Editorial

State Practice

In this edition of the *Asia Pacific Journal of Ocean Law and Policy*, scholars have provided three important developments in State-based ocean law. In Canada, Professor Jeffrey Smith reports on the exercise by Sipekne'katik First Nation of its sovereign rights in 2020 to self-manage a Nova Scotia lobster fishery independent of national or provincial management. He explains in detail the historical evolution that has led to the reassertion of fishery-related trading rights suppressed by colonial managers but guaranteed by Peace and Friendship Treaties. The Sipekne'katik First Nation lobster fishery will be test of the recognition by the judiciary that First Nations have a right to a “moderate livelihood” that encompasses commercial uses and not just subsistence livelihood.

Professor Jacqueline Espenilla and Professor Seokwoo Lee offer valuable State practice from the Philippines and South Korea on fishing related reforms. In the case of the Philippines, as Professor Espenilla explains, the Philippines adopted new administrative rules in 2020 to mandate vessel monitoring measures designed to ensure adequate conservation of living marine resources, particularly highly migratory fish stocks. Fishing vessels must not operate with an “accredited Automatic Location Communicator” and send catch information to authorities. This change in rules is a promising reform in terms of addressing challenges associated with illegal, unreported and unregulated fishing. In South Korea, more rules are needed to protect fishing crews. As Professor Lee describes in his State practice contribution, Korea has numerous laws intended to provide oversight for maritime workers. These laws, however, fail to take into consideration the specific challenges associated with Korea's fishing industry. Professor Lee proposes

specific legal reforms that would harmonize existing laws and hopefully reduce fatalities in the fishing sector.

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