

PROGRAM / BOOK OF ABSTRACTS

# Conference on the Failures and Futures of International Law

## Perspectives from Gaza, Ukraine, and the Balkans

10 December, 2024 | Hotel Stone Bridge, Skopje-North Macedonia | 10:00-18:00

**BSF** | BALKAN  
STUDIES  
FOUNDATION



**WOLAS**  
WORLDWIDE LAWYERS ASSOCIATION



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BSF - Balkan Studies Foundation

WOLAS - Worldwide Lawyers Association

YTB - Presidency for Turks Abroad and Related Communities

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## **Perspectives from Gaza, Ukraine, and the Balkans**

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**The Balkan Studies Foundation** is the continuation of the Fethah Efendi Education and Thought Association, which was founded in September 2016 by young academicians, students, and young businessmen based in Skopje. It has been reorganized under a different institutional framework due to the expansion of activities carried out under the association's umbrella and the necessity of including all of the Balkans. Between 2016 and 2022, it conducted thousands of educational activities and undertook significant research and publication endeavors. Since September 2022, it has continued its activities through research centers, training centers, and publishing houses under the name of the Balkan Studies Foundation.

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**Worldwide Lawyers Association (WOLAS)** was established by lawyers and academics working in Türkiye, with the aim of conducting activities in the international arena. It is open to individuals who advocate for rights, and its main focus is advocating for rights. Protecting the rights of individuals against both major and minor authorities is one of the association's primary objectives. In pursuit of this goal, WOLAS adopts an approach that constantly questions the assumptions and blind spots in the understanding of human rights, renewing them with a demand for a more holistic and inclusive concept of justice. As an Istanbul-based organisation, WOLAS is dedicated to conducting a rights-based struggle to promote justice. Their mission includes raising awareness among all relevant circles, providing necessary training to take a stance and fight against rights violations, and fostering organised mobilisation.

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**The Presidency for Turks Abroad and Related Communities (YTB)** was established in 2010 (Law No. 5978) and restructured under a 2018 Presidential Decree to support Turkish citizens living abroad, kin and related communities, and international students in Türkiye. YTB's work strengthens ties with communities sharing a common history and culture with Türkiye, from the Balkans to Africa, the Caucasus, Eastern Europe, Central and East Asia, and the Middle East. Through initiatives across these regions, YTB aims to enhance economic, social, cultural, and academic relations with these "brother" communities. Playing a vital role in Türkiye's foreign policy, soft power, and public diplomacy, YTB remains dedicated to fostering connections and mutual development with kin and related communities around the world.

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## Speakers



### **Prof. Dr. Admir Mulaosmanović**

He was born on July 1, 1973, in Sarajevo, where he completed his elementary and high school education. At the beginning of the war in Bosnia and Herzegovina, he voluntarily joined the military forces of the Bosnian Army. As a soldier, he was wounded in the execution of a combat task on August 24, 1992. He enrolled in the Faculty of Philosophy in Sarajevo, Department of History, in the academic year 2000/01. He graduated on September 1, 2004, with a thesis titled "The Influence of Fernand Braudel on Contemporary Historiographies."

In the academic year 2004/05, he began postgraduate studies at the Faculty of Philosophy in Zagreb, Croatia. He defended his Master's thesis, "Bihać Krajina 1971 - 1991: The Impact of Politics and the Political Elite on Economic Development," on September 17, 2008. His mentor was Dr. Tvrtko Jakovina. At the International University of Sarajevo, he held several administrative positions, including program coordinator, director of a research center, and finally, dean of the Faculty of Arts and Social Sciences. Prior to his university teaching career, he spent ten years working at the Institute for History (University of Sarajevo), conducting research on modern and contemporary World and European Social and Political History. Since 2015, he has taught various courses: History of Civilizations, Contemporary Political Thought, and Survey of Political History at the undergraduate level; at the graduate level, he has taught subjects related to Balkan politics and history, while at the doctoral level, he taught Politics and Society. At the Faculty of Political Sciences (University of Sarajevo), he has taught Contemporary Debates in International Relations (second cycle) and Political History of the World (first cycle). He is currently teaching courses on political thought and political history at Balikesir University in Türkiye. He is the author of three books and numerous scientific articles, analyses, and op-eds. He defended his PhD on July 23, 2012, at the Faculty of Philosophy in Zagreb, Croatia, with a dissertation titled "Politician Alija Izetbegović: From the Establishment of the SDA (1990) to the Withdrawal from the Presidency of Bosnia and Herzegovina (2000)." His mentor was Dr. Ivo Banac. This dissertation was published as the book *Iskušenje opstanka* in 2013 (first edition) and 2017 (second edition), and was translated into Turkish (*Hayatta Kalma İmtihani*) in 2017. He is married and the father of three sons.



### **Assoc. Prof. Dr. Ljupcho Stojkovski**

Ljupcho Stojkovski is an associate professor at Ss. Cyril and Methodius University in Skopje, Faculty of Law “Iustinianus Primus”, where he teaches international public law and international relations courses. He has an MSc and a PhD in international law and international relations from the same University and an MA in philosophy from KU Leuven. His research interest has been focused on the interplay between legal, political and ethical aspects of international security issues and the related questions of responsibility and global governance, such as the questions of Responsibility to protect and the UN Security Council. His more recent research interest also includes climate action and sustainable development, as well as AI and philosophy of technology.



### **Deborah Lawson**

Deborah Lawson is a PhD candidate at the School of Law and Justice, University of Liverpool, UK. Deborah's thesis examines the UNCRC's scope and potential to engage with collective experiences of violence (from systematic rights violations to genocide) as encountered by groups of children in settler colony contexts. Her research interests also include children's rights strategic litigation in “adult” mechanisms and fora; and theory in children's human rights law. Deborah is an active member of the European Children's Rights Unit. During her PhD she co-led the “Children in Theory: Theoretical Methods and Approaches to the Study of Childhood” project and has been involved in a number of research initiatives. In 2024, she was nominated for a “Research Culture and Research Community Champion” award.



### **Dr. Jasmin Johurun Nessa**

Dr. Jasmin Johurun Nessa is a faculty member at the University of Liverpool, specializing in international law. She serves as the Co-General Editor of the Digest of State Practice at the Journal on the Use of Force and International Law. In addition to her academic role, Dr. Nessa provides expert ad hoc legal research assistance in cases involving complex issues of international law and the admissibility of evidence.





### **Assist. Prof. Dr. Hasan Basri Bülbül**

Hasan Basri Bülbül graduated from Istanbul University Faculty of Law in 2013. He completed his master's (2016) and PhD at King's College London (2022). He is a Research Affiliate of the Refugee Law Initiative at the School of Advanced Studies, University of London. Currently, he works as an assistant professor of public international law at Boğaziçi University in Istanbul. His main areas of interest are public international law, migration and refugee law, international criminal law and international human rights law. He also actively takes part in the advocacy work of International Refugee Rights Association, an Istanbul-based NGO working to improve the conditions of migrants and refugees, as a board member.



### **Dr. Polona Florijančić**

Dr. Polona Florijančić is an independent legal scholar and analyst. She holds an LLM in International Human Rights Law and a PhD with a focus on the impediments at the World Trade Organisation to the right of third world countries to economic development. She has published extensively in reputable journals and edited collections in the fields of domestic, transnational and international criminal law and human rights, with elements of geopolitics and social sciences. Among other modules, she has taught Islamic Law and Human Rights, Criminal Law of England and Wales, and International Trade Law and Human Rights at Brunel University in London. She has worked as an analyst and expert on several international projects on enhancing domestic legislation, legal finish and transnational cooperation in the fields of general criminal law, counter-terrorism and maritime crime including for EUROJUST and UNODC.



## **Assoc. Prof. Dr. Ali Osman Karaoğlu**

Ali Osman Karaoğlu graduated from Marmara University Faculty of Law in 2008. Between 2008 and 2012, he worked as a lawyer affiliated with the Istanbul Bar Association. In 2013, he earned a Master of Laws (LLM) degree in International Law from SOAS, University of London, with his thesis titled “The Western Concept of Universal Human Rights and Its Enemy Islam.” In 2019, he completed his PhD in Public Law at Istanbul Şehir University with a dissertation titled “The Role of International Law in the Protection of Foreign Investments.” During his master’s research, he was a visiting researcher at the Institute of Advanced Legal Studies (IALS), University of London. For his doctoral research, he was a visiting researcher at the Max Planck Institute for Comparative Public Law and International Law. Following his doctorate, he served as a visiting scholar and researcher at Georgetown University and the International Law Institute, focusing on international investment law. He currently works as a faculty member in the Department of International Law at the Faculty of Law, Yalova University.



## **Deniz Baran**

Deniz Baran is a teaching & research assistant at Istanbul University International Law Department, while he is a lawyer registered to the Istanbul Bar Association. He is also an executive board member of Istanbul Arbitration Association (İSTA) and Lawyers’ Association (Hukukçular Derneği). He is a public international law PhD candidate at Istanbul University, the university where he obtained his Bachelor’s and Master’s degree. Baran used to coordinate International Law Research Center (UHAM) which is affiliated to Fatih Sultan Mehmet University. He was also working as international law specialist for Al Sharq Forum. He has previously conducted numerous international youth projects as Türkiye&Balkans Regional Coordinator of Al Sharq Youth, the Chairman of Istanbul Youth Assembly Foreign Affairs Commission, the Turkish Delegate for Y20 2016 China Summit, Y20 2023 India Summit and the Deputy Chair of YCDC (Youth Commission of Diplomacy and Colloboration). With a keen interest in media, he has taken up writing articles regarding the legal matters for various media outlets such as Al Jazeera, Middle East Eye, Perspektif Online, Serbestiyet and Anadolu Agency.



## **Ahmed Abofoul**

Research Fellow on legal mobilization at the International Institute of Social Studies (ISS) of Erasmus University Rotterdam. Born and raised in Gaza, based in the Hague, he holds a Master's degree (LL.M.) in Public International Law, specialising in international criminal law, from Leiden University in The Hague, and holds a bachelor of law from Al-Azhar University in Gaza.



## **Dr. Vera Piovesan**

Vera Piovesan holds a PhD and a master's degree in international law from the Geneva Graduate Institute, and a combined bachelor's and master's degree in law from Bocconi University. She has completed visiting research stays at Harvard Law School, UCLA School of Law, and the University of Otago. Vera's research interests lie at the intersection of international criminal law and anthropology, with a focus on criminal law theory. Vera previously lectured at Durham University.



### **Assoc. Prof. Dr. Marina Aksenova**

Marina Aksenova is Associate Professor of International Criminal Law at IE University in Madrid and founder of Art and International Justice Initiative. She worked at the United Nations International Criminal Tribunal for the Former Yugoslavia and as a legal associate in White and Case LLP. As part of her academic journey, she held postdoctoral research positions at the Centre of Excellence for International Courts at the University of Copenhagen, the Institute for Advanced Studies at the Central European University in Budapest, and the University of Florence.



### **Antonio Mariconda**

Antonio Mariconda is a PhD Candidate in International Law at the University of Naples Federico II and a Research Fellow in the project “Arms, Peace and Sustainability (ArPeSu)” at the University of Milan “Statale”. He is also a teaching assistant at both the universities of Milan and Naples, as well as, in the 2022/2023 academic year, at Luiss Guido Carli University of Rome. His research mainly focuses on international human rights law and on the relationship between international law and domestic legal systems.

# **SCHEDULE**

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**Opening Remarks: 10:00-10:30**

**I. Session: 10:30-11:45**

**International Law and World Order | Moderator: Dr. Jasmin Johurun Nessa**

**The Controlled Disorder and the Relevance of Intergovernmental Global Institutions**

*Assoc. Prof. Dr. Admir Mulaosmanović* - Balikesir University (Bosnia and Herzegovina)

**The UN Security Council Through the Numbers: How Does the Council Maintain International Peace in Practice?**

*Assoc. Prof. Dr. Ljupcho Stojkovski* - Ss. Cyril and Methodius University (North Macedonia)

**Settler Colonies and The Rights of Children: Advancing Intergenerational Legal Futures**

*Deborah Lawson* - University of Liverpool (United Kingdom)

**II. Session, 12:00-13:15**

**Double Standards and Hegemonic Tendencies in International Law | Moderator: Assoc. Prof. Dr. Ali Osman Karaoğlu**

**From Failures to Futures: The Genocide Convention and Contemporary Forms of Systematic Destruction**

*Dr. Jasmin Johurun Nessa* - University of Liverpool (United Kingdom)

**Uneven Ground: Double Standards and the ICC's Handling of Palestinian Situation**

*Assist. Prof. Dr. Hasan Basri Bülbül* - Bogazici University (Türkiye)

**International Law as a Geopolitical Tool**

*Dr. Polona Florijančič* - Independent Legal Scholar (Slovenia)

### III. Session, 14:30-15:45h

#### The ICJ and the ICC: Pillars for International Justice and Accountability | Moderator: Dr. Polona Florijančič

##### Assessing the Adequacy of Provisional Measures in Genocide Cases: A Comparative Study

*Assoc. Prof. Dr. Ali Osman Karaoğlu* - Yalova University (Türkiye)

##### The Trajectory of the Right to Self-Determination in the Jurisprudence of the International Court of Justice from 2010 to 2024: The Cases from Kosovo, Ukraine, and Palestine

*Deniz Baran* - Istanbul University, PhD Candidate (Türkiye)

##### Power May Stall, But Justice Will Call: The Belated Issuance of ICC Arrest Warrants in the Situation in the State of Palestine

*Ahmed Abofoul* - Legal Advisor (Netherlands)

### IV. Session, 16:00-17:30

#### International Criminal Law: Opportunities and Challenges | Moderator: Assist. Prof. Dr. Hasan Basri Bülbül

##### De Necessitate Virtutem, or Not? How ICC Jurisdictional Rules Shape The Notion of International Crime'

*Dr. Vera Piovesan* - Durham University (Italy)

##### The Arms Industry and International Criminal Liability: Challenging The Status Quo?

*Assoc. Prof. Dr. Marina Aksenova* - IE University (Spain)

##### International Humanitarian Law Protecting Hospitals Under Pressure: Has the Conflict in Gaza Stretched the Notion of "Acts Harmful to the Enemy"?

*Antonio Mariconda* - Università Degli Studi Di Milano (Italy)





# **ABSTRACTS**

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# The Controlled Disorder and The Relevance of Intergovernmental Global Institutions

**Assoc. Prof. Dr. Admir Mulaosmanović**

*Balikesir University*

**Abstract:** This paper attempts to show the deliberate and systematic actions of the world superpower (USA) and its allies in creating a state of controlled chaos. The reason for such an approach lies in the inevitable change in global relations in which the superpower must define its new position and prepare for the near future in which it no longer has a dominant role. This kind of discourse can be used to analyze the reasons for the war in Ukraine, as well as the reasons for the rise in tensions on the great dividing line between East and West. The collapse of liberal internationalism, as a promise and concept of promotion of democracy and a “rules based international order” happen very quickly. But failures in liberal trademarks such as military intervention and nation-building, primarily in Afghanistan, Syria and Libya proved that liberal internationalism’s collapse has accelerated, but also the decline of Washington’s global power is real too. Considering that the established global order is slowly disappearing, and the emerging new multipolar world is increasingly showing signs of strength and vitality, all this opens the door to a general rethinking of future relations. The already disavowed international law and unclear international order are a factor in increasing insecurity throughout the world, while the double standards that have become a basic feature of the Western democracies speak of the serious problems that global politics has fallen into. American militarism intertwined with concept of inalienable rights hardly works as universal value anymore. Although it is more acceptable than Russian autocracy or “socialism with Chinese characteristics for the new era” over decades it lost power and credibility. Simply because the fact that the foundation of that approach is rooted in aim to protect life even in foreign, unliberal, undemocratic environment but by time it became battle over values in which liberalism once must prevail. This predominance of ideology over life can be seen today in Gaza most of all. The multipolar world and the unclear global order also affect the Balkans. The idea that the entire European continent, due to the visible loss of its global position, can be a space of polar non-belonging, is gaining its proponents. Of course, the possible emergence of non-polarity in Europe depends on the



political choices of the main protagonists, and future development will depend on the evolution of the role of the US at the global and European level, the ability of the EU to overcome the current crisis and the stronger development of forms of international action. In the end, this would not necessarily mean non-polarity, but a stronger European presence within NATO and less dependence on the US. The main conclusion of this discussion is, therefore, the need to face the reality of new international relations and on those relations to define new general international standards. Otherwise, the state of tension and rejection of redefinition will lead to further deepening of the conflict with more and more serious consequences.

**Keywords:** Controlled Chaos, Global Power Shift, Liberal Internationalism, Multipolar World, Balkan Politics



# The UN Security Council Through the Numbers: How Does the Council Maintain International Peace in Practice?

**Assoc. Prof. Dr. Ljupcho Stojkovski**

*Ss. Cyril and Methodius University*

**Abstract:** The recent major ineffectiveness or inactivity of the UN Security Council in the Russian aggression over Ukraine, Israel's wars in Gaza and Lebanon or the conflict in Sudan, has sparked renewed criticism and calls for reform of this body. The Council was envisioned to be the international community's primary authority in the maintenance of peace and security, yet too often it seems like the Council is failing in its responsibility. On the other hand, looking at its powers and limitations as enshrined in the UN Charter – particularly articles 24, 27 and 39 – it is noticeable that the Council was not designed to act in every possible conflict and, as a political body, it was granted with vast flexibility in performing its responsibility to maintain international peace and security. Thus, a question arises as to how has the Council acted in its responsibility so far in practice? How engaged the Council was overall; where did it (prefer to) take action, how long it took the Council to act, what were the main driving factors for its (in)action, etc. Drawing on numerous different studies on the Council's engagement in various types of conflicts and crises, this work builds on and interprets them in order to understand the Council as an institution in practice. Putting these studies side by side with an interpretation of the UN Charter provisions referring to the powers and responsibilities of the Council, as well as subsequent normative and other practical developments related to the (UN) security system, this work offers thoughts on how to interpret the Council's record and how to address some of its failures.

**Keywords:** UN Security Council, International Peace and Security, UN Charter



# Settler Colonies and the Rights of Children: Advancing Intergenerational Legal Futures

**Deborah Lawson**

*PhD Candidate - University of Liverpool*

**Abstract:** Palestinian, South African, Indigenous and other groups of children living under colonial rule, apartheid and foreign occupation were recognised in discussions prior to and during the drafting of the UN Convention on the Rights of the Child (UNCRC) (1989), yet their needs remained inadequately recognised within the final text. Children indigenous to a territory but subsumed under settler colony governance face a spectrum of rights-based violations that affect their survival and health; identity; education; physical and psychological integrity; and social and cultural development and participation. Moreover, many of their non-indigenous peers' rights are also abused through misinformation and propaganda that promotes harmful supremacist ideologies and ongoing conflict. In addition, settler colonies are an indicator of potential acts of genocide. The particular vulnerability of children to targeted genocidal activity (and/or other acts that contribute to the erasure of groups) is due to both their inherent physiological vulnerabilities and their position as members of social groups who will maintain its existence. Childhood is therefore a particular and risk-laden location of settler colony population control.

Despite considerable disadvantages, children subject to settler colony marginalisation and violence continue to claim their rights through any and all available avenues. Against the backdrop of unpredictable futures, this paper discusses the need for the international law community to acknowledge and engage with children (recognised by the UNCRC as people under the age of 18 years) as distinct rights claimants and social actors - both within and outside of settler colonies. Increasingly promoted by the UN, positioning children as partners in international law and global justice has the potential to promote peace and undermine the longevity of global power relationships and paternalist structures that settler colonial frameworks rely on to destroy and exclude. Caution is urged, however, given that poorly thought-out initiatives may exacerbate harm experienced by children and further aggravate rights abuses.

**Keywords:** Settler Colonialism, Children's Rights, UN Convention on the Rights of the Child (UNCRC), Genocide and Erasure, International Law and Justice



# From Failures to Futures: The Genocide Convention and Contemporary Forms of Systematic Destruction

**Dr. Jasmin Johurun Nessa**

*University of Liverpool*

**Abstract:** This paper examines the failures and future potential of the Genocide Convention in light of its inability to address modern, prolonged, and indirect forms of systemic violence. Despite the Convention's intent to safeguard groups from systematic destruction, its development was heavily influenced by hegemonic powers and Cold War politics, resulting in a narrow framework focused on acute, large-scale violence. This selective approach has led to a troubling uneven application and accessibility of justice, particularly in cases that fall outside the geopolitical interests of dominant states. Consequently, groups facing systematic destruction—whether through environmental devastation (ecocide), erasure of cultural heritage (cultural genocide), widespread destruction of civilian homes and infrastructure (domicide), or the systematic dismantling of education systems (scholasticide)—are often excluded from the Genocide Convention's legal protections. This gap exposes the double standards embedded within the Convention's framework and reveals the persistent influence of geopolitical power in determining which acts are recognised as genocide. This paper explores a forward-looking framework for addressing these gaps, aiming for greater epistemological inclusivity in genocide law by expanding its scope to reflect contemporary forms of destruction. Such a framework would bring to light the diverse methods by which groups are destroyed in contemporary conflicts, challenging the narrow scope imposed by the geopolitical biases of powerful states. This approach not only provides potential pathways for international law to meaningfully address injustice but also underscores the critical role of epistemological inclusivity. Ultimately, this paper investigates a reformed genocide framework that acknowledges the full spectrum of systematic violence enacted against groups globally. This shift would ensure that genocide law remains relevant and upholds its foundational value: the protection of all peoples from destruction, regardless of the form such destruction takes. In doing so, this paper contributes to a crucial, forward-looking debate on how the Genocide Convention, and international law more broadly, can overcome their current failures to provide a more effective and just response to 21st-century atrocities.

**Keywords:** Genocide Convention, Systemic Violence, Geopolitical Influence, Epistemological Inclusivity, International Law Reform



# Uneven Ground: Double Standards and the ICC's Handling of Palestinian Situation

**Assist. Prof. Dr. Hasan Basri Bülbul**

*Boğaziçi University*

**Abstract:** The International Criminal Court (ICC) has long faced criticism for being overly Eurocentric and disproportionately focused on crimes committed by individuals from the Global South. Investigations into crimes committed by Russians in Ukraine have not altered this perception, as the Court is still viewed by some Western polities as a tool for disciplining those who may pose threats to Western hegemony. The criticism against the Court has reached its peak in the context of the Palestinian situation. Compared to the Ukrainian case, the Court has been notably slower and more reluctant to act, allocating fewer resources and a smaller budget to prosecute crimes committed against Palestinians by Israel, a Western ally. This paper not only compares the ICC's handling of the situations in Ukraine and Palestine but also conducts a discourse analysis of the statements issued by the Court's Prosecutor. It highlights how demonizing language has been employed against Palestinians, starkly contrasting with the carefully chosen, more lenient language used for Israelis. Furthermore, in an attempt to appear balanced, the Prosecutor seeks to create the impression of focusing more on Palestinians, despite the overwhelming scale of crimes committed by Israeli actors. This disparity underscores the double standards that undermine the ICC's credibility as an impartial institution of international justice.

**Keywords:** International Criminal Court (ICC), Eurocentrism, Global South, Double Standards, Discourse Analysis



# International Law as a Geopolitical Tool

**Dr. Polona Florijančič**

*Legal Researcher*

**Abstract:** When launching the so-called special military operation (SMO), the president of the Russian Federation described the threat faced by his country as existential. In his words it was simply “a question of life and death, a matter of our historical future as a nation.” Western commentators and scholars rushed to condemn Russia’s move as a blatant breach of the prohibition on the use of force under Article 2(4) of the UN Charter, since there was insufficient evidence of an imminent attack being planned against Russian territory that could justify a pre-emptive strike according to the broader interpretation of the right to self-defense under Article 51. The condemnation was swift and uncompromising, accompanied by sanctions, a boycott of diplomacy, hysteria against Russian citizens and art, and last but not least a baseless arrest warrant at the International Criminal Court against the Russian president motivated and supported by geopolitical interests. Nearly three years on, we are witnessing a battered Ukraine that has suffered immeasurable losses and a frighteningly real risk of nuclear confrontation.

This paper will examine how a supposedly principled stance in terms of international law has been a tool in disguise to further escalate the conflict. It will also consider whether the currently accepted interpretation of the right to self-defence can still serve its purpose in the current global situation where averting existential risks cannot realistically be expected to be limited to situations of an imminent attack.

**Keywords:** Special Military Operation (SMO), Right to Self-Defense, International Criminal Court (ICC), Nuclear Escalation





# Assessing the Adequacy of Provisional Measures in Genocide Cases: A Comparative Study

**Assoc. Prof. Dr. Ali Osman Karaoğlu**

*Yalova University*

**Abstract:** In international law, provisional measures refer to orders directed at the parties in a pending dispute, requiring them to act or refrain from acting in a certain way to safeguard their rights until a final judgment is rendered. The vast majority of international courts are vested with the authority to issue provisional measures. As the International Court of Justice (ICJ) highlighted in the Nuclear Tests Case, provisional measures constitute an inherent power of the Court. Similarly, in the Fisheries Jurisdiction Case, the ICJ emphasized that the purpose of such measures is to preclude irreparable harm and ensure the protection of the parties' rights until the conclusion of the case. In its LaGrand Case, the ICJ further underscored that provisional measures are binding. However, despite their binding nature, the enforcement of provisional measures still remains problematic. Given that their implementation is generally deemed to be ensured and enforced by the Security Council, even in cases involving the prevention of genocide -a jus cogens norm- provisional measures have failed to meet expectations. While the enforceability of provisional measures is frequently debated, their legal capacity is less scrutinized. However, the primary duty of the Court is to issue measures capable of preventing and precluding irreparable harm. Under the Genocide Convention, the ICJ has so far dealt with four cases -Bosnia, Myanmar, Ukraine, and Gaza- where the adequacy of the provisional measures ordered so far has been subject to criticism. In cases like Bosnia, Myanmar, and Gaza, the Court's measures have been questioned for being insufficient, whereas in Ukraine, the Court's approach has been contested for misconceptualizing the issue. Moreover, in certain cases, it has been argued that the ICJ judges approached the matter from an emotional or political point of view rather than a legal approach. This study will first outline the general framework and purpose of provisional measures. Subsequently, it will provide a comparative analysis of the provisional measures issued by the ICJ in the four genocide-related cases, opening a discussion on the adequacy and capability of the Court's orders.

**Keywords:** International Law, Provisional Measures, Genocide, ICJ, Adequacy



# The Trajectory of the Right to Self-Determination in the Jurisprudence of the International Court of Justice from 2010 to 2024: The Cases from Kosovo, Ukraine, and Palestine

**Deniz Baran**

*PhD Candidate - Istanbul University*

**Abstract:** In the past 15 years, the International Court of Justice (ICJ) has addressed question of self-determination through contentious cases or advisory opinions concerning Kosovo, Ukraine and Palestine. These cases have engaged with the peoples' right to self-determination to varying degrees -sometimes extensively, at other times superficially or even with silence. Cumulatively, however, they have contributed to an important body of jurisprudence that sheds the light on the contemporary understandings of the challenging and ambiguous concept of self-determination in international law. This presentation will examine the relevant sections of the Kosovo Advisory Opinion (2010), the Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination Case (Ukraine v. Russia-2024), and the most recent Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem (2024) while also touching very briefly on the pending Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) case. By analyzing not only the final decisions but also orders and individual judge opinions, this study will delve into the debates that reveal profound insights into the ICJ benches' approaches on the matter of self-determination. It is aimed to detect patterns in the ICJ's jurisprudence on self-determination, tracing its evolution through the cases from three regions where the question of self-determination remains intensely alive and contested.

**Keywords:** The right to self-determination, Kosovo, Palestine, Ukraine



# Power May Stall, But Justice Will Call: The Belated Issuance of ICC Arrest Warrants in the Situation in the State of Palestine

**Ahmed Abofoul**

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**Abstract:** This paper critically examines the causes and consequences of prolonged delay in the issuance of arrest warrants by the International Criminal Court (“ICC” or the “Court”) in the Situation in the State of Palestine, focusing on key legal, procedural, and political factors that contributed to the stalling of justice. The analysis begins with the Prosecutor’s decision to publically announce his application for arrest warrants before their issuance by the Pre-trial Chamber (“PTC”). It demonstrates that this was the triggering event which led to a storm of political pressure on the Court’s PTC. It establishes that this set off a chain of several legal and procedural hurdles such as the United Kingdom’s request for leave to file an amicus curiae brief, which was followed by several amici filings including from Israel’s allies such as the United States and Germany, amongst others, contesting the ICC’s jurisdiction. It further critically examines the Prosecutor’s consolidated response to these interventions. The paper scrutinises Israel’s Article 19(2) challenge to the Court’s jurisdiction and its request for an order to the Prosecution to give an Article 18(f) notice, both of which were rejected by the PTC. It further demonstrates that as Israel’s objections essentially sought to prevent or delay the issuance of the arrest warrants, its subsequent attempt to appeal the PTC decisions also desperately seeks to suspend them. The paper further highlights the intense political pressure exerted on the ICC to prevent the issuance of these warrants, including threats from US senators and reports of Israel’s extensive campaign to undermine the Court including through spying, hacking, and even intimidation of ICC officials. The paper further analyses the approach of the PTC, including its permission for amicus curiae interventions at this stage of the proceedings, its ultimate decision to reject Israel’s challenges and its landmark and historic issuance of these long-awaited arrest warrants. This paper concludes by arguing that while political interference may delay the wheels of justice, it cannot prevent the inevitable pursuit of accountability, underscoring the resilience of international law institutions in the face of power politics.

**Keywords:** International Criminal Court (ICC), Arrest Warrants, Jurisdictional Challenges, Political Pressure, Accountability and Justice



# De Necessitate Virtutem, or Not? How ICC Jurisdictional Rules Shape the Notion of International Crime'

**Dr. Vera Piovesan**

*Durham University*

**Abstract:** The notion of an international crime is a complex and unresolved issue for many reasons, ranging from the 'reactive character' of the field of international criminal law to accusations of the careful construction of an international criminality that others some and legitimises others. The most recent example of the steadfast refusal of the Office of the Prosecutor of the International Criminal Court (ICC) to include the crime of genocide in the requests for the warrants of arrest in the situation in Palestine further confirms long-held hypotheses over the 'political production' of the notion of international crime.

In this paper, I propose to take these reflections on an adjacent direction and to establish a correlation between the evolving discourse on international crime and jurisdictional rules at the ICC. The situation in Ukraine has been a particularly good example of this evolution in the literature. In fact, much of scholarship has made suggestions that aggression be reconceptualized as crimes against humanity. The trend is not new and extends to a push to conceptualize a number of offences as international crime in order for the Court to be able to adjudicate. Starting from this observation, I propose to investigate in this paper how jurisdictional limits at the ICC are significantly contributing to the progressive development of our understanding of international crime and the conceptualization of each offence within the material jurisdiction of the Court. In order to probe this trend, I will rely on critical legal scholarship on aesthetics of international crime and test it against evolving case-law.

**Keywords:** International Criminal Law, International Criminal Court (ICC), Jurisdictional Limits, Crimes Against Humanity, Critical Legal Scholarship



# The Arms Industry and International Criminal Liability: Challenging the Status Quo?

**Assoc. Prof. Dr. Marina Aksenova**

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**Abstract:** Cases against corporate managers for their involvement in international crimes are comparatively rare. Still, jurisprudence from the Nuremberg Trials to more recent criminal investigations in national jurisdictions show that corporate officers of arms manufacturing companies may be held liable under international criminal law, when the exported arms are being used for the commission of war crimes. Using a comparative analysis of conflicts in Yemen, Gaza and Ukraine, this article examines if corporate officers responsible for the supply of weapons used by parties alleged to have committed war crimes may be criminally liable as accomplices under the Rome Statute of the International Criminal Court (ICC). Despite several conceptual and factual difficulties of prosecuting corporate officials, enhanced visibility of discourses on weapons trade may lead to more prosecutions in the future.

**Keywords:** Corporate Liability, International Criminal Law, Arms Trade, War Crimes , Rome Statute



# International Humanitarian Law Protecting Hospitals Under Pressure: Has the Conflict in Gaza Stretched the Notion of “Acts Harmful to The Enemy”?

**Antonio Mariconda**

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**Abstract:** Hospitals enjoy broad protection under international humanitarian law. Both the Geneva Conventions and customary international law contain several provisions that prohibit transforming these structures into war zones and protect the wounded and sick. The same holds true for international criminal law: Article 8 of the Rome Statute, in listing the conducts constituting war crimes, mentions “intentionally directing attacks against...hospitals and places where the sick and wounded are collected”. However, healthcare facilities can lose their protected status under international humanitarian law if they are considered legitimate military objectives. According to the Geneva Conventions, this occurs when hospitals are used for “acts harmful to the enemy”. The issue with this exemption is the lack of precise guidelines on what constitutes such acts, leaving room for interpretation. The rationale is that hospitals lose their protection when their primary function of caring for the wounded and sick is compromised, such as when they are used to launch attacks or hide troops. Yet, the ongoing conflict in Gaza is putting significant pressure on this legal framework. Israeli Defense Forces (IDF) have launched an unprecedented number of attacks on hospitals in the Strip, resulting in many deaths among the wounded and sick. They often justify these attacks by claiming the hospitals were used by Hamas as logistical bases for “acts harmful to the enemy” or were located above tunnels built by Hamas. However, these justifications are frequently based on limited evidence and have often been disproved. This raises questions as to whether these actions are compatible with the current legal framework and to what extent they intend to challenge it. In light of this, this paper questions whether and to what extent the notion of “acts harmful to the enemy” has been diluted by the current conflict and to what consequences this may lead on the overall effectiveness of international humanitarian law.

**Keywords:** International Humanitarian Law, Hospitals Protection, Geneva Conventions, War Crimes, Gaza Conflict



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