

Editorial

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Stepping into new shoes can always feel uncomfortable at first, but the more we walk, with perseverance by our side, the more we feel the pain diminish and our gliding disposition return. The pair of shoes, in my case, is my new position as Editor-in-Chief of the *Tilburg Law Review* and in the case of my colleagues: Kutlu; Kasia and Hatice, their new positions on the Executive Board of the same. And as these new shoes begin to feel more and more at ease, welcoming as many challenges and hopefully, pleasant experiences as possible, it feels not only satisfying, but a privilege to know that we have accomplished, as a Board, the first journal of our careers.

We must however, not forget the other members of our Review who, behind the scenes, continue to trudge away, in order to keep the cogs of our well-oiled Law Review turning. The Editors, old and new, are just as important to the *Tilburg Law Review* as the Executive Board, and they too, have made our transition into the new roles as easy as possible.

So, as we come to the 17th Issue of the *Tilburg Law Review*, I can only introduce the following articles with delight. The contributions are a fruitful assortment of scholarship and, although they possess a sense of diversity in their own right, are all deeply embedded within international and European law, making them pertinent for debates within these fields.

The first article that you will have the pleasure of reading comes from Professor Dr. Michael Salter, a Professor of law at the University of Central Lancashire in the United Kingdom. Professor Salter has firm specialisms within international law and has written extensively on issues relating to international criminal law, specifically war crimes. The article that he has contributed to the *Tilburg Law Review* however, is an insightful piece on the theory of Carl Schmitt and its potential relevance for international law.

Despite both controversy *and* influence arising from the emergence of Carl Schmitt's political theories in recent years, it could be said that his

international views – although recognised – have failed to properly capture the attention of the global community: in part, due to the deliberate unwillingness of the field of international law to delve deeper into his theories and attempt to make an application of the same. Professor Salter, however, takes a daring leap and attempts to truly engage with Schmitt from the perspective of international law, by seeking to use Schmittian theory in order to understand the ‘creators and enforcers of transnational law’. The article is certainly at the crossroads between international law, international relations and legal history, but this is a must, given the nature of the work of Carl Schmitt.

Our second author is a PhD Researcher from the University of Graz in Austria. Paul Gragl deals with a topic that is much needed in today’s world, where there are greater demands for the protection of fundamental rights. Paul’s article analyses the possible consequences of EU accession to the European Convention on Human Rights (ECHR), in particular, with regard to the external review process of the European Court of Human Rights (ECtHR). Paul discusses the term ‘legal autonomy’ within the context of the EU and how this will perhaps be hindered by the ECtHR’s external review procedure.

It cannot be denied that both serious objections and support for EU accession into the ECtHR makes this topic highly relevant, yet exceedingly contentious. However, EU acceding would undoubtedly be both a legal and significant milestone, not only for advocates working within the discipline of human rights, but also for ordinary citizens who are in need of redress for violations of their human rights in the EU. Therefore, an education on any eventualities occurring as a result of accession is crucial.

Although not the core, Paul’s article emphasises the need for the protection of human rights, which connects, with sheer perfection, to our third piece of work by Megan Nobert. Megan, a fellow Tilburger, who is currently pursuing a PhD in law, explores a very sensitive and emotion-provoking aspect of human rights, namely, sexual violence.

Sexual violence is saturated with complexities and the problems surrounding its prosecution are high in even the most politically and legally structured States; however, these elements increase dramatically when one begins to think about nations that are not bestowed with a fully functioning legal system. Countries such as Rwanda, The Democratic Republic of Congo and Liberia certainly fall within the latter category. In this regard, Megan not only conducts a historical reconstruction of the crime of sexual assault, but also approaches the topic from a unique standpoint. The principal argument of the article is that the non-prosecution of sexual violence

results in a violation of women's rights and Megan proposes the Convention on the Elimination of All forms of Discrimination Against Women as another form of protection for these victims. This is surely a valuable addition to sexual violence scholarship, in the pursuit of justice, for all who have experienced this despicable crime.

Lastly, we arrive at our final contribution, that of Jimena Conde Jiminian, who provides us with an article that can also be said as having roots within human rights. Jimena looks at the allocation of individual criminal responsibility to peacekeepers for international crimes committed during peace operations. From their name, it is obvious the paradox that exists when investigating crimes by peacekeepers. 'Peacekeepers' should inherently be responsible for making peace and the idea that they partake or initiate international crimes is unthinkable. The reality of it however, is that it occurs, but the legal vacuum subsisting for such acts, allows many supposed peacekeepers to escape punishment and continue committing these crimes. Jimena does well to delve further and investigate the extent of the said vacuum. She becomes the 'devil's advocate' and assesses both the feasibility and obstacles of exercising domestic and international criminal jurisdictions over peacekeepers. Her article, thus, brings a nice ending to an equally nice 17(1) issue.

All four articles provide us with essential information on four topics that are rife today and on the tip of the tongues of many international legal scholars. Like in a relay, each article does well to pass the baton onto the other and we thank the authors for contributing to the Tilburg Law Review with such enlightening work.