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"The Rebirth of the Cool"

FOREWORD BY HON'BLE MR. JUSTICE G.S. PATEL

COVID-19 has changed the world in ways we could never have imagined or anticipated. Attempts to draw parallels to previous pandemics tend to focus on public health dimensions. But there is one fundamental difference. The world COVID-19 turned upside down was one entirely — and fundamentally — different from any mankind has known before. COVID-19 is a great leveller. It respects nothing: not age, not race, not gender, and certainly not geographical boundaries.

In ways that we are still discovering, it has irrevocably changed the face of law. The practice of law itself has been forced into a new avatar. But laws and regulations themselves, everywhere, have had to change and adapt to the new demands. These changes have not been at the glacial pace to which lawyers, legislators and judges are accustomed. Everything from travel to medicine has felt the impact; and international law, both private and public, are no exceptions. And these unexpected and unanticipated upheavals (who had ever heard of 'isolating on arrival'? Or mandatory medical tests? Or restrictions on movement?) come at a particularly strange time in global history. The impact 'Brexit' is likely to have cannot be underestimated. In parallel, there are shifts, too, in the way countries deal with each other, and the rights sovereign nations claim to have in regard to the affairs of other states.

In the commercial world, the changes have been perhaps the most seismic. On the one hand, there are these restrictions on travel. On the other, there are new methods of trading and effecting commerce, and there is also now an entirely new working methodology regarding the resolution across borders of commercial disputes. In some of these, one of the commercial parties is a state player — mining rights, for instance — and we have the very curious scenario of private enterprise pursuing recovery against a

sovereign state that has lost in arbitration, and doing this across multiple territorial jurisdictions. Much of this is done without travel, deploying the transborder advantages of Internet-enabled communications. Perhaps now, more than ever before, the spotlight is on international law in all its dimensions. Until only a few years ago, this was the rarefied preserve of law scholars; few in the bustle of day-to-day courtroom work bothered very much with it. Even fewer students paid it any attention.

The revival of SPIL's Journal is, therefore, as timely as it is necessary. The essays and papers in this revival edition span an astonishing range. There is an analysis of a new Scottish legislative bill (directly connected with women's rights and COVID-19) that addresses important contemporary issues of gender equality. There is also an article on 'ecocide' that raises vital questions about our survival as a species and the role international law and judicial bodies have to play in determining (or safeguarding) our collective future. The somewhat shorter piece on lethal autonomous weapons systems (LAWS) — its title evidently inspired by the great science fiction writer, Philip K. Dick, and his novel *Do Androids Dream of Electric Sheep?*; the source for the iconic film *Blade Runner* — delivers sharp insights into the future forms of international conflicts; and how far these can be said to be legitimate and lawful. Another essay deals with Space Law (I should not be surprised if its author is a fellow Trekkie, given the inveigled reference to a final frontier) and tests the continuing validity and relevance of a fairly vacuously worded international treaty, especially in an increasingly conflict-driven world. The essay on Hong Kong's National Security Law only barely contains the author's evident outrage at an attempt to legitimize and mask through faux-legislation what is nothing but one of the most egregious human-rights violations in recent times. All the essays show fine scholarship, formidable research and considerable acuity. It is a privilege to be able to read these works, each one deserves, and repays, close study.

These essays show a dauntingly high standard. There could be no better means of reviving a journal. These essays set the bar appropriately high. The frequency of the journal is immaterial, in my view. If work of this calibre is produced just once a year, it is enough. The contribution will extend well forward in time. My compliments to the editorial team and the authors; this is truly exceptional, by any standard. I hope to see the day when becoming the editor of this journal is itself a mark of distinction.

Birth of the Cool is, of course, the 1957 jazz compilation album by the legendary trumpeter, bandleader and composer Miles Davis. Even 64 years later, that album is still widely regarded as innovative, seminal, far ahead of its time and one of the definitive jazz albums of all time. I can only hope that the future accords the same status to this revival edition.

Justice G.S. Patel
Judge, Bombay High Court
Mumbai, 20 March 2021