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Legitimate military objectives under the current jus in bello / by Yoram Dinstein

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Title:	Legitimate military objectives under the current jus in bello
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Author zone:	by Yoram Dinstein
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Abstract:	<p>The author argues that the current state of jus in bello inadequately differentiates between valid military objectives and those objectives that would harm the civilian population such that they cannot constitute valid military objectives. The author outlines the current rules relating to the definition of military objectives, focussing on land, naval, and air warfare. He discusses what makes combat in these different contexts unique and the difficulties that arise in defining military objectives on land, sea, and air. He considers under what circumstances bridges during land combat, merchant vessels during naval warfare, and enemy civilian aircraft during air warfare may constitute valid military objectives. The author outlines the development of the definition of a valid military objective, reviewing academic writings and exploring how the definitions have been applied both historically and at present. The author identifies ambiguities and offers his own definitions based on the current state of jus in bello. Through his discussion of the difficulties in defining military objectives, the author emphasizes how difficult it can be to clearly delineate what constitutes a military objective and calls for further work to be done. The author draws the various Hague Conventions, the Hague Regulations, and the Rome Statute into the discussion. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]</p>
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