Editorial Note

This issue of the *Asia-Pacific Journal of Ocean Law and Policy* features diverse article contributions relating to maritime boundary delimitation between Australia and Timor-Leste in the Timor Sea through the first compulsory conciliation process under the United Nations Convention on the Law of the Sea (LOSC), considerations on the potential impacts of the Award arising from the South China Sea arbitration between the Philippines and China in particular for Australia's sub-Antarctic Islands, concerning the issue of access to ensure that vital telecommunication cables in Southeast Asia can be repaired, and freedom of navigation issues arising from the Norstar case. Additionally, the State Practice section of the Journal provides insights related to policy on Canada's indigenous fisheries, vessel management in the Philippines, and occupational health and safety issues for maritime workers in the context of fishing accidents in South Korea, while the Current Legal Developments section offers perspectives on issues arising from the Fu Yuan Yu Leng 999 case and to German and other European States policy guidelines for the Indo-Pacific.

The first article in this issue is provided by Jeffrey Sheehy and is entitled *Law and Diplomacy, Sovereignty and Consent: A Reflection on the First-Ever Compulsory Conciliation under the Law of the Sea*. Mr Sheehy, who advised the Government of Timor-Leste on the delimitation of its maritime boundary with Australia, provides valuable insights on how international law and diplomacy were intertwined through the conciliation process under the LOSC to enable the parties to achieve a mutually beneficial outcome. This experience potentially offers lessons for other States involved in seemingly intractable disputes.

Karina Galliford of the University of New England, Australia, provides the second article in the issue entitled *Scrutinising the Maritime Zones Around Australia's Sub-Antarctic Islands: Implications of the South China Sea Arbitration and Subsequent State Practice*. She notes that the South China Sea case was the first international court or tribunal to provide a detailed interpretation of the Regime of Islands contained in Article 121 of the LOSC. The 'high bar' adopted by the South China Sea Tribunal raises questions over the validity of the maritime claims asserted by coastal States from certain islands,

including Australia's sub-Antarctic insular possessions. The author comes to the conclusion, in particular based on State practice, that certain Australian sub-Antarctic islands are entitled to generate broad maritime claims but that McDonald Island in particular should be classified as a "rock" within the meaning of LOSC, Article 121(3).

Subsequently, Hai Dang Vu of the Centre for International Law (CIL) at the National University of Singapore (NUS) tackles the challenge of *Improving the Freedom of Repairing Telecommunication Submarine Cables in Southeast Asia: Next Steps for ASEAN*. He focuses on the Association of Southeast Asian Nations (ASEAN) Guidelines for Strengthening Resilience and Repair of Submarine Cables as the first ASEAN instrument on this important issue. He advocates in particular for improvements in freedom of navigation rights for the purposes of repairing submarine cables and challenges ASEAN to take "concrete actions" such that these guidelines do not become "just another regional text".

The final main article is provided by Giulia Demontis of the University of Genova in Italy on *The Concept of Freedom of Navigation in Light of ITLOS Interpretation in the Norstar Case*. The author examines one of the most contested and controversial of cases that has occurred before the International Tribunal on the Law of the Sea (ITLOS) that was decided by the narrow vote of 8 in favour and 7 against and generated a significant number of dissenting opinions. Through the lens of the Tribunal's decision as well as dissenting views, the meaning, interpretation and scope of application of the principle of freedom of the seas as a long-standing, customary principle of international law is explored and a critical assessment of the decision is provided.

In the State Practice section, J.J.P. Smith of the Norman Paterson School of International Affairs, Ottawa, Canada deals with the vexed issue of *Unfinished Colonial Business of Canada's Indigenous Fisheries*. Meanwhile, Jacqueline Joyce F. Espenilla of the University of the Philippines College of Law then addresses *New Rules for the Implementation of Vessel Management Measures in the Philippines*. Finally, Professor Seokwoo Lee of Inha University Law School, Republic of Korea, deals with *Occupational Safety and Health of Maritime Workers in Korea: Overlooking Risk of Maritime Industrial Fishing Accidents*.

Next, in the Current Legal Developments section of this issue of the journal, Professor Seokwoo Lee together with Jiayi Wang of Sun Yat-sen University, Guangzhou, China address issues of *Criminal Jurisdiction and Applicable Law concerning the Fu Yuan Yu Leng 999 Case* while Valentin Schatz of the University of Hamburg, Germany, offers an examination of *Germany's Policy Guidelines for the Indo-Pacific*.

As ever, the editors hope that the research findings gathered together in this issue of APJOLP assist in the peaceful resolution of maritime disputes and help to enhance ocean law and policy in the Asia-Pacific region and beyond.

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