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Editorial

“Conflicts over resources have been responsible for disputes and even wars both among, and within, many countries. They cause suffering for millions today, and continue to hold back important progress for many, many more. This conference doesn’t just accept these terrible facts. It actively considers how the law can help to break the vicious cycle, bringing resolution and sustainable development to those who most need it.”¹

Six months have passed since the international conference on *Resources of Conflict – Conflicts over Resources* took place and this GoJIL issue is published in a time of turmoil and disturbance around the globe. During the upcoming months, the full dimension and impacts of the revolutionary events in the North African and Arab countries on international law and of the nuclear accident in the power plant of Fukushima Dai-ichi will become apparent. It is already clear that these events force the international community to find a response. The fact that numerous contemporary conflicts, international as well as intrastate in nature are linked to aspects of resources has been highlighted by an abundant number academic works. Given the example of the “resource curse” obstructing the peaceful development of countries, resource-related conflicts pose a chance for comprehensive academic work with potential impact for peoples. As Professor Cordonier Segger elaborates in her opening speech to the conference, one must not forget about the people. She emphasized that international law is not just an academic exercise but an instrument “to break the vicious cycle, bringing resolution and sustainable development to those who most need it”². As such, International Law has substantial implications on aspects of every-day life.

¹ M.-C. Cordonier Segger, ‘Keynote Speech’, 3 *Goettingen Journal of International Law* (2011) 1, 11, 12.

² Cordonier Segger, *supra* note 1, 12.

This issue of the GoJIL contains all the sixteen papers that were selected for the conference, a table paper, as well as Marie-Claire Cordonier Segger's (Centre for International Sustainable Development Law, Canada) keynote speech that opened the conference and shows the scope of the contributions, beginning with the questions how existing rules protect resources and how do the parties of a conflict deal with resources.

The first panel *Resources before during and after Conflict* analyzed the role that resources play before, during and after conflicts. It dealt with the applicability of existing rules as well as the responsibility for parties of conflicts. *Cindy Daase's* (Freie Universität Berlin, Germany) article deals with the regulation of resources in internationalized peace agreements and concludes that the Security Council plays a major role in the implementation of the treaties as well as in the redistribution of resources after a conflict. However, the question remains if the existing legal tools, especially Chapter VII of the Charter of the United Nations provides a just and appropriate tool for settling resource conflicts. *Alice Ruzza* (Trento University, Italy) pays attention to the dispute between Argentina and the United Kingdom over the natural resources of the Falkland Islands. Ruzza stresses that the United Kingdom's unilateral exploitation remains a legally problematic issue. *Saiful Karim* (Macquarie University, Australia) sets out to show that the international legal system has developed modest legal tools to handle disputes over marine living resources. Based on the Volga Case Karim argues that the UNCLOS dispute settlement provides a potential to help protect marine living resources. *Christiana Ochoa's* (Indiana University, USA) and *Patrick Keenan's* (University of Illinois, USA) contribution examines the connections between conflict and commercial activities in the Eastern parts of the DRC and point out existing problems connected with regulation in this field.

The second panel, *Actors of Armed Conflict and International Law*, dealt with the role of actors in armed conflicts. The Economist *Moshik Lavie* (Bar-Ilan University, Israel) and *Christophe Mueller* (Aix-Marseille II, France) present an analytic view on actors' willingness to participate in a conflict. According to Lavie and Mueller the differentiation between the motivational backgrounds of soldiers are vital to policy making in the field of building missions. *Annyssa Bellal's* and *Stuart Casey-Maslen's* (both Geneva Academy of International Humanitarian Law and Human Rights, Switzerland) paper identifies ways to improve armed non-state actors' respect for international law, especially incentives for compliance such as taking into account their interests in the law making process. *Alexander Kees* (District Court Stuttgart, Germany) raises the issue of private military

companies. Although the international norms only contain workable principles, for Kees the real challenge is the implementation regulation of private military actors at the domestic level. In her article, *Alice Gadler* (University of Trento, Italy) observes that today more and more States use humanitarian assistance to influence the population and thus to deprive insurgents of support.

The impact of resources on the prevention of conflicts was the topic of the third panel, *Access, Sharing, Regulation*. The main aspects of the panel were the question of mechanisms to regulate resources. The submission of *Stormy-Annika Mildner* and *Gitta Lauster* (German Institute for Foreign Studies and Security Studies (SWP), Germany) examines the increasing trend by governments, to intervene in primary commodities markets for reasons of supply security. Accordingly, they analyze the existing regulatory framework concerning export restrictions under WTO law and examine the role of preferential trade agreements and of free trade agreements. The second article, submitted by *Anastasia Telesetsky* (University of Idaho, USA) deals with foreign direct investments in arable land in African and Southeast Asian countries. She argues that this practice contributes to the creation of conditions of environmental degradation, thus exacerbating present conflicts in many target countries of investment. This article is followed by *Bjørn-Oliver Magsig's* (UNESCO Centre for Water Law, Policy and Science, UK) contribution. He points out the complexity of the peaceful management of the world's freshwater resources. He maps out possible routes for a comprehensive reassessment in this area, stressing the need to rethink certain fundamental tenets of international law and introduced the notion of regional common concern as normative foundation of water security. The fourth contribution to this panel, dealing with water-related conflicts between the riparian states of the Nile Basin, was made by *Dereje Zeleke Mekonnen* (Assistant Professor at the Institute of Federalism and Legal Studies (IFLS) of the Ethiopian Civil Service College, Ethiopia). His article sheds light on the efforts of riparian states to work out a legal framework for the Nile basin in the past and critically assesses the current state of cooperation in this field.

The last panel *Knowledge as a Resource: Access, Assessment and Legal Consequences*, dealing with access, use and legal consequences of the information society, commenced with a presentation by *Lucian E. Dervan* (Southern Illinois University, USA) addressing the subject of cyber warfare. Dervan analyzes whether the Geneva Conventions apply to cyber wars. He stresses that, at first sight, cyber war may result in less unnecessary suffering. However, taking into consideration the consequences on the long

run such as riots due to inaccessibility of information from the internet or the unknown severe collateral damages might change this first impression. *Eszter Kirs* (University of Miskolc, Hungary) shows the process of changes in the relationship between the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the national judicial system of Bosnia and Herzegovina. She highlights that fragmentation is present within the judiciary that defines the limits of the impact of the ICTY and concluded that the domestic courts in Bosnia and Herzegovina are prepared to prosecute war crimes. The Abyei Arbitration from the Permanent Court of Arbitration (PCA) was the subject of a presentation by *Freya Baetens* (Leiden University, The Netherlands) and *Rumiana Yotova* (University of Cambridge, UK) who analyze this unique case. The parties, only one being a state (Government of Sudan v. SPLM), chose the PCA to solve their dispute on national resources and decided to make the whole procedure transparent and public. The authors evaluated whether the Abyei Arbitration is a leading example for other disputes dealing with natural resources, taking into consideration procedural matters as well.

The fourth contribution of this panel was handed in by *Juan-Guillermo Sandoval Coustasse* and *Emily Sweeney-Samuelson* who analyze the Pulp Mills Case of the International Court of Justice (ICJ). They elaborate on the problem of fact-findings and the role of experts before the ICJ. The authors focused their presentation on Judge Yusuf's assertion that the Court needs to develop a clear strategy in these types of cases and on Judges Al-Khasawneh and Simma's statement that the Court has to position itself to consider complex scientific evidence.

The issue will be completed by the table paper by *Pelin Ekmen*. In *From Riches to Rags – the Paradox of Plenty and its Linkage to Violent Conflict* the author broaches the issue of the resource curse mentioned above. With regard to possible solutions to this problem, she focuses on the commerce with coltan in the Democratic Republic of Congo.

Six months have passed since the conference. However, the issues raised during the conference remain worth debating. The international responses to the conference show the widespread attention and admiration for the project's outcome: Over 90 participants attended the enriching debates. This issue assembles scholarly work from all over the world to foster discussion on the serious topic of the connections between resources and conflicts. GoJIL is now proud and honored to publish the results of the conference that took place in Göttingen on 7-9 October 2010.

The Editors