FOREWORD

Alberto Costi and Taran Molloy*

This issue of the New Zealand Journal of Public and International Law begins in discursive form, with an edited version of the Robin Cook Lecture, delivered on 2 December 2020 by the Chief Justice of New Zealand, Dame Helen Winkelmann, at an annual event honouring the late Lord Cooke of Thorndon. In her address, "Picking up the Threads: The Story of the Common Law in New Zealand", Chief Justice Winkelmann charts the history and evolution of the common law in Aotearoa, capturing in her outline the changing role of tikanga in the common law, the recognition of Te Tiriti o Waitangi, the reception of international law in New Zealand, and the changing face of the country's legal and judicial communities. The address contributes to the Chief Justice's development of her own conception of the common law method in New Zealand and offers a frank assessment of where it has failed in the past and must improve in the future. Interwoven with her address (no pun intended) is the Chief Justice's use of the memorable metaphor of warp and weft to describe the use of case law within the common law method.

This issue also includes three scholarly contributions. In a jointly-authored piece, John Farrar and Glen Mola Pumuye walk the reader through the long and winding history of Papua New Guinea's experiments with sovereign wealth funds, from the establishment of Ok Tedi Mining Ltd in 1976, to the passage of an Organic Law on a national sovereign wealth fund in 2015. With the implementation of the 2015 Organic Law not yet complete, the historical narrative and current recommendations offered by Farrar and Mola Pumuye's article are of significant relevance.

Continuing with the international theme, Stefan McClean provides an assessment of the state of international watercourse law. He seeks to determine whether there exists a rule of regional customary international law that has turned the generalised duty to cooperate into a specific obligation of institutional cooperation through the formation of river basin organisations. As would be expected from a piece focusing on regional custom, McClean undertakes a detailed review of riparian state practice in both Africa and Europe, and suggests further practice indicative of a customary rule of institutional cooperation ought to be welcomed.

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Lastly, returning to Aotearoa, the issue concludes with Hanna Wilberg's analysis of case law concerning s 5 of the New Zealand Bill of Rights Act 1990 in an administrative law context, covering challenges to both delegated legislation and exercises of discretion. Readers will benefit both from her topical survey of how this s 5 jurisprudence has further evolved in light of recent case law concerning measures taken as a result of the Covid-19 pandemic, and from her explanation (and sometimes critique) of the varying approaches that can and have been taken toward the s 5 justification exercise in administrative law cases.

The Editorial Committee wishes to thank all the contributors to this issue, who provide thought-provoking reflections on a range of topics of relevance to our diverse readership with interests spanning public, comparative and international law. The Editorial Committee also acknowledges with gratitude Denise Blackett for her attention to detail in the editing, formatting and type-setting of the Journal.