EDITORIAL

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This is the final issue of volume 3 of the *Cambridge Journal of International and Comparative Law*. At the outset, we wish to acknowledge the efforts of the large number of people involved in its publication. This includes the Journal's Managing Editors Jason Allen, Stephanie Mullen, Ana Júlia Maurício, Clara Rauchegger, Joseph Sampson and Matthew Windsor, as well as the individual Editors who contributed their time and effort. It further includes, prominently, Sidney Richards, without whose continued publication and layout expertise this issue could not have been realised. We also wish to thank the members of the Academic Review Board for their ongoing support. Lastly, special thanks are owed to Professor James Crawford AC SC, who has now stood down as the Journal's Senior Treasurer having served in that capacity since its inception. The Journal wishes him all the best for his tenure as a judge of the International Court of Justice at The Hague.

This issue is the second of the regular issues of the Journal for 2014. It proceeds in four parts. The first is a collection of general pieces dealing with aspects of international and comparative law. In the first place, Kate Miles engages in a in-depth discussion of the history of international investment law, uncovering its origins in the mercantile environment of the 16th century and the advent of the state-supported trading company. Miles draws on the research she conducted during the preparation of her book, *The Origins of International Investment Law: Empire, Environment and the Safeguarding of Capital*, published in 2013 by Cambridge University Press and launched at the CJICL Annual Conference in May 2014. Miles is followed by three articles that emerged from papers also given at that Conference. Tom Gerald Daly examines the topic of regional integration between Europe and Latin America in the context of human rights and wider judicial dialogue, identifying a distinct Latin

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American conceptualisation of these fields that goes beyond post-national order in the European mold. Maria Papaioannou tackles similar themes, examining human rights and judicial dialogue within the paradigm of indigenous rights, urging the development of common standards within regional systems through cross-jurisdictional interaction. Sshauna Wheatle considers the provocative topic of comparative law and the *jus gentium*, examining the transnational passage of constitutional principles to fill legal vacuums in different jurisdictions, particularly in post-conflict societies. Wheatle is critical of such a project, arguing that the unthinking transplantation of foreign legal ideas without opportunity for domestic modification and reflection may render such principles vulnerable to the post-modern claims of ethnocentricity in comparative law. Finally, Elmar Widder engages in a comparative analysis of the right to challenge witnesses between various human rights jurisdictions. Widder concludes that parallels emerge between different international and regional bodies notwithstanding differing emphases, such that a uniform test for the exclusion of witnesses may in the future be possible.

The second part of this issue contains a 12-article symposium tackling the issue of transitional constitutionalism. Edited by Jason Allen, this symposium aims to stimulate discussion on the role of constitutions in processes of political and legal change, especially in post-conflict and post-revolutionary societies. It does this from various doctrinal and theoretical perspectives and across a number of jurisdictions surveyed by Allen in his comprehensive introduction, to which the reader is referred for further information.

The third and fourth part of this issue contains two book reviews and two case notes. The first review by one of the present Editors-in-Chief concerns Kate Miles' *The Origins of International Investment Law*. The second review, by Jasmine Moussa, concerns Lawrence Boisson de Chazourne's new book, *Fresh Water in International Law*, a timely contribution to the international law of watercourses as the world grows ever more dependent on scarce natural resources. Two case notes follow. The first, by Frederike Kollmann and Jan Martin Hoffman, concerns the recent landmark decision on satisfaction by the European Court of Human Rights in *Cyprus v Turkey*. The second, by Elizabeth Whitsett, contains a comment on the WTO Appellate Body's equally significant decision in the *EC – Seals* case, in which vital depth was provided to the public morals exception as it appears under the WTO covered agreements.

At this point, there is little to do but to pass control of the CJICL to the next generation. At the time of writing, Naomi Hart and Ana Júlia Maurício have been kind enough to accept custody of the Journal for volume 4. We are glad to be able

to leave the Journal in such good hands and we wish the new Editors-in-Chief well for their future endeavours.