



EDITORIAL NOTE

INTERNATIONAL LAW AND CONFLICT: INTERDISCIPLINARY PERSPECTIVES ON SECURITY, JUSTICE, AND HUMAN RIGHTS

The past decade has been marked by erupting and intensifying armed conflicts and human rights violations on a global scale, culminating in 2022 with unprecedented levels of recorded violent deaths and displacement. The causes and consequences of today's conflicts are complex, as are the multifaceted strategies employed to address them.

Against this background, ALF set its focus in 2024 on the role of international legal mechanisms in responding to violent conflicts and human rights violations. Following this year's Spring Conference "Can We Navigate Conflict Resolution in the Context of International Law?", this issue features a collection of articles from some of our speakers as well as other scholars examining the possibilities and limitations for mitigating conflicts in the context of international laws and legal practices. It incorporates insights from various fields such as law, political science, international relations, cultural studies to analyse legal frameworks, cultural influences, judicial practices, and policy decisions, reflecting a broad range of academic disciplines and methodologies to address the complexities of international law and conflict resolution.

Our first article on maritime security in times of armed conflict by Daniel Hernández-Benito examines the 2022 Nord Stream sabotage incident in the context of the Ukraine-Russia war. Based on his review of existing legal frameworks and state practice, the author advocates for the convergence of different international law disciplines to effectively tackle complex security challenges to submarine cables and pipelines. In addition to clarifying international legal provisions, he suggests that neutral states like Germany should make use of the diverse set of available deterrent instruments following such incidents, including political sanctions and the use of force if necessary.

Dylan Drenk et al. took the ICC and other international legal settings as point of departure in analysing the effects of culture on witness testimonies during court and asylum proceedings. Based on a comprehensive literature review, they identified seven key thematic areas which warrant further discussion between practitioners and researchers: (1) Language as culture in the courtroom; (2) Expert witnesses as gatekeepers to culture; (3) The role of the interpreter; (4) Adjudicators' understanding of culture; (5) The culture defence; (6) Mental health, memory, and culture; and (7) Legal culture. Not only does their article reveal an emphasis on language and translation issues when culture interacts with testimony during legal proceedings, the authors also highlight the negative effects of misinterpretations and increased power imbalances, ranging from the rejections of asylum applications to the proliferation of negative stereotypes.

The article by Chiu Kuan-Yu analyses another legal framework developed to ensure the protection from human rights violations, specifically the doctrine of the Responsibility to Protect (R2P). It first analyses the legal context of NATO's intervention in the Kosovo War in 1999 and its implications for the emergence of the R2P norm. The article then considers the application of R2P to the conflict between Israel and Hamas, drawing on Norm Cycle Theory and the concept of Instant Customary International Law. The paper argues that, despite its controversies, collective international interventions can be crucial mechanisms for preventing mass atrocities and human rights violations, thereby aligning with the overall goals of the UN Charter System. The author contends that the intensification of armed conflicts, such

as the recent surge in violence in the Israel-Hamas conflict since fall 2023, necessitates a renewed discussion about the legality and ethics of interventions in humanitarian emergencies especially when the Security Council is unable or unwilling to act.

The question of the effectiveness of legal punishment and its deterrent effects is taken up in Maria Mazurek's article 'Punishment Teleology in International Criminal Justice'. Analysing past jurisprudence of the International Criminal Court (ICC), she identifies three patterns in the Court's teleological discourse, namely its indiscriminate import of domestic punishment rationales, the fusion of different punishment objectives, and the use of performative language. Building on these reflections, her opinion article argues that the expressivist practices observed in the ICC's jurisprudence serve the goal of building a narrative of legalism, and to situate the Court as a legitimate actor in the wider project of international justice.

The importance of wording to ensure effective global human rights protection is also underscored in the article by Krystyna Bakhtina with the title "The EU Directive on Corporate Sustainability Due Diligence - Success or Failure?". Commenting on the content of the recently endorsed EU legislation Directive on Corporate Sustainability Due Diligence (CSDDD), the author criticises its rather vague provisions which would leave room for different interpretations of a company's responsibility regarding human rights and environmental protection. Krystyna Bakhtina argues that, despite the strong ambitions initially outlined in the legislative proposal, the final text of the Directive has been considerably diluted. This would be evidenced by its limited scope to apply to companies' 'chain of activities' instead of applying to the whole value chain, the exclusion of the financial sector except for its upstream operations, and weak liability provisions that may allow companies to eventually evade responsibilities. As a consequence, the author doubts whether the Directive will indeed achieve its goal of fostering universal respect for human rights and environmental protection across companies' global value chains.

With the publication of the last issue for the academic year, we would like to thank everyone involved in the process, including the authors, peer reviewers and ALF's coordinator Professor Anja Eleveld. We also wish to express our gratitude to the ALF team for their reviews and proof reading of this edition, namely Eliza Contra, Navid Adelzadeh, Daniel Covert, Sarah Nubler, Taiba Maniar, and Abgar Harutyunyan. Without your input and your commitment, this issue would not have been possible.

As outgoing board members, we also wish to take the opportunity to say goodbye and hope you enjoy reading the articles.

The ALF Board

Sarah Hammerl, Sabina Grigore, and Sofia Marquet