

PREFACE

Dear Reader, on behalf of the Editorial Board of the UCL Journal of Law and Jurisprudence, we are proud to introduce the Journal's issue for the academic year 2019-2020.

Those accustomed with the UCLJLJ will instantly notice the lack of an adjective prior to the word 'issue' and might wonder whether this is the Spring or Autumn issue. In anticipation of such a reaction, we feel that a few words are in order; when the current Editorial Board took charge in late 2019, our goal was indeed to continue the tradition of having two issues of the Journal published within a sole academic year. Despite our intention, however, the global pandemic that left nothing unaffected, including the UCLJLJ, put a significant strain on our ability to work efficiently and respect the timetable we had set initially. Faced with these unprecedented circumstances, we made the difficult, yet conscious, decision to put quality first and confine ourselves to producing a single issue for 2019-2020. We are nevertheless confident that the quality of this issue's content and the hard work that the Editorial Board of the Journal selflessly put as a whole into this effort will justify our decision.

Beginning with content, we are particularly proud that the submissions we have chosen to publish – all of which are of excellent quality and live up to the highest standards of academic writing – cover a truly wide range of legal fields and topics and deal with issues of positive law and jurisprudence alike.

In the first article, Dr Stefan Mandelbaum applies Weber's observations on legitimate legal orders in order to explore the institution of international investment arbitration. The work develops the argument that arbitration's legitimacy challenges are intrinsically linked to evaluations of the performance of arbitral reasoning. This issue's second article, by Akshay S. Gohil, poses – and answers – the question of whether the 'pari passu clause' and the 'collective action clause', both important non-financial clauses included in sovereign bond documentation, address effectively the problem caused by creditors who refuse to participate in sovereign debt restructuring negotiations and instead opt for litigation, seeking full repayment (also known as the holdout problem).

In our third article, Samantha Ria Shahriar address the novel issue of cyber-attacks perpetrated by States and non-State actors, and analyses whether such attacks can be considered as 'imminent', in which case anticipatory self-defence can be invoked by the States that expect to be attacked. Moving on, Victoria Martínez Placencia's article deals with the ever-imminent issue of disadvantage as an essential concept of anti-discrimination law and examines the extent to which this concept of disadvantage is used differently in discrimination claims, compared to

when it is used to justify positive action. Finally, Tsano Kanchev's very interesting case note considers the High Court's judgment in *Assenagon v Irish Bank Resolution*, outlining the key elements of Briggs J's ruling, and discussing the future of the debt restructuring technique known as exit consent solicitation.

We are deeply grateful to all these authors for having chosen the UCL Journal of Law of Jurisprudence to publish their work, as well as for the patience they showed in our collective effort to bring their submissions to publication. We hope that the final outcome will make them as happy as it has made us. Of course, an 'honourable mention' is due for all those who submitted their pieces to be considered for publication and made sure that we had a competitive field of submissions to choose from.

Our sincere gratitude also goes to all the members of the Editorial Board, both LLM students and PhD researchers, who devoted their time and effort by reviewing tirelessly all the submissions we received (including those that did not end up being published). It is thanks to them that we have been able to respect the UCLJLJ's commitment to the double-blind review process that allows our Journal to maintain its prestigious position among academic journals. A special thanks to Sonam Gordhan for her invaluable help as Managing Editor of the Journal – without her contribution this issue would not have seen the light of day –, and to Vera Zhiwei Cai who fulfilled the role of Deputy Managing Editor with professionalism and contributed crucially to our effort to publish this issue.

Finally, we are deeply indebted to the previous team of Senior Editors for the guidance they provided us, to Dr Daniela Simone, our faculty Editor, for her valuable insights and her ongoing support throughout this effort, as well as to Mr Ian Caswell from UCL Press for his assistance.

Felipe Osorio Umaña & Thomas Papadogiannis Varouchakis

Senior Editors