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### Terrorism and asymmetric conflicts : a role for the Martens clause ? / by Hans-Joachim Heintze

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Abstract:	The Martens Clause plays an outstanding role even today in debates on the application and development of international humanitarian law and its protective function. One can consider the reference to the "common interests of humanity" or the "common concerns of mankind" in "modern" legal instruments and doctrines as a means of identification of a broad consensus which could form part of international public policy. It seems legitimate to ask what this approach can contribute to the so-called new conflicts, often referred to as "asymmetric wars" due to the fact that the parties involved are no longer exclusively states.
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