

COLLATERAL DAMAGE DURING ARMED CONFLICT: INEVITABLE OR A RULE OF THE GAME?

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ABSTRACT

This article discusses the concept of collateral damage. Under international humanitarian law, collateral damage is generally understood to mean the unintentional or incidental damage affecting facilities, equipment, or personnel, occurring as a result of military actions directed against targeted opposing military forces or facilities. The basic ethical value of principles of international humanitarian law is utilitarianism or ethical value of consequence. Utilitarianism defines the morally right action as that action that maximizes some non-moral good such as pleasure or happiness and minimizes some non-moral evil such as pain or misery, in situations of armed conflict, the destruction of the opposing forces or their property. Since armed conflicts cannot be stopped by law, the dilemma of legal scholars, politicians and the military remains how to minimize collateral damage once armed conflicts break out. A general conclusion drawn from the discussion is that collateral damage is an inevitable aspect of armed conflicts.