

Editorial

RECOGNIZING AND SOLVING PROBLEMS

The Amsterdam Law Forum Editorial Board

Amsterdam Law Forum's Editorial Board is proud to present its Spring Issue 2018. Together with our team of editors we have worked hard on publishing this edition, which contains a selection of diverse scientific articles as well as three opinion pieces. We are now nearing the end of our term, but we still have one more publication before Amsterdam Law Forum welcomes a new board and team of editors in the fall. The Summer Issue 2018, set to be published in August, will contain a commentary of our Annual Seminar as well as a set of articles exploring the same theme as the seminar: Business and Human Rights.

In our first scientific article, Myra De Vries and Maartje Weedsteijn take a novel approach by applying Sampson and Laubs' life-course theory in the context of international crimes. Life-course theory is used in traditional criminology to identify and analyse turning points which contributed to a criminal career. The authors use this theory to identify and explain critical life-events in the life of Cambodian dictator, Pol Pot, and analyse how they helped turn a soft-spoken child into the brutal ruler of the Khmer Rouge.

The next article, written by Juliana Santos de Carvalho, attempts to unearth the gendered language within the current dynamics of robotic warfare, giving a special focus on the debates around lethal autonomous weapons (LAWs) by carrying out a critical discourse analysis concerning texts produced by participants within the debates of the Convention on Certain Conventional Weapons (CCW) held on the topic of LAWs so far. Propositions pro-ban usually anthropomorphise and import masculinised traits to LAWs to allow their unimpeded development or imprint a 'protector' value to the nation willing to use them. On the other hand, discourses pro-ban have usually critiqued such hyper-masculine approach, although in an indirect manner.

In our last scientific article of this issue, Qiaozi Guanglin explores the balance between 'public morals' and trade liberalisation in light of the Article XX of the General Agreement on Tariffs and Trade (GATT). Qiaozi centres on the public morals exception clause in paragraph (a) of Article XX GATT and how it was invoked by states in the *EC-Seal Product* dispute, wherein for the first time, the World Trade Organisation (WTO) Dispute Settlement Body have to consider its weight. Against this backdrop, Qiaozi analysed what kind of public morals can be justified when implementing trade restrictive measures and addresses which procedures are to be implemented in the application of Article XX(a) GATT to avoid its abuse.

Our next contributions are a set of opinion pieces. The first of these is written by Xiao Mao and responds to the question of whether there is a lacuna in international humanitarian law resulting in the lack of protection for 'unlawful combatants'. This issue came to prominence in the context of the 'war on terror' during the Bush Administration as some members of terrorist groups were

labelled as ‘unlawful combatants’ and thus were denied protection under international humanitarian law. Ultimately, Xiao concludes that even though some states attempted to deny protection to such combatants through labelling them as unlawful, there is no lacuna in this regard under international humanitarian law. Sufficient provisions under the Geneva Conventions provide protections to all combatants in case they fall into the hands of the enemy. Furthermore, even though such protections are not similar to what other innocent civilians enjoy, there is a guarantee to a minimum protection under international humanitarian law. Lastly, Mao finds it very dangerous to recognise the third status in humanitarian law as it might lead to the aggravation of such combatants and their noncompliance with international humanitarian law.

Our next contribution, written by Yudan Tan, is written on the non-compliance of South Africa with an International Criminal Court (ICC) decision and on the global effects of Security Council Resolution 1593. The Resolution addresses the Darfur situation in Sudan and states that governments should cooperate fully with the ICC. As the ICC has issued two arrest warrants for the sitting Sudanese president, Omar Al Bashir, in 2009 and 2010, it expected South Africa to cooperate with the ICC and surrender Bashir in 2015 when he was in South Africa. South Africa, however, submitted that it did not surrender Bashir as it is obliged to respect personal immunity. This led to the ICC rendering a decision in 2017 over South Africa’s non-compliance. Tan critically analyses how the ICC has addressed State Parties’ non-compliance, drawing on her European law expertise to deliver her opinion on personal immunity and on the ICC’s findings.

Written by Selen Bayram-Helmer the final contribution to this issue addresses a timely topic: the #MeToo movement which gained momentum after the New York Times published decades of detailed allegations of sexual harassment against Hollywood producer, Harvey Weinstein. To better address the issue of sexual harassment, Bayram-Helmer suggests that men and women need to work together to change the fundamental problem of gender inequality. Furthermore, in addition to this collaboration, we may need a second collaboration of philosophers, psychologists, sociologists and historians (among others) to address this multifaceted issue.

On behalf of my fellow board members, our team of student editors, the authors featured, and everyone else who made this issue possible, we present to you the 2018 Spring Issue. We wish you an enjoyable reading experience!

Eszter Boldis- Editor-in-Chief
Ariana Lopez- Assistant Editor-in-Chief
Christine Mandap- Assistant Editor-in-Chief

The ALF Board 2018