

*Patrycja Grzebyk**

Marco Sassòli, *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare*, Edward Elgar Publishing, Cheltenham: 2019, pp. 720

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Anyone who is a researcher or a teacher in International Humanitarian Law (IHL) has had the opportunity to read some of Marco Sassòli's works. One of his best-known publications – titled *How Does Law Protect in War. Cases, Documents and Teaching Materials on Contemporary Practice in International Humanitarian Law* (ICRC, English editions – 1999, 2005, 2011; French editions in 2003 and 2012) – was originally co-authored with Antoine A. Bouvier, and then jointly with Anne Quintin (from the third edition) and Julia Grignon (the online platform). This casebook, which has also been available online since 2014 (<https://casebook.icrc.org>) is an extremely useful resource tool, systematically updated and available in several language versions (Arabic, Chinese, English, French, Russian, Serbo-Croatian, Spanish). However, despite the fact that *How Does Law Protect in War* contains some introductory remarks to each of the chapters, which explain basic notions or rules of IHL, the publication is still only a casebook – not a handbook of IHL. Since it lacks detailed analyses, many problems are just remarked upon, with suggestions for further readings, and the explanations are very limited and rudimentary, thus leaving a reader with a feeling of wanting more.

Sassòli, who is also known for his tremendous teaching skills, was both tempted and encouraged – especially by his numerous students – to write a handbook on International Humanitarian Law. He finally decided to take up the challenge and he managed to achieve it in a great fashion. He has just published *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare*, Edward Elgar 2019.

However, do not be fooled by the title. It is not just a classic handbook which will make students' and researchers' lives easier by explaining the principles applied in armed conflicts in short and simple words. This is a full-fledged monograph, a treatise on IHL which confirms Sassòli's position as a master in all debates concerning IHL-related issues. Sassòli poses further questions, raises doubts, and provokes his readers to rethink their allegedly well-founded opinions. This is the *opus magnum* of a mature and

* Associate Professor (dr. habil.), University of Warsaw; e-mail: patrycja.grzebyk@uw.edu.pl; ORCID: 0000-0003-4022-7018.

sophisticated researcher who recapitulates all his knowledge, years of teaching, numerous publications, struggles to answer difficult questions, attempts to prove the relevance of IHL, participation in discussions, and last but not least his extensive practice.

Sassòli gained massive experience in the field of IHL when he worked for the ICRC from 1985-1997 (both at the headquarters and in the field, *inter alia* as head of the ICRC delegations in Jordan and Syria and as Protection Coordinator for the former Yugoslavia). During a sabbatical leave in 2011, he again joined the ICRC as Legal Adviser to its delegation in Islamabad. In consequence, Sassòli juggles examples from different armed conflicts. Not without meaning is the fact that Sassòli was based for years in Geneva (where headquarters of the UN and ICRC are located), from where he could participate in discussions and processes directed by ICRC or Swiss government (which plays the role of a depositary of the Geneva Conventions and their Additional Protocols). He could observe the changes in the ICRC's approach to IHL questions and its style of work. That is why his latest book, *International Humanitarian Law. Rules, Controversies, and Solutions to Problems Arising in Warfare*, contains such great insights into the development of IHL, the role of different institutions and people, and is full of anecdotes and thoughtful remarks from his decades-long perspective.

The reader receives a lengthy 628 page-long analysis of IHL (not counting indexes and introductory pages), of which every sentence is meaningful and requires full focus. Sassòli does not "lose" too much space to the bibliography or footnotes – a task which would mainly serve the purpose of mapping out the relevant literature which is covered in the collection of references contained in the aforementioned casebook. In his Introduction he explains that the two publications complement each other. However, there are still references (in several languages) not only to classic academic papers, but also to policy papers, blogs, and reports, proving that the author is *en courant* with the current debates.

The book's content is divided into 11 parts (Introduction; History; A general overview of IHL based upon its major delimitations; The sources of IHL; Respect of the law; Scope of application; International and non-international armed conflicts; The protective regimes; IHL and other branches of international law; Selected cross-cutting issues – which include the questions of authorization, terrorism, drones, lethal autonomous weapons, arms transfers, cyber warfare, PMSCS, gender, cultural heritage, humanitarian assistance, and non-state armed groups; Conclusion). What is remarkable in the case of this handbook is that there are no weak parts – the author feels comfortable in every aspect of IHL and has his reasoned opinions on each of the points discussed.

The handbook is an interesting read throughout, which is a great achievement when one takes into account that some issues, like the organization of camps for prisoners of war or the obligation to handle human remains, do not seem at first sight to be particularly fascinating issues. Sassòli chose to put references to particular provisions in footnotes, which makes his lectures smoother, but at the same time he always explains the reasoning behind particular solutions, and does not avoid expressing empathy (but not tolerance) even for those who violate the law. He uses many explanatory examples, and

explains non-legal factors which weaken or strengthen the respect for IHL. This is why his book is not only an expression of Sassòli's pre-eminent position on IHL-related problems and issues – which in and of itself is extremely valuable for researchers – but at the same time it is an accessible handbook for advanced (!) students (those who are starting their adventures with IHL should rather pick some less challenging lectures, like the Nils Melzer's *International Humanitarian Law: A Comprehensive Introduction*, 2019).

The great value of Sassòli's book is that it is written not from the narrow perspective of an IHL specialist, but that of a researcher with a profound knowledge of international law (Sassòli has lectured on international law (IL) at the University of Geneva for years), which is why he is able to clearly show the meaning of principles of general international law for IHL and at the same time precisely point out all the differences between, e.g., the classic understanding of sources of international law and its specific application to IHL. He demonstrates an extensive knowledge of IL literature and also of academia as such. As a researcher I enjoyed his rather sarcastic remarks concerning the temptation to be innovative and claim 'a paradigm shift' even against the wording of the law. The author has such strong positions that he does not have to hide his criticism even in reference to the ICRC, an organization with which he worked very closely and much appreciates its role.

In his analysis, he is open to argumentation derived from other branches of international law (like Human Rights Law or International Criminal Law (ICL)), which is still rare among IHL experts. An example of this profound, broad analysis is the subchapter devoted to terrorism, wherein he refers to different anti-terrorism conventions, judgments of international tribunals, and the history of anti-terrorism practice of different states in order to prove that the terrorist label cannot be used during armed conflict to deprive certain groups of their rights. He reminds readers that from the perspective of IHL as well as of ICL, attacks against military objectives (e.g. armed forces) cannot be considered as a violation of international law even if their aim was to spread terror among the civilian population. He stresses – which might be controversial – that it could happen that heavily armed terrorists must be classified in international armed conflicts according to IHL as civilians if they do not have combatant and/or POW status. Is this acceptable for states, or public opinion as broadly understood? Not necessarily, but Sassòli points out that "[i]n law, borderline cases never correspond to the ideal typical category envisioned by law-makers but nevertheless fall under its provisions" (p. 505). He thus meticulously explains different situations and shows what is and what is not possible during antiterrorism operations conducted during armed conflicts. Of course there are some points which might be debatable (e.g. when the author – based on the 1999 Convention for the Suppression of the Financing of Terrorism – argues that during armed conflicts only attacks against civilians can be criminalized; despite the fact that the 1999 Convention mentions "[a]ny act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization

to do or to abstain from doing any act.” Thus the literal interpretation of this provision would suggest that attacks against members of armed forces who are not engaged in hostilities at a given time can also be treated as offences under international law.

Sassòli's positions can be described as realistic – not in terms of legal or international relations' realism methodology, but rather as pragmatism requiring only that which is feasible, achievable. This “realist”, practical approach is stressed throughout whole book. He explains why some limitations are necessary and in the interest of the fighting parties, but at the same time he stresses that all obligations must be feasible. The will to alleviate suffering cannot disregard military necessity – the (majority of) wars are conducted in order to win them, and if everything is banned the fighting parties will disregard humanitarian provisions altogether. The legal provisions on the role of non-state actors in armed conflicts cannot disregard the fact that it is states which dictate the terms of the law and its practice, etc. The fact that there are significant gaps in the international framework does not push him into urging that the Geneva Conventions and their Additional Protocols must be revised, as he is fully aware that in the contemporary situation states would use this opportunity to weaken their obligations.

This handbook constitutes proof that it was well worthwhile to wait with the publication of the handbook until the subject matured in the researcher's mind, and to treat handbook as the opportunity to summarize years of research and as a crowning achievement. In sum, the book, *International Humanitarian Law. Rules, Controversies, and Solutions to Problems Arising in Warfare*, confirms Sassòli's position as an expert in the role of IHL, and specialists in other branches of international law should also take notice of this fascinating (how rarely can we use this expression in reference to a handbook!) publication. The result is splendid. A giant, on whose arms other IHL researchers can grow, has spoken. It is well worthwhile to listen to him.