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## **THE ROLE OF INTERNATIONAL LAW IN PROTECTING CIVILIANS DURING ARMED CONFLICT**

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The modern framework for protecting civilians in armed conflict rests on three pillars: the four Geneva Conventions of 1949, their two Additional Protocols of 1977, and the Rome Statute of the International Criminal Court (1998). These treaties are universally or near-universally ratified, reflecting a global consensus that even war has limits.

The Geneva Conventions protect wounded and sick soldiers on the battlefield, shipwrecked military personnel, prisoners of war, and civilians in enemy hands. However, the original Conventions left significant gaps concerning the conduct of hostilities and the protection of civilians from the effects of military operations.

To address these shortcomings, two Additional Protocols were adopted in 1977. Additional Protocol I applies to international armed conflicts, imposing constraints on how wars may be fought and strengthening protection for civilians. Additional Protocol II applies to non-international armed conflicts (civil wars), which have become the predominant form of warfare since 1945.

In 2005, a third protocol established the red crystal as an additional emblem, equal in status to the red cross and red crescent.

*The Three Cardinal Principles* The protection of civilians in IHL rests on three fundamental principles: distinction, proportionality, and precaution. These are customary in nature and binding on all parties to all armed conflicts—states, non-state armed groups, and even civilians taking direct part in hostilities.

*The Principle of Distinction* Distinction is the cornerstone of IHL. It requires parties to an armed conflict to distinguish at all times between combatants and civilians, and between military objectives and civilian objects. Direct attacks may only be directed against lawful military targets—never against civilians or civilian property.

Article 51 of Additional Protocol I states unequivocally: "The civilian population as such, as well as individual civilians, shall not be the object of attack." Acts or threats of violence whose primary purpose is to spread terror among the civilian population are strictly prohibited.

The principle of distinction also prohibits indiscriminate attacks—those not

directed at a specific military objective or whose effects cannot be limited as required by IHL. Using weapons that are by their very nature incapable of distinguishing between military and civilian targets constitutes a violation of this principle .

*The Principle of Proportionality* Even when a target is military, IHL imposes limits. The principle of proportionality prohibits attacks that may be expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated .

This requires commanders to balance two competing values: military necessity and humanity. An attack on a legitimate military target may be unlawful if the expected harm to nearby civilians or civilian property is disproportionate to the tactical advantage sought.

The ICRC's guidance on targeting specifies that an attack must be cancelled or suspended if it becomes apparent that the expected incidental harm would violate the rule of proportionality .

*The Principle of Precautions* The principle of precautions requires parties to a conflict to take constant care to spare the civilian population and civilian objects from the effects of military operations. This imposes detailed obligations on those planning, deciding on, or executing attacks

- All feasible precautions must be taken to verify that targets are indeed military objectives;
- Effective advance warning must be given of attacks that may affect the civilian population, unless circumstances do not permit;
- Feasible precautions must be taken to avoid and minimize incidental harm to civilians and civilian objects;
- An attack must be cancelled or suspended if it becomes apparent that it would violate the principles of distinction or proportionality.

*Special Protection for Vulnerable Groups* IHL recognizes that certain groups require heightened protection. The 1977 Additional Protocols specify that:

- The wounded and sick, both civilian and military, must be collected and cared for without discrimination;
- Women and children must be respected and protected from any form of indecent assault;
- Children under 15 must not be recruited or authorized to take part in hostilities;
- Family members separated by conflict should be reunited; people have the right to know the fate of missing relatives .

Additional Protocol I also protects medical personnel, humanitarian relief workers, cultural property, works and installations containing dangerous forces (such as dams and nuclear plants), and objects indispensable to the survival of the civilian population, including food supplies and drinking water installations .

*Enforcement and Accountability* An international legal framework without enforcement mechanisms is merely advisory. IHL includes several accountability mechanisms to ensure compliance and punish violations.

Grave breaches of the Geneva Conventions and Additional Protocol I are classified as war crimes. States are obligated to search for persons alleged to have committed such breaches and to bring them before their own courts or extradite them for trial elsewhere. Article 90 of Additional Protocol I provides for the establishment of an International Fact-Finding Commission to investigate alleged grave breaches .

The International Criminal Court (ICC) has jurisdiction over war crimes, crimes against humanity, and genocide. A landmark judgment in October 2025 demonstrated the ICC's role: Ali Muhammad Ali Abd-Al-Rahman, a Janjaweed leader in Sudan's Darfur region, was found guilty of 27 counts of war crimes and crimes against humanity, including murder, rape, torture, and attacks on civilians . The conviction marked several milestones: it was the first ICC verdict in the Darfur situation, the first case referred by the UN Security Council to result in conviction, and the first ever ICC conviction for gender-based persecution .

The International Committee of the Red Cross (ICRC) plays a unique role in implementing and developing IHL. It works to promote respect for the law, visits

detainees, organizes relief operations, and assists in reuniting separated families . The ICRC also maintains a confidential dialogue with parties to conflict to address violations and improve compliance.

*Persistent Challenges* Despite this robust legal framework, protecting civilians remains profoundly challenging. Several factors undermine effectiveness:

First, the changing nature of warfare. Contemporary conflicts are increasingly fought in urban areas, where military objectives are intermingled with civilian populations. Armed groups may deliberately use human shields or locate military assets in schools and hospitals. The ICRC acknowledges that this intermingling presents significant challenges for parties involved in urban warfare . However, IHL does not become inapplicable—the obligations of distinction, proportionality, and precaution remain binding on all parties regardless of the tactics employed by an adversary.

Second, non-state armed groups are often not party to IHL treaties and may lack knowledge of or commitment to the rules. While many customary rules are binding on all parties, ensuring compliance remains difficult.

Third, enforcement is inconsistent. Powerful states may evade accountability, and the ICC cannot exercise jurisdiction over nationals of non-member states without UN Security Council referral.

Fourth, violations persist with devastating consequences. The UN General Assembly has repeatedly noted that violations of IHL, including targeting civilians and unlawful destruction of essential infrastructure, are direct drivers of humanitarian needs. Addressing the root causes requires strengthening compliance .

*The Road Ahead* The international community has taken steps to strengthen IHL compliance. In the Pact for the Future, UN Member States reaffirmed their commitment to IHL and to protecting all civilians in armed conflict, recognizing that respect for the law also fosters conditions for peace .

Strengthening compliance requires multiple approaches: universal ratification of IHL treaties, effective implementation through national legislation and military training, robust investigation and prosecution of violations, support for the ICRC and

other humanitarian organizations, and increased awareness of IHL among armed forces, armed groups, and the general public.

As the ICRC has emphasized, the principles of distinction, proportionality, and precaution are indispensable for securing the protection of civilians. They represent a compromise between military necessity and humanity—a recognition that even in war, limits must be respected .

*Conclusion* International law provides a comprehensive framework for protecting civilians during armed conflict. The Geneva Conventions, Additional Protocols, and the Rome Statute establish clear rules: distinguish between combatants and civilians, respect proportionality, take all feasible precautions, and ensure accountability for violations.

Yet the gap between law and reality remains vast. Civilians continue to bear the brunt of war—not because the law is inadequate, but because it is too often ignored. The challenge is not to create new laws but to ensure respect for those that already exist. As the UN Deputy Prosecutor stated following the Darfur conviction, the judgment "sends a resounding message to perpetrators of atrocities... that justice will prevail" . Strengthening compliance with international humanitarian law is not merely a legal obligation—it is a moral imperative to preserve human dignity amidst the chaos of armed conflict .

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## **STRATEGIC DECISION-MAKING: BALANCING DATA, INTUITION AND ETHICS**

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The rise of big data and artificial intelligence has transformed strategic decision-making. Organisations now have access to real-time analytics, predictive models, and sophisticated dashboards that were unimaginable a generation ago. Proponents of data-driven decision-making argue that removing human bias and emotion leads to more accurate, consistent, and defensible choices.

Evidence-based management – making decisions through the conscientious, explicit, and judicious use of the best available evidence – has gained significant traction. In fields ranging from supply chain management to marketing, algorithms can process vast quantities of information faster and more reliably than any human. Data helps managers identify patterns, forecast outcomes, and test hypotheses before committing resources.

However, data has limitations. First, data reflects the past. Strategic decisions, by definition, concern the future. Historical patterns may not predict unprecedented events – what the economist Nassim Taleb calls "black swans." Second, data is only as good as the questions asked and the methods used to collect it. Biased sampling, flawed metrics, and misinterpretation can lead to confidently wrong decisions. Third, data cannot capture everything. Customer loyalty, employee morale, and brand reputation resist quantification.

*The Role of Intuition* Intuition is often dismissed as irrational or mystical. Yet experienced managers regularly rely on what they call "gut feeling" or "professional instinct." Far from being magical, intuition is the brain's ability to recognise patterns based on accumulated experience without conscious analytical processing.

Research on naturalistic decision-making has shown that experts in complex,