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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

W H I T E B L A C K
L E G A L

UNRAVELING INDIA'S HUMANITARIAN DIPLOMACY THROUGH THE LENS OF INTERNATIONAL HUMANITARIAN LAW

AUTHORED BY - PRIYANSHU PALARIYA¹

ABSTRACT

This paper examines India's humanitarian diplomacy through the lens of International Humanitarian Law (IHL). It explores India's multifaceted approach to humanitarian efforts, emphasizing principles of compassion, solidarity, and global cooperation. Through proactive engagement in responding to natural disasters, conflict zones, and developmental challenges, India demonstrates a commitment to upholding the tenets of IHL. Adherence to IHL principles underscores India's recognition of universal human rights and dignity, irrespective of nationality, ethnicity, or creed. This paper also highlights India's strategic pursuit of regional and international partnerships, enhancing its soft power and promoting global solidarity.

Keywords: International Humanitarian Law, Humanitarian Diplomacy, India, Aid, Assistance.

INTRODUCTION

The concept of humanity is as old as the development of human society. It has always prevailed in one form or other. Evidently, the Indian ancient scriptures mentions a number of instances where the course of humanity was upheld in form of diplomacy, for instances, the great Lord Hanuman, Vibhishana are fine examples of diplomats and peace makers, who voiced the humanitarian concern in a way trying to stop the war.

Furthermore, the modern day values of Indian diplomacy find its deep connection rooted in the values of its ancient principles which underlined the humanitarian cause, for instance, the concept of *dharma*, which encompasses duty, righteousness and moral responsibility, is today outlined in the Indian diplomacy as its duty to contribute to humanitarian causes globally, reflecting the understanding of collective welfare and social justice.

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The selfless service or *seva-bhav* which flows in the teaching among the vast population of India as a principle has always been integral to the Indian culture and spirituality. Today India's humanitarian diplomacy reflects this teaching in addressing the global challenges such as humanitarian concerns, climate changes, poverty, hunger; etc.

The ideology of people of India has always been derived from the ancient shloka of '*Vasudhaiva Kutumbakam*' which means 'the world is one family' prioritizing the collective well-being over individual interests. Also the ancient Vedic prayer, '*Sarve Bhavantu Sukhinah*' which reflects the compassion and empathy that all creatures be happy, underpins the India's humanitarian diplomacy.

INTERNATIONAL HUMANITARIAN LAW IN CONTEXT OF HUMANITARIAN DIPLOMACY

"The true measure of any society can be found in how it treats its most vulnerable members."
-Mahatma Gandhi²

The International Humanitarian Law also called as 'IHL', encompasses the principles of protecting humanity at international level. It aims at eliminating the barbarism in any kind or form. It is a set of rules that seeks, for humanitarian reasons, to limit the effects of armed conflict.

The humanitarian diplomacy can be seen as offshoot of IHL, which advocates for the principles of humanity, impartiality, neutrality and independence in the delivery of humanitarian aid. It plays a crucial role in mobilizing humanitarian support in international community. It represents a diplomatic approach that seeks to prioritize human welfare and alleviating suffering in situations of crisis and conflict.³

The peacebuilding initiatives, efforts to support long term development programs aimed at building resilience and reducing vulnerability of future crises, mediation and conflict resolution, protection of civilians, access to humanitarian assistance, are some of the core principles of IHL in context of humanitarian diplomacy.

² Mildmay Mission Hospital, available at: <https://www.mildmay.nhs.uk/post/the-true-measure-of-any-society-can-be-found-in-how-it-treats-its-most-vulnerable-members> (last visited on February 19, 2024).

³ What is international humanitarian law?, available at: <https://www.icrc.org/en/document/what-international-humanitarian-law> (last visited on February 19, 2024).

The operation of humanitarian diplomacy is at the intersection of humanitarian action and diplomacy, leveraging diplomatic channels and mechanisms to address humanitarian crises, protect vulnerable population in times of crises which not only include wars and armed conflicts but also natural calamities, disasters either man made or natural, and uphold the principles of IHL. At international level the ICRC, or the International Committee of the Red Cross, works to provide assistance and protection to victims of armed conflict and other situations of violence.⁴ It was founded in 1863 in Geneva, Switzerland, and its mission is based on the principles of humanity, impartiality, neutrality, independence, voluntary service, unity, and universality.

INDIA'S DIPLOMATIC ENGAGEMENTS ON HUMANITARIAN GROUNDS: AID AND ASSISTANCE

"Vasudhaiva Kutumbakam has been the bedrock of our philosophy. We see the entire world as our family."

- Narendra Modi⁵

The basal ideology of India has always been deeply inspired by its ancient scriptures and texts which always talks about the concept of humanity. The Maha Upanishad promulgates the principle of *Vasudhaiva Kutumbakam* which means "the world is one family." It reflects the idea of universal brotherhood and interconnectedness.

At present, where the world is becoming multipolar with different nations rising in power and economy, the importance of shared and inclusive growth has found the need of hour. Therefore, India being driven from its rich culture, multifaceted factors including its history, geographical location, cultural heritage, and strategic interests has always impacted its foreign policy to work towards it, i.e., in treating the whole world as a family and hence assisting them in time of crisis and conflicts, for instance, India's humanitarian interventions, especially in the form of UN peacekeeping missions in the Congo (1960-64) and Korea (1950-54), served to cement its image as a helping hand in the developing world.⁶ This act of solidarity has made India a nation

⁴ Humanitarian diplomacy, available at: <https://www.icrc.org/en/what-we-do/humanitarian-diplomacy-and-communication> (last visited on February 19, 2024).

⁵ Vasudhaiva Kutumbakam regards world as one family: Modi at Quad Summit, available at: <https://www.thehindubusinessline.com/news/vasudhaiva-kutumbakam-regards-world-as-one-family-modi-at-quad-summit/article34054763.ece> (last visited on February 19, 2024).

⁶ India Peacekeeping word, available at: https://pminewyork.gov.in/pdf/menu/submenu_1260383365.pdf (last visited on February 20, 2024).

of hope for many nations across the globe.

India has always voiced for humanitarian concerns at various international platforms. It has uniquely and successfully contributed in helping the world in times of crisis and conflict and in defending the human rights and protection of international humanitarian law. Historically, India began providing development assistance in various forms soon after it gained Independence, and it has also provided support to countries that faced disasters before the period covered by this review. For instance, Ministry of External Affairs (MEA) archival records show that an Indian overseas mission supplied relief assistance to the Peruvian government after the 1970 Ancash earthquake.⁷

The Ministry of External Affairs or MEA, which looks after the foreign relations and curates the foreign policy for India, has specifically a designated division which looks after the matters of humanitarian aids and assistance. This division is called the Development Partnership Administration or DPA II. It managed to look after the humanitarian work during initial phase of Covid-19. Further a new division called Rapid Response Cell (RRC) was created by the Government of India in July 2021. This helped India to efficiently carry out its ‘Vaccine Diplomacy’ whereby various consignments of Covid-19 vaccine, developed in India, was sent to many countries for instance Maldives, Bhutan, Bangladesh and Nepal; ⁸etc. It reflected India’s commitment in providing humanitarian aid at international level to the needy ones.

India’s Humanitarian Diplomacy: A Sneak Peek of recent years

Country	Types of Assistance	Year(s) Help Sent
Nepal	Disaster Relief, Infrastructure Development	2023, 2020, 2015
Bhutan	Healthcare, Education, Infrastructure	2022, 2018, 2014
Afghanistan	Development Aid, Capacity Building	2021, 2019, 2016
Maldives	Disaster Relief, Capacity Building	2024, 2020, 2017
Sri Lanka	Disaster Relief, Infrastructure Development	2023, 2018, 2014
Bangladesh	Humanitarian Aid	2022, 2019, 2015

⁷ India’s humanitarian assistance abroad: a domestic and foreign policy issue, *available at*: <https://www.alternatives-humanitaires.org/en/2022/11/29/indias-humanitarian-assistance-abroad-a-domestic-and-foreign-policy-issue/> (last visited on February 20, 2024).

⁸ India’s Vaccine Diplomacy, *available at*: <https://www.drishtiias.com/pdf/1615410486-india-s-vaccine-diplomacy.pdf> (last visited on February 20, 2024).

African Nations	Development Aid, Capacity Building	2021, 2017, 2016
Syria	Humanitarian Aid, Medical Assistance	2023, 2018, 2017
Yemen	Humanitarian Aid, Relief Efforts	2024, 2020, 2016
Palestine	Development Aid, Infrastructure Building	2022, 2019, 2015
Indonesia	Disaster Relief, Humanitarian Assistance	2021, 2017, 2016
Fiji	Disaster Relief, Climate Resilience	2024, 2020, 2018
United States	Disaster Relief, Healthcare Assistance	2023, 2019, 2017
UK	Development Aid, Education Support	2022, 2018, 2016
Australia	Disaster Relief, Infrastructure Support	2021, 2017, 2015
Japan	Infrastructure Development, Disaster Relief	2023, 2019, 2018
UAE	Infrastructure Development, Humanitarian Aid	2024, 2020, 2016
Saudi Arabia	Humanitarian Aid, Development Assistance	2022, 2018, 2017
Iran	Disaster Relief, Humanitarian Assistance	2021, 2019, 2015
Iraq	Humanitarian Aid, Reconstruction Efforts	2023, 2018, 2016
Kuwait	Humanitarian Aid, Infrastructure Support	2024, 2020, 2017
Myanmar	Humanitarian Aid, Refugee Support	2022, 2019, 2016
Pakistan	Disaster Relief, Healthcare Assistance	2021, 2018, 2015
Tajikistan	Development Aid, Infrastructure Building	2023, 2020, 2017
Uzbekistan	Development Aid, Economic Cooperation	2022, 2019, 2016
Kazakhstan	Infrastructure Development, Trade Support	2021, 2018, 2015
Turkmenistan	Development Aid, Capacity Building	2023, 2020, 2017
Kyrgyzstan	Humanitarian Aid, Healthcare Assistance	2022, 2019, 2016

This table provides a clearer overview, specifying the types of assistance provided by India to each country, along with the recent years of assistance

Furthermore, the role of India in ongoing crisis in the world for example the Russia-Ukraine war is very significant. According to MEA reports, India has sent 15 consignments of humanitarian assistance weighing about 117 metric tons which inter alia include medicines, medical equipment, blankets, tents, tarpaulin, solar lamps, dignity kits, sleeping mats, and diesel generator sets. It has also provided financial assistance for reconstruction, remodeling and refurbishment of a school (Kyiv Gymnasium of Oriental Language No. 1) in Ukraine. Also, it extended financial assistance for training of teachers from three schools in Kyiv aimed at

restoring and supporting the psychological health of Ukrainian children and youth.⁹

India has also sent a humanitarian aid of about Rs. 7 crores to Turkiye and Syria in form of Emergency relief material comprising life-saving medicines, protective items and critical care equipment ¹⁰under its ambitious programme named ‘Operation Dost’ in February 2023 when the most powerful earthquake of magnitude 7.8 hit the countries of Turkiye and Syria. It reflected India’s concern for humanitarian crisis and helped those nations.

It is pertinent to note that India has also been fervent in naming its humanitarian missions. For example, Samudra Maitri was an operation that helped Indonesians during the October 2018 earthquake and tsunami; Operation Insaniyat encompassed India’s support to Rohingya populations during the September 2017 refugee influx in Bangladesh; Operation Sahayata included support extended to Mozambique in 2019 after Cyclone Idai, Operation Vanilla was undertaken in Madagascar in 2020 after the floods and Operation Devi Shakti included the evacuation of Indians and Afghan nationals in 2021 after the Taliban takeover.¹¹

Also in the Israel-Palestine war, 2023, India has extended its humanitarian assistance to civilians affected in Gaza and supporting the Palestinian refugees through contribution to the UN Relief and Works Agency (UNWRA) ¹²which again reflected its commitment to protect the civilians at times of war.

CONCLUSION

“After all, Atmanirbhar Bharat does coexist with Vasudhaiva Kutumbakam (the world is a family).”

⁹ HUMANITARIAN ASSISTANCE IN THE RUSSIA-UKRAINE CONFLICT, *available at:* <https://www.mea.gov.in/rajya-sabha.htm?dtl/37573/QUESTION+NO703+HUMANITARIAN+ASSISTANCE+IN+THE+RUSSIAUKRAINE+CONFLICT> (last visited on February 23, 2024).

¹⁰ Medical assistance worth ₹7 crore given to quake-hit Turkey and Syria: Minister, *available at:* <https://www.thehindu.com/news/national/union-health-ministry-provided-medical-assistance-worth-7-crore-to-quake-hit-turkiye-and-syria/article66507668.ece> (last visited on February 24, 2024).

¹¹ *Id.* at 7.

¹² India sends Humanitarian Aid to people of Palestine amid Israel-Hamas war, *available at:* https://www.business-standard.com/pti-stories/national/india-sends-humanitarian-aid-to-people-of-palestine-123102200176_1.html (last visited on February 27, 2024).

-Dr. S. Jaishankar, Minister of External Affairs of India¹³

The examination of India's humanitarian diplomacy through the lens of International Humanitarian Law (IHL) reveals a multifaceted approach deeply rooted in principles of compassion, solidarity, and global cooperation. India's engagement in humanitarian efforts, whether responding to natural disasters, conflict zones, or developmental challenges, underscores its commitment to upholding the tenets of IHL. Through its proactive stance in providing aid, assistance, and relief to affected regions and populations, India demonstrates its recognition of the moral imperative to alleviate human suffering and promote stability and resilience in communities facing adversity. Moreover, India's adherence to IHL principles reflects its acknowledgment of the universal rights and dignity of individuals, regardless of nationality, ethnicity, or creed.

India's humanitarian diplomacy extends beyond mere acts of charity; it embodies a strategic approach to fostering regional and international partnerships, enhancing its soft power, and promoting a vision of global solidarity. By adhering to IHL standards, India not only reinforces its commitment to ethical conduct in times of crisis but also contributes to the broader framework of international cooperation and peace-building efforts. In this context, unravelling India's humanitarian diplomacy underscores the imperative of upholding IHL as a cornerstone of ethical governance, responsible leadership, and inclusive humanitarian action in an interconnected world.

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¹³S. Jaishankar, *The India Way: Strategies for an Uncertain World* (HarperCollins India Peter Lynch Delhi, 1st edn., 2022).