



PEACE MONITOR

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Quick Facts on IHL

Fundamental Principles of International Humanitarian Law (IHL)

The basic idea is simple – **there should be limits to the violence committed by humans to each other.** Some actions should not be allowed even on wartime.

- IHL does not question the lawfulness of war; rather, it aims **to limit the unnecessary suffering that war can cause.**
- It thus sets forth a number of rules aimed at (a) protecting certain categories of **people** who are not or are no longer taking part in the hostilities; and (b) restricting the **means and methods** of warfare.
- It applies once a conflict has broken out and is **equally binding on all parties**, no matter which one started the fighting.
- IHL has two core messages:
 - Do not attack **people** who do not or are no longer taking part in hostilities
 - Do not use **weapons** that make no distinction between combatants and civilians, or weapons and methods of warfare which cause unnecessary suffering and/ or damages

Difference between International Conflict and Internal Conflict

- **International conflicts** are those in which two or more states are in conflict, of those whose people have risen in opposition to a colonial power/ foreign occupation.
- **Internal/non-international armed conflict** are those restricted to the territory of a single state, involving either regular armed forces and armed dissidents or armed groups fighting each other.

IHL does not distinguish between international conflicts and internal conflicts in its application.

Differentiating IHL and HR

While the main purpose of both IHL and human rights (HR) is to safeguard human dignity in all circumstances, they are different.

- IHL applies in situations of armed conflict
- HR applies in situations of peace (some of which may be suspended in times of conflict)

Normative Principles of IHL

1. Protect people: A distinction must be made between combatants and civilians in the conduct of hostilities. Civilians must not be made the primary target of military operations or the incidental victims of the fighting.

The goods needed for survival and subsistence (foodstuffs, livestock, drinking water supplies, etc.) must not be obstructed.

These Acts are Prohibited in all circumstances:

- Violence to the life, health, or physical or mental well-being of persons, in particular murder, torture, corporal punishment, and mutilation
- Barbarities upon personal dignity, in particular humiliating or degrading treatment, rape, forced prostitution and any form of indecent behavior
- Taking of hostages
- Collective punishment
- Threats to commit any of the above acts

2. Protect and prevent attack on certain places: IHL defines a number of clearly recognized emblems and signs – like the Red Cross emblems – which can be used to identify protected people and places.

Any act of hostility directed against historic monuments, works of art or places of worship, and the use of such objects in support of the military effort are strictly prohibited.

3. Prohibit certain methods and means of warfare

Prohibited in all circumstances are:

- Weapons that do not distinguish between combatants and civilians, e.g. carpet bombing
- Weapons that cause superfluous/unnecessary injury – those whose effect would be excessive in relation to the military advantage anticipated, for instance exploding bullets, incendiary weapons
- Weapons that cause lasting damage to the environment like biological and chemical weapons, anti-personnel landmines

Who should Respect IHL

- **The States:** The state parties to IHL treaties are formally bound to comply with the rules thereof.
- **Individuals:** IHL must be respected by everyone, combatants and the population as a whole.

August 12 is International Humanitarian Law Day