

# HUMANITY IN CRISES

THE LEGAL FRAMEWORK FOR  
WAR AND DISPLACEMENT



**Editors**

Dr. Huma Khan  
Dr. Kavya Chandel

# **Humanity in Crises: The Legal Framework of War and Displacement**

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Dr. Kavya Chandel**



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## CHAPTER 1

# Law for Humanity: Navigating the Principles of International Humanitarian Law

*Dr. Mirza Juned Beg<sup>1</sup> and Mohd Sufiyan Khan<sup>2</sup>*

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### Introduction

*“The real evils in war are love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance, and the lust of power, and such like; and it is generally to punish these things....that, in obedience to God or some lawful authority, good men undertake wars.”<sup>3</sup>*

**-St. Augustine**

A lady and a king in particular should not be killed, nor should an elderly person or a kid. No virtue is broken if someone kills after engaging in appropriate combat. Let the soldiers never engage in reckless behaviour, violent attacks, tardiness in serving the king, disregard for the monarch’s disapproval, or failure to carry out their assigned tasks.

The goal of war is to destroy the enemy state; one can only kill its defenders if they are brandishing weapons, but they must immediately put them down and surrender, renouncing themselves as enemies or enemy agents and returning to their normal status as regular people with no claim to their lives. Swiss philanthropist **Henry Dunant’s** efforts during the Franco-Austrian War on Switzerland’s border, known as Solferino, were responsible for turning these ideas into positive law.<sup>4</sup>

The battle of Solferino in June 1859 is considered to be the birthplace of contemporary International Humanitarian Law

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<sup>1</sup> Assistant Professor, Faculty of Law, Integral University, Lucknow.

<sup>2</sup> Faculty of Legal Studies, CMS GN-1, Lucknow.

<sup>3</sup> E.M. Atkins and R.J. Dodaro, *Augustine Political Writings* 164 (Cambridge University Press, 2001).

<sup>4</sup> Pierre Boissiar, *History of the International Committee of the Red Cross From Solferino to Tsushima* 47 (Henry Dunant Institute, Geneva, 1985).

(herein after referred as IHL). The next day, Henry Dunant passed the battlefield and was horrified by the vast number of injured people who were left untended and, in many cases, dying from a lack of medical care. Such medical aid was arranged by him. At a significant risk, he made such medical assistance feasible. He then penned the stirring novel titled "*A Memory of Solferino*",<sup>5</sup> it took into account the issue of providing humanitarian relief to combat victims, including Dunant himself. This was the beginning of the International Red Cross, and in 1880 the Committee was formally founded as the International Committee of Red Cross (herein after referred as ICRC), becoming a permanent entity. The Committee convinced the Swiss Federation to hold an international conference, which resulted in the *First Geneva Convention* in 1864, which at this point was restricted to the provision of medical care for those who were ill or injured on the battlefield. The First Geneva Convention of 1949 includes this clause.<sup>6</sup>

The Geneva protections were gradually extended. A *Hague Convention* was signed in 1899 to safeguard the ill, injured, and shipwrecked at sea. The adjustment was made in 1907 and was in effect during both World Wars I and II. The 1949 Second Geneva Convention now has this clause. A second Hague Convention was created in 1899 to provide for prisoners of war, and it was updated in 1907.<sup>7</sup> This was in place throughout World War I and brought forth fundamental ideas like the notion that prisoners of war belong to the capturing power and are thus under their control from the beginning rather than the forces who actually capture or hold them. The first World War experience led to the development of the neutral Red Cross inspection of Prisoners of War ((herein after referred as POW) camps and its crucial function.

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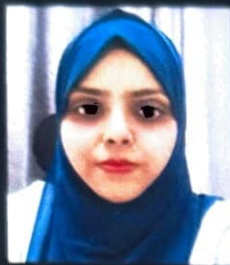
<sup>5</sup> H. Dunant, *A Memory of Solferino* 128 (ICRC, Geneva, 1986).

<sup>6</sup> R. Bernhardt (ed.), *Encyclopaedia of Public International Law* 632 (Vol.1, 1992).

<sup>7</sup> Declaration of St. Petersburg of 1868 to The Effect of Prohibiting the Use of Certain Projectiles in Wartime, Schindler/Toman.No.9.

# HUMANITY IN CRISES

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*Dr. Huma Khan is a dedicated academician and legal scholar with over six years of teaching experience in the field of law. She is currently serving as an Assistant Professor at the Faculty of Law, Integral University. Her research and academic interests span across contemporary legal issues, with a focus on criminology, International Law, constitutional law, and emerging dimensions of crime in the modern world. Huma Khan holds an LL.B. degree from Lucknow University and completed her LL.M. from Sri Ram Swaroop Memorial University, demonstrating a strong foundation in both the theoretical and practical aspects of law throughout her academic career; Dr. Khan has shown a deep commitment to legal research and scholarship. She has presented papers at numerous national and international conferences, contributing valuable insights into various areas of legal concern. Her scholarly contributions include several research articles and book chapters published in reputed journals and edited volumes, reflecting her engagement with contemporary legal discourse. Demonstrating her leadership and organizational capabilities, she has successfully organized and coordinated various academic events, aimed at enhancing legal awareness and student engagement. She is also the editor of the book titled "Changing Dimensions of Crimes in the 21st Century", which explores the evolving nature of criminal activity and the legal system's response to these changes. Before joining Integral University, she held teaching positions at Ambedkar Law College and Geeta Law College, where she was recognized for her engaging teaching style and her dedication to mentoring students. With her rich academic background, research orientation, and passion for teaching, Huma Khan continues to contribute meaningfully to legal education and scholarship in India.*



*Dr. Kavya Chandel is a dynamic academite in the field of Legal Academia. She has previously held the position of Assistant Professor (Law) at Sharda University in Greater Noida (UP). Additionally, she has served as an Assistant Professor at Integral University in Lucknow. Furthermore, she was part of Amity and City Academy Law College. With an extensive academic experience spanning five years, she completed her Master's degree in Environmental Law from Hidayatullah National Law University in Raipur, along with a PGDIPR from Rammanohar Lohiya National Law University in Lucknow. Dr. Kavya is a silver medalist in Intellectual Property Rights and possesses a profound passion for environmental issues, which motivated her to pursue a PhD in Environmental Law. She has judged various competitions, including the Second Round Table Conference, moot court competitions, and debate competitions. Dr. Chandel has been interviewed by Lawctopus and TV India, and she has presented research papers at numerous national conferences. She has also moderated international conferences and hosted various events. In addition to her academic pursuits, she has a keen interest in poetry and marathons, having contributed her poetry to Sahitya Ajtak and the Lucknow Literature Festival. She has participated in several marathons throughout the city and is an enthusiastic speaker who doesn't shy away to express her views. Dr. Chandel has delivered guest lectures on Intellectual Property Law, Environmental Law, Sports Laws in India, and the NDPS Act across the country. She hosts and runs a podcast 'Legal Fatum' and has published her research papers in Scopus and international journals.*

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