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Editor’s Note

The second Issue of the seventh volume of the SOAS Law Journal marks the sixth anniversary of the Journal. Indeed, the Journal has not developed in a vacuum, with each Issue containing insight from authors on a range of subjects typically pertaining to countries in the Global South. Currently, the world at large is facing an unprecedented challenge in the form of SARS-CoV-2 (commonly known as the coronavirus), which has caused immense disruption across an array of areas ranging from national economies to public health and beyond. That is not to mention the impact the virus has had on the health (both mental and physical) of individuals and their families. We would therefore like to direct attention to and commend the efforts of our dedicated editorial staff, who all chose to commit to their responsibilities in the midst of a global pandemic, and our astute authors, who were consistently available for feedback and revision.

This Issue of the Journal continues the past tradition of publishing thought provoking Articles on a diverse array of topics. In what is undoubtedly a novel and transformative time period for the world, the authors of this Issue similarly approach their subject matter from innovative and critical points of view. They view and evaluate areas such as international law, constitutional law, Muslim personal or family law, and alternative dispute resolution via unique lenses that shall certainly offer promising analyses that were previously lacking.

In the field of constitutional law, Huang and Li adopt a modern comparative approach with regards to the Magna Carta and Hong Fan, which serve as cornerstones of English
and Chinese jurisprudence respectively. They outline both similarities and differences between the two legal texts, whilst emphasising that it is not necessarily possible to make a direct comparison and each document is significant for its own reasons. Amarasigne and Rajhans follow a similar thread, with a critical analysis of the international law concept of “protection”, which was used by imperial powers in the 19th century for various purposes. The authors specifically examine this in the context of the Kandyan Kingdom in Sri Lanka, where “protection” was experimented with to further colonial ambitions, followed by its development into a mechanism of international law that still exists today. Furthermore, in the context of the contract of marriage (nikah) in Islamic law, Seager traces the development of Reformism in Islamic family law, focusing on the sound and internal basis for its argumentation.

Resolving legal claims via alternative dispute resolution (ADR) has grown increasingly popular in recent years. Sopuruchi and Hussein each examine the application of ADR mechanisms in different contexts. Sopuruchi examines environmental disputes and explores the possibility of an improvement to the status quo by an adoption of a hybrid system that merges traditional dispute resolution mechanisms with compliance mechanisms laid down by international environmental law treaties. Meanwhile, Hussein wisely appraises arbitration in the context of the United Arab Emirates, highlighting qualities such as its innovative and flexible nature as being vital to its future successes during the ongoing coronavirus pandemic.

While we are enthused to deliver this Issue, we lament any delay in reaching publication. Unfortunately, the impact of the coronavirus has also been felt at the SOAS Law Journal.
However, we are proud of succeeding despite this and would once again like to draw attention to the efforts of our committed editorial teams, who consistently overcame challenges of various sorts in order to complete the Volume. We would also like to extend our gratitude to Scott Newton, Head of the SOAS School of Law, for his provision of a foreword, the SOAS School of Law for its ongoing patronage over the years, and our Honorary and Academic Boards for their continued support.

The Editors-in-Chief

Jeff Santiago Tario
Mustafa Ahmed

August 2020
Foreword

Scott Newton

The SOAS Law Journal turns six this pandemic year. That it has come together at all is a testament to the dedication and indomitability of the editorial staff and the contributors. That it has at least matched, if not exceeded, the high standards set by the contributions in years past is an extraordinary achievement. If anything, contributors have been especially inspired by the unprecedentedly challenging circumstances of its production and made the grist for critical mills, as one can witness by Emad Hussein’s consideration of the adaptation of Emirati arbitration proceedings to the constraints imposed by the global health emergency.

The Law Journal has far exceeded the modest expectations of its launch, when the idea of developing a US-style, student-edited and contributed biannual review of law Articles was first embraced as a way of giving SOAS law students the opportunity both to develop and to showcase their scholarly ambitions, interests, and (impressive) capacities whilst still completing their programme of studies. I have been consistently struck over the years with the intellectual maturity and the imaginative breadth and depth of SOAS students, and it was high time that their research creativity and productivity were made available to the much broader constituencies that the quality of their contributions merited. Finally, a law journal had been conceived and placed into circulation that not only carried SOAS in the title but breathed the SOAS spirit in the very rationale of the enterprise as well as in the themes, pre-occupations, and perspectives of every single Article.
Comparative Medieval English and Shang dynasty Chinese constitutionalism, the subjugation under British colonial rule of the Kandyan kingdom through the developing international legal device of ‘protection’ in the age of imperialism, the challenges posed by Nikāh to the formidable Reformist resources of Islamic legal thought on grounds of equality, the overlooked adaptability and indeed superiority of traditional forms of alternative dispute resolution for environmental treaty dispute resolution, arbitration in the Gulf in the time of COVID-19—such a compelling but diverse set of themes juxtaposed in a single volume of scholarship would be unthinkable anywhere but at SOAS. And to any SOASian, the logic of the connections—historical, comparative, cross-cultural, colonial and perhaps above all Global South-inflected—becomes not only apparent but striking. So well-done all for seeing it through and getting it done! I am hugely gratified and proud to acknowledge the scholarly and editorial labour involved and to commend the fruits of that labour to the multi-continental and multi-cultural readership SOAS legal scholarship addresses and inspires.

Scott Newton, Head of Law of the SOAS School of Law