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ABSTRACTS

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THE COMPLEMENTARY APPLICATION OF INTERNATIONAL HUMAN RIGHTS LAW AND THE LAW OF ARMED CONFLICT

It is no longer seen as controversial to hold that International Human Rights Law (IHRL) remains applicable during armed conflict, possibly subject to permissive limitations and derogations to some human rights. Although the Law of Armed Conflict (LOAC) in the debate has been referred to as *lex specialis* in relation to IHRL, this does neither automatically nor categorically mean that LOAC will take precedence over IHRL in all situations arising during an armed conflict. Therefore, this presentation briefly discusses how a conflict between IHRL and LOAC norms can be handled in public international law. First, it is examined how the International Court of Justice has shifted it's position concerning the relationship between IHRL and LOAC. Second, it is argued that actual purpose of conduct must determine which legal framework is the appropriate starting point when assessing the lawfulness of the said conduct. Lastly, the presentation closes by concluding that examining norm by norm to determine the appropriate legal framework for a given conduct is far more promising than concluding that one legal framework categorically repeals another legal regime.

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NATO ENLARGEMENT, EUROPEAN SECURITY AND TURKEY: DOES TURKEY AN AWKWARD PARTNER OF EUROPEAN SECURITY?

The NATO enlargement process has become an important element affecting the European security's ongoing evolution. Since the end of the Cold War, NATO has been enlarging. However, successive NATO enlargements has shown that the larger the NATO has become, the more complicated the functioning of the NATO. More precisely every time the NATO enlarged, the effective operation of NATO and its goals has been a subject of debate as the high number of states involved. Given that national preferences do affect NATO's common policy; each enlargement has increased national interest based cleavage within the NATO. This study will discuss the NATO enlargement with particular focus on how successive NATO enlargements have impacted on the functioning of the NATO and its common strategies. Accordingly, it is aimed at evaluating the question of *Bigger is Better*?

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LEX PACIFICATORIA: ADVANCING HUMAN RIGHTS IN POST-CONFLICT PEACEBUILDING

The presentation critically examines the concept of Lex pacificatoria and its application in peacebuilding processes, with a specific focus on the inclusion and implementation of human rights provisions in peace treaties. By analyzing the opportunities, challenges, and impacts of Lex pacificatoria, the study explores its role in promoting sustainable peace, justice, and the protection of human rights. Utilizing a multidisciplinary approach, the research draws upon legal analysis, case studies, and empirical research to provide a comprehensive understanding of the topic. Primary and secondary sources, including peace treaties, international legal frameworks, academic literature, and reports from peacebuilding organizations, are utilized.

The presentation includes a compelling example to illustrate the concept of Lex pacificatoria. It examines the Colombian peace agreement as a case study and draws lessons that can be applied to other current cases. By analyzing the incorporation of human rights provisions, transitional justice mechanisms, and reconciliation efforts in the Colombian context, the research identifies valuable insights that can inform and benefit ongoing peace processes in different regions, such as Afghanistan, Yemen, or Myanmar.

The findings highlight the significance of learning from the Colombian example and adapting relevant elements to address the specific needs and challenges of other conflict-affected societies. The research underscores the importance of contextualized approaches, inclusive dialogue, and the effective implementation of human rights provisions within peace treaties. It emphasizes the potential for promoting accountability, justice, and sustainable peace by integrating Lex pacificatoria principles and incorporating lessons learned from successful experiences, such as the Colombian case.

By shedding light on the concept of Lex pacificatoria and its application in peace treaties, while drawing on the Colombian example, this research contributes to the broader discourse on human rights, peacebuilding, and transitional justice. Policymakers, practitioners, and scholars involved in current peace processes can benefit from the insights and recommendations provided, enabling

them to apply best practices and promote the effective protection and promotion of human rights in post-conflict contexts beyond Colombia.

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SIMULTANEOUS APPLICATION OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS IN THE CONTEXT OF INTERNALLY DISPLACED PERSONS AFFECTED BY NON-INTERNATIONAL ARMED CONFLICT IN PAKISTAN

This research explores the protection of internally displaced persons (IDPs) under International Humanitarian Law (IHL) and Human Rights simultaneously, focussing on the prevention of IDPs from forced displacements from their original places of residence and ensuring safe and voluntary reintegration, with a case study of IDPs in Pakistan. This research applies a mixed method approach combining legal interpretation and application of the international legal framework applicable to IDPs in the context of the domestic human rights structure of Pakistan. An empirical/socio-legal case study of IDPs in Pakistan uses qualitative field interviews to investigate the implementation of the legal framework applicable to IDPs. This research analyses the applicability of IHL and Human Rights, especially on displacement and reintegration of IDPs affected by non-international armed conflict. It has found a poor domestic legal framework, and poor implementation of IHL and Human Rights, leading to inadequate protection to IDPs in preventing the displacement and ensuring the safe and voluntary reintegration of IDPs. The domestic legal structure of Pakistan does not hinder IHL from providing protection to IDPs. The government of Pakistan should do more to ensure the applicability of IDPs legal framework, especially the implementation of the rules of IHL and Human Rights simultaneously, but this is hindered by continuing armed conflict and a lack of review mechanism.

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AUSTERITY MEASURES DURING ECONOMIC CRISES: HUMAN RIGHTS PROTECTION IN THE COUNCIL OF EUROPE

In recent years with the COVID pandemic and the invasion of Ukraine, economic crises have spiraled around the world leading to high inflation and economic recession. The negative impacts of crises like these two are not always analyzed through the lens of human rights. The reason behind this lack is the prevailing neoliberal approaches' commitment to saving the market rather than ensuring people's basic needs. This story is not new – in 2008, when the world was devastated by the economic crisis, many countries used austerity measures to shrink social programs to ensure economic stability.

When facing crises, states can curtail rights either through limitations or derogations. The difference between the two is the nature of the act and the timeframe of the curtailment. Limitations are introduced during so-called normal times and can be imposed indefinitely. Derogations, by contrast, are extraordinary measures that usually have short lifespans. The context for using of limitations or derogations is mostly clear in cases of armed conflicts – both international and non-international – and terrorist attacks. Being the extraordinary circumstances, these events call for derogations and not limitations. However, in cases of economic crises, the choice between the two concepts, well-defined as they are in the literature, becomes blurry. This is partly because the impact of economic crises on socio-economic rights is not immediately apparent. At times, it takes years to fully acknowledge the effects a crisis has on exacerbating inequality.

In the European system, both the European Court of Human Rights and the European Committee of Social Rights have case law on economic crises. Many of these cases assess whether states responded to the 2008 crisis proportionality. This presentation compares the cases in both bodies to further understand whether austerities fall under limitations or derogations. Additionally, this presentation discusses the limits of the human rights framework regarding the inequalities created by economic crises.

Leah CALABRO

Visiting Associate Professor and Fellow – International and Comparative Law Program at the George Washington University Law School, United States of America

REPARATIONS FOR ALL: IS SEPARATION OF THE TRUST FUND FOR VICTIMS FROM THE INTERNATIONAL CRIMINAL COURT A GOOD IDEA?

Reparations have long been utilized in the aftermath of conflict to aid in transitions to peace. Reparations for individual victims of war crimes, crimes against humanity, genocide, and the crime of aggression are seen as integral to the healing of post-conflict communities. While different tribunals, countries, and international organizations have approached reparations in a variety of ways, they have each faced criticisms for their shortcomings.

The International Criminal Court's Trust Fund for Victims (TFV), for instance, has a mission that is critically important to recognizing victims' rights and supporting their path forward by providing reparations and other forms of assistance to victims of the aforementioned crimes. It is commonly known, however, that the TFV is severely lacking in funds, preventing it from supplying aid to all who need it. Additionally, there are many people who suffer conflict-related violations on the same scale as victims of crimes under the ICC's jurisdiction who would not be eligible to receive TFV aid. The TFV's ties to the ICC also make it more contentious for states not party to the Rome Statute, such as the United States, to provide support to the TFV.

The presentation will analyze whether separating the TFV from the ICC and allowing it to either stand as its own independent body or transferring it to the United Nations would lead to more widespread support of the TFV and whether this would result in increased accessibility to the aid it provides. The presenter has focused her scholarship on victims' rights, international criminal law, and international human rights law, writing on topics such as finding a path to justice for the women Yazidi victims of the Islamic State. This presentation will draw on the speaker's expertise and provide a unique analysis on an issue at the convergence of these fields.

Raluca COLOJOARĂ

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PROTECTING THE VULNERABLE IN ARMED CONFLICT: WHEN THE GOLDEN FISH COULD NOT FULFIL THE THREE WISHES

No matter how hard international, regional and/or national societies try, civilian casualties will inevitably occur during armed conflict. We are interested in exploring the relationship between the Responsibility to Protect and humanitarian interventions in times of conflict. Humanitarian assistance provided by the international, regional, or national society took place before the development of the R2P doctrine. On the other hand, it's the primary obligation of the state to protect its population (prevention and protection), while humanitarian interventions usually occur because of the inability or unwillingness of the state to act in accordance with or against its obligations towards the people it should protect.

This research focuses on the theory and practice of humanitarian assistance and R2P, examining what has, could and should have been done in conflict situations and the need to improve the protection of those not involved in the conflict.

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PREVENTION AND DUE DILIGENCE: NECESSARY RESPONSES TO VIOLENCE AGAINST WOMEN AS A STRUCTURAL RISK

Situations of crises such as COVID-19 pandemic and Russia-Ukraine war expose the fissures in society, both domestic and global. An example is violence against women in the private sphere, one of the key human rights issues and structural risks which become more acute in the face of the crises. Using violence against women as the example, the presentation analyses how structural risks amplify during crises and how the concept of due diligence can be used to address them. Specifically, due diligence can help to determine the scope of state duties with regard to 'human rights risks' (for example, in preventing violations, but also punishing perpetrators and providing reparations) and to establish responsibility in case of non-compliance with a State's primary obligations.

The presentation begins by showing how due diligence is fundamental to addressing structural risks that become more visible in situations of crisis. By focusing on prevention, it analyses the existing approaches towards due diligence in the context of violence against women by the following international and regional human rights mechanisms: the Inter-American Court of Human Rights, the European Court of Human Rights, the UN Committee on Elimination of Discrimination Against Women and the UN Special Rapporteur on violence against women. The presentation looks at how these mechanisms have considered the invocation and applicability of duty of due diligence as well as the measures that States need to take in order to discharge their duty of due diligence. It concludes with a reflection on what can be done to further strengthen the reasoning of the mechanisms analysed in this presentation to utilise the full potential of due diligence with regard to strengthening State obligations towards prevention of violence against women in the private sphere.

Adam CRHÁK

Charles University, Prague, Czech Republic

EXPLORING THE AMBIGUITY: NON-COMBATANT PARTICIPATION IN HOSTILITIES AND INTERNATIONAL HUMANITARIAN LAW PROTECTION

The presentation investigates the complex issue of the extent to which non-combatants can participate in hostilities while remaining protected under the umbrella of international humanitarian law (hereinafter IHL). As armed conflicts continue to evolve, traditional distinctions between combatants and non-combatants have become increasingly blurred, posing significant challenges to the interpretation and application of IHL principles.

The goal of the presentation is to analyze the existing legal framework, which includes relevant international treaties, conventions, and customary law, in order to determine the permissible level of non-combatant involvement in hostilities. It explores key factors that contribute to the ambiguity surrounding non-combatant participation, such as the evolving nature of armed conflicts, the rise of non-state actors, and the use of new technologies. It also addresses the practical considerations associated with defining the threshold of permissible involvement for non-combatants with recent events and developments taken into account. Emphasis is added on the importance of developing clear guidelines and mechanisms to ensure compliance with IHL principles and to prevent the exploitation of non-combatants in hostilities with a few possibilities put to the forefront.

Ultimately, the presentation aims to contribute to ongoing debates and discussions in the field of international humanitarian law in order to balance the protection of non-combatants with the legitimate requirements of military operations in contemporary armed conflicts.

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Cristiano D'ORSI

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SUDAN REFUGEE CRISIS: HUMAN RIGHTS CHALLENGES AS HUNDREDS OF THOUSANDS STILL FLEE VIOLENCE

My work focuses on the ongoing conflict in Sudan and the refugee emergency it is entailing. The refugees hosted by Sudan are now fleeing violence in Sudan. Neighbouring countries have to treat them as asylum-seekers or refugees because they cannot be returned to a situation of conflict. Some will also face the difficult decision of returning to their home countries. For example, there are reports that Eritrean men who escaped military service and fled to Sudan are already being detained upon their return. In addition, South Sudanese are forced to return home but also there, their situation (and, thus, the protection of their human rights) is at high risk. Given the current insecurity, getting relief to people in need is a massive hurdle.

In this situation, to help implement the human rights protection of refugees, the root causes of refugee flows need to be addressed. The most obvious solution to end Sudan's refugee crisis is to make efforts to reach a peace agreement. While attempts to mediate the conflict are underway, several factors must be respected. First, the rights of asylum-seekers, refugees and returnees must be respected and protected. All the Sudan's neighbours have a duty under law to do this. Five of Sudan's neighbours are party both to the 1951 Refugee Convention and to the 1969 OAU Convention. So they are obliged to protect refugees on their territory.

Even though Libya and Eritrea are not party to the 1951 Refugee Convention (Eritrea is also not party to the 1969 OAU Convention while Libya is), the principle of non-refoulement – whereby people are not allowed to be returned to situations of harm – has today become a principle of customary international law. This means they cannot force people to return to Sudan, while it is still volatile. The UN, the AU and UNHCR normally supervise this. In addition, countries that people are fleeing to should suspend issuance of negative decisions on applications for international protection, until the situation in Sudan has stabilised.

Finally, all countries must allow civilians of all nationalities fleeing Sudan non-discriminatory access to their territories. These include those who do not have documentation or passports.

In my presentation, I will reflect on and analyse the overall situation that I just briefly mentioned here.

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NEW TECHNOLOGIES AND THE RELATIONSHIP BETWEEN INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS LAW

The relationship between the law of armed conflict/international humanitarian law (LOAC/IHL) and international human rights law (IHRL) has been complicated and evolving. The way in which the two normative regimes interact in times of armed conflict has been described as competing, conflicting, mutually exclusive, complementary, mutually reinforcing. In considering how the relationship between LOAC/IHL and IHRL has developed over time, the presentation traces the jurisprudence of different judicial and quasi-judicial bodies, such as the International Court of Justice, the European Court of Human Rights, human rights treaty bodies and special procedures, and national courts. In addition, the presentation looks at the challenges posed under different circumstances for each body of law by scientific and technological innovations, such as those manifested in developments and advances in cyber technology, artificial intelligence, cyborg technology. In this context, the aim of the presentation is to examine how the relationship between the law of armed conflict and international human rights law has been shaped.

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Deon Dylan FERNANDES

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EVALUATING THE EFFECTIVENESS OF PUBLIC INTERNATIONAL LAW IN ADDRESSING THE VIOLATIONS OF HUMAN RIGHTS IN NORTH KOREA

This research presentation presents a critical evaluation of how public international law has fared in addressing the rampant human rights violations in North Korea. Despite the existence of legal frameworks and international human rights instruments, the persistent violations in North Korea raise doubts about the efficacy of international law in safeguarding and advancing such rights.

There have been a plethora of reports published by the UN and other Nation States to call attention to the alarming state of affairs in the autocracy which extensively document a wide range of abuses including political repression, forced labour, restrictions on freedom of speech, and the existence of inhumane prison camps. These findings exposed systematic torture, sexual violence, extrajudicial killings and crimes against humanity, including extermination, enslavement, torture, imprisonment and rape in the State, perpetrated by the North Korean regime.

Although international Human Rights instruments such as the UDHR, the ICCPR and the Convention against Torture establish legal standards for protecting human rights, their implementation and enforcement in North Korea remain scarce.

One major challenge is the lack of enforceability of international legal norms within North Korea's domestic legal system. The regime tightly controls its legal institutions, rendering them ineffective in addressing human rights infringements. Furthermore, the clandestine nature and opaqueness of the regime hinders international monitoring.

International organizations and diplomatic efforts have faced significant obstacles due to the country's self-imposed isolation and protection from powerful allies such as Russia and China, thus obstructing the imposition of economic sanctions or measures that could compel the regime to improve its human rights record.

The aim of this presentation is thus to contribute to the discourse on enhancing human rights protection by offering recommendations to strengthen the effectiveness of laws and diplomatic strategies, aiming to bring about meaningful change in North Korea's human rights regime.

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THE IMPORTANCE OF IMPLEMENTATION AND ENFORCEMENT OF HUMAN RIGHTS OBLIGATIONS IN THE ERA OF RULE OF LAW CHALLENGES – THE EXAMPLE OF SLOVAKIA

Protection and promotion of the rule of law is an essential part of a democratic society, and respect for the rule of law implies respect for human rights and fundamental freedoms. In fact, the rule of law and protection of human rights and fundamental freedoms have an indivisible relationship and are mutually reinforcing. Therefore, in order to observe the progress in the area of the protection and promotion of the rule of law, States' compliance with their human rights obligations should be considered.

The recent reports and evaluations of existing international monitoring mechanisms indicate that the rule of law in Slovakia has either been deteriorating in the past years or remains below the required regional average. For instance, the European Commission in its 2022 Rule of Law Report took note of progress achieved in some of the key areas as concerns preventing corruption or efforts to reform the justice system, however, noted limited attention being paid domestically to other areas of the rule of law, including the implementation and enforcement of human rights obligations.

Increasing concerns and any alarming alerts could, however, serve to identify, very early on, a potential rule of law backsliding. Therefore, regular monitoring and evaluation of progress achieved in the implementation and enforcement of human rights obligations is essential in the era of increasing rule of law challenges, both domestically and across the region.

The aim of this presentation will be therefore to explore the level of enforcement of human rights obligations in Slovakia in the era of rule of law challenges. In particular, the presentation will focus on examining the importance of existing national human rights structures with regards to the level of implementation and enforcement of human rights obligations and their role in promoting and protecting the rule of law.

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THE DEHUMANISATION OF INTERNATIONAL HUMANITARIAN LAW – INTERNATIONAL JURISPRUDENCE AND THE NARROWING SCOPE OF APPLICATION OF HUMAN RIGHTS LAW IN ARMED CONFLICTS

According to the conventional progress narrative in the post-Second World War period the old, cruel, state-centred regulation of the law of war has been gradually supplanted by the humane framework of international humanitarian law, which focuses on the protection of individuals and thus finally ushers in a brave new age of humane warfare. This approach was expressly relied on by the International Criminal Tribunal for the Former Yugoslavia and popularized by such eminent legal scholars as Antonio Cassese and Theodor Meron.

Indeed, the instrumental use of international criminal jurisprudence greatly contributed to the expansion of the regulatory framework of the law of non-international armed conflicts and arguably influenced the jurisprudence of international human rights fora to more openly accommodate international humanitarian law. Unlike 30 years ago, today it is hardly contested by anybody that the law of armed conflicts covers every major aspects of a non-international armed conflict and that most rules are equally applicable in both international and non-international armed conflicts.

Nevertheless, in my presentation I will argue that the "humanisation of humanitarian law" also has negative ramifications. The use of international criminal tribunals to transform the law of armed conflicts is based on a confusion of criminal law and human rights methodology and the application of "*in dubio pro humanitate*" principle does not do justice to either criminal or human rights law (or to the accused). Moreover, this strategic expansion of the scope of the law of armed conflict is based on the notion that the application of the rules of international armed conflict will protect the potential victims of armed conflicts. However, this is open to serious doubts as rules designed to regulate international armed conflicts may not readily be transposed to an internal conflict and their use could even crowd out human rights norms which would not allow the same level of violence. Finally, the very idea of "humanising" the law of armed conflict could contribute to the normalisation of the idea of using intensive armed violence.

Ahmad KHALIL

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UNRAVELING THE ACCOUNTABILITY QUANDARY: EXPLORING CRIMINAL JURISPRUDENCE IN INTERNATIONAL HUMANITARIAN LAW BREACH WITH AUTONOMOUS WEAPON SYSTEMS

Autonomous weapon systems (AWS) have been availed for defensive purposes for a long time. The artificial intelligence-based weapon system, an advancement in AWS, is being developed progressively to use in battlefields to improve military capabilities by enhancing speed and precision. Particularly, it is evident in the case of the recent Russian-Ukrainian conflict, where both parties are trying to expand the autonomy in the usage of artificial intelligence in weaponry. The deployment of such a weapon system threatens civilian life, and the less protection during armed conflict, many sensitive legal concerns arise. The presentation describes AWS's characteristics and the implications of its potential deployment for better identification and understanding of emerging legal concerns. In the case of unsupervised AWS, there is a lack of influencing factors, which results in a weapon system with unpredictable and unreliable outputs. Especially at the killing decision stage would, in turn, be an unequivocal breach of international humanitarian law and human rights law rules. It creates a legal vacuum on the issues regarding the attribution of criminal accountability. The traditional theories of criminology do not address this issue to whom the criminal responsibility would lie, to what extent, and its result in using unsupervised AWS. The researcher adopts an analytical approach in examining and analysing the traditional theories and ideologies of criminology for its possibility to invoke an attribution of criminal responsibility to unsupervised AWS. This presentation attempts to provide a version of criminal legal rules that can be compatible with modern technologies from an International humanitarian law perspective.

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HUMAN RIGHTS IMPLICATIONS OF TARGETED KILLING OPERATIONS CONDUCTED BY COMBAT UNMANNED AERIAL VEHICLES

In the past two decades, we have seen the dawn of a new method of warfare, namely the use of combat aerial vehicles or drones for targeted killing purposes. This relatively new method of warfare has since become the norm, and the United States, Israel, and the United Kingdom, among others, have opted to choose this method as their 'primary' way of combating 'terrorism.'

Targeted killing operations conducted by drones pose several crucial questions when it comes to public international law, for example, from the perspectives of *jus ad bellum* or international humanitarian law (IHL), and, of course, international human rights law (IHRL) as well. The latter one will be the focal point of the presentation.

First, the applicability of human rights law must be determined. It is generally accepted in international law that IHRL is always applicable, and at least when non-derogable rights are concerned, it is not even possible to suspend their application, even for a limited period. However, the principle of *lex specialis* is also generally accepted, which in this context means that IHL might override human rights law in times of armed conflict. The aim of this part of the presentation is to show in what circumstances and to what extent IHL can replace IHRL obligations, claiming that an armed conflict, whether international or non-international, will replace the governing IHRL regime to the extent that combat-related activities will be governed by IHL, and the rest, including *jus cogens* human rights obligations, will remain under the *aegis* of IHRL.

Second, the affected human rights need to be cataloged, and then their potential violations need to be brought to light. The presentation claims that the right to life, the prohibition of torture, the right to a fair trial, and the *nulla poena sine lege* principle are in the crosshairs of an IHRL investigation into targeted killings. Through a careful analysis of characteristic features of targeted killing operations via armed drones, it can be observed that the mentioned human rights can be violated through these operations, and when it comes to the right to life, virtually all targeted killing operations would be illegal from an IHRL perspective due to the lack of necessity and proportionality of the killing outside the context of an armed conflict.

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Amarilla KISS

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ENFORCING HUMAN RIGHTS AT SEA: DIFFICULTIES AND CHALLENGES

We live in a world where we face countless crises and directly experience armed conflicts. The seas, such as Black Sea, South China Sea hold strategic importance in these crises and conflicts. The sea is a unique and challenging environment, considering both its distinct physical characteristics and the jurisdictional issues. At sea, human rights can be compromised in various ways, and these cases often go unreported or they lack sufficient public awareness. It is also an expansive area to monitor, and the effectiveness of the police or military forces is sometimes hindered by limited resources or the reluctance to take action due to the non-compliance with legal regulations. It is the responsibility of the international community to encourage the authorities to prosecute the perpetrators by establishing a legal framework that effectively safeguards human rights and can be enforced by state authorities. This presentation aims to explore the challenges of enforcing human rights during the arrest and detention process in cases of transnational crimes or violations of international law, such as piracy, terrorism, and drug trafficking committed on sea, involving the relevant case law of the European Court of Human Rights.

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Sarah McGibbon

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Re-Orienting International Law: Centring Non-State Effective Territorial Entities

Contemporary international legal doctrine is constantly confronted with the question of what to do with non-state groups who have been denied admission to the exclusive club of states, but whose actions may have significant consequences from humanitarian, social, political and economic perspectives. In the context of territory, these are territorial entities that *de iure* form part of one state, but *de facto* are either independent or governed by a different state (i.e. non-state effective territorial entities (NSETEs)). This presentation proposes that by reorienting international law through destabilising the primacy of statehood, and actively recognising the role that these NSETEs play in the international community, we could more effectively regulate them.

The presentation will show that the 'state/non-state' binary inherent in public international law leads states, practitioners and international law scholars to overlook the inherently dynamic nature of customary international law that already affords functional capacity to NSETEs. Examining the coterminous concept of international responsibility reveals that although this functional capacity is possible, NSETEs are denied responsibility at an international level. This results in theoretical incoherence. An exploration of these two pillars of general international legal theory lays solid groundwork for considering the new possibilities for more effective human rights protection for the people living within these territories under the control of their de facto governing authorities.

The presentation will conduct its analysis by first examining the legal capacity and responsibility of NSETEs. It will then problematise the 'state/non-state' binary evident in the preceding analysis. The implications of recognising functional capacity and responsibility for NSETEs will then be examined through the lens of international human rights law in peace time (to avoid complications occasioned by the interactional with international humanitarian law).

Marija MILENKOVSKA

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EUROPEAN COURT OF HUMAN RIGHTS AND AMNESTIES FOR GRAVE HUMAN RIGHTS VIOLATIONS: ROOM FOR IMPUNITY?

The presentation examines the approach of the European Court of Human Rights to amnesties for grave human rights violations. It argues that the Court in Strasbourg did not adopt a total ban on such amnesties by referring to its case law. While the Court underlines the growing tendency in international law to see amnesties for grave human rights violations as unacceptable, it accepts that in certain circumstances, such as a reconciliation process and/or a form of compensation to the victims, they are possible. However, it failed to explain what reconciliation means. The European Court of Human Rights provides little or no guidelines on how to prevent national authorities from avoiding responsibility by abusing the language of reconciliation, what is an appropriate reconciliation process which can justify an amnesty for grave crimes and to what extent the state should, or can regulate the process of reconciliation. The presentation criticizes such approach of the Court to amnesties for grave human rights violations. To explain these criticisms, it describes the term reconciliation and refers to the case law of the Inter-American Court of Human Rights. In addition, it points out to the Balkan experience with amnesties.

Pratishtha MISHRA

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PROTECTING THE VULNERABLE: THE CONVERGENCE OF HUMAN RIGHTS AND HUMANITARIAN LAW IN ARMED CONFLICTS

One of the traditionally difficult area to regulate when we think of the application of the law of conflict and human rights are the use of force as they both establish very different standards but protecting vulnerable individuals and groups during armed conflict is a priority in the fields of human rights and humanitarian law. In this overview, the researcher considers the amalgamation of these two legal frameworks and their joint efforts to protect the rights and dignity of those affected by armed conflict. By examining the interplay of human rights and humanitarian law, this presentation aims to examine the various mechanisms, principles and legal provisions that guide the protection of those in need of protection in times of war.

Drawing on relevant international treaties, conventions and customary international law, this presentation analyzes the common goals and complementary nature of human rights and humanitarian law in addressing the needs of individuals in the midst of armed conflict. The law emphasizes the basic principles of humanity, neutrality, impartiality and proportionality that underpin both legal frameworks, and emphasizes the obligation to ensure respect for human rights and to alleviate suffering for those affected.

In addition, the research considers specific areas where human rights and humanitarian law converge, such as the protection of civilians, the prevention of arbitrary detention and torture, the provision of adequate health care, and the promotion of gender equality and child rights. The presenter examine the evolving nature of these legal frameworks in response to contemporary challenges such as Non-State actors, asymmetric warfare, and emerging warfare techniques.

Furthermore, the presentation sheds light on the implementation and enforcement mechanisms available to ensure accountability and compliance with human rights and humanitarian law during armed conflicts. It discusses the role of international courts, tribunals, and monitoring bodies in investigating and prosecuting violations, as well as the importance of state cooperation and international cooperation in upholding the rights of the vulnerable.

This presentation aims to contribute to the broader debate on the protection of vulnerable people in armed conflict by presenting a comprehensive analysis of the intersection of human rights and humanitarian law. This recognizes the need for States, international organizations and civil society to work together to promote and maintain the rights and dignity of those affected by armed conflict and ultimately strive for a more just and peaceful world.

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HUMAN RIGHTS IN CRISIS: CHALLENGING JAPAN'S APPROACH TO REFUGEES AND ASYLUM SEEKERS

The year 2022 marks the 40th anniversary of the start of the refugee recognition system in Japan. Despite being a prosperous democracy and a staunch supporter of the international system, Japan has continually admitted just a small number of refugees. According to the Immigration Services Agency of Japan, the number of people recognised as refugees in 2022 reached a record high of 202, while the number of people who have not been recognised as refugees exceeded 10,000. Furthermore, the legislative bill to revise the Immigration Control Law passed by the House of Councillors Judicial Committee on 8 June 2023 limits the number of applications for refugee recognition to twice in principle, and from the third time onwards, it would be possible for these people to be forcibly deported to their home country. It can be said that this legislative bill violates the human rights of refugees and asylum-seekers and goes against international human rights law and the 1951 Convention Relating to the Status of Refugees. Therefore, this presentation specifically explores how Japan has a stronger stance on controlling rather than protecting them, whether Japan's low recognition rate indicates a failure to comply with international refugee protection criteria, and, if so, why this could be the case. These will be dealt with methodically, employing rationalist, normative, and domestic institutional theories of international conformity. Finally, this presentation will provide how these possible issues can be addressed in order to encourage a better rate of refugee recognition in Japan and promote the human rights of refugees and asylum seekers.

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EXPULSION OF ALIENS AND STATE SOVEREIGNTY UNDER THE ILC DRAFT ARTICLES AND THE UN GLOBAL COMPACT ON MIGRATION: WHAT ROLE FOR HUMAN RIGHTS?

Expulsion of aliens is a sovereign right of States under international law, which affects several million people across the world every year. States must exercise this sovereign power within the restrictions defined by international law, with due respect for the growing number of human rights obligations (e.g. non-refoulement; the right to private and family life; rights of the child; and procedural safeguards serve as key limitations). Expelling aliens from a State's territory brings up critical human rights issues, since such coercive measures may easily result in drastic changes involving serious consequences on the life and future of the returnee.

The international community has recently intensified its efforts to codify universal rules governing the 'expulsion of aliens', in relation to which there is rather extensive State practice and the relevant international and domestic case law has been also constantly expanding. The UN International Law Commission (ILC) prepared draft articles on the expulsion of aliens (2005-2014), which were submitted to the UN General Assembly for further consideration. The ILC Draft Articles endeavour to strike a delicate balance between acknowledging the sovereign right of States to expel aliens from their territory; and to identify (pure codification) or to propose (progressive development of the law) rules that States must follow with a view to protecting the human rights of aliens. Are these two basic tenets just 'uneasy bedfellows', competing at the expense of the other; or is there a more harmonious and integrative interpretation of the 'sovereigntist' and 'human-rightist' concepts in this regard?

Remarkably, the ILC Draft Articles on the expulsion of aliens have so far received little academic attention, compared to other codification projects or other topics related to migration and international law. By the same token, debates around upholding State sovereignty v. expanding human rights within the perimeters of this codification still remain in infancy and (hopefully) by far not finished yet.

My presentation seeks to contribute to and animate this debate by rigorously looking at the text of the ILC Draft Articles, alongside its commentaries and the latest debates in the UNGA Sixth Committee, and to discover what role State sovereignty and related concepts play in the normative edifice built by the ILC. The UN Global Compact on Migration (GCM), adopted in December 2018, is also put under scrutiny, especially its guiding principles and Objective No. 21 relating to "safe and dignified return, readmission and sustainable reintegration". The analysis aims at unveiling and understanding that, next to the ILC's work, how the GCM embraces the sovereignty-centred approach when it comes to returning aliens to their home countries. Although the GCM is non-legally binding, it clearly indicates the current position of the international community on the principles and main rules governing the expulsion of aliens under international law, also from a practical perspective. The GCM's guiding principles encompass 'national sovereignty' (reaffirming States' sovereign right to govern migration within their jurisdiction) and 'human rights' (ensuring effective respect for and protection of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle) at the same time.

All this sheds light to broader, more abstract legal issues related to the regulation of international migration: this process by nature involves at least three major actors in different positions and with different power and weight: 1) the migrant as rights holder, 2) the State of origin and 3) the State of destination (to which in some cases may be added the transit countries) as subjects of international law. Staying abroad and then being expelled lie at the intersection of at least two sovereigns, which are equal, independent and cannot exercise jurisdiction over each other. However, the migrant, who is in the very heart of the process (active player), is in the weakest position compared to sovereign, powerful States (passive players). The individual, in addition, falls under the jurisdiction of both States, i.e. under the personal jurisdiction of the country of origin and the territorial jurisdiction of the country of destination. This may give rise to collisions of norms and regimes, in the internal State-individual relationship (e.g. in the expulsion procedure) and between the sovereigns, at the inter-State level as well (e.g. in the context of readmission arrangements). As a result, the migrant, such as the person subject to expulsion, can easily find himself/herself "in a sandwich" with two sovereign States, and thus cannot avoid a much more marginal, and thus subordinated, standing.

Against this backdrop, my goal is to thoroughly examine by which means and to what extent the seemingly diametrically opposing concepts of State sovereignty and human rights protection can be reconciled among the constantly changing realities of international migration of our time, taking the example of the expulsion of aliens. Yet, despite the expansion of human rights in the context of expulsion (both substantive and procedural rights), sovereignty's bridgeheads remain strong. An explanatory framework is offered to revisit the role of sovereignty under the contemporary universal legal regime on the expulsion of aliens and to critically discuss its ramifications, both at the micro- and macro-levels of law.

Tamer MORRIS

Academic – University of Sydney, Australia

DIVISIVE POLITICAL LANGUAGE AND THE PRIMARY RESPONSIBILITY OF THE STATE TO PROTECT

Intentional divisive language is normal in political discussions. Politicians and political parties have used division as a tactic in gaining popularity. Since former-president Trump relied heavily on discordant tactics and disinformation, politicians around the world have noticed its winning formula. Consequently, politicians are increasingly utilising disinformation to target specific groups within their territory. This raises important questions of what duty is owed to civilians during political discussions? Especially, when among political rhetoric in armed conflict, political discourse becomes more divisional. Under international law the State has the primary responsibility to protect their civilians during armed conflicts, this is under IHL and IHRL. When divisive language incites violence and division amongst the populace, what is the role of the State and rights of the groups effected during political discussions? Further, in situations of unrest before the dawn of an armed conflict, the State has an obligation to protect civilians, which includes their human rights and their internal security. This presentation will investigate the right of human security and its interaction with political divisive rhetoric, specifically during the times of armed conflicts.

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UNPACKING KASHMIR'S CONFLICT WITH INTERNATIONAL LAW: AN EXIGENCY TO DECOLONISE THE RIGHT TO SELF-DETERMINATION

The legalization of colonial borders in postcolonial states had mixed results, leading to territorial disputes and human rights violations. New states often adopted the role of their colonizers, neglecting minority and indigenous communities and enforcing precolonial arrangements. This marginalized these communities and fuelled violent conflicts when demands for self-determination were suppressed. However, issues arose when the parent state, emulating its former colonizer, used the guise of internal self-determination to absorb the entire territory and ended up committing severe human rights abuses.

Kashmir, located between India and Pakistan was allowed internal self-determination initially response to secessionist claims. However, this status was gradually eroded and finally` revoked in 2019, accompanied by severe human rights violations that persist today. The failure of internal self-determination in Kashmir raises a crucial question for international law: What happens when this right fails to protect the state, its people, and their identity, risking their extinction? The international legal community, especially the TWAIL (Third World Approaches to International Law) scholars, have been reluctant to critically examine the wrongful implementation of international law during decolonization. This reluctance stems from the fear of fragmentation of existing states and subsequent dilution of sovereignty. Consequently, most claims for self-determination end up in protracted and violent armed conflicts, accompanied by grave human rights violations.

The aim is to address international law's reluctance to think beyond internal self-determination as the sole means of resolving territorial conflicts rooted in colonialism like Kashmir. Furthermore, I intend to examine how international law has been used as a tool to shape violent conflicts after decolonization and explore potential solutions resolving the Kashmir's conflict and avoiding further human rights crisis in the state. This analysis, therefore, tries to further the reinterpretation and revisit the understanding of the right to self-determination.

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Swikani NCUBE

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(RE)DEFINING THE RELATIONSHIP BETWEEN THE AFRICAN UNION AND THE UNITED NATIONS IN (FUTURE) PEACE OPERATIONS IN AFRICA

The evolution of the African Union (AU) and some Regional Economic Communities (RECs) as role players in peace and security on the continent has attracted a great deal of academic attention. At the centre of this analysis has been two critical considerations, namely: their normative and institutional transformation, and the legal and political implications of these developments. Tracing the AU/RECs involvement in peace operations from ECOMOG in the 90s through to post-2000 deployments in countries such as Somalia, the Democratic Republic of Congo, Mali, the Gambia and most recently Mozambique (SADC), a consensus now exists that the UN is no longer the 'big brother' of peace operations in Africa as it once was. Alongside these academic conclusions, both the AU and UN have also recognised this transformation, with the former doing so through the lens of the so-called 'African solutions to African problems' as outlined in its policy documents, while the latter has done so within the context of burden sharing. However, in the main, the growing stature of the AU/RECS has led to conclusions that the UN and AU co-exist in a loosely defined manner which depends on voluntary coordination, a reality which causes both tension and competition. Others have simply asked what the AU transformation means for 'the primacy' of the UN, as enshrined in the UN Charter? Both are pertinent questions. Similarly, the HIPPO Report recommended the strengthening of the strategic partnership between the UN and the AU, but what is this relationship? This presentation seeks to contribute to the growing scholarship on UN-AU/RECs relations in future peace operations and the protection of human rights on the continent. While a number of studies stop at posing the question, the presentation goes a step further and argues for a (re)defined relationship which unequivocally recognises the primacy of the AU. The presentation proceeds to critically assess the potential impact of such a decision on future peace operations on the continent. Finally, the presentation argues that contrary to this being a radical shift, a redefined partnership that places the AU at the helm will simply be a formalisation or recognition of the current practice, and may – if leveraged – speed up the AU's capacity building for future peace operations in the region.

Aleksa NIKOLIĆ

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PROTOCOL NO. 16 TO THE ECHR IN SERBIA – PRO ET CONTRA

Protocol No. 16 to the European Convention on Human Rights (ECHR) represents a new instrument in ECHR's toolkit. Entered into force on August 1, 2018 it allowed national high courts (including Constitutional Courts) to request advisory opinions from the European Court of Human Rights (ECtHR) on questions of principle relating to the interpretation or application of the rights and freedoms defined in the ECHR or its protocols. Under Protocol No. 16 to the ECHR, national courts may submit questions to the ECtHR on issues that are not covered by the ECtHR's existing case law or on which there is significant disagreement among the national courts of different countries. The advisory opinions of the ECtHR are not binding on the national courts but they can provide authoritative guidance on how to interpret and apply the ECHR's provisions in specific cases.

However, so far only ten members of the Council of Europe signed and ratified them and only six requests have been made in the four years of operation. Why? What are the advantages and disadvantages of Protocol No. 16 to the ECHR? The goal of this presentation is to answer the aforementioned questions in order to answer the question of whether Serbia needs its adoption and implementation.

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Gaiane NURIDZHANIAN

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APPLICATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN TIMES OF WAR

My presentation analyses recent jurisprudence of the European Court of Human Rights (the Court) on the application of the European Convention on Human Rights (the Convention) in an international armed conflict.

Until recently, the Court held the view that the Convention does not apply to acts committed during the phase of active hostilities between states parties to an international armed conflict. This is because the criteria for the state's exercise of jurisdiction under the Convention are not met in the context of active hostilities. According to the *Georgia v. Russia (II)* judgment, when military forces of the opposing states are engaged in active fighting, they have neither effective control over the area where fighting takes place, nor any authority or control over the individuals in this area. The implication is that the state-parties to the ECHR are not bound by the Convention in relation to acts committed by their forces during active hostilities on the territory of a foreign state.

In its 2023 decision in *Ukraine and the Netherlands v. Russia*, the Court fine-tuned its position. It expressly recognised that existence of an ongoing armed confrontation does not exclude the possibility of exercise by state of control over a territory or individuals in that territory, which in turn triggers the application of the Convention to the state actions.

The presentation explains the Court's position and reasoning on the application of the Convention in times of war. It argues that the shift in the Court's view is motivated by the considerable level of documentation of Russia's war against Ukraine. Finally, it explores the implications of the Court's approach for the cases brought by Ukraine against Russia in relation to the ongoing war.

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María Belén PAOLETTA

Adjunct Professor – Buenos Aires Law School, Argentina

Iván LEVY

Attorney, Lecturer – Buenos Aires Law School, Argentina

A HUMAN RIGHTS-BASED APPROACH TO ADDRESSING ECONOMIC CRISES

The presentation will aim to analyze the relationship between economic crises and human rights with a special focus on sovereign debt restructurings processes. The hypothesis will reason that debtor States do not typically consider the impact of their actions on human rights when intending to restructure its sovereign debts due to economic crises. It will be argued that this disengagement has been greatly facilitated by the absence of an adequate international architecture able to motivate such considerations.

Certain findings are expected to be unveiled: firstly, most case law on this subject reveal that debtor States are not particularly concerned with developing a legal technique that discursively resorts to safeguarding human rights in litigious contexts with holdouts. Moreover, it will be asserted that the predatory behavior of certain holdouts has an adverse effect on the public finances of insolvent states. Payments to so-called "vulture funds" made outside of negotiated restructuring agreements negatively impact public spending, harming economic rights. Finally, it will be suggested that the current international legal architecture is not optimal for addressing these issues. As one of the greatest developments in the matter is presented under soft law provisions and a progressive fragmentation in the field of public international law is evidenced, it will be observed that these phenomena strain processes and ultimately provoke a dynamic in which economic rights are relegated to a secondary role.

The presentation will conclude that the principles of good faith and of non-abusive exercise of rights are general rules of public international law and should, thus, guide the ecosystem of sovereign debt restructurings under economic crises. These resources must necessarily be enriched by international human rights law to successfully overcome the aforementioned issues.

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Lydia PAPAGIANNOPOULOU

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DISINFORMATION AND FAKE NEWS IN TIMES OF WAR

Freedom of expression, one of the cornerstones of a democratic society, is severely curtailed in times of armed conflicts. Disinformation becomes one of the most important and dangerous weapons of the states involved and, especially in the modern digital age, it reaches uncontrolled and frightening dimensions. The media, digital platforms and social media remove all spatio-temporal constraints and allow the mass production and spontaneous dissemination of disinformation to a wide and undefined audience, influencing public opinion. A very recent example is drawn from the invasion of Russia in Ukraine.

To this end, legislative measures are taken to address and eliminate such phenomena at national, European and international level, especially in times of armed conflicts. However, the paradox is that, although these measures are established to protect freedom of expression, they may end up undermining it instead of protecting it. In particular, any measure restricting freedom of expression to counter disinformation should scrupulously respect the three-part test of legality, i.e. legitimate aim, necessity and proportionality. Otherwise, it is a disproportionate measure that distorts rather than protects freedom of expression. The example of the recent EU decision to ban Russian state-owned media outlets, Russia Today and Sputnik, is a case in point, which raised strong concerns about whether this decision was a disproportionate legislative measure to counter disinformation.

In the context of the proposed presentation, disinformation as a violation of freedom of expression in the modern digital era and in times of armed conflicts will be examined. The measures taken at European and international level to combat disinformation in such circumstances and under what conditions constitute a legitimate response will then be addressed. Finally, we will consider the thorny question of whether the current legal framework ultimately protects or infringe on freedom of expression.

Vaibhavi RANE

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RESPONSIBILITY TO PROTECT (R2P): THE MESSIAH OF HUMAN RIGHTS IN CONFLICT RAVAGED WORLD

The status of an individual in the international community and international law is the most precarious and vulnerable. Especially during warfare, individuals struck by mass atrocities have no recourse to justice, remedy or even basic human rights. The on-going human rights violations of Ukraine- Russia conflict, the aftermath of withdrawal of US military troops from Afghanistan, the numerous armed rebellions across continents showcases a pressing need for protecting human rights of individuals.

Armed conflicts present a situation where the home state is either impotent or is itself an aggressor. Thus, the quest to find the messiah of human rights begins. This is not absolutely a unique quest in international law. After the Rwandan genocide and atrocities in former Yugoslavia an ad hoc International Commission on Intervention and State Sovereignty (ICISS) in 2001 formulated 'Responsibility to Protect' as an international norm. Although this norm entails negative human rights, it also casts the responsibility on international community to step in when state fails. Utilizing this mechanism the international community needs to rescue individuals if not douse the fire of armed conflicts. The messiah must keep caution as to not tread into the controversial waters of humanitarian intervention converting to the oppressor.

Casting responsibility to protect might as well be the key pass for individual and the universal liberation from warfare atrocities and human rights protection. Alas this key pass seems beyond comprehension of the community which today focuses on protectionism and passive Sakoku. The responsibility to protect is tossed around like the classic pass the parcel British game with no stop in sight.

International community needs to be wary of this game, it is imperative to understand the ethical obligations, and role and responsibilities of states, international mandates and civil societies in light of armed conflicts in protecting human rights, for tomorrow it can be us. This presentation aims to be the bugle call for international community for utilizing the norm of responsibility to protect in preservation of human rights in today's war ravaged times.

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WHO IS AN "ENEMY ALIEN"? THE RIGHT TO CITIZENSHIP DURING WARTIME

The invasion of Ukraine by Russia brought to light numerous human rights issues that had off-late been forgotten – perhaps purposefully so – by academics and activists working on and with human rights. Among the issues that have resurfaced is that of the right to citizenship. Despite being a gateway to numerous other rights, citizenship is typically taken for granted during peace times.

In the present war, citizenship has resurfaced in three different ways – first, with the easy access to citizenship granted by the Russian state to those that have expressed allegiance to the state; second, with the restrictions imposed by states on Russian citizens living outside Russia for the mere fact of their citizenship; and finally, with the difference in treatment between Ukrainian and non-Ukrainian citizens displaced due to the war. These modalities highlight the relationship between citizenship and allegiance, which I explore in this presentation by delving into the history of enemy citizenship acts in India and the USA.

Via the historical analysis, I argue that human rights at the national level are contingent upon an expression of allegiance on the part of the rights bearer. Those that express allegiance or are assumed to express allegiance enjoy benefits or suffer disadvantages accordingly. In the Indian context, this was apparent in the treatment of enemy aliens during the India-Pakistan war, while in the USA, this was evident during WWII when enemy aliens such as the Japanese were punished for their citizenship. On a methodological note, the presentation claims that human rights conditions during wartime ought not to be considered exceptions to the general rule, but rather ought to be understood as an exemplifications of the nature of human rights itself. As such, by analysing human rights during wartime, I argue that we better understand human rights during peacetime as well.

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Zénó SULLER

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ALTRUIST PROPOSAL, FATAL MISUSE? COULD THE R2P CONCEPT OVERCOME THE SHORTAGES OF HUMANITARIAN INTERVENTION?

The Responsibility to Protect (R2P) was created as a concept by which collective and orderly, lawful intervention could be initiated against mass atrocities and grave human rights violations. The 2001 ICISS Report aimed to replace the term 'intervention' and to put behind the stigmatized mala fides practice of the humanitarian intervention. The ideology was to provide a legal ground to intervene – even with military means – should genocide, war crimes, ethnic cleansing or crimes against humanity occur on the territory of a state which is not able or willing to protect the civilians from these gravest human rights violations.

However progressive law development may only serve its goal should it be a) a binding norm which indeed obliges states. b) It must have a novum which may provide better protection than previous solutions. c) It is to be adequate to address the issue. d) However, ultimately, it is time and state practice which may show whether a new legal concept is a success or a failure.

Now, that more than twenty years have passed by since the first proposals, the presentation aims to assess whether the R2P could reach a level of acceptance by the states, is it part of customary international law and was it ever used for its original purpose? Or, instead, states only used in the very same manner as they did so with humanitarian intervention: as a supposed loophole in the prohibition of aggression.

Marko SVICEVIC

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Post-doctoral Research Fellow – South African Research Chair in International Law, University of Johannesburg, South Africa

THE USE OF FORCE AND THE 'SACRED RIGHT TO PEACE' IN INTERNATIONAL LAW: THE EXISTENCE AND EXTENT OF OBLIGATIONS TO END HOSTILITIES

In 1984, the UN General Assembly adopted its Resolution 39/11, the Declaration on the Right of Peoples to Peace. Reaffirming the UN's principal aim towards the maintenance of international peace and security and expressing the will and aspiration of all to eradicate war and avert nuclear catastrophe, the resolution proclaimed a 'sacred right to peace'. The preservation and promotion of this right was considered a fundamental obligation of all States; and its implementation by both states and international organisations sternly highlighted. Despite its absence from the core international human rights treaties, the right to peace was most recently reaffirmed in 2016 when the UN General Assembly adopted its Declaration on the Right to Peace.

Nearly four decades and over a dozen international conflicts onward, a universal right to peace remains as far-fetched as it did in 1984. Yet, the idea of a right to peace is intrinsic even within the UN Charter system of collective security. This presentation examines whether and to what extent the right to peace (as a human right) imposes general obligations on states to end hostilities. It then questions to what extent such an obligation arises when the peace is broken, in other words, whether there exists a positive obligation on states (and what such obligation entails) to return to a state of peace (end hostilities), i.e., does the right to peace demand compromise by negotiated settlement to end a conflict. In so doing, the presentation asks whether the right to peace stands as a substantive right on its own or whether it is ingrained within the prohibition and regulation of the use of force, both within the UN Charter and its numerous codifications in regional treaty law.

Orsolya Johanna SZIEBIG

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THE CONNECTION BETWEEN HUMAN RIGHTS AND ECOCIDE WITH SPECIAL REGARD TO THE UNIVERSAL RIGHT TO A HEALTHY ENVIRONMENT

The environment is often called the „silent victim of war" – the case is not different in the Russia-Ukraine armed conflict. Meanwhile, the right to a healthy environment, which was originally not included in human rights conventions, is getting more attention worldwide and in Europe.

The war is so far responsible for the emission of 33m tonnes of CO2, and postwar reconstruction is estimated to generate even more. Additional environmental concerns include extensive pollution, degradation of natural habitat and species extinction. Regarding the new data, more than 2 thousand events can be considered ecocide (destruction of the natural environment by deliberate or negligent human action). Transboundary environmental harm is also a pressing issue, as pollution „travels" by wind, air and water to other countries. Since 2014 nature has suffered a tremendous loss in Ukraine. Ukraine is home to 35% of European biodiversity and has a huge variety of natural habitats.

In my presentation, I would like to focus on the connection between the right to a healthy environment and ecocide. The idea is also appearing in the communication of European organizations' institutions. Recently the European Economic and Social Committee adopted an own-initiative opinion on the right to a healthy environment in the EU in the context of the war. The aim is to criminalize Russia's actions under European law and ensure environmental protection to safeguard fundamental rights.

The main questions that I would like to raise in my presentation are the following. What has been lost so far in Ukraine due to the armed conflict since 2014? How can the universal right to a healthy environment be secured during the war? What is the connection between ecocide and the protection of human rights? What are the primary tools to ensure the universal right to a healthy environment in Europe?

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Maria VARAKI

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AGGRESSION AS A GAME CHANGER?

"*International law is not just an empty promise."* These are the words of Jean-Marc Thouvenin, one of Ukraine's legal counsel, before the International Court of Justice (ICJ) on February 27. Thouvenin was appearing during the recent oral hearings following the application of Ukraine for provisional measures based on the Genocide Convention.

But a year and half now since the Russian war machine crossed into Ukraine, the images of civilian humanitarian suffering make people wonder whether international law has any value at all in the middle of an armed conflict. Where is international law within the "fog" of war?

The Russian invasion of Ukraine flagrantly violates the post-second world war international legal order and constitutes an act of aggression, in breach of the cornerstone legal principle of the prohibition of use of force, laid down in the UN Charter. From the very first days, the UN General Assembly demanded that Russia immediately cease its illegal use of force against the territory of Ukraine in the strongest terms.

Within this context, the current proposal will examine the legal significance of this aggressive war from the perspective of the right to life; In this regard it will explore the legal implications on the right to life given GC 36 by the Human Rights Committee and its suggestion that "*States parties engaged in acts of aggression as defined in international law, resulting in deprivation of life, violate ipso facto article 6 of the Covenant.*" What does the humanization angle of jus ad bellum may entail on a normative, institutional, ethical but also policy level? In other words, has the legal acknowledgment of aggression fundamentally changed basic premises of international law and if yes, to what extent?

Elisabeth WIEGELE

Researcher, Nature Conservation Expert, Freelance Consultant – Carinthia University of Applied Sciences, Villach, Austria

Olesya PETROVYCH

Researcher, Nature Conservation Expert, Freelance Consultant – Carinthia University of Applied Sciences, Villach, Austria

PROTECTED AREAS IN WAR ZONES – NATURE FOR PEACE CONCEPT AS PEACEBUILDING TOOL

One of the most significant manmade influences on environment and protected areas, in particular, and people is war, and as technology advances and conflicts get more intense, the impact of war on nature keeps getting worse. Through the Nature for Peace concept, the plan is to assign a further function for protected areas. They can become focal points for recuperation of those affected by an armed conflict (wounded, affected, vulnerable, uprooted persons or groups). Protected areas could offer the necessary environment to carry out this rehabilitation function. It is crucial to research the environmental effects of the conflict that the Russian Federation started in 2014 and intensified into full-scale aggression against Ukraine in 2022 that caused a destructive impact on circa 3 mln ha of protected areas in Ukraine. Based on available data, this presentation examines cases of the war's effects on Ukraine's protected areas and how Nature for Peace could be applied in this setting.

Lejla ZILIĆ-ČURIĆ

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THE LEGAL RESPONSE TO CLIMATE CHANGE – THE BIRTH OF AN INTERNATIONAL CRIME OF ECOCIDE?

The increasingly negative impact of man on the ecosystem has caused global warming or, other words, climate change. Certain research has confirmed that the average global temperature from 1880 to 2012 increased by 0.85 °C. Such an increase in temperature caused the melting of ice in the Arctic and the increase in the level of the ocean. If the emission of harmful chemicals continues in the air, scientists warn that global warming could reach 1.5 °C between 2030 and 2052, which would mean a global environmental disaster. Environmental disasters all over the world have influenced raising awareness of environmental protection in the international community. After the Stockholm conference, environmental protection has taken an important place in international law. In the last 50 years the states have adopted a number of international documents that regulate issues such as environmental protection, sustainable development and climate change. The international community is increasingly paying attention to the issues of environmental protection and human rights in environmental disasters. In that context, international criminal law could serve as a tool to protect the environment. The presenters analyze the possibilities through which international criminal law could effectively respond to the growing destruction of the environment. Essentially, this presentation aims to analyze the existing capacities of international criminal law in order to prosecute for acts contributing to climate change as well as potential new approaches in the prosecuting of these acts through the creation of a new crime – ecocide.