

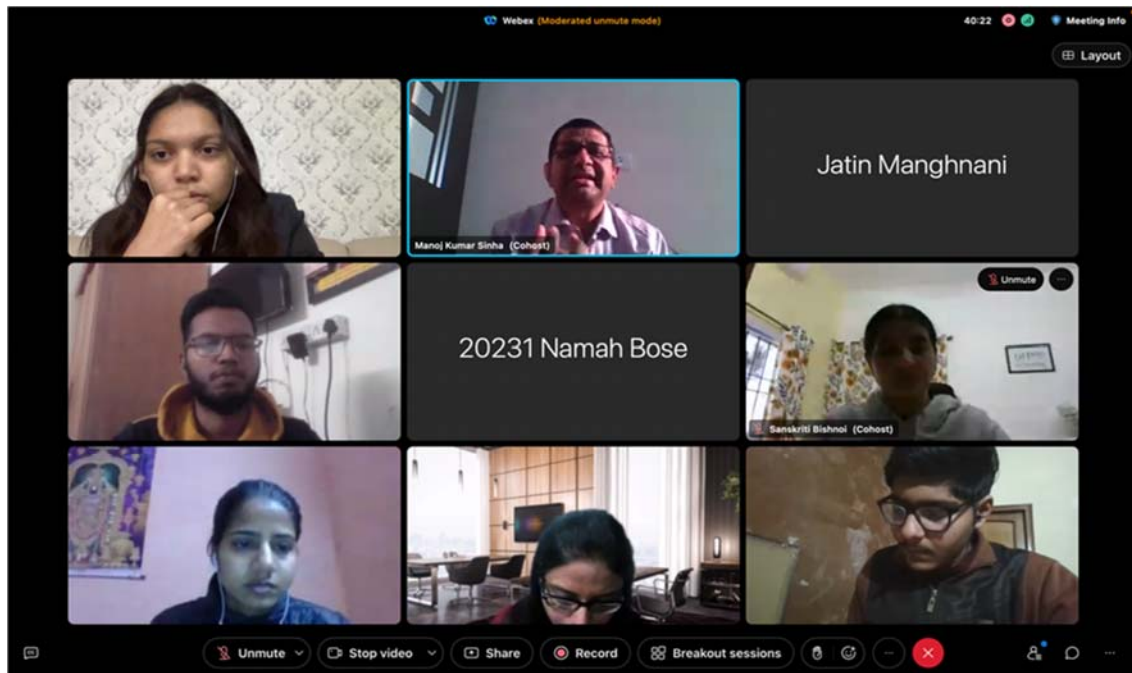
## REPORT (Day-1)

### TWO CREDIT CERTIFICATE COURSE ON INTERNATIONAL HUMANITARIAN LAW

22<sup>nd</sup> January 2023

**Guest Speaker:** The speaker for today's session was Prof. (Dr.) Manoj Kumar Sinha, currently working as the Director of the Indian Law Institute.

The Centre for Advanced Study in International Humanitarian Law (CASH), RGNUL marked the beginning of the two credit certificate course on International Humanitarian Law on 22<sup>nd</sup> January 2023. The event was a huge success with more than 50 participants including students, academicians and research scholars.



Prof. Sinha began the session by discussing the origin, nature and development of International Humanitarian Law and its evolution in the ancient and medieval India.

While discussing the purview of IHL, he explained it, as that branch of Public International law that seeks to moderate the conduct of armed conflict and mitigates the sufferings, it causes. He clarifies that IHL does not prohibit the war, per se but oversees the legitimacy of war. It focuses on ameliorating the conditions of civilians and soldiers by providing

protection and care to the injured on the battlefield. During his session, he emphasized on following points:

#### Scope of the war

He then focused on the principles of IHL, enshrined in the UN Convention – The distinction between civilians and combatants; the prohibition to attack, *hors de combat* (i.e., those not directly engaged in hostilities); and the prohibition to inflict unnecessary suffering.

IHL is not a new phenomenon. Its core principles were reflected in the actual practice of battlefield and in religious texts, in ancient and medieval times. However, the codification of these principles was done with the adoption of the first Geneva Convention in 1864.

In the ancient India, the laws of armed conflict were formed on the principles of humanity. The scope of peaceful negotiation was widely acknowledged before the armed conflict and war was considered the last resort.

Ancient religious texts, describes four stages of dispute settlement:

1. Sam- Peaceful Negotiation
2. Dam- Offering gifts
3. Bedh- using clever techniques
4. Dand- Use of force

Hence, use of violent methods to settle dispute was considered undesirable unless necessary. The same principle was later embedded in Chapter 6 of United Nation Convention, titled '*Pacific Settlement of dispute*'

#### Nature and causes of war in the ancient times

In the second part of his lecture, Prof. Sinha focused on the nature and types of the wars. He discussed two types of wars, Dharma war (righteous) and Adharma war (unrighteous). The causes of war in ancient times were classified into three which can be also seen in modern times:

1. Desire to secure more territory.
2. Prevention by monarch of operation of his people
3. Desire to preserve

There was a limitation on war in ancient times. All religions also had Principles of IHL. The principles of IHL were always there but their codification started in 1859. He highlighted about Sikhism also has principles of IHL. The principle of IHL applies to every soldier, your soldier as well another country's soldier. The principle of non-discrimination should apply to everyone.

### Evolution of Contemporary IHL

The foundation of the contemporary IHL was laid down in 1862 by Henry Dunant, commonly known as the father of modern IHL. His book titled, '*A Memory of Solferino*', became the starting point of IHL. In his book, he advocated for the creation of "relief societies" by all countries to provide aid to people who are fighting. This vision led to the creation of International committee of Red Cross and Red Cross crescent movement in 1863, He also proposed that there should be an international sign of identification and for the same purpose; we need to establish and adopt an international treaty guaranteeing the legal protection of medical facilities in a country. Following this, the Hague rules and the Geneva rules were integrated in 1997.

He concluded the lecture by discussing the relevance and applicability of the four Geneva Conventions in the contemporary times. The Convention formalizes the principles crucial for the whole undertaking that wounded and sick soldiers must be taken in and cared for irrespective of their nationality.

The first session of the course was marked with productive and informative discussions. The engaged participants asked a significant number of questions over the course of the discussion.