



# Editorial

## Welcome to the IALS Student Law Review

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Welcome to the Spring 2015 issue of the Institute of Advanced Legal Studies Student Law Review (ISLRev).

Now approaching its third year, it is a pleasure to see the ISLRev continue to publish a diverse range of legal scholarship, with contributions addressing issues arising in numerous jurisdictions and often from multi-disciplinary perspectives.

And, this Issue is no exception! Epitomising the Institute's profile in facilitating legal research, this issue of the ISLRev includes papers on reforming the International Court of Justice, through to the impact of "ideologies" and "cognitive reasoning" in the interpretation of the law or legislative drafting, as well as the role of "social media" in the discharge of a company's public disclosure obligations (whether in Nigeria or the United Kingdom).

I hope readers of the ISLRev find this latest Issue as engaging as we did in bringing this to publication. Perhaps you may even feel impassioned enough to write a comparative (or rebuttal) piece in response, or simply complete 'that working draft' on a developing issue of law and submit it afresh to the ISLRev? I, on behalf of the Editorial Board, certainly encourage you to do so!

In this issue:

**Fábio Ulhoa Coelho** discusses the impact of 'ideologies' in achieving legal certainty over international commercial transactions. He argues that the traditional distinctions between civil and common law in the development of legal doctrine are not so apparent in a commercial law context. He extrapolates aspects of the Brazilian experience to demonstrate this point, concluding by proposing a thesis that, in an age of globalisation and with the gradual elimination of dichotomies in national commercial laws, "ideology matters" when it comes to the "predictability of judicial decisions" and legal certainty; and that this is regardless of the jurisdiction's (civil or common law) system.

**Bruno Caraciolo Ferreira Albuquerque** provides a case note on limited liability under Brazilian law. Set in the context of the recent Brazilian Supreme Federal Court case of *Francisco de Assis Marques v Center Trading Indústria e Comércio Ltd*, Bruno writes on the development of the doctrine and its assimilation into a new Brazilian Commercial Code. Remarking on the inadequacies of existing powers to lift the corporate veil, and on the difficulties in effecting constitutional change as a means of unifying disparate judicial approaches to limited liability, Bruno advocates in support of the Commercial Code proposals.

**Ralitsa Nesheva** critically evaluates the current operational framework of the International Court of Justice. Citing political influence, weak enforcement of due process and other "ambiguities", the article makes for a provocative piece on this international judicial body. Ralitsa scopes the various reform proposals tabled (from the subtle to the more "radical"), espousing those that include reforming: the election process of ICJ judges; the compulsory-jurisdiction of the court; and the relationship between the ICJ and the UN Security Council. She also offers her insight into how the mechanics of reform ought to take effect.

**Andrew Nkunika** offers his views on the role of ‘decision making’ evaluation and user testing in enhancing the communication of government policy through legislation in a digital age. Anchoring on the premise that “legislation has to take into account the various users of the legislation...” and that ‘use’ (and impact) of legislation has a different profile in a digital age, he advocates for a change in its development; change that incorporates the testing of the ‘usability’ of legislation at a “cogitative level”. He concludes that such approaches within the drafting process are essential in order to produce legislation that brings “clarity, precision and efficacy” to the law applying in the 21 century.

**Olagoke Kuye** takes on a comparative analysis of the Nigerian and English companies act provisions that relate to the publication of Annual Reports. ‘Goke argues that, while the companies acts “...provide for electronic notification and dissemination of information...” included in annual reports, these are not often taken up to the exclusion of printed reports. Rather, as ‘Goke argues, shareholders are left to resolve at general meeting to adopt a purely electronic means of communicating their statutory reports, potentially requiring amendment to company Articles. He concludes with the proposition that the companies acts ought to include provision for the effective discharge of such disclosures by electronic means where shareholders have authorised same and for subordinate legislation (in Nigeria) endorsing the use of “social media”.

I must offer the most sincere thanks, on behalf of the Editorial Board, to IALS (particularly Dr Constantin Stefanou for his academic counsel on the Board and to Steven Whittle for his invaluable support in bringing the finer details of the publication to life). And, of course to our Associate Editors and Peer Reviewers for lending us their time and expertise during the submission stage and helping to maintain the quality of content within the ISLRev.

Needless to say, we are most grateful to all those who submitted their articles for inclusion in the ISLRev. We know just how time consuming it is to prepare a paper and that, without the willingness to do so there would be no ISLRev.

We expect our next issue to be published around September 2015, so please do not hesitate to submit your papers for consideration as soon as possible. Submissions can be made through the ISLRev’s online submission form at: <http://sasojs.da.ulcc.ac.uk/lawreview/user/register> or by email to: [ials.islr@sas.ac.uk](mailto:ials.islr@sas.ac.uk)

Best wishes to all,

**Chris Stears (Editor-in-Chief, *IALS Student Law Review*)**

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