

Editorial

# Conference Planning and New Edition

*Sander Couch*

The passing of one year and the beginning of the next one are stereotypical moments for reflection. Reflection upon not just what has been, but also what is to be in, for example, the all too human field of armed conflict. While the past will be left for others to dwell upon, I would like to bring focus to the future immediately ahead of us. The internal strife in Syria continues with the passing of each day, having seemingly lost its international problem-solving momentum of late 2012. With a hardly definable and foreseeable end, calling into questions its justifiable existence, the 'war on terror' shows little sign of subsiding and relieving the people of Afghanistan, Iraq, Pakistan and Yemen. Almost exactly ten years after the commencing of Operation Iraqi Liberation, later renamed Operation Iraqi Freedom, stability remains the sought-after commodity in much of the Middle East. And even though many an armed conflict in sub-Saharan Africa fails to make international headlines on a daily basis, their absence from such headlines ought not to be mistaken for their absence entirely.

The keen reader will have noticed how all of the conflicts here listed are of an intra-national character and for a substantial part involve non-state actors, in the case of the 'war on terror' only sporadically manifesting its inter-national and state-actor nature. This, of course, tells only part of the empirical armed-conflict track record. Or is North Korea not embarking on a classical inter-national escalation of hostilities and are the prime actors in the South China Sea and Persian Gulf island grabs not simply a number of state officials? This increase in complexity and this diversification of armed conflict over time, as described authoritatively by Mary Kaldor, has made some question the adequacy of our current legal framework meant to deal with such situations. 'Invented' in times when armed conflict was primarily an affair among the armed forces of any number of states, *ius ad bellum*, *ius in bello*, human rights and the like are said incapable by design for dealing with the complexity of armed conflict nowadays.

Such an assertion can be investigated by taking a number of different disciplinary approaches; an example of the legalistic approach being the excellent symposium organised by the T. M. C. Asser Instituut on the 10<sup>th</sup> and 11<sup>th</sup> of January of this year. While recognising the value of such specialist endeavours, Amsterdam Law Forum ascribes to the values of an interdisciplinary approach. A fuller, richer and more comprehensive understanding is believed to arise when investigating a single social phenomenon through a broad range of academically coloured lenses. Therefore, Amsterdam Law Forum has committed itself to conduct an interdisciplinary investigation of the legal implications of the New War Thesis. We are proud to inform you that on the 12<sup>th</sup> of June 2013, we will welcome a number of experts in the fields of history, political sciences and law as well as a number of representatives of civil society to reflect on the legal implications of the alleged changing

nature of warfare during our fourth annual conference. What will set our effort apart is the explicit allocation of time in our conference schedule for historic considerations, an underappreciated perspective in many an investigation into the adequacy of our legal frameworks in light of the changing nature of warfare. Details about the conference will follow shortly, but who would be better to deliver the keynote address than Mary Kaldor herself?

Another part of the future immediately ahead of us which I would like to bring focus to is the first edition of our fifth annual volume. It is the also the first publication making use of our new section policies, designed to reflect our ambition of being a forum in the proper sense of the word: a place where young and established academics meet to discuss matters of an international and transnational legal nature through quality scientific articles and thought-provoking opinion pieces. We are proud to be able to present to you the end product as such, bearing in mind the following: all of the opinions here presented reflect those of the author. With an emphasis on neutrality and open-mindedness, we would like to offer academics the opportunity to voice their opinions without necessarily ascribing to such views. Without further ado, please let me introduce you to the content of our Winter 2013 publication.

Frank Huisingh provides the opening piece, reflecting on a somewhat neglected aspect of an all too familiar debate: the Responsibility to Prevent as an integral component of the contested legal R2P norm, P as in Protect that is. The International Commission on Intervention and State Sovereignty defines R2P as consisting of a threefold responsibility to prevent, react and rebuild. Making use of the life-cycle approach, Huisingh identifies, among a range of other conclusions regarding norm persuasiveness and robustness, specificity as the main obstacle towards a persuasive international norm with substantial legal and political implications. The article insightfully synthesises theoretical and practical elements of an issue in urgent need of further academic attention, given its implications for the livelihood of thousands in dire need.

Craig Allan and Thérèse O'Donnell also operate within the R2P parameters, albeit adopting an entirely different, more micro-level approach. The question Allan and O'Donnell set out to answer is what the legal implications of a state's refusal of foreign aid might be. Pariah states having to deal with a natural disaster might well take knowledge of the offering of foreign aid with great skepticism, potentially refusing much-needed aid in fear of following in the footsteps of the Trojans by allowing the enemy to enter. A case study of Myanmar's aid refusal in the wake of Cyclone Nargis reveals that the influence of 'new humanitarianism' ought to be given due attention when discussing such implications of aid refusal.

Vladislava Stoyanova's examination of the crisis of a definition in Bulgarian local legislation proves the third and final scientific contribution to the publication. Embarking on a transnational endeavour, Stoyanova insightfully reflects on the interaction between international and national law on the subject matter of human trafficking in Bulgaria, which has profound national as well as international legal implications. As Stoyanova argues, the objective of raising the number of convictions and the subsequent overly inclusive approach taken by various legal stakeholders may well compromise the usefulness of such tools.

Dino Kritsiotis picks up the R2P debate in the opinion section as he reflects on the implications of the massive human rights violations during the Arab Spring for the general prohibition on the use of force under the Charter of the United Nations. Similarly to the piece by Allan and O'Donnell, Kritsiotis too takes a case study approach and methodologically picks apart the authorisation for the intervention in Libya. And again, similarly to the piece by Allan and O'Donnell, we are called to resist the temptation of seizing on each opportunity to forcefully further the right to humanitarian intervention based on the R2P.

Ester Herlin-Karnell introduces us to the intricate world of European *opt-ins* and *opt-outs*, taking particular notice of the checkered implementation record of the Area of Freedom, Security and Justice (AFSJ). A differentiation is made between the British and Irish 'keep the cake and eat it'-approach and the 'take it or leave it'-approach adopted by Denmark with regard to the AFSJ project, the latter being subjected to particular scrutiny for its flexibility approach.

Alphonse Muleefu opts for a comparable level of territorial focus, addressing the issue of Central Africa instead of Northern Europe. Properly understood as part of an effort to restore a here alleged imbalance in the public opinion currently at the expense of Rwanda, Muleefu offers a detailed scrutiny of the evidence presented by many suggesting the involvement of Rwandese governmental officials with the March 23 Movement in the Eastern part of the Democratic Republic of Congo.

Our 2013 Winter Edition closes with a pair of thought-provoking opinion pieces on the problematic relationship between Israel and Palestine. The latter now having received the status of Non-Member Observer State at the UN, Kenneth Manusama calls attention to one of the potential tools being hereby added to the Palestinian toolbox used in their struggle with Israel. With recourse to the International Criminal Court now having entered the realm of possibilities and taking into consideration the Palestinian Authorities previous attempts to accede to the Treaty of Rome, Manusama explains how we might find 'lawfare' where some would expect to find peace.

Hilla Dayan offers our fourth and final opinion piece, proving the counterweight to Manusama's dealing with the Palestinian side by addressing the Israeli side. The past couple of months did not only see Palestine become a Non-Member Observer State to the UN, but also an Israeli election. It came to nobody's surprise that Benjamin Netanyahu celebrated his third electoral victory. Yet new-comer Yair Lapid was considered the true victor, receiving over 14% of the votes. Dayan finds the prospects of this electoral result altering the course of the Lukid-juggernaut slim, if not non-existing, and anticipates a further erosion of Israeli democratic values.

On behalf of the entire Amsterdam Law Forum Editorial team, I am proud to present to you the 2013 Winter Edition.