
Editorial

Editorial: In This Issue; In This Issue – Reviews; The Three Scholars behind ScholarOne: EJIL's Associate Editors

In This Issue

The Articles section in this issue begins with a contribution by *Anna Hood*, *Madelaine Chiam* and *Monique Cormier*, which brings attention to international law open-letter writing. They analyse the open letters that were written in the first three months after the outbreak of the Russia–Ukraine conflict in 2022 and the Israel–Gaza conflict in 2023. They conceive of such open-letter writing as a particular type of international legal practice serving three main purposes of advocacy, solidarity and public education.

The second article, by *Taylor St John*, *Malcolm Langford*, *Yuliya Chernykh*, *Oyvind Stiansen*, *Tarald Gulseth Berge* and *Sergio Puig*, problematizes the common assumption of full compliance in investor–state dispute settlement (ISDS). Evidence shows a wide array of post-award behaviours of states. These behaviours, the authors argue, suggest that the ISDS compliance process can better be conceptualized as bargaining rather than states fulfilling their obligations under the ‘fixed standards’ set by the awards.

In the third article, *Jason Webb Yackee* tells the story of the 1963 French–Tunisian treaty, France’s first bilateral investment treaty (BIT). Drawing on archival research, Yackee observes that the negotiation of this 1963 treaty involved real bargaining on both sides, making efforts to build a workable postcolonial framework for mutual beneficial cooperation. The negotiation of this treaty hence stands in stark contrast with BIT negotiations of the 1990s and 2000s, where developing countries often accepted BIT texts from capital-exporting countries without much question.

Closing the Articles section, *Hedi Viterbo* and *Yulia Ioffe* critique the international legal principle of child protection, according to which young refugees should receive special protection due to their unique vulnerability and dependence as ‘children’. While not inherently harmful, the authors argue this principle constructs an age-based hierarchy of protection which in practice often deprives young refugees of their agency and renders adult refugees less deserving of protection.

This issue continues with the Critical Review of Governance section. In the first contribution, *Diego Zannoni* explores the debate leading to the adoption of the Declaration on Human Cloning at the United Nations General Assembly and the European legal framework on human cloning. He contends that reproductive cloning is globally prohibited, whereas therapeutic cloning is so far not unlawful on the international level and in Europe. In her article, *Cecily Rose* focuses on Article 57 of the United Nations Convention against Corruption on the return of stolen assets and the challenges this provision has faced over the last 20 years. Using the Global Forum on Asset Recovery as an example, Rose discusses options of formal law reforms and informal law changes to improve the effectiveness of asset-return norms.

The Critical Review of Jurisprudence section of this issue features a contribution by *Salvatore Caserta* and *Mikael Rask Madsen*. Focusing on LGBTQIA+ rights and death-penalty litigation in the Caribbean and East Africa, the authors argue that for such litigation to be impactful, three elements need to be aligned, i.e. new institutional opportunities, coordinated legal strategies to utilize existing legal avenues and a societal momentum for the cause or at least the absence of strong counter-movements.

Roaming Charges in this issue journeys back, perhaps a little nostalgically, to a pre-tech time when typos in a manuscript spelled trouble.

Finally, the Last Page features a poem by the 19th-century Bohemian-Austrian author, *Adalbert Stifter*, skilfully translated by Susan McClements Wyss.

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In This Issue – Reviews

This issue of the Journal features four regular reviews, and the second batch of contributions to our (ongoing) Hague Academy Centenary Symposium.

Two of the reviews focus on aspects of international environmental law in a broad sense. In their enriching review of Gabrielle Hecht's *Residual Governance: How South Africa Foretells Planetary Futures*, *Tracy-Lynn Field* and *Michael Hennessy Picard* point us to major problems resulting from wastes of gold and uranium mining. Hecht's work captures these as a problem of residual governance; as the reviewers note, it 'does not offer easy solutions but rather stays with the rubble of racial capitalism'. *Jelena Bäumlner's* review centres on a topic that has entered the international law mainstream – climate change litigation. She is impressed with the 'world map of climate change litigation' presented in *Climate Change Litigation: Global Perspectives* (edited by Ivano Alogna, Christine Bakker and Jean-Pierre Gauci), but feels the book could have offered more 'guidance on the factors that account for the failure or success of climate change litigation' in its very diverse contexts.

Two further reviews address classic topics of general international law. *Daniel Müller* is not quite convinced that Lukas Vanhonnaeker's 'vigorous plea in defence of shareholder claims' will fare well in current UNCTRAL reform debates. But he 'applauds' the effort and considers Vannhonnaeker's *Shareholders' Claims for Reflective Loss in International Investment Law* to be a 'valuable contribution to the ongoing

controversy'. Lastly, Imogen Saunders' *General Principles as a Source of International Law: Art 38(1)(c) of the Statute of the International Court of Justice* is reviewed by *Diego Mejía-Lemos*, who engages seriously with Saunders' 'valuable' insights, which 'strike[] a balance between the seemingly inclusive positivist perspective underpinning the monograph and competing jurisprudential perspectives, notably critical approaches to international law'.

Beyond the regular reviews, in this issue we continue our symposium reflecting on a century of scholarship at the Hague Academy of International Law. Our second batch of reflections focuses on the Academy's inter-war era: four articles shine a spotlight on pieces of the 'Hague mosaic' that our symposium – as noted in our opening comments – seeks to depict. *Moritz Koenig* and *Artur Simonyan* highlight Turkish and Russian perspectives, respectively (as seen through the lens of courses delivered by Boris Mirkine-Guetzévitch and Ahmed Reşid). *Karin van Leeuwen* recalls the Academy as a space of encounter, where Dutch lawyers were exposed to Georges Scelle's thinking (with lasting effects). *Diane Marie Amann* traces the footsteps of Aline Chalufour, a 'Nuremberg Woman' whose 'shining post-war achievements' would belatedly, and very gradually, be recognized – and whose experience at the Academy 'shed[s] light on how women fared more generally within and on the margins of international law during the Academy's interwar years'. The symposium will continue in the next issues.

GCL and CJT

The Three Scholars behind ScholarOne: EJIL's Associate Editors

Writing an article is such a personal endeavour: a struggle with questions, structure and individual sentences. And when that struggle seems to be over and the article appears ready for sharing, it can be submitted to ScholarOne, a 'journals workflow management software' that EJIL and many other journals use. That hugely personal product is thus fed to a seemingly impersonal beast.

But ScholarOne is only the interface: behind that interface are, at EJIL, three terrific scholars who, through their intellectual and practical contributions, ensure that an article is shepherded through the editorial process. These scholars are EJIL's Associate Editors, currently Dr Wanshu Cong, Dr Ana Luisa Bernardino and Dr Francisco Quintana, who joined the team in July 2021, March 2022 and August 2023, respectively.

The choice of phrase 'shepherding articles through the editorial process' is by no means casual. The Associate Editors guide manuscripts along each step of the process, from the initial submission, through the various stages of review, to the final decision. When an article is submitted, the Associate Editors read it and prepare an initial report on the article for our monthly editorial meeting. In that meeting, each article is discussed by the responsible Associate Editor and at least one of the two Editors-in-Chief, who also read the articles and the reports before the meeting. After the meeting, the Associate Editors communicate the outcomes of the meeting to the authors. These

outcomes range from desk rejects to external peer review, with several options in between. Sometimes the editorial team writes to the author that there is a promising idea in the article but that the article would need to be reframed for that idea to come out, inviting the author to submit a new article. In other cases, the editorial team sends the author suggestions to strengthen the article before it goes to peer review. The Associate Editors also invite peer reviewers, send peer reviewers friendly reminders and respond to questions from authors about where their article is in the process. When peer review reports come in, the Associate Editors organize the files for discussion at the next editorial meeting. After the meeting, the Associate Editors send the peer review reports to the authors, often with suggestions from the editorial team when the reviews are contradictory or seemingly impossible to implement. Regularly, authors are asked for a ‘roadmap’ of planned revisions, to avoid authors spending months and months on revisions that do not address the key concerns. The roadmap is then discussed in the editorial meeting, after which the Associate Editors communicate the green light or suggestions for additional or different changes so that the article will have a greater chance of getting through peer review in the next round. The Associate Editors read the revised articles, send them to peer review and again prepare the files for the next editorial meeting. All revised articles are discussed thoroughly, in this round, by both Editors-in-Chief and the responsible Associate Editor.

In sum, behind the sterile and possibly intimidating interface of ScholarOne are three Scholars who carefully read all the submissions, think with the authors, communicate with peer reviewers and authors and make sure that each and every submission is read and commented on by the Editors-in-Chief and shepherded through the whole editorial process.

Our former Associate Editors are: Orfeas Chasapis Tassinis (2021–2023), Michal Saliternik (2019–2021), Justus Vasel (2018–2020), Guy Fiti Sinclair (2013–2017), Karine Caunes (2011–2012), Emily Kidd White (2009–2010), Eugene Rusyn (2009) and Anne Becker (2008–2009).

All Associate Editors have made both intellectual and, equally importantly, hugely practical contributions to *EJIL*.

SMHN