

Editor's Comments

Dear *JTMS* Readers,

Greetings again from Seoul. The leaves have changed and are gradually falling in the Korean autumn breeze. As per usual, that means we are putting together the Winter/Spring 2023 issue of *JTMS*. I am sure that readers saw the recent tragedy on the news in Seoul with many young people losing their lives during Halloween festivities in Seoul. This tragedy is a reminder that we should all be thankful for what we have and those we love as you never know when something so simple as a night of fun may turn tragic. Our hearts go out to all those affected by this terrible tragedy, and we hope our readers will send their thoughts as well.

Beyond everyday life, the issues that *JTMS* was founded to address via scholarly inquiry remain salient. The war in Ukraine is dragging on with no end in sight and Xi Jinping made a point of mentioning unification with Taiwan by peaceful or non-peaceful means during his address to the recent 20th National Congress of the Communist Party of China. Climate change also continues to threaten low-lying nations and islands, shifting shorelines and threatening a migrant crisis for those affected. The disputes that all these issues may foment should be resolved by the rules base system, including the governance of UNCLOS. On that note, we believe the Winter/Spring 2023 issue contributes to the literature on these topics and more.

First, Ricardo Abello-Galvis and Walter Arevalo-Ramirez present a commentary on the case *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, aiming to deliver a comprehensive summary of the case and general commentary on the most relevant claims and the procedural history. Their offering explains the principal factual and jurisdictional issues, the application presented by Nicaragua, the preliminary exceptions, and the counterclaims presented by Colombia during the jurisdictional phase of the case leading to the judgment on jurisdiction in 2016, and the decision on the merits rendered by the Court recently in 2022. The authors highlight the difficulties raised before the ICJ when entertaining the admissibility of counterclaims and study the factual pattern that led to Nicaragua's application as a manifestation of a conduct of resistance to international courts and tribunals.

Second, David Molina Coello shows how the Law of the Sea, guided by the flag system instituted by the United Nations Convention on the Law of the Sea (UNCLOS), presents challenges in regulating automated vessels and how the regulation of the seas should change to deal with the changes in vessels' technology. His article analyzes current regulations, confronting the RSE-MASS of the IMO with the reality of automated ships and determines whether UNCLOS should change to ensure the effective regulation of this new

technology. Molina finds that the flag State system provided in UNCLOS is inefficient in regulating automated vessels. Reallocating the regulatory powers of the flag States to the IMO while constituting a worldwide regime over the high seas is a possible solution for successfully regulating automated vessels.

Third, Onyemaechi Christopher Ugwuibe, Cordelia Ozoemena Idoko, David C. Nwogbo and Paul Chukwudi Ezinna attempt to determine if the reintroduction of Cargo Tracking Note in Nigeria can successfully curb arms smuggling through the nation's ports. Data for the study were generated from secondary sources and structured questionnaires administered to the Nigerian Police and Customs Officers. The study is theoretically based on the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) and International Ship and Port Facility Security (ISPS) Code. The authors assess that unless Nigeria successfully deals with challenges to national unity, successful deployment of technology for national security, including CTN, will be a pipe dream.

Fourth V. Adefemi Isumonah examines the consequences of political leadership on physical space and human welfare. During his examination, the comparison by observation of Nigeria mostly in four spaces—PS, PPS, POS, and PIS—is used to show the connection between political thought and space. He finds that the relationship between built space and human life is no less consequential than the relationship between the system of government, group conflicts, and wars on the one hand and human life on the other. The interpretation and meaning conveyed by PS and PPS reveal that space is an idea (architectural idea), a concrete structural expression; furthermore, space impacts a people and is impacted, in turn, by a people. Isumonah hopes that the understanding of physical space provided by this article may sensitize political leaders to pay greater attention to the improvement of PS.

Fifth, Mariam Mgeladze examines the inquiry considering the applicability of UNCLOS 1982 in the 21st century has been launched by the UK House of Lords Select Committee on International Relations and Defense (Committee). Her article covers a wide range of matters, such as human rights protection at sea, human security at sea, concept, and challenges of maritime security, autonomous maritime systems, protection and preservation of the maritime environment, provisions of the enforcement of UNCLOS 1982 and its dispute resolution mechanisms. Mgeladze's article emphasizes key areas of oral speeches given by invited witnesses and opens a dialogue for readers to identify the consequences of such an inquiry as a matter of positive law development or as an act that will polarize the UK and challenge its current positions.

Last but not least, in our book review section, we first have an excellent assessment of a volume titled *Maritime Security and the Law of the Sea: Help or Hindrance?* edited by Sir Malcolm D. Evans and Sofia Galani. Then, to close out the issue, we have a review of Finn Laursen's *The Development of the European Union (EU) as a Sea-Policy Actor*.

In closing, I would like to thank our readers for their continued support, our authors for their great contributions, and our editorial board and staff for their hard work. I wish you all a healthy and happy 2023.

Jongyun Bae
Editor