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Editorial

Dear Readers,

with our new issue, the Goettingen Journal of International Law aims to contribute to current debates in international law.

A highly debated issue is the applicability of legal frameworks outside their jurisdictions. States justify the expansion of frameworks by arguing to fulfil extraterritorial human rights obligations in another State's territory, which are unwilling or unable to suppress the present threat. For instance, the applicability of the European Convention on Human Rights (ECHR) as a legal framework is linked to jurisdiction of its signatory parties.¹ Though, in the light of the case-law of the European Court of Human Rights, jurisdiction should in general derive from the territorial principle,² the extraterritorial applicability is conceivable only in very few exceptional cases.³ Precisely because of the new era of State warfare – one might think of Artificial Intelligence, so-called killer robots and drones – the question of the compatibility of this State practice with the ECHR is highly topical.

Another current concern of the international community is the development, threat and use of nuclear weapons. Though the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)⁴ has been signed in 1968,⁴ very little progress was made in globally advancing the nuclear disarmament, especially since four

1 Article 1 of the European Convention of Human Rights.

2 *Bankovic and Others v. Belgium and 16 other States*, ECtHR Application No. 52207/99, Judgment of 12 December 2001, para. 67.

3 *Al Skeini and Others v United Kingdom*, ECtHR Application No. 55721/07, Judgement of 7 July 2011, para. 133.

4 *Treaty on the Non-Proliferation of Nuclear Weapons*, UN Doc 729 UNTS 161, opened for signature 1 July 1968, entered into force 5 March 1970.

out of five non-party States are most likely to be equipped with nuclear arms.⁵ Therefore, the Treaty on the Prohibition of Nuclear Weapons (TPNW) has been adopted in 2017 which proscribes the party members from developing, producing, testing, stockpiling, stationing and transferring nuclear weapons whilst reaffirming the full implementation of the NPT.⁶ Its overall aim is to establish a nuclear weapon free world, yet does not legally dispense of nuclear weapons after all.

Under Chapter VII of the United Nations Charter the Security Council is authorized to take collective measures in order to maintain international peace and security. These peacekeeping operations seek to secure peace and to provide assistance in implementing agreements achieved by the peacemakers.⁷ This issue sheds light on the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) which aims to stabilize the Central African Republic.⁸ Ever since the first mission in 1948 during the Arab-Israeli war, the following mandate's characteristics have evolved immensely from maintaining ceasefires and providing fundamental political support to the preservation of territorial integrity and the promotion of human rights.⁹ This development simultaneously portrays the United Nation's view on the implementation of the rule of law not only in the Central African Republic but around the globe.

In his article 'Avoiding the Legal *Black Hole*: Re-evaluating the Applicability of the European Convention on Human Rights to the United Kingdom's Targeted Killing Policy', *Liam Halewood* analyses the question if and to what extent targeted killings as a measure to combat terrorism is compatible with the ECHR. In doing so, the author scrutinizes the targeted killing of Reyaad Khan authorized by the United Kingdom in 2015. Similarities as well as significant differences to the *Bankovic* case are being portrayed. As a solution to the *black hole*, *Liam Halewood* sees the European Court of Human Rights in charge of detecting a juridical link between the country authorizing and the victims of the targeted killing.

5 <https://www.nato.int/docu/review/2018/Also-in-2018/the-nuclear-non-proliferation-treaty-at-fifty-a-midlife-crisis/EN/index.htm> (last visited 19 July 2019).

6 *Treaty on the Prohibition of Nuclear Weapons*, UN Doc A/CONF.229/2017/8, opened for signature 20 September 2017, not yet in force, Art. 1.

7 United Nations Peacekeeping Operations – Principles and Guidelines, 2008, 18.

8 SC Res. 2149, UN Doc S/RES/2149 (2014), 10 April 2014.

9 <https://peacekeeping.un.org/en/our-history> (last visited 19 July 2019).

In 'Advancing the Rule of Law Through Executive Measures: The Case of MINUSCA', *Édith Vansprange* sheds light on the United Nation's perception of rule of law by examining the most recent operation MINUSCA in the Central African Republic. By analysing the wording of the mission, the author locates a qualitative shift from the promotion of peacekeeping to the permission to use executive measures, as no other mandate based on the rule of law has done before. Particular attention will also lay on the reconcilability of the operation with UN peacekeeping norms and prior peacekeeping practices.

The last contribution to this issue is the winning article of our essay competition on the topic 'Deterrence or Escalation? – Nuclear Weapons under International Law'. After reviewing all submissions, we are delighted to publish *Monika Subritzky's* article 'An Analysis of the Treaty on the Prohibition of Nuclear Weapons in Light of its Form as a Framework Agreement' in which she examines the prospects of the TPNW to function as a disarmament device. In doing so, the author consults the Working Paper submitted by Ireland within the scope of obligations the Nuclear Disarmament Treaty implies. *Monika Subritzky* analyses if the TPNW fits more in the pathway of a Ban Treaty or Framework agreement that lead her to take a close look at the treaty's structure and value.

We hope that all these articles provide – in their diversity – a worthwhile read to our readership.

The Editors