

Managing Editor's Comments

Dear *JTMS* Readers,

Greetings again from *JTMS*. The warm Spring weather in Seoul is turning the city green and flowers are in bloom. Walking to the editorial office along the park that once was the Gyeonggi railway line I took some moments to reflect on the year so far. Far from my relaxing walk to work, the wars in Ukraine and Gaza drag on and there doesn't seem to be an end in sight. I was struck that I was lucky to be in a country free from conflict, even though many in my extended family in Canada think I'm crazy for living under the threat of North Korea. It is simply a matter of perspective. Indeed, how one views the protests and encampments across universities in North America and beyond, and the larger conflict that sparked them, is also simply a matter of perspective. With all the potential for conflict over territory both terrestrial and maritime, and the violence and death such conflicts may engender, we need to understand the perspectives of both sides in order to find common ground or, at the very least, compromise. I am proud to announce yet another issue of *JTMS* that adds to our perspectives on terrestrial and maritime territorial issues.

First, Pierandrea Leucci discusses and questions some of the maritime diplomacy models employed in the South China Sea so far, while exploring alternative ways to revive and strengthen regional dialogue. This includes entrusting the International Court of Justice (ICJ) with the task of conducting a judicial review of the 2016 award. Leucci argues that the use of cooperative, persuasive and coercive diplomacy models in the regional context of the South China Sea may not be successful for several reasons. This includes the different views of the Parties on the legitimacy of the 2016 award, which China has been using as a reason to reject compliance with the outcome of the arbitral decision. A possible 'way forward' explored by the author may actually be 'looking back', namely asking the ICJ to review the 2016 award to determine if China's jurisdictional objections raised by China are well-founded or not, and if so to put an end to the discussion. He also explores a different way forward, namely a possible ICJ judicial review of the 2016 award, to deal with the issue at hand. This is possible the first article exploring the possibility and opportunity of requesting a judicial review of the 2016 award by the ICJ. Leucci concludes that without a clear strategy and understanding of the emotional implications of the dispute, diplomacy alone may not be enough. This is why a judicial review of the 2016 award may be useful in further legitimising certain legal and diplomatic positions.

Second, Sidhyendra Sisodia explores and gives a brief overview of the geopolitical strategy and evolving dynamics of the Indo-Pacific region's three major players: the United States, India, and China. Furthermore, because the Indo-Pacific area is a "confluence of two seas," it aims to delve into these players' maritime dynamics. While the article uses content analysis and is not a theory article, there is an implicit realist lens employed in which the state is the principal actor, and how power distribution impacts nations' conduct in international politics, can establish

alliances, and produce conflict. Sisodia finds that it is China's growing economic, military, and naval might is guiding both India's and the United States' objectives in the Indo-Pacific region and, to some extent, promoting strategic collaboration between them. Sisodia concludes that China's exponential economic rise, along with rising power asymmetry between India and China, makes it critical for India to strengthen its strategic partnership in the region, while the US must also strengthen its strategic partnerships with India to counter China's aggressive stance.

Third, Anne-Marie Dedene highlights new aspects of the economic dimension of maritime power through an analysis of China's maritime economy development based on Global Value Chains Theory. Her article employs discourse analysis of Qiushi and Renmin Ribao articles to identify elite signals on the role of China's maritime economy within its maritime power build-up was combined with a qualitative, deductive thematic analysis of Chinese policy documents. Additionally, descriptive statistical analyses based on data retrieved from the Orbis and UNCTAD databases and the China Marine Statistical Yearbooks were used. Dedene finds the Chinese government has been actively signaling the importance of global value chains for the PRC's maritime economy and has accordingly designed policy measures targeted at upgrading those global value chains. Quantitative data illustrates that, though the PRC's maritime economy has grown, there is no proof of a completed upgrading process within its maritime economy. She suggests that understanding how industrial upgrading enhances a state's maritime power by accumulating resources and securing a central position in maritime production networks can provide policymakers with insights to strategically leverage these dynamics for national economic and security interests.

Fourth, Marcelo Kohen and Lorenzo Palestini consider whether sea-level rise entails the alteration of the baselines, outer limits and boundaries that define the geographical scope of maritime areas. Drawing from the principle of finality and stability of boundaries and the concepts of ambulatory, geographically fixed and permanent lines, they begin with boundaries and continues with baselines and outer limits defined by physically changing natural features. Kohen and Palestini find that *fixing* of baselines, the *delineation* of outer limits and the *delimitation* of boundaries are legal acts that occur at precise moments in time and which must be assessed based on the coastal configurations existing at those times. Once established and given publicity to, these lines are *fixed* and *permanent*. Unless coastal States have intended otherwise, baselines, outer limits and boundaries do not adjust automatically to recession and can only be moved if it is later decided to move them. With regard to anthropogenic change, there are additional reasons supporting the preservation of these lines. They suggest the law of the sea does not make climate change worse and the legal problem can be resolved through interpretation of UNCLOS.

Fifth and finally, Constantinos Yiallourides offers some reflections on the interplay between energy and environmental protection under the framework of UNCLOS. He sheds light of recent developments, the provisions of UNCLOS, relevant legal instruments and case law, this essay discusses the energy characteristics of UNCLOS; how UNCLOS seeks to balance access to energy and environmental protection; and the role UNCLOS is likely to play in this field in the coming years. Yiallourides asserts that the adoption of UNCLOS in 1982 marked the culmination of global efforts to achieve, among others, two crucial goals: First, legal certainty for coastal states to access marine energy resources of the continental shelf and the exclusive economic zone. Second, guarantees that energy activities within national jurisdiction or control would not cause damage to the environment of other states or the global commons. However, the relevance of UNCLOS in balancing energy and environmental objectives in the 21st century depends on

UNCLOS' ability to facilitate transformative normative change. His essay presents a less discussed aspect of UNCLOS, namely the nexus between energy and marine environmental protection. It shares some perspectives on how UNCLOS can be used to evaluate the legality of energy activities, both domestically and internationally, against environmental standards states have already agreed to. UNCLOS could encourage further efforts to address the impacts of climate change, in line with the general obligation to protect the marine environment.

Once again, I would like to thank our readers, our authors, and our editorial board and staff for their continued support.

Lonnie Edge

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