

# Tracing the Application of Modern Principles of International Humanitarian Law in the pre-Christian War between King *Duṭugamunu* and *Elāra* in Sri Lanka

By Raja Goonaratne\*

*The war between King Duṭugamunu and Elāra is the most significant singular war that took place in the pre-Christian period in Sri Lanka. It has the elements of modern international armed conflict (IAC). A local monarch waged it to unify the nation against an invading foreign force led by a foreign ruler who seized power through regicide. This historical conflict sparked extensive debates, criticisms, and varying interpretations, contributing to distortions of factual accounts. The studies analysing this battle from the perspectives of the modern International Humanitarian Law (IHL) is minimal. The branch of public international law that deals with IAC is International Humanitarian Law (IHL). The research problem that was investigated is 'Did the Sri Lankan monarch comply with the modern principles of international humanitarian law when there were no such laws at that time in the world and thereby, does that monarch deserve to be called as the founder of IHL? Accordingly, this study aims at analysing the motives, intentions, and conduct including the pre-conflict, in-conflict, and post-conflict behaviour of key actors and the war's outcome from the perspectives of IHL. The methodology used for this study is literature review. It is qualitative and interpretative in nature. The historical sources, international conventions and national legislations were used as primary and secondary sources for this purpose. The focus of the analysis is the evaluation of IHL principles in the context of the historical war. This study provides a unique analysis that suggests the application of principles akin to modern IHL by the ruling monarch nearly two millennia before the formal establishment of such principles. The major finding is that some 2019 years prior to the international community introduced the modern IHL principles such as humanity, avoidance of unnecessary suffering, proportionality of damages, humane treatment of prisoners of war (POW) etc., the ruling Sri Lankan monarch has recognised and applied them in this war and has recognised the new principle of Eternal Honour to POWs which is yet to recognise by IHL.*

**Keywords:** Humanitarian; International; Law; Vijītapura; War

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\*PhD, LL.B., LL.M., PgDip in Forensic Med., Attorney-at-Law, Senior Lecturer Grade 1, Department of Legal Studies, The Open University of Sri Lanka, Sri Lanka.  
Email: rdarmasirie@gmail.com

## Introduction

The most significant war in the nature of international armed conflict (IAC) that had ever taken place in the long history of Sri Lanka is the battle popularly known as *Vijitapura* Battle (VB) or *Dutugamuṇu-Elāra* Battle (DEB). The ruling Sri Lankan monarch waged it against an invasive foreign ruler with the sole intention of unification of the country. This historical conflict was subjected to extensive debates, criticisms, and varying interpretations contributing to distortions of factual accounts.<sup>1</sup> Although it has been analysed from multi-disciplinary perspectives, there is no comprehensive analysis from the perspectives IHL. This research intends to address that gap.

### *Objectives of the Research*

The main objectives of this study are to analyse the *Dutugamuṇu-Elāra* Battle from the perspectives of the international humanitarian law and to explain whether the rules of war that the Sri Lankan monarchs applied in ancient wars are different or similar to the modern IHL principles. Accordingly, King *Dutugamunu's* intention, and the pre-conflict, in-conflict, and post-conflict behaviour were analysed from the perspectives of IHL. Also, this paper argues that the Sri Lankan monarch *Dutugamunu* deserves to be recognised as one of the earliest proponents of international humanitarian legal thoughts.

### *Research Problem*

The research problem that was investigated is 'Did the Sri Lankan monarch comply with the modern principles of International Humanitarian Law when there were no such laws at that time in the world and thereby, does the monarch deserve to be recognised as one of the earliest proponent of IHL in the ancient times?'

### *Methodology*

This study adopted traditional doctrinal legal research methodology combined with qualitative approach based on literature survey and it is interpretative in nature. The historical sources, such as the Great Chronicle or *Mahāvamsa* and international conventions were used as primary sources for this research. Secondary sources include the relevant scholarly works such as textbooks, journal articles and other relevant materials.

## The Origin of Human Aggressiveness

War is the culmination of human aggressiveness and the aggressiveness is one of the fundamental factors of group conflicts among humans<sup>2</sup> and as a result a major

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<sup>1</sup>Dhirasekera (1987).

<sup>2</sup>Böhm, Rusch & Baron (2024).

part of the human history consists of the stories of war victories and defeats. Wars among tribes, clans, castes, ethnic communities and the countries were the constant incidents for which there was only a beginning and no ending. The most devastating wars that the man fought so far against each other are the first and second World Wars.<sup>3</sup> Even now at the moment of writing this article, the Russia-Ukraine, and Israel-Arab (Hammas) are at war<sup>4</sup>.

It is a scientifically proven fact that the man evolved from the primate ape.<sup>5</sup> From the time human species gradually began to evolve from ape into a more complex society with organised governing structures under a king or ruler, the competitiveness in every respect grew rapidly. In such competitive social conditions, the early view was that each creature represented a frustration or a danger to others which resulted in developing the urges of rage and aggressiveness in the human society<sup>6</sup>

However, the modern researchers on the origin of human aggressiveness have brought up two major opposing viewpoints - Rousseau–Kropotkin and Hobbes–Huxley. The former view is that humans are naturally peaceful but corrupted by society and the latter is of the view that humans are naturally aggressive but civilised by society. Still later, researchers have found out that humans have a high propensity for proactive aggression and a low propensity for reactive aggression. Patterns of violence therefore appear to have been shaped by natural selection.<sup>7</sup>

Not only scientists but also, philosophers and religious founders have attempted to theorise as to how human society evolved and especially, what contribute for man's behaviour including bellicosity. David Hume (1711-1776 CE) whose views on the nature of man greatly influenced Charles Darwin; was of the view that man in general is not naturally selfish and the feelings of love, justice, benevolence etc. are in-built but are constantly changing.<sup>8</sup> Another great scientist cum philosopher is Immanuel Kant (1724-1804 CE) whose view of the human nature is that man is influenced by biology, upbringing and culture, yet they are not the determining factors.

The Gautama Buddha's (BCE 563- 483) analytical views on the human mind are comparable with various branches of modern western psychology such as phenomenological psychology, psychoanalytical psychotherapy, humanistic psychology, cognitive psychology and existential psychology.<sup>9</sup> He explains the intricacies of the human mind and the arising of bellicosity and aggressiveness in a large number of his discourses or *suttas* such as *Aggañña Sutta*. According to his analysis, at the beginning, humans were ethereal but, motivated by greed, begin to consume matter and gradually acquired denser bodies. In due course, there occurred sexual differentiation and procreation, and human societies organised on caste lines come into being. Due to greed, wickedness arose and a king was elected to enforce

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<sup>3</sup>Royde-Smith & Showalter (2018).

<sup>4</sup>Nartey (2024).

<sup>5</sup>van Wyhe (2024).

<sup>6</sup>Montgomery (1968).

<sup>7</sup>Wrangham (2017).

<sup>8</sup>Baggini (2021).

<sup>9</sup>Aich (2013).

the law and then wars and all other man-made calamities began to set in motion etc.<sup>10</sup>

It is now generally believed that the Europeans may have been the first humans capable of organised warfare. According to a recent research in Germany it is observed that warlike interactions may have taken place among early hominines as far back as late Mesolithic period.<sup>11</sup>

### **Tracing the History of International Humanitarian Law**

Human beings in nature are selfish and motivated by uncontrollable desires for material gains.<sup>12</sup> So, they would do anything to achieve their goals. The moral and religious codes are not strong enough to control human conduct. With the evolution of human society into more organised social structures, many different laws, legal systems, penal methods, and institutes to enforce those laws became a necessity.

The philosophers, liberal thinkers and jurists have taken many efforts to define the words 'law' and 'justice'. Greek philosopher Plato (427-347 BC) who propounded philosophical idealism defined law as a 'social control'. William Blackstone (1723-1780 CE), a leading theorist and proponent of the English Common Law, defined the concept of law as a 'rule' that differentiates 'right' from 'wrong'.<sup>13</sup> Nevertheless, no philosopher or jurist has formulated a universal definition that can be applied across cultures.

However, 'law', may be defined as a set of 'rules' that control human conduct to ensure better coexistence with all animate-inanimate things in the universe and 'justice' as the ultimate outcome of law which bears the hallmark of equality and peace.<sup>14</sup>

In this sense, international humanitarian law, as a specific branch of public international law; refers to the rules that relates to the saving life and property of those who do not get involved in hostilities directly and limiting the violence for what is absolutely necessary to achieve the objects of the conflicts.<sup>15</sup>

#### *Solferino Battle and the Birth of Modern IHL Principles*

It is popularly believed that the historical event that led to the emergence of the modern principles of IHL is the battle of *Solferino* that occurred on 24<sup>th</sup> June 1859 in the war of unification of Italy.<sup>16</sup> In this war, the French and Sardinians, a native community living in the Sardinia Island under the leadership of Napoleon III, went into war against the Austrian troops.

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<sup>10</sup>Keown (2004). .

<sup>11</sup>Pearson & Thorpe (2005).

<sup>12</sup>Carlson, Adkins, Crockett & Clark (2022).

<sup>13</sup>Nolen (2019).

<sup>14</sup>Goonaratne (2021).

<sup>15</sup>Sassoli, Bouvier, QuintinIcrc & Icrc. (2011).

<sup>16</sup>Droege & Giorgou (2022).

The first gunshot was fired at 3.00 a.m. and by 6.00 a.m. it had blown into a deadly war. Some 300,000 men killing each other and by afternoon, Austrian troops retreated leaving 6000 dead and 40,000 wounded. French and Sardinian armies were not prepared enough to look after such a large number of dead and wounded. As a result, the wounded started to move in search of food to the nearby village called *Castiglione*.

Accordingly, some 9000 wounded had poured into the street of *Castiglione*. It is in this extremely unsightly human tragedy a person called Henry Dunant cared for those wounded by taking them to the nearby church with the support of the local women. Henry Dunant happened to be at *Solferino* on this fateful day as he wanted to meet Napoleon III to collect some documents for his banking business.<sup>17</sup>

Although the *Solferino* battle is a 19<sup>th</sup> century incident that paved the way for the emergence of modern principles of IHL, it does not mean that there were no such wars in the past or principles similar to the modern IHL. Perhaps the ancient monarchs and military leaders may have implemented more advanced principles than the existing IHL principles in different cultures across the world. The succeeding paragraphs analyse a similar war that happened in ancient Sri Lanka and the rules of war that the Sri Lankan monarch applied and will discuss to what extent those rules are different or similar to the modern IHL principles.

#### *Key Concepts and the Principles of the Modern IHL*

The entire edifice of modern IHL rests on four cardinal principles, i. e. (a) Principle of humanity, (b) Principle of distinction (c) Principle of proportionality and (d) Principle of military necessity.<sup>18</sup>

#### **(a) The Principle of humanity**

The essence of the principle of humanity is that since wars are man-made, at every occasions of war all belligerent parties must adhere to the concept of humanity and in that sense they must take all possible precautions to minimise the suffering to be caused to the combatants and the civilians. Regards must always be given to the principle of humanity irrespective of the fact whether a combatant is a friend or foe or in the allied side or enemy side, or in and off the battle field etc.<sup>19</sup> So, due respect and recognition to the humanity of the combatant be given at all possible times. It is generally believed that humanity in this context underlies the idea specified in the preamble to the Hague Convention 1899. It is known as ‘Martens Clause’ as Fyodor Fyodorovich Martens introduced this clause to the Hague preamble.

#### **(b) The principle of distinction**

This principle is a corollary of the principle of military necessity. Accordingly, it emphasises that at all times of non-international armed conflict or wars among states the belligerent parties need to ensure that they make effective distinctions between;

<sup>17</sup>ICRC, ‘The Battle of Solferino (24 June 1859) - ICRC’

<sup>18</sup>ICRC, ‘Fundamental Principles of IHL | How Does Law Protect in War?’

<sup>19</sup>Arai (2011).

- (i) Civilians and combatants
- (ii) Civilian objects and the military objectives.

In common parlance, civilian means any average person other than uniformed persons or members of the armed forces either in the lawful armed forces or the organised armed groups. The meaning assigned to this term in IHL too does not very much differ from this common meaning. Accordingly, in an international armed-conflict or a war situation among two or more states, a civilian means and includes any person who is not a member of the armed forces or a person who does not take part in “*levée en masse*” (i.e. the inhabitants of an unoccupied territory who organise themselves in taking arms voluntarily against approaching invasion). In case of doubt whether a person is a civilian or not, it is assumed that the disputed person is a civilian. In the case of internal armed conflicts too, a civilian means a person who is neither a member of the state armed forces nor a member of armed groups.

In both international armed conflict and internal armed conflict situations, all belligerent parties, especially the state parties are bound to take all measures to ensure that such distinction are made known to all members of their forces before any effective military operations are carried out.<sup>20</sup>

In both IAC and NIAC conflict situations, civilians are entitled to have special protection under IHL. In addition, there are specific categories of civilians who should be given special protection such as women, children, journalists, religious persons, medical staff etc.

Also, any object which is not used to achieve military objective is called civilian objects. So, under this principle all civilian objects are protected by IHL unless such object is used for military objective. Accordingly, dwelling houses, places of worship, cultural buildings etc. are considered as civilian objects and also, if there is a doubt as to whether a particular object is civilian or not, the presumption is that such an object is to be reckoned as civilian object.

### (c) Principle of Proportionality

This principle too is inter-related to the principle of military necessity. The principle of proportionality prohibits the pursuit of military attacks against objectives which hold risk of “incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”<sup>21</sup>. It simply means that the military advantage to be gained and the harms to be caused should be proportionate to each other. In other words causing excessive suffering or harms is not warranted under this principle. Therefore, the principle of proportionality prohibits direct attacks against civilian objects if the outcome of such attacks would cause excessive and disproportionate incidental loss of civilian life and, injury to them or civilian objects as against the anticipated military objectives.

In this sense, it is clear that the principle of proportionality seeks to limit the damages to be caused by military operations by requiring that the effects, the means

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<sup>20</sup>Dowdeswell (2016).

<sup>21</sup>(n 15) Sassoli, Bouvier, QuintinIerc & Ierc. (2011).

and methods of warfare must not be disproportionate to the military advantage or result to be gained.

**(d) Principle of Military Necessity**

The principle of military necessity is an all-embracing concept which means basically, that all nations big or small being sovereign-equal as per the provisions of the UN Charter, have; for multiple reasons- the right to defend their territories and the people from external and internal aggressions.<sup>22</sup> Therefore, neither domestic laws nor any principles of international laws prohibit waging war. However, unlimited right of the sovereign to wage war or use military force is now an obsolete norm in the concept of sovereignty in transition.<sup>23</sup>

Therefore, the balance between these two principles needs to be maintained and IHL principles ensures how to maintain that balance. Emanating from this principle are two other principles i.e. refraining from causing superfluous injury and unnecessary suffering. Those two notions emphasise that although military necessity exists, no belligerent party are allowed to inflict extra injuries and unnecessary sufferings to the combatants.

**The Background of the *Duṭugamuṇu- Elāra War***

It is useful to have a brief look at the political situation that prevailed in the country before the war. According to the chronological table of monarchical governance of Sri Lanka, *Elāra (145-101 BCE)* is the 14<sup>th</sup> ruler and his successor *Duṭugamuṇu (101-77 BCE)* was the 15<sup>th</sup> monarch. *Elāra's* predecessor was King *Asēla (155-145 BCE)* who had ruled 10 years. King *Elāra* grabbed the power from King *Asēla* by killing him in a war. King *Asēla's* predecessor was two Tamil usurpers named *Sēna* and *Guttaka (177-155 BCE)* and each of them ruled 10 and 12 years respectively.<sup>24</sup>

Although King *Elāra* ruled little over four decades, he was a foreign invader who grabbed the power of Sri Lanka by killing the then ruling monarch King *Asēla*. In this context, as the heir-apparent to the throne Prince *Duṭugamuṇu* might have foreseen the future of the country especially in view of many shortcomings of his ailing father's rule in the south.

Chapter 25 of the Great Chronicle-the *Mahāvamsa* and other historical literary works provide vivid descriptions of the DEB including how King *Duṭugamuṇu* planned the campaign against *Elāra*, the war strategies, number of separate battles he waged against local power-centers of *Elāra* and his viceroys, the time period he spent for fighting and finally, how his army entered the last bastion of *Elāra* - the *Vijitanagar* and how the final fight between the two leaders was fought emerging *Duṭugamuṇu* victorious.

According to the modern IHL terminology, *Duṭugamuṇu-Elāra War* is an international armed conflict (IAC) as it bears all the essential elements of IAC. It is

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<sup>22</sup>Khan (2017).

<sup>23</sup>Lapidoth (1992).

<sup>24</sup>Wickremasinghe (1994).

considered the most important turning point in the history of Sri Lanka. Just seven days after defeating Elāra, King *Duṭugamuṇu* faced the second IAC with *Bhaluka*; the nephew of *Elāra*'s General *Dīghajantu*.

**Table 1.** *The Basic Facts about Duṭugamuṇu Elāra War*

S/N	Battle Description		Strength of Forces		Victories
	Name	IAC	Human Forces	Other Forces	
1	Vijitapura Battle- Duṭugamuṇu- Elār  a Battle	International Armed Conflict	<p>a) 500 Bhikkūs – religious dignitaries</p> <p>b) A mighty army-infantry - the size of the army has been mentioned in vivid manner, i.e. ‘with one end yet in Mahagama, the train of army reached Guttahalaka’</p> <p>c) 10 giant generals i.e. Nandimitra, Suranimala, Gōtaimbhara, Thērapuththābhaya, Mānābhara ṇa, Vēlusumaṇa, Kanjadēva, Pussadēva, Mahasēna, Pussadēva,</p>	<p>a) Charioteers</p> <p>b). Cavalry men</p>	<p>a) 32 kingdoms and kinglets were defeated.</p> <p>b) Sri Lanka was unified under one sovereign ruler.</p>

Source: The Great Chronicle- Chap 25 of Mahāvamsa and Vamsattappakasini



## Analysis of the Intention and Conduct of King *Duṭugamuṇu* in the Wars with King *Elāra*

In any international or non-international armed conflicts, the human minds are the most important determinant factor not only of the success and failures but also the severity of the conflict. More importantly, leaders can influence the onset of war, the severity and the duration of the conflict as well. So, the psychological characteristics of conflict leaders largely influence the war severity.<sup>25</sup>

Since warfare is a collective coordinated action, the leadership action and perception influence hugely the group action as well. Sometimes, leaders may also seek private gains at the expense of group interests. The evolutionary psychology provides insights as to how leaders could manipulate audience preferences when their own interests do not align with the group interests. Specifically, when leaders anticipate great private gain from foreign aggression while facing steep public resistance at home, leaders will misinterpret the conflict as defensive rather than offensive in nature<sup>26</sup>.

In the light of above discussion, it is appropriate at this juncture to evaluate King *Dutugamun's* mentality and the conduct of war at the relevant three times-scale, i. e. pre-conflict, in-conflict and post-conflict to understand his intention objectives of the war.

- **Pre-conflict Conduct of King *Duṭugamuṇu***

The Great Chronicle - *Mahāvam̐sa* - says that he openly said to the gathering before he left for war these words “*I shall go to the further bank of the Gaṅga to make the Dhamma shine forth*”. In this context, ‘*Dhamma*’ denotes the entire body polity including the civilisation, nation, culture religion etc. The second IAC with *Bhalluka* happened just seven days after defeating *Elāra*. It is also not what he wanted but compelled to face it in the name of unification of the country. So, it is evident from the above statement that his intention and motive was not to kill people or to capture other’s land or to cause injuries but to unify the country by uprooting the foreign invasive rule.

- **In-conflict Conduct**

*The Great Chronicle - Mahāvam̐sa* further says that when his battalion entered the last bastion of King *Elāra* at *Vijitapura*, King *Duṭugamuṇu* has emphatically said to his 10 giant Generals that he himself wanted to have the final fight with King *Elāra*. This implies not only his bravado and aplomb but also that his intention to minimise harms to property or human life by getting involved a large number of army.

- **Post-conflict Conduct**

It is the post-conflict behaviour of King *Duṭugamuṇu* that makes him the most authentic and extra-ordinary monarch in his time in the world history. He treated his arch enemy; the deceased prisoner of war (POW) in the most humane manner. Accordingly, after the victory King *Duṭugamuṇu*

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<sup>25</sup>Smith (2018).

<sup>26</sup>Lopez (2019).

performed the following unprecedented noble acts unparalleled in the human war history.

- (a) He summoned all the people in the vicinity and with them paid homage to the slain King *Elāra*.
- (b) Then he built a pyre and cremated his body there.
- (c) He built a monument on the place where King *Elāra* fell and
- (d) Then King *Duṭugamuṇu* issued a Royal Decree/Edict or Lawful Order- ordering all his subjects to pay respect to King *Elāra*'s monument by stopping music and alighting from horseback etc. *Mahāvamsa* further says that at the time when the relevant chapter of *Mahāvamsa* was being written all monarchs who came after King *Duṭugamuṇu* and the people whenever they happened to pass that monument still pay their homage as ordered by King *Duṭugamuṇu*. It shows the efficacy of the Royal Order of King *Duṭugamuṇu*.
- (e) King *Duṭugamuṇu* was not happy even after all the victories when it came to his mind of the myriads of people who lost their lives in the battles. This episode clearly shows his post-conflict mind-set which is very much in compatible with his in-conflict and pre-conflict mentality.

### **IHL Principles and Provisions of IHL Treaties Applicable to King *Duṭugamuṇu* – *Elāra* Wars**

When *Duṭugamuṇu-Elāra* war is analysed from the perspectives of the modern principles of IHL and more specifically, IHL treaties, it is observed that the provisions of the following Geneva Conventions have direct applicability.

- All parties to an international or non-international armed conflict are bound to take all possible measures to prevent despoilment of the dead – Geneva Convention I Article 15(1), Geneva Convention II- Article 18(1), Geneva Convention IV- Article 16(2), Additional Protocol I Article 34(1), Additional Protocol II- Article 8, and Customary International Humanitarian Law Rule 113.
- Prohibition of ill-treatment and mutilation of dead bodies - Geneva Conventions I-IV, Article 3(1)(c), Additional Protocol II - Article 4(2)(a); Customary International Humanitarian Law Rule 113.
- The bodies of the deceased should be disposed of in a respectful manner - Geneva Convention I Article 17, Geneva Convention II - Article 20, Geneva Convention III - Article 120; Geneva Convention IV - Article 130; Additional Protocol II - Article 8 and Customary International Humanitarian Law Rule 113.
- Cremation of dead bodies - Geneva Convention I - Article 17(2), Geneva Convention II - Article 20(2), Geneva Convention III - Article 120(5), Geneva Convention IV- Article 130(2) and Customary International Humanitarian Law Rule 115 allow cremation of dead bodies under certain

exceptional grounds such as (i) reasons of hygiene, (ii) on religious grounds, (iii) the deceased prisoner of war or civilian has stated it to be his wish. King Dutugamunu would have decided to cremate the body of King *Elāra* on religious ground because King *Elāra* being a follower of Hinduism, the most respectful manner to dispose his body is by cremation under religion of the deceased POW.

- Respect and maintain graves- the parties to armed conflicts should ensure that graves are respected properly maintained and marked - the graves of deceased POWs, internees and people whose deaths occurred in the conflict - Geneva Convention I - Article 17(3), Geneva Convention II - Article 20(2), Geneva Convention III - Article 120(4), Geneva Convention IV - Article 130(1 and 3), Additional Protocol I - Article 34(1, 2 and 3), and Customary International Humanitarian Law Rules 115 and 116
- Specially, Geneva Convention Relative to the Treatment of Prisoners of War have direct applicability. Article 4 defines “prisoners of war” (POW). According to this Article all those enemies who fell into the hands of enemy party is called POW. In this sense, *Elāra* and all his fallen soldiers are POWs. Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, provide explicit principles regarding treatment of POWs.

Accordingly, POWs are entitled to humanely treatment, medical treatment, and neither physical nor mental torture, nor any other form of coercion can be inflicted on POWs to secure information from them. Also, POW should be given adequate food, water, clothing and accommodation.

Especially, Article 120 specifies the principles and procedures to be adopted in regard to deceased POWs. Accordingly, the following humane treatments should be accorded to deceased POWs -

- (a) Deceased POWs should be honourably buried or cremated.
- (b) Deceased POWs should be buried in individual graves
- (c) Cremation is allowed only if it is imperative.
- (d) All particulars of deceased, buried and cremated POWs must be recorded.

It is observed that all the post-war actions of King *Dutugamunu* referred to in (a) to (d) of sub-paragraph 5 above were performed by him as the ruling monarch and the commander- in- chief- of his forces. They are not only compatible with the most hallowed principles of the modern IHL but also it shows his advanced juridical thought.

## Introduction of the Principle of ‘Eternal Respect’ to Deceased POWs

The most unprecedented phenomenon is that King *Dutugamunu* introduced a new legal concept and a principle that none of the Geneva Conventions or especially Article 120 of the Geneva Convention on the Treatment of Prisoners of War has yet to recognise. That is the **‘Principle of Eternal Respect to the Deceased POWs’**. It is in full agreement with the principle of humanity which is one of the four cardinal principles of modern IHL.

It is in conceptualizing the principle of **‘Eternal Respect to the Deceased POWs’** that the as the ruling monarch he performed the following acts in honour of his fallen enemy:

- (a) Erection of monument in honour of King *Elāra* (deceased POW).
- (b) Passage of law ordering the people present and future to pay respect to the fallen enemies.

All cultures across the globe pay respect to their loved ones who are dead and gone as long as they remember them. Generally, it is recognised as one of the fundamental behavioural trait of the civilised society. In the case of international armed conflicts, the commemoration of the deceased POWs in the D-Day operation of World War II is performed up-to-date. What underlies in that commemoration is the principle of showing eternal respect to the dead POWs. However, there is not a single treaty provision in the IHL treaties or customary international humanitarian Rules recognizing it as a legal obligation of the parties to the conflicts.

## Conclusion

It is seen that King *Dutugamunu*’s pre-conflict, in-conflict and post-conflict mentality and conduct amply demonstrate that he acted due to military necessity to free the country from foreign usurper. So, *Dutugamunu - Elāra* War provides undeniable true evidence of adoption of all key principles IHL, i.e. the principles of humanity, proportionality, avoidance of causing unnecessary or superfluous injuries and humane treatment POWs etc.

In addition, it is quite unprecedented as all these happened some 2183 years before where the world was totally unaware of such principles. It is more than 2100 years prior to the Geneva Conventions of 1949 that King *Dutugamunu* introduced those principles to the world. It was King *Dutugamunu*’s introduction to the world of those principles predates 2019 years from the *Solferino* battle in 1859 CE which is popularly considered as the ‘big-bang’ event of the emergence of IHL principles.

It is observed that his juridical thinking is far ahead of the time he lived and therefore it is not a panegyric or exaggerative statement to say that he should be recognised as one of the earliest proponents of IHL in the history of human civilisation.

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