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Editors-In-Chief

Wednesday Eden and Sebastian Kjærnli Aguirre

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Foreword

I am delighted to present the Spring Issue of Volume 9 of the Cambridge Law Review. This Issue includes five articles, each of which exemplifies innovative legal scholarship, and is the culmination of several months of dedicated work by our Editorial Board, comprising students from the University of Cambridge and International Editors from a number of jurisdictions. In preparing this Issue, I am incredibly grateful to the authors and our Editorial Board, without whose contributions this Issue would not have been possible. I would also personally like to thank Professor David Tong in the Department of Applied Mathematics and Theoretical Physics who provided invaluable guidance to our Editors on matters of theoretical physics—a highly unusual and captivating subject area to encounter in a legal publication!

Now in its ninth year, the journal received an unprecedented number of original and thought-provoking submissions from authors who are at different stages in their careers. This is by no means surprising given the journal's ongoing commitment to publishing high-quality scholarship and to being at the forefront of contemporary legal developments.

The articles that have been selected for publication in this Issue each contribute novel insights on different, and in some cases underexplored, legal topics. These topics are the following: the potential (future) implications of the 'time dilation' phenomenon in space travel on foundational legal matters, such as limitation periods and contractual warranties; the effectiveness of regional policies in facilitating, and securing the long-term benefits of, climate migration; how expansive governmental interpretations of the concept of 'national security' in UK law, coupled with judicial deference to the executive in national security matters, risks undermining executive accountability; the European Union's introduction of the MiCA Regulation to regulate stablecoins; and the different 'anti-corruption' clauses that feature in transnational petroleum contracts. Overall, these articles have been chosen for the significant contributions that they make to the existing literature, which we believe will appeal to both UK and international readers.

In the first article, 'A Study of the Legal Implications of Time Dilation in Accordance with Einstein's Theory of Special Relativity', Dr Alexander Simmonds provides a unique insight into the theoretical impact of (future) space travel on a range of legal issues. To begin with, Simmonds envisions a not-too-distant future in which astronauts travelling in outer space experience, to a significant degree, a phenomenon known as 'time dilation' (where, according to Einstein's theory of special relativity, a subject moving close to the speed of light will experience time more slowly than a stationary observer). Building upon this phenomenon, Simmonds proposes a 'hypothetical fact pattern' in which astronauts on a space voyage experience time dilation in such a way that the passage of one year from their perspective is equivalent to the passage of two (or more) years on Earth. He then explores the theoretical impact that such time dilation could have on various legal issues, including, amongst other things, the legal assessment of an astronaut's age, the date on which an Earthly statute may be deemed to come into force, contractual warranties, and the fairness of custodial sentences. Ultimately, Simmonds concludes that one possible way in which courts could resolve time dilation-related complications would mirror the approach that courts adopt to determine the *forum conveniens* when there is a conflict of laws. Here, Simmonds describes this approach as being directed towards determining the '*forum conveniens temporis*', where the central question concerns which 'temporal frame of reference' (that of the astronauts or that on Earth) should apply in disputes involving time dilation.

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Moving from outer space to a different global issue (namely, climate change), Divyanshu Sharma's article, 'Protecting Climate Migrants Through Regional Policies: Time to Move Beyond International Treaty Law', centres on the topic of climate migration. Here, Sharma critically examines three main proposals that feature in the literature for how to facilitate such migration and protect the interests of climate migrants. These proposals are the following: first, expanding the 'refugee' classification under the Refugee Convention so that the adverse effects of climate change may be a ground on which individuals may be granted refugee status; second, protecting climate migrants under human rights law; and third, formulating regional policies (as opposed to 'multilateral frameworks') to facilitate climate migration. Of these three proposals, Sharma endorses the third, and he assesses the likely efficacy of such policies by drawing upon selected regional policies and frameworks that have been adopted by Caribbean and African nations to protect climate migrants. Sharma hopes that, by treating these policies as case studies on how certain nations have actively endeavoured to facilitate climate migration, as opposed to preventing it, we can begin to view regional policies as being an effective way to secure the long-term benefits of climate migration for the migrants themselves, their home country, and their host country.

In his article, 'Ambiguity in National Security Powers under the UK's National Security and Investment Act 2021: Implications for Executive Accountability and Judicial Review', Louis Holbrook examines how the interaction between the executive and the judiciary in matters relating to 'national security' risks undermining certain constitutional principles in the UK, most notably executive accountability. Holbrook centres his examination on the UK's National Security and Investment Act 2021, which he describes as being a 'lens' (or 'vignette') through which to explore the impact of this interaction on executive accountability. More specifically, he argues that expansive government interpretations of the concept of 'national security' to encompass 'non-defence-related' matters, such as economic security, has rendered the meaning of this concept ambiguous in UK law. In other words, the concept of 'national security' is capable of bearing potentially unlimited meanings under this Act. Holbrook then argues that this ambiguity is capable of being reinforced by the judiciary given their tendency to defer to the executive when matters of national security are raised. Consequently, this interaction between the executive and the judiciary effectively places limited checks on executive power and thus risks undermining executive accountability.

Turning to the EU, Sarah Cichon's article, 'All That Glitters Is Not Gold: The Regulation of Stablecoins under the MiCA Regulation—Between Innovation and Risk Mitigation', examines the EU's approach to regulating crypto-assets, with particular focus on the MiCA Regulation. Here, Cichon considers the objectives of the Regulation (namely, to promote an efficient and innovative market for crypto-assets and to manage the risks that stablecoins pose to financial stability). She determines that, in theory, the MiCA Regulation is an appropriate framework for promoting market competitiveness, while also providing legal certainty and protecting investors from the significant risks inherent to the crypto market; however, in practice, it is questionable whether the Regulation will be sustainable over a prolonged period. Furthermore, owing to what Cichon describes as the 'decentralised' and 'inherently borderless' nature of stablecoins, she argues for the establishment of common 'minimum standards' and global cooperation to avoid possible regulatory arbitrage and to achieve the objectives of the Regulation more broadly.

In the final article, 'Anti-Corruption Clauses in Transnational Petroleum Contracts: A Taxonomy', Azar Mahmoudi provides a thorough examination of an underexplored issue, namely the anti-corruption clauses that have recently begun to feature in transnational contracts in the petroleum sector. Through a detailed study of 1,164 transnational petroleum

contracts, Mahmoudi proposes a taxonomy of these clauses, categorising them into two primary types: 'direct anti-corruption clauses', which place specific anti-corruption obligations on the parties to the contract; and 'indirect anti-corruption clauses', which, although not originally intended to address corruption, may nevertheless be interpreted to place anti-corruption obligations on the parties. After examining the different sub-categories of clauses that fall within these two categories, Mahmoudi proposes a 'Standard Clause', which is drawn from an existing contract (referred to as the 'Jubilee Agreement'), to serve as an extended representation of the various anti-corruption clauses that she includes in her taxonomy. She ultimately argues that this 'Standard Clause' could be used as an 'industry standard practice' in transnational petroleum contracts to trigger industry-wide compliance with anti-corruption standards.

Having been an Editor with the Cambridge Law Review since 2020, I am incredibly proud of the journal's continued growth in providing a platform for exceptional contributions to legal thought and I have faith that the journal will continue to flourish in the years to come. I look forward to presenting the Autumn Issue with my co editor-in-chief Sebastian Kjærnli Aguirre later this year.

Wednesday Eden
Editor-in-Chief
Darwin College
12 June 2024

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