THE GLOBAL COMMUNITY

Yearbook of International Law and Jurisprudence

2017

Edited by

Giuliana Ziccardi Capaldo
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AIMS & SCOPE

by Giuliana Ziccardi Capaldo*

The Global Community Yearbook of International Law and Jurisprudence (GCYILJ) is a peer reviewed annual journal, which was first published in 2001 and has seventeen editions on its publication record. Over the last two decades, the Yearbook has established itself as an authoritative resource on the most significant transformations in the world constitutive process.

The Yearbook makes it possible for its readers to monitor the development of the international order towards a legal system for a global community in a way that provides detailed insights into the incremental changes and from several perspectives.

While providing researchers and practitioners with access to a uniquely rich resource for the study of international jurisprudence, the Yearbook promotes ongoing discussion of both substantive and procedural aspects. As a platform for continuous analysis and assessment, the Yearbook welcomes interdisciplinary contributions too. In 2017 and in recognition of its impact on global law, global constitutionalism and global governance, ethics is listed among the areas and perspectives that form integral parts of the journal's process of continuous renewal.

In 2016, the Yearbook was accepted for inclusion in Scopus. I'm proud to announce that it is now in Scopus. This news will enable the Yearbook to strengthen its reputation as a leading journal in the field.

The Yearbook continues to address, discuss and monitor “the structuring process of a global community in which a coherent legal system for a universal human society is being built.” The quote is from the inaugural editorial of this journal (G. Ziccardi Capaldo, 2001) and it is deliberately chosen to highlight the continuity of the Yearbook's overarching theme: global law, global constitutionalism and global governance. The theoretical parts of the Yearbook (Articles, Notes and Comments, In Focus, Forum) contain accounts provided by leading scholars and judges from all over the world on current and future developments.

* Professor of International Law (Emeritus), University of Salerno, Italy; General Editor.
in international law and global policies, as well as trends in global justice and the impact of judicial pronouncements pertaining to the building of the new legal world order.

The *Yearbook* has already celebrated its 15th anniversary. On that occasion, in 2015, I announced the most recent improvements and the future course of the journal. To enhance the *Yearbook* going forward, changes have been made.

First, several other distinguished scholars agreed to join the boards (see Editor’s Note, of this *Yearbook 2015*), just as we embarked on a number of new projects that are either in the planning phase or have begun. Unfortunately we must mention the departure of an authoritative member of the Board of Editors, Professor M. Cherif Bassiuni, which you can see on page 15 of this volume).

Second, the *Yearbook* has been redesigned. Previously, it was published in two volumes. The *Yearbook* now consists of one volume. Besides improving the user experience of the print version, this change will also improve the e-book and its Oxford Scholarship Online (OSO) version. The latter constitutes an important step and tool for the *Yearbook*. I would like to thank the Oxford University Press team for their patience throughout the process, especially the current editor, Dennis Gargano. He has been involved from the very beginning, in addition to taking care of the production of the journal with great skill and dedication.

Third, since 2015, the *Yearbook* regularly features commentaries on the OUPblog on a variety of subjects. The 2017 edition continues this activity with much enthusiasm (see my post *No-impunity as a Global Constitutional Principle*, January 11th, 2018 at https://blog.oup.com/2018/01/no-impunity-constitutional/).

However, the 2017 edition also introduces a couple of changes to the part entitled “Recent Lines of Internationalist Thought,” which has been included in the *Yearbook* since 2006. The main purposes of this part are to give an overview and a critical appraisal of the current international law literature, provide readers with an opportunity to study and interpret issues from different perspectives, examine different methodologies, and explore ideas from different cultures. We have introduced a novelty with respect to this part. The novelty concerns the subject behind the original authorship—for the Scholar/Judge who contributes thoughts and ideas is also talking about his own work. It is customary for somebody in authority to talk about himself! The *Yearbook* wishes to utilize this as yet another platform for disseminating research findings as well as experiences of a more practical nature.

Professor Cançado Trindade inaugurates the new features of the part now mentioned. Being widely recognized for his very creative ideas and innovative approaches, the choice of Professor Trindade seems a perfect one for this very special occasion. We have used the form of a written interview to capture his experiences in different roles, from teaching international law to practicing as a Judge and President of international courts. One of the intentions is to cast light on the challenges facing the emerging world society.

Among the less recent changes I would like to address are the following.

Beginning with the 2009 issue, the *Yearbook* has undergone gradual restructuring to update the part that is now entitled “Global Justice—Decisions of International Courts and Tribunals.” Between 2009 and 2017, we have set up a new format for “legal maxims” whereby the most important elements of the judicial decisions are now distilled, while leaving aside the facts of the case as far as is possible. This part, divided into eleven sections and primarily devoted to the highest judicial bodies, continues to report annually on significant international case law, as systematically collected in legal maxims. The extraction of legal maxims from the courts’ decisions, together with their elaboration and systematic classification, is the peculiarity and uniqueness of the *Yearbook*. The remarkable development of the international courts and tribunals has made it increasingly difficult to follow closely the wealth of case law now emanating from the relevant jurisdictions, without the help of
Aims & Scope

an intermediary. Therefore, both originality and utility of the *Yearbook* lie precisely in its “intermediation” function—between case law and international scholars, practitioners, and students. A short, targeted index for each of those sections (the eleven sections devoted to the highest courts) has been included, making any research in the volume efficient and fruitful. However, as in the past, an Introductory Note by distinguished and internationally renowned academics and judges on each judicial body provides a synopsis of their activity over the course of the year.

Furthermore, beginning with the 2010 issue, the *Yearbook* has included a part entitled “Forum—Jurisprudential Cross-Fertilization: An Annual Overview.” Using comparative analysis, this highlights the interconnections between the decisions of international courts and tribunals. The *Yearbook* is the first academic journal to present an annual overview of the process of cross-fertilization between courts. A comprehensive and complete survey by eminent international law scholars exploring, evaluating and documenting this process has the potential to promote a favourable environment for the courts to advance judicial cooperation with a view to the possible harmonization of legal principles governing the global community.

Finally, among the noticeable improvements is the increased online availability of the *Yearbook* (see, at http://www.universitypressscholarship.com/search?isQuickSearch=true&pageSize=10&q=global+community+yearbook+of+international+law+and+jurisprudence&sort=datedescending) as well as the new journal’s website http://www.globalcommunityyearbook.org/ that provides much more information on the journal (see the Archive of the editions from 2001 to date).

15th December 2017