

Editorial

In this issue of the Basel Papers, we are happy to showcase the research of three of the Institute's recent graduates, which they conducted as part of their dissertation theses. Although they investigate distinct phenomena, these works share an interdisciplinary approach as they bring together knowledge and methods from jurisprudence, philosophy, and political science.

Fabia Betschart investigates interference between competing policy goals by analysing the lack of clear liability for environmental damages caused by sanctioned assets. She specifically studies the case of Russian yachts seized in EU territories following the Russian attack on Ukraine and the difficulties inherent in a nuanced application of the Environmental Liability Directive. While the ELD sets out key principles for preventing and addressing environmental harm, its application to sanctioned vessels remains ambiguous, leaving legal gaps that can shift responsibility from operators to public authorities.

Niamh O'Neill studies the power of categories in her interdisciplinary approach to armed conflicts, specifically anticolonial resistance. Using legal analysis and social constructionism to critique each other, she moves beyond the binary of 'terrorist vs freedom fighter', and draws attention to the implicit assumptions made by legal scholars and social scientists. This allows for a more nuanced understanding and reveals the practical implications of categorisation, particularly with regard to the classification of armed actors in asymmetric conflicts.

Giulia Schneitter contributes to our understanding of Switzerland's place in Europe by tracing Swiss contributions to and participation in Frontex, with a focus on illegal pushbacks of migrants during the agency's operations. Going beyond a strictly legal analysis, Schneitter ventures into philosophical terrain by raising questions about the moral responsibility of collectives such as Switzerland. Given Switzerland's self-proclaimed humanitarian tradition, is the nation and its government under a moral obligation to oppose illegal pushbacks?

As the so-called 'Western' world grapples with a global expansion of authoritarianism, crumbling international and institutional norms, and a much-diminished vision of itself and its capacity to lead by example, these studies address salient questions of collective and individual responsibility, morality, and epistemology. How do we understand and ultimately judge those involved in violent conflicts? How do we respond to humanitarian and military crises pragmatically but without compromising core values? How do we assess and adapt policies and institutions to the complexities of our times? The fact that these questions do not lend themselves to easy or comfortable answers makes them all the more worthwhile to investigate.

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