Editorial

Barry Solaiman* and Catherine Gascoigne**

1 Introduction

The second issue of the fifth volume of the *Cambridge Journal of International and Comparative Law* (CJICL) brings together varied, thought-provoking and illuminating articles from our open Call for Papers and the Young Scholar's Lecture. The first three articles analyse energy and climate issues covering the institutions of the World Bank, the United Nations and the European Union (EU). These are followed by two comparative articles covering the integration of blind persons in the judiciaries of the United Kingdom, the United States and Israel, and an analysis of the way in which the federal-type polities of Canada and the EU have addressed the tension between State sovereignty and federalism. The next two articles that consider unconstitutional constitutional amendments and the civil liability imposed on credit rating agencies. The second issue concludes with a book review.

We are very grateful to all of our contributors for their articles. We also wish to thank our Managing Editors, Michael Dafel, Darren Harvey, Massimo Lando, Lan Nguyen, Niall O'Connor and Stefan Theil. The Managing Editors and their teams of editors have contributed a significant amount of time and effort in reviewing, copy-editing and liaising with authors to produce this issue. This issue would not have been possible without their hard work and dedication. We are also grateful for the generosity and support of the Cambridge Law Journal, the Lauterpacht Centre for International Law and the Centre for European Legal Studies at the University of Cambridge.

2 Overview of Issue 5(2)

The issue begins with an article by Danae Azaria. This year we were fortunate to continue the tradition of hosting the CJICL Young Scholar's Lecture at the Lauterpacht Centre for International Law. This event was initiated by our

* PhD Candidate, Magdalene College, University of Cambridge.

** PhD Candidate, Gonville and Caius College, University of Cambridge.

predecessors, Naomi Hart and Ana Júlia Maurício, and has all the hallmarks of becoming a celebrated annual event for the Journal, as it provides a platform for an early-career academic to present and publish his or her research. This year, the Journal was very honoured to welcome Dr Danae Azaria, a Lecturer at University College London, to present. We are delighted that Dr Azaria's well-acclaimed and highly stimulating piece, 'State Responsibility and Community Interest in International Energy Law: A European Perspective' has been published in this issue in modified form. Dr Azaria's piece surveys the landscape of obligations between EU Member States and third states in relation to the energy sector.

We are also grateful to Marie-Claire Cordonier Segger for her article which considers the recent Paris Agreement. The Paris Agreement was concluded in December 2016 with the aim of strengthening the global response to the threat of climate change. The author outlines the important measures of the Paris Agreement and discusses sustainable development principles. She outlines the international context for implementation and analyses emerging legal issues. Finally, 'climate justice' concerns are considered, and legal and governance obstacles for effective participation are highlighted. This includes a consideration of the opportunities for effective implementation of the new regime. The author argues that, ultimately, new legal research, education, awareness, capacity-building and technical assistance will be essential to ensuring the success of the Paris Agreement.

The third article, by Wei-Chung Lin, discusses the role of the World Bank Inspection Panel in upholding non-economic values in relation to the activities of the World Bank. The World Bank Inspection Panel is a review mechanism by which private individuals affected by the World Bank's financed projects can challenge the legitimacy of the Bank's lending decisions. To that end, the article examines the way in which the World Bank Inspection Panel has drawn on Multilateral Environmental Agreements in order to ensure that Bank-funded projects comply with environmental obligations. Wei-Chung Lin argues that the World Bank Inspection Panel not only enhances the accountability of the World Bank to the people it affects most, but that it also plays an important role in interpreting and enforcing social and environmental norms in the context of project finance.

Doron Dorfman then analyses the progress made by the Anglo-American judicial system in integrating blind persons into the judiciary. The integration of blind persons has received little academic attention and the author makes a valuable contribution to the understanding of this important issue through his comparative analysis. He achieves this by providing a historical account of the appointment

of blind persons in the United Kingdom and the United States to the judiciary. That analysis is supplemented by an examination of the symbolic importance of blindness in the legal system. These elements are drawn together by a consideration of the potential of integrating blind persons into the judiciary of Israel.

Next, Thomas Verrellen examines how the federal-type polities of Canada and the EU have addressed the tension between the value of State sovereignty and the value of federalism. The author argues that in both polities, federalism is largely put ‘on hold’ with regard to foreign affairs. He notes that the authority to act internationally in Canada is mainly controlled by the order of government recognised as a sovereign state. This is in contrast to the EU, where the dominance of the sovereign state in the area of EU foreign affairs is liable to spill over into the EU’s domestic constitution. The author calls for a recalibration of the federal balance in Europe’s foreign affairs constitution via a critical appraisal of the use of the technique of mixity.

The sixth article, by Reijer Passchier and Maarten Stremmer, considers the issue of unconstitutional constitutional amendments. They analyse whether there are limitations of amendability that exist with regard to the EU Treaties and whether the Court of Justice of the European Union (CJEU) has the competence to enforce such limits. The authors determine the extent to which arguments used to justify a doctrine of unconstitutional constitutional amendments in national systems can justify the same doctrine in EU law. They argue that EU Treaty amendments may be deemed to be a violation of the Treaties in some cases. Further, they contend that the CJEU may review amendments to the EU Treaties where Member States put forward questionable revisions.

The issue of the effectiveness of credit rating agencies (CRAs) as gatekeepers has received much attention following the global financial crisis in 2008. Nicholas Hoggard analyses CRAs from a distinct angle by considering Regulation (EU) 462/2013 in the seventh article of this issue. The Regulation imposes civil liability on credit rating agencies who intentionally or negligently infringe regulatory requirements, thus causing loss to investors. The author argues that the Regulation replicates the UK’s existing law on deceit—though it is more restrictive for claimants. He also analyses the potential harm caused by such duplication when considering harmonisation measures, and contends that the Regulation is another example of an ill-defined and inconsistent private liability.

This issue concludes with Valentin Jeutner’s review of the monograph, *Strategically Created Treaty Conflicts and the Politics of International Law*

(Cambridge University Press 2014) by Surabhi Ranganathan. Jeutner's review provides an overview of the main thesis of Ranganathan's book and situates it in the surrounding literature.

3 Future Developments for the Journal

Finally, we conclude this Editorial by announcing exciting future developments for the Journal. The CJICL was established in 2011 by postgraduate students in the Faculty of Law at the University of Cambridge. Since then, the Journal has grown under the stewardship of previous Editors-in-Chief, supported by the hard work of postgraduate student editors and our esteemed Academic Review Board. Thanks to their hard work, the Journal has spurred a thriving community for collaboration between young and senior academics and practitioners, as evidenced by the publications in these issues and the Journal's strongly attended annual conference. As such, the Journal is now ready to develop further, to grow its audience and become more specialised. To that end, Edward Elgar Publishing has agreed to publish the Journal from Volume 6 onwards on a long-term basis.¹

Edward Elgar is committed to publishing high quality, original scholarship in the field of International Law and their aim clearly mirrors the aims of the Journal. The Journal will narrow its focus to publishing pieces concerning International Law only, and the name of the Journal will change accordingly to the *Cambridge International Law Journal* (CILJ). Further consolidating our strong links with the Lauterpacht Centre for International Law at Cambridge, Whewell Professor of International Law, Eyal Benvenisti, will become the Honorary Editor-in-Chief of the Journal in future years. Importantly, the Journal will continue the traditions of the past by providing a forum for collaboration between young and senior academics and practitioners, and for providing the same opportunities for postgraduate students at the Faculty of Law to develop essential editing skills. Ultimately, we believe that the partnership between Edward Elgar and the Journal will provide more opportunities for the International Law community and support our aim of publishing high quality and original scholarship.

1 Barry Solaiman and Catherine Gascoigne, 'Edward Elgar to publish the Cambridge International Law Journal' (*University of Cambridge, Faculty of Law*, 7 September 2016) <<http://www.law.cam.ac.uk/press/news/2016/09/edward-elgar-publish-cambridge-international-law-journal>> accessed 21 September 2016.