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India and the Responsibility to Protect

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Introduction - Why India?

In the global debate on the Responsibility to Protect (R2P), India presents an interesting case as its engagement with R2P - both in domestic debates and in multilateral fora - has evolved from an initial scepticism to reluctant acceptance and limited engagement. A liberal democracy with a long standing tradition of participating in United Nations peacekeeping operations - with the third largest deployment of peacekeeping troops currently¹ - India's position on R2P seems to agree with its underlying principles, but expresses strong reservations regarding its implementation. In fact, the sole focus of domestic debates within the country has been on the question of 'intervention,' rather than the normative dimensions of the concept.

During the Libyan crisis, India - along with Brazil, South Africa, Russia and China - attempted to raise concerns regarding what it saw as unnecessary use of force and military interventionism in the international debate. Since then, India has continued to raise concerns over reconciling sovereignty, responding swiftly to humanitarian crisis, and fears of Western imperialism while articulating its position on R2P. These are concerns shared by many states in the global south.

India's position on R2P thus shows that there is, by and large, agreement with pillars one and two of the concept. These stress the primary responsibility of states to protect their populations and the international community's commitment to help build state capacity to protect its citizens before crises and conflicts break out, respectively. India's main concern lies with pillar three, which establishes the responsibility of the international community to act in a timely and decisive manner to prevent crimes against humanity. This has been framed within the Indian discourse as a debate on military intervention and remains the primary concern of commentators within the country.

In the following sections, I will examine the evolution of India's position on R2P by looking at both the domestic debates on R2P, as well as India's position articulated at the United Nations. The last section will focus on the Libyan crisis, which revealed all the cleavages within the domestic debates on R2P and intervention in India. This was also when India, as a



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non-permanent member of the UN Security Council, was forced to articulate its views more clearly at the international level. Based on interviews conducted in New Delhi,² and an extensive review of literature, the following sections will show that while India does stress state sovereignty as being inviolable, it has accepted that it has an international responsibility to protect citizens from violence. How this should be implemented is thus the main point of contention for India.

The Domestic Debate on R2P in India

A belief in the ideas of non-intervention and respect for national sovereignty is seen as a prominent concern in domestic debates in India, which can be traced back to the Nehruvian roots of modern India's foreign policy. In fact, India strongly opposed suggestions of applying R2P in the aftermath of Cyclone Nargis in Myanmar. It similarly opposed its use during the final stages of the Sri Lankan civil war, citing the five principles of the doctrine of Panchasheel, which stresses the inviolability of state sovereignty and the importance non-intervention. India's foreign policy discourse is steeped heavily in non-alignment ideas and notions, however, its impact on foreign policy decisions cannot be overstressed. Rather, as Mohan demonstrates, even under Nehru, India took pragmatic positions when it came to the question of humanitarian intervention.³ Therefore, it is important to consider pragmatic foreign policy considerations when analysing India's position on R2P as well.

The general scepticism in India towards humanitarian intervention stems from the history of its own experiences in Bangladesh and Sri Lanka. India's operation in Bangladesh in 1971 has been characterised by some as one of the first humanitarian interventions of the post-war period.⁴ The Indian government, however, cited its national interest as the major reason behind the operation. Some commentators still stress that humanitarian concerns were an important part of the operation for India nonetheless, and cite the lack of Western interest in the plight of Bangladeshis as an example of 'double standards on humanitarian interventions'.⁵ The General Assembly, for example, passed Resolution 2793 calling for an immediate ceasefire.⁶ However, the Security Council was deadlocked for the first three weeks of the Indian operation, finally passing a resolution which simply supported an already existing ceasefire.⁷

Similarly the debacle of Indian Peacekeeping Forces (IPKF) in Sri Lanka, where India 'burned its hands' had far reaching impact, and contributed to the general wariness against interventions in India. During the Sri Lankan civil war, India deployed its peacekeeping troops in the country in 1987, albeit with the consent of both parties - the state government as well as the Liberation Tigers of Tamil Eelam (LTTE). The operation embroiled India in a long-drawn and bloody conflict - leading to the loss of over a thousand soldiers, and ended with serious political reversals for the country in the region, and Sri Lankan disenchantment with the Indian army's presence, culminating with the assassination of then Indian Prime Minister Rajiv Gandhi by LTTE militants.⁸ Many cite this experience as warning against

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getting involved in internal conflicts in other states, and use it to explain India's reluctance towards robust peacekeeping missions.⁹

Domestic commentators and foreign policy experts in New Delhi find it difficult to often react to concepts such as R2P and humanitarian intervention because of the lack of an exact definition or consensus as to when and how the international community should intervene in civil wars. Thus, several commentators mentioned the 'precedent setting' quality of these Western interventions which could also lead to more international mediation in India's own domestic disputes, such as Kashmir. Cases such as Somalia and Yugoslavia are often viewed from the lens of suspicion towards Western motives in general. Similarly, Kosovo represents an 'uneasy precedent' for Indian foreign policy makers, as well as an 'arrogant violation of international treaty norms.'¹⁰

It is important to note that within India there is almost no engagement with the conceptual and normative dimensions of R2P, and the entire debate revolves primarily around pillar three and intervention. There is a broad agreement on international responsibility in cases of dire conflict, what most continue to grapple with is how interventions should be conducted. Even though India stresses the principles of Panchasheel and a Westphalian notion of state sovereignty when responding to interventions, a mapping of foreign policy decisions of the past show that India has taken a number of positions depending upon individual cases, practical calculations and political exigencies, including the post-colonial tradition of opposing Western interventions in the Middle East, and concerns of not wanting to align 'uncritically' with the West.¹¹

Given this background and the domestic debate on R2P, the following section will trace the evolution of India's position at the UN, which started with scepticism and evolved into a reluctant engagement. This then culminated with the example of Libya where India seems to have accepted the necessity of R2P but voiced its concerns regarding its actual implementation - indicating a greater engagement with the international debate and a desire to shape the R2P debate in general.

India's Evolving Position at the UN

The evolution of India's position on R2P at the international stage can be characterised in two stages as mentioned before - marked by initial scepticism shifting to limited engagement. At the World Summit in 2005, India's Permanent Representative to the UN, Nirupam Sen, voiced several disagreements with the draft document and expressed major reservations with regard to the wording of the passage and the concept itself, which he characterised as "patronizing and offensive."¹² At the same time however, India was "not prepared to scuttle the summit by rejecting the R2P paragraphs at the last moment."¹³ This tentative acceptance of the concept was also reflected within the country as well, when during the final stages of the Sri Lankan civil war in April 2009, the-then Indian Foreign

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Minister, SM Krishna, urged the government to prolong the ceasefire and allow the civilians an escape to safety, since “the Sri Lankan government had a responsibility to protect its own citizens.”¹⁴ However, this use of the concept emphasised the Sri Lankan government’s responsibility towards its citizens, rather than a call for international action.

There was a perceptible change in India’s position on R2P with Hardeep Puri took over as the country’s Permanent Representative to the UN in 2009. He stressed India’s conviction to protect civilians and prevent mass atrocities but at the same time reiterated that “responsibility to protect should in no way provide a pretext for humanitarian intervention or unilateral action.”¹⁵ India’s key concern thus shifted - there was now a tentative agreement with the notion of responsibility to protect and the focus was now on putting in place better safeguards for R2P operations. This reflects India’s concern that humanitarian interventions might become a license for strategic interest of great powers. As Puri stated at the UNSC Debate on Protection of Civilians in 2009, “several member states are all too willing to expend resources to effect regime change in the name of protecting civilians.”¹⁶

At the UNGA dialogue on Early Warning, Assessment and the Responsibility to Protect in 2010, Puri similarly argued that early warning mechanisms had to be bolstered by other safeguards and repeated his earlier statement that responsibility to guarantee human security rested with the state and governments, “sovereignty as responsibility has always been a defining attribute for nation states.”¹⁷

Thus, India situated human security as inherently within national sovereignty and the responsibility of sovereign states towards their citizens. As mentioned in the section above, this Westphalian understanding of sovereignty is a core part of India’s domestic debate as well, which stresses that the primary responsibility to protect lies with the state. India also has strong reservations over the use of force to achieve humanitarian objectives. For this reason, it has often suggested the inclusion of caveats such as “peaceful means”, and Puri stated that “force is not the only way of protecting civilians. It should only be the measure of last resort and used only when all diplomatic and political efforts fail.”¹⁸

India’s normative position on R2P became quite clear in the UN debates, and was finally crystallised with the Libyan crisis. Here, India debated the merits of the Libyan venture, and particularly the timeline of the military intervention, which will be discussed in the next section.

India’s Position on the Libyan Crisis

At the time of the Libyan crisis, India was a non-permanent member of the Security Council, which made it imperative for the country to take a position and articulate its stand on R2P clearly. The issue generated quite a lot of discussion within the country, exposing the various cleavages in the domestic debate on R2P as well. The response to the Libyan crisis

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within the foreign policy community in Delhi has been varied. The left-leaning traditional establishment denounced it as yet another example of Western interventionism. By contrast, the realists - a group Hall characterizes as those who subscribe to American theories,¹⁹ and are dominant especially among the think tank and defence community in Delhi - called out for India to take a stronger position, and support the mission in order to play a greater role in international politics.

Initially, the Indian response to Libya was quite proactive, as it gave its support to the UNSC Resolution 1970 which imposed tough sanctions on the Libyan regime. This was a significant step for the country, since the Resolution referred the Libyan situation to the International Criminal Court (ICC). India has been suspicious of the Court and is not a signatory to the 1998 Rome Statute. However, India was one of five states, along with China, Russia, Brazil, and Germany, to abstain on UN Security Council Resolution 1973 on Libya.²⁰ This resolution marked the first instance of the Council authorizing an R2P operation without the consent of the concerned state. The resolution approved of a “no-fly zone” over Libya and authorised the use of “all necessary measures” to protect civilians and civilian populated areas. It is important to note, that despite serious reservations, India did not oppose the Resolution, which suggests that India is no longer fundamentally against interventions done on humanitarian grounds, as it was at sufficiently clear at this point that a regime led military operation on Benghazi could cause significant human casualties.

However, as Banerjee points out, “it was only later that the actions of the NATO seemed to go beyond what was actually sanctioned under Resolution 1973 that disappointment set in.”²¹ India’s UN representative, Hardeep Puri, criticised NATO’S bombing raids on certain targets that India believed were not justified, calling for more discussion in the Council before such resolutions were passed in the future, and stated that non-military options must be exhausted before armed force was authorised.²² In the Indian opinion, the Libyan operation was different than intended and, in fact, “Libya gave R2P a bad name.”²³ The evolution of India’s position on Libya in particular, and R2P in general, can be gauged from Prime Minister Manmohan Singh’s statement at the General Assembly in 2011, where on the one hand he reiterated that “societies cannot be reordered from outside through military force” yet on the other, he accepted that the “international community has a role to play” even if only though building up state capacities for enabling the process of transition and institution building. He also insisted on India’s position on state sovereignty by observing that the rule of law is “as important in international affairs as it is within countries” and should be respected.²⁴

In order to understand India’s position, it is crucial to examine the domestic debate over the crisis and how the government’s decision to abstain from the vote was perceived among various parts of the foreign policy establishment. The Government made few public statements on the matter, and the discussion over Libya in the Parliament was a short one - where it was viewed again through the lens of interventionism - with one of the prominent

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MPs characterising it as “regime change.”²⁵ Most commentators on foreign policy within the country backed the Indian government’s position - particularly the left-leaning, Nehruvian elite which is also critical of R2P in general. For example, supporting India’s decision to abstain, Kumar wrote “it has to balance between its historical opposition to military intervention and concerns about being isolated among both Western powers and the Arab countries.²⁶” Similarly, Varadarajan derided the decision to intervene in Libya as wrong on three grounds, “first, the motive is not humanitarian but political and strategic. Second, it rests on dubious legality. Third, the intervention, because it is poorly conceived and ill-thought out, is likely to cause more harm than good for Libya, its people and the wider region.²⁷” The realists on the other hand, were critical of the government for not taking a stronger position, however they still framed the debate within the discourse of interference and interventionism, not focusing on the merits of the concept of R2P either. Others have characterised India’s abstention as a pragmatic decision based on realpolitik.²⁸

A survey of the interviews and literature on this issue shows that the left leaning opinions questioned the fundamental motives and merits of the intervention in Libya. The claims of ‘selectivity’ of Western intervention were repeated, as R2P was seen as yet another instrument being used at the convenience of the West, as “new forms of ‘gunboat’ diplomacy.”²⁹ Interviewees also stated that “murky geopolitics underlay the intervention.”³⁰ Indian realists seem to dismiss any questions of high principle or ‘moral politik’ as being involved in the decision to abstain on Resolution 1973 on Libya. The main criticism of the government’s position came from the point of view that it would affect India’s aspiration of playing a leading role in world affairs and would negatively impact its aspirations for a permanent seat in the Security Council. “Now in the spotlight, India is finding its actions on important global issues subject to close and critical scrutiny.”³¹ Since the Libyan crisis came in the middle of the campaign for a permanent seat in the Security Council, these commentators considered the timing of the Libyan crisis as a crucial testing point for Indian foreign policy - as it could have been an opportunity for a greater and more responsible role in international politics.³²

While the discourse surrounding Libya, and indeed R2P in India in general, is dominated by the Nehruvian ideas of non-alignment, post-colonial ideas of opposing Western interventions in the Middle East, it is important to consider the pragmatic calculations of domestic politics and national interest that motivated its decisions. As mentioned in the section above, India’s actions are often explained by national interest and a general scepticism over the use of force. As Mohan argues, India’s decision to not support the no-fly zone along with Germany, China, Russia and Brazil does not allow for a merely ideological reading of India’s response to Libya.³³ Mission creep was built into the Libyan intervention and there were genuine concerns about the conduct of the mission that go beyond a general disagreement with R2P - that it could easily go beyond the states goal of protection civilians to promoting regime change. India has had a long running attitude towards pragmatic use of force, and it was argued by many that use of force would lead to greater

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bloodshed. In addition, it was felt that even if India endorsed the mission in Libya, it would not have given New Delhi a greater say in the conduct of the operations, or the form of the political settlement.³⁴

Conclusion

In summary, the following points capture India's position on R2P and its possible contribution to the global debate:

- India was initially sceptical of the concept, voicing its concerns during the 2005 World Summit where it was reluctant to embrace any new concept that formally questioned state sovereignty; however its views have evolved to agree with the basic tenets of the concept, except in relation to pillar three.
- India's position of agreeing with China, Russia, Brazil and Germany suggests a preference for a rather cautious position within the R2P debate. While the country's permanent representatives to the UN have been quite critical and vocal about the issue, the domestic debate shows almost no engagement with the normative concept and focuses solely on military intervention. There was no Indian equivalent of Brazil's 'Responsibility while Protecting' concept.
- India's strategic culture focuses on a prudent use of force, and it thus raises the questions about the timeline of military intervention, and conduct and implementation of actual R2P operations including in the case of Libya. One contribution India may make to future R2P debates is on reaching a global consensus on the conduct and implementation of these operations.

Biographical Note and Acknowledgements

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