Editorial

The COVID-19 pandemic continues to dominate our daily lives. Multiple vaccines have been developed, and trials suggest that they are effective against the virus and, to date, its variants.¹ While this gives cause for hope, the worldwide rollout of the vaccines remains slow and piecemeal, and COVID-19 continues to inflict significant humanitarian, economic and social costs across the world.

It goes without saying that this issue of the *Journal of International Humanitarian Legal Studies* has been compiled under considerable pressures. Before introducing our readers to its contents, we would first like to express our enormous gratitude to the authors, reviewers and assistant editors who have worked tirelessly to produce it. Now, more than ever, it is important to shine a light on the humanitarian crises occurring in the world and to clarify how international law can be leveraged to help alleviate them. We are pleased that the *Journal of International Humanitarian Legal Studies* can contribute to this process.

This issue opens with an article by Ianiv Garfunkel. Six American States parties to the Rome Statute Establishing the International Criminal Court (ICC) have referred the situation in Venezuela to the ICC under Article 14 of the Statute, which permits States parties to refer crimes to the Court where they have been committed outside their territory. Garfunkel examines whether the Venezuelan referral would meet the complementarity test under Article 17 of the Rome Statute. He argues that the application of this test is particularly tricky in the context of Venezuela given that the referring States appear to be under a duty to exercise their criminal jurisdiction over the international crimes committed in Venezuela but have failed to do so.

Moving to the next article in this issue, Deniz Arbet Nejbir examines the legal status of the armed conflict between Turkey and the Kurdistan Workers' Party under international humanitarian law. He demonstrates that the Kurdistan

¹ For an overview of COVID-19 vaccines, see World Health Organization, 'COVID-19 Vaccines' <www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines>.

Workers' Party is, first, an organised armed group and, second, engaged in protracted armed violence with the government of Turkey. For these reasons, Nejbir concludes that Turkey and the Kurdistan Workers' Party are involved in a non-international armed conflict within the meaning of Common Article 3 to the Four Geneva Conventions and customary international humanitarian law and calls upon them to comply with their international legal obligations.

Next, Emilia Pabian explores whether the law of occupation provides a legal basis for Turkey's exploitation of natural gas resources off the coast of northern Cyprus. She argues that, even during periods of prolonged occupation, the law of occupation retains its restrictive character. While occupying powers can exploit natural resources within occupied territories, these resources must be used for the benefit of the inhabitants of the occupied territory rather than the occupier itself. In light of this, Pabian doubts whether the law of occupation permits Turkey's extensive exploitation of natural gas resources in northern Cyprus.

In her article, Cristina Teleki examines whether Ukraine's detention operations since the beginning of the 2014 armed conflict meet the requirements imposed by international human rights law and international humanitarian law. In particular, she focuses on how these legal frameworks apply to what she terms the 'simultaneous release and transfer of detainees'. While this practice has attracted praise from certain actors within the international community, Teleki demonstrates that it has in fact given rise to multiple breaches of international human rights law and international humanitarian law.

The next contribution to the issue takes the form of a review essay and is written by Piergiuseppe Parisi. Parisi reviews Catherine Harwood's monograph entitled *The Roles and Functions of Atrocity-Related United Nations Commissions of Inquiry in the International Legal Order: Navigating between Principle and Pragmatism*. A central feature of Harwood's book is that it systematically surveys the practice of atrocity-related UN Commissions of Inquiry. Parisi identifies three core themes emerging from Harwood's analysis and positions them as lenses through which the work of UN Commissions of Inquiry can be assessed: legitimacy, juridification, and roles and functions.

This issue concludes with two book reviews. Andrzej Jakubowski reviews Noelle Higgins' monograph entitled *The Protection of Cultural Heritage during Armed Conflict: The Changing Paradigms* and David Turns reviews Nicholas Tsagourias and Alasdair Morrison's *International Humanitarian Law: Cases, Materials and Commentary*.

Finally, we are delighted to announce the winner of the *Journal's* 2020 prize. The prize is awarded to the best article written by an author under the age of 35 or within 8 years of completion of their PhD. The winner is chosen by a panel

drawn from the *Journal's* Editorial and/or Advisory Boards. The winner for 2020 is Rob Grace's *Humanitarian Negotiation with Parties to Armed Conflict: The Role of Laws and Principles in the Discourse*. Congratulations Rob!

Russell Buchan

School of Law, University of Sheffield, Sheffield, United Kingdom
r.j.buchan@sheffield.ac.uk

Emily Crawford

The University of Sydney Law School, Sydney, NSW, Australia
emily.crawford@sydney.edu.au

Rain Liivoja

The University of Queensland Law School, Brisbane, QLD, Australia
r.liivoja@uq.edu.au