

A note from the Editor

*"The troubles which had steeped the Balkan peninsula in blood (...) rebellion against the government (...) the rising was put down (...) with appalling cruelty (...) terrible tale of torture and massacre ..."*¹ — That was in 1999? No, in 1875. The war in the Balkans of 1875 to 1878 was one of the very first armed conflicts to which the new Geneva law was applicable and where National Red Cross Societies and the ICRC were actively engaged in their humanitarian tasks. It was also the first conflict in which questions of a legal nature arose with regard to the implementation of modern international humanitarian law, in particular the classification of the war as an international or a non-international armed conflict.

War is first and foremost the dismal result of failed endeavours to settle real problems and solve evident conflicts peacefully, without recourse to force. For men, women and children alike, war means suffering, destruction and, all too often, lawlessness and crimes. While looking back with compassion to the sufferings of past and present generations in that troubled region, the Review turns its attention to a few aspects only of the most recent crisis in the Balkans: the armed intervention by NATO member States in the Federal Republic of Yugoslavia in the first half of 1999, in response to crimes committed in Kosovo. The Review has invited military lawyers, experts in international humanitarian law and humanitarian practitioners from various backgrounds to comment on issues related to humanitarian action and international humanitarian law in this conflict. The Editor regrets that it proved impossible to include an article by a Serbian author.

Three authors from the ICRC set the stage and outline the challenges of humanitarian action in the Balkans. All of them played

(and still play) an important role in the activities deployed by the International Committee of the Red Cross in Kosovo and Serbia. Several articles discuss questions of a more legal nature. They examine the yardsticks which those who prepared and implemented military operations had to respect, and give particular attention to violations of international humanitarian law which occurred in the course of the active hostilities. Issues relating to the varying interpretations of the rules on targeting are the focal point of their concern. A short commentary on information warfare opens up new and alarming horizons, and an account of the International Criminal Tribunal for the former Yugoslavia considers the possibilities of this court to investigate and punish crimes committed during the Kosovo conflict.

In conformity with its mandate, the Review publishes only articles and documentary material on legal issues pertaining to the implementation of international humanitarian law or on problems related to humanitarian action for victims of armed conflict. Any debate on the causes of a given conflict or on the legitimacy of a military intervention is beyond its remit. However, the international response to the crisis in Kosovo raised fundamental questions as to methods of implementing international humanitarian law, in particular the 1949 Geneva Conventions and their Additional Protocol I of 8 June 1977. In this connection, the article by Professors Condorelli and Boisson de Chazournes reviews important past and newly evolving interpretations of the famous injunction of Article 1 common to the Geneva Conventions, namely that States party to humanitarian treaties have an obligation "to ensure respect" for humanitarian commitments in armed conflict. Professor Momtaz goes a step further and examines the legal basis for NATO's intervention in the Balkans. In publishing his well-researched and sober analysis of arguments advanced by both sides, the Review does not take any stand with regard to his conclusions.

Juste before going to press, the Review's editorial team learnt that Konstantin Obradović, professor at the Institute of International

1 Pierre Boissier, *History of the International Committee of the Red Cross: From*

Solferino to Tsushima, Henry Dunant Institute, Geneva, 1963/1985, p. 298.

Politics and Economics in Belgrade, has passed away. A well-known expert in international humanitarian law, Kosta Obradović enthusiastically accepted to contribute to this edition. Unfortunately, he was unable to do so. He will be sorely missed.

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