

Editorial

Welcome to the IALS Student Law Review

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Welcome to the *Autumn 2020 Issue* of the Institute of Advanced Legal Studies' Student Law Review (ISLRev).

Nowadays, the world is not only experiencing a growing populist trend that enhances a nationalist viewpoint, but we are in an era of digitalisation where – no doubt – the process of technology is changing the international competitiveness as well as affecting almost all aspects of the world's economy.

In the light of the changes of the global economic landscape, coupled with the emergency of the COVID-19 pandemic, this edition of ISLRev has very captivating articles which deal with current issues and debates that will be introduced below.

First, we would like to congratulate George M. Daoud for becoming our new Deputy Editor as well as to introduce our two new Associate Editors, Julius and Victor:

Julius Ibrahim Kalilu Foday is a PhD candidate at IALS specialising in Constitutional and Administrative Law. He is the International Aid/Cooperation Programme Manager, Delegation of the European Union to Sierra Leone. His doctoral research explores the process that will be executed in order to ascertain the viability of drafting gender-neutral legislation within Sierra Leone and will further examine some laws with a view towards determining how legislative drafters in Sierra Leone have responded to the principle of gender-neutral drafting.

Victor Chimbwanda is a PhD candidate at IALS specialising in legal education. He has held lectureships in England, Cyprus and most recently in Ghana where he taught commercial & corporate law and clinical legal education. His doctoral research explores the teaching of skills in selected Anglophone African university law schools to examine the approach to skills teaching in plural legal systems. Previously, he practiced law in Botswana and in England where he is still admitted as an attorney and solicitor.

We also would like to thank **Professor Anton Cooray** from City, University of London, for acting as the Academic Editor of the ISLRev.

The new Editorial Board of the ISLRev is planning to offer incentives to potential contributors in the form of academic webinars with professors/practitioners specialising in their field of publication. Additionally, we are aiming to conduct events where academics, practitioners and students will have the possibility to meet and discuss topics around the journey of pursuing a PhD, publishing in peer-reviewed journals, writing books, etc.

Finally, for each issue of the ISLRev going forward, the Editor-in-Chief will alternate writing an editorial opinion piece. These will give a broad overview of relevant legal topics alongside the articles included in the respective issue.

Without further ado, we are delighted to introduce the following articles of this ISLRev-edition:

Emmanuel Saffa Abdulai discusses the topics of international law and military intervention, rights to self-defense, humanitarian interventions as well as the principles of sovereignty in the wake of enforcement of the rules of *jus cogens*. He analyses whether there is any legal basis in international law for the military intervention in a member state if diplomacy fails to persuade a former president to step down and accept presidential elections results – mobilised by the Economic Community of West African States (ECOWAS) which launched the operation 'Restore Democracy in Gambia'. He tries to answer inter alia the question whether ECOWAS is acting in accordance with the African Union (AU) Treaty and its Peace and Security Protocol to restore peace and avoid grave consequences.

Klemens Katterbauer discusses digital services as they have significantly transformed the world's economy and challenged the existing taxation regulations worldwide. Thus, the intangible nature of digital services challenges the taxation of conventional services that have a physical location of where the services are performed and where the right of taxation derives from. Therefore, the need for adequate regulations related to the taxation of digital services has become ever more prominent with various proposals and implementations. The article provides a case content – inferential statistics research on determining whether a digital service tax or the nexus of a significant digital presence may be more applicable for overcoming the challenges posed by digital services. Additionally, the benefits of artificial intelligence (AI) methods in assisting in the taxation of digital services are outlined.

Lea Ina Schneider explores how state behaviours that originates from a populist attitude affects international law and attempts to answer the following questions: *Why and how does populism challenge the very idea of international law? What are the effects of populist governments on international law? And what role would international law play in a populist era?* Her article concludes that populists attack international law because the international legal system, as it developed after the 1990s, is based on values and concepts, such as international solidarity, which go against the identity and nationalistic politics of populists.

Tiffany M. Sillanpää investigates whether smart contracts meet the traditional requirements of a contract and what smart contracts truly add to traditional contracts. While there may be procedural challenges to undoing or enforcing specific performance under smart contracts because of their decentralised features, any substantive problems that could occur within a smart contract are imminently addressable with and needs to be subjected to the principles and remedies found in traditional contract law. Finally, she concludes with current developments in smart contracts which creates a potential platform for them to become an integral part of the common law legal system going forward.

Dr. Ngozi J. Udombana examines certain legislative expressions in the Administration of Criminal Justice Act (ACJA) as of 2015 of Nigeria that aimed to tackle the multi-dimensional problems which plagued the criminal justice system for decades. She finds that ACJA is affected by significant measure of substantive and legislative expression gaps which diminish its quality and negatively impact its implementation. Thus, she recommends in her article the amendment of ACJA as well as offers alternative redrafts and suggestions – if these issues and gaps are not timely addressed, they may further affect the effective implementation of ACJA.

Finally, we are hugely thankful to our authors for their submissions. We would like to encourage any postgraduate student, practitioner and academic who intend to submit an article to get in touch with us. The details for submission can be found below:

<https://ials.sas.ac.uk/digital/ials-open-access-journals/ials-student-law-review/ials-student-law-review-editorial-board>

We look forward to hearing from prospective contributors. Until then, please enjoy the latest issue of the ISLRev!

Tuğçe Yalçın & the ISLRev Editorial Board.