

**PRINCIPLE OF DISTINCTION UNDER
INTERNATIONAL HUMANITARIAN LAW**

PhD DISSERTATION

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Abstract

The principle of distinction serves as one of the core principles of International Humanitarian Law (IHL) and is set out in Article 48 and 52 of Additional Protocol I of the Geneva Conventions. Under this principle, it requires the parties to a conflict at all times to distinguish between civilians and combatants and military objective and civilian object. It allows for attacks to only be directed against combatants and military objective. But, it is more difficult to distinguish between peaceful civilians and irregular forces and civilian property and military objective in modern conflicts because traditional battle fields movement into civilian centers, as well as the introduction of large numbers of armed actors from the civilian population into armed conflict and civilian object was used by military purposes. Therefore, it is important to have clear guidance to distinguish peaceful civilians from members of organized armed groups and civilians taking a direct part in hostilities and to define civilian object strictly. Without such clear distinctions, there is a greater risk that peaceful civilians may be erroneously targeted in situations of conflict and civilian object may be attacked. Therefore, the principle of distinction need to analysis in order to give the effective protection the civilian and civilian object and to achieve legitimate military objectives under the law governing both in international and non-international armed conflict. With regard to civilians who would significantly lessen the suffering of civilians and protect their belongings in armed conflict, this dissertation aims to offer recommendations on how to best protect civilians and civilian objects under international humanitarian law and to improve compliance with the principle of distinction.

Principle of Distinction under International Humanitarian Law

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