

Introduction

We open volume 57 of the *Israel Law Review* with six articles, addressing a variety of international law issues. The first three articles were first presented in the ‘Transitional Justice – A Time for a Material Turn?’ conference organised online by the Minerva Center for Human Rights at the Hebrew University of Jerusalem in June 2022.

In ‘The Belfast/Good Friday Agreement and Transformative Change: Promise, Power and Solidarity’, Rory O’Connell, Fionnuala Ní Aoláin and Lina Malagón look back at the 1998 Belfast/Good Friday Agreement, which marks its 25th anniversary, noting key aspects of the Agreement relating to wide-ranging guarantees addressing human rights. These, it is argued, remain under-enforced or undelivered, so that persisting socio-economic and cultural deficits undermine the capacity to achieve a ‘positive peace’. The article discusses how transformative the Agreement and associated reforms have been in addressing the root causes of the conflict and the structures that underpinned it, and question whether peace agreements can undo the fundamental causes that trigger and sustain violence. The article outlines the transformative promise of the Agreement, the multiple interlocking factors that have undermined that promise and the role of civil society in sustaining that transformative potential. Its conclusions point to a more nuanced understanding of what constitutes the ‘ordinary’ in transitional settings and caution against the hyperbole of the transformative. The authors view transformative change as slothlike in its emergence, being grounded specifically in progressive and cumulative re-orderings that can accompany peace processes.

‘Radio Silences: The “Kidnapped Voices” and the Production of Political Memory in Colombia (1994–2018)’ by Daniel Quiroga-Villamarín discusses the legacy of *Las Voces del Secuestro*. This radio show was created by the Colombian war reporter Herbin Hoyos, who had been kidnapped and held in detention for several weeks by the FARC-EP guerrilla group in 1994. Through the show, for 24 years the families of those abducted by the guerrilla group sent out public messages of remembrance, hoping that their loved ones, deep in the jungles of Colombia, would be able to hear the broadcasts on their radios. Although the show closed in 2018, its legacy lives on, not only in the collective memory of many Colombians but also as an exhibition at the International Red Cross and Red Crescent Museum in Geneva (Switzerland). Quiroga-Villamarín examines this show as a *dispositif* of power and knowledge that (re)produces a particular understanding of law, justice and memory. The show was used by far-right actors in Colombia to mobilise against what was seen as the crown jewel of the Colombian peace process, the Special Jurisdiction for Peace (JEP). As the JEP tackles the question of the FARC-EP

kidnappings, the shadow of *Las Voces del Secuestro* looms large over Colombia's transitional justice system. Quiroga-Villamarín holds that in the longest non-international armed conflict in Latin America, even radio waves served the continuation of war by other means.

A final contribution from the 2022 conference is 'Bridging the Gap: Reparations in Refugee Camps' by Dimitra Serafeimidi, Lorena Vilchez Marcos and Shivani Puri. The article addresses the growing phenomenon of international crimes resulting in entire populations fleeing from their homes, being forcibly displaced and living in refugee camps. The article focuses on the reparations to which such victims are entitled, exploring the extent to which it is suitable and feasible to deliver reparations in refugee camps. One of the main arguments is that living in a refugee camp could compound the crime-related harm already sustained by victims. This feature, along with the instability of the situation of victims and the infrastructure of the camp, constitute key characteristics of refugee camps. Both should be taken into consideration in delivering reparations. The article suggests that the instability of the victims' situation informs which modalities of reparations may be suitable to be delivered in the context of a refugee camp. Subsequently, the compounded harm and the camp infrastructure should be able to inform which particular reparative measures, corresponding to each modality, are suitable and feasible.

Miloš Hrnjazić and Mina Radončić's 'Geneva, We Have a Problem: Internationalisation of Armed Conflicts through Indirect Intervention Remains a Dead Letter' seeks to raise awareness about the non-application of the laws of international armed conflicts in situations of 'internationalised' armed conflicts – namely, where non-state armed groups (NSAGs), engaged in an armed conflict against the territorial state, enjoy a degree of support from another state. Debates in academic circles and international case law have focused largely on the appropriate test and threshold for establishing the relationship between the NSAG and the supporting state. Practice, however, shows that regardless of the legal test, the foreign state's support for the NSAG may be so politically charged that it leads to a complete non-application of the law of international armed conflict by the relevant actors. The article demonstrates its conceptual findings through four case studies: the armed conflicts in Donbas, Nagorno-Karabakh, the Democratic Republic of the Congo, and Yemen. The article provides broader suggestions on the possible avenues for remedying the issue.


In 'Fighting Cyber Attacks with Sanctions: Digital Threats, Economic Responses', Vera Rusinova and Ekaterina Martynova explore why states resort to targeted, or smart, sanctions to meet the threat of cyber intrusions and whether this type of response is a forced measure or an effective tool to halt, prevent and punish attacking states. Through an analysis of law and political theories, including Mancur Olson's theory of groups and Francesco Giumelli's analytical framework for assessment of sanctions, the authors address the effectiveness of sanctions as a reaction to cyber-enabled activities. They consider regulation in the United States, the European Union and the

United Kingdom, while analysing publicly known cases of cyber-related sanctions.

The final instalment in this issue is Elliot Winter's 'Stop Ecocide International's Blueprint for Ecocide Is Compromised by Anthropocentrism: A New Architect Must Be Found'. The article examines an amendment proposed by an expert panel formed by Stop Ecocide International to the Rome Statute of the International Criminal Court, to create a new international crime of ecocide. Winter argues that the proposal is compromised by anthropocentrism, placing too much emphasis on the needs of humans and not enough on the needs of the environment. He argues that this anthropocentric dilution of ecocide resulted from the panel's lack of standing, influence and confidence on the international stage. This weakness pushed the panel towards a strategy of producing something palatable to states in the hope of securing their support. Such a strategy will prove futile, it is argued. The article considers whether other actors, such as international courts or experts working in different contexts, might be better placed to design the blueprint for ecocide. Winter concludes, tentatively, that the International Law Commission remains the architect best positioned to set out a bold vision of ecocide.

We conclude with the happy announcement that the 2023 prize for best unsolicited article goes to Ya'ara Mordecai, author of 'When the Cannons Roar, Tort Laws are Silent? A Re-examination of Section 5B of the Civil Wrongs (Liability of the State) Law' from issue 56(1). Congratulations, Ya'ara!

We wish you all an instructive and illuminating read,

Professor Malcolm N Shaw KC
Professor Yuval Shany
Editors-in-Chief
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