

OPEN PEER REVIEW

# Trawling in the Persian Gulf from the Perspective of International Law of the Sea

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

In the paragraph discussing the domestic law of Oman and Article 9 of the Marine Living Aquatic Resources Law No. 19/2019, the manuscript states that “trawling is implicitly prohibited.” This conclusion requires stronger legal justification. The authors should explain the interpretive methodology used to derive an implied prohibition from general provisions concerning habitat protection and unauthorized equipment. It would also strengthen the argument to distinguish between implicit restrictions on destructive methods and explicit statutory prohibitions, particularly in comparative legal analysis.

The section analyzing Iranian law refers to the “Draft Law on the Punishment of Illegal Fishing in the Caspian Sea and the Persian Gulf, approved on August 27, 1979.” The use of the term “draft law” together with “approved” creates ambiguity regarding the legal status of the instrument. The manuscript should clarify whether this instrument entered into force, whether it remains applicable, and how it interacts with later fisheries legislation adopted in 1995. Without this clarification, the hierarchy and enforceability of the cited domestic norms remain uncertain.

The analysis of the 1982 United Nations Convention on the Law of the Sea would be improved by closer engagement with relevant case law from international tribunals. For example, jurisprudence from the International Tribunal for the Law of the Sea, the South China Sea Arbitration, or fisheries disputes before the International Court of Justice could provide stronger authority for the manuscript’s interpretation of conservation obligations and precautionary duties. The absence of judicial interpretation weakens the doctrinal depth of the article.

The section concerning the Convention on Biological Diversity correctly introduces the ecosystem approach, yet it does not explain how this approach interacts normatively with UNCLOS obligations. The manuscript would benefit from clarifying

whether the CBD supplements, modifies, or merely reinforces duties already present under the law of the sea. This interaction is central to understanding the contemporary legal basis for restricting destructive fishing practices.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

The discussion of the Kuwait Regional Convention and the role of ROPME is informative, yet the manuscript does not sufficiently explain the institutional enforcement capacity of regional environmental governance in the Persian Gulf. The authors should provide a more detailed assessment of whether ROPME possesses monitoring, sanctioning, or dispute-resolution mechanisms capable of addressing destructive fishing practices such as trawling. Otherwise, the regional framework risks being presented as largely declaratory rather than operational.

The paragraph beginning with “At the international level, the development of modern techniques for exploiting marine living resources...” contains an important overview of UNCLOS obligations, but the doctrinal analysis would be considerably improved by distinguishing obligations of due diligence from obligations of result. The manuscript currently assumes that Articles 61 and 192 of UNCLOS can generate direct obligations to prohibit trawling, yet this proposition requires deeper engagement with international jurisprudence and state practice. The authors should clarify whether they interpret these provisions as requiring specific outcomes or merely reasonable conservation measures.

The treatment of United Nations General Assembly Resolutions 59/25, 61/105, and 64/72 is valuable, particularly regarding vulnerable marine ecosystems; however, the manuscript should address the legal nature of General Assembly resolutions. At present, the text appears to rely heavily on these resolutions as normative authority without discussing whether they constitute soft law, evidence of *opinio juris*, or emerging customary norms. A more nuanced discussion of their legal weight would strengthen the manuscript’s international law analysis.

The “Research Methodology” section is excessively brief for a legal research article of this scope. The statement that the study employs a “descriptive-analytical” method and “library-based approach” is insufficiently specific. The authors should clarify the doctrinal methodology used, explain how treaties and domestic legislation were selected and interpreted, and indicate whether comparative legal analysis or customary international law analysis was systematically applied. The current methodological description lacks the rigor expected in contemporary legal scholarship.

In the “Theoretical Foundations and Research Background” section, the manuscript reviews several studies but does not critically synthesize them. The literature review currently functions more as an annotated bibliography than as an analytical framework. The authors should demonstrate how prior studies collectively reveal deficiencies in existing legal governance concerning trawling and how the present article advances scholarly understanding beyond environmental assessments or fisheries-management literature.

The historical discussion of trawling development in San Francisco Bay, Canada, Korea, and Japan is informative but somewhat disconnected from the manuscript’s central legal thesis concerning the Persian Gulf. The authors should either integrate this historical material more directly into the argument about international fisheries regulation or substantially condense it. At present, several pages are devoted to descriptive historical narratives that do not clearly contribute to the legal analysis of state obligations under international law.

The manuscript repeatedly refers to trawling as “destructive” and “harmful,” yet the environmental consequences are described in largely general terms. The article would benefit significantly from the inclusion of more concrete scientific evidence concerning seabed degradation, biodiversity loss, habitat destruction, and stock depletion specifically within the Persian Gulf ecosystem. Integrating marine ecological data or scientific reports would strengthen the factual foundation for the proposed legal restrictions.

In the section discussing the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas, the manuscript traces the evolution of fisheries law effectively; however, it should engage more critically with the tension between freedom of fishing and environmental protection. The analysis currently presents the transition from high seas freedom to

conservation-oriented governance somewhat linearly, without sufficiently addressing ongoing doctrinal disputes concerning balancing sovereign economic rights and collective environmental obligations.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.