

## Editorial

*International humanitarian law, like any body of law, is not static, and it must always be interpreted and applied in such a way as to uphold its basic objectives and relevance. Over the past two decades, particularly the latter half, international tribunals have increasingly had to decide on questions relating to humanitarian law. They have had to identify relevant rules and principles, customary laws and fundamental objectives, and rule on how these relate to general international law and other distinct bodies of international law such as international criminal law, the law of State responsibility and human rights law. The result of this judicial deliberation in the area of international humanitarian law provides a wealth of persuasive and authoritative precedence in relation to the enforcement of the rules of armed conflict.*

*This issue of the Review takes stock of the contribution of the international tribunals to international humanitarian law. The judgements and opinions of the International Court of Justice are the focus of one article, which provides an overview of how the Court has helped to clarify the relationship between international humanitarian law and general international law and to identify the content of the fundamental principles of humanitarian law. The way the International Court of Justice has dealt with the complexity of the links between humanitarian treaties, customary norms and jus cogens is also assessed.*

*The jurisprudence of the International Criminal Tribunal for the former Yugoslavia is analysed from several angles. From an overall perspective, its impact upon international humanitarian law is evaluated, particularly as regards its interpretative function and how this has allowed long-standing provisions of humanitarian treaties to be applied to modern inter-ethnic conflicts. This controversial aspect of the Tribunal's role in the application of international humanitarian law is analysed in a further contribution with deeper insight into the extension of the grave breaches regime and the common purpose doctrine. The jurisprudence of the tribunal is used in a final article to bolster the argument as to whether a single definition of armed conflict should be adopted to replace the problematic international /non-international armed conflict dichotomy.*

*In addition to the thematic articles, one contribution deals with the specific subject of the implementation of international humanitarian law in the Russian Federation, whereas another looks at the review of weapons under Article 36 of the Additional Protocol I to the Geneva Conventions, from a practical point of view.*

*Finally, this issue also contains some key ICRC documents relating to the recent war in Iraq, including a memorandum to the belligerents reminding them of their obligations under international humanitarian law during military hostilities.*

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