

Managing Editor's Comments

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Managing Editor's Comments

Dear *JTMS* Readers,

Over a year into the COVID19 pandemic, we all are still waiting for a happy ending that seems so close yet so far away for some. COVID fatigue seems to be creeping into the hearts of many who are tired of social distancing, masks, and limitations to movement. This focus on our individual situations has seemingly resulted in a lack of attention to international issues that previously would have received a great deal of attention and/or outrage from international society. Around the world we see a deepening of state coercion, territorial grabs, oppression of minorities, and even alleged genocide. I would argue that the pandemic and the resulting domestic political tunnel vision has made the international system more realist in nature. Competing groups with competing claims to territory that wish to exert their rights in that territory are at the heart of these issues. In such times, quality scholarship that peels away the layers of the international system's onion to get to the core of issues is at a premium. This is why the editorial board and staff at *JTMS* are pleased to present the Summer/Fall 2021 issue of *JTMS* to provide some insights which we are sure our readers will enjoy. On that note I am pleased to offer the following articles.

First, Alex P. Dela Cruz examines some implications of the Chinese Coast Guard law for the Philippines and other claimants in the South China Sea, using description and narrative as techniques to critically engage with the law and draw out its limitations as a source of remedy for rival claimants in the South China Sea. He argues that the Coast Guard Law makes it difficult for rival claimants in the South China Sea to overcome China's military activities reservation in respect of future LOSC dispute-settlement proceedings.

Second, Clive Schofield examines options to overcome and manage overlapping claims to maritime space. His article outlines global progress in the delimitation of maritime spaces between coastal states, including clarifications in the approaches to international maritime delimitation and options to overcome disputes, before exploring pertinent international jurisprudence providing insights into the meaning of the obligations of coastal states where overlapping maritime claims persist. Schofield concludes that while approaches to maritime delimitation have become clearer over time, broad areas of overlapping maritime claims persist, as only a little over half of potential maritime boundaries have an agreement in force. Negotiated solutions for the delimitation of equidistance-based maritime boundaries have proved to be the most popular means of overcoming overlapping maritime claims. In the absence of such resolution, coastal states are subject to obligations under the international law of the sea which constrain what activities they can undertake in areas subject to overlapping maritime claims.

Third, Christine Elizabeth Macaraig and Adam James Fenton discuss how the South China Sea dispute illustrates the confluence of competing interests on an international scale.

The first half of the article examines the role of natural resources in driving the dispute. The second half of the article presents a legal analysis of the dispute, using the United Nations Convention on the Law of the Sea as a benchmark against which to examine China's academic maneuvering. They find that, while natural resources are an important driver, equally important are the military, geo-strategic aspects of the near-total military dominance of China in the South China Sea, despite reports that the country would refrain from activities that would aggravate the dispute.

Fourth, Nuno Morgado's offering examines how, since 1974, Portugal was put through a double process of (a) diminishing its relative potential and (b) changing its geopolitical design from the sea to the land. This radical transformation in the direction of a small power to being land-oriented was, however, unable to modify the geography of Portugal and the identity of the Portuguese (sea-oriented). This paper aims to investigate the research puzzle of the non-interaction between the Portuguese geographical and identity aspects as independent variables and the EU membership as a dependent variable. Morgado argues that Portuguese geopolitical agent can be identified as the key variable to explain the Portuguese commitment to the EU set of land-oriented policies, the consequent decay of Portuguese fishing activities, and the status of its navy today, as fundamental sectors related to the sea affairs.

Fifth, Nitin Agarwala explores how the mid-eighties economic reform program of Vietnam, the "Doi Moi" (renovation), helped it to transition from having a centrally planned economy to being the fastest-growing economy in Asia and removing poverty from the country. Using desk-based qualitative research, Agarwala analyzes Vietnam's maritime sector as an "engine of economic growth" and examines the areas developed. He shows how with a coastline of more than 3,260 km, it was natural for them to exploit the "maritime sector" for socio-economic development. As a result, the economic contribution from the sea and coastal areas rose to nearly half of the total GDP in 2010–15. In order to emulate this economic growth from the maritime sector elsewhere, Agarwala contends that Vietnam needs to be studied to draw out lessons for other maritime nations.

Sixth, Kyu-hyun Jo examines whether Japan can utilize the San Francisco Peace Treaty as "historical evidence" to prove Japan's claims on Dokdo and the Diaoyu Islands. He utilizes journal articles and monographs and conducts a textual analysis of the SFPT to examine whether there is reliable evidence in the treaty supporting Japan's claim of territorial sovereignty over Dokdo/Takeshima and the Diaoyu/Senkaku Islands. He finds that the SFPT's fundamental purpose was to formulate a Cold War alliance between the U.S. and Japan and enable Japan's transformation from an aggressor to a pro-U. S. and anti-communist ally. Given the importance of realizing this objective and the urgency behind it, territorial issues were auxiliary and peripheral. Therefore, Japan's intention to use the SFPT as historical evidence to prove territorial sovereignty is unjustified and irrelevant because it misunderstands the treaty's historical and real purpose.

I would like to thank our editorial board and staff for their dedication over this past year in spite of the challenges of the pandemic. I would also like to thank our authors and readers for their continued support. I hope we all can return to some sense of normalcy in our lives soon and wish you all continued health.

Lonnie Edge
Managing Editor