



15TH INTERNATIONAL RESEARCH CONFERENCE

*Economic Revival, National Security, and Sustainability through
Advancement of Science, Technology, and Innovation*

29TH - 30TH SEPTEMBER 2022

LAW

ABSTRACTS



GENERAL SIR JOHN KOTELAWALA DEFENCE UNIVERSITY



15TH INTERNATIONAL RESEARCH CONFERENCE

ECONOMIC REVIVAL, NATIONAL SECURITY, AND SUSTAINABILITY
THROUGH ADVANCEMENT OF SCIENCE, TECHNOLOGY, AND INNOVATION

LAW

ABSTRACTS



General Sir John Kotelawala Defence University

Ratmalana, Sri Lanka

This book contains the abstracts of papers presented at the Law Session of the 15th International Research Conference of General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka held on the 29th and 30th of September 2022. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form, without prior permission of General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka.

Published by

General Sir John Kotelawala Defence University
Ratmalana
Sri Lanka

Tel: +94-771002822

e-Mail: irc2022@kdu.ac.lk

Website: <https://www.kdu.ac.lk/irc2022>

ISBN 978-624-5574-57-5

Published on

29th September 2022

Cover page designed by

Anuradha Nanayakkara

Printed by

KDU PRESS



Conference Chair

Dr Kalpa W Samarakoon

Conference Secretary

Dr Pandula M Athauda-arachchi

Conference Co-Secretaries

Lt Col LR Amarasekara

Dr (Ms) GU Jayaweera

Ms MAST Goonathilaka

Steering Committee

Brig W Chandrasiri RSP USP psc – President

Brig RGU Rajapakshe RSP psc

Prof KAS Dhammika

Col RKARP Ratnayake RSP USP psc

Prof CL Goonasekara

Lt Col JDB Jayaweera RWP RSP psc

Snr Prof ALS Mendis

Snr Prof SR De Senevirathne

Dr HR Vidanage

Mr VD Kithsiri

Dr LS Liyanage

Editorial Committee

Mr WAAK Amaratunga – President

Dr FMMT Marikkar – Assistant Editor

Dr SHNP Gunawickrama – Assistant Editor

Col PP Serasinghe RSP USP

Maj JPWK Abeyawickrema

Sqd Ldr IKJP Kumara

Snr Prof Swarna Piyasiri

Mr WASMAI Senewiratha

Ms SUW Jayarathne

Dr Varuna Navaratne

Dr Anuji Gamage

Mr BHJ Pushpakumara

Mr FBYS De Silva

Ms NKK Mudalige

Ms BMAHH Balasuriya

Snr Prof P Hewage

Dr UG Rajapaksha

Snr Prof RN Pathirana

Dr R Vijitha

Dr LP Kalansooriya

Mr GIF de Silva

Dr AR Rupasinghe

Archt RGN Lakmali

Mr AARK Amarathunga

Mr PDDD Wickramasinghe

Dr Himali Jayasingheararchchi

Dr EKDHD Siriwardena

Dr PATM Wijerathne

Ms TC Kathriarachchi

Dr MTN Wijetunga

Ms WMUSK Walisundara

Ms BDK Anandawansa

Ms Lakshani Willarachchi

Session Coordinators

Defence and Strategic Studies	Brig RGU Rajapaksha RSP psc Col RKARP Ratnayake RSP USP psc LCdr RMS Jayawardhana Maj RMEK Rathnayake Lsc Maj RAAK Rathnayaka psc Mr Viran Maddumage
Medicine	Air Cdre (Prof) RANK Wijesinghe Dr AD De Silva Dr KDCU Wijeyasiri
Engineering	Capt (E) SU Dampage (Retd) Mrs PPSS Pussepitiya Mr MKAJ Maldeniya
Management, Social Sciences and Humanities	Mr WAAK Amaratunga Dr Tamara Jayasundera Mr MMLC Gunathilake Ms JT Weeraratne
Law	Mr WS Wijesinghe Mr WAC Perera Ms AP Rathnayake
Allied Health Sciences	Mr ARN Silva Dr CB Ranaweera Ms HPM Dabare
Built Environment and Spatial Sciences	Dr AH Lakmal Dr FR Arooze Mr KT Withanage
Computing	Dr ADAI Gunasekara Ms MKP Madushanka Ms GAD Ganepola
Basic and Applied Sciences	Prof TL Weerawardane Dr AMCSB Alahakoon Dr AMDS Karunarathne
Technology	Dr KMGP Premadasa Dr PATM Wijethunga Dr S Shrestha
Criminal Justice	Deshabandu Prof MADSJS Niriella Mr KS Dharmasiri Mr KBN De Silva

Message from the Secretary, Ministry of Defence



I am indeed delighted to pen this message whilst extending my earnest felicitations to the KDU on this significant occasion of the annual International Research Conference. At this juncture, I would also like to congratulate the Vice-Chancellor and the team for continuing the tradition of organising this conference consecutively for the 15th time, despite the numerous economic and social challenges faced by the country in the post-COVID environment.

Further to that, I am delighted to perceive that this year's conference theme; 'Economic Revival, National Security, and Sustainability through Advancement of Science, Technology, and Innovation' focuses on the National Economic Growth and National Security as core concepts, and suggests that 'economic development' and 'security' of a country should always go hand in hand. Therefore, this conference would undoubtedly become a forum for academia to discuss an area of absolute need in the development interests of our motherland.

Moreover, I am pleased to witness that KDU, under our ministerial guidance, is setting an example for all other universities in Sri Lanka in progressing research in many academic fields. I hope this year's conference will produce a significant research outcome that the policy community of Sri Lanka could utilise to support the present development drive of the country. Further, I would like to urge the conference organisers to explore the possibility of distributing the outcomes of the conference to all the relevant Ministries and Departments of the country so that said entities could link with the researchers and employ their valuable research outcomes for the benefit of the nation.

I wish that KDU IRC 2022 will enhance the wisdom of all the participants to serve Mother Lanka for a better tomorrow.

GENERAL KAMAL GUNARATNE (Retd)

WWV RWP RSP USP ndc psc MPhil
Secretary - Ministry of Defence

Message from the Keynote Speaker



It gives me immense pleasure to send this message on the occasion of the 15th International Research Conference of the General Sir John Kotelawala Defence University (KDU). I would like to congratulate KDU for being able to conduct its International Research Conference in 2022, consecutively for the 15th time. It is not an easy task to organize such a momentous event particularly under many difficulties and challenges posed by the COVID 19 pandemic situation and social and economic crisis. It is gratifying to witness that KDU, the only Defence University in the country, has been able to transform a challenge into an opportunity, as it usually does.

The theme of the conference, namely the “Economic Revival, National Security, and Sustainability through Advancement of Science, Technology, and Innovation,” is very timely and of great significance for deliberation in expert panels of this conference. The nexus between National Growth and National Security is closely interwoven. The ‘economic revival’, ‘sustainability’ advancement’ and ‘security’ of a country cannot be compartmentalized and discussed in isolation of each other. There is no security for a nation without economic and social progress, and likewise, economic and social progress cannot be achieved without stability and a secure environment. I hope various panels of this conference will be able to discuss many facets of economic revival, national growth, sustainability and security and their interconnectedness. These two areas have a direct bearing on the development of Sri Lanka, a country which succeeded in ending a 30-year long separatist war. In the context of the present need for robust development, it is absolutely necessary to engage in serious research which leads to discoveries as well as policy-oriented recommendations. Therefore, all academic establishments must provide a conducive space for their intellectuals to reach new frontiers in research. I am glad that KDU is setting an example for all other universities in Sri Lanka in this regard. I hope this year’s conference will produce significant research outcomes that the policy community in Sri Lanka could utilize for the benefit of the country. I wish this conference all the success.

HON PROF SUBRAMANIAN SWAMY

Former Minister of Commerce, Law & justice, India

Message from the Vice Chancellor



The International Research Conference (IRC) of General Sir John Kotelawala Defence University held for the 15th consecutive year is significant in terms of the continued contribution of the University to the field of research in diverse disciplines much needed for the progression of the nation, especially in the face of unprecedented challenges caused by the COVID-19 pandemic and the current economic crisis in the country.

The conference themes carefully selected by KDU each year have addressed contemporary needs of the country that are linked up with national security perspectives, and they are complementary to the development paradigm of the country. This year's theme "Economic Revival, National Security, and Sustainability through Advancement of Science, Technology, and Innovation" encompasses a wide range of research possibilities for scholars of different disciplines to engage in much useful research relevant to the current issues faced by the nation.

It is heartening to note that the number of papers submitted for the conference has increased despite the challenging circumstances, which is a positive indication of the enthusiasm growing in the country on development and security related multi-disciplinary research. In this respect, I am extremely glad that the KDU's efforts in expanding higher educational opportunities, increasing quality of higher education, enhancing research and innovation, linking up research with the industry and so on have increasingly been acknowledged by many, which is also reflected in the Times Higher Education Impact Ranking, 2022 table, where KDU has been ranked 2nd in Sri Lanka for Quality of Education and 4th in the overall ranking in the country and in the 801-1000 range globally.

KDU IRC also creates a sound platform to initiate collaborative research at both national and global levels, and I invite all participants to use this conference to make lasting and productive connections and networks at the individual, institutional, national, and international levels to envisage and explore mutually beneficial research possibilities and higher education experiences for the future.

While appreciating the commitment of the organizers of this year's conference, I wish you all, the presenters and participants taking part in the conference all the very best, and I hope you will enjoy every moment of this two-day academic endeavour.

MAJOR GENERAL MILINDA PEIRIS

RWP RSP VSV USP ndc psc MPhil (Ind) PGDM
Vice Chancellor
General Sir John Kotelawala Defence University

Message from the Conference Chair



For the 15th consecutive year, General Sir John Kotelawala Defence University (KDU), organises its International Research Conference (KDU IRC 2022) under the theme of “Economic Revival, National Security, and Sustainability through Advancement of Science, Technology, and Innovation”. It is with great pleasure and honour that the organising committee extends its compliments to all of you taking part in KDU IRC 2022. Holding the KDU IRC 2022, under the patronage of the Vice Chancellor, amidst many challenges encountered throughout the year, was a remarkable experience for me. I believe that the organising committee accomplished a very successful mission.

Despite the economic crisis, KDU IRC 2022 is a tremendous opening for many researchers all over the world encompassing various disciplines such as Defence and Strategic Studies; Medicine; Engineering; Management, Social Sciences and Humanities; Law; Built Environment and Spatial Sciences; Allied Health Sciences; Basic and Applied Sciences; Computing; Criminal Justice and Technology to present their research to fellow scholars, professionals, and students.

In this context, we have assembled excellent thought-provoking scientific sessions under the conference theme of this year, and it is remarkable to highlight your participation, at this conference through a highly competitive selection process. In addition, world-renowned invited speakers will deliver keynote and plenary speeches while covering a wide range of important sessions with great networking opportunities and providing solutions using science, technology, and innovation. It is the esteem of the conference to bring together a diverse group of people to disseminate high-quality and novel research results, which will assist to chart our journey forward to reach new heights.

Finally, I would like to extend my best wishes to all the presenters, authors and participants, joining the KDU IRC 2022 on site or online, and I hope that all of you will find this conference informative, enjoyable, and encouraging to feel the experience of KDU hospitality during these two fruitful days.

DR KALPA W SAMARAKOON

PhD, MSc, BSc, MACS (USA), M.I.Biol (SL), C.Biol (SL)
Conference Chair
General Sir John Kotelawala Defence University

Message from the Conference Secretary



Together with the committees and participating academia of this university, I share the immense pleasure and honour of perseverance with the 15th International Research Conference of KDU (KDU IRC 2022), amidst many challenges, under the patronage of our Vice Chancellor and Deputy Vice Chancellor.

The timely congregation for IRC 2022, of all our staff, students and contributors from faculties all over the world, under the theme “Economic Revival, National Security, and Sustainability through Advancement of Science, Technology, and Innovation”, is of paramount importance in this current climate of the global recession.

Whilst thanking all of you, I express my sincere hope that this would be an ideal platform for academia and professionals to discuss economically viable intelligent solutions for diverse problems for the nation to emerge stronger out of the recession, with the ability to provide equitable health, food, and social security, quality education, and enforcement of law and order in our country, for the betterment of our society.

DR PANDULA ATHAUDA-ARACHCHI

MBBS MRCP(UK) PhD (Cantab) CCT(UK) FESC FRCP(Glasg) FRCP(Edin)
FACC
Consultant Interventional Cardiologist & Senior Lecturer(I)
Faculty of Medicine
General Sir John Kotelawala Defence University
Secretary-IRC2022

Table of Contents

Rule of Law in the Essence of Common Good in Sri Lanka: A Sri Lankan Case Study.....	1
“Abandoning the Sinking Ship or Solo in a Battle Ground?” Role of Sri Lankan Judiciary in Strengthening of De-Jure Equality among Genders	2
Placing International Law within the Domestic Context through Constitutional Recognition: A Policy Oriented Approach.....	3
Gender Stereotypes in Sri Lankan Legal Profession: The Company Secretarial Role.....	4
Impact of the Assistance to and Protection of Victim and Witness Act to the Fair Trial Concept.....	5
“Come High Water, Come Hell”: Kinetic Weaponization of Water and the Interplay of International Humanitarian Law and International Disaster Law	6
Challenges before Forest Conservation in Sri Lanka: Comparatively Analysing the Laws against Illegal Timber Logging.....	7
Futurama: Robot Rights and the Law.....	8
The Application of the Strong Precautionary Principle: Suggestions for Sri Lankan Judiciary	9
Applicability of Ordinary Law of Sri Lanka in Foreign Direct Investment: A Critical Study of Port City Project in Sri Lanka.....	10
Legal Protection of the River Environment against Sand Mining: A Case Study in Downstream Area of the River, Kalu.....	11
Mobile Apps Surpassing Doctors? A Legal Standpoint in Light of E-Health.....	12
Excessive Debt Burdens of Developing Countries: With Special Reference to Doctrine of Odious Debts and the Cases of Political Transitions	13
Sufficiency of Existing Legislations to Prevent Cyber Harassment in Sri Lanka.....	15

Combating White Collar Crimes: A Comparative Study on Regulating the Rapid Evolution of White Collar Crime in Sri Lanka	16
Truth or Treason? The Tussle between Secrecy and Security	17
A Protective Legislation for Whistle-Blowers to Thwart White-Collar Crimes: A Comparative Analysis of Sri Lanka and United Kingdom	18
Advancing Science and Technology without Environmental Degradation: Sustainable Development and Way Forward.....	20
A Critical Examination of Whether the National Security of Sri Lanka is Adequately Protected in Cyberspace.....	21
Conflicts of Laws: Polygamous Marriages with a Foreign Element.....	22
Is Sri Lanka Greenwashed? Comparative Legal Analysis on Status of Greenwashing in Sri Lanka	23
Sri Lankan Perspectives on “Fighting the Lie”; Criminalizing Online Falsehoods.....	24
The Principle of Distinction; Oscillation between Military Objectives and Civilian Objects in IHL.....	25

ORAL PRESENTATIONS

Rule of Law in the Essence of Common Good in Sri Lanka: A Sri Lankan Case Study

SL De Silva^{1#} and SMA Fernando¹

¹*Faculty of Law, General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka*

#shevan20268@gmail.com

Representative democracy arose as a result of the expansion of the population but in antiquity, there was direct democracy where every citizen participated in law-making for their Common Good. This study identifies the judicial body of the government that enforces the principles of the Rule of Law that has adopted direct democracy to a certain extent in the late 20th century, by allowing elected officials in society with real interest to represent another for the Common Good. A number of Case Studies in Sri Lanka and around the world support this thesis statement. With this study, it is evident that this concept primarily arises under Fundamental Right petitions and Writ cases that are called against the whims and fancies of the administrative authority in subjectively using their vested discretionary power disregarding the Common Good. These authorities are given power under the Rule of Law to fulfil the desires of the citizens for the betterment of the state. This qualitative research is primarily supplemented by case laws, and it successfully concludes that the Rule of Law has been a paramount factor and the essence of the concept of Common Good. It is evident with the decided cases where the court has considered the Common Good and the future public benefit of the people by compelling the administrative authorities even when the applicant was in lack of *locus standi*.

Keywords: *common good, rule of law, public interest, public benefit*

“Abandoning the Sinking Ship or Solo in a Battle Ground?” Role of Sri Lankan Judiciary in Strengthening of *De-Jure* Equality among Genders

RBWMH Rathnamalala^{1#} and MPC Wijesooriya¹

¹*Faculty of Law, General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka*

#rathn016@umn.edu

This research aims at re-evaluating the Sri Lankan judiciary’s adherence into the concept of the de-jure equality between genders as set forth in the Convention on the Elimination of all forms of Discrimination against Women (Herein after referred to as CEDAW). The main objective of the research is to analyse the judicial interpretations/approaches on the concept of de-jure equality between genders under Sri Lankan Law. Secondary objective is to evaluate whether the Sri Lankan judiciary has creatively and progressively interpreted the concept of de-jure equality, in the absence of an enabling statute for CEDAW in the domestic jurisdiction. On the other hand, it should also be considered that Sri Lanka has signed and ratified CEDAW, therefore, as a state party, it indicates the positive intention on implementing CEDAW in the domestic jurisprudence. To achieve the above indicated objectives, researchers utilize the relevant theoretical framework and selected case law decided by the Supreme Court of Sri Lanka. Research methodology is qualitative, and further, it adopts legal research methodology, which is fundamentally desk research. It should be verified that for the analysis on case law, cases were selected based on the purposive sampling method. Outcome of the research is focused on policy-implementation.

Keywords: judiciary, CEDAW, de-jure equality

Placing International Law within the Domestic Context through Constitutional Recognition: A Policy Oriented Approach

KAAN Thilakarathna^{1#}, D Seneviratne¹ and HSD Mendis²

¹Faculty of Law, University of Colombo, Sri Lanka

²Faculty of Law, General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka

#akalanka@law.cmb.ac.lk

International law that primarily governs the relationship between the interaction of States even at the beginning of the 20th century has now evolved into a comprehensive body of law that governs subject areas such as family law and property law through the international standards set out in many of the human right treaties across the world, which were an exclusive part of the domestic law. Though the impact of international law has become undeniable, how countries have utilized international law in their domestic legal system has not found any specific pattern. While a country may be free to adopt its own methodology of adopting or transforming international law into the domestic legal system, the main research problem addressed through this paper relates to the question of as to how the constitutional framework could be utilized to place international law within the domestic legal system through an policy oriented approach, and by policy it is intended to analyse how a country could best utilize international law in the domestic context by considering the constitutional structure of a country along with its own social, economic and cultural realities. This analysis is carried out utilizing the doctrinal approach, and the results have revealed that such a constitutional mechanism could help to make international law more obligatory and directory, demarking the competencies of the governmental institutions regarding the recognition and implementation of international law, advancing the pith and substance of constitutional rights, selecting international obligations possible of being given effect at the domestic level and the general advancement of domestic human rights norms by upscaling them with international standards. In this context, it is highly recommended that a proper constitutional framework be instilled with a policy-oriented approach for the recognition and implementation of international law at the domestic sphere.

Keywords: *recognition of international law, policy oriented approach, human rights*

Gender Stereotypes in Sri Lankan Legal Profession: The Company Secretarial Role

SMAG Senevirathne[#]

Faculty of Law, University of Colombo, Sri Lanka

[#]anuruddika_s@hotmail.com

Phenomenon of corporate glass ceiling still exists in many companies across the globe and especially evident in the Asian region including Sri Lanka. Comparative to other top management positions, boards are predominated by men, and they are recognized and acknowledged as a masculine arena. (Konrad, Kramer & Erkut, 2008). As a member of the board, the role of the company secretary has drastically changed overtime. Similarly, it has been claimed that the company secretary is the longest serving member in a board comparative to directors. Due to orthodox patriarchal mind-set, this critical and significant role in the modern companies is still an under researched domain (McNulty and Stewart, 2015; Hilb, 2011; Cadbury, 2002; Roberts, 2003; Muller, Lipp & Pluss, 2007, Erismann- Peyer, Steger & Salzman, 2008). However, with the recent corporate and financial crisis, the role of the company secretary regained its prominence as earlier. This study reflected on the research problem of whether modern company secretarial role is a gender stereotyped in the Asian region, especially in Sri Lanka. This is a qualitative exploratory and descriptive research. Findings of the study revealed that modern company secretaries play an important role as central corporate governance professional in both private and public companies. Also, the company secretarial role was transformed from simple administrative record keeping one to a top-notch corporate governance and leadership role. Further, this study provides evidence on how Sri Lankan company secretaries utilized this gender stereotyped role to scatter contemporary corporate glass ceiling and utilized it as a strategy to diffuse gender equality in contemporary patriarchal Sri Lankan society.

Keywords: *company-secretary, women, worker, glass-ceiling, gender-stereotype*

Impact of the Assistance to and Protection of Victim and Witness Act to the Fair Trial Concept

RMJ Ranatunga[#]

Sri Lanka Army

#jayanath.ranatunga@gmail.com

Protection of victims and witnesses is one of the important aspects in the criminal justice system. There is no doubt that it shall be the duty of the state to preserve the rights of the concerned parties by enacting effective legislative enactments. On the other hand, the concept of fair trials shall be upheld at every situation. There cannot be any derogation to this vital fair trial concept by any means. Provisions and practical application of the legislative enactment prevailing concerning protection of victims and witnesses contain provisions contrary to the fair trial concept. The possible recommendations on legal reforms and mechanisms to uphold the fair trial concept while focusing on the rights indicated within the concerned legislative enactment are addressed by this article.

Keywords: *victims, witnesses, fair trials*

“Come High Water, Come Hell”: Kinetic Weaponization of Water and the Interplay of International Humanitarian Law and International Disaster Law

N Amarawansha[#]

Attorney at Law, Supreme Court of Sri Lanka

#narmadaamarawansha@gmail.com

The reverberating effects of mankind’s continued harnessing of the destructive potential of water and his deployment of such potential as a weapon in armed conflict, either as a means or as a method of warfare, are extensive. Although international law provides, albeit insubstantially, for the protection of persons concurrently affected by armed conflict and disasters, it does not provide explicitly for disasters that are resultant to an ongoing armed conflict. This paper seeks to fill this gap by elucidating the instrumental international humanitarian law framework that implicitly prohibits the deployment of water as a kinetic weapon and the instrumental international disaster law framework that provides for response and relief in the event of disasters eventuated by the kinetic weaponization of water. In exploring the interplay between international humanitarian law and international disaster law pertinent to disasters eventuated by the deployment of water as a kinetic weapon in armed conflicts, the paper justifies why international humanitarian law prevails over international disaster law as *lex specialis* in the provision of protection for persons victimized by such disasters in armed conflicts.

Keywords: *International humanitarian law, international disaster law, weaponization of water*

Challenges before Forest Conservation in Sri Lanka: Comparatively Analysing the Laws against Illegal Timber Logging

DMNS Dissanayake#

Sri Lanka Law College, Sri Lanka

#nimtharad@gmail.com

Deforestation is one of the major environmental crises faced by many nations. Even so, most of them have successfully faced this challenge by practicing effective forest conservation policies. Population growth and the high demand for timber market have adversely affected the rate of deforestation in Sri Lanka as well. Before the 1970s, natural forests catered to the country's timber requirement. When the Government declared some natural forests as protected areas, and imposed regulations that banned harvesting timber from unprotected natural forests and imposed restrictions on felling and transporting of timber, it created an artificial scarcity of timber in the country. This led to illegal timber logging and other forest offences. This research aims to review the laws relating to illegal timber logging in Sri Lanka, to analyse the effective implementation of those policies and to compare Sri Lankan policies with those in Australian jurisdiction to identify how they have achieved better conservation of forests. It further aims to recognize the loopholes prevailing within the Sri Lankan legal framework and to provide recommendations as to how to improve the existing legal regime with regard to timber logging in Sri Lanka for a better forest conservation. The research was conducted using black letter approach using relevant primary and secondary sources as a comparative analysis between Sri Lankan and Australian jurisdictions. The study concludes Sri Lankan legal system is inadequate to prevent illegal timber logging and it lacks forest policies to address the issue of deforestation, and thereby, recognizes the importance of adopting from Australian standards in order to control deforestation and to achieve better forest conservation in Sri Lanka.

Keywords: *deforestation, forest conservation and illegal timber logging*

Futurama: Robot Rights and the Law

V Samaraweera^{1#}, WDS Rodrigo¹ and A Rathnayake¹

¹*Faculty of Law, General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka*

#vidhurindasamaraweera@gmail.com

Artificial intelligence (AI) has been a growing concern among humans. 'Sophia' the humanoid being granted citizenship of Saudi Arabia in 2017 points to a future where science fiction might not be a fraction of human creativity but also a reality. The most recent incident of the AI chat bot 'LaMDA' developed by Google that took the world by storm in 2022 underscores the relevance of this research to modern times. This research is aimed at distinguishing robot rights from human rights, ascertaining the viability of recognising robots as a separate legal entity, analysing the existing legal regime governing AI to find issues, and proposing a way forward when dealing with legal issues that might arise in the future. This study is a library research based on secondary sources such as scholarly articles, policy directives, literature surveys and other on-academic resources. The study was limited to AI, more specifically, stages III and IV of AI. The authors have also limited the discussion to the cases of 'Sophia' the humanoid and 'LaMDA' the AI chatbot. Moreover, the scope of legal analysis was limited to the European Union laws. This study identifies inherent problems in extending biological connotations to robots, equating robots to animals and imposing corporate liability schemes on robots. Therefore this study finds that AI driven autonomous robots should be recognized as a separate legal entity and conferred an electronic personhood that stands in between human rights and inferior rights such as animal rights.

Keywords: *artificial intelligence, robot rights, human rights*

The Application of the Strong Precautionary Principle: Suggestions for Sri Lankan Judiciary

AA Edirisinghe^{1#} and NKK Mudalige¹

¹*Faculty of Law, General Sir John Kotelawala Defence University, Ratmalana,
Sri Lanka*

#asanka.edirisinghe@kdu.ac.lk

The precautionary principle is a widely applied principle in Environmental Law. Academic literature recognizes two formulations of the precautionary principle: strong and weak. This research seeks to defend the strong precautionary principle in light of the Earth jurisprudence. It lays down suggestions to change the Sri Lankan judicial attitude towards the application of the precautionary principle while comparing the Sri Lankan judicial stance with that of India. The research is carried out using the black letter approach and international and comparative research methodologies. This research would provide a guide to ensure that the precautionary principle is best utilized against human activities affecting the environment in Sri Lanka in a non-anthropocentric attitude. It would also contribute to filling a long-felt lacuna in the existing literature on an in-depth discussion on the application of the precautionary principle in Sri Lanka.

Keywords: *the precautionary principle, earth jurisprudence, strong version of the precautionary principle*

Applicability of Ordinary Law of Sri Lanka in Foreign Direct Investment: A Critical Study of Port City Project in Sri Lanka

HK Vincy^{1#} and K Sivanesan¹

¹*Faculty of Law, General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka*

#hellankivyavincy@gmail.com

This study examines the practical application of ordinary law of Sri Lanka in FDI, with a particular focus on the Colombo Port City Project in Sri Lanka. The objective of this study is to critically examine the applicability of ordinary law in Sri Lanka's Port City Project, where the unique phase of foreign investment plays a major role to attract foreign investments to address Sri Lanka's balance of payment crisis and provide local job creation. The country's approach to FDI has two key drivers: (I) the urgency of attracting FDI; and (II) greater politicization of foreign investment projects. The latter arose from geopolitical concerns, which affected several of the Executive branch's significant investment decisions. It should be noted that Sri Lanka is significant in this geopolitical war because of its advantageous location in the Indian Ocean. It has grown troublesome as China becomes more involved in important industries including ports, transportation, and energy. It is worthy to be noted that, whether Port City Project investments are subject to the ordinary law and which institutions have the authority to approve such projects in accordance with the concepts of transparency and public accountability for such decisions. The study, therefore, primarily concentrates on the Sri Lankan legal jurisprudence and how the investment law plays its role when it comes to the public-private partnership between the Government of Sri Lanka and a project company called CHEC Port City Colombo (local subsidiary) which is the arrangement to develop Sri Lanka's first-ever Special Economic Zone (SEZ).

Keywords: *foreign direct investment, national security and sovereignty, geo-politics*

Legal Protection of the River Environment against Sand Mining: A Case Study in Downstream Area of the River, Kalu

UK Wijesuriya#

Graduate Student, General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka

#utwij98@gmail.com

Sand mining has become a serious environmental and socio-economic issue in Sri Lanka and the downstream area of the river Kalu is subjected to excessive levels of sand mining. This case study was conducted on sand mining activities in the downstream of river, which has not been focused recently. The objectives were to explore the extent of environmental and socio-economic impacts of unregulated sand mining and to examine the role of existing laws and regulations in controlling this issue. Two locations were selected for the study where excessive sand mining is taking place. The research methodologies, socio-legal and black letter approaches were followed and structured interviews were carried out to gather information from inhabitants residing near the river, sand miners, proprietors and sand distributors. Key informant interviews were carried out with scholars involved in research and relevant authorities. Legislation, journal articles, websites and reports were also referred. The study identified environmental damages such as river bank and riverbed erosion and obstructions to sediment flow. Disappearance of lands and damages to infrastructure due to river bank erosion have also been reported. Saltwater intrusion due to riverbed erosion created consequences of poor drinking water quality and salinization of agricultural lands. The presently implemented laws are adequate for proper control against over exploitation of river sand. However, the respective authorities do not enforce them appropriately due to political interventions. This study suggests that the best remedy is to build a transparent and strict legal and institutional framework to ensure sustainability in riverine environments.

Keywords: *the river Kalu, riverine environments, sand mining*

Mobile Apps Surpassing Doctors? A Legal Standpoint in Light of E-Health

AP Rathnayake[#]

Faculty of Law, General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka

#ayodhya.rathnayake@kdu.ac.lk

The gravity of decision making in medicine is beyond ken of the average public which emerged from professionalism. The alliance between a doctor and a patient is considered mutual whereas at the inception, traditional medical paternalism imparted the honour of decision making and treatment of patients to the doctor. The medical malpractice liability is imposed on a doctor upon the proof of violation of duty of care. 'Modern patient is a follower of the concept of democratization of healthcare reflecting.' Do It Yourself (DIY) medicine, An 'App' in his mobile has now become his physician and the smartphone supports in monitoring his health. The author in this research studies and analyses the developments of patient-doctor relationship, legal duty of care of medical professionals and examines the development of mobile health applications with legal implications. The predominant objective of this research work is to study the growth of e-health and the impact on the liability of doctors. The methodology of the paper is qualitative with a literature survey involved with secondary sources of law. The doctrinal methodology has been adapted in the research to analyse the primary sources of law namely codes and bills. The author in this work recommends to decrease the technological gaps while increasing the equal distribution of resources and concludes with the contention that the mobile health technology is a risk which has the potential to mislead a patient with erroneous medical information making doctor's liability on malpractice more uncertain.

Keywords: *doctor-patient relationship, malpractice, mobile health technology*

Excessive Debt Burdens of Developing Countries: With Special Reference to Doctrine of Odious Debts and the Cases of Political Transitions

KA Ranaweera[#]

Faculty of Law, University of Colombo, Sri Lanka

[#]201818212@stu.cmb.ac.lk

The contemporaneous concerns on global affairs emphasize the prominence of humanitarian considerations in international financial practice. In this backdrop, the excessive debt obligations of developing countries that have often resulted from debt mismanagement and misuse committed by their political regimes, hold several serious implications. A humanitarian consideration shall be drawn to prevent grave injustices that could occur in such instances where the citizens of the debtor country are obliged to repay the debts that have been utilized contrary to their interests. The doctrine of 'Odious debts' which assembles a series of equitable concerns to discourage undue debt burdens borne by the State parties play a vital role in this context. Thus, the present paper aims to ascertain the legal competency of the said doctrine to address such instances. As its methodology, the paper has adopted a qualitative research based on doctrinal analysis. By assessing the international legal instruments that acknowledge the existence of the present notion, it finds the evolving nature of the doctrine that holds positive implications in substantiating its legal validity. However, it also analyses the deficits in attributing an inherent recognition to the notion owing to the lack of direct and explicit acceptance through treaties and judicial pronouncements. Therefore, the key findings remark the complexity in utilizing the doctrine as a basis to rationalize non-performance of the debt obligations in the cases of government transitions. Nevertheless, it envisages the competence of applying the present doctrine in future occurrences as it indicates a significant development.

Keywords: *odious debts, legal recognition, government succession, regime debts*

Preventing the Misuse of Non-Governmental Organizations for Terrorist Financing

KMMM Jayathilaka#

University of Peradeniya, Sri Lanka

#jayathilakamithila@gmail.com

Non-governmental organisations (NGOs) play a vital role in socio-economic development of a state by complementing efforts of a government to provide services and assistance to those in need. However, features such as access to multitude of sources of funds, cash intensiveness, possession of diversified and interconnected financial and logistical networks and high level of public trust make NGOs attractive for terrorists financing. Terrorist organizations use NGOs as conduits to raise funds and transfer funds for the execution of their noxious objectives. Pressing need to safeguard NGOs from being used as a medium for terrorist financing has prompted calls for countries to strengthen legal and regulatory frameworks and their enforcement, and to upgrade supervision efforts over NGOs. Regulation of NGOs is a double-edged sword task because excessive regulation and bureaucratic interventions can obstruct contributions of NGOs to socio-economic development of a country. This study examines the effectiveness of present legal framework with a special emphasis on the Voluntary Social Services Organizations Act in preventing terrorist financing in the non-governmental organization sector of Sri Lanka. Primary sources such as legislations and policy documents and secondary sources such as Hansard reports, parliamentary committee reports, research papers and scholarly journal articles are used in order to accurately identify loopholes and weaknesses in the Voluntary Social Services Organizations Act. To produce a roadmap for achieving a flawless legal regime for non-government organisations, inputs from representatives of National Secretariat for Non-governmental Organisations, Financial Intelligence Unit, Criminal Investigation Department are obtained through semi-structured interviews.

Keywords: *terrorist financing, non-governmental organisations, Sri Lanka*

Sufficiency of Existing Legislations to Prevent Cyber Harassment in Sri Lanka

UPAT Shashindri^{1#} and TMPD Tennakkon²

¹Faculty of Law of University of Colombo, Sri Lanka

²Sri Lanka Law College

#thisari@law.cmb.ac.lk

Cyber harassment is the term used to describe the use of the Internet to bully, harass, threaten, or maliciously embarrass a person. Though cyber harassment is a crime, Sri Lanka's legislation does not list cyber-bullying and harassment as a separate offence, but there are legal provisions which have been cited by legal experts and activists to charge perpetrators. This analysis divulges those numerous sections of Computer Crime Act No.24 of 2007 of Sri Lanka, Penal Code of 1883, Obscene Publications Ordinance No. 4 of 1927 and Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act No. 20 of 1998 have the potential to capture different categories of Cyber harassments like revenge pornography, sextortion, cyber-stalking, cyber-bullying. This research identified practical issues like lack of understanding on the applicability of these laws to harassment committed in the cyber space as well as confusions due to over lapping of laws and injustices instigated by having many applicable laws and lack of awareness in the law enforcement about the possibility of using these laws to prosecute cyber harassment in Sri Lanka. In conclusion, researchers intend to recommend a technical and legal revision of Statutes in Sri Lanka as to adopt a strong set of laws targeting cyber harassment primarily, without overlapping. Theoretical analysis of the research is conducted through qualitative data assembled through online based sources.

Keywords: *cyber harassment, cyber-bullying, cyber-stalking, Sri Lankan legislation*

Combating White Collar Crimes: A Comparative Study on Regulating the Rapid Evolution of White Collar Crime in Sri Lanka

DA Munaweera#

General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka

#dulanjalimunaweera97@gmail.com

It is undeniable that corporate entities engage in what are now classified as white-collar crimes, with senior managerial figures and high-ranking officials being the skilled perpetrators. Consequently, a number of crimes such as money laundering, bribery, forgery, tax evasion, human trafficking, intellectual property theft and financial embezzlement have taken an epidemic form thus becoming a ubiquitous phenomenon in a nation like Sri Lanka. Although the diverse socio-economic felonies committed by the top class may not trigger any bodily harm to the victim, they may significantly damage the economic fabric through the disintegration of stock market, public interest and the government thus, becoming a serious threat and difficult to prevent not only at the domestic context but also at the global context thereby raising an immediate concern. Therefore, the focus of this paper revolves around the multi-faceted issue of white-collar crimes which are much of a controversy today, and it also attempts to analyse the loopholes in the law in force at present with regard to corporations and further recommends to regulate legal measures in order to prevent and suppress these crimes, or at the very least to diminish their frequency and severity through a comprehensive legal analysis comparing the jurisdictions of UK, USA and India that can immensely contribute to the development of an adequate legal framework for Sri Lanka to combat these crimes. Accordingly, the author has incorporated a methodology that is qualitative and normative in nature to accomplish the purpose of the paper and has utilized both primary and secondary sources of law regarding white-collar crimes.

Keywords: *corporate entities, white-collar crime, socio-economic issue*

Truth or Treason? The Tussle between Secrecy and Security

IMA Ratwatte#

Faculty of Law, General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka

#indira.ratwatte@kdu.ac.lk

Sri Lanka has long standing legislation, protecting official secrets in the interests of national security. Yet, these laws are yet to clearly demarcate the boundaries of such terminology, which may result in the infringement of fundamental rights such as the right to expression, publication and dissemination, guaranteed in the Constitution of 1978; neither does Sri Lankan law permit the release of material it categorizes as 'official secrets' for the public good. Thus, if a public servant were to act as a whistle blower, she would not have the defence of public interest. To this end, the article seeks to analyse two recent case studies that occurred in the United States, prosecuted under the Espionage Act of 1917, a statute which could well be deemed Sri Lanka's counterpart. Through such evaluation, the writer seeks to caution against similar action being taken against any Sri Lankan citizen who might release information, to further accountability and transparency in the government. The writer posits that lessons could be learnt from such a comparative analysis, suggesting that the defence of public interest be made a part of Lankan jurisprudence when it comes to civic minded citizens and a clear definition be provided for pivotal terms such as 'official secrets' and 'national security.' Leaving room for ample interpretation of legal terminology might result in injustice, repression and legal uncertainty. Clarity and curtailment would aid greatly towards establishing trust in public authorities, the tri forces, state accountability and ultimately foster sustainable national security.

Keywords: *official secrets, national security, whistle-blowers, public interest*

A Protective Legislation for Whistle-Blowers to Thwart White-Collar Crimes: A Comparative Analysis of Sri Lanka and United Kingdom

SBYMDT Siwrathne#

Sri Lanka Law College

#duneesha777@gmail.com

White collar crimes in the context of commercial law primarily carry the structures of money laundering, capital market malpractices, terrorist financing and falsification of financial statements. As these crimes pose a grave menace upon the economy of a country, Sri Lanka which is currently undergoing a massive economic crisis needs to pave its attention to prevent these crimes of privilege by safeguarding the employees who are willing to disclose but are hesitant to blow the whistle owing to the dread of retribution by their top management. In order to determine the efficacy of the law and to examine the concerns with its regulatory oversight, this article showcases the author's research findings from the assessment of the pertinent legal provisions made in relation to the security of whistle-blowers in the United Kingdom by additionally serving the purpose of comparing the British law with that of Sri Lanka to ultimately make recommendations based on the relevant provisions and to adopt them into the Sri Lankan legal system. The library research approach was applied to accomplish this objective, and the qualitative data that were retrieved from statutes, case laws, books, and journal articles proved how inadequate the statutory protections for whistle-blowers in Sri Lanka are. For the fulfilment of analytical objectives, the methodology of International Comparative Research was adopted by citing UK case laws and statutes, ILO treaties, and UN conventions. Finally, the article is concluded with the principal recommendation of implementing an independent legislation on Whistle-blowers Protection modelled after the UK's Public Interest Disclosure Act 1998 by discussing certain additional recommendations to uplift the established standards laid under the provisions of Public Interest Disclosure Act.

Keywords: *whistle-blower protection, white collar crimes, disclosure*

POSTER PRESENTATIONS

Advancing Science and Technology without Environmental Degradation: Sustainable Development and Way Forward

DS Jayasinghe^{1#} and VM Gunawardhana¹

¹General Sir John Kotelawala Defence University, Sri Lanka

#dinithi.icav@gmail.com

It is no secret that, given today's limitless scientific and technology developments and scarce natural resources, environmental and technological progress often intersects. Therefore, it is crucial to strike a balance between environmental concerns and technological development at the same time in order to conserve what we already have for future generations and, eventually, to prevent the Earth from degrading. The environment so far has been polluted and destroyed as a result of technological advancements like those related to radiation technology, electronic manufacturing, large-scale construction and energy production related industries, although these advancements typically incorporate measures to minimize environmental degradation. In the past ten years, irreversible ecological habitat destruction, excessive techno-waste release into the environment, deforestation, global warming, and climate change have all emerged as major environmental threats. If actions are not taken to mitigate these threats immediately, mother Earth will eventually perish. This paper aims to advocate the pure idea of "Sustainable Development" which has been stepped out from its framework due to technological advancements. The paper employed doctrinal research methodology to attain this goal and the qualitative and quantitative data that were gathered from books, journal articles and reports showed that the development of science and technology is the primary cause of environmental deterioration. The paper concludes that environmental preservation should be given more attention in sustainable development, and makes recommendations to minimize environmental degradation through advancements in science and technology in addition to other environmental legal principles.

Keywords: *environmental degradation, technological advancement, sustainable development*

A Critical Examination of Whether the National Security of Sri Lanka is Adequately Protected in Cyberspace

DU Jayasinghe^{1#} and GD De Silva¹

¹*Department of Law, University of Peradeniya, Sri Lanka*

#dulmi.jayasinghe@gmail.com

The 21st Century is the century of Hi-tech and is no stranger to cyberattacks. Even Sri Lanka has undergone many cyberattacks in the past, which have also raised national security concerns. Whilst Sri Lanka has enacted legislation to deal with computer crimes such as the Computer Crime Act No. 24 of 2007, Evidence (special provisions) Act No 1995, Electronic Transactions Act No. 19 of 2006, Payment Devices Frauds Act No 30 of 2006, and the Intellectual Property Rights Act No. 36 of 2003, there are no enacted cybersecurity laws. In fact, the two Bills, namely the Cyber Security Bill and the Defence Cyber Commands Act have still not been passed even though it was proposed in 2018. Consequently, only Section 06 of the Computer Crime Act No. 24 of 2007 mentions computer crime offences committed against national security. Thereby, the research problem of this article is to examine whether the current cyber laws in Sri Lanka are sufficient to adequately protect the country's national security in cyberspace. The research objectives of this research are to examine whether the current cyber laws protect the national security in Sri Lanka (1), to evaluate the implementation process in the criminal justice system in terms of cyber laws (2) and to gain some perspectives on how other countries such as the United Kingdom and the United States of America have formulated legislation to protect their country's national security in the cyberspace. This research is an internet-based desk-based research and concludes that the existing legislation is insufficient to adequately protect the national security in Sri Lanka and that it is imperative to enact the two draft cybersecurity Bills at the earliest.

Keywords: *cyber-attacks, national security, cyber security laws*

Conflicts of Laws: Polygamous Marriages with a Foreign Element

AGM Pabasara#

Faculty of Law, General Sir John Kotelawela Defence University, Ratmalana, Sri Lanka

#mogamage1@gmail.com

Polygamous acts are prohibited under Sri Lankan law; however, the Muslim Personal Laws are an exception. Although this fact is grounding, the concept of polygamous marriages occurring between a Sri Lankan national and a foreign national when contracting the Sri Lankan national's subsequent marriages after the first legal marriage is not instituted for, as it is quite a rare occurrence. The legal framework in Sri Lanka only presides over the matters of polygamous marriages occurring between the citizens of Sri Lanka. It does not have a fully-fledged set of laws to regulate or recognize those marriages in an instance if, issues arise in relation to polygamous marriages with a foreign element were to happen to a Sri Lankan national or a partner of a Sri Lankan national. Therefore, the objective of this research is to critically evaluate whether the existing legal framework of Sri Lanka could invalidate an individual's subsequent marriage contracts with a foreigner, and if so, whether such individual could be penalized and whether such marriage would be criminalized under the Sri Lankan law. This research also aims to explore existing legal framework around the world that have addressed this issue and if Sri Lanka could also apply those laws to its native legal system.

Keywords: *conflicts of laws, polygamous marriages, private international law*

Is Sri Lanka Greenwashed? Comparative Legal Analysis on Status of Greenwashing in Sri Lanka

DMKAH Bandara#

Faculty of Law, General Sir John Kotelawala Defence University, Ratmalana, Sri Lanka

#amahb1999@gmail.com

As a result of the increase of environmental damage, the majority of people around the world are suffering from its impacts. Due to that reason, they attempt to mitigate the effect of this issue as much as possible and one way of such mitigation is consuming sustainable and eco-friendly products and services. Consequently, businesses and companies started to introduce sustainable products with the intention of beginning a sustainable market. However, several people who wanted to get the commercial benefit of this practice, started to mislead the consumers by pretending that their artificial and harmful products are also sustainable and organic. This practice of misleading consumers was developed as 'Greenwashing' and now most of countries have started to pay their attention to mitigate the impacts on Greenwashing. Some countries have introduced their regulations regarding Greenwashing. However, when it comes to Sri Lanka, even though Greenwashing exists within the country, the relevant authorities and organizations have still failed to address this issue. Simultaneously, there is a lacuna in the legal system of Sri Lanka as well due to the lack of proper and specific laws for Greenwashing. In this research it is purposed to compare and analyse the Sri Lankan laws related to Greenwashing with other specified laws and guidelines in the international level. In addition to that, this is a qualitative research based on international codes and guidelines together with national laws.

Keywords: *greenwashing, sustainability, misleading consumers, environmental impact*

Sri Lankan Perspectives on “Fighting the Lie”; Criminalizing Online Falsehoods

CLCM Patabendige#

Institute of National Security Studies

#charani.patabendige@gmail.com

In ancient times, war was wholly militaristic and physical in nature, where troops protected borders. However, at present war has changed from physical space to virtual space. Social media is the biggest platform utilized by extremists, terrorists, profit and politically motivated individuals to attain illegal motives. Disinformation, misinformation, falsehoods, online manipulations and hate speech have become apex threats to Sri Lanka’s national security. The research problem is the need to criminalize online falsehoods. The research methodology utilized is a non-doctrinal research, which is also known as socio-legal research. The rationale behind non-doctrinal research is, to seek answers from a multi-disciplinary approach. The paper goes beyond legal analysis and also looks from a national and strategic security perspective. The research will shed light on what are online falsehoods, Sri Lanka’s experiences as a victim of online falsehoods, laws relating to online falsehoods, freedom of expression and the gaps, lacunae and weaknesses prevalent in the laws curbing online falsehoods. Further, the research will evaluate the Singapore’s Protection from Online Falsehoods and Manipulation Act 2019, for purposes of comparative analysis. The paper has identified the necessity to introduce legislation to criminalize online falsehoods. Consequentially, the paper has provided a plethora of recommendations on preventing and mitigating online falsehoods.

Keywords: *freedom of expression, laws, online falsehoods, social media, Sri Lanka, Singapore*

The Principle of Distinction; Oscillation between Military Objectives and Civilian Objects in IHL

NHD De Silva#

Sri Lankan Counter-Terrorism Analyst

#hirunidrauphadhi70922@gmail.com

The International Humanitarian Law (IHL) governs events that occur in a state during armed conflict. It limits the effects of an International Armed Conflict (IAC). There are six principles in IHL. This paper intends to discuss about the Principle of Distinction. Principle of Distinction distinguishes every act and person involved in armed conflict. This distinction is generally between combatants and civilians. The key international legal instruments that govern IHL are Geneva Conventions (GC) I to IV and its Additional Protocols (AP) I and II. These GC provisions and AP provisions are used to justify the military objectives and the civilian objects in an armed conflict. This paper aims to discuss the exceptional situations as well. In Non-International Armed Conflicts (NIAC), IHL limits methods and means of warfare and people who are not directly participate in hostilities (DPH). Either IAC or NIAC the application of IHL principles remain still. The principle of distinction is used to apprehend the distinction between military objectives and civilian objects. In war, before conducting an attack it is vital to refer and analyse the situation under principle of distinction. This principle of distinction assists to discern whether the attack will gain the expected military advantage. It is important to calculate the collateral damage and to justify the military necessity in the light of principle of distinction. There is only a delicate distinction between military objective and civilian object. It is important to understand this distinction before planning an operation during a conflict. The inability to address this delicate distinction had led to many problematic outcomes among states in aftermath of war. Therefore, this paper aims to discuss about the tenuous area that leads to contradictions between military objectives and civilian objects.

Keywords: *distinction, military objectives, civilian objects*

