

ASIA-PACIFIC JOURNAL OF OCEAN LAW AND POLICY

Aims & Scope

The *Asia-Pacific Journal of Ocean Law and Policy* explores ocean law and policy issues in the most economically dynamic region in the world: the Asia-Pacific. These ocean spaces are crucial to international trade and are becoming increasingly important in terms of marine resources and services. Hotly contested, the region is subject to enhanced threats such as pollution, conflicting activities, over-exploitation and environmental degradation. Escalating ocean governance challenges coupled with mounting tensions in the region have made studies focusing on this area an especially pertinent topic for scholarly research and consideration in securing and maintaining peace in the Asia-Pacific region and beyond.

Editorial Board

Co-Editors-in-Chief

Seokwoo Lee, *Inha University*

Clive Schofield, *World Maritime University*

State Practice Editor:

Anastasia Telesetsky, *University of Idaho*

Current Legal Developments Editor:

Warwick Gullett, *University of Wollongong*

Managing Editor:

Seryon Lee, *Chonbuk National University*

Editorial Board

Alfonso Ascencio Herrera, *International Seabed Authority* – Betsy B. Baker, *Vermont Law School and University of Washington* – Jay Batongbacal, *University of the Philippines* – Sherry Broder, *Jon Van Dyke Institute* – Chie Kojima, *Musashino University* – Young Kil Park, *Korea Maritime Institute* – James Kraska, *Naval War College* – Joanna Mossop, *Victoria University* – Thi Lan Anh Nguyen, *Diplomatic Academy of Vietnam* – Dustin Kuan-Hsiung Wang, *National Taiwan Normal University* – Guifang Julia Xue, *Shanghai Jiao Tong University*

Advisory Board Members:

Sam Bateman, *University of Wollongong* – Robert Beckman, *National University of Singapore* – David Freestone, *George Washington University* – Ted McDorman, *University of Victoria* – Keyuan Zou, *University of Central Lancashire*

Contributions to the journal should be submitted to: Prof. Seokwoo Lee, 100, Inha-ro, Nam-gu, Incheon Inha University Law School, Incheon 402-751, Korea; Tel: 82 32 860 7938 (O); 82 10 9472 3863 (H.P.) Fax: 82 32 860 7914 (O); E-mail: leeseokwoo@inha.ac.kr

Instructions for Authors can be found on our website at brill.com/apoc. The Instruction for Authors include details on how to publish on an open access basis with Brill Open.

Brill Open Access can be found at brill.com/brillopen.

Typeface for the Latin, Greek, and Cyrillic scripts: "Brill". See and download: brill.com/brill-typeface.

Asia-Pacific Journal of Ocean Law and Policy (ISSN 2451-9367, E-ISSN 2451-9391) is published twice a year by Brill, Plantijnstraat 2, 2321 JC Leiden, The Netherlands, tel +31 (0) 71 5353500, fax +31 (0) 71 5317532.

SARCHI CHAIR LAW



BRILL
NIJHOFF

ASIA-PACIFIC JOURNAL OF OCEAN LAW AND POLICY

3 (2018) 339-340

APJOL
brill.com/apoc

Contents

VOLUME 3, NO. 1

Editorial Note 1

Seokwoo Lee and Clive Schofield

ARTICLES

Assessing Environmental Impact and the Duty to Cooperate: Environmental Aspects of the *Philippines v China* Award 5

Zoe Scanlon and Robert Beckman

Guerrillas in the Sea Mist: China's Maritime Militia and International Law 31

Jonathan G. Odom

Legal Status of the Precautionary Principle in International Fisheries Law and Its Application in the Marine Fisheries Regime of Bangladesh 95

Abdullah Al Arif

State Law of the Sea Practice in Asian Pacific States 115

Edited by Anastasia Telesetsky

Solid Wastes Import Control in China: Recent Developments 116

Jiayi Wang

Japan's Act of 2017 on Research Whaling 126

Kentaro Nishimoto

Current Legal Developments 133

Edited by Warwick Gullett

The South China Sea Tribunal Awards: A Dispute Resolution Perspective 134

Ted L. McDorman

The Western and Central Pacific Fisheries Commission and the New Conservation and Management Measure for Tropical Tunas 146

Katherine Seto and Quentin Hanich

VOLUME 3, NO. 2

293

Editorial Note 153

Seokwoo Lee, Clive Schofield and Moon Sang Kwon

ARTICLES

Oceans of Opportunity and Challenge: Towards a Stronger Governance Framework for Conservation and Sustainable Use of Biodiversity in Marine Areas beyond National Jurisdiction 157

Robin Warner

Management of Tuna Fisheries for Sustainable Development in the Pacific Islands: Regional Cooperation in a Shared Fishery as a Means of Achieving the Sustainable Development Goals 176

Michael Batty and Vivian Fernandes

Can the *South China Sea* Tribunal's Conclusions on Traditional Fishing Rights Lead to Cooperative Fishing Arrangements in the Region? 210

Joanna Mossop

Maritime Boundary Disputes and Article 298 of UNCLOS: A Safety Net of Peaceful Dispute Settlement Options 232

Christine Sim

Crossing Interagency Lines: Enhancing Navy-Coast Guard Cooperation to Combat Gray Zone Conflicts of East Asia 274

Lyle J. Morris

State Law of the Sea Practice in Asian Pacific States 305

Edited by Anastasia Telesetsky

California Climate Change Lawsuits: Can the Courts Help with Sea-Level Rise, and Who Knew What When? 306

Robin Kundis Craig

Thailand's Fishing Labor Reforms 311

Anastasia Telesetsky

Achieving Sustainable Fisheries in The Pacific Islands 314

Michael Donoghue

Current Legal Developments 331

Edited by Warwick Gullett

Some Observations on the CSIL's Critical Study on the South China Sea Arbitration Awards 332

Yubing Shi and Lin Ye

Editorial Note – Seokwoo LEE, Clive SCHOFIELD (Co-Editors-in-Chief) and Moon Sang KWON	153
ARTICLES	
Oceans of Opportunity and Challenge: Towards a Stronger Governance Framework for Conservation and Sustainable Use of Biodiversity in Marine Areas beyond National Jurisdiction – Robin WARNER	157
Management of Tuna Fisheries for Sustainable Development in the Pacific Islands: Regional Cooperation in a Shared Fishery as a Means of Achieving the Sustainable Development Goals – Michael BATTY and Vivian FERNANDES	176
Can the <i>South China Sea</i> Tribunal's Conclusions on Traditional Fishing Rights Lead to Cooperative Fishing Arrangements in the Region? – Joanna MOSSOP	210
Maritime Boundary Disputes and Article 298 of UNCLOS: <i>A Safety Net of Peaceful Dispute Settlement Options</i> – Christine SIM	232
Crossing Interagency Lines: Enhancing Navy-Coast Guard Cooperation to Combat Gray Zone Conflicts of East Asia – Lyle J. MORRIS	274
STATE LAW OF THE SEA PRACTICE IN ASIAN PACIFIC STATES – Edited by Anastasia TELESETSKY	305
California Climate Change Lawsuits: <i>Can the Courts Help with Sea-Level Rise, and Who Knew What When?</i> – Robin Kundis CRAIG	306
Thailand's Fishing Labor Reforms – Anastasia TELESETSKY	311
Achieving Sustainable Fisheries in The Pacific Islands – Michael DONOGHUE	314
CURRENT LEGAL DEVELOPMENTS – Edited by Warwick GULLETT	331
Some Observations on the CSIL's Critical Study on the South China Sea Arbitration Awards – Yubing SHI and Lin YE	332
Volume Contents	339