

PREFACE

Dear Reader,

This issue champions the continued development of the UCLJLJ. 2015 was the first year to witness the publication of two issues of the Journal and we are proud to continue this tradition in 2016. Moreover, we pride ourselves on being at the forefront of the shift towards open access in academia. The UCLJLJ is one of the first law journals in the UK to offer equitable access to cutting-edge scholarship for any reader, anywhere. At the same time, the UCLJLJ remains true to its core values by offering a generalist publication on a variety of topics of law and jurisprudence that is open to practitioners and academics alike. Each of the seven papers assembled here offers an original contribution to a particular area of law or covers a subject that we hope is both topical and interesting to our readers.

The first paper opens the issue with the treatment of orphan works in copyright law and the debate surrounding how to reconcile digitisation efforts and copyright protection. Kyrsten Baker assesses the adequacy of the recent implementation of the United Kingdom's orphan works legislation in light of its stated objectives. In so doing, she argues that certain aspects of the country's copyright laws relating to orphan works require modification in order to ensure that they remain relevant in the age of mass digitisation.

The issue continues by moving away from the domestic arena and into the field of public international law. Daniel West offers an appraisal of the International Court of Justice's approach to ascertaining the critical date for assessing jurisdiction. He highlights how the Court exercises interpretative discretion to further its own procedural objectives through engagement in judicial case selection. He argues that this has important implications for the development of international law and criticises the Court for applying formalism on an ad-hoc basis on political grounds. The following paper continues with a public international law theme in relation to maritime delimitation and the various problems associated with the exploitation of disputed natural resources. Constantinos Yiallourides engages in a topical discussion of the rights and obligations of coastal states concerning the development of natural resources. Examining the UN Convention on the Law of the Sea, international jurisprudence and state practice, he argues that in the absence of an agreed boundary or a provisional cooperative agreement, none of the interested states would operate legitimately in undertaking unilateral petroleum activities in areas subject to dispute.

The next paper is an economic analysis of remoteness of damage in contracts. Cristian Paziuc adds insight into this well-trodden area of scholarship by adopting a comparative approach. This contrasts the English and United State's positions with functional equivalents of remoteness as applied in Germany, France and Quebec. Cristian takes a critical view of the jurisprudence, arguing that the rule in *Hadley v Baxendale* is unsatisfactory. As such, he proposes the judgment in *The Achilleas* as a solution that could provide a more efficient default rule allowing for full recovery of damages. Peter O'Loughlin also takes a comparative approach in the fifth paper. Here he examines the contrasting approaches that the USA and UK take to criminal sanctions to deter and punish cartels. Drawing on the successes of the USA model, he suggests a framework that other countries might use when attempting to garner both public and political support for criminalisation.

The final two papers return to international law, but in very different ways. Navneet Sandhu first highlights the reasons for low developing country participation in WTO dispute settlement and how this is as a fundamental failing of the multinational trading system. She argues that only by addressing the capacity issue of such states can an accurate cost benefit analysis of the WTO dispute settlement system take place. The issue ends with a call for a paradigm shift in the realm of human rights from the traditional legal subject to the vulnerable subject in the liberal human rights order. Carolina Yoko Furusho demonstrates how vulnerability highlights the importance of ensuring the equality of opportunities of individuals under a state's jurisdiction. She argues that this would widen state responsibility to encompass social conditions allowing vulnerability to be mitigated and human agency to flourish.

Before leaving you to enjoy the read, there are some final points to be made. Firstly, the UCLJLJ will be publishing its second themed 'City Issue' issue in October 2016. This builds on the growing success of the Journal and an approach that enables the UCLJLJ to cover a wide range of topics as well as creating the possibility for more in-depth discussion. It will also ensure that the Journal remains an integral part of the vibrant research environment of the UCL Faculty of Laws. A new addition to this research community is the UCL Law Journal Blog. Much like its sibling, the UCLJLJ, the UCL Law Journal Blog is edited and published by graduate (Masters and PhD) students of UCL Laws. The Blog publishes scholarly contributions from academics, researchers and practitioners, as well as showcasing outstanding research of post-graduate students at UCL. The Blog's primary aim is to make a high-quality contribution to current debates on local and global issues of law and jurisprudence. It offers these contributions on a free and accessible platform that covers up-to-date events, developments, debates, cases, and more.

Finally, it is important to look back over the last few months and acknowledge the hard work of everyone who has contributed to this issue. A huge thank you goes to the members of the Editorial Board, who have each devoted significant time and energy to reviewing and editing the articles. Without their dedication, this issue could not have been produced. We are especially grateful to Aislinn O’Connell and Robin Strub who copy-edited the final product and to Joel Wong for his assistance with the Journal’s management. Warm thanks are due to our new Faculty Editor, Dr Daniela Simone, and also to our outgoing Faculty Editor, Professor Paul Mitchell. Professor Mitchell has provided invaluable support to the Journal and its editors since the first Issue of the UCLJLJ in 2012. His guidance will be missed. We are also very grateful to our long-standing sponsors, Blackstone Chambers and Slaughter and May, for their generous financial contribution to the Journal. Last, but not least, this issue could not have taken shape without the steadfast financial, academic, and administrative support of the UCL Faculty of Laws.

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