



**RAJIV GANDHI NATIONAL UNIVERSITY OF
LAW, PUNJAB**

**CENTRE FOR ADVANCED STUDY IN
INTERNATIONAL HUMANITARIAN LAW**

in collaboration with

**TEMPLE OF UNDERSTANDING, INDIA
FOUNDATION**

presents

**THE PANCHA BHootA & INTERNATIONAL
HUMANITARIAN LAW: AN INTRINSIC
RELATIONSHIP**

Event Report

Introductory Remark

Ms. Vijaya Singh, Student Convenor of Centre for Advanced Study in International Humanitarian Law (CASH), Rajiv Gandhi National University of Law, Punjab

Moderator

Ms. Akanksha Mathur, Member, Centre for Advanced Study in International Humanitarian Law (CASH), RGNUL

Panellists

- Hon'ble Dr. Karan Singh, Visionary Indian Statesman, Cultural Ambassador, Educationalist, Philanthropist, Author, Poet, Musician and Champion of Interfaith Dialogue and Understanding.
- Dr. A.K. Merchant, General Secretary, Temple of Understanding India Foundation.
- Dr. Suman Aggarwal, Founder and President of Shanti Sahyog, Associate Professor of Philosophy, Delhi University, India.
- Dr. Stellina Jolly, Member, IUCN World Commission on Environmental Law, Senior Assistant Professor, Faculty of Legal Studies, South Asian University.

Vote of Thanks

Dr. Sangeeta Taak, Faculty Co-ordinator, CASH, RGNUL.

Organiser

Centre for Advanced Study in International Humanitarian Law (CASH), RGNUL in collaboration with Temple of Understanding, India Foundation

Rapporteurs

- Sakshi Srivastav, Member, CASH
- Preetkiran Kaur, Member, CASH
- Divyani Saldi, Member, CASH

Date and Time

Saturday, 2nd October, 2020, 6:00-8:00 PM IST on Webex

Opening Address

Ms. Vijaya Singh Gautam, Convenor, Centre for Advanced Study in International Humanitarian Law (CASH).

Welcome Speech

“A very good afternoon to everyone present here.

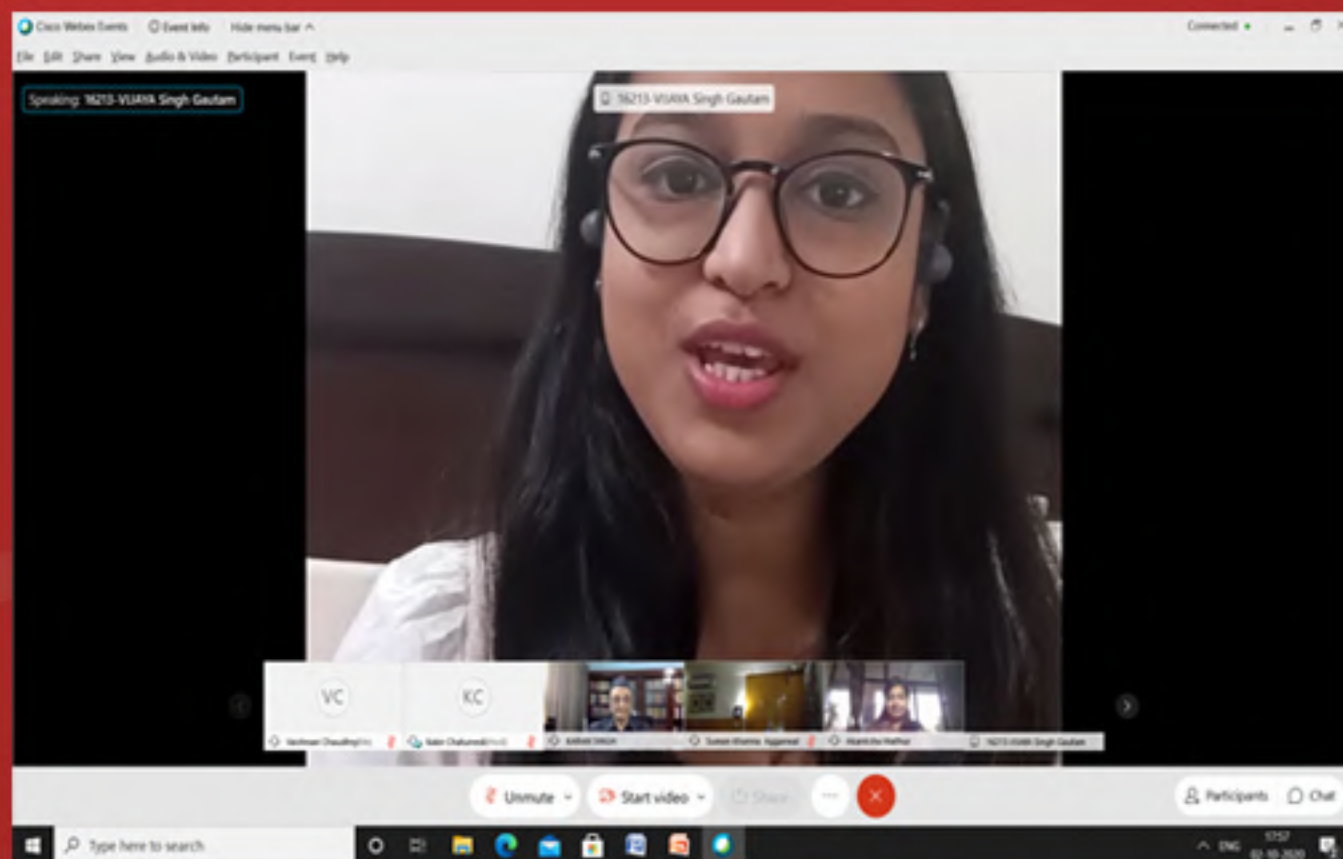
I am Vijaya Singh, student-coordinator for this webinar. The Centre for Advanced Study in International Humanitarian Law (CASH) is a research centre in Rajiv Gandhi

National University of Law, dedicated to research in the field of IHL. CASH is proud to host this webinar in collaboration with the Temple of Understanding which is an interfaith organisation founded by Eleanor Roosevelt to recognize and cultivate the gifts, wisdom and insights of religious traditions to promote positive change. It is also termed as ‘Spirited United Nations’.

I, on the behalf of CASH, would like to thank our worthy Vice-Chancellor of RGNUL, Dr. Paramjit Jaswal and Dr. Naresh Vats, our worthy Registrar sir for allowing us to host this webinar.

We look forward to an enlightening discussion amongst our esteemed speakers on the ancient interplay between the crucial five basic elements of life- the Pancha-Bhoota, and the Laws of War. We would also hear them talk about the importance of adherence to a basic code of ethics in a conflict situation in order to ensure equal access to these elements to all the parties concerned.

We await with pleasure an enriching experience in this webinar today.”



Hon'ble Dr. Karan Singh

Dr. Karan Singh started off with paying tribute to Mahatma Gandhi on his 151st birth anniversary. 2nd October is celebrated as the international day for peace and non-violence and Dr. Karan by referring to them as the pre-requisites of the IHL, stressed on the unbreakable linkage of the former with the latter. Dr Karan stated that the panch bhoota are much more powerful than human



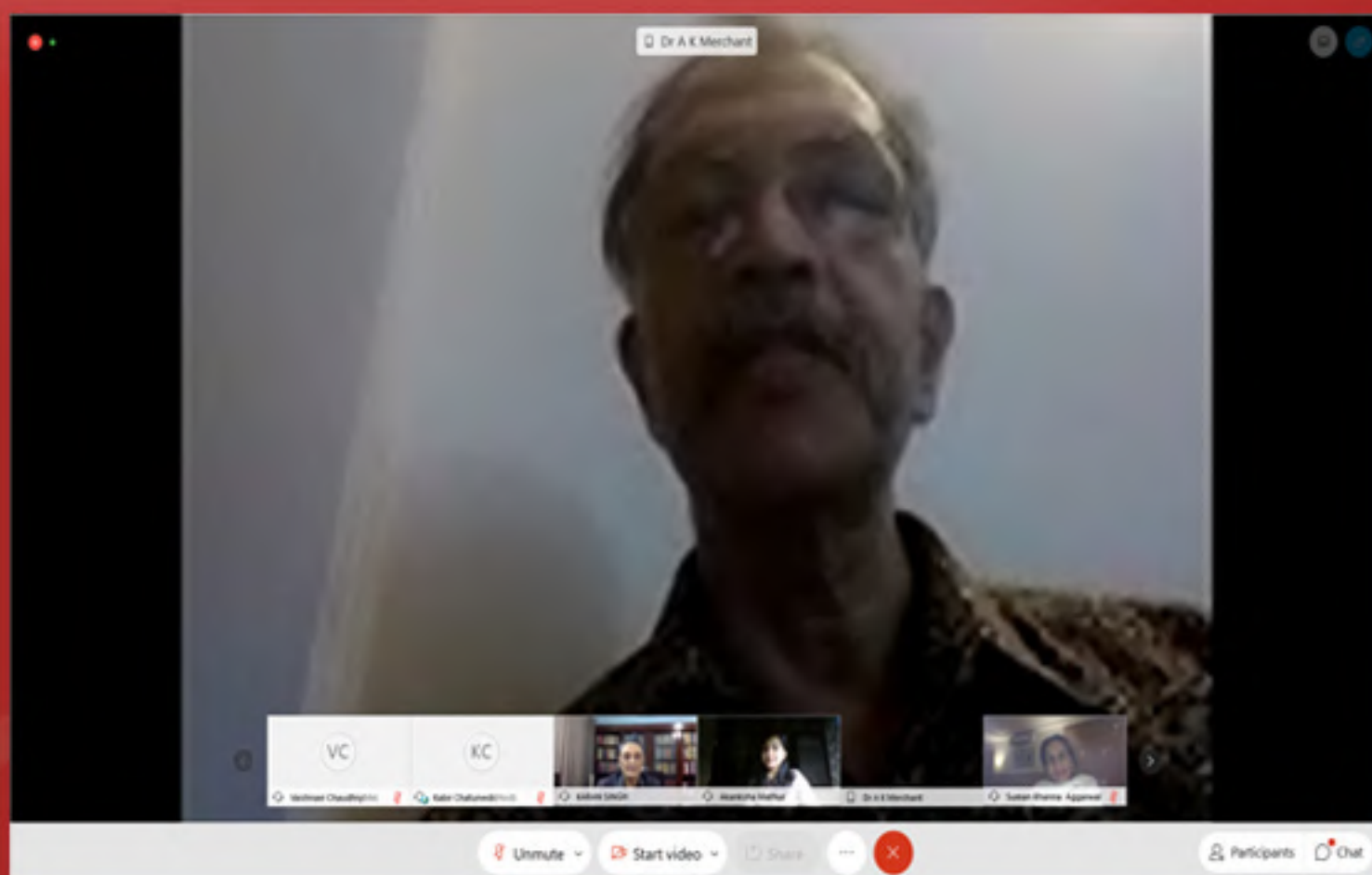
beings and unless we realise their importance and start respecting them, human race is in grave danger. He expressed his dismay at the exploitation these elements are routinely subjected to. Humans have polluted the earth, water, air and now in the form of space debris, they have not even spared the outer space. He made a mention of Atharv veda that provides for integral and fundamental values on environment in the form of 63 verses compiled together to frame Bhoomi Sukta. Bhoomi Sukta describes earth as a mother who has been nurturing us since billions of years and now is the time to repay her by nurturing her back.

Dr Karan observed that we have entered the Anthropocene age where human actions themselves are becoming counter-productive to our survival. He made a mention of two scenarios. First, as maintained by Michael Foster, human race is meant for self-destruction. There is an engineering defect between our brain and heart where we know what is wrong but we still go on to do it. This had also been highlighted in Mahabharata where Duryodhan said “जानामधिर्मं न च मे प्रवृत्तिः।। जानाम्यधर्मं न च मे नवृत्तिः”, this could be translated as “I know what is Dharma but I am not attracted to it and I know what is adharma but I am attracted to it”

Dr. Karan then discussed about the alternative scenario, he said human race is programmed for evolution. The humans of today are an intermediate product of evolution who would evolve to possess greater reasoning skills. Upon being asked the approach civilians must adopt to protect the panch bhoota at times of war, he said that it is high time that every individual starts respecting the panch bhoota, they must keep their surroundings clean and refrain from exploiting these elements.

Dr. A K Merchant

Dr. AK Merchant put forth a very unique perspective at the outset of his presentation where he said that this unprecedented global crisis has provided an opportunity for every individual and institution of the World to



decide the future of our planet. He, then, explained how the world came into existence and role of five elements using scriptures and words of various faiths practiced in the world.

He went on to explain how these five elements along with the natural heritage and biological diversity are getting destroyed as the science is developing and progressing. Then he provided the solution by asking all the individuals to make collective efforts in lines with the UN Charter. He explained the concept of global commons which means international, supranational, and global resource domains in which common-pool resources are found. He, then, used the concept of 'Global Commons' and the scriptures of the Baha'i faith to explain how global leaders need to unite and treat this whole world as one country to protect its resources. The resources should be used in such a manner that they are sufficient for the present as well as for future needs.

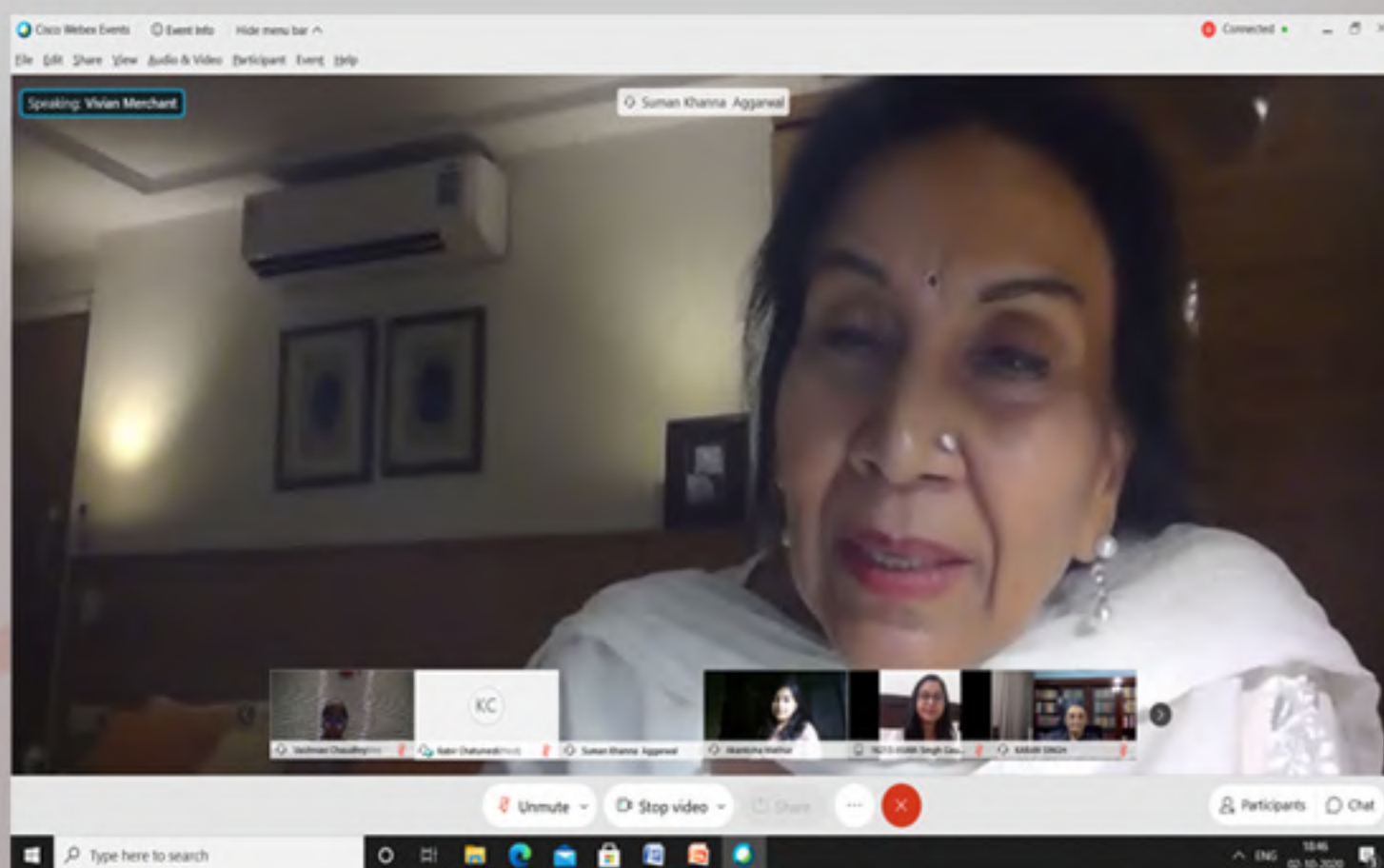
He further presses on the significance of International Humanitarian Law in relation to global commons and the preservation of natural resources. He concluded his presentation by identifying the challenges that can be faced by global leaders in pursuance of these goals and presented its solution in a blueprint given in Baha'i Scriptures.

Dr. Suman Khanna Aggarwal

Dr. Suman gave a very unique Gandhian perspective on the interrelation of Panch Bhoota and International Humanitarian Law. She began by discussing by the existing War system and what do we need to change about it which included a huge amount of financial and human resources employed in wars which can be effectively used in peacekeeping operations. She listed out various factors and supporters of wars which are the Military-Industrial Complex, Logic of Deterrence, Extreme Nationalism, and Religious Fundamentalism. She then stressed on the power of people in any revolution by stating the example of the famous Satyagraha Movement led by Gandhiji.

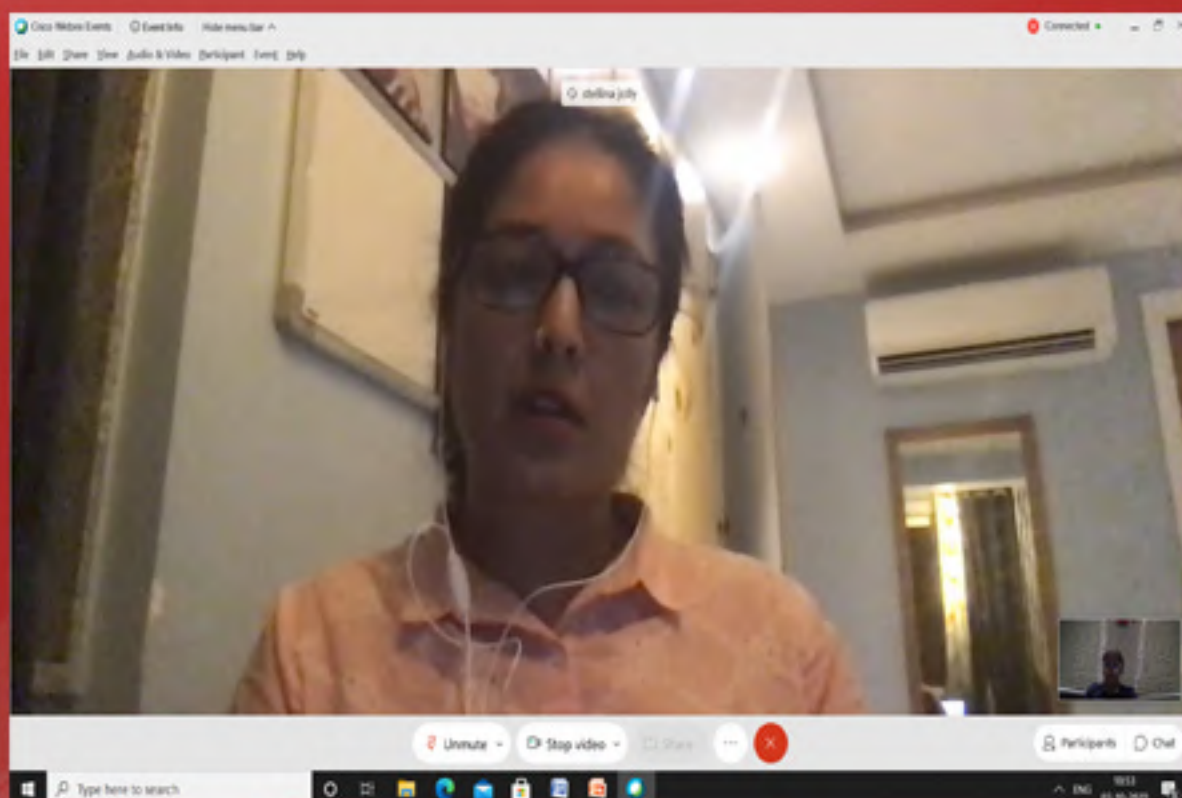
She put forth a very unique idea that Non- Violence is also a science and used the analogy of Malaria to explain the same in a very interesting manner. She said that Non-violence is a perfect tool to curb War system. She also stated the main aim, of a movement led by her NGO, is the political legitimization of non-violent conflict resolution and put forth three demands in accordance with the aim which are- a parallel Non-violent Defense system should be run by the states along with their Military Defense; the legal democratic option to be trained in Non-Violent Defence rather than the present Armed Military System, and lastly, the legal democratic option for taxpayers to divert their Defence Tax from Military Defence to Non-Violent Defence. She further stated that these demands are well thought of and deliberated upon and derives their legitimacy from Article 18 of the UN Convention on Human Rights and the Preamble of the UN Charter.

She concluded her presentation by giving numerous suggestions to the audience which included signing the petition for change, apprising masses, parliamentarians, and dignitaries about it, observing fruit fast on birthdays, candle marches among others.



Dr. Stellina Jolly

Dr Stellina Jolly presented her views on legal aspects concerning protection of environment in conflicts. She discussed three key aspects, first, importance of protection of environment in conflict; second, the need to protect the environment more than ever, keeping in mind the magnitude and scale of destruction; third, an overview of all such laws operating in environmental law vis-à-vis conflicts.



She began by remarking that environment has always been a silent casualty. In international legal literature, any scholar or academician who discusses the consequences of armed conflict on environment always starts with a defensive approach and maintains that loss of human life, sufferings, et cetera are more pressing and urgent concerns. Though, the outlook towards the same is evolving.

Dr Jolly then examined how international legal system has responded to this grave problem. International law is applicable to the entire world and newly independent countries cannot challenge the very legitimacy of the same as by the time they were declared independent, international law principles had already come into being.

She went on to name certain provisions on environmental protection that exist in International legal system such as prohibition on means of warfare which cause damage to environment, prohibition on the use of natural environment as a weapon, etc. Besides these direct provisions, certain indirect provisions also exist in the form of civilian protection. One important point she brought up was accordance of civilian status to the environment.

Dr Jolly maintained that due to a number of reasons such as enforceability, complex political dynamics, etc. legal frameworks do not get properly implemented. Another important observation she made was that international law which originated as a unified system has now bifurcated into several disciplines that cannot develop co-operation and synergy amongst themselves. She went on to say that even if such synergy and co-operation develops, it may not lead to an efficient solution for the same as law can only act as a supplementing agent and it is civil society, actors, political consensus and transnational solidarity that can actually make a difference.

Lastly she submitted that the process of protecting environment and avoiding conflict can be made effective if we at individual, societal and political level become sensitive towards the same.

Conclusion

The webinar, which had a profuse number of participants in attendance, brought together noted dignitaries to speak their mind on the intrinsic relationship between International Humanitarian Law and the panch bhoota. The event, held on the auspicious day of Gandhi Jayanti, had panellists urging States to create a peaceful world free from the ravages of war not only because conflicts are against humanity but also because wars block equal access to the Panch bhoota and at the same time pose a threat of degradation on these elements, the growing size of nuclear and other chemical weaponry being one of many examples drawing out an indirect relationship between the protection of these elements and conflicts. CASH extends its heartfelt gratitude to all the panellists for gracing the virtual audience with their presence and inspiring them with insightful ideas.

