

evasive and it stated that war crimes committed in a non-international armed conflict—which it was in this government’s view, since the Netherlands transferred sovereignty only in 1949 and did not formally recognize the Indonesian claim of independence claim of 1945—had not been criminalized under international law at the time.¹⁵ In Chapter 3 of his book, Van Dijk shows that efforts to regulate non-international armed conflict pre-date the Geneva Conventions. He also exposes how the colonial powers of the time tried to avoid, or at least water down, regulation of civil and colonial wars in Geneva. His analysis thus offers a more nuanced picture than that of the Dutch government.

Chapter 5 considers indiscriminate warfare. This Chapter opens with the story of the U.S. bombing of Tokyo and Kobe in March 1945, resulting in more civilian casualties than the nuclear bombings of Hiroshima and Nagasaki together. Van Dijk recalls how two U.S. pilots responsible for the bombing were captured and put on trial by the Japanese and subsequently executed as war criminals. Later, after Japan surrendered, a special war crimes tribunal established by the United States found Japanese officials involved in the proceedings against the U.S. servicemen guilty of violations of the laws of war for not offering them a fair trial. Meanwhile, the Tokyo bombings were not adjudicated by any U.S. court or special war crimes tribunal, and in Geneva, the legality of aerial bombing and nuclear warfare remained purposefully unregulated. Van Dijk dismisses arguments that this silence can be explained by the Hague/Geneva distinction. He shows that this omission was instead the result of conscious and deliberate efforts by the United States, as well as the United Kingdom, to exclude the issue of air-atomic warfare, as well as blockades, from proper regulation.

¹⁵ Letter to Parliament by Prime Minister Rutte Containing a Second Reaction of the Government on the Conclusions of the Research Programme Independence, Decolonization, Violence and War in Indonesia 1945–1950 (Dec. 14, 2022), available at www.rijksoverheid.nl.

Throughout his work, Van Dijk more generally focuses on and problematizes the use of international law as a product made primarily by the powerful and intended to be applied to others. This dynamic in international law arguably remains omnipresent today. It is apparent, for example, in ongoing discussions regarding the prosecution of the aggression occurring in Ukraine, in the reluctance to accept and streamline International Criminal Court (ICC) jurisdiction for all crimes, as well as in the reluctance by some states to share evidence with the ICC. It is a dynamic that severely undermines the credibility of international law at a time of uncertainty, when the world needs a robust and even-handed international legal system. Van Dijk’s book is excellent for exposing this dynamic in relation to the Geneva Conventions and for unearthing some of the politics behind those crucial treaties. *Preparing for War* is a compelling read. It is powerfully written and offers us the richest and most nuanced account of the negotiations leading to adoption of the Geneva Conventions currently on offer.

LARISSA VAN DEN HERIK
Leiden University, School of Law

BOOKS RECEIVED

Human Rights

- Langille, Brian, and Anne Trebilcock (eds.). *Social Justice and the World of Work – Possible Global Futures: Essays in Honor of Francis Maupin*. Oxford; New York: Hart Publishing, 2023. Pp. xvii, 381. Index.
- Sparks, Tom. *Self-Determination in the International Legal System: Whose Claim, to What Right?* Oxford; New York: Hart Publishing, 2023. Pp. x, 267. Index.
- Witting, Sabine K., *A Commentary on the United Nations Convention on the Rights of*

the Child – Optional Protocol 2 on the Sale of Children, Child Prostitution and Child Pornography. Pp. xxxi, 109. Leiden; Boston: Brill Nijhoff (2022).

Regional, Foreign & Comparative Law and Politics

Mumme, Stephen Paul. *Border Water: The Politics of U.S.-Mexico Transboundary Water Management, 1945-2015*. Tucson, AZ: The University of Arizona Press, 2023. Pp. xiv, 414. Index.

Refugees & Migration

Kochenov, Dimitry, and Kristin Surak (eds.). *Citizenship Residence and Sales: Rethinking the Boundaries of Belonging*. Cambridge, UK: Cambridge University Press, 2023. Pp. xxiii, 560. Index.

International Organizations

Krasno, Jean E. (ed.), *The United Nations Policy and Practice*. Boulder, CO; London: Lynne Rienner Publishers, Inc., 2023. Pp. vi, 302. Index.