

A note from the Editor

The Martens clause forms part of the absolute core of knowledge which all legal experts interested in international humanitarian law must possess. Should they forget the finer points of the Geneva Conventions, the Protocols additional thereto and the rules of customary law, they would still remember the essential principle which states that, even in the absence of a specific rule (or prohibition), “civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience” (as worded in Additional Protocol I). The International Court of Justice has just reaffirmed the topical nature of this principle — which does, however, date back almost one hundred years — in its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. In his contribution Professor Rupert Ticehurst discusses the history and significance of the clause, whose author, Fyodor Fyodorovich Martens, was the subject of an article in the May-June 1996 edition of the Review.

In December 1996, six ICRC staff members were murdered while on mission in Chechnya. The Review briefly informed its readers of the murder in its November-December issue. Today it looks back on those tragic events, with special emphasis on the immediate conclusions that the ICRC drew from the attack.

This issue contains several other texts and items of information dealing with matters pertaining to humanitarian action in the event of armed conflict.

Finally, the Review is pleased to announce that the Paul Reuter Prize has been awarded to two figures well known to its readers, Professor Geoffrey Best and Major-General A.V.P. Rogers. It extends its congratulations to both prize winners.

The Review