

EDITORIAL COMMENT

This issue of the *International Journal of Legal Information* delivers three diverse and really interesting articles to readers. There are important pieces on aspects of COVID-19 and national security; how in cases of atrocities, functional immunity should not be used as a way around peremptory norms; and the final article puts readers on notice of a dangerous loophole in the Biological Weapons Convention and how we might eliminate that loophole. Also, there is, of course, our usual, popular segments of the *International Calendar*, edited by **Amy Flick**, and *Book Reviews*, edited by **Caroline Osborne**.

The first article is by **Shannon Havlicak Grondel**, and it examines nation state responses to the COVID-19 global pandemic. It is a timely piece to be sure. The author's thorough examination of the various responses around the globe to COVID-19 reveals three basic governmental approaches to combatting the pandemic. She labels these "a cyber-intrusive approach, a liberty-intrusive approach," and "a combination of the two." According to Grondel, the most practical of the three options depends wholly upon a given country's societal culture. Those nations that chose to implement none of these approaches in pursuit of "herd immunity" or for other reasons have felt the grave ramifications of such decisions through massive numbers of infections and deaths in their populations. In her article, Grondel examines the timelines of countries that exemplify the three approaches she describes. She concludes that there exists a pattern of success among countries that have employed one of the three approaches. Those nations that have opted for a light-handed – or no approach at all – continue to rank among the countries most negatively affected by COVID-19. She predicts that COVID-19 will trigger a global shift, prompting countries everywhere to adapt their existing infectious disease response strategies. Countries that have effectively hindered the spread and impact of COVID-19 Grondel believes will serve as examples to other nations.

The author of the second feature article, **Ariel Rawls**, focuses on defenses to charges of atrocities and argues that when a domestic court grants functional immunity to state officials, they violate that state's obligation to effectively prohibit derogations from peremptory norms in international law. These norms are known as *jus cogens* norms. Rawls's analysis is based on case law deeming amnesty laws incompatible with States' obligations not to derogate from *jus cogens* norms. As such, Rawls seeks to extend the rationale surrounding amnesty laws to argue that foreign national courts' invocation of functional immunity amounts to a breach of States' obligations owed to the international community to prosecute particularly grave and universally condemned international crimes. This is an important piece, and the author uses real life examples to illustrate and drive home her argument.

The final piece is by **Lena Raxter**, who takes on a very big topic: biological weapons and regulation of their use. She opens by providing necessary background and describes the requirements for treaty interpretation and the evolution of how one interprets treaties. She also conducts a global analysis of State practice regarding biosafety and biosecurity regulatory measures, analyzes the Biological Weapons Convention using treaty interpretation methods—including addressing how subsequent state practice has affected this interpretation, and how an evolutive approach to interpretation changes the meaning of Article I of the Convention. Finally, she recommends how to update enforcement mechanisms to accurately reflect the new state of the law.

As you can see, this issue is full of weighty topics. I'm pleased to say that the writing in the three feature articles is particularly good, and for topics of such complexity and import, the authors do a very good job of making the material accessible. I believe the IJLI's readers will enjoy this issue a great deal – and I know that it will give you a lot to think about and discuss. Happy reading!

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