Editorial Note

The articles featured in this issue of the *Asia-Pacific Journal of Ocean Law and Policy* offer valuable insights over a broad range of contemporary law of the sea issues, including the impact of the exchange of diplomatic notes in South China Sea (SCS), the implications of tuna fisheries conservation in the Pacific to Korean distant water fisheries, a case study of the decarbonization effort of China from the perspective of shipping and ports, and a theoretical examination of the sources of international law in the context of three contentious maritime regions: the Arctic, Antarctica, and the SCS. The State Practice section of the current issue features submissions that discuss recent ocean-law related domestic legislation and State practice from select countries in the region, namely, Japan, Singapore, Korea, China, Indonesia, and the United States. The first of two articles in the Current Legal Developments section elucidate on transboundary environmental harm following the Montaro oil spill in the Timor Sea in 2009 which caused harm to Indonesian seaweed farmers; whilst the second article explores the prospects of negotiations towards an internationally binding treaty on plastics and marine litter in the marine environment.

The first featured article in this issue is entitled, *South China Sea: New Battle of the Diplomatic Notes among Claimants in 2019–2021*, written by Nguyễn Hồng Thao of the Diplomatic Academy of Vietnam. The article examines the impact and legal ramifications of the exchange of diplomatic notes among claimant States on the dispute settlement process in the SCS. Professor Thao highlights the role of principles of international law, and particularly, the United Nations Convention on the Law of the Sea (UNCLOS) in order for the claimants to reduce tensions and peacefully resolve the disputes. He observes that the diplomatic notes provided the platform for the Association of Southeast Asian Nations (ASEAN) claimant States “to express their views and thereby made ASEAN more aware of its role of centrality” and as a counterpoint, “the aggressive behaviors of China at sea push other claimants to be closer.” This sense of solidarity, the author opines, is crucial in order to “prevent excessive behaviors

that threaten peace, stability, and development of the region as well as the freedoms of the high sea in the scs.”

The second article was written by Associate Professor Quentin Hanich from the Australian National Centre for Ocean Resources and Security at the University of Wollongong in Australia, with Alice McDonald, a consultant from NRE People, and Myeonghwa Jung, Seoyeon Oh, Sukran Moon, Jieun An, Mikyeong Yoon, who are all from the Korea Maritime Institute in Korea. The article, entitled, *Tuna Fisheries Conservation and Management in the Pacific Islands Region: Implications for Korean Distant Water Fisheries* provides an overview of the current status of tuna fisheries in the region, and the national and regional regulations that govern them. The authors lament, among other key challenges facing Pacific tuna fisheries, that “[D]espite the lack of robust economic data, the economic losses and risks to sustainable management from Illegal, Unreported and Unregulated (IUU) fishing are well recognised in the region.” The article concludes on a positive note that “the Korean industry is well positioned to strengthen its comparative competitive and engagement in the region, if it is willing to demonstrate its commitment to sustainable development, and engage cooperatively with the development aspirations of the Pacific islands region.”

In the theoretically insightful article, *Weighing the Sources of International Law: The Arctic, Antarctica and the South China Sea*, Dr Nong Hong of the Institute for China America Studies in Washington DC, in the United States, expounds on the enduring debate on the interplay, weight, or preference given to different sources of international law in jurisprudence, i.e., between old treaties and new treaties, treaties and customs, and existing treaties and emerging treaties. The author contextualizes the discussion, and explores the theoretical and practical implication for the three typical pairs of relationship, against the backdrop of three contentions maritime regions, the Arctic, Antarctica and the scs. The author comes to the conclusion, even whilst the article was not an attempt “to provide a clear-cut answer or inclines to suggest a preference for one over another”, that the “long-standing debate on the weight or preference given to different sources of international law in jurisprudence remains unsolved and will continue to stay so.”

The final main article, *The Shipping Sector and Ports as Central Actors in the Decarbonization Effort: A Case Study of China*, was jointly written by Aspasia Pastra, Meinhard Doelle, and Tafsir Johansson. Dr Pastra and Dr Johansson are both affiliated with the World Maritime University-Sasakawa Global Ocean Institute at the World Maritime University in Sweden, whilst Professor Doelle is from the Schulich School of Law at Dalhousie University in Canada. The article, following a case study approach, focuses on China’s maritime state-of-play

with regard to greenhouse gas (GHG) mitigating measures, particularly on carbon dioxide (CO₂) emission. The article provides a comprehensive overview of International Maritime Organization (IMO) GHG strategy and critical targets, proposed plans, schemes and measures aimed at the shipping sector. The article then discusses China's current policy and port governance actions underscoring existing gaps and challenges. The authors recommend that "China should target major ports and introduce resources for accelerating carbon neutrality," and elude "a rigid, one-size-fits-all green port approach" given the heterogeneous nature of the Chinese seaport system. The authors proffer a solution premised on "better coordination and cooperation among ports to identify potential new roles for port actors," the implementation of "proper governance instruments and policies for each type of ports," and the critical role of a "national systematic roadmap to guide port plans, port policies and port actions under the umbrella of an established environmental policy framework."

The State Practice section features short articles on recent practice of selected States in the region. The first article in the section is written by Professor Chie Kojima of Chuo University in Japan, who discusses *Japan's New Law to Introduce Traceability in the Fisheries Sector*. The next article, a contribution from Dr Arron N. Honniball of the Max Planck Foundation for International Peace and the Rule of Law in Heidelberg, Germany, examines the State practice of Singapore with his paper entitled, *Pedra Branca/Pulau Batu Puteh – Land Reclamation at Maritime Features Pending Maritime Delimitation*. This is followed by the article from Professor Seokwoo Lee of Inha University Law School, Korea, which comprehensively discusses *Korea's Inappropriate State Support for Non-Dangerous Maritime Accidents*. The State Practice article on China entitled, *China's Coast Guard Law: Interpretations and Implications*, was written by Professor Yubing Shi of the School of Law, Xiamen University, China. The article that follows, written by Professor Arie Afriansyah from Universitas Indonesia, clarifies the *Domestic Challenges for Indonesia in Implementing the 1995 STCW-F Convention*. The last article in the State Practice section, by Professor Anastasia Telesetsky of the California State Polytechnic University in San Luis Obispo, California, USA, celebrates the *Long Overdue Designation of "Critical Habitat" for Endangered Humpback Whales* with the announcement of the U.S. National Marine Fisheries Service final rule designating critical habitat under the Endangered Species Act for the endangered Western North Pacific, endangered Central America, and threatened Mexico humpback whales.

In the Current Legal Developments section of this issue of the journal, Professor Warwick Gullet of the University of Wollongong in Australia writes on *The Trail Continues: Liability for Transboundary Environmental*

Harm Following the Montaro Oil Spill, and Aleke Stöfen-O'Brien of the World Maritime University in Sweden reflects on the prospects of *New Beginnings: Towards a Global Treaty on Marine Plastic Pollution – Perspectives from the Asia-Pacific Region*.

The Editors extend their appreciation to all contributors of this current issue who have generously shared their insights, thoughts, and expertise on such diverse and important topics, which we hope the readers will draw lessons from, value, and appreciate.

Corrigendum

In the previous issue of the *Asia-Pacific Journal of Ocean Law and Policy*, Volume 6, Number 1, it has been brought to the attention of the Editorial Board that certain passages in the published article entitled, 'The Concept of Freedom of Navigation in Light of ITLOS Interpretation in the Norstar Case', written by Giulia Demontis,¹ were similar to the work of Dr Arron Honnibal entitled, 'Freedom of Navigation Following the M/V "Norstar" Case', published in the blog of the Norwegian Centre for the Law of the Sea (NCLOS).²

The Editorial Board has concluded, after due consideration of all circumstances and in consultation with both parties, that whilst there were textual similarities; however, the omission in proper acknowledgment and attribution was inadvertent.

The Editorial Board now considers this matter to be closed.

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1 Giulia Demontis, *The Concept of Freedom of Navigation in Light of ITLOS Interpretation in the Norstar Case*, 6(1) *Asia-Pacific Journal of Ocean Law and Policy* 94–114 (2021).

2 Arron N. Honnibal, *Freedom of Navigation Following the M/V "Norstar" Case*, The blog of the Norwegian Centre for the Law of the Sea, 4 June 2019, available at <https://site.uit.no/nclos/2019/06/04/freedom-of-navigation-following-the-m-v-norstar-case/>.