



# Editorial – Volume 37, Issue 1 2022

## EDITORIAL

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## I. INTRODUCTION

Dear reader of the Utrecht Journal of International and European law, With the temperature rising in the Netherlands and the summer holidays approaching us, it is time to issue our selection of some excellent legal reads to read over the summer. We are pleased to announce that we have published the first volume of our General Issue of 2022. I would like to express my utmost gratitude to our Editorial Team. Without your efforts and help, the issue could not have been published. Moreover, I would like to thank Deputy Editor-in-Chief Carlos Gabriel Ramaglia Mota and Communications Officer Margje Camps for their endless support and advice. Lastly, my gratitude goes to the authors who submitted their original works to our Journal.

This issue consists of three research articles and one case note. The publications will be briefly discussed below.

## II. RESEARCH ARTICLES

Firstly, in 'The Surrender of Fugitive Offenders between Mainland China and Hong Kong: European Arrest Warrant Model or US Interstate Rendition Model?', Yanhong Yin tackles the legal issue of the absence of a specific legal basis for the extradition of fugitives between Mainland China and Hong Kong.<sup>1</sup> Yin explores two different extradition systems in order to determine which system would be the most suitable for the extradition of fugitives between Mainland China and Hong Kong. The extradition systems explored are the system of the European Arrest Warrant (EAW) and the United States interstate rendition system.<sup>2</sup> After comparing and weighing the pros and cons of both systems, Yin reaches the conclusion that the European Arrest Warrant system (EAW) is the most appropriate system for the existing 'one country, two systems' situation in Mainland China and Hong Kong.<sup>3</sup>

Secondly, in 'UN Security Council and Human Rights: An Inquiry into the Legal Foundations of the Responsibility to Protect in International Law', S.R. Subramanian discusses what the legal basis is in international law for the notion of the Responsibility to Protect (R2P). In order to determine the legal status of the concept, various international legal sources are examined, such as the Genocide Convention, the Geneva Conventions and the Rome Statute. Subramanian concludes that some of the elements of the concept are established in existing international law. It is argued, however, that not all elements of the notion are well-grounded in international law, and that a legal gap still exists.<sup>4</sup>

Thirdly, Tomáš Buchta, in 'Revival or Eternal Death? The Impact of Brexit on Early Bilateral Agreements in the Area of Aviation and Social Security Between the UK and EU Member States',

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explores whether Brexit may trigger previous bilateral agreements (with a specific focus on aviation and social security) between the United Kingdom and the European Union (EU) member states to revive. Buchta discusses the question from the perspective of both international and European law. It is concluded that, rather than the revival of earlier agreements, new agreements in the spheres of aviation and social security should be negotiated.<sup>5</sup>

### III. CASE NOTE

Fourthly, in the case note entitled 'How to Deal with Really Good Bad-Faith Interpreters: M.A. v. Denmark', Helga Molbæk-Steensig discusses the European Court of Human Rights' judgment in M.A. v. Denmark, a case that deals with Denmark's asylum and immigration policy and a Syrian refugee's right to family life.<sup>6</sup> Molbæk-Steensig provides an analysis of the judgment and answers questions raised in the judgment that concern some key concepts of ECHR law, such as the requirement of a legitimate aim for the legal restriction of some human rights, and the concept of a State's margin of appreciation.

### NOTES

- 1 Yanhong Yin, 'The Surrender of Fugitive Offenders between Mainland China and Hong Kong: European Arrest Warrant Model or US Interstate Rendition Model?' (2022) 37(1) *Utrecht Journal of International and European Law* 1, 2.
- 2 Ibid.
- 3 Yanhong Yin, 'The Surrender of Fugitive Offenders between Mainland China and Hong Kong: European Arrest Warrant Model or US Interstate Rendition Model?' (2022) 37(1) *Utrecht Journal of International and European Law* 1, 12.
- 4 S.R. Subramanian, 'UN Security Council and Human Rights: An Inquiry into the Legal Foundations of the Responsibility to Protect in International Law' (2022) 37(1) *Utrecht Journal of International and European Law* 20, 32.
- 5 Tomáš Buchta, 'Revival or Eternal Death? The Impact of Brexit on Early Bilateral Agreements in the Area of Aviation and Social Security Between the UK and EU Member States' (2022) 37(1) *Utrecht Journal of International and European Law* 41, 53–54.
- 6 M.A. v. Denmark App no 6697/18 (ECtHR, 9 July 2021).

### COMPETING INTERESTS

The author has no competing interests to declare.

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