

Editorial

New Wars, Old Laws: Part 2

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The publication of the 2013 Summer Edition before you marks the completion of successful academic year of publications for the current Editorial Board. Throughout the past 12 months, Amsterdam Law Forum has seen, this edition included, the publication of four quality editions on issues of an international and transnational legal nature. While public international law oriented, Amsterdam Law Forum stayed true to its interdisciplinary ambitions and published articles on international economic law, international legal history and philosophy. As academics, politicians and laypeople with an interest in international affairs endeavour to take a stance on the situation in Syria, these events in the international security arena could not possibly better exemplify the fruitfulness of broadening one's views beyond the confinements of a single academic discipline. A fixation on international politics blinds one from the development of customary international law and the conflict cannot be fully explained as only a manifestation of the new war paradigm or tribal violence. A complete understanding must necessarily include elements of all of the above, and probably many more. It was an honour to have been able to contribute to the interdisciplinary understanding of international legal affairs, such as those in Syria, throughout the past academic year in general, and the 2013 Summer Edition in particular.

The 2013 Amsterdam Law Forum Conference: *New Wars, Old Laws?* having been a great success (see Editorial Vol. 5, No. 2 2013 Spring Edition), it was decided to dedicate the 2013 Summer Edition to the same theme. The salience of the theme addressed needs little further explanation, given the introduction above. It suffices to add that questions frequently arise as to whether contemporary armed conflict and its deadly persistence comes to show that our legal paradigms have become incapable of dealing with such situations any longer. All four publications of this special edition reflect on this question in writing, just as both of our panels reflected on them in speech during the conference. A reading of the article reflects the depth of issues discussed during the conference, offering additional details for better comprehension.

The opening piece of the 2013 Summer Edition is a scientific article by Lianne Boer. Having also spoken at the 2013 ALF Conference on the use of cyber attacks, her article discusses the international legal status of the Tallinn Manual on the International Law Applicable to Cyber Warfare. Purportedly bringing some degree of clarity to the complex legal issues surrounding cyber operations, the application of both *ius ad bellum* and *ius in bello* paradigms is investigated by Boer in detail. Throughout the article we are reminded of the fact that the Tallinn Manual cannot be said to have simply applied the law simply as it is. When applying the existing legal paradigms to emerging issues such as the use of cyberspace for hostile, war-like purposes, we are asked to interpret the concept of 'force' and in doing so, are reinventing rather than

simply applying law. Ultimately, Boer insightfully concludes that the Tallinn Manual is a framework strewn with ambiguity.

The title of the 2013 ALF Conference also features as the research question Jed Odermatt sets out to answer in the second scientific contribution of the 2013 Summer Edition. Would the title have been a proper question, Odermatt would have answered it with a definite yes. Having first identified a variety of dichotomous distinctions upon which the international legal paradigms are based (war and peace, state and non-state, combatants and civilians), he then sets out to show contemporary armed conflicts are impossible to classify according to these dichotomies. Human rights law is discussed as the single legal paradigm that knows all but one dichotomy which stands the test of contemporary warfare: between the state and its citizens. Should we therefore abandon all other legal paradigms in favour of IHRL? Though it may be best way to promote compliance with a set of legal norms, IHRL was never designed for situations of armed conflict which shows in its limited practical effect.

The final scientific contribution to the 2013 Summer Edition is by Keiichiro Okimoto. Adding a critical legalistic note to the discussion, Okimoto discusses the relationship between general rules of international law and *lex specialis*, considering the degree of relationship between an organized armed group and a state in particular. Reading the decision of the judges in the authoritative *Tadic* case, tribunals turn to general rules with surprising ease considering the priority *lex specialis* takes. Depending on the legal paradigm chosen, the degree of relationship necessary for attributions of acts of non-state actors to a state differs greatly and thus has great implications when heard in a court or before a tribunal.

In the opinion section of the 2013 Summer Edition, Artur Malantowicz reflects on the civil war in Syria in light of the new war debate. The analytical worth of the new war thesis is tested as Malantowicz attempts to categorize the conflict in Syria along its dominant assumptions. While mostly successful when trying to understand the civil war in Syria, the assumption of objectives gives rise to a critical note. Here, Malantowicz joins Kalyvas in his critique of the new wars thesis ascribing an economically driven logic to contemporary wars as such wars, and as such the civil war in Syria, have a deep political and ideological reasoning as their background.

This concludes my work as the 2012-2013 Editor-in-Chief of Amsterdam Law Forum. It has been a great pleasure leading the journal to four interesting academic publications and a successful academic conference. I would like to thank Anne Timmerman and Malte Werner for their efforts as fellow board members. Special thanks are also in place for our group of student editors who have worked hard on improving the quality of the articles published. I wish Xhanti Mhlambiso, my successor, all the best for the academic year head. And last but

certainly not least, I would like to thank all of our readers for their continuous support. Again, it has been a great pleasure.