

## FOREWORD

Ever since Hugo Grotius' seminal work *De jure belli ac pacis* (1625), the main distinction in international law is between *jus pacis* and *jus in bello*. Throughout time many works have been written on the law in times of peace (including *jus ad bellum*) and the law in times of armed conflict. This book departs from these established categories and enters new and partly uncharted waters. It explores the present-day merits and foundations of an old, yet timely idea: the concept of *jus post bellum*. This notion has an established background in just war doctrine. But it has significant potential in its application to the situation following modern armed conflicts, irrespective whether of an interstate or intrastate nature.

This book marks the first work which treats the origins, contents and contemporary challenges of *jus post bellum*. It offers new analysis and fresh thinking on one of the greatest challenges of warfare and armed force: the management and restoration of peace after conflict.

Twentieth century warfare and modern interventions have shown that the use of armed force is all too often followed by chaos and legal uncertainty after conflict. International law is still struggling to find the proper legal and institutional responses to these challenges. Fundamental issues, such as the extraterritorial application of human rights obligations, the accountability of occupying powers and international organizations and approaches towards justice and reconciliation, are at the heart of contemporary debate. New concepts, such as the notion of responsibility to protect are gradually emerging. This book addresses these issues from a novel perspective. It identifies legal gaps and policy challenges and inquires to what extent they may be addressed under a common normative umbrella: *jus post bellum*.

The individual contributions in this book are based on presentations and papers delivered at a joint research seminar in Leiden in February 2007, which was organized by the Grotius Centre for International Legal Studies of the University of Leiden and the Amsterdam Center for International Law of the University of Amsterdam. The seminar was organized with support of the Hague Institute for the Internationalisation of Law and the Netherlands Ministry of Foreign Affairs.

The seminar, and this resulting publication, included international speakers and participants from the disciplines of philosophy, legal history, political science and international law.

Part one of the book examines the historical and conceptual foundations of *jus post bellum* from a theoretical perspective. The individual chapters provide valuable insights on the origin and content of *jus post bellum* and peacemaking. They reveal both the existing synergies as well as differences between just war theory and international law.

Part two bridges the gap between theory and practice. The opening contributions analyze the contemporary policy and legitimacy challenges arising in transitions from conflict to peace. The subsequent chapters provide a useful stocktaking and critical review of the law in selected areas such as the law of occupation, human rights law, responsibility of international organizations and transitional justice.

Most of the individual contributions do not attempt to provide conclusive answers. But they pose the right questions and offer guidance on shortcomings, directions and possible avenues of reform. In this way, they make an important contribution to scholarship. It is our hope that this book will encourage further research and cooperation in this area, which is still largely unexplored.

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