Editorial

Rules-Based International Disorder

This issue of the *Journal of International Humanitarian Legal Studies* comes to you at a time when the international rules-based order seems beset with disorder. Russia's war with Ukraine has dominated international headlines, with daily reports of violations of international humanitarian law and international human rights law. Russia's aggression in Ukraine has prompted some astonishing developments, not least of which has been the confirmation, in late May 2022, of Sweden and Finland's intention to join NATO, altering neutrality and non-alignment measures that have been in place since the end of the Second World War. In response to the conflict, sweeping economic sanctions have been imposed on Russia, with equivalently significant financial support being directed to Ukraine. Military and humanitarian aid has flown to Ukraine from all corners of the world. As a journal focused on humanitarian legal issues, the conflict in Ukraine is of signal interest – in future issues of this journal we will no doubt see articles that address the manifold ramifications of the conflict on

human rights law, humanitarian law, the law on the use of force, and on the law relating to refugees and internally displaced persons.

For those of us who teach and research in this field of international law, the media commentary on Ukraine has prompted a raft of emotions, from bemusement to outright disdain. Reports of the conflict as being the ‘first European war since World War II’ strike one as historically ignorant and tone-deaf, as if the state-shattering conflicts in the Balkans in the 1990s never took place. More troubling has been the racism and bigotry at the heart of much of the Western commentary and response to the conflict in Ukraine. Ukraine’s former deputy general prosecutor, David Sakvarelidze spoke of the horror of watching ‘European people with blonde hair and blue eyes being killed’; US news correspondent, Charlie D’Agata spoke of how Ukraine ‘isn’t a place, with all due respect, like Iraq or Afghanistan that has seen conflict raging for decades. This is a relatively civilised, relatively European – I have to choose those words carefully, too – city where you wouldn’t expect that, or hope that it’s going to happen.’ Likewise, some European leaders, such as Bulgarian Prime Minister Kiril Petkov welcomed the influx of Ukrainian refugees, noting that they are ‘not the refugees we are used to. They are Europeans, intelligent, educated people, some are IT programmers … this is not the usual refugee wave of people with an unknown past. No European country is afraid of them.’

The domination of the airwaves by the Ukraine war has had other impacts: namely, a seeming marginalisation of other events from international focus. Five months into the third year of the Covid-19 pandemic, vaccine inequity persists, with World Bank statistics from 2021 showing that high income States enjoyed a 50% vaccination status, in comparison to less than 2 percent for low-income States. In Afghanistan, the Taliban continues to strip rights from women and girls; despite assurances to the contrary, the Taliban has

reintroduced edicts banning women from secondary and higher education and forcing women to wear full face coverings. The conflict in Syria continues, with the UN warning that funds to support those most vulnerable are at risk of running out; worldwide assaults on sexual and reproductive rights continue, with women being imprisoned for miscarriage, and LGBTQI rights being increasingly restricted or outright overturned.

The *Journal of International Humanitarian Legal Studies* has long been focused on all questions that impact people in situations of violence, disorder, and unrest. This issue is no exception. Emily Camins’ article, ‘Between Rights, Sovereignty and Cooperation: Responding to Victims of Armed Conflict’, explores how international law might better address the question of reparations for victims of armed conflicts by looking to victim assistance models contained in disarmament law treaties. Alba Grembi’s article on the dissemination of international humanitarian law in Greece looks at how Greece has fulfilled its IHL obligations in the realm of maritime warfare. Grembi warns that, in the face of rising tensions between the coastal States of Greece and Turkey, Greece is ill-prepared, from the perspective of international humanitarian law, and that, in the absence of a manual on maritime conflict, Greece’s naval commanders may find themselves in a legal quandary in the event of armed conflict.

Armed conflict, by necessity, results in, *inter alia*, the death of combatants, and IHL rules on the respectful treatment of the remains of the dead are well-entrenched in international law. However, as Hilly Moodrick-Even Khen argues in her article ‘Bury Thee not, I pray Thee, But I will lie with my Fathers: The Right of Soldiers to be Buried in their Homeland’, international humanitarian law does not, at present, adequately protect the rights

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of deceased fighters regarding the manner and location of their burial. As Moodrick-Even Khen explores, these rights are not absolute, and can be limited according to a variety of considerations, including state policies and interests, and that these lacunae in the law need addressing.

Tomasso Natoli’s article, ‘Improving Coherence between Climate Change Adaptation and Disaster Risk Reduction through Formal and Informal International Lawmaking’ looks at the role both formal and informal international lawmaking have to play in better regulating climate change adaptation and disaster risk reduction. Natoli surveys the role that bodies such as the Intergovernmental Panel for Climate Change, UN Office for Disaster Risk Reduction, and the International Red Cross and Red Crescent Movement can play in creating a more coherent approach to mitigation of the effects of climate change and disasters. As Natoli argues, cooperation between States and intergovernmental organisations can provide greater coherence and integration between law and policies on climate change adaptation and disaster risk reduction, which can lead to more efficient use of available resources, and more effective action in reducing human vulnerabilities and exposure to climate and disaster risks.

The last of the articles in this issue is by Mateusz Piątkowski, who takes us back to the Vietnam War in ‘The Case of M/S Józef Conrad and Law of Air Warfare During the Vietnam War’. In Piątkowski’s article, the December 1972 bombing of the Polish-flagged merchant vessel M/S Józef Conrad, which at the time was anchored in the North Vietnam port of Haiphong. Hit by an air-delivered projectile in the Linebacker II air campaign, the attack caused death and injury to the Polish sailors and destroyed the ship itself. As the article explores, in 2020 a formal petition was submitted by the Polish Commissioner for Human Rights to the Polish Ministry of Foreign Affairs, outlining that despite the fact that ‘the attack on the Polish ship by the American forces constituted a violation of the right to life, under Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights’, neither legal actions nor diplomatic efforts were later undertaken on behalf of the victims. However, as Piątkowski notes, the legal landscape surrounding the bombing is complex, drawing on issues related to neutrality and the law of targeting, as well as a lack of clarity in the law of naval warfare and aerial warfare – this complexity ultimately leads to problems in characterising the bombing as unlawful under international law.

Finally, this issue of the journal reviews several excellent new books in international law – Marnie Lloyd reviews Joe Cropp’s *The Humanitarian Fix: Navigating Civilian Protection in Contemporary Wars*; Stefano D’Aloia reviews Natia Kalandarishvili-Mueller’s *Occupation and Control in International
Humanitarian Law; Mark Swatek-Evenstein’s A History of Humanitarian Intervention is reviewed by Atul Alexander and Ishan Kare; and Yolandi Meyer and James Patrick Sexton review Treasa Dunworth’s Humanitarian Disarmament: An Historical Enquiry and Heike Krieger’s edited collection Law-Making and Legitimacy in International Humanitarian Law respectively.

As always, we look forward to hearing from our readers and potential contributors. If you would like to discuss an idea for a symposium or an article, please do not hesitate to drop us a line – either collectively at editors@jihls.net or individually at the addresses below. Our Reviews Editor, Marco Longobardo (m.longobardo1@westminster.ac.uk) is also always looking for insightful reviews of books and other media that fall within the scope of the Journal. Thank you for reading, and we hope to hear from you.

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

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

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