

Vol. 2, No. 2 (2010)

Editorial

After our last issue “Strategies for Solving Global Crises - The Financial Crisis and Beyond” in March we are delighted to present this issue to our esteemed readers.

Like every student activity, GoJIL also goes through a process of constant rejuvenation. With this characteristic feature it is necessary to maintain the essence of experience and to rethink and further the underlying idea. Having this in mind, we would like to introduce our new section, “GoJIL-Focus”. In GoJIL-Focus we shall put complex questions or events that are of vital importance to international law into perspective by facilitating a comprehensive assessment through the eyes of a variety of authors. We are very pleased to begin this new feature with an exceptional highlight – nothing less than the first Review on the ICC-Review Conference in Kampala, Uganda.

The Conference in Kampala focused mainly on the crime of aggression. We do not assume that the never-ending discussion on this topic can be brought to an end by the outcome documents of Kampala and therefore, GoJIL is pleased to continue this debate in the new light of the results reached in Kampala.

Vice-President of the ICC, Judge Hans-Peter Kaul opens the floor with an introductory comment. He is convinced that the judges of the ICC will be able to assess whether a crime against peace has been committed or not, “just as the judges at Nuremberg have been in 1946”.

The article by Professor Roger S. Clark centers on the other amendments proposed to the Rome Statute, apart from the definition of the crime of aggression: the deletion of Article 124 and the incorporation of provisions on weapons banned in an international armed conflict into the chapter of the Statute dealing with non-international armed conflicts.

While Dr. Robert Heinsch focuses on the definition of the crime of aggression, Ms. Astrid Reisinger Coracini concentrates on the exercise of the Court’s jurisdiction thereon.

Ms. Sabine Klein assesses the strategies of the Ugandan government to deal with the country's past, and alludes to the ICC's influence therein and its concept of positive complementarity.

Professor Morten Bergsmo, Professor Olympia Bekou and Ms. Annika Jones discuss the relevance of the ICC Legal Tools Project, a unique collection of legal databases, digests and applications designed to facilitate the application of international criminal law, to the discussions that took place in Kampala.

Judicial mechanisms are not primarily known for being the fastest. It is therefore a pleasant surprise that the International Court of Justice delivered its much anticipated "Advisory Opinion on the Accordance with International Law of the Unilateral Declaration of Independence of Kosovo", only half a year after the oral session was completed. The public interest in this matter was so immense that the Court's official Website could not handle the amount of traffic on the day the Advisory Opinion was delivered and had to be taken down. To cater to this interest, we decided to partly dedicate this issue to the Advisory Opinion: We are proud to be able to present one case note on this Advisory Opinion by Dr. Mindia Vashakmadze and Mr. Matthias Lippold. This issue also contains an article by Ms. Ioana Cismas, which assesses the assumption of whether the international community missed a rare opportunity to take clear-cut stance on remedial secession.

Focusing on a different field of international law, Professor Stephan Hobe and Mr. Jörn Griebel, in their article, examine recent examples of protectionist measures and discuss to what extent such measures may be justified by rules stemming from the WTO legal regime or international investment law in general.

Ms. Johanna Fournier's article analyses the legal requirements of reservations in the Vienna Convention for the Law of Treaties and examples of reservations to Human Rights Treaties. The author demonstrates the importance of reservations for the aim of universally applicable human rights, and suggests a mechanism with which the advantages of reservations for this aim can be assured.

The article by Mr. Charles Riziki Majinge shows the development of peace-keeping in Africa over the last few decades. It points out that instead of the United Nations, it is the African Union which covers most of the operations.

Dr. Bernhard Kuschnik examines how the term *humanity* in „crimes against humanity“ should be construed and how its notion influences the normative interpretation of „other inhumane acts“.

With a focus on the Russian Federation, Professor Bill Bowring examines the adoption by the Council of Europe of Protocol No.14 to the European Convention on Human Rights, and its long-delayed entry into force.

Lastly, a note on the 2010 GoJIL-Conference “Resources of Conflict – Conflict over Resources”. We are proud to announce that the second Keynote-Speech will be delivered by Professor Marie-Claire Cordonier Segger, Director of the Centre for International Sustainable Development Law (CISDL) in Montreal, Canada; the first, as previously announced, will be delivered by Professor Bruno Simma, Judge of the ICJ. The response to our Conference’s Call-for-Papers was overwhelming and we are pleased to have some very distinguished scholars from all around the world present at the Conference and to publish their papers in a special issue in 2011. The Conference will take place from 7 to 9 October 2010; interested scholars and students are invited to attend the conference in the audience and can register on our website until 15 September 2010.

The Editors

