Book Review - David D. Caron, Michael J. Kelly & Anastasia Telesetsky (eds), The International Law of Disaster Relief (Cambridge, Cambridge University Press, 2014)
Fournet, Caroline

Published in:
Human Remains and Violence

DOI:
10.7227/HRV.1.2.8

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2015

Citation for published version (APA):

Copyright
Other than for strictly personal use, it is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), unless the work is under an open content license (like Creative Commons).

Take-down policy
If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Downloaded from the University of Groningen/UMCG research database (Pure): http://www.rug.nl/research/portal. For technical reasons the number of authors shown on this cover page is limited to 10 maximum.
José López Mazz & Mónica Berón (eds), *Indicadores Arqueológicos de la Violencia, Guerra y Conflicto en Sudamérica* (Uruguay, University of the Republic and the Sectorial Commission of Scientific Research, 2014, 219 pp.)

*Indicadores arqueológicos de la violencia* displays archaeology’s historical interest in different forms of physical conflict and establishes something of a literary magnitude through its analysis of different types of intra- and inter-group violence. The causes and consequences of these conflicts, including wars, are interrogated from many perspectives and theoretical approaches, studied through the analysis of different material remains to enlighten the shapes and patterns of violence in historic societies.

Since the publication of works within the discipline’s materialist trends in the early 1970s, which widely discussed the romantic idea of the ‘noble savage’, we have seen exponential progress in the investigation and interpretation of different types of archaeological records that tackle an analysis of social conflict throughout history. Mazz and Berón’s book, dedicated to the South American context, successfully demonstrates this great evolution and the development of the archeology of conflict in over four decades of its thought and research.

Consisting of nine chapters, the book covers this development through a wide range of examined chrono-cultural diversity and demonstrates how archaeological and anthropological indicators can be used to infer and analyse violence and social conflict in the South American context. The chapters raise the need for understanding the different modes of violence and the social, economic and political relationships of which conflict is a part. This is achieved through the volume’s compilation of papers presented at the Symposium ‘Archaeological Indicators of Violence, War and Conflict in pre-Hispanic Societies’, as part of the XV National Archaeology Conference of Argentina, which includes papers from researchers working across the Southern Cone. As a result, there is discussion over a range of phenomena across a wide geographic and temporal spectrum, including the consideration of violence’s contemporary forms. This inclusion of a wide territorial range enables a thorough grasp of different conflicts’ type and scale: from the study of small-scale societies such as northeastern Patagonia in Chapter 5 to a systematic analysis of the types of conflict at regional and macro-regional levels, including a study of violence among hunter-gatherers in the western part of the Argentinean Pampa in Chapter 4.
The volume also presents a broad representation of work in different contexts of the Southern Cone’s prehistory, ranging from the end of the Middle Holocene to the Late Holocene period (3500–300 BCE). The first seven chapters analyse different contexts where the archaeological record of violence (whether direct or indirect) is understood as evidence of conflict. In this regard some authors engage with important discussions about the complexity of interpreting the material record within these contexts. This is the case, for instance, in Chapter 1, where López Mazz and Moreno explore the archaeological visibility of the conflict in Uruguay. Other contributions examine issues connected to cases of ritual violence or the symbolism of archaeological evidence – as shown by the work of Lessa and Gaspar in Brazil and Pacheco and Retamal in Chile in Chapters 3 and 7 respectively. The interpretation of different evidence allows the authors to contrast the violent contexts described by ethnographic sources and to provide empirical data in order to delve further into an understanding of conflict’s processes in the distant and recent past.

Other chapters consider the role that conflict played in the development and reaffirmation of identity (see, for instance, Chapter 6) or the intercultural violence that took place at the time of European colonisation (discussed in Chapter 2). Additionally, Chapter 8 provides an interesting theoretical approach to the study of violence’s historical materiality. The final chapter, written by López Mazz et al., presents an investigation into Uruguay’s recent traumatic past, analysing how the material remains of political violence are considered forms of evidence or proof of human rights violation during the civil-military dictatorship that occurred between 1973 and 1985.

This volume superbly reflects how archeology enables the reconstruction of historical events associated with violence and conflict in order to interpret complex cultural processes alongside other disciplines over time. It is consequently one of the most complete works to have appeared on the archeology of conflict and violence in the Southern Cone to date, essential reading for understanding the nature of the region’s conflict from its origins to the contemporary period.

Laura Muñoz Encinar, Universidad de Extremadura

David D. Caron, Michael J. Kelly & Anastasia Telesetsy (eds), The International Law of Disaster Relief (Cambridge, Cambridge University Press, 2014, 412 pp., £65.00 hardback).

The International Law of Disaster Relief is, perhaps surprisingly, an intriguing title. Surprisingly because, although disasters strike at a regular – if not seemingly increasing – pace and understandably trigger humanitarian relief and responses, international disaster law is, as pointed out by Kelly in the introduction to this collection of essays, ‘yet to be fully articulated’. This remark rightly mirrors the position taken by Caron in his preface:

Few aspects of the future are certain. Yet, it is certain that catastrophes, attended by widespread suffering, are a part of our collective future … Curiously, however, the
By aiming at bridging the gap between (public) international law on the one hand and disaster relief on the other, this volume is undoubtedly a welcome and much-needed addition to the (non)existing literature in this specific area of international law. As such, it is hoped that it will constitute a stepping stone towards further academic reflection on, and practical elaboration of, international legal norms in this field.

Such legal development will require terminological and normative precision and, in this respect, this volume could have benefited from further semantic clarifications, if not clarity. One such example lies in the use of the term ‘disaster’. In his introduction, Kelly points out that ‘human activity can also contribute to the occurrence of disasters’, thus suggesting the inclusion within the notion of disasters of state-generated and/or human-induced events. Kelly and other authors also refer to ‘catastrophes’, thereby prompting the question of whether the two terms are to be employed interchangeably. Others refer to ‘natural disasters’, an expression which is however problematic and controversial. As Smith points out, ‘[i]t is generally accepted among environmental geographers that there is no such thing as a natural disaster’. That the volume chooses not to engage with inter- or multi-disciplinarity analysis in favour of focusing solely and exclusively on the law is in itself not a problem. To the contrary, it is about time legal scholars explore the law of disaster relief. Yet, if international law and disaster relief are to be both fully understood and grasped, a purely legal standpoint might well be too restrictive. In this sense, the specification made by Clement at the very beginning of her contribution (Chapter 5) is a useful clarification that ‘for the purposes of this paper, the term “disaster” is defined as in the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance’, that is: ‘a serious disruption of the functioning of society, which poses a significant, widespread threat to human life, health, property or the environment, whether arising from accident, nature or human activity, whether developing suddenly or as the result of long-term processes, but excluding armed conflict’. Whether this is the overarching definition of the term employed throughout the volume is however not entirely clear and, although admittedly not an easy task, delineating the contours of the notion of ‘disaster’ would have contributed to delimiting the scope of application of the law of disaster relief.

Another such example is in the use of the term ‘relief’. While the lack of general definition might not be as problematic insofar as each contributor addresses the notion and thus participates in the debate of what actually constitutes relief, it may still lead to some confusion. For instance, while the volume’s final part title – ‘Disaster Prevention and Relief’ – suggests that ‘relief’ and ‘prevention’ are therein equatable, the framework of the ‘disaster cycle’, as explored by Farber in Chapter 1 and which includes both ‘pre-disaster preparation and post-disaster reconstruction’, appears to contradict such equivalence. These definitional issues aside, the
contributions all participate in making this book an insightful and thought-provoking read.

The first part of the volume – devoted to the legal theory of international disaster relief – is a welcome localisation of disaster relief within the realm of public international law. Arguably the most theoretical part of the book, it addresses the current state of international law, proposes frameworks for thinking about disaster relief and develops suggestions for its evolution.

The second part adopts a more practical standpoint by focusing on different case studies; the choice of which however remains slightly obscure. While Clement offers an illuminating analysis of the above-mentioned IDLR Guidelines and of the Red Cross and Red Crescent movement, Nakjavani Bookmiller innovatively explores the role and work of the International Search and Rescue Advisory Group (INSARAG). Yet, this part of the volume could arguably have benefited from a more holistic approach, giving attention to the status and role of other organisations which operate with the mandate of intervening in the wake of disasters. One can think for example of the International Commission on Missing Persons (ICMP).

Instead, there is an interesting – but perhaps misplaced – analysis of nuclear disasters in Japan. Considering that it deals with the ‘release of radioactive substance into the sea’ (Chapter 6), and thus partly with the law of the sea, this contribution could have been presented in parallel with the discussion on outer space (Chapter 12) located in the fourth part of the volume on the prevention of disaster by state actors. The use of the sea in the context of international law and disaster relief is a question that has recently become all the more pressing in light of the recent disappearance of Malaysian Airlines Flight MH 370 on 8 March 2014 and the ensuing investigations. In this sense, one could regret that investigations per se are not really addressed in this volume. But it is probably the third part of the volume on ‘the right of access to international disaster relief’ that would have benefited the most from a more all-encompassing and complete approach. It addresses the vulnerability of both states and individuals in the face of disaster relief. In doing so, however, it problematically omits some extremely vulnerable groups and, in particular, women and children.

The two-fold strength of this book lies in its theme and ambition. It addresses an under-researched topic in international law and chooses to do so by exploring a wide range of different issues. To some extent, its strength may also be its weakness, not due to the lack of quality of its contributions but simply because each of the volume’s five constitutive parts would deserve – at least – a monograph. This cannot of course be held against the book which will ultimately be of great interest to a fairly heteroclite readership; the impact of the reflections contained therein go beyond international law and disaster relief studies stricto sensu and into mass violence studies. Caron’s mention of the ‘ad hoc incoherence of legal and institutional responses’ may therefore resonate strongly with anyone dealing with international criminal law and/or post-conflict justice.
Note


Caroline Fournet, University of Groningen


The unpredictability of mass fatality incidents, whether natural or manmade, makes a planned response one of the greatest challenges for local, national and international agencies. The scale of the incident, its cause and therefore the number of personnel required to respond, often entails a management plan is essential for a controlled and methodical approach to the operation. Consequently, a management field guide to assist in developing such a plan and the training of multiagency responders, as pioneered here by Dudley, is a potentially valuable resource for co-ordinating the rescue and treatment of survivors, facilitating the repair and maintenance of basic services and initiating the recovery and management of bodies. While *Mass Fatality Management* is intended to provide this assistance, content is heavily driven by the author’s respected role as a pathologist and detracts from the book’s potential to exist as a complete management field guide for all personnel attending a mass fatality incident.

From the outset, Dudley introduces the field guide as a manual to help develop a mass fatality plan with local agencies in mind. The chapters – Management Overview, Administration Operations, Incident Site, Morgue Operations, Family Assistance Centre, Weapons of Mass Destruction and Mass Burial – cover the major elements of a mass fatality incident response, each laid out in bullet point format with corresponding diagrams and forms likely to be used at every stage, suiting the books objective to deliver a concise field manual. However, the chapter’s logical sequencing is at odds with the approach to planning a mass fatality response from a field perspective where the level and type of response is dictated by the type of incident; the assessment of an incident site is therefore paramount, yet this is not approached until Chapter 3. Discussing the scene type first would have helped contextualise the book’s chapters and been beneficial to personnel intending to use the book as a training aid. The front loading of management and administrative content sets the tone for the guide as one more suitable for agency managers rather than personnel responding to the incident on the ground, as set out by the author. While the Management Overview and Administration Operations chapters are comprehensive in covering the necessary equipment, resources and personnel required, the rationales for each element and how it contributes to the rescue and treatment of survivors and the repair and maintenance of basic services does not come to the fore.

The author does, however, deliver a comprehensive overview of the recovery and management of bodies, and here Dudley’s field of expertise becomes evident.
The layout of the Morgue Operations chapter is in this regard systematic and well considered for the planning and training of mortuary staff, covering workflow and each work station’s operations, including radiography, odontology, fingerprinting and DNA, its overall purpose and the personnel in attendance. However, content is heavily biased towards the role of mortuary staff and arguably too specialised for local agency personnel looking to the manual for guidance. The inclusion of administrative forms throughout the book is a helpful addition but some forms, such as those on external and internal body examinations, dental recording and post-mortem radiography, are themselves specific to the responsibilities of specialised staff who operate within a mortuary and are perhaps beyond the book’s intended scope.

Despite this chapter’s clarity and concision, the remaining chapters have not been afforded the same approach and hinder the field guide’s user from being able to make informed decisions about the best plan to adopt during different mass fatality scenarios. The occasional lack of content development discourages the user from rationalising aspects of incident response with which they are unfamiliar, defeating the secondary purpose of the book as a training manual for all personnel.

Regardless of these drawbacks, the book offers a practical and comprehensive checklist of operational procedures that responders can cross-reference during a mass fatality incident and use to engage discussions. The extensive appendices provide form templates that local agencies can effectively utilise and adapt to suit their individual operational needs. For example, considerations of personnel liability, timesheets, waivers and confidentiality are beyond the requirements of some specialists operating on the ground, but are nonetheless necessary for working operations. From a training perspective the book provides a basic overview of operational procedures, and first time responders would benefit from reading the guide as a means of familiarisation with the whole operation while working within their expert sphere. Overall this book has a place within the spectrum of mass fatality response literature, but perhaps not in the manner in which the author intended.

Patricia Furphy, Liverpool John Moores University

W.J. Mike Groen, Nicholas Márquez-Grant, Robert C. Janaway (eds), Forensic Archaeology: A Global Perspective (Chichester, Wiley, 2015, 616 pp., £90.00 hardback).

Coinciding with the 70th anniversary of the liberation of Auschwitz-Birkenau, Forensic Archaeology: A Global Perspective provides an opportunity for reflection over the past, present and future of forensic archaeology. Editors and contributors Mike Groen, Nicholas Márquez-Grant and Robert Janaway individually possess a wealth of experience within the discipline and have, collectively, produced an essential framework for the investigation of buried remains. Encompassing the collaboration of 127 contributors, and comprising six continents, the literature firmly establishes a current, original and definitive collection of archaeological
frameworks within and beyond global and legal perspectives. Presenting this context, information is facilitated by digestible diagrams, example case studies and images, allowing a broader appreciation of the complex nature of this emerging discipline.

Structured through the presentation of ‘key questions’ posed to its contributors, each chapter provides content on the current forensic archaeological status of particular regions, including an examination of medico-legal frameworks, techniques applied to individual and mass graves, historical context, government and regulatory practice, applied methods and techniques, involved organisations, potential training opportunities and future trends. The intricacy of forensic archaeology is highlighted through contrasting various countries’ techniques, methods and approaches, rapidly providing the reader context region by region.

Through the amalgamation of its contributors, the various stages of forensic archaeology’s evolutionary progress are clearly outlined among the range of incorporated countries. Despite much deliberation over defining disciplinary categories (from Anthropology to Pathology), the collection of literature displays techniques and practices implemented worldwide. Furthermore, the book demonstrates how success in applied methods demands the subject’s awareness of cultural differences and sensitivities. Identifying areas of significance, certain chapters acknowledge inaccuracies within former methodologies and the mistakes learnt and rectified through government policy (for example see Croatia’s Ministry of Defence). From digging to the digital, an immense amount of material is covered, exhibiting how forensic archaeology has incorporated suitable methodologies to unique circumstances.

Currently, there is no alternative resource regarding the contemporary status of forensic archaeology from a global perspective. While other sources such as *Forensic Approaches to Buried Remains* (Hunter, Simpson & Sturdy Colls, 2013) and *Forensic Archaeology: Advances in Theory and Practise* (Hunter & Cox, 2005) focus on specific methods and techniques utilised within the field, this book comprises an essential point of reference to (forensic) anthropologists, archaeologists, scientists, police officers, humanitarians, human rights investigators and other persons of interest within scenes of international crime. Furthermore, the easily developed narrative can allow a reader with no prior knowledge to easily attain an understanding.

The body of text includes current references and refers to literary works from renowned specialists, some of whom have provided written contributions, displaying the desire to enhance and promote the field’s abilities in a legal context. While the book centres on forensic archaeology, a wider context in which this information can be used has been subtly interwoven. Intelligently consolidating information from its global standpoint, the editors also grant appreciation of forensic archaeology through alternative landscapes. From the rocky mountains of Switzerland to sandy subsurface compositions in Panama, the book provides an understanding of the discipline’s ‘modified’ approaches to unique terrains and its flexibility and adaptation across varying situations.

Forensic archaeology is and continues to exist as a worldwide necessity. Specific chapters are dedicated to demonstrating the collaboration of certain countries,
their exchange and integration of policies and guidelines developed through case by case instances. The majority of chapters detail applied forensic archaeological techniques alongside further acknowledgment of alternative methods that can and should be applied. A wider context for understanding the emerging disciplinary is displayed through the inclusion of non-governmental organisations, describing independent bodies’ procedures and developments and their interaction with governmental regulations. This book displays ‘gaps’ in countries where increased knowledge of the subject could enhance criminal prosecutions involving the discovery of buried remains and provide further understanding of past atrocities.

The structure of the book allows the user to observe similarities between global methods applied to forensic archaeology and successfully highlight areas of improvement within current systems. This is supported by the inclusion of background context at the beginning of each chapter. Written in a clear and digestible manner, the literature supplies an ultimate resource for forensic archaeologists and should sit on the bookshelf of anyone connected to the field.

Janos Kerti, Staffordshire University


*The Scientific Investigation of Mass Graves* was first published in 2008, and the fact that it has since been reprinted twice, including as a paperback, demonstrates its importance and usefulness. The book seeks to provide a means of standardising the work that occurs during the investigation of mass graves. This is an important goal, especially when we consider the large range of contexts in which forensic archaeology and anthropology are practiced, the varied backgrounds of the practitioners and the different legal systems in which they operate. When the book was first published, the ideal of international standards was at the forefront of the discipline – something that was born out of the rapid rise in forensic archaeology and anthropology in Europe and the increased awareness of the discipline in the public and judicial eye. The global context is a little different now, and while the issue of standardised and comparable practice has not gone away, the notion of international standards is being interestingly critiqued.1 Arguably part of the reason for this slight shift is due to the rise in the number of voices originating from Latin America and an associated gradual cessation of the paternalistic European view of forensic archaeological and anthropological practice.

When the book is viewed through this new lens, it is worth asking the question: is it still relevant? The book is comprised of ten chapters split into two sections. In the shorter, first section, methods of grave location and excavation are discussed and then related to the vast number of recording forms provided. The second section presents a series of standard operating procedures which focus on activities at the grave site, in the mortuary and the application of the forensic sciences more
broadly. The discussions in these chapters tend to be a little superficial, but that is because the contributors clearly want to focus on their recommended methodologies and techniques. While there is much interesting content and useful pointers are presented throughout, it is here where the book has real strength. Thus it provides a useful companion to those who intend to examine skeletal remains from forensic contexts or indeed during teaching sessions in universities. The significance of having all of this information in one place should not be underestimated, and it is a testament to the efforts of the authors that this has worked here so well. From this perspective, the book still has relevance to the community.

The volume has many useful figures and tables, generally designed to help the reader work through the processes and techniques involved in the recovery and examination of human remains from grave sites. Photographs are also present, giving case-based examples of the issues being discussed; however, given they are published in greyscale, they are often less useful than the figures or tables and at times poorly reproduced. The reference list is impressive, although starting to become a little out-of-date (an inevitable function of the book’s republishing rather than its rewriting and updating).

Overall, and despite its very British emphasis, this is nonetheless a useful book which will help with the technical aspects of investigating skeletal remains in forensic contexts. Although it is also recommended for use in teaching laboratories, the reader is only advised not to make it the subject’s only book on the shelf.

Note


Tim Thompson, Teesside University