

EDITORIAL

Sir William Dale Memorial Issue

Helen Xanthaki

The fourth Sir William Dale Annual Issue of the European Journal of Law Reform continues what has become its traditional structure. The issue opens with a transcript of the prestigious and highly inspiring 2009 Sir William Dale Annual Memorial Lecture. Shami Chakrabarti, Director of Liberty, discusses Repentance at Leisure: The Politics of Legislation and the Law of Unintended Consequences. In an insightful and direct lecture on the topic the Director of one of the most successful NGOs in the UK, identifies examples where faults in the legislative process seem to follow a trend of “more cock-up than conspiracy”, but carry unintended consequences for individual citizens. The frank and bold identification of such errors and their mostly unintended consequences is the innovation of the lecture, whose passionate style of delivery shines through the transcription.

Prof. Ulrich Karpen, one of the founding fathers of the drafting discipline in Europe, graces this issue with yet another theoretical, in depth analysis of the issue of good governance. The innovation of the author lies with a finally acceptable definition of good governance, within the framework of effectiveness of regulation, and its application in the cases study of South Africa.

Kawooya strengthens the issue further by breaking the barriers of his field and ensuring that the reader remains up to date with recent developments, systematised for the first time in an academic piece.

Linnat Mafukidze draws upon the few resources in the field of stabilization agreements and offers an insightful, holistic analysis of their use, usage, and benefits, albeit under conditions.

Prof. Bantekas breaks the barriers of his discipline and introduces a formula for compliance with IHL rules. In one of the most original and innovative approaches of his era, Prof. Bantekas uses mathematics for the benefit of a predictable, and hence certain, formula.

In their article “Establishing Protection Mechanisms for Bureaucrats: The Case of the Independent Oversight Board of Civil Service of Kosovo” the authors, Dren Doli, Fisnik Korenica and Artan Rogova, discuss the topical subject of the choice of administrative structures in countries post-independence. The authors use the Kosovo Independent Board, throughout its establishment and its three reforms, as a starting point to assess the advantages and disadvantages of a placed – or is it imposed? – independent, at least in theory, body acting as a civil service structure in post-independent times. Kosovo is used as a model to introduce recommendations and guidelines for the legislator in law reform concerning the establishment and appointment of membership of such boards.

Trotman offers a unique insight to constitutional reform in the Caribbean. In her unique, national and comparative analysis, of constitutional reform Trotman

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breaks the geographical barriers of her region, and identifies best practices and lessons to be learnt nationally and internationally.

There is very little that the Editor could add to the richness of intellectual wealth demonstrated by the authors of the 2010 Sir William Dale Memorial issue. I can only say that I know how proud he must have been to place his name under each and every one of these pieces.