

INTRODUCTION

This issue of the *Israel Law Review* focuses on the challenges that new technologies pose for international humanitarian law (IHL), and opens with five articles which were first presented at the 6th annual Minerva/ICRC Conference on IHL, held in Jerusalem in November 2011 (with the support of the Konrad Adenauer Stiftung and the Hebrew University Bruce W Wayne Chair of International Law).

The first three articles address the effects of new weapon systems on the application of the *substantive* rules of IHL. The opening article, ‘Cyber Warfare: Applying the Principle of Distinction in an Interconnected Space’, authored by Robin Geiß and Henning Lahmann, discusses problems associated with the application of the principle of distinction in situations where civilian and military cyber infrastructure are closely interconnected. Geiß and Lahmann propose in this connection a range of practical legal solutions, which include the development of digital safe havens and a new interpretation of the concept of harm to civilian property.

The second article, ‘Disruption of Satellite Transmissions *ad Bellum* and *in Bello*: Launching a New Paradigm of Convergence’, by Deborah Housen-Couriel, moves from regulation of hostilities in cyberspace to regulation of hostilities in outer space. Housen-Couriel sets out the different international legal regimes governing the freedom to engage in satellite transmission (including international telecommunications law and space law) and discusses their potential interaction with the relevant rules of IHL that may govern attempts to disrupt transmissions.

The third article in this issue is Tom Ruys’ ‘The XM25 Individual Airburst Weapon System: A “Game Changer” for the (Law on the) Battlefield? Revisiting the Legality of Explosive Projectiles under the Law of Armed Conflict’. The article reviews the applicability of one of the more ancient rules of IHL – the prohibition on exploding small projectiles (found in the 1868 St Petersburg Declaration) – to modern weapon munitions, the ‘airburst’ anti-personal rounds shot by XM25 guns and programmed to burst above the enemy target.

The fourth and fifth articles in this issue address the effects of new technologies on monitoring compliance with IHL. Eliav Lieblich discusses – in ‘Show Us the Films: Transparency, National Security and Disclosure of Information Collected by Advanced Weapon Systems under International Law’ – the duty of transparency as applied to military operations. As Lieblich notes, the scope of the duty has become more contested with the increased technological capability to chronicle military operations.

In the fifth article, ‘IHL 2.0: Is There a Role for Social Media in Monitoring and Enforcement?’, Anne Herzberg and Gerald M Steinberg survey the role of new social media in promoting the enforcement of IHL. Still, they caution against misuse of this new monitoring tool and call for the development of clearer guidelines on the matter for use by official fact-finders.

The issue concludes with two pieces on topics other than IHL. As in past years, the *Israel Law Review* is pleased to carry the text of the annual Lionel Cohen Memorial Lecture given each year in Jerusalem by a leading UK lawyer or law scholar. This year's lecture by Lord Anthony Grabiner QC, a leading practitioner in the field of commercial and media law, dealt with 'Sex, Scandal and Super-Injunctions – The Controversies Surrounding the Protection of Privacy', a topic of great timeliness in the UK and elsewhere. Finally, the issue contains a review by Robbie Sabel of a new book, which also deals with a public law question of great relevance: *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary*, edited by Andreas Zimmermann (Oxford University Press, 2011).

Professor Yuval Shany, Hebrew University of Jerusalem
Professor Sir Nigel Rodley, University of Essex
Editors-in-Chief