

Reports of PRC Vessels Dumping Sewage in Philippine EEZ

Mga ulat ng mga sasakyang pandagat ng PRC na nagtatapon ng dumi sa EEZ ng Pilipinas

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Abstract

This document contains the original English-language version and a Tagalog Filipino translation of CNA's case study examining a 2021 report alleging that more than 200 PRC vessels at anchor in the Spratly Islands were dumping sewage into the water, potentially damaging marine organisms and ecosystems.

Buod

Ang dokumentong ito ay naglalaman ng orihinal na bersyon sa English-language at isang Tagalog Filipino translation ng case study ng CNA na nagsusuri sa isang ulat noong 2021 na nagsasabing mahigit 200 PRC vessel na naka-ankla sa Spratly Islands ang nagtatapon ng dumi sa tubig, na posibleng makapinsala sa mga marine organism at ecosystem.

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Introduction

In recent years, persons, vessels, and corporations based in or tied to the People's Republic of China (PRC) have reportedly engaged in illicit maritime activities around the globe. The reported illicit maritime activities of PRC actors are often at odds with Beijing's rhetoric expressing support for international maritime laws (including the United Nations Convention on the Law of the Sea, or UNCLOS), rules, and norms. Unless it is addressed, this gap between Beijing's rhetoric and the behavior of PRC actors has the potential to undermine the global system of international laws, norms, and conventions that govern the maritime domain.

To examine possible contradictions between the PRC's official rhetoric and the illicit transnational maritime activities reportedly carried out by PRC-based actors, CNA examined 15 cases in which PRC actors have been accused of illegal behavior in the maritime domain between 2018 and 2021. For each case, we examined the following:

- The alleged illegal PRC activity and the types of PRC actors involved
- PRC official policies and narratives about that type of activity (e.g., illegal, unregulated, and unreported (IUU) fishing or human trafficking)
- International, local, and PRC laws, policies, and norms at risk of subversion by the alleged activity
- PRC officials' and media responses to these incidents

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Panimula

Sa nakalipas na mga taon, ang mga tao, sasakyang pandagat, at mga korporasyong nakabase sa o nakatali sa People's Republic of China (PRC) ay naiulat na nakikibahagi sa mga ipinagbabawal na gawain sa dagat sa buong mundo. Ang mga naiulat na bawal na gawain sa dagat ng mga aktor ng PRC ay madalas na salungat sa mga deklarasyon ng Beijing na nagpapahayag ng suporta para sa mga internasyonal na batas pandagat (kabilang ang United Nations Convention on the Law of the Sea, o UNCLOS), mga tuntunin, at mga pamantayan. Maliban kung ito ay natugunan, ang agwat na ito sa pagitan ng deklarasyon ng Beijing at ang pag-uugali ng mga aktor ng PRC ay maaaring magpahina sa pandaigdigang sistema ng mga internasyonal na batas, pamantayan, at kumbensyon na namamahala sa maritime domain.

Upang suriin ang mga posibleng kontradiksyon sa pagitan ng opisyal na deklarasyon ng PRC at ang mga ipinagbabawal na transnational maritime na gawaing iniulat na isinasagawa ng mga aktor na nakabase sa PRC, sinuri ng CNA ang 15 kaso kung saan ang mga aktor ng PRC ay inakusahan ng ilegal na gawain sa maritime domain sa pagitan ng 2018 at 2021. Para sa bawat kaso, sinuri namin ang sumusunod:

- Ang umano'y ilegal na gawain ng PRC at ang mga uri ng sangkot na aktor ng PRC
- Opisyal na mga patakaran at salaysay ng PRC tungkol sa ganoong uri ng gawain (hal., ilegal, di-regulado, at di-inulat (IUU) [illegal, unregulated, and unreported (IUU)] na pangangisda o human trafficking)
- Internasyonal, lokal, at mga batas, patakaran, at pamantayan ng PRC na nanganganib sa pagbabagsak ng di-umano'y gawain
- Mga tugon ng mga opisyal ng PRC at media sa mga insidenteng ito

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English: Alleged PRC vessels dumping sewage in Philippine EEZ

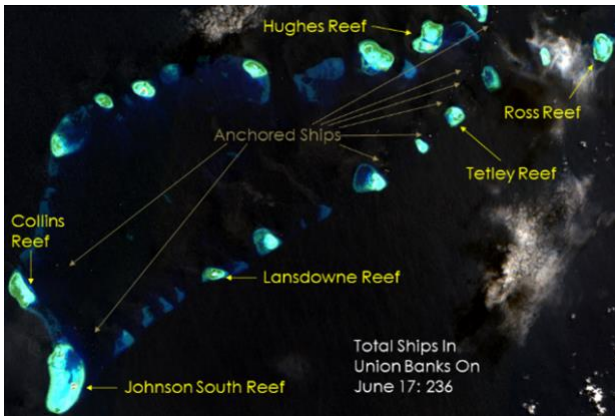


Image source: Similarity.

This image is from a Similarity report showing chlorophyll-a “blooms” around ships, visible in multi-spectral images. Similarity’s analysis suggests that PRC vessels have been dumping sewage into the waters around the Spratly Islands and causing damage to the marine environment.

Alleged PRC Activity

A July 2021 report by Similarity, a US-based commercial imagery analysis company, found that more than 200 vessels at anchor in the Spratly Islands were dumping sewage into the water.¹ Similarity assessed that the vessels at anchor in the Union Banks in June were dumping roughly 2,596 pounds of sewage per day into the water.² The report claims that the vessels were discharging un- or under-treated sewage into the shallow waters, leading to chlorophyll-a blooms. These blooms, which Similarity said were visible in satellite imagery, may lead to hypoxic ocean conditions that can harm marine organisms and ecosystems.³ The report also asserted that these vessels were likely the same PRC vessels that the Philippine Coast Guard had observed in the same location weeks earlier.⁴ The Philippine government is independently investigating Similarity’s claims.

What the PRC says about the activity

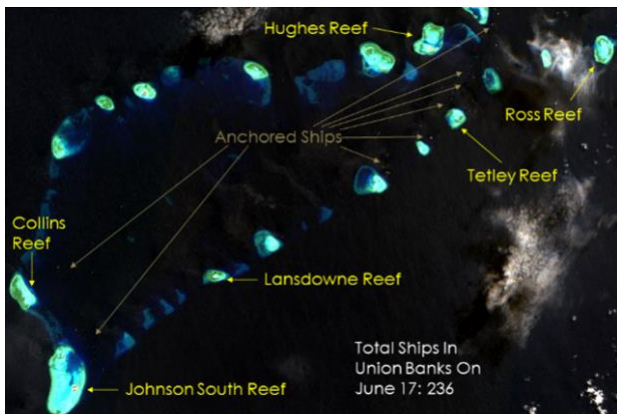
- PRC media reporting published in languages spoken by residents of the South China Sea region portrays the PRC as a responsible steward of the marine environment.⁵
- For example, a 2021 article published by China Radio International’s (CRI’s) Bahasa Indonesian service describes China’s regional cooperation in efforts to protect the marine environment and fisheries.⁶
- In response to Similarity’s report, the PRC Ministry of Foreign Affairs (MFA) and the PRC embassy in the Philippines condemned the allegations as “fake news.”⁷
- PRC media directed at audiences in the region similarly portrayed the report as an attempt to smear China.⁸

Laws, rules, and norms at risk

Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:

International Conventions	<ul style="list-style-type: none"> • International Convention for the Prevention of Pollution from Ships (MARPOL).⁹ • London Dumping Convention of 1972 and Protocols¹⁰
Regional Fishery Provisions	<ul style="list-style-type: none"> • The Western and Central Pacific Fisheries Commission marine pollution provisions¹¹
Philippines Laws	<ul style="list-style-type: none"> • The Marine Pollution Law (PD 1976)¹² • The Philippine Fisheries Code • The Clean Water Act of 2004
PRC Laws, Policy¹³	<ul style="list-style-type: none"> • Regulations on the Control of Ship Pollutants in the Marine Environment¹⁴ • Water Pollutant Discharge Standards for Ships¹⁵

Tagalog Filipino: Mga ulat ng mga sasakyang pandagat ng PRC na nagtatapon ng dumi sa EEZ ng Pilipinas



Pinagmulan ng imahe: Similarity.

Mula ang imaheng ito sa isang ulat ng Similarity na nagpapakita ng chlorophyll-a na "namumulaklak" sa paligid ng mga barko, na makikita sa mga multi-spectral na imahe. Isinaad ng pagsusuri ng Similarity na ang mga barko ng PRC ay nagtatapon ng dumi sa tubig sa paligid ng Spratly Islands at nagsasanhi ng pinsala sa kapaligiran ng dagat.

Iginiit na gawain ng PRC

Isang ulat noong Hulyo 2021 ng Similarity, isang komersyal na kumpanya sa pagsusuri ng koleksyon ng imahe na nakabase sa US, na mahigit 200 barko na naka-ankla sa Spratly Islands ang nagtatapon ng dumi sa tubig.¹ Tinukoy ng Similarity na ang mga barko na naka-ankla sa Union Banks noong Hunyo ay nagtatapon ng humigit-kumulang 2,596 pounds ng dumi sa alkantariya bawat araw sa tubig.² Sinaad ng ulat na ang mga barko ay naglalabas ng wala o kulang sa gamot na basura patungo sa dalampasigan, na humahantong sa pamumulaklak ng chlorophyll-a. Ang mga pamumulaklak na ito, na sinabi ng Similarity na makikita sa imahe sa satellite, ay maaaring humantong sa hypoxic na mga kondisyon ng karagatan na maaaring makapinsala sa mga organismo at ekosistema sa karagatan.³ Iginiit din ng ulat na ang mga barkong ito ay malamang parehong mga barko ng PRC na naobserbahan ng Philippine Coast Guard sa parehong lokasyon ilang linggo na ang nakalipas.⁴ Ang gobyerno ng Pilipinas ay malayang nag-iimbestiga sa mga iginiit ng Similarity.

Ano ang sinasabi ng PRC tungkol sa gawain

- Inilathala ng media ng PRC na sa mga wikang sinasalita ng mga residente ng rehiyon ng South China Sea ay naglalarawan sa PRC bilang isang responsableng tagapangasiwa ng kapaligirang pandagat.⁵
- Halimbawa, nailathala sa isang artikulo noong 2021 mula sa serbisyo ng Bahasa Indonesian ng China Radio International (CRI) ay naglalarawan sa kooperasyong pangrehiyon ng Tsina sa pagprotekta sa kapaligirang pandagat at pangisdaan.⁶
- Bilang tugon sa ulat ng Similarity, kinondena ng PRC Ministry of Foreign Affairs (MFA) at ng embahada ng PRC sa Pilipinas ang mga paratang bilang "fake news" (maling balita).⁷
- Dinirekta ng media ng PRC ang madla sa rehiyon na tulad sa larawan sa ulat bilang isang pagtatangka na siraan ang Tsina.⁸

Nanganganib na mga batas, tuntunin, at pamantayan

Batay sa mga ulat na ito, ang mga sumusunod na batas at konbensyon ay nanganganib na ipawalang-bisa ng mga opisyal ng PRC:

<i>Mga Internasyonal na Konbensyon</i>	<ul style="list-style-type: none">• International Convention for the Prevention of Pollution from Ships (MARPOL).⁹• London Dumping Convention of 1972 and Protocols¹⁰
<i>Regional Fishery Provisions</i>	<ul style="list-style-type: none">• The Western and Central Pacific Fisheries Commission marine pollution provisions¹¹• The Marine Pollution Law (PD 1976)¹²
<i>Batas ng Pilipinas</i>	<ul style="list-style-type: none">• The Philippine Fisheries Code• The Clean Water Act of 2004
<i>Mga Batas ng PRC, Patakaran¹³</i>	<ul style="list-style-type: none">• Regulations on the Control of Ship Pollutants in the Marine Environment¹⁴• Water Pollutant Discharge Standards for Ships¹⁵

Endnotes

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- ¹³ Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.
- ¹⁴ *Article 15, Regulations on the Prevention and Control of Ship Pollutants in the Marine Environment* [防治船舶污染海洋环境管理条例], State Council of the People’s Republic of China, (2018), http://www.gov.cn/gongbao/content/2014/content_2695225.htm.
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