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## Editorial

### **Differentiated Statehood? ‘Pre-States’? Palestine@the UN; *EJIL* and EJIL: Talk!; The Strange Case of Dr. Ivana Radačić; Looking Back at *EJIL* 2012 – The Stats; Changes in the Masthead – Our Scientific Advisory Board; In this Issue**

#### **Differentiated Statehood? ‘Pre-States’? Palestine@the UN**

Nothing is ever simple in the Middle East in general, and the Arab-Israeli conflict in particular. The rather tired parable of the frog and the scorpion as applied to this arena (‘This is the Mid East, not the Mid West’, says the scorpion to the frog as they both drown) would be funny if it were not so sad; it can be applied to any number of protagonists in the conflict. Yet, in the case of the UNGA vote to ‘upgrade’ Palestine to non-member observer state status, the politics are, strangely perhaps, somewhat less knotty than the law.

Only the US, Canada, the Czech Republic and a few small Rent-a-States voted against the resolution. A good number of states, among them some undoubted Israel friends, abstained, and a large majority, including some other undoubted Israel friends, voted to accept Palestine to this new status.

The EU was all over the place, with member states in all three camps, including key member states such as Germany, the UK, Poland and the Netherlands among the abstentions, and others such as France, Italy and Spain, voting in favour. So much for the Common Foreign Policy.

Politically this was said to be a resounding defeat for Israeli diplomacy. That it was; but even the most brilliant diplomacy would probably have been of no avail here. The vote was a universal repudiation of Israel’s settlement policy which practically the whole world, including the United States, regards as an obstacle to peace and as illegal under international law. Indeed, it is illegal. The recent attempt by the Israeli-appointed Edmond Levy Committee to ‘kosher the pig’ by resurrecting arguments from the 1970s, which have today even less bite than they had then, has been largely met with derision. Interestingly the Levy Report remains ‘under study’ by the Israeli government, which has wisely avoided any official endorsement. Legally destabilizing the 1967 boundary, as the Report does, would be welcome, paradoxically yet understandably, not only to Israeli annexationists but also to Hamas. The UNGA vote was, indeed, intended by many as an expression of support for the PLO and Mahmoud Abbas in the intra-Palestinian struggles.

It was also, rightly or wrongly, an indication that in the blame-game, many in the international community ascribe more blame to Israel for failed movement in the

peace process than to the Palestinians, the uncompromising and scary ‘negationist’ statements and policies of Hamas notwithstanding. If I am right in this last assessment it may also have an interesting, even profound, legal implication. Israel’s duty under the still-controlling UNSC Resolution 242 is to return Territories (and let’s not get into the stale discussion on the omission of ‘The’ in the resolution) in the context of a peace agreement, one objective of which would be to ensure peace within recognized and secure boundaries (the word ‘secure’ is the one which opens the possibility to mutually agreed border adjustments). Israel remains a lawful belligerent occupant pending such a peace treaty. Can that last forever? Surely this must be subject to some ‘good faith’ negotiation requirement if the legal formula does not become a recipe for permanent belligerent occupation.

One incipient implication of the UNGA resolution might be that the world is tiring of the ‘leave it to the parties’ approach to peace, serving notice that the status of lawful belligerent occupation cannot last forever and inching towards an ‘imposed solution’.

For complex reasons, some good, some bad, some very bad, this conflict excites more passions and partisanship than just about any other in our world. Hard cases, it is said with some reason, make bad law. So I plead with my readers to set aside their particular passions about this conflict as I offer some reflections on a problem of international law which the UNGA vote illustrates, the significance and importance of which transcend the specificities of Israel and Palestine. Specifically, I am interested in the practice of the UN inasmuch as it is pertinent to the birth of new states.

One is all too familiar with the competing theories as regards the role of recognition in this process. In a recent, characteristically thoughtful posting *EJIL*’s indefatigable blog master, Dapo Akande opined:

Theory, practice and judicial decisions favour the declaratory theory and assert that recognition does not create Statehood.

I think this is an over-statement. In my humble opinion, theory and practice could be said in such a categorical way to support the declaratory theory only as regards the emergence of new states from colonial rule. If you look at practice since the end of the era of mass decolonization, it points in my view much more towards a constitutive role for recognition. I employ a legal realist methodology and take as a starting point the cases of Bangladesh and Northern Cyprus. Both were born in somewhat similar circumstances, seceding and declaring independence, aided by illegal use of force by a powerful neighbour. I make no comment on the moral claim in each case. Bangladesh joined the family of nations to become an eventual member of the UN. Northern Cyprus is till this day an ‘entity’ recognized as a state by Turkey alone. Recognition explains the difference. Had Northern Cyprus enjoyed the kind of recognition that Bangladesh did, could anyone doubt that its flag, too, would be waving today at the Shoebox? And vice versa. I find unconvincing any attempt to explain the outcome by reference to essentialist legal doctrine on the conditions for statehood and/or by the claim that the recognition afforded one, rather than the other, was driven exclusively by legal considerations rather than political discretion and convenience. I would also maintain that most of contemporary practice on the emergence of new states,

including the breakup of the Soviet Union and former Yugoslavia – Kosovo most recently – give more credence to the constitutive than the declaratory role of recognition. Surely any doubt about the status of Kosovo would have been resolved by more capacious recognition.

How much recognition, and by whom, are questions that will remain with fuzzy edges. But no more fuzzy than when similar questions are posed as regards the emergence of new norms of customary international law. In fact, recognition as a necessary constitutive element in the emergence of new states other than in colonial situations, derives from and tracks customary international law. Part of the constitutive theory is that it reflects the ability of states, through general practice and *opinio juris* (for which, in the case of full recognition of a state, the two elements fuse) to create new legal norms – or legal situations – effective *erga omnes*. (Let us leave for now the theoretically interesting but practically almost irrelevant doctrine of persistent objection.)

The normative force of the constitutive theory is one which regards the emergence of a new state, especially in situations of, say, secession, as calling for not only factual but also political judgment, and thus a situation in which the international community is called upon to act not as a registrar of companies or charities (whose job is to examine whether a claimant has satisfied a series of objective criteria) but as a political body, such as a legislator, whose job is to judge the political utility and which may, or might, be swayed even by, yes, self-interest and political prejudice. Such is the nature of political discretion.

When Dapo Akande suggests that *theory* supports the declaratory role of recognition, he probably meant to write that he favours the declaratory theory, for the constitutive theory is out there too, and which is to be preferred in theoretical, conceptual, policy and normative terms is not an empirical matter at all. On all these criteria I prefer overall the constitutive to the declaratory theory for reasons which I need not spell out fully here, even if in some cases it produces, what in my view are unfortunate and unjust outcomes. One reason I prefer the constitutive theory is because I believe the issue ought to be political. Characterizing it as such makes states more accountable for their decisions, unable to hide behind ‘I’d love to do it, but, crocodile tear, the law does not allow me to’ types of arguments.

In an aside, I think the case of Palestine and Israel also supports the constitutive rather than declaratory role of recognition. Israel was not created by the Partition Resolution of the UNGA on 29 November 1947, but by the combination of its Declaration of Independence and diplomatic recognition by a sufficient number of states representing or reflecting the international community at the time. Interestingly, Israel failed in her first attempt to join the UN. I have already argued in these pages that had Palestine declared its independence on that same night, it most likely would have received even greater recognition, not least from the Arab states, and would have emerged as an independent state alongside Israel. I am not sure what impact that would have had on peace, but the Palestinians as a people with a right to self-determination would surely not have disappeared off the international legal radar for the next few decades as they did.

The PLO has emerged as the undisputed representative of the Palestinian people in their quest for self-determination, thanks to the near universal recognition they have received in this role; however, their attempt at a Declaration of Independence in 1988 garnered recognition from only 100 states, not sufficient in the eyes of most to bestow statehood. *EJIL* carried an interesting exchange in its very first issue. That number has not varied much. *Nota bene*: there are quite a few states that voted for or abstained in the UNGA vote but have not given diplomatic recognition to an independent Palestine.

What, then, is the role of admission to international organizations generally and the UN more specifically as a proxy to recognition? It is here that things really become messy.

You would have thought that one proposition could be made with certainty: admission as a full member to the UN forecloses any doubt or debate on statehood. No false positives there. And yet, could one claim that Belarus and the Ukraine, full members of the UN alongside the Soviet Union, really enjoyed at the time plenary state responsibility as independent states? And pre-independence India? These, however, might be anomalous exceptions to a general rule.

Of course one can be a state and not be a member – some states over the history of the UN have elected that status. Likewise, rejection of membership to the UN by the UN need not automatically be taken as probative for ‘non-statehood’. After all, there might be near universal diplomatic recognition thus signalling statehood, but a permanent member of the UNSC might exercise its veto, and thus thwart membership – but not statehood.

What of other international organizations or agencies of the UN? How probative is their practice of admission to membership as to the question of statehood? In that interesting blog entry Dapo Akande allows for a constitutive role for such ‘collective recognition’. If I understood the argument correctly, admission to, say, UNESCO, settles the question of statehood just as would admission to the UN itself. I have my doubts whether this robust view of collective recognition is the law and whether this is, or would be, good law.

The difficulty is as follows: on the one hand, the traditional theory of recognition involved the aforementioned quantitative and qualitative paradigm. Enough states (quantitative) reflecting the make up – however defined – of the international community (qualitative) is the operative principle. The Permanent Members of the Security Council provide a brutal if inexact proxy: one of Kosovo’s difficulties in claiming full statehood is the continued withholding of recognition by Russia and China. On the other hand, admission to IOs, including special UN agencies, is based on clear voting rules which for the most part do not differentiate among states. Micronesia and China carry the same one vote. For the sake of argument, one can imagine a situation where the pattern of recognition was such that, say, all five permanent members of the Security Council withheld recognition, and yet a majority of states voted for admission to an IO. Would such admission signal the birth of a new state?

Some might answer with a yes and think this a good thing, others might disagree. But the legal issue is whether in accepting the voting rules to this or that IO, states also accepted that such a vote would become a proxy for, indeed replace, their discretion in

according diplomatic recognition to statehood and an entry card to full membership as a state in the international community.

What other meaning, one may wonder, could such a vote have other than recognition of statehood – after all, one is talking of organizations, membership of which is typically reserved to states? This seemingly rhetorical question does not lend itself to an obvious rhetorical answer.

There seems to be no consistency in individual state practice of formal diplomatic recognition in the face of declarations of independence and the practice of admission to IOs. There may be limited support to full diplomatic recognition, but broader support for membership in this or that IO. A petitioning member may be admitted into one organization and not into another by the same voting state. Kosovo, which has enjoyed diplomatic recognition by only about 100 states, is a member of the IMF and the World Bank but was rejected by other IOs. There are clearly states which may find it beneficial to have Kosovo as a member of the IMF and World Bank, but not, yet, a member of other IOs. States may support or not object to an admission of a claimant to UNESCO, but reject such in the context of, say, the UN as a whole.

Inconsistency? Only if you accept a robust version of the collective recognition theory (but would that not be a non-sequitur?) and/or you accept the binary hypothesis on which much (though not all) of this debate is typically conducted: state or non-state, with nothing in between. Very tentatively I want to suggest another possibility. Suspend your disbelief for a moment and entertain the thought that there might, here too, be a *status mixtus* as regards the very notion of statehood.

It is not without precedent in international law: consider the mandate system created by the League, which survived well into the 1970s (!) and which clearly contemplated different levels of statehood. Consider also the somewhat anomalous status of Belarus and the Ukraine during the Soviet era, and the fact that India, prior to independence, was a charter member of the UN. Think of the Andorras and Monacos of the world. And, hold onto your socks, consider even the situation of the member states of the European Union in areas such as fisheries and international trade, where the Union has certain exclusive competences. Sure, the member states remain full states in formal status. But in the actual praxis of international life, functionally things look interestingly different, reminiscent perhaps of the tension between the formal existence of a right and its exercise. Statehood, grant me, is not that simple a monolithic concept.

The practice of differentiated recognition is, one could argue, at least consistent with a hypothesis that the international community and international law in certain circumstances contemplate an evolving legal reality of statehood. A first step may be recognition of peoplehood and the right to self-determination. There may be steps in the direction – determined politically – of an expanding role in the international community, including membership, as a member state, in a variety of international organizations on the way to ‘full’ statehood, which would happen in the traditional way when enough states gave full diplomatic recognition to the claimant state and according to which admission to the UN would be fully probative and legally sufficient, but not a necessary condition. Note my caution: I do not claim categorically that this is the law, but that this proposition is consistent with state practice of recognition.

Let us pose again that seemingly rhetorical question: What other meaning, one may wonder, could such a vote (of admission as a member to an IO) have other than recognition of statehood – after all, one is talking of organizations, membership of which is typically reserved to states? There might be, under this alternative hypothesis, several other meanings: for example, a judgment that it is useful for functional reasons, given the objectives of the organization, to have such a ‘state’ as a member even if in other contexts the statehood status would remain unresolved. Maybe the more ‘liberal’ admission voting rules are designed specifically to facilitate these functional objectives of the organization without embroiling it in the bigger political issues. If this were so, a second reason, then, to be cautious about the robust view of ‘collective recognition’ is that if it were to gain currency it might have the opposite effect: to deter states from this process of functional admission since any vote for membership in any agency or universal IO would be an all or nothing vote. Is that to the benefit of the international community? At least some doubts may be entertained.

It might be that collective recognition should be considered constitutive and probative to full statehood when the votes in favour of admission are close to universal. Abstentions on this reading could be considered as a legal device which would allow states to assent to functional entrance into an IO without the ‘collective’ imprimatur of universal recognition and full statehood.

The construct I discuss is driven by an attempt to align better doctrine with the actual practice of states and also, tentatively, by a conviction that the collective interest is served by allowing the kind of flexibility which, regardless of its full and final political and international legal status, a Kosovo can be a member of the IMF, World Bank and other IOs. Of course many issues would need to be worked out in relation to the precise set of rights and duties – and international legal capacities – of the *status mixtus* or ‘pre-states’. But that we do all the time with international organizations, the common denominator of which is the enjoyment of international personality whilst the specific ambit of which may differ from one IO to another. And that, too, we have been doing for a few decades now, still trying to work out the precise demarcations, rights and duties of the Union and its member ‘post-states’.

## **EJIL and EJIL: Talk!**

On a regular basis I am asked about the relationship between *EJIL* and its (very successful) blog, *EJIL: Talk!* There is a substantive dimension to the question and a procedural-management dimension which I will address in turn.

*EJIL and EJIL: Talk! The Substantive Relationship.* The internet has changed scholarship in profound ways, mostly positive, some negative, and has also changed the function and identity of scholarly journals. I recall the days when at *EJIL* we would scurry around to find someone who would write a quick comment, to appear in the next issue when, say, the ICJ or Appellate Body of the WTO (yes, *EJIL* never considered international economic law as a stepson) handed down a decision. Today, by the time the next issue appears, there will be endless commentary on the net and, in all likelihood, a few SSRN papers as well. In some ways, this has been liberating, since it has enabled

*EJIL* to focus on the deeper and longer lasting contributions – the standard yardstick we apply to any submission in this regard is: Will this be interesting, so far as we can tell, in five years from now? Anything less than that we consider ephemera. We do not publish case notes as such or ‘recent developments’, but we are very happy with our occasional series, ‘Critical Review of International Jurisprudence’ and ‘Critical Review of International Governance’, which usually take the form of a review of a line of cases or of a certain international legal praxis, with a view not only of informing, but also conceptualizing and evaluating. We believe these contributions also have lasting value.

The push to establish *EJIL: Talk!* came from our conviction that the authors and readers of *EJIL* are among the most qualified to offer reflection and commentary on a more immediate and ongoing basis – a commentary which had been squeezed out of *EJIL* as explained above. Blogging seemed a promising avenue. We surveyed the blogosphere and drew some conclusions as to the identity of *EJIL: Talk!* It would be semi-moderated, meaning that a first posting would have to be approved by the blog masters, who would also reserve the right to remove or suggest amendments to inappropriate postings. We would not practise content censorship except in extreme situations – verified libel or opinions universally accepted as beyond the pale, such as holocaust denial and the like. But we would be quite severe as to the tone of *EJIL: Talk!*, insisting that all submissions and comments (!) be sober in tone and, even when in serious disagreement with an interlocutor, respectful in idiom. When it comes to content itself we welcome the radical and innovative – there have been some spectacular postings of this nature. When it comes to manner of expression we prefer to err on the side of stodginess. We have seen too many blogs descend into shouting matches and worse. On one or two occasions I think we have come close to the line, e.g. some of the commentary following our Armenia Genocide exchange. I have asked the blog masters to be vigilant.

I consider *EJIL: Talk!* to be very successful by a number of yardsticks. For the most part the posts – the lifeblood of a blog – are of high quality: reflective, thoughtful and thought provoking, and never dashed-off ideas scribbled on the back of an envelope. They address, in content, the timely and topical, but also create interesting topics of discussion.

The substantive relationship between *EJIL* and *EJIL: Talk!* is not exhausted by the division of tasks mentioned above. There is a conversation between the two, where articles and book reviews in *EJIL* are linked to *EJIL: Talk!* and become the subject of comment and exchange. Likewise, the Editorials of *EJIL* are published on the blog as well, and occasionally solicit considerable comment. We have various plans on board for enhancing this cross-fertilization – and suggestions from our readers are welcome too.

*EJIL: Talk!* has also been successful quantitatively. There were around 240 posts in 2012 with a regular average of about 20 each month, about one post every week day. Some other blogs have so much activity that one may be overwhelmed and others are too infrequent. I like our numbers.

Dapo Akande has recently posted the statistics, including the ‘top of the pops’ in terms of viewings. A word of caution: not every viewed page is a read page: sometimes an enticing title evokes interest, but then the visitor moves on immediately. In all, *EJIL: Talk!* gets between 20,000 and 30,000 visitors each month and between 5,000 and 7,000 each week.

The top 10 countries where readers are based are, in this order: the UK, the US, the Netherlands, Germany, Italy, Australia, Switzerland, Canada, India, France. The top five countries account for about 50 per cent of readers.

*EJIL and EJIL: Talk! Issues of Management:* *EJIL: Talk!* belongs to *EJIL*, which has ultimate editorial and legal responsibility for it. A libel suit against the blog? I fear it would be me again in the dock. The blog masters are appointed by the *EJIL* Editor-in-Chief with the advice and consent of the Board of Editors. It works, so we do not plan to fix it, but here too we have various thoughts of rotation and refreshing, such as but not limited to, the appointment for a determined period of time of regular contributors – which we will henceforth call Contributing Editors. If you are interested in serving in this role, let us know. Policy decisions of the blog are taken by the blog masters, with the advice and consent of the Editor-in-Chief, but day-to-day management is in their hands.

The blog has not, in my view, simply been very successful in its own terms. It has become an integral part of the identity of *EJIL* – one of many possible models for scholarly publishing in the age of the internet, a model which to date we have come to like and value. I thank Dapo Akande, Marko Milanovic and Iain Scobbie on behalf of all *EJIL* authors and readers.

## The Strange Case of Dr. Ivana Radačić

I have never met Dr. Radačić, but we have published a piece by her in *EJIL*. Her career has hit a road block for reasons which, I believe, are of interest to the definition, scope and place of international legal scholarship within the academy and to the processes with which careers are made or unmade.

In Croatia, apparently the first step in an academic career is to obtain the title of Research Associate/Lecturer, the qualification for which are, *inter alia*, having a PhD and the publication of at least six scholarly articles.

Now comes the rub: one has to be a Research Associate/Lecturer in a specific branch of law which corresponds to the departmental divisions within the overall faculties – in our case the faculties of law. Getting this title in Croatia involves a two-stage process: a positive assessment by a law faculty, which is then sent for approval (or otherwise) to the National Committee of Law.

Here is a sample of titles in English which form part of Dr. Radačić's corpus of work. Most of them can be found on the web:

- Gender Equality Jurisprudence of the ECHR – which we published in *EJIL*
- The European Court Approach to Sex Discrimination – *European Gender Equality Law Review*
- Feminism and Human Rights – The Inclusive Approach to Interpreting International Human Rights Law – *UCL Jurisprudence Review*
- Rape Cases in the Jurisprudence of the European Court of Human Rights – *European Human Rights Law Review*
- Religious Symbols in Educational Institutions – Jurisprudence of the ECHR – *Religion and Human Rights Review*



- The Margin of Appreciation, Consensus, Morality and the Rights of Vulnerable Groups – *Zb. Prav. fak. Rij.*
- Human Rights of Women and the Public/Private divide in International Human Rights Law – *Croatia Yearbook of European Law and Policy.*

In 2009 a committee of the Law Faculty of Zagreb confirmed that Dr. Radačić met the criteria for scientific appointment, but in the interdisciplinary field of gender studies and not under any recognized branch of law – including international law. This of course left her in a blind alleyway. More recently, in January 2012, the Osijek Law School confirmed that her work did fall within the branch of international law, even though some of it could also come under family law or criminal law. They made a positive recommendation, but it was turned down this time by a majority decision of the National Committee, stating that her work did not fall within the field of international law. This Committee was apparently composed in part by members of the Zagreb faculty who had either been part of the earlier (negative) process or had publicly expressed opinions on her non-suitability. The National Committee does not publish a ‘motivation’ for its decision. ‘Kafkaesque’ is the term that comes to my mind.

Dr. Radačić has started legal proceedings in Croatia – but the windmills of justice are notoriously slow and the (understandable) reluctance of courts to intervene in academic decisions is well known. I am not holding my breath.

Several issues are worthy of comment. I can see arguments one way or another for a system which insists on ‘departmental’ classification of scholarship and scholars. But it gives pause when someone whose scholarship does not fall neatly into these schemes is, as a result, denied the credentials to pursue an academic career. It is not only a question of justice and equity, but is also detrimental to intellectual and academic innovation which oftentimes consists in crossing over, in bridging disciplines and in creating new categories and disciplines. A very distinguished professor in Croatia with whom I discussed this case commented wryly: ‘Ivana’s case ... is also a result of a tragic paradigm according to which students (doctoral students too) should know only what is already known and not anything new or different.’

The list above is representative of the scholarship of Dr. Radačić. I have not ‘screened’ each and every one for quality, but in terms of subject matter I would certainly see all of them as potential articles in the *European Journal of International Law*. I would see them as candidates for publication in *I-CON* too and any number of other journals. But that is neither here nor there. Gender issues by definition cross disciplines. A focus on the ECHR system and a specialization in gender issues seems to me run of the mill for an international lawyer. Her training at UCL among other law faculties would certainly equip her to teach a much broader range of IL issues, but to characterize this scholarship as not within what has become a rather catholic field – international law – strikes me as odd. One law faculty says it is interdisciplinary work, but is told that they are not competent to make such a determination. Another faculty determines that it is international law (and they are surely competent to make such a determination) and are told they are wrong. Marx (Groucho) comes to mind here.

The story as I understand it also raises some issues of due process and conflict of interest in the decision-making process. Again my Croatian colleague: ‘Promotions almost always happen to be decided upon by a small number of academics, usually always the same ones who control a field. It is pretty much the situation described by Duncan Kennedy in which “society is constructed around illegitimate hierarchies”.’ He adds: ‘This should not be happening.’ Apparently there is no more recourse within the Croatian academic system.

Surely legal academia in Croatia should find a solution to this problem if it does not wish to become a Europe-wide laughing stock and Dr. Radačić an international *cause célèbre*?

## Looking Back at *EJIL* 2012 – The Stats

This is the time of year when we look back and collate some statistics on the publication record of *EJIL*.

Here is a new statistic. In a previous Editorial (‘Demystifying the Editorial Process’), I explained that the Editorial Board did not regard *EJIL* as a mere refereeing service of the unsolicited submissions which arrive week in, week out. We also like proactively to explore areas of international law, raise questions, set scholarly agendas typically by commissioned symposia. We believe that this approach is what gives *EJIL* its distinct identity. I ‘guesstimated’ that the balance between solicited and unsolicited pieces was more or less half and half. Here are the hard numbers for 2012:

- Solicited pieces: 23 for a total of 361 published pages
- Unsolicited pieces: 25 for a total of 588 published pages.

We continue to think that we strike the right balance; let us know if you think otherwise.

Now to our ‘normal’ stats for 2012. A brief reminder: data for published articles reflects submissions and acceptances which in part took place the year before.

### *Gender*

The percentage of submissions by women rose in 2012 to 33 per cent, 12 percentage points higher than in 2011. This shift was reflected in the percentage of accepted articles, with 31 per cent of accepted articles by women, up from 29 per cent in 2011, although the percentage of *published* articles written by women dropped to 23 per cent in 2012. Given the higher submission and acceptance rates in 2012, we expect a jump in the published articles rate for women authors in 2013, the first part of which will reflect these higher figures.

### *Regional origin*

Of the total number of manuscripts submitted in 2012, 48 per cent of articles came from EU countries, 5 per cent originated from Council of Europe countries outside the EU, 25 per cent came from the US and Canada, and 22 per cent from the rest of the world. The percentages for articles that were accepted for publication are: EU 57 per cent; CoE outside the EU 6 per cent; US and Canada 24 per cent; rest of the world 13 per cent. Finally, articles actually published in 2012 came from: EU 61 per cent; CoE outside the EU 13 per cent; US and Canada 16 per cent; rest of the world 10 per cent.

Notably, these percentages show a welcome increase in submissions from the US and Canada, up from 8 per cent in 2011, partly resulting from our efforts to encourage our North American colleagues to publish in the *EJIL*.

### *Linguistic origin*

49 per cent of submissions came from English-speaking countries and 51 per cent from non-English-speaking countries, whilst for published articles in the 2012 volume the percentages were: English speaking countries 35 per cent, and non-English-speaking countries 65 per cent.

## Changes in the Masthead – Our Scientific Advisory Board

Some years ago our Board of Editors took the decision to involve a broader range of scholars in the running of our Journal by establishing a Scientific Advisory Board. That decision has paid off. The intellectual and creative participation of this group of committed scholars has contributed in very positive ways to the development of our Journal. The time has come to refresh our Scientific Advisory Board. We thank Vera Gowlland Debbas and Linos-Alexander Sicilianos for their valuable service to *EJIL* and we welcome a new group of members: Veronika Bilková, Laurence Boisson de Chazournes, Enzo Cannizzaro, Diane Desierto, Helen Keller, Doreen Lustig, Anthea Roberts and Christian Tams. Dapo Akande and Iain Scobbie, who also act as blog masters for *EJIL*: Talk!, will remain on the SAB, and we thank them for their continuing service.

## In this Issue

We have taken the extraordinary decision to devote the majority of this issue to a single topic: the enduring legacy of Michael Walzer's *Just and Unjust Wars*. The first edition of this classic work was published in 1977; some time ago a special event was held at New York University School of Law to mark its approaching 35th anniversary. This issue gathers together a generous selection of the papers presented on that occasion, together with some additional reactions and comments that were subsequently commissioned, in a symposium edited by Professor Gabriella Blum of Harvard Law School and myself. We trust that the range of critical perspectives presented here – including Professor Walzer's own reflections on the subject – will sustain many more years of scholarly debate and discussion.

After the rich feast of the symposium, *Roaming Charges* offers a quiet visual interlude, moving back from Places to Moments of Dignity with a photograph entitled 'The Pawnbroker, Singapore'.

The book review section complements the overall theme of this issue and includes reviews on publications dealing with child soldiering, the law of armed conflict and occupation, and international criminal law.

Finally, *The Last Page* presents a poem by Charlotte Innes, entitled 'Burrough Hill', that reflects an important goal of this feature of *EJIL*: to stimulate a more profound degree of introspection on topics and territory where law and life meet.

JHHW