Preface

At the beginning of 2021, when this book was completed, the Treaty on the Prohibition of Nuclear Weapons entered into force. For many states, NGOs, and the ICRC its entry into force marked a ‘victory for humanity’. For other observers, the treaty represents yet another example of international law’s cynicism or lacking sense of realism, since none of the states possessing nuclear weapons ratified the treaty. However, even from a cynical or realist perspective, it is not farfetched to assume that the treaty will create an argumentative burden, at least for democratic states, to justify why they do not join it.

Law-making processes in international law are complex and full of different shades of grey. The present book seeks to contribute to an analysis of these law-making processes from the perspective of international humanitarian law. For this purpose, it brings together renowned experts and practitioners in the field of international humanitarian law with distinguished scholars from a general international or human rights law background. The project was birthed within the Collaborative Research Centre 700 ‘Areas of Limited Statehood’ (SFB 700) at the Freie Universität Berlin – SFB 700 was a coordinated research programme funded by the German Research Foundation (DFG) – and profited from my Max Planck Fellowship at the Max Planck Institute for Comparative Public Law and International Law, for which I would like to thank the Max Planck Society for the Advancement of Sciences. The funding by the DFG allowed us to organize an author’s meeting for an exchange of views in order to enhance the book’s coherence.

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The book is dedicated to the memory of Robert Cryer, who died on 3 January 2021 at the age of 46 years. I first met Rob in September 2003 when I came to the University of Nottingham under an Erasmus Teaching Mobility program. Rob met me at the station, took me to a flat on the beautiful Nottingham campus, which he had organized, and introduced me to many new aspects of the British way of life, including the faculty club (something unheard-of in Germany) and a legendary pub quiz night. In that quiz I mixed up the ways in which the characters of Robert de Niro and Bob Hoskins were killed in the movie Brazil. The group at
the next table which checked our answers found my answer extraordinarily disgusting and Rob teased me about this answer ever since – actually until our last long talk in November 2020. After my five weeks in Nottingham we changed roles and Rob came to Göttingen, where I was based in those days writing my Habilitation. So now my family and I introduced him to the specifics of the German way of life, including Christmas markets (which he really liked). During these months we became close friends and remained so. Rob cared deeply about international law and its promises for a better and more peaceful world. He was an extraordinary international lawyer and basically knew everything about international law. Whenever I wanted to know ‘what the law is’ or needed a special quote, I could turn to him. One of my most favorite quotes that he himself coined is both funny and insightful: ‘International law is neither God nor mummy – it can’t make everything right.’ His library was impressive; he had read practically everything that was published and his own outstanding work, in particular on international criminal law, has influenced scholars around the world. But above all, Rob was one of the kindest, funniest, and most caring persons I have ever met.

Heike Krieger