

Editor's Comments Author(s): Jongyun Bae

Source: *The Journal of Territorial and Maritime Studies*, Vol. 7, No. 2 (SUMMER/FALL 2020), pp. 3-6

Published by: McFarland & Company

Stable URL: <https://www.jstor.org/stable/10.2307/48574784>

---

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



McFarland & Company is collaborating with JSTOR to digitize, preserve and extend access to *The Journal of Territorial and Maritime Studies*

JSTOR

# Editor's Comments

Dear *JTMS* Readers,

We are pleased to present this summer/fall issue of *JTMS* with the world on lockdown and engaged in efforts to reduce the impact of COVID-19. As a result, borders that had been reduced in importance in a world of global commerce have seen a resurgence in places like Europe. Travel bans have come into effect in what may be interpreted as the securitization of a public health issue, also emphasizing the importance of border control. At the same time, while some states wrestle with the pandemic, some states at different points in their battle with the illness have taken advantage of the preoccupation of other states to push territorial issues. In a world such as this, *JTMS* is doing its utmost to highlight these issues and bring our readers the most current research on maritime and territorial politics, security, history, and law. With this in mind, the summer/fall issue covers a range of topics that we hope will interest our readers.

First, Arron N. Honniball examines the legal consequences of the USA's illegal, unreported or unregulated (IUU) fishing definition, including the lessons thereof for all port and market states. He uses the *2019 Report to Congress* to provide a case study on limitations to U.S. trade measures addressing foreign states facilitating IUU fishing. Comparative analysis to international fisheries law and other unilateral practice provides wider lessons. Analyzing historic U.S. practice suggests forthcoming reform. Honniball finds that excluding illegal fishing in foreign EEZs from the identification and certification procedure is inconsistent with domestic and international policy objectives and that experimentation with a broader interpretation of "genuine link" when identifying foreign flag states is highly questionable. He also finds that procedural transparency and non-discrimination are improved when market states highlight legislative gaps or report on states considered but not identified. He concludes that reform of the U.S. definition may broaden trade measures affecting foreign states wishing to retain market access.

Second, Fru Norbert Suh I shows how international regime complexity affects coherence in understanding EU–Africa relations and how Africa has been able to instrumentalize this condition. Building upon existing literature on EU–Africa with a focus on international cooperation, democracy/human rights/good governance, and international solidarity regimes, Suh considers complex regimes as any rule agreement in EU–Africa relations that can be instrumental in promoting incoherence and cracks in the relation owing to its ambiguity. Suh finds that international regime

complexity favored three core political behaviors on the part of Africa: forum-shopping, regime-shifting and strategic manipulation of values, showing that international regime complexity can sometimes be a source of agency or political expediency for actors hitherto perceived as weak in global politics.

Third, Nitin Agarwala explains how the Bay of Bengal has been a fractured region since the weakening of imperialism due to fear of re-colonization, lack of trust, historical baggage and inward-orientation. Due to the rise of China and India, the Bay has once again become an arena of activities forcing littoral states to engage in a number of sub-regional groupings with the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) as the only intra-regional grouping between South Asia and Southeast Asia. He explores whether BIMSTEC can actually help the Bay to re-emerge as the “center of activities” and the possible “route to course” for such a re-emergence. Using a comparative approach, Agarwala looks at various groupings in this region in general and BIMSTEC in particular, as a medium to help the Bay to achieve its lost unity and identity. This article serves as an explanation of how the nations of South Asia and Southeast Asia, by their concerted efforts of working together, can re-integrate the region to its earlier glory.

Fourth, Osatohanmwon Anastasia Eruaga and Maximo Q. Mejia, Jr.’s, offering addresses the growing concerns about the impact of private sector entities on the sovereignty of states, especially in handling commonly shared challenges. Their study involves an empirical investigation using multi-methods to analyze the reasons and linked outcomes of applying Nigeria’s gun control to foreign vessels in the Gulf of Guinea. Key informant interviews (n = 11) were conducted with subject matter experts, while the views of seafarers were elicited through questionnaires (n = 44). The study confirms that the domestic legal system remains significant and can alter the level of influence of a transnational phenomenon (such as the Private Maritime Security Company [PMSC] industry) by constraining their methods of operation, also highlighting the reframing of PMSC services to fit within the characteristics of the region. Eruaga and Mejia Jr.’s article aids in understanding international maritime security governance as a complex adaptive system which may require changes or responses.

Fifth, Chris O. Ikorukpo notes that, in spite of the globally accepted principle of *uti possidetis juris*, which defines the inviolability of international boundaries, boundary disputes continue to exist. Marine boundary disputes are particularly complex and are usually exacerbated by the presence of economically viable natural resources, especially oil. Such disputes in many cases result in military buildup and in some cases international wars. This article analyzes the interaction between the presence of oil and the emergence of boundary disputes as a driver of militarization in the Gulf of Guinea (GoG). Ikorukpo’s article is analytically descriptive, depending essentially on descriptive statistics. Secondary sources including the publications of GoG countries and OPEC, along with many other works are cited, providing the required data. In order to provide a contextual background, he analyzes three paradigms on maritime boundaries. These are *mare liberum*, *mare clauseum*,

and regulated sea. He finds that all the maritime boundary disputes in GoG have been driven by the presence of oil and gas, leading some countries to protect their marine oil resources, resulting in an arms race in the GoG and armed conflict in a few cases.

We would like to thank our editorial board, our authors, our peer reviewers and you, our readers for their continued support. We look forward to bringing you even more great research and continuing to develop and improve the research program of *JTMS*.

Jongyun Bae  
Editor

