

## Volume XII, Issue I, Spring/Summer 2022

### Editorial

Welcome to the final issue of King's Student Law Review for the academic year 2021/2022, our only full edition for the academic year 2021/2022. We publish in a reopening world. The focus on Covid-19 has receded (for now, perhaps) but in its wake have come pressing global concerns. The five papers in this issue are broadly focussed on security, climate change, and inequality, three of the greatest challenges to human flourishing today, all linked to the economic well-being of individuals and nations. Our articles reflect various aspects of these concerns, and the role of law in addressing them.

We publish, too, in a world troubled by the kind of military action we hoped we would never again see. Since February Vladimir Putin has been waging war, a battle for the territory of a sovereign state carried out with tanks and foot-soldiers but accompanied by threats regarding the deployment of more globally devastating weapons should NATO respond in kind. From crippling global supply chains, driving vast refugee flows and fuelling inflation to revising global alliances forged over decades to avoid exactly this situation, the war in Ukraine has affected everyone. The media footage evokes old images from World War II, but this war seems far more present and imminent, with iPhone recordings supported by functional internet (thanks to Elon Musk's Starlink) providing real-time updates. Whilst the physical battles are all on Ukrainian soil, the shock waves reach far beyond its borders. The impact will last for our lifetimes and beyond, with the economic hit likely to set efforts to tackle climate change and inequality back by decades. A catastrophe created by the ambitions of a man whose worldview was shaped four decades ago will be left for future generations to solve. There must be a role for law in this, and so we must be optimistic and creative – and our authors this time are both. They examine problems through the lens of law and propose solutions.

The war (both the military battle and the related one being fought over access to currency and fuel) has illuminated the degree to which the economic and security well-being of nations are interdependent, and that the borders of financial markets are different in kind and place to those on maps. In recent times there have been few real borders to investment. Russia was, till recently, as free to invest state funds in the UK-listed corporates, including Telcos and energy suppliers, as the UK was to buy shares in companies listed in Moscow. In times of war the consequences of this are complicated, as individuals are sanctioned and assets seized; when Russia invaded Ukraine the consequences included the near-immediate sale of an English football club by a Russian to an American. At the time of writing the UK government is examining the stake a non-UK citizen holds in BT PLC. BT is Britain's main connectivity provider: there was a time when the way to start a revolution was to seize the communications network, but would it not be easier to just buy it? Charles Ho Wang Mak and Sau Wai Law remind us that many States invest substantial sums of their national reserves outside their own borders through the placement of sovereign wealth funds, and that the size and power of such funds can create security implications for host nations in times of peace as well as of war. They argue that English law in this area is insufficiently protective of the national interest, and they suggest reform.

The effects of war, recession and Covid threaten to push climate change off the list of most-urgent global priorities. As we continue to live through the hottest years on record, actions on

greenhouse gas emissions repeatedly fail to match intentions. For the world to power itself completely from the sun is in theory entirely possible but requires investment, infrastructure, technology, security, cooperation and real political investment in the future. The last three seem to be in particularly short supply as we fight for the present, scrabbling for oil supplies and failing to insulate our homes, whilst politics remains depressingly short-termist. Joel Fun Wei Xuan examines the role of climate clubs in facilitating and driving the kind of changes that are needed to meet greenhouse gas emission targets, considering their potential role in helping countries deliver on the Paris Agreement goals, whilst reflecting on the obstacles raised by apparent conflicts with the agreement and with commitments and rules of the international trade regime. He presents an optimistic view of what could be achieved and suggests measures that could further assist with this. Eoin Jackson suggests that States adopt an inappropriately light touch regarding climate change. and this permits corporate to substitute greenwashing for genuine change, allowing businesses to treat reducing greenhouse gas emissions as optional in the face of economic challenge. The economy can therefore become an excuse not to act, or to act inadequately. He suggests that environmental interests should be treated as top-level stakeholders within a corporate governance model, and that justification for requiring this through national climate emergency declarations is justified by the human rights (inequality) dimension of the climate emergency.

Inequality is the third thread of this issue. War, recession and Covid have already, disproportionately impacted the most marginalised and least advantaged. Pleayo Tovarante and Judith Sürken address two very different aspects that reflect the pervasive nature and far-reaching effects of inequality in our society. Both relate to how society should respond to inequality, and both remind us that inequality is driven and fed by multiple contextual and structural factors, so that genuine structural change is needed to address it. Judith Sürken focusses on gendered violence and on the nature of the debate on how to address it. She suggests that the reason why those who argue for and against prison as a solution fail to agree is that they adopt different perspectives on gendered violence. She suggests that the criminal justice system, in focussing on whether a prison sentence is a necessary response to gendered violence inevitably therefore assumes that it is a sufficient response, and sees prison abolition as impossible. She suggests that a broader focus on gendered violence as the problem that needs to be solved would allow greater understanding of the contexts that also need to be addressed and would therefore provide a more helpful approach. Pleayo Tovarante, writing on the need for and advantages of greater board diversity, considers the kind of broad approaches that might address this aspect of societal inequality. He compares progress in this regard in the UK and New Zealand, and argues that the concept of diversity in this context should include the Rainbow Community. He examines arguments for (and against) deliberate attempt to increase boardroom diversity before putting forward suggestions regarding how greater diversity can be achieved.

These are fantastic pieces of work, and we hope you will both enjoy them and think about them, and that you will consider contributing to the Journal in the future. We would like to congratulate all our authors on having their work published. The quality of submissions is always extremely high, and we are grateful to all of those who submit their work to us. This is my final issue as Editor-in-Chief; it has been an honour. I am delighted to pass the role to Emily Ottley, in whose safe hands the next issue will rest.

Dr Mary Lowth, (retiring) Editor-in-Chief, Kings Student Law Review.