

EDITORIAL NOTE

BALANCING RIGHTS & RESPONSIBILITIES, INNOVATION & SAFETY IN A CHANGING WORLD

Time flies fast, and so does technological developments and digitalisation of societies. For this year's Spring Issue, we feature five articles that delve into various topics, each of which points out to something extremely relevant when we talk about finding balance between rights and responsibilities, innovation and safety. Whether it is addressing the relational balance between perpetrators and victims, advocating for stronger legal protections for migrant workers, seeking to optimise patent licensing to promote innovation, questioning the application of the responsibility to protect doctrine, or analysing the limits of data protection laws, the authors provoke thoughtful reflection on the rights and responsibilities we hold as individuals, communities, and nations.

For instance, in the scientific article written by Catrien Bijleveld et. al., entitled *Medical Errors: Impact of Apology and Admission on the Resolution and Compensation of Claims*, the authors looked closely at how medical errors could lead to both short-term and long-term damage, which in some cases could also be fatal. The authors explored the relational balance between meeting the needs of both the transgressor and the victim where either or both of admission and apology for a medical error transpires. Interestingly, the simple act of admitting and apologising for the error is found to have beneficial effects not only to the person harmed but also to the perpetrators themselves.

Speaking of perpetrators, already for over a year the whole world has been following Russia's terrifying invasion of Ukraine on February 24th 2022. Despite the world's condemnation of this attack on a sovereign European country, Russian President Vladimir Putin attempts to justify the war by invoking the principle of Responsibility to Protect (R2P)—a political commitment adopted by every Member State of the United Nations (UN) during the 2005 World Summit. In the opinion article of Enrico Zannarini entitled, *'Russia and the responsibility to protect: from a bifurcating understanding to the unlawfulness of the 'special military operation' against Ukraine'*, the author addresses the question on how the Russian Federation has misinterpreted the doctrine and why the doctrine cannot be used to justify the invasion. The author also explores the compatibility of this doctrine (i.e. R2P principle) with the prohibition of the use of force.

Another opinion article authored by Kinyua Wanjohi and Gertrude Mulinge explored this topic on responsibility to protect but from a different perspective. This time, it is related to labour and migration. With the title, *'A comparative analysis of Africa's labour experience with Gulf Region States: are we still slaves?'*, the authors touched upon the socio-economic situation of Kenyan and other African migrants working in the Middle East. In particular, the article highlights the situation of migrant workers who are often exploited due to lack of legal protection by asking the question on whether African States can invoke tort laws to demonstrate State Responsibility and protection of its migrant workers in the Gulf Region. The article also explored how labour-related issues arising from this lack of protection to African migrant workers are addressed in other countries; as a result, the authors have outlined various options that African States can emulate to address relevant legal, economic and political issues faced by African migrant workers in the Middle East.

The call for rights and responsibilities in our scientific and opinion articles continues as authors in our commentary articles also focus on protection but in the area of intellectual property (IP) rights and data protection laws. Let's first have a look at the article, *'Diffusion pipelines: a new framework for patent licensing'*, authored by Ali Semih Çankerten. In this article, the author acknowledges the fact that while granting a patent to an inventor is a very useful tool to protect one's IP rights and simultaneously promote innovation through disclosure, the current patent system is too costly due to competition and legal fees, among others that elevate public costs in the end. Thus, the author explores different means of spreading patent knowledge and decreasing the criticised costs without affecting the inventors' legal protection through network analysis. Acknowledging the solutions' limitations related to antitrust, the article approaches licensing contracts as building blocks in a complex pipelines system designed to encourage the innovation process.

In the same manner, Hacer Grace Dela Cruz who authored the final article of this year's Spring Issue scrutinised Purtova's theory of the 'Law of Everything', which suggests that all information in the future will be considered personal data. From the legal perspective, it implies that data protection laws such as the General Data Protection Regulation (GDPR) will then be encompassing all aspects of life. Or does it? Entitled *'Exploring the tenability of the GDPR becoming the 'law of everything'*, the article argues that while the concept of personal data is broad, it is not limitless. In this article, the author provides her analysis on this concept of 'law of everything' and contends that even in the case when everything will all be about information, not everything will be about personal data—depending on certain contextual elements. In retrospect, could we also say that for claims of rights and responsibilities vis-à-vis the much needed relevant protection, it also depends on the context?

Having introduced the featured articles for this year's Spring Issue, the ALF Team '22-'23 would like to take this opportunity to announce a very important development for ALF as a platform for every single legal scholar—young and established ones alike—to continuously be involved in the discussion, analysis and interpretation of many pressing issues the world is facing today. We are happy to introduce an ALF Blog, which will start to operate soon under the domain name amsterdamlawforum.com. Through this platform, people from VU Amsterdam will be able to publish short legal commentaries on recent developments in the world. This addition to the current ALF Journal would mean two having two Issues per academic year instead of the standard four Issues. On that note, we thank you in advance for your submissions as well as any feedback you may have.

Finally, we are thankful to the combined efforts of authors, editors and peer reviewers. Notably, members of the ALF Board take turns as coordinators per Issue, and we specially thank Benjamin Hagiarian for being responsible for the Spring Issue. To our editors, Danielus Bavah, Samita Maichan, Charlotte Mautner, Faith Obafemi, Cristhian Rodriguez, Asiya Shakeel, Donna Tol, Janka Koczian, Natalia Robledo Contreras and Laura Algueró Vadell, thank you! Without you all and your commitment, this Spring Issue featuring nuanced views on balancing rights and responsibilities in a changing world would not be possible. Thus, it is our utmost hope that you all enjoy reading the articles as much as we did.

The ALF Board '22-'23

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