

PREFACE

Dear Reader,

In line with our philosophy of open access in academia, the UCL Journal of Law and Jurisprudence is proud to continue offering high-quality scholarship for readers everywhere. The oldest student legal journal (beginning as the *UCL Jurisprudence Review*) in the United Kingdom, the UCLJLJ has for the past three years expanded its output to two issues per volume. Continuing with last year's practice, the second issue features publications along a cross-cutting theme, which the Board of Editors aptly decided to be 'Crisis and the Law'.

This being the farewell issue of the current Academic Editors and Managing Editor, we could not be more pleased with the articles featured in this issue, which we are proud to present.

Building on themes explored in his bestselling book *East West Street: On the Origins of Genocide and Crimes Against Humanity*, Professor Philippe Sands QC has contributed an exclusive article titled 'Of Refugees and Resignation'. The piece makes comparisons between the fleeing of Jews and other minorities from Nazi Germany, and today's refugee crisis, ultimately calling for an end to the UK's 'closing of the doors' mentality. Sands' polemic is urgent and necessary in light of the governments' continuing hostility towards those seeking asylum. Sands' willingness to publish in a student journal precisely at the time when his work is being published and reviewed by the world's most prestigious academic and cultural publications, such as *The Guardian*, *The New York Times* and *Vanity Fair*, evidences his commitment to one of his all-time passions: speaking directly to students.

Nataliia Tuzheliak's piece follows, discussing issues arising out of the annexation of Crimea. She identifies many of the hurdles that may present themselves in the main adjudicative fora and other methods potentially available to persons and states for the protection of investments. She evaluates and compares their prospects of success, concluding that international law provides an important if limited source of protection for relevant rights. The issue then shifts focus to another recent crisis. Elkanah Oluwapelumi Babatunde analyses the ECOWAS intervention following the 2016 presidential election in The Gambia and the extent to which it conforms with international law on the threat and use of force. Having analysed the viability of various possible justifications, he concludes that ECOWAS' actions were unlawful but questions the extent to which compliance with the law will invariably result in a more desirable outcome.

Vanessa Arellano Rodríguez engages a different type of crisis, relevant precisely because of the international community's deliberate (perhaps arbitrary) differentiated treatment of mid-ocean archipelagos of mainland states vis-à-vis the archipelagic regime provided for in the 1982 UN Convention on the Law of the Sea ('UNCLOS'). Arellano Rodríguez shows the implications of this differentiated treatment in terms of economic, security and environmental interests and acknowledges that an interpretative effort to exact a similar framework for mixed archipelagos under UNCLOS alone is not possible. The author opts then for a more limited, and perhaps because of that more convincing, approach: she explores what specific arguments could be made on a case-by-case basis and proposes thus vis-à-vis the Galapagos Archipelago. The author advances a creative but substantiated argument under article 7 UNCLOS and the ICJ *Fisheries Case* (1951), but is careful enough so as to warn the reader that her legal construction is only predicated upon the specific historical circumstances of the Galapagos Archipelago.

Rose Ireland contributes with a piece titled *Human Rights and Modern Slavery: The Obligations of States and Corporations in Relation to Forced Labour in Global Supply Chains*. The author underlines the importance of updating the concept of slavery so as to fit contemporary forms of exploitation. Rose analyses the obligations of both states and global private actors with transnational reach and raises important questions regarding the precarious state of development of the international legal order so as to deal with issues of this kind. Although the author grounds her arguments in soft-law instruments, mainly the UN Guiding Principles on Business and Human Rights, the analysis is generally careful to not ascribe legal character to them and instead focuses on State implementation thereof. Also because of this, Ireland wraps up her study in a normative tone, calling for a multi-pronged approach to be adopted where states and corporations incorporate 'mutually reinforcing' measures. Maybe because of the precarious state of international law regarding these critical issues, the reader of this article will end up with more questions than concrete answers, and that is what good scholarship generally aspires to: ask the right questions so that the conversation can move forward.

The issue closes with Sondre Torp Helmersen's book review on *Interpretation in International Law*. Interpretation of the law may, to some extent, be seen as relevant to all of the above articles. Interpretation is often at the forefront of crises, sometimes as cause of a crisis, others as an attempt to solve them. This may not always be an effortless process. Indeed, As Helmersen's review indicates – and as the book reviewed explores – interpretation is a multifaceted concept, to which various issues and viewpoints become relevant. As book

reviews go – and the genre is a far more complex one than many would concede – Helmersen’s work is a quality example, engaging in an informative exercise that assesses a book for what it is, rather than what it should have been.

As for acknowledgments, the current expression of gratitude has a double meaning: appreciation for helping the Academic Editors and Managing Editor navigate the intricacies of publishing a journal that prides itself in ensuring a transparent and stringent review, editorial and publication process, but also profound happiness for having built strong personal and professional bonds with all Editorial Board members, brilliant LL.M. and Ph.D. students from all over the world, without whom we could not have produced the two issues of 2017 of which we are extremely proud.

A special mention is, again, given to Lauren Chaplin, who has copy-edited both issues, and has never shied away from helping in many other things happening behind the scenes and which ultimately contribute to this fine academic product. Warm thanks go also to our Faculty Editor, Dr Daniela Simone. The same goes for all members of the Faculty Advisory Board; their collaboration and support is valuable to our endeavours. Our appreciation is extended also to our long-standing sponsors, Blackstone Chambers and Slaughter and May – their generous financial contribution to the Journal is essential to its success. This is also true of the UCL Faculty of Laws and its financial, academic and administrative support; many thanks for the unwavering backing of this effort.

We say goodbye and are happy to leave the Journal in good hands. Edmund Robinson, Natalie Sedacca and Hitesh Dhorajiwala will be taking over as Academic Editors and Managing Editor, respectively. We wish you the best.

We hope that our readers enjoy this issue.

Niko Pavlopoulos & Luis Felipe Viveros Montoya
Academic Editors

Conor Crumme
Managing Editor

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