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EDITORIAL

Developments in International and European Law

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I. Introduction

It is with great pleasure that I announce volume 35(1) of Utrecht Journal of International and European Law! Before I dive into the insightful and thought-provoking articles that we published this year, I want to touch upon the pandemic that has impacted our lives for more than eight months and the way in which this has influenced our Journal. In September, I took over as Editor-in-Chief and immediately wanted to meet with the Editorial Board members. Connecting to people around the world never seems to have been easier due to the many different video call applications that we currently use, but meeting my editors has never been more difficult. Due to the restrictions in the Netherlands, my main place of work seems to have become the park nearby where I meet up with the members of the Editorial Board and the new applicants. Even though running a Journal while taking a walk may seem a little unconventional, I have found it to be the most productive hours of my week. This approach creates room to talk about the Journal without having a screen as a barrier. I have noticed that this hampers creative thought and creates a threshold to ask questions or discuss ideas. Moving away from a screen-based approach works well for me and allows me and my Board to discuss the future of the Journal as well as any short-term plans we have. Even though this approach is a little unconventional, it is something I have actually come to enjoy and would like to continue with when this pandemic is over. Regardless of all of these changes that must be made to the way in which I run this Journal, I am excited to have taken up the role of Editor-in-Chief and be able to work together with the Editorial Board. Let us now dive into the articles published in our General Issue 2020.

II. Articles

This Issue consists of three articles, focusing on a range of legal fields including European constitutional law, international humanitarian law and international criminal law. In the article 'Should Forced Marriages be Categorised as 'Sexual Slavery' or 'Other Inhumane Acts' in International Criminal Law?' Victoria May Kerr analyses how forced marriages are categorized and places this within the broader debate on the inclusion of the NCSL principle as an assessment tool in International Criminal Law. She discusses forced marriages in the cases of Uganda, Sierra Leone and Cambodia to illustrate the differences in the way in which internationally, judges categorize this crime. Kerr's research offers important insights into in the field as it recognizes that categorizing and dealing with forced marriages as 'other inhumane acts' instead of 'sexual violence' acknowledges the multiple layers of the crime.

Agata Kleczkowska's research on the legality of the UK airstrikes in Syria discusses legality of humanitarian interventions as well as the political reasoning of the United Kingdom for making use of this tactic. She strongly argues for the creation of clear and understandable standards for humanitarian intervention to evaluate the (il)legality of the use of unconstrained force. As airstrikes in Syria still happen to this day, it remains as relevant as ever to create a clear and understandable framework.

In 'The Elusive Countours of Constitutional Identity: Taricco as a missed Opportunity' Robbert Bruggeman and Joris Larik sketched out the history of the primacy of European Union law as well as criticised the European Court of Justice for missing the opportunity provided by Taricco II. This case was an excellent opportunity to clarify the outer limits of constitutional identity and settle the decades-long debate on

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constitutional relationship in multi-level Europe. Omitting this matter can be regarded as the most relevant shortcoming of the Taricco II judgement, especially when taking into account that less Euro-friendly courts might create their own expansive interpretations of constitutional identity. This will most likely result in a conflict between the national and European levels in the future.

III. Case note

In his case note entitled 'Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965', Besfort T. Rrecaj explores the Advisory Opinion of the International Court of Justice on the matter of the Chagos Archipelago. He discusses the Opinion of the ICJ in which it was explained that the detachment of the Chagos Archipelago was done in an unlawful manner as the right to self-determination was not properly exercised on behalf of the people of Mauritius. When drawing up the agreement, one of the parties, Mauritius, was controlled by the United Kingdom, the other party involved. Due to this power imbalance, it is simply impossible to speak of an expression of the free and genuine will of the people. This case note once more stresses the relevance of the decolonization process in the international community as well as the relevance of the free expression of a people in this process. Furthermore, it criticizes the recent judgement by the International Tribunal for the Law of the Sea Arbitral Tribunal and sketches out the ramifications of the current situation in the area.

Competing Interests

The author has no competing interests to declare.

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