

The Principle of Distinction; Oscillation between Military Objectives and Civilian Objects in IHL

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The International Humanitarian Law (IHL) governs events that occur in a state during armed conflict. It limits the effects of an International Armed Conflict (IAC). There are six principles in IHL. This paper intends to discuss about the Principle of Distinction. Principle of Distinction distinguishes every act and person involved in armed conflict. This distinction is generally between combatants and civilians. The key international legal instruments that govern IHL are Geneva Conventions (GC) I to IV and its Additional Protocols (AP) I and II. These GC provisions and AP provisions are used to justify the military objectives and the civilian objects in an armed conflict. This paper aims to discuss the exceptional situations as well. In Non-International Armed Conflicts (NIAC), IHL limits methods and means of warfare and people who are not directly participate in hostilities (DPH). Either IAC or NIAC the application of IHL principles remain still. The principle of distinction is used to apprehend the distinction between military objectives and civilian objects. In war, before conducting an attack it is vital to refer and analyse the situation under principle of distinction. This principle of distinction assists to discern whether the attack will gain the expected military advantage. It is important to calculate the collateral damage and to justify the military necessity in the light of principle of distinction. There is only a delicate distinction between military objective and civilian object. It is important to understand this distinction before planning an operation during a conflict. The inability to address this delicate distinction had led to many problematic outcomes among states in aftermath of war. Therefore, this paper aims to discuss about the tenuous area that leads to contradictions between military objectives and civilian objects.

Keywords: *distinction, military objectives, civilian objects*