The Editorial Board of the *Netherlands Yearbook of International Law* (NYIL) announces its topic for its 2013 volume (volume 44):

*Crisis and international law: decoy or catalyst?*

**Background**

What happens when something is successfully presented as being ‘in crisis’? While the term is used in several meanings and contexts (such as the financial crisis, water crisis, legitimacy crisis, identity crisis, just to name a few), an often recurring aspect seems to be that successful invocations of the term ‘crisis’ call for vocabularies, norms and measures that go beyond normalcy. Events are perceived as crises when we are unable to make sense of the world in terms of our established normative and cognitive vocabularies. Illustrative is Ulrich Beck’s response to the 9/11 attacks: “September 11, 2001, will stand for many things in the history of humanity. Among these, no less for the failure, for the silence of language before such an event.”¹ In similar fashion, Antonio Cassese proclaimed that terrorism is “also disrupting some crucial legal categories of international law” ²

Invoking the term ‘crisis’ thus does several things at the same time: it portrays an issue or object as beyond normalcy, indicates that an issue needs to be tackled urgently, and calls for a new vocabularies and scripts to make sense of what is at stake. ‘Crisis’ can be understood as located in-between mere ‘problems’ that can be dealt with in terms of norms and scripts that apply in times of normalcy on the one hand and ‘catastrophes’ with radically disruptive effects on the other.

Naturally, the consequences of a crisis can vary. While some of them have effect on the social, political, economic and legal spheres, others are ‘merely’ relevant for a specific area, and go by unnoticed in the broader sphere of life, at least for a certain period of time. Obviously, certain crises also have effect on or occur in international law. These crises often result in paradigm shifts: adopting other rules, establishing new types of co-operation, relying on new or other methods of interpretation, founding new institutions and so on, while others are solved within the existing institutional, legal and interpretative framework.

Taking the Kosovo crisis as an example, Hilary Charlesworth in her 2002 article ‘International Law: a discipline of crisis’³ argues that a concern with crises skews the development of the discipline of international law. By focusing on crises, attention is taken away from legal issues that occur in the day-to-day application of international law. And as a consequence legal doctrine fails to give an accurate picture of international legal practice. The negative effects of crisis described by Charlesworth may not be the only effects of crisis on the discipline of international law. For example, an often cited example of the positive impact a crisis may have on the development of international law is the process of European integration. The establishment of the European Coal and Steel Community was directly inspired by a desire to start anew, to do away with established legal and political patterns and vocabularies that had so blatantly failed to prevent the atrocities of WWII.

**Focus of NYIL 2013**

The 2013 volume of the NYIL will focus on the relevance of crisis for the development of international law. The aim is to explore the different forms and nature of crises, and their effects on international law in different fields of law. For this purpose, experts from different

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² Antonio Cassese, Terrorism is also Disrupting Some Crucial Legal Categories of International Law, 12 *EJIL* (2001), 993-1001.

fields of international law have been invited to reflect upon the relevance of the phenomenon of crisis from the perspective of their field of expertise. In order be able to make a comparison between the various contributions, the following set of questions will be addressed:

- **What are the typical conditions under which the term ‘crisis’ is invoked?**
- **Can you identify a crisis which has been the focus of attention within your field of expertise?**
- **To what extent is there a tendency in legal doctrine to focus on crises? Does this tendency in doctrine, if there is one, reflect a similar tendency in international legal practice?**
- **What has been the impact of the focus on crises on the development of international law? Has it unduly narrowed the agenda, or did it have a positive impact on the development of legal doctrine?**
- **To what extent has the focus on crises taken away attention from important legal questions in the day-to-day application of international law?**
- **Charlesworth argues that the focus on crises undermined analytic progress. Scholars focus on a crisis as being something completely new. They think that for the questions that arise, new answers need to be given, ignoring the relevance of the existing ‘international law acquis’. To what extent do you see this is happening in your field of expertise?**