



Editorial

The Tides of Change...

Khanti Mhlambiso – Editor-in-Chief

The publication below is the culmination of months of hard work and tenacity through arguably some of the most trying times in the journal's young history. Despite this fact, I have been fortunate enough to have an amazing support infrastructure, both in terms of the editorial staff and the institutional powers that be. As I am on the verge of handing over the 'Chief baton' to my successor, I stand proud to present to you the Amsterdam Law Forum Summer edition for 2015. This edition marks the end of a long, arduous journey that has seen the journal through numerous challenges, successes and opportunities, all of which would have been insurmountable but for the dedicated team that I was happy to lead over the past year as we continued to tackle issues in the international law arena.

The first scientific piece by Thulasidhass explores various interpretations of the most-favoured-nation (MFN) standard by arbitral tribunals in international investment law. The author begins by canvassing the problematic nature and relevance of 'treatment' standards when it comes to dispute settlement arrangements, before delving into the pains of an expansive interpretative framework as developed by the arbitral tribunals. The author argues, through various means, that limitations ought to be imposed on the interpretative discretion of the investment tribunals.

The next offering is by Ricarda Roesch, who seeks to bring to the fore the problems associated with French Interventionism and the prohibition on the use of force in its former colonies. She avers that there is an acute discrepancy between the justifications proffered by the French in relation to these former colonies, and the true nature of their intentions (as could be seen in Mali and the Central African Republic). In this way, she argues that the continuous extensions to Article 2(4) on the use of force serve to protect and legitimise Western interests. She thus calls for the reform of international law structures such that they are more representative and inclusive of the global south.

Moreover, Leif Rasmussen insightfully explores the complexities involved in negotiating the proposed consolidation of economies in the form of both the Trans Pacific Partnership and the Trans-Atlantic Trade and Investment Treaty. This negotiation is simultaneously underpinned by other considerations such as the rule of law, sovereignty and the pursuit of justice. Of particular importance in this regard is the investor-state dispute settlement regime in terms of its form and mechanics. Whilst the author acknowledges the mountain to be climbed in terms of the homogenisation of the various states involved and a few other technicalities to be ironed out, he is firmly of the view that the benefits derived from cooperation and consolidation will far outweigh any immediate concerns.

Our last scientific article is Dr Eva Manco's piece, which takes us back to the UN Convention on the Rights of the Child, with a specific emphasis on Article 37 surrounding the deprivation of liberty of children. Couched in terms that serve to ensure that the best interests of the child are protected, she highlights the fact that Article 37 in

its entirety is to be welcomed for its child-oriented framework as it unequivocally seeks to ensure that every child deprived of liberty is treated with respect to their inherent dignity and humanity.

Furthermore, the first of our opinion pieces by Tedeschini is a comparative analysis of the allegedly inconsistent approach taken by the ICC in adjudicating the matters concerning Gadaffi and Al-Senussi. The author argues that the crucial distinguishing factor between the two cases lies in the lack of legal representation in the latter case, which ought to have rendered the case inadmissible, similar to the former. He concludes by challenging the Court's role as an impartial adjudicator, free from undue political influence in this regard.

Lastly, Barela and Keller offer an insightful literary review of the notion of justice in the post-war context. The three books reviewed are to be seen as a compass to navigate the tumultuous often-precarious road from war to peace and reconciliation. The authors advocate for a conception of peace that is not only perceived to be just, but also legitimate in its formation.

This concludes our summer publication. I hope that you find it insightful and thought-provoking. Have an enjoyable summer!

Xhanti Mhlambiso
Editor-in-Chief