GROWTH OF APEC MEMBER-ECONOMIES. APEC HAS ALSO ADDED TO ITS GROWTH MOMENTUM BY DEVELOPING “BEST-PRACTICES POLICIES” THROUGH ECONOMIC-TECHNICAL COOPERATION AND TEAM-BUILDING.

Expanding Cooperation To Include Security

APEC eventually broadened its agenda to include security issues, having realized that, in the real world, one cannot neatly separate economics from security. Hence – in October 2002 – the Leaders agreed to establish a “Secure Trade Area Region (STAR)” in APEC.

The STAR initiative aims to safeguard the flow of goods and people in the Asia-Pacific – through security measures that would protect ships and their cargo, international aviation, and people in transit. Such expanded cooperation consists of multilateral measures that enhance cross-border security, customs networking, and the protection of national and corporate supply chains.

In 2003 and 2004, APEC expanded its security mechanisms by creating the APEC Counter-Terrorism Task Force, and by contributing to the Asian Development Bank’s (ADB) “Regional Trade and Financial Security Initiative.” The APEC economies also tightened up domestic controls in Man-Portable Air Defense Systems (MANPADS) and countered money-laundering and terrorist-financing schemes more effectively. To reduce the threat of regional epidemic diseases, APEC members also strengthened Asia-Pacific public health systems.

IN SUM, APEC’S TRACK RECORD ON SECURITY HAS BEEN COMMENDABLE. THE CONTINUING CHALLENGE IS TO KEEP SECURITY ARRANGEMENTS HARMONIZED, COMPREHENSIVE, AND RESPONSIVE TO ENSURE THAT ALL APEC ECONOMIES CONTINUE TO DO WELL AND PROVIDE A BOUNTIFUL FUTURE FOR ITS PEOPLES TO SHARE.



Photo Credit: APEC 2015 PHILIPPINES

APECCS: APEC/APEX of the Future?

Pax Asia Pacifica: Building An Asia-Pacific Community

OVER THE FORESEEABLE FUTURE, ALL OUR COUNTRIES MUST ACCEPT LIVING WITH A LARGER CHINESE PRESENCE. HOW, THEN, CAN LONG-TERM STABILITY IN THE ASIA-PACIFIC BE ENSURED? A SHIFT FROM *PAX AMERICANA* TO *PAX ASIA-PACIFICA* COULD WELL BE THE ANSWER.

We should exploit the convergence of interests that the U.S., Japan, China, India, ASEAN, a unified Korea, Russia, Australia, New Zealand, etc. have in a peaceful and stable Asia-Pacific – just as the Western Europeans exploited the Cold War stalemate between the U.S. and the U.S.S.R. to consolidate the European Union.

Under the “balance of terror” of the Cold War, Western Europe organized the economic, political, and cultural community that has now brought its peoples from their once-endless civil wars into the modern era of virtual “perpetual peace.”

Already the instruments have been laid for such ambitious goal. We have in ASEAN (now governed by a Charter) its Regional Forum (ARF) and the beginnings of larger Asian economic groupings – with an “ASEAN plus China, plus Japan, plus South Korea, plus India, plus Australia-New Zealand.”

Our APEC forum itself, linking 21 countries on both shores of the Pacific, provides a viable base on which to build a truly integrated Asia-Pacific community, more closely bonded not just by common economic interests but by shared security concerns, and most important, aspirations for a better future for all. Obviously, APEC economies and ASEAN-plus partners overlap considerably in terms of geography and populations.

Meanwhile, Asia-Pacific countries must cooperate more closely to prevent and pre-empt terrorist outbreaks in the region. And the key here is to devise strategies that would defeat terrorism without alienating the majority of Muslims living in our region because they are

generally peace-loving, law-abiding, and responsible citizens.

IF THE POOR COUNTRIES ARE TO OVERCOME PROBLEMS OF ECONOMIC DEVELOPMENT AND POLITICAL MODERNIZATION, THEY MUST FIRST PUT THEIR HOUSES IN ORDER. ON THE OTHER HAND, THE RICH COUNTRIES MUST SHOULDER THE GREATER OBLIGATION TO MITIGATE THE IMPACT OF GLOBALIZATION – BY ENSURING THAT THE DEVELOPMENT WHICH INTERDEPENDENCE BRINGS DOES NOT LEAVE ANYONE BEHIND.

From The American To The Asia-Pacific Peace

Given the current favorable conditions for enhancing relations within APEC, it is timely for our leaders to consider the building of a new regional structure upon the larger principle of “human security” as already embraced by the United Nations.

Because of the constant threats of endemic diseases, natural calamities, environmental degradation, and international terrorism, not just “human development” but, indeed, “human security” has become mankind’s highest ambition.

In its home-region, APEC has a key role to play in creating a *Pax Asia-Pacifica* as the logical successor to the *Pax Americana* that has underpinned stability in the Asia-Pacific region for decades. Unlike the “American Peace” – which at bottom is enforced by U.S. military power – an “Asia-Pacific Peace” will be the peace of virtual equals, based on the concept of burden-sharing among all Asia-Pacific nations according to “best efforts.”

THE DESIRED OUTCOME IS A MULTI-NATIONAL MARITIME TASK FORCE SUPPORTED BY ALL ASIA-PACIFIC NATIONS (ESPECIALLY CHINA) TO ENSURE FREEDOM OF NAVIGATION, SAFETY OF LIFE AT SEA (SOLAS) AND TIGHTER MARITIME LAW ENFORCEMENT.



Fidel V. Ramos Former Philippine President

Already, APEC has broadened its agenda beyond trade and investment liberalization and economic growth. APEC's 2002 STAR initiative – and its Anti-Terrorism Task Force – will be pivotal in ensuring the viability of the future *Pax Asia-Pacifica*.

Clearly, *Pax Asia-Pacifica* must be built on unswerving commitments to peace among the most powerful countries in our part of the world – namely, the U.S., China, Russia, and Japan.

A constructive Chinese role in organizing a *Pax Asia-Pacifica* would manifest China's sincerity in being the “responsible stakeholder” Washington has challenged Beijing to become. Japan and Russia too must perform more security and peace-keeping participatory roles, if our region is to achieve *Pax Asia-Pacifica*.



Photo Credit: APEC 2015 Philippines

ONE OF THE MOST CRITICAL FACTORS IN ENSURING *PAX ASIA-PACIFICA*, IN FACT, IS THE STRATEGIC RELATIONSHIP BETWEEN BEIJING AND TOKYO.

IN THE INTEREST OF REGIONAL PEACE, BOTH POWERS SHOULD STOP ALLOWING THEIR HISTORICAL RESENTMENTS TO DISRUPT THE ATTAINMENT OF A SECURE AND PROSPEROUS ASIA-PACIFIC FUTURE.

THE FUTURE: FROM APEC TO APECCS?

Is it not high time – seeing the mobility, destructiveness, and global reach of international terrorism exemplified last 13 November in France – that we move from APEC to **Asia-Pacific Economic Cooperation, Community and Security**? From APEC to APECCS? Or to use a more euphonious acronym, from APEC to APEX – which means from APEC to the summit/apex of HUMAN DEVELOPMENT, called HUMAN SECURITY?

IN THE END, THE RELATIONS AMONG THE ASIA-PACIFIC NATIONS SHOULD ALWAYS BE AN INTERPLAY OF COMPETITION AND COOPERATION.

THE STRATEGIC TEST FOR ALL NATION-ECONOMIES – AND ALL THE REGIONAL ORGANIZATIONS SUCH AS APEC – IS TO ENSURE THAT THE SPIRIT OF COOPERATION TO PROSPER IS ALWAYS STRONGER THAN THE COMPETITIVE IMPULSE TO DOMINATE.

WHATEVER BE OUR SHARED ENDEAVORS, WE MUST ENSURE THAT ALL THESE ARE UNDERTAKEN THROUGH SHARED VALUES, SHARED RESPONSIBILITIES, SHARED BURDENS, AND SHARED BENEFITS – TOWARD A HIGHER QUALITY OF LIFE FOR ALL.

HOW THINGS TURN OUT WILL, TO A GREAT EXTENT, DEPEND ON THE ACTIONS, DECISIONS, AND SPIRIT OF COMMUNITY EMERGING OUT OF OUR 2015 APEC MEETINGS IN THE PHILIPPINES.

CAN APEC INDEED BECOME THE APEX OF OUR ASPIRATIONS?

WHY NOT? KAYA NATIN ITO (YES, WE CAN) !!!

Please send any comments to fvr@rpdev.org.
Copies of FVR's articles are available at www.rpdev.org.

Indonesian Firm picks Catamaran Design

BY VICKY VIRAY-MENDOZA

Indonesia's largest marine tourism operator, Bali Hai Cruises, has awarded a contract to International Maritime Consultants (IMC) for the design of its next generation day-cruise catamarans.

Bali Hai Cruises was established in 1990. It provides a wide variety of tourism experiences based out of Benoa Harbour in southern Bali. These include day cruises, a water activities pontoon off Nusa Lembongan Island, day sailing trips, ocean rafting trips on high-speed rigid inflatables, and evening dinner cruises.

Bali Hai Cruises also operates the Hai Tide Beach Resort located on Nusa Lembongan Island, one of three small islands lying southeast of Bali. The island is surrounded by coral reefs, white sand beaches and low limestone cliffs, great for scuba diving and surfing.

While working closely with Bali Hai Cruises, IMC developed a tailored design that successfully supports the cruise operator's broad range of operations.

Eric Haun, web editor of MarineLink.com, reports that with the increased 400-passenger capacity and the contemporary tropical interior design, IMC's new 40-meter aluminum catamaran design provides an advancement from the 36-meter, 315-passenger capacity of the Bali Hai II luxury catamaran that Bali Hai Cruises has been operating for over 20 years.

Haun expounds that a key feature of the catamaran's design is the use of a diesel and electric propulsion system, which will provide a 25-knot cruise speed to the pontoon, as well as low noise and low emissions when operating in an all-electric mode during the evening dinner cruise. To provide these environmental and operational benefits, IMC, a Western Australian naval architecture consultancy is leveraging its experience with hybrid propulsion gained through the design of advanced offshore support vessels.

Ship-Technology.com reports that under the terms of the deal, IMC will provide a fully functional design for the new vessel as well as assist the cruise operator, Bali Hai Cruises, in selecting a shipyard to undertake the construction works of the catamaran.

Dick Chandler, Bali Hai Cruises Managing Director,

is quoted by CruiseandFerry.net saying, "A foundation of our success has been bespoke quality vessels, maintained to the highest standards." He further stated, "This new project reflects both our confidence in Bali's tourism industry and our intention to consolidate our leading market position through the introduction of another world-class vessel.

Justin McPherson, IMC's Managing Director and naval architect, is quoted by IMC's website saying, "To be entrusted with the design of a new aluminium passenger catamaran by Bali Hai Cruises, which has been operating similar craft so successfully, and for so long, is a great honor."

IMC is an independent consultancy providing comprehensive naval architecture, marine engineering and project management services to the global marine, maritime and offshore industries. IMC's flexible, customer-centric approach combines innovative thinking, with skilful engineering backed by deep and broad experience gained since its formation in 1994. IMC was founded in 1994 and is based in Fremantle, Western Australia. IMC was founded on establishing long-term relationships with its clients enabling IMC to draw upon historical knowledge of specific projects and operations in order to provide optimal solutions.



IMC catamaran design off Nusa Lembongan. Photo credit: IMC



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Proceedings of MBFs 105 & 106

BY VICKY VIRAY-MENDOZA

The Philippine Coast Guard (PCG) hosted the 105th MBF, led by RADM. WILLIAM MELAD on behalf of VADM. RODOLFO ISORENA, and was held on 18 September 2015 at the Hub, Rizal Park, Ermita, Manila.

LCDR. NHEA VICTORIA VERGARA PCG described the MB KIM NIRVANA SINKING accident. The Motorbanca departed Ormoc on 15 July bound for Pilar, Camotes, Cebu. There was a low pressure area estimated 560 kms east of Legazpi City embedded within the ITCZ across the Visayas. The boat was just off the pier when it capsized 250 meters away.

PCG Actions: Conducted immediate search and rescue; relieved PCG officers deemed responsible and subject to result of investigation; sent out maritime safety advisories to all PCG Districts, and Stations; assisted PNP file charges against ship-owner and crew; and investigated the maritime casualty.

PCG Instructions: Reiterated mandatory wearing of lifejackets for all motorbancas with/without outrigger; checking motorbanca's loadline marks; reiterated guidelines for video recording during predeparture inspection; and reiterated strict enforcement of PDI.

PCG investigation of causes of the accident: Faulty maneuvering of the vessel; subsequent shifting of cargoes; poor vessel construction; excess persons on board; and various discrepancies were noted.

Recommendations: Review the Design and Seaworthiness of wooden-hulled vessels; separate Rule on Stability Calculation and Construction; establishment of Crowd Control System and Ticketing System in sea ports with motorbancas operating therein; Enhancement of VSEI training in CG Stations and Sub-stations

Rex Munsayac (ONICONSULT) asked for details on tonnage and capacity of the MBKA KIM NIRVANA. COMMO. FRANCISCO TOLIN of Maritime League suggested to ask MARINA for information; why they approved the ship's plan; and suggested they review all discrepancies. COMMO. TOLIN stated that wooden hull crafts are covered by IMO rules and may be allowed for smaller tonnage. The Chair said material strength must be included at inspection by classification societies or certifying authorities to ensure unbroken outriggers.

CDR. WILLIAM Q. ARQUERO PCG provided information on National Service Training (NSTP) Civic Welfare Training Service (CWTS) Program. A Memorandum of Agreement was executed by PCG with the Commission on Higher Education (CHED) in June 2012; CHED approved the Program of Instruction for NSTP students. There are four (4) Modules with PCG-specific functions: Disaster Risk Reduction and Management Awareness; Environmental Protection; Leadership Training; and Community Services.

CAPT. TEOTIMO BORJA PCG gave the history behind the National Maritime Week (NMW) citing the various issuances. The most recent Presidential Proclamations No. 1560 of 2008 designates MARINA, PCG, PPA/CPA to alternately lead the NMW celebration and delineate authority to plan, organize, promote and engage the maritime sector and industry stakeholders to collectively undertake the national celebration. CAPT. BORJA enumerated all the government agencies involved, those in the private sector, partner associations and sectoral organizations. The attendees lauded the PCG and the many agencies and organizations involved, for the exhaustive nationwide program. It is really an "all hands evolution," as some attendees commented.

Maritime concerns relating to Bangsamoro Basic Law (BBL): The Chair introduced PROF. JAY BATONGBACAL, Director of UP Institute for Maritime Affairs and Law of the Sea (IMALOS), as one of the foremost experts in Maritime and Ocean Affairs and Law of the Sea in the Philippines and internationally. Prof. Batongbacal discussed the "Legal Geography of the Proposed Bangsamoro Waters." He discussed the legal basis of geographic boundaries, and primary territorial jurisdiction: civil/criminal jurisdiction; administrative jurisdiction; tax/revenue jurisdiction; and new Bangsamoro Region as a territorial space, and as functionally divided.

Prof. Batongbacal presented maps showing added water boundaries to "Bangsamoro," zones of "joint cooperation," and the "New Bangsamoro Region" comprising land plus sea, a potential wealth-sharing resource with specific management responsibilities.

However, he was quick to emphasize that the latter are not entirely exclusive prerogatives because of shared and

reserve powers of the national government as well as the maritime rights of the international community. Thus, there are significant resource management challenges. Wealth sharing within the Bangsamoro Regional (BR) Waters are indicated as: National taxes/fees/charges 25(CG)/75(BR); GOCC, FI, Ecozone, freeport income 0/100; Natural resources revenues: Non-metallic 0/100; Metallic 25/75; Fossil fuels and uranium 50/50. He discussed issues for consideration, such as: Effects on different wealth-sharing formulae in Local Government (LG) Code; Mining Act and Offshore Petroleum Act need to clarify or specify computation formulae; different regimes for different resources; how a BR share that “includes” LG shares may become a bone of contention; and the Indigenous People’s Rights Act’s ancestral domain on ancestral waters and royalties.

Prof. Batongbacal stated that the issues on Zones of Joint Cooperation (ZJC) include transportation between Sulu, Basilan, Tawi-Tawi, and the mainland passing thru ZJC is considered as intra-regional routes; and issues between Bangsamoro people and other indigenous people in adjoining provinces wherein resident fisheries have preferential rights over fishery resources in the ZJC.

With regard to potential mineral and petroleum areas, Prof. Batongbacal opines that issues for consideration include the current petroleum exploration impeded by relatively slow contract approval, multiple local permit/clearance requirements, and LGU demands, where additional layers may discourage investments. Petroleum exploration in multiple-use marine spaces is temporarily displacing other activities in which closer agency coordination is needed. Foreign markets as primary target may need to be considered.

In the case of fisheries, he suggested that Bangsamoro waters are intensively fished by both domestic and foreign fishers, a free-for-all situation showing a need for enhanced law enforcement action/assets. Additionally, fishing in the area straddles Bangsamoro Waters and other waters, thus we must ensure compatible laws.

There is also a need for Marine biodiversity protection across multiple boundaries, for an agile mechanism for integration with national agencies (e.g., National Integrated Protected Areas; Key Biodiversity Areas) and Malaysia (near Turtle Islands), and for reviewing

funding and capacity issues; risks associated with shipping is concentrated in maritime “choke points” that requires application of international conventions and standards. The lack of accessible ports should be addressed and traditional marine transportation activity must be managed hand-in-hand with modern activity.

Prof. Batongbacal said there is a need for a solution to the lack of adequate coverage for maritime security surveillance, requiring closer maritime cooperation and coordination between Coast Guard and Border Guards. He said the Sulu Archipelago acts as a maritime corridor between Philippines and Malaysia thus National government security should be harmonized with BG security. COMMO. TOLIN commented that Indonesia and Malaysia are encroaching in the area down to Mangsee and that the PCG should safeguard the area in the interest of the Philippines.

COMMO. DELA CRUZ queried about a *Manifesto* where some retired generals and flag officers are objecting to the BBL which is politically driven to solve the problems in the South. COMMO. AGUSTIN stated that the *Manifesto* is not obstructing the peace process. They want peace, but not at any price. The government must consider every proposal of the people in the area, which the Panel and the OPAPP have overlooked. There is the constitutionality issue. Also, those who prepared the *Manifesto* had meetings with the Peace Panel Chair (Prof. Miriam Ferrer) and PAPP (Sec. Ging Deles), presented its paper to the House and Senate Committees, met with PHILCONSA, and jibed its position with it. The Chair stated that if the BBL would be approved “as is,” it will not lead to peace; it will make the MILF stronger, and the AFP will have more difficulty suppressing it if violence erupts again.

RADM. MELAD said that the PCG will have difficulty in the implementation of the law if BBL will be passed without amendment. LCDR. SALIMBANGON commented that the Navy would be affected especially in Zamboanga del Sur since almost all assets are deployed there. MILF is still active, yet a government directive to halt any operation with the MILF is in force.

Before the MBF 105 session concluded, Ms. Elizabeth Bun of MARINE PHILIPPINES 2016 invited the attendees to attend or join the 2016 marine exhibit.

The Environmental Management Bureau led by Director ROLANDO CASTRO, DENR Administrative Services, hosted the **106th MBF** and was held at DENR, Diliman, QC on 23 Oct 2015.

Ms. CECILLE MURILLO made available the publication on “Climate Change Adaptation in Coastal Communities” to the attendees. She covered the basics of Climate Change, presenting various statistics and research findings related to the effects of other natural and man-made causes to environmental degradation that we face today. She discussed the risks to disaster as a result of climate change, mainly affecting health, well-being and safety of mankind. She presented our government response based on the Climate Change Act, the key enabling policies, public-private partnerships, and the Project funded by the Norwegian Trust Fund with the World Bank. She described the ecosystem-based approach to climate change adaptation, including building climate-resilient livelihoods, and showed some climate change adaptation initiatives.

Recommendations: Use traditional local knowledge to address climate risks and disasters, resource management, and other adaptation efforts; Cultivate climate smart agriculture and a livelihood-diversified economy; Increase climate governance, knowledge sharing, and community engagement; Adopt an ecosystem based local development; Build climate smart infrastructure in buffer zones; restrict resource extraction and development in conservation areas; Increase adaptation competence of LGU and village level officials and planners to make them cognizant of climate change and disaster management; Adopt a science-based, adaptation-centered, participatory approach to decision-making at GU and village government levels.

LT. LOREN JASMINE LERION of CGD, NAMRIA presented the current marine activities of NAMRIA, all under the Coast and Geodetic Survey Department.

Director ALAN PINEDA, PAGASA, discussed the modern technology of remote sensing in getting inputs for acquiring sea state conditions and for forecasting purposes, through the use of High Frequency radar. Some participants commented that prior systems used statistical information to generate forecasts which are then transmitted to end-users, i.e., commercial shipping,

fishing and the military (PN and PCG), but ships were still required to report back on actual sea state, that are then collated and statistically analyzed.

Director L.V. DE GUZMAN, MOAO DFA, gave a brief update on the West Philippine Sea (WPS) particularly on the legal case with the Tribunal, and cited the initial victory of the Philippine case. Before the forum ended, CDR. IVAN ROLDAN PCG gave an update on the situation in the WPS area from reports gathered by HPCG. This includes disposition of China Coast Guard and other Chinese vessels and watercraft in the various shoals and development areas.



Come ride the floating bus ... Sakay na!

BY VICKY VIRAY-MENDOZA

Vallacar Transit Incorporated (VTI) began as a family-owned and managed business that has grown from a lone 14-seater jeepney business called Ceres Liner plying a single route, to a conglomerate of transportation companies with a combined number of 4,000 transport vehicles nationwide. The company pioneered inter-modal services between Negros, Cebu, Mindanao, Leyte, Panay, and Luzon. It also pioneered inter-modal transport services utilizing the Strong Republic Nautical Highway from Cubao in Quezon City to Zamboanga City in Mindanao.

Ceres Liner is an inter-city bus liner company under the umbrella of Vallacar Transit Inc., the largest public land transportation company headquartered in Barangay Mansilingan, Bacolod City, Negros Occidental. It operates bus transport service to all of Negros from Bacolod City to Panay, Cebu, Bohol, Samar, and Leyte.

Ceres Liner was founded in 1968 by Ricardo B. Yanson and his wife, Olivia Villaflores Yanson. The lone jeepney led them to the jeepney-assembly business. In the early 1970s, when the market was flooded with Ford Fieras, the Yanson couple diversified into the small bus line business which plied the Bacolod City-Valladolid-La Carlota route (thus, the Vallacar Transit umbrella) and christened it Ceres Liner. By 1980, Ceres Liner's services covered the whole province of Negros.

In 1981, VTI ventured into Mindanao. By 1985, they bought out Fortune Express and Bachelor Express, both Cagayan de Oro-based companies, and formed the Ceres Liner RTMI Vallacar Transit, as agreed in the contract of sale. RTMI stands for Rural Transit of Mindanao Inc. In 2005, the conglomerate bought out Lilian Express and its sister company Mary May Express, and became the dominant transit conglomerate in Mindanao.

In 2007, Ceres Liner in Iloilo pioneered travel between Iloilo City and Metro-Manila through the Western Nautical Highway. In 2009, the conglomerate expanded its profitable Metro-Manila operations, and established the Ceres Transport Inc. based in Batangas City. The company would now provide bus services to Cubao, Batangas, Mindoro, Aklan, Antique and Iloilo.

In 2012, the conglomerate bought a franchise of Gold

Star Bus, and allowed the Gold Star Bus to operate its Batangas-Cubao and Batangas-Alabang routes.

Recently, the floating bus surfaced and it appears Ceres Liner has captured the interest of the local tourists to ride the floating bus from Bacolod to Iloilo.

However, Commo. Carlos L. Agustin (President, Maritime League) finds the floating bus top-heavy. He adds, "by entering water areas, the domain of MARINA and PCG, the land transport operator needs to subject the bus to stringent navigational safety rules that will require lifesaving appliances, navigation equipment, safety inspection and surveys, etc. There's a big difference between this bus and amphibious landing vehicles. In amphibious vehicles, passengers are placed lower, and the sidings are hollow and watertight. Nevertheless, they are seldom used in heavy seas, except when required to land troops or for search and rescue in flooded areas. The bus as shown will need ballasting and possibly some side tubing to act as floats or outriggers in case of rough weather. The bus will need to pass IMO rules on passenger boats. It must comply with this MARINA regulation (see <http://www.marina.gov.ph/policies/MCs/MC%202013-02.pdf>)."



A new Ceres Liner from Bacolod to Iloilo City. The first Filipino-designed bus that can travel in both land and water.

The Norwegian Maritime Foundation of the Philippines, Inc. (NMFPI) is inviting highly motivated technical personnel to fill in the following positions:

NAUTICAL TRAINING OFFICER

- To conduct various nautical training programs along the lines of ship & cargo handling, safety, and management courses
- Certified Chief Officer or Master Mariner
- At least one (1) year sea service as senior/management level officer onboard a vessel engaged in international trade
- Preferably with teaching experience
- Completed IMO Model Course 6.09 and 3.12

BRIDGE SIMULATOR INSTRUCTOR

- To conduct various bridge related simulator courses
- Certified Master Mariner
- At least one (1) year experience as Ship's Master onboard a vessel engaged in international trade
- Preferably with teaching experience using bridge simulators
- Completed IMO Model Course 6.09 and 3.12

CRANE OPERATION INSTRUCTOR

- Certified Crane Operator
- Relevant industry experience as crane operator
- Preferably with teaching experience using crane simulators
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- Completed IMO Model Course 6.09 and 3.12

CULINARY INSTRUCTOR

- Baccalaureate Degree or Diploma/Certificate holder in Culinary Arts
- Served as Chief Steward and/or Chief Cook onboard seagoing vessel in an international trade
- With culinary management experience as an Executive Chef, Sous Chef, or Assistant Chef in a reputable F & B Service Institution
- Preferably with teaching experience in line with F & B Services
- Completed IMO Model Course 6.09 and 3.12

FRAMO TECHNICAL INSTRUCTOR

- Certified Chief Engineer
- At least one (1) year sea service as Chief Engineer onboard a vessel engaged in international trade
- With experience onboard FRAMO equipped vessel
- Preferably with teaching experience
- Completed IMO Model Course 6.09 and 3.12

ELECTRO-TECHNICAL INSTRUCTOR

- BS in ECE or EE; or Bachelor's degree in Industrial Education with specialization in Electrical / Electronics or its equivalent
- Relevant industry experience in the operation and maintenance of electrical/electronic equipment
- Preferably, had sea-service as Electrician/Electro-technical Officer onboard seagoing vessel in an international trade
- Preferably with teaching experience
- Completed IMO Model Course 6.09 and 3.12

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Maritime Academy of Asia and the Pacific - Kamaya Point

Associated Marine Officers' and Seamen's Union of the Philippines-PTGWO-ITF

Kamaya Point., Brgy. Alas-asin, Mariveles, Bataan, Philippines

Tel. No.: (02) 784-9100

Fax No.: (02) 741-1006

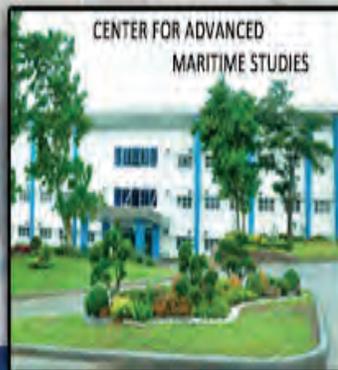
Mobile No.: (0917) 533-8263

URL: www.maap.edu.ph

E-mail: info@maap.edu.ph



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Courses Offered:

BSMT - Bachelor of Science in Marine Transportation

BSMarE - Bachelor of Science in Marine Engineering

BSMTE - Bachelor of Science in Marine Transportation and Engineering

Courses Offered:

Master of Science in Marine Transportation
(Marine Superintendent)

Master of Science in Marine Engineering
(Technical Superintendent)

MAAP Profile

Testing Assessment Center of TESDA

Geographic destiny has given the Filipino the innate talent to be an excellent seafarer. To enhance this natural skill, the Maritime Academy of Asia and the Pacific (MAAP) was established on January 14, 1998. The Academy stands on a 103-hectare property in Kamaya Point, Mariveles, Bataan.

The Associated Marine Officers' and Seamen's Union of the Philippines (AMOSUP) founded by the late Capt. Gregorio S Oca, capitalized and developed the Academy. The new AMOSUP President, Dr. Conrado F. Oca, heads the Academy's board of governors. The board is comprised of representatives from the private sector, the International Transport Workers Federation, the Filipino Association of Maritime Employers, the International Transport Workers Federation, the All Japan Seamen's Union, the International Mariners Management Association of Japan, the Norwegian Seafarers' Union, the International Maritime Employers' Committee, the Danish Shipowners' Association, the Norwegian Shipowners' Association, and the Japanese Shipowners' Association.

MAAP conducts shipboard training aboard T/S Kapitan Felix Oca, a 5020 DWT dedicated training ship capable of accommodating 180 midshipmen and 9 instructors in 30 air-conditioned cabins and six berths.



AMOSUP Seamen's Training Center



Full Mission Bridge Simulator



Full Mission Engine Simulator



Full Mission Bridge Simulator
on Motion Platform



Japanese Compact Ship
Handling Simulator

Our Curricula

MAAP students are all scholars who are entitled to free tuition, board and lodging. They receive a comprehensive, up-to-date and well-rounded education that fully complies with the requirements of STCW 95 and the Commission on Higher Education (CHED). To ensure the highest standards of quality, MAAP adheres to a Quality Standards System that has been certified to comply with ISO 9001 version 2008, the Det Norske Veritas (DNV) Rules for Maritime Academies, and the Productivity and Standard Board (PSB) of Singapore.

The Academy offers three main programs: the Bachelor of Science in Marine Transportation (BSMT), Bachelor of Science in Marine Engineering (BSMarE) and the Bachelor of Science in Marine Transportation and Engineering (BSMTE). The curricula for the three courses were designed with the help of the United States Merchant Marine Academy at Kings Point, New York. Courses are four-year courses with sea phases scheduled in the third year.

The BSMT curriculum requires a total of 192 units: 152 at MAAP, 40 practicum/shipboard units on board T/S Kapitan Felix Oca and/or a shipping company sponsorship.

The BSMarE curriculum requires a total of 193 units: 153 at MAAP, 40 practicum/shipboard units on board T/S Kapitan Felix Oca and/or a shipping company sponsorship.



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