EDITORIAL

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This is the second regular issue of the third volume of the *Cambridge Journal of International and Comparative Law*. It represents the hard work of a large number of people, who must be thanked before going further. In the first place, the current Editors-in-Chief would like to thank their immediate predecessors, Jasmine Moussa and Bart Smit Duijzentkunst, for passing to them a journal which in a remarkably short period of time has become known for the quality and innovation of the works that appear in its pages. Second, the editors and managing editors of the Journal, who spent countless hours undertaking the initial review of submissions and latterly the copy-editing thereof, are commended for their dedication, accuracy and, on occasion, punctiliousness, without which any academic publication would be unable to function. Third, we express gratitude to the members of the Journal's Academic Review Board for their continued service. Finally, we thank the Senior Treasurer of the Journal, Professor James Crawford AC SC, for his continued support of a publication which, only two years ago, was a mere notion in the minds in the postgraduate community in the Faculty of Law at the University of Cambridge. To quote Lucretius' *De Rerum Natura* (1.135), '*nil posse creari de nilo*' ('nothing can be created from nothing'). Without the efforts of these dedicated individuals, the present publication simply could not exist.

The task of writing a foreword, although superficially simple, is upon closer reflection a complex one. On the one hand, one is enthused by the ideas presented in the papers at one's disposal, but, on the other, one does not wish to ruin the critical perspective of the reader which is so essential to discovering the pieces in their own right. So it is here.

The present issue of the Journal consists of three parts. Part I concerns general articles within the Journal's remit. Amedeo Arena leads off with an

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incisive piece that examines the evergreen question of the extent to which legal systems are prisoners of their intellectual heritage, by examining the effect of the juridical traditions of the US and the EU on the disparate spheres of modern competition law. In an encouraging turn to scholarship, Arena examines the effect that the Harvard and Chicago Schools in the US, and the Freiburg School in the EU, have had on the contemporary realities of competition law, thereby demonstrating the continued relevance of academic debate to the practical work of lawyers.

Similar themes are realised in the work of Marco Benatar, whose paper 'International Law, Domestic Lenses' argues that greater attention should be given to the role of national legal culture in the making and practice of international law. Benatar recognizes the reality of interface between international and domestic law—that municipal law is no better or worse than international law and that certain elements of the former (principally the role of individuals and the structural realities of norm creation in international law) may influence the latter. His views are instantiated in the law and practice of the International Court of Justice, which is given extended treatment.

In John Jupp's piece, we see a departure from the emphasis on legal tradition to legal transplants in the context of post-conflict criminal law reform. Jupp explores the proper place and functioning of legal transplants to bring about change and stability in legal regimes emerging from internecine strife. This is particularly important for criminal legal transplants which Jupp has selected as the prism through which to view these transformations, proposing various evaluative criteria for furthering the rational application of imported precepts of the criminal law.

Finally, Vladislava Stoyanova addresses the issues of slavery, servitude, forced labour and human trafficking and the obligations of states to criminalize such conduct in the context of the European Convention on Human Rights (*ECHR*). In particular, Stoyanova addresses the question of why, despite the omnipresence of such issues in the eyes of politicians and the public, consistent prosecution and conviction of the perpetrators remains an elusive goal. She perceptively discards as a solution the expansive interpretation of statutory provision concerning the definition of the relevant criminal offences, and instead suggests that these crimes need to be better defined and delineated, an avowedly positivist solution that has the benefit of providing a firm hook on which to hang the prosecutorial hat. Thus ends Part I.

Part II is a symposium of five articles arising from the Cambridge Conference on Interpretation in International Law, held in the summer of 2013. Unlike

the collection of essays that emerged from the conference, to be published by Oxford University Press, the pieces here are not geared towards theoretical issues pertaining to interpretation, but focus on the day-to-day realities of interpretation and its role in the practice of international law. The Journal is proud to be able to publish these excellent pieces, and is equally proud to have the benefit of an introduction thereto by the conveners of the original conference, Daniel Peat and Matthew Windsor. We will leave it to them to elaborate.

Part III concerns the traditional terminus of an academic journal—book reviews and case notes. Eirik Bjorge examines Professor James Crawford's *State Responsibility: The General Part*, a book that reflects the most recent contribution by the International Law Commission's Special Rapporteur on a topic that remains relevant to almost every question arising from international law. Bjorge is followed by a review by one of the present Editors-in-Chief of Christian Tams' and Antonios Tzanokopoulous' contribution to Hart Publishing's compiled series of relevant documents in international law, *Basic Documents on the Settlement of International Disputes*. The issue is finally rounded-off by two analyses of immediate importance in international law. Paul Mora contributes a case analysis of the recent decision of the European Court of Human Rights in *Jones v United Kingdom*, which is of continued relevance when assessing the right of access to the Court contained in ECHR Article 6(1). Massimo Fabio Lando gives an overview of the recent provisional measures decision of the International Court of Justice in *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor Leste v Australia)*, in which the Court has advanced its thinking on the role played by unilateral undertakings in the grant of interim relief under Article 41 of the ICJ Statute.

The present issue continues the good work of the previous managers of the *Cambridge Journal of International and Comparative Law*. The Journal continues to go from strength to strength. The Editors-in-Chief consider themselves fortunate to have inherited a publication with such potential and to be given the opportunity to contribute (however modestly) to its growth and establishment in the world of academic legal publishing.