

**REDUCING SUFFERING DURING CONFLICT:
THE INTERFACE BETWEEN BUDDHISM AND INTERNATIONAL
HUMANITARIAN LAW (IHL)**

**INTERNATIONAL CONFERENCE: DAMBULLA, SRI LANKA, 4–6 SEPTEMBER 2019
FIRST CIRCULAR ANNOUNCEMENT**

Though there are over half a billion Buddhists around the world, there has so far been no systematic and focused study of the interface between Buddhism and International Humanitarian Law (IHL). The core of IHL – also known as “the law of war” or “the law of armed conflict” – is formed by the Geneva Conventions and their Additional Protocols. Its purpose is to minimize suffering during armed conflict by protecting those who do not – or no longer – participate directly in hostilities, and by regulating the means and methods of warfare.

Buddhism has grappled with the reality of war throughout its long history. But what guidance does Buddhism provide to those caught up in the midst of hostilities, and how do Buddhism and IHL compare in this respect? It is timely and relevant to explore these two distinct bodies of ethics and legal traditions from inter-disciplinary perspectives.

This conference, organized by the International Committee of the Red Cross (ICRC) in collaboration with a number of universities and organizations, will explore correspondences between Buddhism and IHL and encourage a constructive dialogue and exchange between the two domains. The conference will act as a springboard to understanding how Buddhism can contribute to regulating armed conflict, and what it offers in terms of guidance on the conduct of, and behavior during, war for Buddhist monks and lay persons – the latter including government and military personnel, non-State armed groups and civilians. The conference is concerned with the conduct of armed conflict, and *not* with the reasons and justifications for it, which fall outside the remit of IHL.

In addition to exploring correspondences between IHL and Buddhist ethics, the conference will also explore how Buddhist combatants and communities understand IHL, and where it might align with Buddhist doctrines and practices: similarly, how their experience of armed conflict might be drawn upon to better promote IHL and Buddhist principles, thereby improving conduct of hostilities on the ground.

Papers presented at the conference must address at least one of the following lead questions:

1. What correspondences are there between Buddhist ethics and IHL?
2. Where does IHL fit into Buddhist doctrines and practices? Which Buddhist teachings and traditions are most relevant to IHL and situations of armed conflict?
3. What measures are helpful in regulating warfare and reducing suffering during armed conflict according to Buddhist teachings and traditions?
4. How do Buddhist communities conceptualize and understand IHL, and where can IHL be seen to align with Buddhist doctrines and practices?
5. What level of agreement and commitment for IHL – in general, and its various specific aspects – can be expected from Buddhist communities? What is a Buddhist theoretical position on IHL and how can Buddhists engage with this body of law?

6. What practical guidance and resources can Buddhist teaching and practice provide to Buddhist combatants and communities involved in armed conflict, and also what direct experiences of armed conflict can be drawn upon to help improve the conduct of hostilities?
7. To examine and document Buddhist religious teaching, practices and approaches to specific IHL-related problems such as the handling and treatment of casualties and dead bodies during armed conflict, and the treatment of prisoners of war/detainees.
8. To examine how the application of Buddhist principles has had a positive effect on the conduct of armed conflict in Buddhist history.

Note that abstracts on the reasons and justifications for war, conflict prevention, peacekeeping, mediation, conflict resolution, post-conflict reconciliation and identity politics fall outside the remit of Buddhism as it relates to IHL, and will *not* be accepted. Otherwise, this conference aims to generate a positive spirit of understanding and cooperation between diverse participants for the promotion of IHL and Buddhist principles which might minimize suffering in armed conflict situations.

A number of respected Buddhist scholars are working with the ICRC to produce a first exploratory position Paper on Buddhism and IHL (latest draft available [here](#)) which attempts to explore some of the territory to be covered in terms of topic, sources and approaches, in such a way as to familiarize readers with some of the existing coverage and potential themes and questions that they might address. This and other documents related to the content and arrangement on the conference will be refreshed on this page in the coming weeks and months.

Should researchers remain in doubt about the exact focus of the conference – which is entirely understandable given that this subject matter has rarely, if ever, been tackled before – please do not hesitate to contact us (see below).

The organizers look forward to receiving abstracts of 200–300 words together with extended abstracts of 1000 words and a brief CV of not more than one page of A4 from researchers and professionals of all relevant disciplines. In addition to Buddhist and legal scholars, for example, candidates might also include active or former combatants, military personnel or other professionals. Presentations at the conference will last 20 to 30 minutes, followed by a short period for questions.

The main working languages for the conference (and of the papers submitted) will be English and Sinhala, although papers in other languages, including Thai, Burmese and Tamil, can also be accommodated (please enquire for further details). Simultaneous translation will be arranged by the organizers at the conference.

Please send your abstracts, extended abstracts and brief one-page CV by email to Mr. Budi Hernawan at bhernawan@icrc.org by 25 April 2019.

Further enquiries concerning the content/academic aspects of the conference, requirements for submissions and other more practical matters should be addressed to:

- Mr. Sylvester Worthington at syworthington@icrc.org, office: (+94)112503346 ext.118, mobile (+94)772268290 (for Sinhala speakers and those in Sri Lanka).
- Mr. Budi Hernawan at bhernawan@icrc.org (for those in South and Southeast Asia)

- Mr. Andrew Bartles-Smith at anbartlessmith@icrc.org (for those elsewhere).

The ICRC and its network of Buddhist and IHL experts will then endeavour to assist.

The organizers intend to secure travel allowances for selected participants who have no academic affiliation or are unable to cover their travel costs. Accommodation will be provided for all accepted speakers. In the abstract, please indicate whether you would like to apply for a travel allowance.

The ICRC is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavors to reduce suffering by promoting and strengthening humanitarian law and universal humanitarian principles. For more information on the ICRC, please check our [website](#).

INTERNATIONAL HUMANITARIAN LAW (IHL)

International Humanitarian Law (IHL) is a set of rules that seek to limit the effects of armed conflict. It protects the lives and dignity of persons who do not, or no longer, participate in hostilities, and imposes limits on the means and methods of warfare. The core of IHL is comprised of the Geneva Conventions of 1949, which have achieved universal ratification, and their Additional Protocols.

Warfare has always been subject to certain principles and customs. It may therefore be said that IHL has its roots in the rules of ancient civilizations and religions. Universal codification of IHL began in the nineteenth century, notably through the adoption of the first Geneva Convention of 1864. Since then, States have agreed to and codified a series of practical rules to keep pace with evolving means and methods of warfare and the related humanitarian consequences.

IHL strikes a careful balance between humanitarian concerns and the military requirements of States and non-State parties to armed conflict. It addresses a broad range of issues, including: protection for wounded and sick soldiers; treatment of prisoners of war and other persons detained in connection with an armed conflict; protection for the civilian population and civilian objects; and restrictions on the use of certain weapons (such as biological and chemical weapons and anti-personnel mines) and methods of warfare. As a general rule, IHL prohibits means and methods of warfare that cause superfluous injury or unnecessary suffering, including those that disrupt livelihoods and cause severe damage to the natural environment.

More specifically, it is forbidden to kill or wound an enemy who surrenders or is unable to defend himself or herself. The wounded and the sick must be collected and cared for by the party in whose power they find themselves. Medical personnel, units and transports must all be protected. Access to humanitarian assistance for the civilian population affected by the conflict must be facilitated, subject to the consent of the parties concerned. In addition, detailed rules govern the conditions of detention for prisoners of war and the treatment of civilians under the authority of an enemy power. Outrages to personal dignity such as rape and torture are prohibited.

Protected civilian objects include cultural property, places of worship and objects indispensable to the survival of the civilian population (such as crops, dams and dykes), as well as works and installations containing dangerous forces (such as nuclear power plants).

IHL regulates the general conduct of hostilities on the basis of three core principles: distinction, proportionality, and precaution. The principle of distinction requires that the parties to an armed conflict distinguish at all times between civilians and civilian objects on the one hand, and combatants and military objectives on the other, and that attacks may only be directed against combatants and military objectives. The purpose of this is to protect individual civilians, civilian property, and the civilian population as a whole. Under this principle, indiscriminate attacks are prohibited. The principle of proportionality, a corollary to the principle of distinction, dictates that incidental loss of civilian life and property or injury to civilians must not be excessive in relation to the concrete and direct military advantage anticipated. In order to implement the restrictions and prohibitions on targeting, the principle of precaution requires all parties to an armed conflict to take specific precautions such as, when conducting an attack, to verify that targets are military objectives or to give the civilian population an effective warning before the attack. It can also entail restrictions on the timing and location of an attack.

IHL is part of international law – the body of rules governing relations between States made up primarily of treaties or conventions, customary rules and general principles of law. Distinction must be made between IHL, which regulates the conduct of parties engaged in an armed conflict (*jus in bello*), and another part of international law set out in the Charter of the United Nations, that regulates whether a State may rightfully resort to armed force against another State (*jus ad bellum*). Thus, IHL applies only *during* armed conflict and does not concern itself with justifications for war, conflict prevention, peacebuilding, conflict resolution or reconciliation.

For more information on IHL, the ICRC Resource Centre on our website, in particular the [war and law page](#), is an invaluable resource, containing everything from introductory material to the full texts and commentaries of the Geneva Conventions, Additional Protocols and other instruments. Meanwhile, here are a brief [factsheet on IHL](#), a five-minute [film](#), and a comprehensive [introductory book on IHL](#). Many more factsheets on IHL and related subjects can be accessed [here](#). Please do not hesitate to contact us for further information.

The following is extracted from the longer Position Paper on Buddhism and IHL which develops these themes in greater detail. We recommend that you read these two sections first.

GENERAL BUDDHIST ATTITUDE TO ARMED CONFLICT

In “Buddhism and Humanitarian Law” (*Handbook of International Humanitarian Law in South Asia* 3, 2007), the Sri Lankan born jurist Christopher Gregory Weeramantry (1926–2017) comments regarding Buddhism:

In a system where the institution of war is not recognized [as truly valid] there will naturally be little or no discussion of actual conduct in warfare. The applicable principles will need to be worked out with reference to its general principles regarding the dignity and sanctity of human life, its general principles relating to the treatment of and attitudes towards other human beings, its respect for nature and life-support systems and its concepts on proper behaviour in general.

Weeramantry’s statement is useful in identifying Buddhism’s broad approach to war and therefore the importance of looking to its broader and implicit principles. Buddhist canonical texts do contain many references to war, and many military images, similes and metaphors, as well as

references to ways of mitigating the effects of war and of retaining integrity in situations of conflict. Buddhism recognizes that wherever ethically imperfect beings live, strife, disharmony, disputes and conflicts are inevitable as long as their social behavior is influenced by unwholesome psychological traits like greed, anger, and narrowness of vision.

According to the Buddha, such conflicts arise within every conceivable social grouping ranging from the smallest, the family, to those of the highest complexity like politically organized states (M.I.86). The empirical realism of early Buddhist texts shows that the historical Buddha and early Buddhist communities were very much aware of the reality of war, violence and armed conflict, namely the institution of war, and how to minimize trauma within a world that was fundamentally traumatizing. This suggests that there is no in-principle difficulty for Buddhism to accept IHL.

The *Jātaka* stories are about past lives of the Bodhisatta or Buddha-to-be, in which he was gradually, over many, many lives, developing the qualities that would enable him to attain Buddhahood. This literature explores many themes of practical ethics in the world of *samsāra*, and often refers to inter-state wars. It is clear that a considerable core of ethical principles relating to war that have convergence with those underlying IHL are discoverable within this body of Buddhist stories. There is no doubt that they represent key aspects of the Buddhist ethical vision relating to the conduct of war, complementing the principles found in the *suttas* and other texts.

Buddhism has also paid much attention to the causes of conflict at both the personal and collective level, especially unskillful/unwholesome (*akusala*) mental states rooted in greed, hatred and delusion. Buddhism's analysis of the psychological realities of the human condition is arguably its greatest potential contribution to enhancing interpretations of IHL. In the light of human psychology, Buddhists accept that conflict is almost inevitable, and we therefore find elements in Buddhist teachings that correspond directly to IHL, as well as elements that might enhance it. Within the practical realities brought about by limited resources and the human condition, how should Buddhists work to ensure IHL is adhered to once war has broken out?

SOME SPECIFIC THEMES THAT MIGHT BE ADDRESSED IN THE CONFERENCE, DRAWING ON EXPLICIT BUDDHIST TEACHINGS AND APPLYING BUDDHIST PRINCIPLES TO THEM

A. Compassion

1. Minimizing suffering.
2. Balancing compassion for those on one's "own" side, and those on the "other" side.
3. The need to see an "enemy" as a human being with needs in common with oneself.
4. Is one's responsibility only to benefit one's "own" side, or to do this in the context of best serving humanitarian values in a difficult, conflicted situation?

B. The use of deadly force

1. The need to avoid collateral death or injury to non-combatants.
2. The concern of the Buddhist soldier/combatant concerning karmic consequences of killing.

3. The use of banned weapons; cf. Right Livelihood, and the Buddhist prohibitions on trade in arms.

C. Monastic and lay ethics

1. Buddhist authoritative texts do contain material on lay ethics, but they are primarily monastic in orientation. To what extent can we, as scholars, enhance the sophistication of our analysis by drawing out further implicit aspects of lay ethics and attitudes from monastically-related material, rather than only using the explicit? Does deconstruction of the monastic shaping of some later texts affect their use, particularly those currently treated as hegemonic and used to condone violence, such as the Mahāvamsa ch. 25 vv.104–11 passage?
2. Is Buddhism essentially pacifist, and does its anti-violence position lead to a lack of practical engagement in ways that might reduce suffering? Does it express any ranking of types of violence and qualified endorsement of regulated violence during armed conflict that might ultimately reduce suffering?

D. Care for injured, protectorless and distressed

1. Respect for hospitals and other medical facilities.
2. Care for wounded and surrendered enemy soldiers.
3. Protection of and care for threatened civilians, the displaced etc.
4. Treatment of captured combatants and others detained in relation to armed conflict.

E. Sexual violence

1. Common humanity, compassion and the third Buddhist lay precept, to abstain from rape and other forms of sexual misconduct during armed conflict.

F. Protection of civilian property

1. The precept against stealing, during armed conflict situation.
2. Avoiding pointless damage to civilian property and essential infrastructure etc.
3. Avoiding damage to crops, and food supplies (impact on civilian livelihoods).
4. Treatment of the “other”, types of othering, respect for sacred sites of the other.
5. Do we find Buddhist attitudes to place and displacement? Or to collateral damage of those caught up in armed conflict through location, and any concern for its minimization?

G. The environment and animals

1. Respect for all living beings during armed conflict (environmental protection is particularly relevant, also as it relates to livelihoods).

H. Self-control, self-discipline, responsibility

1. Individual responsibility and mindfulness during armed conflict.

2. The impact of conceptions of masculinity on the conduct of armed conflict involving Buddhists.
3. Stopping/limiting the cycle of violence within an armed conflict situation (condemnation of retaliation, vengeance, degradation and humiliation): one violation does not justify another.
4. Recognition of complex causal conditions for any situation or behaviour during armed conflict.
5. Psychological and practical military dimensions as they relate to the conduct of armed conflict.
6. Ways to challenge power, the issue of disobedience. What does Buddhism teach about challenging those in authority/power when ethical issues are at stake during armed conflict?
7. The need to be mindful of greed, hatred and/or delusion which might contribute to violations of IHL/ Buddhist principles during armed conflict.
8. Exploration of *kusala*, “wholesome/skilful”, and *akusala*, “unwholesome/unskilful”, qualities, as well as *puñña*, “meritorious” or “karmically beneficial”, and *pāpa* “bad” or “wrong”, in the context of war and IHL. According to Buddhism, we all have the capacity to be morally good that is based on non-greed, non-hatred, and non-delusion, as well as to be morally bad that stems from greed, hatred and delusion.
9. Upholding dhamma and the four aspects to consider in ethical decision making during armed conflict: *chanda* (one-sided zeal), *dosa* (hatred), *bhaya* (fear), and *moha* (delusion, stupidity).

I. Government issues

1. The concept of the righteous king and his duty to act in a measured way during armed conflict as well as governing justly and defending and protecting the people.
2. Issues of restraint and self-control in the exercise of power during armed conflict. This relates to the abuse of power and whether or not a country has systems of checks and balances, and in practical terms relates to such matters as rape, torture and ritualised disrespect of victims as an expression of dominance, revenge, intimidation and humiliation. How should power be exercised during armed conflict, and are there more and less humane and/or dharmic ways of using force and exercising power?

J. Socio-cultural aspects

1. To factor in conceptual and practical differences between normative/prescriptive Buddhist approaches and lived Buddhist traditions during armed conflict that are bound up with and influenced by socio-cultural elements.