

The King's Student Law Review is an independent, non-profit, online academic publication managed by researchers and students at the Dickson Poon School of Law. The Review seeks to publish high-quality legal scholarship written by undergraduate and graduate students at King's and other leading law schools across the globe. *Strife* is a biannual, peer-reviewed academic periodical publication created and managed by young researchers from the Department of War Studies, King's College London. It is a core part of a wider initiative, and as such is closely linked to the homonymous academic blog. *Strife's* thematic focus is conflict, a broad field of research and enquiry which includes not only classical historical narratives and analyses of military conflicts and their significance, but also strategy, diplomacy, international relations, peace studies, conflict resolution, as well as related social and cultural issues.

Suggested citation: (2019) 2 *Strife*-KSLR

~

**Winter 2019**

**Managing Editors**

Anna Plunkett and Tasneem Ghazi

**Editors-in-Chief**

Andrea Varsori and Nazanin Aslani

**Senior Editors**

Alicia Jones

Alicia Pastor y

Camarasa

Andreas Moeller

Axel Dessen

Irene Valones

Jeremy Letwin

John Pennell

Mara Wendebourg

Melissa Ozer

Nina Hart

~

The opinions expressed belong solely to the authors and do not reflect those of the KSLR Editorial Board, *Strife* or King's College London as a whole; This journal has been created for educational purposes only. It does not constitute legal advice and must not be relied upon as such. Whilst every effort has been made to ensure the accuracy of information, the KSLR and *Strife* does not assume responsibility for any errors, omissions, or discrepancies of the information herein. All information is believed to be correct at the date of publication but may become obsolete or inaccurate over time. No part of this publication may in any form or by any means be reproduced, transmitted, recorded, or stored in any retrieval system of any nature, without the prior, express written permission of the KSLR or *Strife*. Within the UK, exceptions are allowed in respect of any fair dealing for the purpose of private study, non-commercial research, criticism or review, as permitted under the Copyrights, Designs and Patents Act 1988. All enquiries to be addressed to the [kslr.strife.joint@gmail.com](mailto:kslr.strife.joint@gmail.com).



# The King's Student Law Review and *Strife* Journal

## Joint Issue II on 'Law and War'

~

### The aim of Punishment in Post Conflict Situations

*Wendy Carazo Mendez*..... 5

### The Institutionalised Morality of War: Beyond Just-War Theory's Law-Morality Dualism

*David Rubin* ..... 29

### Discredit upon the British Name and Rule: The Suppression of Piracy and History of International Law in the China Seas

*Nathan C Kwan* ..... 48

### Lethal Autonomous Weapon Systems & the Ethics of Robo-Killing: The Potential Effects of Intelligent Weapons on *Jus Ad Bellum* & *Jus in Bello* Compliance by States in Future Conflicts

*David A Wagner* ..... 65

### 'Responsibility to Protect': A Doctrine Dead at its Infancy?

*Sotiris Paphitis*..... 81

### The Potential Non-Application of Article 5 of the ECHR to *Inter Partes* International Armed Conflict following *Hassan v the United Kingdom*

*Charles Brichet* ..... 105



## EDITORIAL

'Law and War' have shaped and reconstructed society throughout history. War has been the method of conquering lands and dividing resources and has shaped the borders of states along with the establishment and survival of civilisations and societies. Law has provided the methods and resolutions for conflict and has, consequently, defined the evolution of societies through time, as well as each societies' norms and values. Together, these disciplines give us a nuanced appreciation of the birth, identities and evolution of communities, states and empires.

The relationship between these two disciplines must be continually reimagined *in lieu* with social, economic and technological developments. Today, state and non-state actors have begun to engage with new forms of warfare and technological advancements, repurposing the tools of covert action, proxy warfare and propaganda. Thus, legislation has expanded domestically and internationally to ensure that advancements do not encroach upon existing rights of individuals, or sovereign states. The interaction of law and war then, remains ever expanding and ought to be seen as an important field of scholarship in its own right.

The second edition of this joint edition on 'Law and War' entails papers that address this interdisciplinary field from a range of different angles: historical, philosophical, theoretical, doctrinal and socio-legal. Our unique contributions discuss: the historical legacies of international humanitarian law, the practical implications of morality on waging wars, how technological advancements are changing the nature of warfare, the role of international state and non-state actors during and after conflicts and how the courts may hold states and individuals accountable for their actions during conflicts.

We would like to thank our authors for their unique contributions, our editors for their hard work and our affiliated Departments (the Dickson Poon School of Law and the Department of War Studies) for their support.

*Anna Plunkett & Tasneem Ghazi*



