

Editorial

FALL ISSUE

The Amsterdam Law Forum Editorial Board

The Board of Amsterdam Law Forum (ALF) hereby proudly presents the third and last issue published by its current editorial team. In this 2022 FALL Issue, we are pleased to present three diverse and enriching articles. We introduce two peer-reviewed articles covering migration law and colonisation, and human-oversight of high-risk AI systems in public organisations. Our third paper is an opinion article that discusses Dutch temporary protection visas for refugees from the Ukrainian-Russian war. All these papers are the result of the combined efforts of authors, editors, and peer reviewers. We hope that these academic articles will bring to the table an exquisite discussion on current issues related to international law, migration law, human rights, and disruptive technologies. Through the publications of these series, the ALF aims at presenting innovative contributions to inspire our readers:

The first contribution for this fall issue is written by Bent Bos. The article '*Limits to Reconceptualization: A Theoretical Assessment of E. Tendayi Achiume's Migration as Decolonization*' contains a legal theoretical approach to Achiume's (radical) proposal of *migration as decolonization* – which pleads for a right to migrate for the subordinated Third World person as a form of redistributive justice. Bos's article aims to place *migration as decolonization* within a theoretical framework of the critical legal concept of *indeterminacy*. It is argued that while on the one hand *indeterminacy* fuels Achiume's plea for reconceptualization, it is also that which confines her argument to its constraints. Reconceptualization within international law necessitates the awareness of *false contingency* as a component of the law's *indeterminacy*. That international law is fundamentally indeterminate does not entail that things just happen to be as they are, as if they were fully contingent. By assessing the proposed reconceptualization, the author tries to exemplify the boundaries of international law's *indeterminacy*.

The second contribution for this fall issue is written by Jorge Constantino. The article '*Exploring Article 14 of the EU AI Proposal: human in the loop challenges when overseeing high-risk AI systems in public service organisations*' discusses the effectiveness of article 14 (human oversight obligations) of the proposed EU Artificial Intelligence Act in public service organisations (also known as street-level bureaucracies). This work starts by uncovering the different constraints of street-level bureaucracies and later ascertains the different risks that AI systems can bring to society. Then

the paper argues that the drafting of article 14 provides little emphasis on human overseers' responsibilities when tasked to perform human oversight. For instance, it is argued that the EU AI Act Proposal does not provide clear guidelines for human overseers on what constitutes meaningful human oversight. This paper tests article 14 against the different challenges of street-level bureaucracies, providing examples about social-technological interaction between human-machine interface, and argues why article 14 may not be a success in street-level bureaucracies, which could ultimately harm fundamental rights.

The last contribution by Krystyna Bakhtina in the article '*The temporary protection directive: the analysis of the Dutch case*', discusses the events from March 2022 when the European Commission made a historic decision to activate the Temporary Protection Directive in the wake of the massive influx of refugees caused by the Russia-Ukraine war. Using the case of the Netherlands, the article provides with an in-depth and critical analysis of this legal instrument and discusses some of the major challenges associated with its implementation. The article argues that despite multiple benefits associated with temporary protection there is a number of unresolved issues related to temporality, employment, access to information.

On behalf of the whole editorial team, we hope that you enjoy reading these articles as much as we did. We would like to thank all the authors and peer reviewers once again for their substantial contribution to the ALF. We also extend our sincerest gratitude to our editors, Annelot Lodder, Maria Schaap, Bent Bos, Janka, Milo Wierst, and Shirin Mehta, for their commitment and support throughout the academic year. Lastly, we wish much success to new incoming Board 2023 lead by Myra Colis.

Jorge Constantino – Associate Chief Editor

Myra Colis – Acquisition Editor

Bent Bos – Editor

The ALF Board 2022