Editors' Introduction

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As it enters its second year, the Cambridge Journal of International and Comparative Law (*CJICL*) is experiencing a 'growth spurt'. Capitalising on the success of Volume 1, the *CJICL* has this year expanded its Academic Review Board and increased the number of its editors. Thanks to our predecessors, the *CJICL* is now listed on HeinOnline and Westlaw. The editorial process has become more streamlined and, with the release of our new style guide developed by Cameron Miles, the *CJICL* now has its own house style. Moreover, the *CJICL* blog has provided frequent and timely insights on developments in international and comparative law via the *CJICL* website and social media. Finally, the Journal will hold its Second Annual Conference on 18 and 19 May 2013 under the theme 'Legal Tradition in a Diverse World'.

Still, there is plenty of room for further growth. The *CJICL* occupies a unique position in the world of academic publishing, as an open access journal that is both student-run *and* peer reviewed. While the UK government, research charities and publishers fight over who should pay for academic publishing, the *CJICL* is and remains freely accessible to all. The success of this model is already evident: over the past year, both the quantity and the quality of submissions to the Journal have improved considerably. All points to a bright future in which the *CJICL* will continue to fulfil its mission: to offer a forum where theoretical inquiry meets practical reasoning, and where the best traditions of legal research are employed to develop innovative insights and methodologies.

This link between theory and practice, tradition and innovation is reflected in the opening article of this issue, in which Sir Daniel Bethlehem QC offers practical suggestions to operationalise the relationship between international humanitarian law and international human rights law in situations of armed conflict. Moreover, the former Legal Adviser to the UK Foreign and Commonwealth Office calls for more active engagement by governments with the public debate on this issue, to ensure that legal developments fit battleground realities. In a way,

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the article by Remigius Nnamdi Nwabueze seeks to achieve a similar aim, but in an entirely different field. Nwabueze examines how the law on burial rights should balance religious, cultural and familial considerations with the wishes of the deceased. While the piece does not shy away from the conceptual controversy concerning the dead as a right holder, it also offers concrete suggestions to resolve burial conflicts—arguing that the law should give priority to burial wishes of the deceased. Arnold Pronto then reflects on the work of the International Law Commission (ILC) concerning the effect of war on law. Having followed the discussions up close as a member of the ILC's Secretariat, Pronto provides both a historical framework and a clarifying exegesis of the role and relevance of the 2011 articles, which resulted from the ILC's sessions.

The issue continues with a timely though alarming call-to-arms by Yangmay Downing, who urges lawyers and diplomats to turn their attention to the burning issue of ocean acidification. Not only does her article establish the urgency of this issue by carefully considering scientific evidence and the possible consequences of inaction; she also offers various legal pathways to deal with this much overlooked environmental threat. In her article on the debate on prisoner enfranchisement, Georgina Bryan expresses her disquiet about the balance in a different ecosystem, namely that of the British constitution. She warns that recent parliamentary rumblings regarding Britain's relationship with the European Court of Human Rights threaten to disturb the delicate constitutional balance between law and politics in the UK. Aldo Zammit Borda critically examines the doctrine of 'binding precedent' as it applies to international criminal adjudication. By focusing on the actual practice of international courts, Borda's analysis enriches the largely theoretical academic discourse on the fragmentation of international law. Borda's article is complemented by Henri Decoeur's analysis of the jurisprudence of international criminal courts and tribunals in 2012. Decoeur's evaluation of the case law of five of these institutions reminds the reader of the challenges confronting international criminal justice. Also in the case analysis section, Naomi Burkes' article on the case of *Nicaragua v Colombia* at the ICJ unpacks the Court's complex methodological technique and critically analyses its introduction of parallel lines to adjust boundaries. Geraldo Vidigal's analysis of the Mercosur Court and its emerging jurisprudence in cases related to a 'breakdown of democracy' presents an interesting insight from the region on how international law may respond to regime change. Vidigal's exposition offers valuable food for thought to those who advocate a stronger role for international and regional institutions in enforcing democracy.

In the book reviews section, this issue features reviews of two seminal works

of international law, Crawford's *Brownlie's Principles* and Cassese's *Realizing Utopia*. Both works are associated with two recently deceased, epic figures in international law, namely Sir Ian Brownlie and Professor Antonio Cassese. They also reflect the voices of international law's most distinguished contemporary figures, namely Professor James Crawford, who took up the task of editing the 8th edition of Brownlie's textbook,¹ and in the case of Cassese's edited volume, Professors Martti Koskenniemi, Philip Alston, Michael Reisman and Judge Abdulqawi Yusuf, among other eminent scholars. Yet this is where the comparison ends. In his insightful review of Crawford's *Brownlie*, Samuel Wordsworth QC underscores the book's value to practitioners. *Realizing Utopia*, on the other hand, is far more conceptual, notwithstanding Cassese's attempts to distance the work from the realm of 'Utopianism' by adopting a methodology of 'judicious reform'. Matthew Hoisington offers a refreshing critique of this approach. He creatively contrasts the value accorded to innovation in the discipline of international law with its value in the technology industry. Hoisington's review urges international lawyers to challenge the limits of their discipline. Imbued with a sense of practicality, Avidan Kent's review of Bunn's *The Right to Development in International Economic Law* intimates to readers that while a thorough discussion of the moral and religious content of the right to development is an intellectually enriching exercise, it must be supplemented with more pragmatic engagement. The issue closes with Noam Zamir's review of two important works on the classification of armed conflicts. Zamir skilfully examines how these two works bridge the gap between theory and practice, particularly in the complex area of 'internationalisation' of armed conflicts, while providing the reader with an insightful assessment of the validity and effectiveness of this doctrine.

We would like to thank the authors of this issue for considering the CJICL as their forum for publication. We are very pleased that this issue combines perspectives from both academics and practitioners—hailing from government, international organisations and private practice—offering a diversity of intellectual standpoints. We are very fortunate to be able to rely on the expertise and support of our Academic Review Board, whose members have helped us select and shape the articles in this issue. Many authors, both young and established, have benefited from their comments and insights. Our managing editors Jastine Bar-

¹ It is noteworthy that many of the Cambridge graduate students who assisted with the revision of Crawford's *Brownlie* and who have been acknowledged in the book's preface, are or have been members of the CJICL Editorial Board.

rett, Emma Bickerstaffe, Daniel Costelloe and Cameron Miles have worked tirelessly on the production of this issue—we are very grateful for their efforts. Many thanks also to Shona Wilson Stark for her great work on the CJICL UK Supreme Court Annual Review. We are indebted to our team of editors, who generously gave their time, in spite of their heavy workloads, to compile and copy-edit this issue. A special word of thanks goes to the blog team, consisting of Daniel Costelloe, Naomi Burke, Valentin Jeutner and Robin Morris. Yin Harn Lee continued to serve the CJICL as Secretary and Treasurer, as reliable as ever. Our Senior Treasurer, Professor James Crawford, offered help and advice throughout the year, particularly with the organisation of the Second Annual CJICL Conference. The Cambridge Law Journal generously sponsored the CJICL and its editor, Professor John Bell, kindly shared his editorial wisdom upon request.

Finally, we would like to single out Sidney Richards, who has yet again demonstrated himself to be the CJICL's most devoted supporter. Not only has Sidney singlehandedly designed the Journal's IT structure that allows the CJICL to maintain its open access policy, he also midwived all of its issues. We are thankful for his unremitting enthusiasm for the CJICL.